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Agenda Date: 1/15/2014

Agenda Placement:

9E

## Napa County Planning Commission Board Agenda Letter

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**TO:** Napa County Planning Commission

**FROM:** Charlene Gallina for Pete Parkinson - Interim Director  
Planning, Building and Environmental Services

**REPORT BY:** John McDowell, Deputy Planning Director - 299-1354

**SUBJECT:** Mobilehome Park Ordinance Update - County Code Chapter 15.40 (P13-00437-ORD)

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### RECOMMENDATION

#### **MOBILEHOME PARK ORDINANCE UPDATE / MATT MUMFORD, HALL VINELAND LLC - ORDINANCE TEXT AMENDMENT P13-00437-ORD**

**CEQA Status:** General Rule. It can be seen with certainty that there is no possibility the proposed action may have a significant effect on the environment and therefore CEQA is not applicable. [See Guidelines For the Implementation of the California Environmental Quality Act, 14 CCR 15061(b)(3)].

**Request:** Applicant-sponsored ordinance to update the Mobilehomes Chapter of Napa County Code, Chapter 15.40, to be consistent with the requirements of State Law and to establish regulations enabling project decision makers to grant variations to development standards for projects of superior design quality. Applicant for the ordinance change is Hall Vineland LLC, 401 St. Helena Highway South, St. Helena. Hall Vineland LLC has also proposed Major Modification P13-00164-MOD to redevelop the existing Vineland Vista Mobile Home Park located at 341 St. Helena Highway South (Assessor's Parcel Number 027-130-005 & 006), which is presently a pending, but incomplete, application with no planned date for hearing.

**Ordinance Title:** AN ORDINANCE OF THE BOARD OF SUPERVISORS OF NAPA COUNTY, STATE OF CALIFORNIA, AMENDING CHAPTER 15.40 RELATING TO MOBILEHOMES AND MOBILEHOME PARKS

**Staff Recommendation:** That the Planning Commission conduct a public hearing and forward a recommendation to the Board of Supervisors.

**Staff Contact:** John McDowell, Deputy Planning Director 707-299-1354, [johnmcdowell@countyofnapa.org](mailto:johnmcdowell@countyofnapa.org)

**Applicant Contact:** Tom Carey, Attorney, 707-479-2856, [tcareylaw@g-mail.com](mailto:tcareylaw@g-mail.com)

**EXECUTIVE SUMMARY****Proposed Action:**

That the Planning Commission conduct a public hearing and at the close of deliberations, forward a recommendation to the Board of Supervisors on the proposed ordinance and CEQA determination.

**Discussion:**

Chapter 15.40 of the Napa County Code contains antiquated regulations for Mobilehome Parks. This Chapter is rarely utilized given that the areas of unincorporated Napa County that were once zoned RVP - Recreational Vehicle Park (formerly in Title 18), have all either been annexed to cities (primarily City of American Canyon), or converted to alternative uses, such as at Carneros Lodge. The RVP combination zoning designation was taken out of County Code in 1996. Several mobilehome and/or recreational vehicle parks remain in operation in unincorporated areas, and have remained largely unchanged from when they first developed generally several decades ago.

The owner of one of the existing mobilehome parks, Vineland Vista located south of St. Helena, has requested consideration of the proposed amendments to Chapter 15.40 to bring the County Code into conformance with State law, and to add provisions allowing decision makers on a project to grant variations to development standards. The applicant has applied for a use permit major modification to upgrade their facility, but before moving forward with that application they request that the Commission and Board first update the County Code.

Local agency (County) regulation of mobilehome parks must conform to a set of detailed State regulations primarily found in Sections 18000 et seq. of the Health and Safety Code (HSC), and Title 25 of the California Code of Regulations (CCR). Any local regulations that are inconsistent or otherwise in conflict with State law are preempted. Therefore, a code update at this point (in advance of further processing of the Vineland Vista Major Modification), would provide processing and regulatory clarity to all future mobilehome park use permit modifications.

After conduction the public hearing, processing options for the Commission are as follows:

- 1) Recommend Board approval of the ordinance as proposed (or slightly modified);
- 2) Continue item if additional information or alternatives are sought;
- 3) Direct staff to return with an alternative ordinance proposal; or
- 4) Recommend denial of the ordinance change and keep the current ordinance.

**FISCAL IMPACT**

Is there a Fiscal Impact?                      No

**ENVIRONMENTAL IMPACT**

General Rule. It can be seen with certainty that there is no possibility the proposed action may have a significant effect on the environment and therefore CEQA is not applicable. [See Guidelines For the Implementation of the California Environmental Quality Act, 14 CCR 15061(b)(3)].

## **BACKGROUND AND DISCUSSION**

### **Land Use:**

Napa County's Housing Element seeks to provide and maintain an adequate supply of housing types for all income levels. Mobilehome parks have helped fill that need by providing what is generally more affordable rental housing, although most of the parks developed in unincorporated Napa County now lie within city limits. There are very few existing parks remaining within unincorporated Napa County (Moskowite Corners, Spanish Flat, Vineland, Deer Park, Angwin, etc.), and these projects generally have little to no potential to expand largely due to site and utility constraints. However, given that all of these sites are decades old, some form of redevelopment and/or rehabilitation will undoubtedly be necessary at an undetermined point in the future. In that regard, it is appropriate the County have up to date regulations to ensure that future improvements to existing parks can be diligently processed in a manner that supports the objectives of the Housing Element. Likewise, there are several vacant properties designated PD - Planned Development and/or :AH - Affordable Housing Combination zoned throughout the County that have the potential to be developed with manufactured homes. Up to date regulations would also support diligent processing of development proposed on those sites.

In evaluating the currently proposed change, Staff has been considering two main factors. First is the need to be consistent with State law, which is effectively an absolute. Any regulation inconsistent with State law is preempted and may not be enforced. The second factor is one of land use as it pertains to meeting Housing Element obligations. Updating the Mobilehomes Ordinance is an opportunity to have the County Code more fully support housing needs of our community. To that end, Staff encourages the Commission to consider whether augmentation of Chapter 15.40 should occur to more clearly set expectations on how mobile home and manufactured home parks will function.

At present, the proposed code changes focus elsewhere: changes to design standards. Chapter 15.40 does not speak to how mobile and manufactured homes will be occupied, other than in a manner consistent with State law, which is quite broad. Health and Safety Code Section 18300(g)(1) allows local agencies to, within limits, prescribe how units will be used (i.e. short term vs. long term accommodations). Although County Code Section 18.104.410 currently prohibits short term transient commercial occupancies for periods of less than 30 days in all residential and agricultural zoning districts, it may be appropriate to include similar language or reference such occupancy restrictions in the revisions proposed to be made to Chapter 15.40.

### **Proposed Ordinance Changes:**

With the exception of new variation from standards section, the proposed amendments consist of changes proposed to achieve consistency with State law. Attached is a tracked changes version of the ordinance in addition to a code disposition chart that references the State law provision supporting the proposed change. The general approach has been to either eliminate sections or simplify existing wording of those sections in conflict with State law. It should be noted that the definition of a mobilehome includes a "multiple family manufactured home" which is a single structure that contains no more than two dwelling units.

There are essentially three paths that can be followed for dealing with the antiquated Chapter 15.40 code sections. First, regulations could stay as they are, and mobile home/manufactured home projects could be processed (under the associated zoning regulations) and those sections of Chapter 15.40 that are inconsistent with State law would simply be preempted by State law. The downside of this approach is that the code is knowingly antiquated and would be a disservice to interested parties trying to parse through which sections of code apply and which do not.

A second approach is to move forward as the applicant requests by eliminating and simplifying existing code sections. Staff is generally supportive of this approach as it appears that there is little necessity to have a

Mobilehome section given the apparent redundancies with County zoning and State law. Mobile and manufactured homes parks are allowed within the PD and :AH zoning districts, and given the detailed mandates of State law, there is some question whether Chapter 15.40 remains necessary. Staff concluded that keeping the ordinance and updating it to reference applicable State law sections ultimately raised fewer internal County Code consistency issues, and, more importantly, will provide notice to customers (and Staff) of the prevailing HSC and CCR law provisions (that could otherwise be unapparent without awareness of their location in the volumes of California government code).

Lastly, the Commission may wish to consider an alternative approach to the one proposed where a more comprehensive update of mobile and manufactured home zoning is considered. Staff has not had the resources available to embark on a comprehensive update, and such a workplan item would need to be authorized by the Board, but there may be value to seeing how other jurisdictions are structuring their codes and guidelines. Attached is one set of development guidelines from the County of Riverside, which are applicable only to projects utilizing public funds, but it does provide an example of more comprehensive design criteria for parks.

#### Variation Procedure:

The only new section is 15.40.490 which details a procedure and findings for granted variations from standards. This section is similar to the variation procedure implemented in the Napa Valley Business Park (formerly Airport Industrial Area) Specific Plan, wherein decision makers may grant alternatives to standards for projects of superior quality. A variation procedure may prove to be a valuable tool allowing decision makers to approve project concepts suitable to the constraints of a site and neighboring properties. However, to some degree, this process already exists in the underlying Planned Development zoning that would apply in most cases. It is anticipated that the final proposed design of the Vineland Vista project would include a variation from standards request as they are contemplating doing stacked units. Typically, mobile home units sit on 'occupied areas' or 'spaces.'

#### Vineland Vista Mobile Home Park:

On May 17, 2013, Hall Vineland LLC filed a use permit major modification to redevelop the Vineland Vista Mobile Home Park located on the west side of State Route 29 (St. Helena Highway South) south of the City of St. Helena. This park was developed under use permit issued in 1961. Presently most of the park is unoccupied, but the use permit entitlement remains valid and allows 15 mobile homes and 3 recreational vehicles. Subsequent to the filing of the major modification, the application was declared incomplete for further processing and Staff and the applicant began discussions about the possibility of updating the antiquated Mobilehomes Chapter 15.40 of Napa County Code. The applicant requested that this code chapter be updated in advance of moving forward with its major modification proposal.

#### **SUPPORTING DOCUMENTS**

- A . Ordinance (Redlined Version)
- B . Final Ordinance
- C . Chart of Amendments with State Law References
- D . Riverside County Design Guidelines
- E . HCD Information Bulletin 2008 - 10 (MP)

Napa County Planning Commission: Approve

Reviewed By: Charlene Gallina



# A

## Ordinance (Redlined Version)



Additions are underlined.  
Deletions are ~~struck through~~.  
Revision markers are noted in left or right  
margins as vertical lines.

ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE OF THE BOARD OF SUPERVISORS OF NAPA COUNTY,  
STATE OF CALIFORNIA, AMENDING CHAPTER 15.40 AND SECTION  
18.10.020 RELATING TO MOBILEHOMES AND MOBILEHOME PARKS**

**WHEREAS**, the Board of Supervisors desires to update the provisions of Chapter 15.40 relating to mobilehomes and mobilehome parks in order to comply with changes to State law which have been made over the years, and which, in some cases, preempted existing County regulations contained in Chapter 15.40;

**NOW, THEREFORE**, the Board of Supervisors of Napa County, State of California, ordains as follows:

**SECTION 1.** Chapter 15.40 (Mobilehomes) of Title 15 (Buildings And Construction) of the Napa County Code is amended to read in full as follows:

**Chapter 15.40**

**(Mobilehomes)**

**Article I. Mobilehomes and Trailers**

**15.40.010 Definitions.**

~~15.40.020 Rules, regulations and standards.~~

~~15.40.0230~~ Location restrictions—Dead storage or temporary use permit.

~~15.40.0305~~ Seasonal housing for farmworkers.

~~15.40.040 [Reserved]~~

~~15.40.050 [Reserved]~~

~~15.40.060 [Reserved]~~

~~15.40.070 [Reserved]~~

~~15.40.080 [Reserved]~~

~~15.40.090~~ [Reserved]  
~~15.40.100~~ [Reserved]  
~~15.40.110~~ [Reserved]  
~~15.40.120~~ [Reserved]  
~~15.40.130~~ [Reserved]  
15.40.~~10~~40 Enforcement authority.

## Article II. Mobilehome Parks

15.40.~~10~~50 Purpose of Article II provisions.  
15.40.~~10~~60 Statutory authority and incorporation by reference.  
15.40.~~10~~70 Application of provisions.  
15.40.~~10~~80 Exempt area designated.  
15.40.~~10~~90 Inspection requirements—Fees.  
15.40.~~21~~100 Construction inspection and fees.  
15.40.~~21~~110 Location restrictions.  
15.40.~~21~~120 Minimum park area.  
15.40.~~21~~130 Density of development.  
15.40.~~21~~140 ~~Lot size~~Occupied area.  
15.40.~~21~~150 Unit separation and S~~et~~backs.  
~~15.40.260~~ ~~Yard size~~.  
~~15.40.270~~ ~~Recreation area~~.  
15.40.~~28~~160 ~~Street width~~Roadways.  
~~15.40.290~~ ~~Curb and gutter~~.  
15.40.~~170~~300 Pedestrian circulation.  
15.40.~~180~~310 Access from internal private streets.  
15.40.~~190~~320 Parking spaces.  
15.40.~~200~~330 Boat and trailer storage.  
15.40.~~210~~340 Drainage facilities—Plan review.  
15.40.~~220~~350 Sewage disposal.  
15.40.~~23~~60 Water supply.  
~~15.40.370~~ ~~Utilities to be underground~~.  
15.40.~~240~~380 Trash and garbage disposal.  
15.40.~~250~~390 Fire protection.  
15.40.~~260~~400 Fencing and enclosure.  
~~15.40.410~~ ~~Landscaping~~.  
15.40.~~270~~420 Sign requirements.  
15.40.~~280~~430 Mobilehomes—Registration requirements.  
15.40.~~290~~440 Park occupancy conditions.  
~~15.40.450~~ ~~Lowering profiles of mobilehomes~~.  
15.40.~~300~~460 Retail sales prohibited—Exception.  
~~15.40.470~~ ~~Additional requirements~~.  
15.40.~~310~~480 Variances.  
15.40.320 Variations from standards.

## Article I. Mobilehomes and Trailers



#### 15.40.010 Definitions.

For the purposes of this chapter, the following words and phrases are defined and shall be construed as hereinafter set out, unless it shall be apparent from the context that a different meaning is indicated.

"Building department" means the building division of the planning, building and environmental services department of Napa County.

"CCR" means the California Code of Regulations.

"Dead storage" means the maintaining of a mobilehome on any land where the mobilehome is not used for occupancy or business purposes. The connection of any utility or service connection, such as electrical, water, gas or sewage, to the mobilehome shall be prima facie evidence that the mobilehome is being used for habitation or business purposes.

"Farm labor trailer" means any mobilehome or mobilehomes used for housing or shelter of persons on a seasonal basis which is located either (a) on the premises of a farm where such persons are bona fide employees of such farm, or (b) in a permitted farmworker center.

"Health officer" means the county director of ~~the department of public health of Napa County~~environmental health.

"HSC" means the California Health and Safety Code.

"Mobilehome" means a mobilehome as defined in HSC Section 18008, a manufactured home as defined in HSC Section 18007, a multiple family manufactured home as defined in HSC Section 18008.7, and a recreational vehicle as defined in HSC Section 18010.~~"Mobilehome" means any vehicle or motor vehicle designed, equipped, used or intended to be used for human habitation or sleeping facilities, or which is used or intended to be used in carrying out business of any nature therefrom, and shall include, but not be limited to a camp car, trailer coach, travel trailer or a tent or shelter of any type or character.~~

"Mobilehome park" means any tract of land where two or more lots are rented or leased, held out for rent or lease, or were formerly held out for rent or lease and later converted to a subdivision, cooperative, condominium, or other form of resident ownership, to accommodate manufactured homes, mobilehomes, or recreational vehicles used for human habitation.

~~"Mobilehome park" means a lot or parcel of land used or designed or intended to be used for the temporary accommodation of two or more mobilehomes.~~

"Planning commission" means the planning commission of the county of Napa.

#### ~~15.40.020 Rules, regulations and standards.~~

~~A. The board of supervisors shall adopt rules, regulations and standards to interpret and carry out the provisions of this chapter and to prescribe standards of lot, yard or park area, landscaping, walls or enclosures, signs, access, vehicle parking, and regulations similar to the foregoing, and prohibiting certain uses for mobilehome parks.~~

~~B. Such rules and regulations shall be effective after filing same with the county clerk, and shall have the same effect in law as any of the provisions of this chapter.~~

#### 15.40.0230 Location restrictions—Dead storage or temporary use permit.

A. It is unlawful for any person, firm or corporation to keep any mobilehome on any land situated in the county other than in an approved mobilehome park, unless such mobilehome

is in dead storage or an administrative permit has been issued therefore, pursuant to the provisions of Section 18.126.060 of this chapter.

B. A trailer or mobilehome in dead storage shall not be stored in any front or side yard setback required by this chapter, or any applicable county ordinance or state law, nor shall any such vehicle be parked upon any public or private street for a period in excess of forty-eight hours. When in dead storage, all trailers and similar vehicles shall meet the minimum requirements of the state, and no person shall remove any tire or wheel from a mobilehome, whether such or similar vehicle is used for occupancy, business or dead storage, except for the purpose of making temporary repairs, nor shall any foundation be placed under a mobilehome or similar vehicle.

#### **15.40.0305 Seasonal housing for farmworkers.**

Except as provided in Section 18.104.295:

A. A permitted farm labor trailer may be occupied for not more than ninety consecutive days, and for not more than one hundred twenty days in any calendar year.

B. A temporary use permit for a farm labor trailer issued pursuant to this chapter that is "farmworker housing" as that term is defined by the Zoning Ordinance (Title 18 of this code) may be issued for up to a ten-year period and may be renewed pursuant to then-current requirements of this code.

**~~15.40.040 [Reserved]~~**

**~~15.40.050 [Reserved]~~**

**~~15.40.060 [Reserved]~~**

**~~15.40.070 [Reserved]~~**

**~~15.40.080 [Reserved]~~**

**~~15.40.090 [Reserved]~~**

**~~15.40.100 [Reserved]~~**

**~~15.40.110 [Reserved]~~**

**~~15.40.120 [Reserved]~~**

**~~15.40.130 [Reserved]~~**

#### **15.40.140 Enforcement authority.**

The planning commission, the building department and the health officer shall enforce the provisions of this chapter ~~and rules and regulations thereto,~~ jointly and in such a manner and as expeditiously as possible to prevent duplicating each other's services.



## Article II. Mobilehome Parks

### 15.40.1050 Purpose of Article II provisions.

The purpose of Article II of this chapter is to provide for and promote the public health, safety, comfort, convenience and general welfare of the citizens of the county by prescribing certain rules, regulations and standards relative to the location, development and construction of mobilehome parks within the unincorporated portions of the county.

### 15.40.1060 Statutory authority and incorporation by reference.

The requirements of this Article II shall include the provisions of the Mobile Home Park Act (Health and Safety Code Sections 18200 et seq.) and the applicable Mobile Home Parks Regulations adopted by the State Department of Housing and Community Development (Chapter 2 of Division 1 of Title 25 of the California Code of Regulations). The requirements of the Mobile Home Park Act and Mobile Home Parks Regulations are hereby incorporated into the requirements of this Article II and compliance with those regulations shall be required. This article is designed to conform with the provisions of the Mobilehome Park Act (California Health and Safety Code Section 18200 et seq.) and Chapter 5 of Title 25 of the California Administrative Code, and is adopted pursuant to the express provisions of Section 18300 of the Health and Safety Code. Reference is likewise directed to Section 15.40.020 of this chapter.

### 15.40.1070 Application of provisions.

The following prescribed rules, regulations and standards, and the requirements of the Mobile Home Park Act and Mobile Home Parks Regulations, shall apply to the location, development and construction of mobilehome parks within the unincorporated portions of the county.

### 15.40.1080 Exempt area designated.

Notwithstanding any of the terms of Article II of this chapter, the provisions of this article shall not apply to any park owned, operated, and maintained by of the following:

A. The federal government.

B. The state.

C. Any agency or political subdivision of the state.

D. Any city, county, or city and county have application to the lands owned by the federal government in the Lake Berryessa Reservoir Area of the county, described in paragraph 4 of the land management agreement between the Bureau of Reclamation and the county, dated January 17, 1962.

### 15.40.1090 Inspection requirements—Fees.

The county shall make such inspections and charge such fees therefor as are provided in Chapter 4 of Part 2.1, Division 13 of the California Health and Safety Code, being within the Mobilehome Parks Act.

### 15.40.2100 Construction inspection and fees.

At the time of construction of a new mobilehome park, or the expansion of an existing mobilehome park, road construction and drainage facilities shall be field inspected by the county

engineer. To defray the cost of plan checking and field inspection, the developer shall pay a one-time fee equal to three percent of the estimated cost of road and drainage improvements.

**15.40.2110 Location restrictions.**

A. Mobilehome parks shall be permitted in ~~a the Planned Development District (PD) and the Affordable Housing Combination District (AH) (planned development) district~~ subject to use permit approval. ~~As a condition of use permit approval, the planning commission may require that the owner and the permittee agree to establish or become a part of a county service area.~~ Mobilehome parks shall not be permitted in any other zoning district ~~agricultural preserve, nor in any commercial or industrial district.~~

B. The application for a use permit hereunder shall not be deemed complete unless it is accompanied by a filed record of survey of the perimeter of the property which is the subject of the application, which shall indicate the gross acreage thereof.

**15.40.2120 Minimum park area.**

The minimum park area shall be twenty acres.

**15.40.2130 Density of development.**

~~The maximum average density in a mobilehome park shall not be less than the density allowed in the PD or AH districts. Maximum overall density shall be six units per gross acre. Gross acreage shall be construed as consisting of the total park acreage without deduction for internal streets or common areas, but excluding any roadway dedicated to the county.~~

**15.40.2140 Lot size**Occupied area.

~~The occupied area of any lot within a mobile home park shall comply with Title 25 CCR Section 1110, or any successor regulation. No mobilehome space shall have less than three thousand six hundred eighty square feet of lot area, nor a width of less than forty six feet.~~

**15.40.2150 Setbacks**Unit separation and setbacks.

~~Unit separation and setbacks for each lot shall comply with Title 25 CCR Section 1330, or any successor regulation. Minimum landscaped setbacks of twenty feet along the exterior boundaries of the mobilehome park site shall be observed as a buffer between the mobilehome units and adjoining property, except when located adjacent to any public roadway, where a minimum setback of thirty feet of landscaped buffer area shall be maintained.~~

**15.40.260 Yard size.**

Minimum yard size:

~~A. Side Yards. A five foot minimum setback from the outer edge of any structure or mobilehome to the mobilehome lot line shall be maintained.~~

~~B. Rear Yard. A five foot minimum setback from the outer edge of any structure or mobilehome to the mobilehome lot line shall be maintained.~~

~~C. Front Yard. A fifteen foot minimum setback from the outer edge of any structure or mobilehome to the mobilehome lot line shall be maintained.~~

~~D. Architectural Features. Cornices, eaves, canopies, fireplaces and other similar architectural features, but not including any flat wall or window surface, may extend into any yard a distance not exceeding two feet.~~

~~E. Encroachments. No other encroachments shall be permitted.~~

**15.40.270 Recreation area.**

~~In addition to the requirements of Section 15.40.250, a minimum of eight hundred square feet per unit shall be devoted to indoor and outdoor community activity and service facilities, which may include but not be limited to the, following:~~

- ~~A. Community center with lounge, library and game rooms;~~
- ~~B. Swimming pool;~~
- ~~C. Golf putting greens;~~
- ~~D. Landscaped open space;~~
- ~~E. Bicycle paths;~~
- ~~F. Tennis and badminton courts;~~
- ~~G. Shuffleboard and horseshoes;~~
- ~~H. Hobby and craft shop;~~
- ~~I. Sewing room;~~
- ~~J. Laundry;~~
- ~~K. Small indoor gymnasium for winter sports such as handball, etc.;~~
- ~~L. Business manager's office.~~

**15.40.28160 Street width. Roadways**

~~All park roadways shall comply with Title 25 CCR Section 1106, or any successor regulation. A. No interior street shall be less than thirty two feet in width, curb to curb, if parking is allowed on one side, and not less than forty feet in width if parking is allowed on both sides. The minimum width for any street within a mobilehome park shall be no less than twenty five feet.~~

~~B. All streets, access drives, parking bays and connections to county roads shall be in accordance with plans reviewed and approved by the county engineer.~~

**15.40.290 Curb and gutter.**

~~All streets shall have curb and gutter to be constructed to standards approved by the county engineer.~~

**15.40.30170 Pedestrian circulation.**

Sidewalks and pedestrian pathways shall be incorporated into the park design to allow normal circulation patterns to take place between adjacent parcels and recreational areas.

**15.40.3180 Access from internal private streets.**

All mobilehome spaces shall be served from internal private streets within the mobilehome park, and there shall be no direct access from a mobilehome space to a public street or alley. Driveways shall have a clear and unobstructed access to a public thoroughfare.

**15.40.32190 Parking spaces.**

The developer shall provide two off-street parking spaces for each mobilehome unit. ~~The two off-street parking spaces may be in tandem and shall be designed so that a parked vehicle will not encroach into the street or front setback area. One off-street guest parking space for each two mobilehome units shall be provided, when a twenty five foot roadway width is used in~~



accordance with Section 15.40.280 of this chapter. Guest parking shall be located within two hundred feet of intended units.

**15.40.33200 Boat and trailer storage.**

Developer shall provide a storage area within the park boundaries for All pleasure boats, trailers, campers or motor coaches ~~shall be stored~~ in an area set aside for such storage on the approved plans. Such area shall be screened from view and shall provide a minimum of one boat or trailer space for every five mobilehome sites. Such storage shall not be allowed on any street, ~~or individual mobilehome lot.~~

**15.40.34210 Drainage facilities—Plan review.**

Developers shall provide adequate drainage facilities to prevent damage to the park and units by a one hundred year frequency storm, and shall dispose of drainage waters in a natural watercourse, ~~all~~ in accordance with plans reviewed and approved by the county engineer.

**15.40.35220 Sewage disposal.**

Sewage disposal shall be provided in compliance with Division II of Title 13 of this code.

**15.40.36230 Water supply.**

All mobilehome parks shall procure water from an approved public water facility.

**~~15.40.370 Utilities to be underground.~~**

~~All utilities shall be installed underground. Individual exposed antennas shall not be permitted. Each mobilehome park shall utilize a master antenna system.~~

**15.40.38240 Trash and garbage disposal.**

A trash and garbage disposal system shall be installed to the satisfaction of the county health ~~department~~ officer.

**15.40.39250 Fire protection.**

The developer shall comply with the fire protection standards set forth in Article 6, Chapter 2, Division 1 of Title 15 CCR, as the same may be amended. Prior to construction, the applicant shall confer with the California State Division of Forestry to determine the installations necessary for protection against fire, pursuant to the provisions of Title 25 of the California Administrative Code.

**15.40.40260 Fencing and enclosure.**

A. The planning commission may require that ~~the a~~ a park perimeter wall be constructed on public street frontages, property be enclosed at the rear and sides by a six foot fence and/or thick screen planting, for control of view, light, sound, and adequate security.

B. Fences on lots shall not exceed up to six feet in height, but shall not exceed forty-two inches in height when located parallel to, and no closer than, three feet to the unit, habitable accessory building or structure, or building component. height may be permitted in the front setback area provided an average setback of ten feet from the street property line is observed and the area between fence and property line is well landscaped and maintained. The height of ~~fencing and landscaping located at intersections of streets, driveways and pedestrian walkways~~

may be limited by the planning commission to that deemed compatible with pedestrian and traffic safety.

**15.40.410 Landscaping.**

A. ~~A detailed landscaping plan shall be submitted for consideration with each use permit application. All open areas except driveways, parking areas, walkways, utility areas, decks, patios or porches shall be well landscaped and maintained.~~

B. ~~Landscaping shall be used as a buffer between mobilehome units and adjoining property.~~

C. ~~Substantial trees shall be planted throughout the development, and one street tree, of a variety approved by the planning commission, shall be provided on each lot. Specimen trees of not less than five-gallon container size or one-inch in trunk diameter shall be required.~~

D. ~~Whenever possible, plants that are indigenous to this area shall be incorporated into the landscaping plans.~~

E. ~~All required planting shall be permanently maintained in good growing condition and repaired or replaced whenever necessary.~~

**15.40.4270 Sign requirements.**

A. Park identification signs shall be subject to architectural review by the planning commission. No flashing or revolving signs will be permitted. Identification signs shall be limited to one twenty-square-foot sign per park, not to exceed a height of six feet above ground.

B. Each mobilehome park shall maintain a directory sign showing the location and house number of each mobilehome unit.

C. Incidental signs may be permitted upon approval by the planning commission.

**15.40.43280 Mobilehomes—Registration requirements.**

All mobilehomes located within unincorporated areas shall be registered with the county.

**15.40.44290 Park occupancy conditions.**

No mobilehome park shall be occupied until all requirements of the planning commission, health, flood control, engineering and building inspections departments have been met.

**15.40.450 Lowering profiles of mobilehomes.**

~~To lower the profile of a mobilehome so that it more closely resembles a conventional residential structure, the following shall apply:~~

~~A. Wheels may be removed;~~

~~B. The utility island sewer connection shall be set as low as possible, consistent with Title 25 of the California Administrative Code;~~

~~C. Whenever possible, and consistent with proper drainage and minimum state cross-ventilation requirements, the mobilehome shall be positioned by accepted and appropriate grading practices to improve its setting;~~

~~D. Height limit, one story.~~

**15.40.46300 Retail sales prohibited—Exception.**

No retail sales, including mobilehomes, except from an approved sales location not a part of a mobilehome park, shall be permitted. This is not intended to prohibit the sale of a single mobilehome on an approved site.

#### **15.40.470 Additional requirements.**

~~Additional development requirements may be prescribed as conditions of use permit approval when such requirements are determined to be necessary to ensure the protection of the character of neighboring properties, the compatibility of land uses, and the health and safety of mobilehome park occupants and other county residents.~~

#### **15.40.48310 Variances.**

A. A variance from the terms of this Article II, if consistent with state law, Sections 15.40.240 through 15.40.270, Sections 15.40.310, 15.40.320, 15.40.370, 15.40.420 and subsection (C) of Section 15.40.410 may be granted and, once granted, may be revoked by the commission pursuant to the procedures set forth in Sections 18.128.020, 18.128.030, 18.128.040 and 18.128.090 of the county's zoning provisions.

B. Any variance granted pursuant to this section shall be subject to such conditions as shall assure that the adjustment thereby authorized shall not constitute a grant of special privileges inconsistent with the limitations placed by this chapter upon other mobilehome parks.

C. Before issuing a variance, the commission shall make the following written findings:

1. The procedural requirements prescribed by this section have been met;  
2. Special circumstances exist applicable to the property, including size, shape, topography, location, surroundings and available technology, because of which strict application of the requirements of Sections 15.40.240 through 15.40.270, Sections 15.40.310, 15.40.320, 15.40.370, 15.40.420 and subsection (C) of Section 15.40.410 this Article II defeats the purpose of such requirements, whereas the variance, as conditioned, will promote the purpose;

3. Grant of the variance is necessary for the preservation and enjoyment of substantial property rights;

4. Grant of the variance will not adversely affect the health, safety or welfare of the county.

#### **15.40.320 Variations from Standards.**

A. The planning commission may authorize variations to standards included within this chapter as part of a use permit, under the conditions provided for in this section.

B. The intent of this section is to encourage innovative and environmentally superior redesign and siting of mobilehome and recreational vehicle units within existing mobile home parks of five acres or less established by use permit prior to 1970. To encourage such innovation, it is necessary to be flexible in the application of certain development standards so long as the intent of this chapter, the PD and AH zoning districts, any applicable general or specific plan and applicable state and federal law is maintained with respect to the overall project.

C. Development Standards. The planning commission may allow, as part of approval of a use permit, variations from the development standards contained in this chapter under the procedures defined in this section.

D. Procedure.



1. Filing of Variation Request. Applicants shall file a request for variation and pay those fees established by resolution of the board of supervisors relating to use permits. The variation request shall be processed as part of a use permit application pursuant to Chapter 18.124.

2. Content of Variation Request. The request shall contain, at a minimum, the following information:

a. A legal description and assessor parcel map of all lands to be included in the use permit;

b. The existing topographical features of the property;

c. Land use and zoning of parcels contiguous to those proposed for development;

d. A mapping of environmentally-sensitive areas on both the subject parcel and parcels adjacent to those proposed for development;

e. A narrative statement of how the variation request is consistent with the goals and intent of the applicable general or specific plan, the PD or AH zoning district and applicable state and federal law, and how the variation request recognizes and treats the lands identified as being environmentally sensitive;

f. A detailed site plan identifying locations and uses of all structures, locations of all parking, landscape and common use areas, circulation and infrastructure alignment and setbacks;

g. A list of utility service providers serving the project, along with "will serve" statements from all service providers;

h. Proposed ownership and mechanism for improvement and maintenance of common areas, parking areas, landscaped areas, etc.

i. Conceptual landscaping and planting plans demonstrating that the project is being developed with a unified design theme;

j. Phasing plan detailing the order in which site improvements are to be completed and occupied;

k. Any additional information required by the director to demonstrate that the site will be developed under a unified development concept.

E. Findings Required.

1. In addition to findings required pursuant to Section 18.124.070, the commission shall make the following additional findings:

a. The variation request results in a project that is superior in terms of design and environmental impacts when compared to a project processed under the development standards specified by this chapter.

b. The development plan results in a cohesive design and treatment of the site, including architecture, landscaping, open space, signage and lighting.

c. The design, orientation and location of buildings, structures, open space and other features of the site plan protect and enhance existing natural resources or site features including significant existing vegetation and maintain and enhance existing views from and through the site.

d. The overall project is consistent with the intent, purpose and applicable standards of the applicable general or specific plan, the PD or AH zoning district and applicable state and federal law.

e. The site plan minimizes the effect of traffic on abutting streets through careful layout of the site with respect to location, dimensions of vehicular and pedestrian entrances, exit drives and walkways.

f. The site plan shall encourage travel alternatives through the provision of facilities for the use of mobilehome park residents such as bicycle parking and electrical vehicle recharge stations. Public transit stops and facilities shall be accommodated as appropriate and other incentive provisions considered which encourage non-automotive travel.

g. The site shall provide open space and landscaping which complement building and structures. Said open space shall be provided in a manner so as to be useful to residents. Landscaping shall be used to separate and/or screen service and storage areas, separate and/or screen parking areas from other areas, break up expanses of paved area, and define open space for usability and privacy.

h. Design of the site plan and proposed structures shall respect design principles in terms of maintaining a balance of scale, form and proportion, using design components which are harmonious and materials and colors which blend with elements of the site plan and surrounding areas. Location of structures shall take into account maintenance of view, utility installations such as trash enclosures, storage units, traffic control devices, transformer vaults, and electrical meters shall be accessible and screened.

i. Provisions have been made for the permanent use and maintenance of parking areas and other common area improvements used jointly by mobilehome park residents.

**SECTION 2.** Section 18.10.020 (Duties - Specific subjects) of Chapter 18.10 (Zoning

Administrator) is hereby amended to read in full as follows:

**18.10.020 Duties - Specific subjects.**

The zoning administrator shall hear and decide all applications for the following unless, in the zoning administrator's sole discretion, the zoning administrator determines that the public interest would be furthered by having a particular application heard and decided by the planning commission:

- A. Permits and modifications thereof for the following:
  - 1. Farmworker housing as defined by Section 18.08.294 of this code,
  - 2. Cottage food operations,
  - 3. Kennels and veterinary facilities,
  - 4. Multiple-family dwelling units,
  - 5. Second dwelling units as part of a deep lot development,
  - 6. Undergrounding of gas, electric, telephone, or cable television lines,
  - 7. Noncommercial wind energy and conversion systems,
  - 8. Child day care centers,
  - 9. Residential care facilities (medium) and (large),
  - 10. (Reserved),
  - 11. (Reserved),
  - 12. (Reserved),
  - 13. Minor modifications of use permits after making the findings required by Section 18.124.130 of this title,
  - 14. Farmworker centers as defined by Section 18.08.293 of this code,
  - 15. (Reserved),
  - 16. (Reserved);
- B. (Reserved);

- C. Merger of substandard parcels, but only if the parcels meet the requirements set forth in Section 17.48.040
- D. (Reserved);
- E. Summary reversions to acreage, but only after making the findings required by Section 17.50.070
- F. (Reserved);
- G. Licenses for Category 3 temporary events as defined in Section 5.36.015 if a hearing is requested and Category 4 temporary events as defined in Section 5.36.015 if not referred to the board;
- H. Certificates of present extent of legal nonconformity, in accordance with the procedure set forth in Section 18.132.050
- I. Minor amendments of tentative, parcel and final maps in accordance with the procedure set forth in Sections 17.26.030 through 17.26.050 and Section 17.26.060 for modifications to or elimination of slope easements, and for this purpose the zoning administrator shall be deemed an "advisory agency" as defined in Chapter 17.02
- J. Variances, pursuant to Chapter 18.128 of this code (commencing with Section 18.128.010) and excepting therefrom any variances from the terms of the Conservation Regulations as set forth in Chapter 18.108
- K. (Reserved);
- L. Applications for extensions of the life of a tentative map;
- M. Minor modifications of small winery exemption certificates and minor modifications to use permits other than very minor requests for changes as described in subsection (C)(1) through (5) of Section 18.124.130, after making the findings required by Section 18.124.130
- N. Variances from the standards for mobilehome parks in accordance with Section 15.40.310480, or any successor amendment thereof;
- O. (Reserved); and
- P. Applications for exceptions to the county's adopted road and street standards in connection with a building permit clearance for a single-family residence or other ministerial permit clearance.

**SECTION 3.** The Director of Planning, Building and Environmental Services has determined that this Ordinance would not have a significant effect on the environment and is exempt from the California Environmental Quality Act [See guidelines for the implementation of the California Environmental Quality Act at 14 CCR §15061(b)(3)].

**SECTION 4.** Pursuant Chapter 4, Title 7, commencing with Section 65800, of the California Government Code, this Ordinance is consistent with the goals and policies of the 2008 General Plan Update, in particular Policies AG/LU-4, 30, 31, 33, and H-2b and 4-d.

**SECTION 5.** If any section, subsection, sentence, clause, phrase or word of this

Ordinance is for any reason held to be invalid by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance. The Board of Supervisors of Napa County hereby declares it would have passed and adopted this Ordinance and each and all provisions hereof irrespective of the fact that any one or more of said provisions be declared invalid.

**SECTION 6.** This ordinance shall be effective thirty (30) days from and after the date of its passage.

**SECTION 7.** A summary of this ordinance shall be published at least once 5 days before adoption and at least once before the expiration of 15 days after its passage in the Napa Valley Register, a newspaper of general circulation published in Napa County, together with the names of members voting for and against the same.

The foregoing Ordinance was introduced and public hearing held thereon before the Napa County Conservation, Development and Planning Commission at a regular meeting of the Commission on the \_\_\_\_ day of \_\_\_\_\_, 2014, and was passed at a regular meeting of the Board of Supervisors of the County of Napa, State of California, held on the \_\_\_\_\_ day of \_\_\_\_\_, 2014, by the following vote:

AYES: SUPERVISORS \_\_\_\_\_

\_\_\_\_\_

NOES: SUPERVISORS \_\_\_\_\_

\_\_\_\_\_

ABSTAIN: SUPERVISORS \_\_\_\_\_

\_\_\_\_\_

ABSENT: SUPERVISORS \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_  
MARK LUCE, CHAIRMAN  
Napa County Board of Supervisors

ATTEST: GLADYS I. COIL

Clerk of the Board of Supervisors

By: \_\_\_\_\_

| <b>APPROVED AS TO FORM<br/>Office of County Counsel</b> | <b>Approved by the Napa County<br/>Board of Supervisors</b> |
|---|---|
| By: _____ (by e-signature)<br>Deputy County Counsel     | Date: _____   |
| By: _____ (by e-signature)<br>County Code Services      | Processed by:<br>_____                                      |
| Date: _____   | Deputy Clerk of the Board                                   |

Cc/d/Plan/Ord/2013Mobilehomes/2013MobilehomeOrdinance\_TrackChanges(2)





# B

## Final Ordinance



**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE OF THE BOARD OF SUPERVISORS OF NAPA COUNTY,  
STATE OF CALIFORNIA, AMENDING CHAPTER 15.40 AND SECTION  
18.10.020 RELATING TO MOBILEHOMES AND MOBILEHOME PARKS**

**WHEREAS**, the Board of Supervisors desires to update the provisions of Chapter 15.40 relating to mobilehomes and mobilehome parks in order to comply with changes to State law which have been made over the years, and which, in some cases, preempted existing County regulations contained in Chapter 15.40;

**NOW, THEREFORE**, the Board of Supervisors of Napa County, State of California, ordains as follows:

**SECTION 1.** Chapter 15.40 (Mobilehomes) of Title 15 (Buildings And Construction) of the Napa County Code is amended to read in full as follows:

**Chapter 15.40**

**(Mobilehomes)**

**Article I. Mobilehomes and Trailers**

- 15.40.010      Definitions.**
- 15.40.020      Location restrictions—Dead storage or temporary use permit.**
- 15.40.030      Seasonal housing for farmworkers.**
- 15.40.040      Enforcement authority.**

**Article II. Mobilehome Parks**

- 15.40.050      Purpose of Article II provisions.**
- 15.40.060      Statutory authority and incorporation by reference.**
- 15.40.070      Application of provisions.**
- 15.40.080      Exempt area designated.**
- 15.40.090      Inspection requirements—Fees.**
- 15.40.100      Construction inspection and fees.**
- 15.40.110      Location restrictions.**
- 15.40.120      Minimum park area.**
- 15.40.130      Density of development.**
- 15.40.140      Occupied area.**
- 15.40.150      Unit separation and setbacks.**

|           |  |           |                         |
|-----------|--|-----------|-------------------------|
| 15.40.160 | Roadways.                              | 15.40.170 | Pedestrian circulation. |
| 15.40.180 | Access from internal private streets.  |           |                         |
| 15.40.190 | Parking spaces.                        |           |                         |
| 15.40.200 | Boat and trailer storage.              |           |                         |
| 15.40.210 | Drainage facilities—Plan review.       |           |                         |
| 15.40.220 | Sewage disposal.                       |           |                         |
| 15.40.230 | Water supply.                          |           |                         |
| 15.40.240 | Trash and garbage disposal.            |           |                         |
| 15.40.250 | Fire protection.                       |           |                         |
| 15.40.260 | Fencing and enclosure.                 |           |                         |
| 15.40.270 | Sign requirements.                     |           |                         |
| 15.40.280 | Mobilehomes—Registration requirements. |           |                         |
| 15.40.290 | Park occupancy conditions.             |           |                         |
| 15.40.300 | Retail sales prohibited—Exception.     |           |                         |
| 15.40.310 | Variances.                             |           |                         |
| 15.40.320 | Variations from standards.             |           |                         |

## **Article I. Mobilehomes and Trailers**

### **15.40.010 Definitions.**

For the purposes of this chapter, the following words and phrases are defined and shall be construed as hereinafter set out, unless it shall be apparent from the context that a different meaning is indicated.

"Building department" means the building division of the planning, building and environmental services department of Napa County.

"CCR" means the California Code of Regulations.

"Dead storage" means the maintaining of a mobilehome on any land where the mobilehome is not used for occupancy or business purposes. The connection of any utility or service connection, such as electrical, water, gas or sewage, to the mobilehome shall be prima facie evidence that the mobilehome is being used for habitation or business purposes.

"Farm labor trailer" means any mobilehome or mobilehomes used for housing or shelter of persons on a seasonal basis which is located either (a) on the premises of a farm where such persons are bona fide employees of such farm, or (b) in a permitted farmworker center.

"Health officer" means the county director of environmental health.

"HSC" means the California Health and Safety Code.

"Mobilehome" means a mobilehome as defined in HSC Section 18008, a manufactured home as defined in HSC Section 18007, a multiple family manufactured home as defined in HSC Section 18008.7, and a recreational vehicle as defined in HSC Section 18010.

"Mobilehome park" means any tract of land where two or more lots are rented or leased, held out for rent or lease, or were formerly held out for rent or lease and later converted to a subdivision, cooperative, condominium, or other form of resident ownership, to accommodate manufactured homes, mobilehomes, or recreational vehicles used for human habitation.

"Planning commission" means the planning commission of the county of Napa.

**15.40.020 Location restrictions—Dead storage or temporary use permit.**

A. It is unlawful for any person, firm or corporation to keep any mobilehome on any land situated in the county other than in an approved mobilehome park, unless such mobilehome is in dead storage or an administrative permit has been issued therefore, pursuant to the provisions of Section 18.126.060 of this chapter.

B. A trailer or mobilehome in dead storage shall not be stored in any front or side yard setback required by this chapter, or any applicable county ordinance or state law, nor shall any such vehicle be parked upon any public or private street for a period in excess of forty-eight hours. When in dead storage, all trailers and similar vehicles shall meet the minimum requirements of the state, and no person shall remove any tire or wheel from a mobilehome, whether such or similar vehicle is used for occupancy, business or dead storage, except for the purpose of making temporary repairs, nor shall any foundation be placed under a mobilehome or similar vehicle.

**15.40.030 Seasonal housing for farmworkers.**

Except as provided in Section 18.104.295:

A. A permitted farm labor trailer may be occupied for not more than ninety consecutive days, and for not more than one hundred twenty days in any calendar year.

B. A temporary use permit for a farm labor trailer issued pursuant to this chapter that is "farmworker housing" as that term is defined by the Zoning Ordinance (Title 18 of this code) may be issued for up to a ten-year period and may be renewed pursuant to then-current requirements of this code.

**15.40.040 Enforcement authority.**

The planning commission, the building department and the health officer shall enforce the provisions of this chapter jointly and in such a manner and as expeditiously as possible to prevent duplicating each other's services.

**Article II. Mobilehome Parks**

**15.40.050 Purpose of Article II provisions.**

The purpose of Article II of this chapter is to provide for and promote the public health, safety, comfort, convenience and general welfare of the citizens of the county by prescribing certain rules, regulations and standards relative to the location, development and construction of mobilehome parks within the unincorporated portions of the county.

**15.40.060 Statutory authority and incorporation by reference.**

The requirements of this Article II shall include the provisions of the Mobile Home Park Act (Health and Safety Code Sections 18200 et seq.) and the applicable Mobile Home Parks Regulations adopted by the State Department of Housing and Community Development (Chapter 2 of Division 1 of Title 25 of the California Code of Regulations). The requirements of the Mobile Home Park Act and Mobile Home Parks Regulations are hereby incorporated into the requirements of this Article II and compliance with those regulations shall be required

**15.40.070 Application of provisions.**

The following standards, and the requirements of the Mobile Home Park Act and Mobile Home Parks Regulations, shall apply to the location, development and construction of mobilehome parks within the unincorporated portions of the county.

**15.40.080 Exempt area designated.**

Notwithstanding any of the terms of Article II of this chapter, the provisions of this article shall not apply to any park owned, operated, and maintained by of the following:

- A. The federal government.
- B. The state.
- C. Any agency or political subdivision of the state.
- D. Any city, county, or city and county.

**15.40.090 Inspection requirements—Fees.**

The county shall make such inspections and charge such fees therefor as are provided in Chapter 4 of Part 2.1, Division 13 of the California Health and Safety Code, being within the Mobilehome Parks Act.

**15.40.100 Construction inspection and fees.**

At the time of construction of a new mobilehome park, or the expansion of an existing mobilehome park, road construction and drainage facilities shall be field inspected by the county engineer. To defray the cost of plan checking and field inspection, the developer shall pay a one-time fee equal to three percent of the estimated cost of road and drainage improvements.

**15.40.110 Location restrictions.**

A. Mobilehome parks shall be permitted in the Planned Development District (PD) and the Affordable Housing Combination District (AH) subject to use permit approval. Mobilehome parks shall not be permitted in any other zoning district.

B. The application for a use permit hereunder shall not be deemed complete unless it is accompanied by a filed record of survey of the perimeter of the property which is the subject of the application, which shall indicate the gross acreage thereof.

**15.40.120 Minimum park area.**

The minimum park area shall be twenty acres.

**15.40.130 Density of development.**

The maximum average density in a mobilehome park shall not be less than the density allowed in the PD or AH districts.

**15.40.140 Occupied area.**

The occupied area of any lot within a mobile home park shall comply with Title 25 CCR Section 1110, or any successor regulation.

**15.40.150 Unit separation and setbacks.**

Unit separation and setbacks for each lot shall comply with Title 25 CCR Section 1330, or any successor regulation.

**15.40.160 Roadways**

All park roadways shall comply with Title 25 CCR Section 1106, or any successor regulation.



**15.40.170 Pedestrian circulation.**

Sidewalks and pedestrian pathways shall be incorporated into the park design to allow normal circulation patterns to take place between adjacent parcels and recreational areas.

**15.40.180 Access from internal private streets.**

All mobilehome spaces shall be served from internal private streets within the mobilehome park, and there shall be no direct access from a mobilehome space to a public street or alley. Driveways shall have a clear and unobstructed access to a public thoroughfare.

**15.40.190 Parking spaces.**

The developer shall provide two parking spaces for each mobilehome unit. One guest parking space for each two mobilehome units shall be provided.

**15.40.200 Boat and trailer storage.**

Developer shall provide a storage area within the park boundaries for pleasure boats, trailers, campers or motor coaches in an area set aside for such storage on the approved plans. Such area shall be screened from view and shall provide a minimum of one boat or trailer space for every five mobilehome sites. Such storage shall not be allowed on any street.

**15.40.210 Drainage facilities—Plan review.**

Developers shall provide adequate drainage facilities to prevent damage to the park and units in accordance with plans reviewed and approved by the county engineer.

**15.40.220 Sewage disposal.**

Sewage disposal shall be provided in compliance with Division II of Title 13 of this code.

**15.40.230 Water supply.**

All mobilehome parks shall procure water from an approved public water facility.

**15.40.240 Trash and garbage disposal.**

A trash and garbage disposal system shall be installed to the satisfaction of the county health officer.

**15.40.250 Fire protection.**

The developer shall comply with the fire protection standards set forth in Article 6, Chapter 2, Division 1 of Title 15 CCR, as the same may be amended.

**15.40.260 Fencing and enclosure.**

A. The planning commission may require that a park perimeter wall be constructed on public street frontages.

B. Fences on lots shall not exceed six feet in height, but shall not exceed forty-two inches in height when located parallel to, and no closer than, three feet to the unit, habitable accessory building or structure, or building component.

**15.40.270 Sign requirements.**

A. Park identification signs shall be subject to architectural review by the planning commission. No flashing or revolving signs will be permitted. Identification signs shall be limited to one twenty-square-foot sign per park, not to exceed a height of six feet above ground.

B. Each mobilehome park shall maintain a directory sign showing the location and house number of each mobilehome unit.

C. Incidental signs may be permitted upon approval by the planning commission.

**15.40.280 Mobilehomes—Registration requirements.**

All mobilehomes located within unincorporated areas shall be registered with the county.

**15.40.290 Park occupancy conditions.**

No mobilehome park shall be occupied until all requirements of the planning commission, health, flood control, engineering and building inspections departments have been met.

**15.40.300 Retail sales prohibited—Exception.**

No retail sales, including mobilehomes, except from an approved sales location not a part of a mobilehome park, shall be permitted. This is not intended to prohibit the sale of a single mobilehome on an approved site.

**15.40.310 Variances.**

A. A variance from the terms of this Article II, if consistent with state law, may be granted and, once granted, may be revoked by the commission pursuant to the procedures set forth in Sections 18.128.020, 18.128.030, 18.128.040 and 18.128.090 of the county's zoning provisions.

B. Any variance granted pursuant to this section shall be subject to such conditions as shall assure that the adjustment thereby authorized shall not constitute a grant of special privileges inconsistent with the limitations placed by this chapter upon other mobilehome parks.

C. Before issuing a variance, the commission shall make the following written findings:

1. The procedural requirements prescribed by this section have been met;

2. Special circumstances exist applicable to the property, including size, shape, topography, location, surroundings and available technology, because of which strict application of the requirements of this Article II defeats the purpose of such requirements, whereas the variance, as conditioned, will promote the purpose;

3. Grant of the variance is necessary for the preservation and enjoyment of substantial property rights;

4. Grant of the variance will not adversely affect the health, safety or welfare of the county.

**15.40.320 Variations from Standards.**

A. The planning commission may authorize variations to standards included within this chapter as part of a use permit, under the conditions provided for in this section.

B. The intent of this section is to encourage innovative and environmentally superior redesign and siting of mobilehome and recreational vehicle units within existing mobile home parks of five acres or less established by use permit prior to 1970. To encourage such innovation, it is necessary to be flexible in the application of certain development standards so long as the intent of this chapter, the PD and AH zoning districts, any applicable general or specific plan and applicable state and federal law is maintained with respect to the overall project.

C. Development Standards. The planning commission may allow, as part of approval of a use permit, variations from the development standards contained in this chapter under the procedures defined in this section.

D. Procedure.

1. Filing of Variation Request. Applicants shall file a request for variation and pay those fees established by resolution of the board of supervisors relating to use permits. The variation request shall be processed as part of a use permit application pursuant to Chapter 18.124.

2. Content of Variation Request. The request shall contain, at a minimum, the following information:

a. A legal description and assessor parcel map of all lands to be included in the use permit;

b. The existing topographical features of the property;

c. Land use and zoning of parcels contiguous to those proposed for development;

d. A mapping of environmentally-sensitive areas on both the subject parcel and parcels adjacent to those proposed for development;

e. A narrative statement of how the variation request is consistent with the goals and intent of the applicable general or specific plan, the PD or AH zoning district and applicable state and federal law, and how the variation request recognizes and treats the lands identified as being environmentally sensitive;

f. A detailed site plan identifying locations and uses of all structures, locations of all parking, landscape and common use areas, circulation and infrastructure alignment and setbacks;

g. A list of utility service providers serving the project, along with "will serve" statements from all service providers;

h. Proposed ownership and mechanism for improvement and maintenance of common areas, parking areas, landscaped areas, etc.

i. Conceptual landscaping and planting plans demonstrating that the project is being developed with a unified design theme;

j. Phasing plan detailing the order in which site improvements are to be completed and occupied;

k. Any additional information required by the director to demonstrate that the site will be developed under a unified development concept.

E. Findings Required.

1. In addition to findings required pursuant to Section 18.124.070, the commission shall make the following additional findings:

a. The variation request results in a project that is superior in terms of design and environmental impacts when compared to a project processed under the development standards specified by this chapter.

b. The development plan results in a cohesive design and treatment of the site, including architecture, landscaping, open space, signage and lighting.

c. The design, orientation and location of buildings, structures, open space and other features of the site plan protect and enhance existing natural resources or site features including significant existing vegetation and maintain and enhance existing views from and through the site.

d. The overall project is consistent with the intent, purpose and applicable standards of the applicable general or specific plan, the PD or AH zoning district and applicable state and federal law.

e. The site plan minimizes the effect of traffic on abutting streets through careful layout of the site with respect to location, dimensions of vehicular and pedestrian entrances, exit drives and walkways.

f. The site plan shall encourage travel alternatives through the provision of facilities for the use of mobilehome park residents such as bicycle parking and electrical vehicle recharge stations. Public transit stops and facilities shall be accommodated as appropriate and other incentive provisions considered which encourage non-automotive travel.

g. The site shall provide open space and landscaping which complement building and structures. Said open space shall be provided in a manner so as to be useful to residents. Landscaping shall be used to separate and/or screen service and storage areas, separate and/or screen parking areas from other areas, break up expanses of paved area, and define open space for usability and privacy.

h. Design of the site plan and proposed structures shall respect design principles in terms of maintaining a balance of scale, form and proportion, using design components which are harmonious and materials and colors which blend with elements of the site plan and surrounding areas. Location of structures shall take into account maintenance of view. utility installations such as trash enclosures, storage units, traffic control devices, transformer vaults, and electrical meters shall be accessible and screened.

i. Provisions have been made for the permanent use and maintenance of parking areas and other common area improvements used jointly by mobilehome park residents.

**SECTION 2.** Section 18.10.020 (Duties - Specific subjects) of Chapter 18.10 (Zoning

Administrator) is hereby amended to read in full as follows:

**18.10.020 Duties - Specific subjects.**

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1. Farmworker housing as defined by Section 18.08.294 of this code,
2. Cottage food operations,
3. Kennels and veterinary facilities,
4. Multiple-family dwelling units,
5. Second dwelling units as part of a deep lot development,
6. Undergrounding of gas, electric, telephone, or cable television lines,
7. Noncommercial wind energy and conversion systems,
8. Child day care centers,
9. Residential care facilities (medium) and (large),
10. (Reserved),
11. (Reserved),
12. (Reserved),
13. Minor modifications of use permits after making the findings required by Section

18.124.130 of this title,

14. Farmworker centers as defined by Section 18.08.293 of this code,
15. (Reserved),

- 16. (Reserved);
- B. (Reserved);
- C. Merger of substandard parcels, but only if the parcels meet the requirements set forth in Section 17.48.040
- D. (Reserved);
- E. Summary reversions to acreage, but only after making the findings required by Section 17.50.070
- F. (Reserved);
- G. Licenses for Category 3 temporary events as defined in Section 5.36.015 if a hearing is requested and Category 4 temporary events as defined in Section 5.36.015 if not referred to the board;
- H. Certificates of present extent of legal nonconformity, in accordance with the procedure set forth in Section 18.132.050
- I. Minor amendments of tentative, parcel and final maps in accordance with the procedure set forth in Sections 17.26.030 through 17.26.050 and Section 17.26.060 for modifications to or elimination of slope easements, and for this purpose the zoning administrator shall be deemed an "advisory agency" as defined in Chapter 17.02
- J. Variances, pursuant to Chapter 18.128 of this code (commencing with Section 18.128.010) and excepting therefrom any variances from the terms of the Conservation Regulations as set forth in Chapter 18.108
- K. (Reserved);
- L. Applications for extensions of the life of a tentative map;
- M. Minor modifications of small winery exemption certificates and minor modifications to use permits other than very minor requests for changes as described in subsection (C)(1) through (5) of Section 18.124.130, after making the findings required by Section 18.124.130
- N. Variances from the standards for mobilehome parks in accordance with Section 15.40.310, or any successor amendment thereof;
- O. (Reserved); and
- P. Applications for exceptions to the county's adopted road and street standards in connection with a building permit clearance for a single-family residence or other ministerial permit clearance.

**SECTION 3.** The Director of Planning, Building and Environmental Services has determined that this Ordinance would not have a significant effect on the environment and is exempt from the California Environmental Quality Act [See guidelines for the implementation of the California Environmental Quality Act at 14 CCR §15061(b)(3)].

**SECTION 4.** Pursuant Chapter 4, Title 7, commencing with Section 65800, of the California Government Code, this Ordinance is consistent with the goals and policies of the 2008 General Plan Update, in particular Policies AG/LU-4, 30, 31, 33, and H-2b and 4-d.

**SECTION 5.** If any section, subsection, sentence, clause, phrase or word of this Ordinance

is for any reason held to be invalid by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance. The Board of Supervisors of Napa County hereby declares it would have passed and adopted this Ordinance and each and all provisions hereof irrespective of the fact that any one or more of said provisions be declared invalid.

**SECTION 6.** This ordinance shall be effective thirty (30) days from and after the date of its passage.

**SECTION 7.** A summary of this ordinance shall be published at least once 5 days before adoption and at least once before the expiration of 15 days after its passage in the Napa Valley Register, a newspaper of general circulation published in Napa County, together with the names of members voting for and against the same.

The foregoing Ordinance was introduced and public hearing held thereon before the Napa County Conservation, Development and Planning Commission at a regular meeting of the Commission on the \_\_\_\_ day of \_\_\_\_\_, 2014, and was passed at a regular meeting of the Board of Supervisors of the County of Napa, State of California, held on the \_\_\_\_\_ day of \_\_\_\_\_, 2014, by the following vote:

AYES:            SUPERVISORS \_\_\_\_\_

\_\_\_\_\_

NOES:           SUPERVISORS \_\_\_\_\_

\_\_\_\_\_

ABSTAIN:       SUPERVISORS \_\_\_\_\_

\_\_\_\_\_

ABSENT:        SUPERVISORS \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_  
MARK LUCE, CHAIRMAN  
Napa County Board of Supervisors

ATTEST: GLADYS I. COIL  
Clerk of the Board of Supervisors

By: \_\_\_\_\_

|   |   |
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| <b>APPROVED AS TO FORM</b><br><b>Office of County Counsel</b>       | <b>Approved by the Napa County</b><br><b>Board of Supervisors</b> |
| By: <u>Robert W. Paul</u> (by e-signature)<br>Deputy County Counsel | Date: _____   |
| By: <u>Sue Ingalls</u> (by e-signature)<br>County Code Services     | Processed by: _____   |
| Date: <u>January 6, 2014</u>  | _____<br>Deputy Clerk of the Board                                |

I HEREBY CERTIFY THAT THE ORDINANCE ABOVE WAS POSTED IN THE OFFICE OF THE CLERK OF THE BOARD IN THE ADMINISTRATIVE BUILDING, 1195 THIRD STREET ROOM 310, NAPA, CALIFORNIA ON \_\_\_\_\_.

\_\_\_\_\_, DEPUTY  
GLADYS I. COIL, CLERK OF THE BOARD





“C”

Chart of Amendments  
with  
State Law References



### CODE CHART

| EXISTING CHAPTER 15.40   | PREEMPTION AND PROPOSED  |
|--|--|
| Article I. Mobilehomes and Trailers  | HSC = Health & Safety Code<br>CCR = Title 25 California Code of Regulations  |
| <p><b>15.40.010 Definitions.</b><br/>For the purposes of this chapter, the following words and phrases are defined and shall be construed as hereinafter set out, unless it shall be apparent from the context that a different meaning is indicated.</p> <p>"Building department" means the building division of the planning, building and environmental services department of Napa County.</p> <p><u>"CCR" means the California Code of Regulations.</u></p> <p>"Dead storage" means the maintaining of a mobilehome on any land where the mobilehome is not used for occupancy or business purposes. The connection of any utility or service connection, such as electrical, water, gas or sewage, to the mobilehome shall be prima facie evidence that the mobilehome is being used for habitation or business purposes.</p> <p>"Farm labor trailer" means any mobilehome or mobilehomes used for housing or shelter of persons on a seasonal basis which is located either (a) on the premises of a farm where such persons are bona fide employees of such farm, or (b) in a permitted farmworker center.</p> <p>"Health officer" means the director <del>of the department of public health of Napa County.</del> <u>of environmental health.</u></p> <p><u>"HSC" means the California Health and Safety Code.</u></p> <p><del>"Mobilehome" means any vehicle or motor vehicle designed, equipped, used or intended to be used for human habitation or sleeping facilities, or which is used or intended to be used in carrying out business of any nature</del></p> | <p>Director of Environmental Health and that division are inspecting mobilehome parks.</p> <p><u>"Mobilehome" means a mobilehome as defined in HSC§18008, a manufactured home as defined in HSC§18007, a multiple family manufactured home as defined in HSC§18008.7, and a recreational</u></p> |



~~therefrom, and shall include, but not be limited to a camp car, trailer coach, travel trailer or a tent or shelter of any type or character.~~

~~"Mobilehome park" means a lot or parcel of land used or designed or intended to be used for the temporary accommodation of two or more mobilehomes.~~

"Planning commission" means the planning commission of the county of Napa.

~~15.40.020 Rules, regulations and standards.~~

~~A. The board of supervisors shall adopt rules, regulations and standards to interpret and carry out the provisions of this chapter and to prescribe standards of lot, yard or park area, landscaping, walls or enclosures, signs, access, vehicle parking, and regulations similar to the foregoing, and prohibiting certain uses for mobilehome parks.~~

~~B. Such rules and regulations shall be effective after filing same with the county clerk, and shall have the same effect in law as any of the provisions of this chapter.~~

~~15.40.0320~~ **Location restrictions—Dead storage or temporary use permit.**

A. It is unlawful for any person, firm or corporation to keep any mobilehome on any land situated in the county other than in an approved mobilehome park, unless such mobilehome is in dead storage or a administrative permit has been issued therefore, pursuant to the provisions of Section 18.126.060 of this chapter.

B. A trailer or mobilehome in dead storage shall not be stored in any front or side yard setback required by this chapter, or any applicable county ordinance or state law, nor shall any such vehicle be parked upon any public or private street for a period in excess of forty-eight hours. When in dead storage, all trailers and similar vehicles shall meet the minimum requirements of the state, and

vehicle as defined in HSC§18010. See HSC sections referenced *ante* at end of chart.

"Mobilehome park" means any tract of land where two or more lots are rented or leased, held out for rent or lease, or were formerly held out for rent or lease and later converted to a subdivision, cooperative, condominium, or other form of resident ownership, to accommodate manufactured homes, mobilehomes, or recreational vehicles used for human habitation.  
HSC §18214

This section is probably subsumed by HSC and CCR's. Unaware of whether any such rules, regulations and standards have ever been adopted by the Board.

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| no person shall remove any tire or wheel from a mobilehome, whether such or similar vehicle is used for occupancy, business or dead storage, except for the purpose of making temporary repairs, nor shall any foundation be placed under a mobilehome or similar vehicle.   |  |
| <b>15.40.0305 Seasonal housing for farmworkers.</b><br>Except as provided in <u>Section 18.104.295</u> :<br>A. A permitted farm labor trailer may be occupied for not more than ninety consecutive days, and for not more than one hundred twenty days in any calendar year.<br>B. A temporary use permit for a farm labor trailer issued pursuant to this chapter that is "farmworker housing" as that term is defined by the Zoning Ordinance (Title 18 of this code) may be issued for up to a ten-year period and may be renewed pursuant to then-current requirements of this code. |  |
| <b>15.40.040 {Reserved}</b>  |  |
| <b>15.40.050 {Reserved}</b>  |  |
| <b>15.40.060 {Reserved}</b>  |  |
| <b>15.40.070 {Reserved}</b>  |  |
| <b>15.40.080 {Reserved}</b>  |  |
| <b>15.40.090 {Reserved}</b>  |  |
| <b>15.40.100 {Reserved}</b>  |  |
| <b>15.40.110 {Reserved}</b>  |  |
| <b>15.40.120 {Reserved}</b>  |  |
| <b>15.40.130 {Reserved}</b>  |  |
| <b>15.40.1040 Enforcement authority.</b><br>The planning commission, the building department and the health officer shall enforce the provisions of this chapter <del>and rules and regulations thereto</del> , jointly and in such a manner and as expeditiously as possible to prevent   |  |

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| duplicating each other's services.   |  |
| <b>Article II. Mobilehome Parks</b>  |  |
| <p><b>15.40.1050 Purpose of Article II provisions.</b><br/> The purpose of Article II of this chapter is to provide for and promote the public health, safety, comfort, convenience and general welfare of the citizens of the county by prescribing <u>certain rules, regulations and standards</u> relative to the location, development and construction of mobilehome parks within the unincorporated portions of the county.</p>  |  |
| <p><b>15.40.160 Statutory authority.</b><br/> This article is designed to conform with the provisions of the Mobilehome Park Act (California Health and Safety Code Section Code, and is adopted pursuant to the express provisions of Section 18300 of the Health and Safety Code. Reference is likewise directed to <u>Section 15.40.020</u> of this chapter.</p>  | <p><b>15.40.060 Statutory authority and incorporation by reference.</b><br/> <u>The requirements of this Article II shall include the provisions of the Mobile Home Park Act (Health and Safety Code §§ 18200 et seq.) and the applicable Mobile Home Parks Regulations adopted by the State Department of Housing and Community Development (Chapter 2 of Division 1 of Title 25 of the California Code of Regulations). The requirements of the Mobile Home Park Act and Mobile Home Parks Regulations are hereby incorporated into the requirements of this Article II and compliance with those regulations shall be required.</u></p> |
| <p><b>15.40.1070 Application of provisions.</b><br/> The following <u>prescribed rules, regulations and standards, and the requirements of the Mobile Home Park Act and Mobile Home Parks Regulations</u>, shall apply to the location, development and construction of mobilehome parks within the unincorporated portions of the county.</p>   |  |
| <p><b>15.40.1080 Exempt area designated.</b><br/> Notwithstanding any of the terms of Article II of this chapter, the provisions of this article shall not <u>not apply to any park owned, operated, and maintained by of the following:</u><br/> <u>A) The federal government.</u><br/> <u>B) The state.</u><br/> <u>C) Any agency or political subdivision of the state.</u><br/> <u>D) Any city, county, or city and county. have application to the lands owned by the federal</u></p> | <p>HSC §18303:<br/> This part does not apply to any park owned, operated, and maintained by any of the following:<br/> (a) The federal government.<br/> (b) The state.<br/> (c) Any agency or political subdivision of the state.<br/> (d) Any city, county, or city and county.</p>   |

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| government in the Lake Berryessa Reservoir Area of the county, described in paragraph 4 of the land management agreement between the Bureau of Reclamation and the county, dated January 17, 1962.  |   |
| <b>15.40.1090 Inspection requirements—Fees.</b><br>The county shall make such inspections and charge such fees therefor as are provided in <u>Chapter 4</u> of Part 2.1, Division 13 of the California Health and Safety Code, being within the Mobilehome Parks Act.   |   |
| <b>15.40.2100 Construction inspection and fees.</b><br>At the time of construction of a new mobilehome park, or the expansion of an existing mobilehome park, road construction and drainage facilities shall be field inspected by the county engineer. To defray the cost of plan checking and field inspection, the developer shall pay a one-time fee equal to three percent of the estimated cost of road and drainage improvements.   |   |
| <b>15.40.2110 Location restrictions.</b><br>A. Mobilehome parks shall be permitted in <u>the Planned Development District a (PD) (planned development) district and Affordable Housing Combination District (AH)</u> subject to use permit approval. <del>As a condition of use permit approval, the planning commission may require that the owner and the permittee agree to establish or become a part of a county service area.</del><br>Mobilehome parks shall not be permitted in <u>any other zoning district, agricultural preserve, nor in any commercial or industrial district.</u><br>B. The application for a use permit hereunder shall not be deemed complete unless it is accompanied by a filed record of survey of the perimeter of the property which is the subject of the application, which shall indicate the gross acreage thereof. | Preempted – Nothing in HSC§18300 or other state regulations allows the County to require a park to join a county service area. See HSC§18300 <i>ante</i> at end of chart. |
| <b>15.40.2120 Minimum park area.</b><br>The minimum park area shall be twenty acres.  |   |
| <del>15.40.230 Density of development.</del>  | <b>15.40.130 Density of development.</b>  |

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| <p><del>Maximum overall density shall be six units per gross acre. Gross acreage shall be construed as consisting of the total park acreage without deduction for internal streets or common areas, but excluding any roadway dedicated to the county.</del></p>   | <p><u>The maximum average density in a mobilehome park shall not be less than the density allowed in the PD and AH districts.</u><br/>See HSC §18300(h)(i), <i>ante</i>, which requires density be no less than in underlying zoning district.</p>  |
| <p><del><b>15.40.240 Lot size.</b><br/>No mobilehome space shall have less than three thousand six hundred eighty square feet of lot area, nor a width of less than forty-six feet.</del></p>  | <p>Preempted by HSC§183000(g), <i>ante</i>; and<br/>CCR§ 1110. Occupied Area:<br/>(a) The occupied area of a lot, consisting of the unit, and all accessory buildings and structures including, but not limited to awnings, stairways, ramps and storage cabinets, shall not exceed seventy-five (75) percent of the lot area.<br/>(b) For purposes of this chapter, patios and paved or concrete areas on grade, and the area of accessory buildings or structures located under another accessory structure, such as a storage cabinet or porch under an awning or carport, are not included in the measurement of the occupied area. The occupied area shall be determined as if viewed from overhead looking directly down on the lot. CCR§1110, 1118.<br/>Proposed:<br/><u><b>15.40.140 Occupied area.</b></u><br/><u>The occupied area of any lot within a mobile home park shall comply with Title 25 CCR §1110, or any successor regulation.</u></p>  |
| <p><del><b>15.40.250 Setbacks.</b><br/>Minimum landscaped setbacks of twenty feet along the exterior boundaries of the mobilehome park site shall be observed as a buffer between the mobilehome units and adjoining property, except when located adjacent to any public roadway, where a minimum setback of thirty feet of landscaped buffer area shall be maintained.</del></p> | <p>Setbacks preempted by HSC§18300(h), <i>ante</i>; and CCR§1330. Unit Separation and Setback Requirements Within Parks.<br/>(a) In parks, or portions of parks, constructed prior to September 15, 1961, units shall not be located closer than six (6) feet from any permanent building or another unit.<br/>(b) In parks, or portions of parks, constructed on or after September 15, 1961, minimum separation distance shall be as follows:<br/>(1) from a unit to any permanent building, not less than ten (10) feet.<br/>(2) from a unit to any other unit, not less than:<br/>(A) ten (10) feet from the side of one unit to the side of an adjacent unit;<br/>(B) eight (8) feet from the side of one unit to the front or rear of an adjacent unit; and<br/>(C) six (6) feet from the front or rear of one unit to the front or rear of an adjacent unit.<br/>(c) A minimum setback of three (3) feet shall be maintained from the unit or the unit's projection or eave overhang and the adjacent lot line or property line. However, a unit may be installed up to a park roadway or common area provided there is no combustible building or structure in the common area within six (6) feet, and no building or structure of any kind within three (3) feet, of any portion of the unit. The maximum seventy-five percent (75%) lot coverage allowed by section 1110 of this chapter shall be maintained. Projections or eave overhangs shall not extend beyond a lot line bordering a roadway or common area.<br/>(d) Unit projections or eave overhangs may intrude into the minimum distances required for separation where separation requirements between units, as defined in subsection (b) of this section, are greater than six (6) feet, provided not less than a six (6)-foot separation is maintained between the edge of any unit projection or eave overhang, and an adjacent unit, permanent building, or combustible accessory building or structure and its projection, or eave overhang.<br/>(e) Lot lines shall be identified as prescribed by section 1104.<br/>(f) Units installed outside of parks shall comply with local requirements for setbacks and separations and shall not be required</p> |

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|  | <p>to have greater setbacks or separation than other similar dwellings within the local agency's jurisdiction.</p> <p>(g) Setback and separation requirements for accessory buildings and structures or building components are contained in section 1428 of Article 9.</p> <p>Proposed:</p> <p><b><u>15.40.150 Unit separation and setbacks.</u></b><br/> <b><u>Unit separation and setbacks for each lot shall comply with Title 25 CCR §1330, or any successor regulation.</u></b></p> |
| <p><b><u>15.40.260 Yard size.</u></b><br/> <b><u>Minimum yard size:</u></b><br/> A. <u>Side Yards.</u> A five-foot minimum setback from the outer edge of any structure or mobilehome to the mobilehome lot line shall be maintained.<br/> B. <u>Rear Yard.</u> A five-foot minimum setback from the outer edge of any structure or mobilehome to the mobilehome lot line shall be maintained.<br/> C. <u>Front Yard.</u> A fifteen-foot minimum setback from the outer edge of any structure or mobilehome to the mobilehome lot line shall be maintained.<br/> D. <u>Architectural Features.</u> Cornices, eaves, canopies, fireplaces and other similar architectural features, but not including any flat wall or window surface, may extend into any yard a distance not exceeding two feet.<br/> E. <u>Encroachments.</u> No other encroachments shall be permitted.</p> | <p>Preempted CCR§1110, 1330. See <i>supra</i>.</p>  |
| <p><b><u>15.40.270 Recreation area.</u></b><br/> In addition to the requirements of Section <u>15.40.250</u>, a minimum of eight hundred square feet per unit shall be devoted to indoor and outdoor community activity and service facilities, which may include but not be limited to the, following:<br/> A. <u>Community center with lounge, library and game rooms;</u><br/> B. <u>Swimming pool;</u><br/> C. <u>Golf putting greens;</u><br/> D. <u>Landscaped open space;</u><br/> E. <u>Bicycle paths;</u><br/> F. <u>Tennis and badminton courts;</u></p>   | <p>Per HSC§183000(h)(2), <i>ante</i>; recreational facilities can only be required to extent they'd be required of other residential developments of same size. But even then can't require a clubhouse.</p>  |

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| <p><del>G. Shuffleboard and horseshoes;</del><br/> <del>H. Hobby and craft shop;</del><br/> <del>I. Sewing room;</del><br/> <del>J. Laundry;</del><br/> <del>K. Small indoor gymnasium for winter sports such as handball, etc.;</del><br/> <del>L. Business manager's office.</del></p>   |   |
| <p><b>15.40.280 Street width.</b><br/> <del>A. No interior street shall be less than thirty-two feet in width, curb to curb, if parking is allowed on one side, and not less than forty feet in width if parking is allowed on both sides. The minimum width for any street within a mobilehome park shall be no less than twenty-five feet.</del><br/> <del>B. All streets, access drives, parking bays and connections to county roads shall be in accordance with plans reviewed and approved by the county engineer.</del></p> | <p>Preempted by CCR§1106, though requirements seem similar.<br/> CCR § 1106. Roadways.<br/> All park roadways shall have a clear and unobstructed access to a public thoroughfare, except that a roadway may have security gates, if such security gates are not in violation of local government requirements.<br/> (a) In parks, or portions thereof, constructed prior to September 15, 1961:<br/> (1) Each lot shall have access to a roadway of not less than fifteen (15) feet in unobstructed width.<br/> (2) No vehicle parking shall be allowed on roadways less than twenty-two (22) feet in width. If vehicle parking is permitted on one side of the roadway, the roadway shall be a minimum of twenty-two (22) feet in width. If vehicle parking is permitted on both sides of the roadway, the roadway shall be not less than thirty (30) feet in width.<br/> (b) In parks constructed on or after September 15, 1961:<br/> (1) Each lot shall have access to a two-way roadway of not less than twenty-five (25) feet, or a one-lane, one-way roadway not less than fifteen (15) feet in unobstructed width.<br/> (2) No vehicle parking shall be allowed on one-way, one-lane roadways less than twenty-two (22) feet in width. If vehicle parking is permitted on one side of a one-lane roadway, the roadway shall be a minimum of twenty-two (22) feet in width. If vehicle parking is permitted on both sides of a one-lane roadway, the roadway shall be at least thirty (30) feet in width.<br/> (3) No vehicle parking shall be allowed on two-lane, two-way roadways less than thirty-two (32) feet in width. If vehicle parking is permitted on one side of a two-way roadway, the roadway shall be a minimum of thirty-two (32) feet in width. If vehicle parking is permitted on both sides of a two-way roadway, the roadway shall be at least forty (40) feet in width.<br/> (c) Roadways designed for vehicle parking on one side shall have signs or markings prohibiting the parking of vehicles on the traffic flow side of the roadway clearly visible at any given point of the roadway where parking is prohibited.<br/> (d) A two-way roadway divided into separate, adjacent, one-way traffic lanes by a curbed divider or similar obstacle, shall be not less than fifteen (15) feet in unobstructed width on each side of the divider.<br/> (e) In parks constructed after September 23, 1974, which contain not more than three (3) lots, each lot shall abut a roadway that is not less than twenty (20) feet in unobstructed width.<br/> (f) Paving is not required for roadways or driveways unless it is necessary for compliance with section 1116 of this chapter.<br/> (g) At the request of the park owner/operator, the local fire protection agency may designate the sides or portions of roadways in a park as fire lanes provided those designations do not conflict with the roadway widths of this section.<br/> h) If a park owner or operator proposes reducing the width, or changing the layout or configuration, of the park roadways from the way they were previously approved or constructed, local fire protection agency acknowledgment of the change shall be submitted to the enforcement agency.</p> |

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|   | <p><b><u>15.40.160 Roadways.</u></b><br/> <u>All park roadways shall comply with Title 25 CCR §1106, or any successor regulation.</u></p>   |
| <p><b><u>15.40.290 Curb and gutter.</u></b><br/> <u>All streets shall have curb and gutter to be constructed to standards approved by the county engineer.</u></p>  | <p>Preempted by CCR§1106(Roadways), <i>supra</i>, and 1116 (Grading).<br/> CCR § 1116. Lot and Park Area Grading.<br/> (a) The park area and park roadways shall be so graded that there will be no depressions in which surface water will accumulate and remain for a period of time that would constitute a health and safety violation as determined by the enforcement agency. The ground shall be sloped to provide storm drainage run-off by means of surface or subsurface drainage facility.<br/> (b) Each lot shall be graded to prevent the migration of water to the underfloor area of a unit, or accessory building or structure, or building component. Other methods to prevent the migration of water beneath a unit, accessory building or structure, or building component may be approved by the department as alternates, in accordance with section 1016 of this chapter.<br/> (c) To provide for unanticipated water entering the area beneath a unit, accessory building or structure, or building component, that area shall be sloped to provide for drainage to an approved outside drainage way. Other positive passive drainage methods may be approved by the department as an alternate, in accordance with section 1016 of this chapter.<br/> (d) Drainage from a lot, site, roadway or park area shall be directed to a surface or subsurface drainage way and shall not drain onto an adjacent lot, or site.<br/> (e) All vegetation shall be cleared from the area of the lot beneath a unit or accessory building or structure.<br/> (f) Fills necessary to meet the grading requirements of this subsection shall comply with section 1045 of this chapter.<br/> (g) Minor load bearing grading and area fills that are made with a compacted class 2 aggregate and that do not exceed six (6) inches in depth, do not require additional approvals.</p> |
| <p><b><u>15.40.30170 Pedestrian circulation.</u></b><br/> Sidewalks and pedestrian pathways shall be incorporated into the park design to allow normal circulation patterns to take place between adjacent parcels and recreational areas.</p>  | <p>Presumably this qualifies as "access" an area County can regulate under HSC§18300(g)(1), see <i>ante</i>.</p>  |
| <p><b><u>15.40.31180 Access from internal private streets.</u></b><br/> All mobilehome spaces shall be served from internal private streets within the mobilehome park, and there shall be no direct access from a mobilehome space to a public street or alley. Driveways shall have a clear and unobstructed access to a public thoroughfare.</p> | <p>Presumably this qualifies as "access" an area County can regulate under HSC§18300(g)(1) ), see <i>ante</i>.</p>  |
| <p><b><u>15.40.32190 Parking spaces.</u></b><br/> The developer shall provide two off-street parking spaces for each mobilehome unit. <u>The two off-street parking spaces may be in tandem and shall be designed so that a parked vehicle will not</u></p>   | <p>HSC§18300(g)(1), see <i>ante</i>, allows County to regulate parking, but Department of Housing and Community Development interprets this to mean only regulating number of parking spaces within boundaries of park (but can't require on lot), and</p>  |

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| <p><del>encroach into the street or front setback area. One off-street guest parking space for each two mobilehome units shall be provided, when a twenty-five-foot roadway width is used in accordance with Section 15.40.280 of this chapter. Guest parking shall be located within two hundred feet of intended units.</del></p>   | <p>not location.</p>   |
| <p><b>15.40.33200 Boat and trailer storage.</b><br/> <del>Developer shall provide a storage area within the park boundaries for All</del> pleasure boats, trailers, campers or motor coaches <del>shall be stored</del> in an area set aside for such storage on the approved plans. Such area shall be screened from view and shall provide a minimum of one boat or trailer space for every five mobilehome sites. Such storage shall not be allowed on any street <del>or individual mobilehome lot.</del></p> | <p>HSC§18300(g)(1), see <i>ante</i>, allows County to regulate parking, and allows us to prohibit or regulate certain uses (i.e., storage). But County can't restrict lot usage per CCR§1110 (<i>supra</i>), and CCR§1443 allows private garages and storage buildings.</p> <p>CCR §1443 Private Garages and Storage Buildings.</p> <p>(a) A private garage or storage building may be located immediately adjacent to a unit if the garage or storage building wall adjacent to the unit is constructed of materials approved for one (1) hour fire-resistant construction. If there are openings which are not one (1)-hour fire-rated in the unit wall adjacent to the garage or storage building wall, a minimum of three (3) feet of separation shall be maintained. A minimum of six (6) feet of separation shall be maintained between the unit and a private garage or storage building which does not meet the requirements for one (1) hour fire-resistant construction.</p> <p>(b) A three (3)-foot separation shall be maintained from a private garage or storage building and any lot line which does not border on a roadway.</p> <p>(c) Garages shall be designed and constructed as freestanding structures. They shall not be attached to or supported by an MH-unit; however, to provide a weather seal, flashing or sealing materials may be affixed between the garage and the MH-unit.</p> |
| <p><b>15.40.34210 Drainage facilities—Plan review.</b><br/>         Developers shall provide adequate drainage facilities to prevent damage by a one-hundred-year frequency storm, and shall dispose of drainage waters in a natural watercourse, all in accordance with plans reviewed and approved by the county engineer.</p>  | <p>Note that CCR§1116 (<i>supra</i>) allows storm drainage runoff by means of surface or subsurface drainage facilities, and does not mention a 100 year flood.</p>  |
| <p><b>15.40.35220 Sewage disposal.</b><br/>         Sewage disposal shall be provided in compliance with Division II of <u>Title 13</u> of this code.</p>   |  |
| <p><b>15.40.2360 Water supply.</b><br/>         All mobilehome parks shall procure water from an approved public water facility.</p>  |  |
| <p><del>15.40.370 Utilities to be underground.<br/>         All utilities shall be installed underground.<br/>         Individual exposed antennas shall not be</del></p>   | <p>Preempted by Public Utility Code §2792, see <i>ante</i>; and CCR§1180 Lot Electrical Service.</p> <p>(a) Lot electrical service and its equipment for a new lot shall be rated at not less than 100-amperes (24,000 volt-amperes) and shall be</p>  |

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| <p><del>permitted. Each mobilehome park shall utilize a master antenna system.</del></p>  | <p>listed and labeled "Service Equipment", "Suitable for Use as Service Equipment" or "Suitable for Use as Service Equipment for Manufactured Homes or Mobilehomes". The rating of the overcurrent protection in the MH-unit lot service equipment shall not exceed the rating of the feeder assembly connected by a permanent wiring method. MH-unit lot service equipment may contain any or all of the approved receptacles conforming to section 1186 of this chapter.</p> <p>(b) The lot service equipment for existing lots need not be upgraded to comply with the minimum standards contained in subsection (a). However, subject to the conditions and park approvals contained in section 1188, lot service must meet the rated load of the existing or proposed unit installed on the lot, including other attached loads.</p> <p>(c) MH-unit lot service equipment may also contain a means for supplying accessory buildings or structures or building components or other electrical equipment located on the lot, provided the MH-unit lot service equipment is designed and listed for such application.</p> <p>(d) Only one power supply connection shall be made to a unit.</p> <p>(e) Lot service equipment may also contain additional receptacles for supplying portable electrical equipment, provided that such receptacles are listed grounding type receptacles. All 120-volt, single-phase, 15- and 20-ampere receptacle outlets in lot service equipment shall be protected by ground-fault circuit protection. The requirement for ground-fault circuit protection shall not apply to equipment or installations constructed, installed, or approved for construction or installation prior to September 1, 1975.</p> <p>(f) When an electrical meter is installed as an integral component of the lot service equipment, it shall be of a class or rating that will accurately measure all loads up to the rated ampacity of the lot service equipment.</p> <p>(g) When the electrical meter-base equipment is to be attached to the MH-unit at the time of installation, an alteration permit for the unit is required pursuant to Section 18029 of the Health and Safety Code.</p> <p>(h) Parks constructed after January 1, 1997, shall have individual electric meters for each lot and shall be served by electrical distribution facilities owned, operated, and maintained by the electrical corporation as defined in section 218 of the Public Utilities Code providing electric service in the area, in accordance with Public Utilities Code section 2791.</p> |
| <p><b>15.40.38240</b> Trash and garbage disposal.<br/>A trash and garbage disposal system shall be installed to the satisfaction of the county health <del>officer.</del><del>department.</del></p>   |  |
| <p><b>15.40.39250</b> Fire protection.<br/><del>The developer shall comply with the fire protection standards set forth in Article 6, Chapter 2, Division 1 of Title 15 CCR, as the same may be amended. Prior to construction, the applicant shall confer with the California State Division of Forestry to determine the installations necessary for protection against fire, pursuant to the provisions of Title 25 of the California Administrative Code.</del></p> | <p>The provisions of Article 6 are set forth <i>ante</i>, after HSC provisions.</p>  |



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| <p><b>15.40.40260 Fencing and enclosure.</b></p> <p>A. The planning commission may require that <del>a park perimeter wall be constructed on public street frontages, the park property be enclosed at the rear and sides by a six foot fence and/or thick screen planting, for control of view, light, sound, and adequate security.</del></p> <p>B. Fences <del>on lots shall not exceed up to six feet in height, but shall not exceed forty-two inches in height when located parallel to, and no closer than, three fee to the unit, habitable accessory building or structure, or building component.</del> may be permitted in the front setback area provided an average setback of ten feet from the street property line is observed and the area between fence and property line is well landscaped and maintained. The height of fencing and landscaping located at intersections of streets, driveways and pedestrian walkways may be limited by the planning commission to that deemed compatible with pedestrian and traffic safety.</p> | <p>Partially preempted by HSC§18300(g)(1), see <i>ante</i>; and CCR§1514.</p> <p>§ 1514. Fence Height and Location.</p> <p>(a) A fence located on a lot shall not exceed six (6) feet in height.</p> <p>(b) A fence exceeding forty-two (42) inches in height, parallel to a unit or habitable accessory building or structure or building component, shall not be located closer than three (3) feet to that unit, habitable accessory building or structure, or building component.</p> |
| <p><b>15.40.410 Landscaping.</b></p> <p>A. <del>A detailed landscaping plan shall be submitted for consideration with each use permit application. All open areas except driveways, parking areas, walkways, utility areas, decks, patios or porches shall be well landscaped and maintained.</del></p> <p>B. <del>Landscaping shall be used as a buffer between mobilehome units and adjoining property.</del></p> <p>C. <del>Substantial trees shall be planted throughout the development, and one street tree, of a variety approved by the planning commission, shall be provided on each lot. Specimen trees of not less than five gallon container size or one inch in trunk diameter shall be required.</del></p> <p>D. <del>Whenever possible, plants that are indigenous to this area shall be incorporated into the landscaping plans.</del></p> <p>E. <del>All required planting shall be permanently maintained in good growing condition and repaired or replaced whenever necessary.</del></p>   | <p>Preempted by HSC§18300 (which deleted ability to regulate landscaping with 1981 amendment)</p>   |

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| <p><b>15.40.42270 Sign requirements.</b></p> <p>A. Park identification signs shall be subject to architectural review by the planning commission. No flashing or revolving signs will be permitted. Identification signs shall be limited to one twenty-square-foot sign per park, not to exceed a height of six feet above ground.</p> <p>B. Each mobilehome park shall maintain a directory sign showing the location and house number of each mobilehome unit.</p> <p>C. Incidental signs may be permitted upon approval by the planning commission.</p>  |  |
| <p><b>15.40.43280 Mobilehomes—Registration requirements.</b></p> <p>All mobilehomes located within unincorporated areas shall be registered with the county.</p>   |  |
| <p><b>15.40.44290 Park occupancy conditions.</b></p> <p>No mobilehome park shall be occupied until all requirements of the planning commission, health, flood control, engineering and building inspections departments have been met.</p>   |  |
| <p><b>15.40.450 Lowering profiles of mobilehomes.</b><br/> <del>To lower the profile of a mobilehome so that it more closely resembles a conventional residential structure, the following shall apply:</del></p> <p><del>A. ——— Wheels may be removed;</del></p> <p><del>B. ——— The utility island sewer connection shall be set as low as possible, consistent with Title 25 of the California Administrative Code;</del></p> <p><del>C. ——— Whenever possible, and consistent with proper drainage and minimum state cross-ventilation requirements, the mobilehome shall be positioned by accepted and appropriate grading practices to improve its setting;</del></p> <p><del>D. ——— Height limit, one story.</del></p> | <p>Mobilehome Park Act precludes local height limitations and local regulation of the structures themselves. See <i>County of Santa Cruz v. Waterhouse</i> (2005) 127 Cal. App. 4<sup>th</sup> 1483.</p> |
| <p><b>15.40.46300 Retail sales prohibited—Exception.</b></p> <p>No retail sales, including mobilehomes, except from an approved sales location not a part of a mobilehome park, shall be permitted. This is not intended to prohibit the sale of a single mobilehome on an approved site.</p>  |  |

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| <p><b><del>15.40.470 Additional requirements.</del></b><br/> <del>Additional development requirements may be prescribed as conditions of use permit approval when such requirements are determined to be necessary to ensure the protection of the character of neighboring properties, the compatibility of land uses, and the health and safety of mobilehome park occupants and other county residents.</del></p>   | <p>Generally preempted by the Mobile Home Park Act and Title 25 CCR §1000 et seq.</p> | <p>Formatted: Font: +Body, 11 pt, Highlight</p>  |
| <p><b><del>15.40.31480 Variances.</del></b><br/> A. A variance from the terms of <u>this Article II, if consistent with state law, Sections 15.40.240 through 15.40.270, Sections 15.40.310, 15.40.320, 15.40.370, 15.40.420 and subsection (C) of Section 15.40.410</u> may be granted and, once granted, may be revoked by the commission pursuant to the procedures set forth in Sections <u>18.128.020, 18.128.030, 18.128.040 and 18.128.090</u> of the county's zoning provisions.<br/> B. Any variance granted pursuant to this section shall be subject to such conditions as shall assure that the adjustment thereby authorized shall not constitute a grant of special privileges inconsistent with the limitations placed by this chapter upon other mobilehome parks.<br/> C. Before issuing a variance, the commission shall make the following written findings:<br/> 1. The procedural requirements prescribed by this section have been met;<br/> 2. Special circumstances exist applicable to the property, including size, shape, topography, location, surroundings and available technology, because of which strict application of the requirements of <u>this Article II Sections 15.40.240 through 15.40.270, Sections 15.40.310, 15.40.320, 15.40.370, 15.40.420 and subsection (C) of Section 15.40.410</u> defeats the purpose of such requirements, whereas the variance, as conditioned, will promote the purpose;<br/> 3. Grant of the variance is necessary for the preservation and enjoyment of substantial property rights;<br/> 4. Grant of the variance will not adversely affect the health, safety or welfare of the county.</p> |   |  |
| <p><b><u>15.40.490 Variations from Standards [new]</u></b></p>   | <p>Proposed new code section</p>  | <p>Formatted: Font: +Body, 11 pt, Bold, No underline, Font color: Auto<br/> Formatted: Font: +Body, 11 pt, Bold<br/> Formatted: No Spacing</p> |

A. The planning commission may authorize variations to standards included within this chapter as part of a use permit, under the conditions provided for in this section.

B. The intent of this section is to encourage innovative and environmentally superior redesign and siting of mobilehome and recreational vehicle units within existing mobile home parks of five (5) acres or less established by use permit prior to 1970. To encourage such innovation, it is necessary to be flexible in the application of certain development standards so long as the intent of this chapter, the PD or AH zoning districts, any applicable general or specific plan and applicable state and federal law is maintained with respect to the overall project.

C. Development Standards. The planning commission may allow, as part of approval of a use permit, variations from the development standards contained in this chapter under the procedures defined in this section.

D. Procedure.

1. Filing of Variation Request. Applicants shall file a request for variation and pay those fees established by resolution of the board of supervisors relating to use permits. The variation request shall be processed as part of a use permit application pursuant to Chapter 18.124 of the Napa County Code.

2. Content of Variation Request. The request shall contain, at a minimum, the following information:

a. A legal description and assessor parcel map of all lands to be included in the use permit;

b. The existing topographical features of the property;

c. Land use and zoning of parcels contiguous to those proposed for development;

d. A mapping of environmentally-sensitive areas on both the subject parcel and parcels adjacent to those proposed for development;

e. A narrative statement of how the variation request is consistent with the goals and intent of the applicable general or specific plan, the PD or AH zoning district and applicable state and federal law, and how the variation request recognizes and treats the lands identified as being environmentally sensitive;

f. A detailed site plan identifying locations and uses of all structures, locations of all parking, landscape and common use areas, circulation and infrastructure alignment and setbacks;

g. A list of utility service providers serving the project, along with "will serve" statements from all service providers;

h. Proposed ownership and mechanism for improvement and maintenance of common areas, parking areas, landscaped areas, etc.

i. Conceptual landscaping and planting plans demonstrating that the project is being developed with a unified design theme;

j. Phasing plan detailing the order in which site improvements are to be completed and occupied;

k. Any additional information required by the director to demonstrate that the site will be developed under a unified development concept.

F. Findings Required.

1. In addition to findings required pursuant to Section 18.124.070, the commission shall make the following additional findings:

a. The variation request results in a project that is superior in terms of design and environmental impacts when compared to a project processed under the development standards specified by this chapter.

b. The development plan results in a cohesive design and treatment of the site, including architecture, landscaping, open space, signage and lighting.

c. The design, orientation and location of buildings, structures, open space and other features of the site plan protect and enhance existing natural resources or site features including significant existing vegetation and maintain and enhance existing views from and through the site.

d. The overall project is consistent with the intent, purpose and applicable standards of the applicable general or specific plan, the PD (Planned Development District) and applicable state and federal law.

e. The site plan minimizes the effect of traffic on abutting streets through careful layout of the site with respect to location, dimensions of vehicular and pedestrian entrances, exit drives and



walkways.

f. The site plan shall encourage travel alternatives through the provision of facilities for the use of mobilehome park residents such as bicycle parking and electrical vehicle recharge stations. Public transit stops and facilities shall be accommodated as appropriate and other incentive provisions considered which encourage non-automotive travel.

g. The site shall provide open space and landscaping which complement building and structures. Said open space shall be provided in a manner so as to be useful to residents. Landscaping shall be used to separate and/or screen service and storage areas, separate and/or screen parking areas from other areas, break up expanses of paved area, and define open space for usability and privacy.

h. Design of the site plan and proposed structures shall respect design principles in terms of maintaining a balance of scale, form and proportion, using design components which are harmonious and materials and colors which blend with elements of the site plan and surrounding areas. Location of structures shall take into account maintenance of view. utility installations such as trash enclosures, storage units, traffic control devices, transformer vaults, and electrical meters shall be accessible and screened.

i. Provisions have been made for the permanent use and maintenance of parking areas and other common area improvements used jointly by mobilehome park residents.



## Referenced HSC sections:

### HSC §18007

(a) "Manufactured home," for the purposes of this part, means a structure that was constructed on or after June 15, 1976, is transportable in one or more sections, is eight body feet or more in width, or 40 body feet or more in length, in the traveling mode, or, when erected on site, is 320 or more square feet, is built on a permanent chassis and designed to be used as a single-family dwelling with or without a foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical systems contained therein. "Manufactured home" includes any structure that meets all the requirements of this paragraph except the size requirements and with respect to which the manufacturer voluntarily files a certification and complies with the standards established under the National Manufactured Housing Construction and Safety Act of 1974 ([42 U.S.C., Sec. 5401](#), and following).<sup>4</sup>

(b) Notwithstanding any other provision of law, if a codified provision of state law uses the term "manufactured home," and it clearly appears from the context that the term "manufactured home" should apply only to manufactured homes, as defined under subdivision (a), the codified provision shall apply only to those manufactured homes. If any codified provision of state law, by its context, requires that the term applies to manufactured homes or mobilehomes without regard to the date of construction, the codified provision shall apply to both manufactured homes, as defined under subdivision (a), and mobilehomes as defined under [Section 18008](#).

### HSC §18008

(a) "Mobilehome," for the purposes of this part, means a structure that was constructed prior to June 15, 1976, is transportable in one or more sections, is eight body feet or more in width, or 40 body feet or more in length, in the traveling mode, or, when erected onsite, is 320 or more square feet, is built on a permanent chassis and designed to be used as a single-family dwelling with or without a foundation system when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical systems contained therein. "Mobilehome" includes any structure that meets all the requirements of this paragraph and complies with the state standards for mobilehomes in effect at the time of construction. "Mobilehome" does not include a commercial modular, as defined in [Section 18001.8](#), factory-built housing, as defined in [Section 19971](#), a manufactured home, as defined in [Section 18007](#), a multifamily manufactured home, as defined in [Section 18008.7](#), or a recreational vehicle, as defined in [Section 18010](#).

(b) Notwithstanding any other provision of law, if a codified provision of state law uses the term "mobilehome," and it clearly appears from the context that the term "mobilehome" should apply only to mobilehomes, as defined under subdivision (a), the codified provision shall apply only to those mobilehomes. If any codified provision of state law, by its context, requires that the term applies to mobilehomes or manufactured homes without regard to the date of construction, the codified provision shall apply to both mobilehomes, as defined under subdivision (a), and manufactured homes, as defined under [Section 18007](#).

### HSC §18008.7

(a) "Multifamily manufactured home," for the purposes of this part, means either of the following:

- (1) A structure transportable under permit in one or more sections, designed and equipped to contain not more than two dwelling units, a dormitory, or an efficiency unit, to be used either with a support system pursuant to [Section 18613](#) or a foundation system pursuant to [subdivision \(a\) of Section 18551](#).
- (2) A structure transportable under permit in one or more sections, designed to be used with a foundation system for three or more dwelling units, as defined by [Section 18003.3](#).

(b) Multifamily manufactured homes shall be constructed in compliance with applicable department regulations. The egress and fire separation requirements of Title 24 of the California Code of Regulations applicable to dormitories, hotels, apartment houses, and structures that contain two dwelling units shall also be applicable to all multifamily manufactured homes constructed for those purposes. The accessibility and adaptability requirements of Title 24 of the California Code of Regulations applicable to covered multifamily dwelling units shall also be applicable to multifamily manufactured homes containing three or more dwelling units.

(c) Notwithstanding any other provision of law, all provisions of law that apply to manufactured homes shall apply equally to multifamily manufactured homes, except as provided in this section.

(d) For purposes of this section:

- (1) "Dormitory" means a room or rooms inhabited for the purposes of temporary residence by two or more persons.
- (2) "Efficiency unit" has the same meaning as defined in [Section 17958.1](#).
- (3) "Multiunit manufactured housing" has the same meaning as "multifamily manufactured home," as that term is defined in this section.

### HSC §18010

"Recreational vehicle" means both of the following:

- (a) A motor home, travel trailer, truck camper, or camping trailer, with or without motive power, designed for human habitation for recreational, emergency, or other occupancy, that meets all of the following criteria:
- (1) It contains less than 320 square feet of internal living room area, excluding built-in equipment, including, but not limited to, wardrobe, closets, cabinets, kitchen units or fixtures, and bath or toilet rooms.
  - (2) It contains 400 square feet or less of gross area measured at maximum horizontal projections.
  - (3) It is built on a single chassis.
  - (4) It is either self-propelled, truck-mounted, or permanently towable on the highways without a permit.
- (b) A park trailer, as defined in [Section 18009.3](#).

**HSC §18300**

- (a) This part applies to all parts of the state and supersedes any ordinance enacted by any city, county, or city and county, whether general law or chartered, applicable to this part. Except as provided in [Section 18930](#), the department may adopt regulations to interpret and make specific this part and, when adopted, the regulations shall apply to all parts of the state.
- (b) Upon 30 days' written notice from the governing body to the department, any city, county, or city and county may assume the responsibility for the enforcement of both this part and Part 2.3 (commencing with [Section 18860](#)) and the regulations adopted pursuant to this part and Part 2.3 (commencing with [Section 18860](#)) following approval by the department for the assumption.
- (c) The department shall adopt regulations that set forth the conditions for assumption and may include required qualifications of local enforcement agencies. The conditions set forth and the qualifications required in the regulations shall relate solely to the ability of local agencies to enforce properly this part and the regulations adopted pursuant to this part. The regulations shall not set forth requirements for local agencies different than those that the state maintains for its own enforcement program. When assumption is approved, the department shall transfer the responsibility for enforcement to the city, county, or city and county, together with all records of parks within the jurisdiction of the city, county, or city and county.
- (d)(1) In the event of nonenforcement of this part or the regulations adopted pursuant to this part by a city, county, or city and county, the department shall enforce both this part and Part 2.3 (commencing with [Section 18860](#)) and the regulations adopted pursuant to this part and Part 2.3 (commencing with [Section 18860](#)) in the city, county, or city and county, after the department has given written notice to the governing body of the city, county, or city and county, setting forth in what respects the city, county, or city and county has failed to discharge its responsibility, and the city, county, or city and county has failed to initiate corrective measures to carry out its responsibility within 30 days of the notice.
- (2) Where the department determines that the local enforcement agency is not properly enforcing this part or Part 2.3 (commencing with [Section 18860](#)), the local enforcement agency may appeal the decision to the director of the department.
- (e)(1) Any city, county, or city and county may cancel its assumption of responsibility for the enforcement of both this part and Part 2.3 (commencing with [Section 18860](#)) by providing written notice of the cancellation to the department. The department shall assume responsibility within 90 days after receipt of the notice.
- (2) Any local enforcement agency that relinquishes enforcement authority to the department shall remit to the department any fees collected pursuant to [Section 18502](#) that have not been expended for purposes of this part, except that, for fees collected pursuant to subdivision (c) of that section, the local enforcement agency shall pay to the department a sum that is equal to the percentage of the year remaining before outstanding permits to operate expire. In addition, the local enforcement agency that relinquishes enforcement authority to the department shall remit to the department any fees collected pursuant to this part for permits to construct or for plan review, or both, for which a final approval of the construction has not yet been issued.
- (f) Every city, county, or city and county, within its jurisdiction, shall enforce this part and the regulations adopted pursuant to this part, as they relate to manufactured homes, mobilehomes, or recreational vehicles, and to accessory buildings or structures located in both of the following areas:
- (1) Inside of parks while the city, county, or city and county has assumed responsibility for enforcement of both this part and Part 2.3 (commencing with [Section 18860](#)).
  - (2) Outside of parks.
- (g) This part shall not prevent local authorities of any city, county, or city and county, within the reasonable exercise of their police powers, from doing any of the following:
- (1) From establishing, subject to the requirements of [Sections 65852.3 and 65852.7 of the Government Code](#), certain zones for manufactured homes, mobilehomes, and mobilehome parks within the city, county, or city and county, or establishing types of uses and locations, including family mobilehome parks, senior mobilehome parks, mobilehome condominiums, mobilehome subdivisions, or mobilehome planned unit developments within the city, county, or city and county, as defined in the zoning ordinance, or from adopting rules and regulations by ordinance or resolution prescribing park perimeter walls or enclosures on public street frontage, signs, access, and vehicle parking or from prescribing the prohibition of certain uses for mobilehome parks.
  - (2) From regulating the construction and use of equipment and facilities located outside of a manufactured home or mobilehome used to supply gas, water, or electricity thereto, except facilities owned, operated, and maintained by a public utility, or to dispose of sewage or other waste therefrom when the facilities are located outside a park for which a permit is required by this part or the regulations adopted pursuant thereto.
  - (3) From requiring a permit to use a manufactured home or mobilehome outside a park for which a permit is required by this part or by regulations adopted pursuant thereto, and require a fee therefor by local ordinance commensurate with the cost of enforcing this part and local ordinance with reference to the use of manufactured homes and mobilehomes, which permit may be refused or revoked if the use violates this part or Part 2 (commencing with [Section 18000](#)), any regulations adopted pursuant thereto, or any local ordinance applicable to that use.
  - (4) From requiring a local building permit to construct an accessory structure for a manufactured home or mobilehome when the manufactured home or mobilehome is located outside a mobilehome park, under circumstances when this part or Part 2 (commencing with [Section 18000](#)) and the regulations adopted pursuant thereto do not require the issuance of a permit therefor by the department.
  - (5) From prescribing and enforcing setback and separation requirements governing the installation of a manufactured home, mobilehome, or mobilehome accessory structure or building installed outside of a mobilehome park.
- (h)(1) A city, including a charter city, county, or city and county, shall not require the average density in a new park to be less than that permitted by the applicable zoning ordinance, plus any density bonus, as defined in [Section 65915 of the Government Code](#), for other affordable housing forms.
- (2) A city, including a charter city, county, or city and county, shall not require a new park to include a clubhouse. Recreational facilities, recreational areas, accessory structures, or improvements may be required only to the extent that the facilities or improvements are required in other types of residential developments containing a like number of residential dwelling units.
- (3) A city, including a charter city, county, or city and county, shall not require the setback and separation requirements authorized by paragraph (5) of subdivision (g) to be greater than those permitted by applicable ordinances for other housing forms.

**Public Utilities Code §2791**

- (a) The owner of a master-metered mobilehome park or manufactured housing community that provides gas or electric service to residents may transfer ownership and operational responsibility to the gas or electric corporation providing service in the area in which the park or community is located pursuant to this chapter, or as the park or community owner and the serving gas or electric corporation mutually agree.
- (b) Costs, including both costs related to transfer procedures and costs related to construction, related to the transfer of ownership process, whether or not resulting in a transfer of ownership to the serving gas or electric corporation, shall not be passed through to the park or community residents. Costs related to the transfer of ownership process, whether or not resulting in a transfer of ownership to the serving gas or electric corporation, shall not be passed through to the gas or electric corporation, except as otherwise provided in this chapter.
- (c) Residents of mobilehome parks and manufactured housing communities constructed after January 1, 1997, shall be individually metered and served by gas and electric distribution facilities owned, operated, and maintained by the gas or electric corporation providing the service in the area where the new park or community is located consistent with the commission's orders regarding unbundling, aggregation, master-metering, and selection of suppliers by residential customers. Each gas and electric corporation shall cooperate with the owner of any park or community constructed after January 1, 1997, to ensure timely and expeditious installation of the gas and electric distribution system and to eliminate any delay in the design, construction, permitting, and operation of the gas and electric system in the park or community.

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**Article 6, Chapter 2, Division 1 of Title 15 CCR Fire Protection Standards for Parks**

**§ 1300. Application and Scope.**

- (a) For parks with a permit to construct dated on or after July 7, 2004, fire protection equipment meeting the requirements of the National Fire Protection Association (N.F.P.A.) Standard No. 24, 1995 Edition, which is hereby incorporated by reference, shall be installed and maintained in every park consisting of fifteen (15) or more lots, or parks enlarged to consist of fifteen (15) or more lots. Installation of fire protection equipment is required only for the new lots added.
- (b) For parks with a permit to construct dated between September 1, 1968, and July 7, 2004, fire protection equipment meeting the requirements of the National Fire Protection Association (N.F.P.A.) Standard No. 24, 1977 Edition, which is hereby incorporated by reference, shall be maintained in every park consisting of 15 or more lots.
- (c) Testing of Private Fire Hydrants. Park owners and operators shall be responsible for the operation and water flow requirements of all private fire hydrants installed in any park, regardless of its age or number of lots in the park, and responsible for compliance with other applicable provisions of this article.
- (d) Reciprocity of Enforcement Agencies. The provisions of section 1302 and sections 1316 through 1318 of this article, do not create any obligation for the enforcement agency to report violations to a fire agency, or for the fire agency to report violations to the enforcement agency. However, this subsection does not preclude either enforcement agencies or fire agencies from sharing information related to fire prevention or suppression in parks.

**§1302. Local Fire Prevention Code Enforcement.**

- (a) When the department is the enforcement agency, a fire agency, as defined in this chapter, may elect to assume responsibility to enforce its fire prevention code in parks, within its jurisdictional boundaries, by providing the department with a written thirty (30) day notice pursuant to Health and Safety Code section 18691(d).
- (b) The written notice assuming enforcement responsibilities for fire prevention shall clearly identify the geographical boundaries of the jurisdiction of the fire agency and include the name and address of each park located within these geographical boundaries.
- (c) The fire agency that has assumed responsibility to enforce its fire prevention code in parks within its jurisdictional boundaries pursuant to this article, shall do all of the following:
- (1) Enforce its fire prevention code as it applies to each of the following areas: fire hydrant systems, water supply, fire equipment access, posting of fire equipment access, parking, lot identification, weed abatement, debris abatement, combustible storage abatement and burglar bars.
  - (2) Apply its fire prevention code provisions only to conditions:
    - (A) that arise after the adoption of its fire prevention code;
    - (B) not legally in existence at the adoption of its fire prevention code; or
    - (C) that, in the opinion of the fire chief, constitute a distinct hazard to life or property.
  - (3) Upon assuming responsibility to enforce its fire prevention code in parks within its jurisdictional boundaries, the fire agency shall notify all park operators within thirty (30) days of the assumption of enforcement responsibility.
    - (A) This notification shall include identification of the specific applicable codes that will be enforced, where copies of the identified codes may be obtained, and the scope and proposed time frame of any established or proposed inspection program.
    - (B) The park operator shall post a copy of the notification in the park as near as possible to the location where the annual permit to operate is posted in order to advise the occupants of the park of the change in enforcement jurisdiction.
  - (d) A fire agency that has assumed responsibility for enforcement of its fire prevention code, pursuant to this article and Section 18691 of the Health and Safety Code, shall also be deemed to have assumed fire prevention enforcement responsibility within its jurisdictional boundaries for all special occupancy parks, as set forth in Title 25, California Code of Regulations, commencing with Section 2300 and Section 18873.5 of the Health and Safety Code,
  - (e) if a fire agency, that has assumed responsibility to enforce its fire prevention code in parks within its jurisdictional boundaries, decides to cancel its responsibility, it shall provide the following:
    - (1) A written notice to the department not less than thirty (30) days prior to the proposed cancellation date.

(2) A written cancellation notice clearly identifying the geographical boundaries of the jurisdiction for which the fire agency is returning enforcement, and includes the name and address of each park located within these geographical boundaries.

(3) A written notification to all park operators within its jurisdictional boundaries of the cancellation of enforcement responsibility prior to the date of cancellation of enforcement responsibility. The notice shall contain the date of transfer for enforcement responsibility and a statement to the park operator to post the notice.

(A) The park operator shall post a copy of the notification in the park as near as possible to the location

where the annual permit to operate is posted in order to advise the occupants of the park of the change in enforcement jurisdiction.

(B) Transfer all park records to the department on or before the effective date of the transfer of enforcement responsibility.

(f) A fire agency canceling its responsibility for enforcement of its fire prevention code, according to this article and Section 18691 of the Health and Safety Code, shall also be deemed to have canceled its fire prevention enforcement responsibility, within its jurisdictional boundaries, for all special occupancy parks, as set forth in Title 25, California Code of Regulations, commencing with Section 2300 and Section 18873.5 of the Health and Safety Code,

#### § 1304. Local Regulations.

(a) The provisions of this article are not applicable in parks located within a city, county, or city and county that is the enforcement agency and has adopted and is enforcing a fire prevention code imposing restrictions equal to or greater than the restrictions imposed by this article.

(b) Any reporting requirements imposed by the local agency fire prevention code shall be in addition to, and shall not replace, the reporting requirements of this article.

#### § 1304. Local Regulations.

(a) The provisions of this article are not applicable in parks located within a city, county, or city and county that is the enforcement agency and has adopted and is enforcing a fire prevention code imposing restrictions equal to or greater than the restrictions imposed by this article.

(b) Any reporting requirements imposed by the local agency fire prevention code shall be in addition to, and shall not replace, the reporting requirements of this article.

#### § 1305. Fire Fighting Instructions.

In areas where fire department services are not available, the park operator shall be responsible for the instruction of park staff in the use of private park fire protection equipment and their specific duties in the event of fire.

#### § 1306. Permits Required.

No person shall construct, reconstruct, modify, or alter any installations relating to fire protection equipment within a park unless a written permit has been obtained from the enforcement agency with written evidence of approval from the fire agency responsible for fire suppression in the park.

#### § 1308. Lot Installations.

In addition to the water connection to the unit, each lot constructed shall have installed an accessible three-quarter (3/4)-inch valved water outlet, with an approved vacuum breaker installed, designed for connecting a three-quarter (3/4)-inch female swivel hose connection for fire suppression use.

#### § 1310. Alternate Systems.

Where the required water supply is inadequate to comply with the provisions of this article and either outside protection, or local conditions justify reducing this requirement, other hydrant systems may be installed provided the alternate system is approved by the fire agency responsible for fire suppression in the park and by the enforcement agency.

#### § 1312. Private Systems.

(a) In areas where fire department services are not available, as determined by the enforcement agency, a private fire protection system shall be installed and maintained consisting of hydrant or wet standpipe risers connected to the park water main or a separate system capable of delivering seventy-five (75) gallons per minute at thirty (30) psi with at least two lines open, in addition to the normal requirements of the park, and with the hydrants or wet standpipes located within seventy-five (75) feet of each lot. Each hydrant or wet standpipe shall be provided with an approved one-and-one-half (1 1/2) inch hose valve and connection with one, one and one-half (1 1/2) inch national standard male outlet and shall have connected thereto a minimum of seventy-five (75) feet of one and one-half (1 1/2) inch cotton or Dacron jacketed rubber lined fire hose with an approved cone type nozzle with a minimum one-half (1/2) inch orifice. The fire hose shall be mounted on an approved hose rack or reel enclosed in a weather resistant cabinet which shall be painted red and marked "FIRE HOSE" in four (4) inch letters of contrasting color.

(b) In parks constructed prior to September 1, 1968 that have hydrants installed, the hydrants shall be provided with not less than thirty-five (35) pounds water pressure. These hydrants must meet the hose requirements contained in subsection (a) of this section, but are not required to meet the water flow requirements contained in subsection 1316(c) of this Article. In the event this water pressure is not available, seventy-five (75) feet of three-quarter (3/4) inch hose with attached cast brass adjustable spray stream, shut-off nozzle, in a weather-protected cabinet which must deliver four and one-half (4.5) gallons of water per minute at any given point within the mobilehome park, may be substituted for one and one-half (1 1/2) inch diameter hose as specified herein.

#### § 1314. Care of Equipment.

All fire protection and suppression equipment shall be protected against freezing in any areas subject to freezing.

§ 1316. Private Fire Hydrant Operation and Water Flow Requirements.

(a) Private fire hydrants, as defined in this article, shall meet the operational requirements as prescribed in subsection (b) of this section, and meet the water flow standards prescribed by subsection (c) of this section.

(b) Operation. Private fire hydrants shall have at least the following characteristics in order to be considered operational for the purposes of this article:

- (1) valves that operate fully, freely and are properly lubricated,
- (2) threads and caps that are undamaged,
- (3) reasonable protection from vehicular damage,
- (4) outlets on hydrants are fourteen (14) inches to twenty-four (24) inches above grade. Standpipes outlets need not be a specific height, but must be readily accessible.
- (5) thirty-six (36) inches of unobstructed access around the hydrants ;and
- (6) locators or markings to clearly identify their location ;and
- (7) Each one and one-half (1 ½) inch hydrant meets the requirements for hoses, locations, storage and storage cabinet marking as defined in section 1312 of this article.

(c) Water Flow. Private fire hydrants, as defined in this article, shall have water flow not less than any one of the following:

- (1) five hundred (500) gallons per minute with a minimum residual pressure of twenty (20) psi for a fire hydrant with a four (4) inch or larger barrel or riser, or
- (2) two hundred and fifty (250) gallons per minute with a minimum residual pressure of twenty (20) psi for a fire hydrant with a two and one-half (2½) inch barrel or riser, or
- (3) seventy-five (75) gallons per minute with a minimum residual pressure of thirty (30) psi for a fire hydrant with a one and one-half (1½) inch outlet with an approved one and one half-inch (1½) hose as required in section 1312.

§ 1317. Private Fire Hydrant Test and Certification.

(a) Verification of Private Fire Hydrant Test and Certification. The Private Fire Hydrant Test and Certification Report, a form defined in section 1002 of this chapter, shall be used to verify that private fire hydrants have been tested and certified for operation and water flow. All park operators shall submit the form, including parks that qualify for testing exceptions, to the enforcement agency for the park.

(b) Annual Test and Certification of Operation. Private fire hydrants shall be tested annually in order to determine that they are operational as specified in subsection 1316(b) of this article. Verification shall be submitted to the enforcement agency and to the fire agency responsible for fire suppression in the park, as required in section 1319 of this article. The annual hydrant operational test may be performed and verified by a park operator for the years between the five-year water flow tests. However, the five-year test and certification of water flow and the operational test performed at that time shall not be certified by the park operator. The five-year test and certification of water flow and the operational test shall only be certified by one of the entities listed in subsection (c) of this section.

(c) Five-Year Test and Certification of Water Flow and Operational Test.

(1) Private fire hydrants shall be tested and certified at least once every five (5) years for minimum water flow as prescribed in section 1316 of this article, as well as for operation as specified in subsection 1316(b) of this article. Certification shall be submitted to the enforcement agency and to the fire agency responsible for fire suppression in the park as required in section 1319 of this article.

(2) Parks existing prior to December 31, 2002, shall submit verification of their five-year test and certification for minimum water flow, beginning with the permit to operate renewal year 2008, after the initial water flow test has been completed.

(3) The five-year test and certification of the required water flow and the operational test shall be conducted during the 12 months prior to the renewal of each fifth year park permit to operate. The previous five-year renewal for the prior permit to operate must have complied with the required water flow standards set forth in section 1316 of this article.

(4) Testing for the required water flow shall be conducted in such a manner as to ensure there is no pollution of the storm drain system or any other water or drainage systems within, or serving, the park, and no damage to structures or improvements within or outside of the park.

(5) The test results reported on the designated form shall only be certified by one of the following:

- (A) the fire agency responsible for fire suppression in the park,
- (B) a local water district,
- (C) a licensed C-16 Fire Protection Contractor, or
- (D) a licensed Fire Protection Engineer.

(6) In order to certify the test results reported on the form, the fire agency responsible for fire suppression in the park, local water district, licensed C-16 fire protection contractor, or licensed Fire Protection Engineer shall witness the test. The fire agency responsible for fire suppression in the park, local water district, licensed C-16 fire protection contractor, or licensed Fire Protection Engineer, may also perform the test.

1318. Private Fire Hydrants With Violations.

(a) Correction of Violation. If, at any time, a test undertaken pursuant to this article, or any other test or event, indicates that a private fire hydrant is in violation of any provision of section 1316, within sixty (60) days of the date of the event or the test of the private fire hydrant, the park operator shall obtain a permit to construct from the park enforcement agency, and shall promptly begin and maintain activity to ensure the private fire hydrant meets the minimum requirements of this article. This timeframe may be extended for extenuating circumstances subject to approval by the enforcement agency.

(b) Approval to Use Existing Private Fire Hydrant. Where the water flow test of a private fire hydrant reveals a water flow less than that specified in subsection 1316(c) of this article, and it is determined that the private fire hydrant cannot be repaired to meet the water flow requirement, the park operator may request approval from the fire agency responsible for fire suppression in that park to continue using the existing private fire hydrant. Approval to use the existing private fire hydrant may be granted by an authorized agent for the fire agency responsible for fire suppression in the park, by signing Part VI on the form prescribed in subsection 1317(a).

1319. Private Fire Hydrant Compliance For Park Operation.



- (a) Permits to operate shall not be issued for parks with private fire hydrants that do not meet the requirements of this article.
- (b) When applying for or renewing a permit to operate, the park operator shall submit the original form prescribed in subsection 1317(a) to the enforcement agency, as defined in this article, and a copy forwarded to the fire agency responsible for fire suppression in the park.
- (c) Provided a park meets all other requirements for obtaining or renewing a permit to operate, a permit to operate may be issued to a park where the form prescribed in subsection 1317(a), has been submitted to the enforcement agency and one of the following options exists:
  - (1) the form shows no violations;
  - (2) the water flow test reveals a water flow less than that specified in subsection 1316(c) of this article, and the park operator has obtained an approval for the continued use of the existing private fire hydrant from the fire agency responsible for fire suppression in that park, pursuant to subsection 1318(b);
  - (3) a construction permit has been obtained and activity maintained to ensure the private fire hydrant meets the minimum requirements of this article;
  - (4) all violations of section 1316 are corrected, and a revised or final form as prescribed in subsection 1317(a), verifying the correction, has been submitted to the enforcement agency; or
  - (5) the system meets or exceeds the requirements approved at the time of its construction.
- (d) Refusal to issue a permit to operate pursuant to this section shall not preclude a park enforcement agency from pursuing other enforcement remedies as provided by law, or the fire agency from pursuing enforcement remedies provided by applicable laws or ordinances.
- (e) The enforcement agency shall maintain, for a minimum of six (6) years, all copies of the form prescribed in subsection 1317(a), which shall be available for review by the department.



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## Riverside County Design Guidelines



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# Mobile Home Park Development Standards & Design Criteria

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Draft  
September 7, 2010

Prepared For:  
**Redevelopment Agency**  
**for the County of Riverside**



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# Mobile Home Park Development Standards & Design Criteria

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Draft  
September 7, 2010

Prepared For:  
**Redevelopment Agency  
for the County of Riverside**  
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#### Mobile Home Park

#### Development Standards & Design Criteria

Redevelopment Agency for the County of Riverside

March 26, 2010

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## CHAPTER ONE

### Introduction

#### A. Overview

The Redevelopment Agency for the County of Riverside (hereafter referred to as Agency) administers a funding program that assists Property Owner(s) in the development of Mobile Home Parks throughout the unincorporated areas of Riverside County. The Mobile Home Development Standards and Design Criteria is applicable to all projects seeking the Agency's financial assistance for construction of mobile home parks located in the unincorporated Riverside County. Mobile home parks developed under the Polanco Bill are limited to a maximum of 12 mobile home park spaces, plus a main unit and second unit on the site, provided that Zoning allows for a main unit and second unit on the site. The main unit and second unit must be filed under a separate application. Agency funding is also available for larger projects of 15 or more mobile home park spaces that are developed under the County's existing zoning process.

#### B. Purpose and Intent

The Agency is committed to assisting qualifying applicants with financial assistance for the rehabilitation or with the construction of a new mobile home park. In order to qualify for funding the applicants proposed project must meet the minimum requirements as set forth in the Riverside County Zoning Ordinance for Mobile Home Parks, and/or the Polanco Bill if applicable, and the applicant must apply the criteria set forth in the Mobile Home Development Standards and Design Criteria. The purpose of these additional standards and criteria is to ensure projects receiving Agency funding achieve and maintain an elevated level of quality, livability and appearance.

#### C. Applicability

The Mobile Home Park Development Standards and Design Criteria contained herein apply to all applicants who are interested in receiving funding assistance from the

Agency for rehabilitation or construction of a Polanco and /or mobile home park located throughout unincorporated Riverside County.



## CHAPTER TWO

# Development Standards & Design Criteria

### A. Overall Project Site Development

The Overall Project Site Development section describes the standards that are applicable to the entire tract or parcel and the relationship to its external perimeter edge conditions. In the case of a Polanco project, the criteria applies to a defined area within the Agricultural Zoned parcel. This defined area shall be shown on the Site Plan. (For specific site design criteria within the parcel or individual lots, refer to Chapters 2.B and 2.C.)

i. Table A – Project Development Standards <sup>(1)</sup>

|  | <u>Polanco Bill</u><br>▼▼▼ | <u>All Others</u><br>▼▼▼ |
|--|----------------------------|--------------------------|
| Minimum Project Site Area  | 1 Acre                     | 5 Acres                  |
| Maximum Project Density  | 4 Du/Ac                    | 7 Du/Ac                  |
| Number of Units  | Up to 12 units             | 15 units or more         |
| Minimum Project Setbacks <ul style="list-style-type: none"><li>• Adjacent to perimeter streets</li><li>• Adjacent to residential zoned land</li><li>• Adjacent to non-residential zoned land</li></ul> | 20'<br>15'<br>10'          | 20'<br>15'<br>10'        |
| Perimeter Landscaping  | Refer to Chapter 2.B.xv    | Refer to Chapter 2.B.xv  |

Footnote

1. Refer to Chapter 2.C.i, Table C, for individual Lot Standards

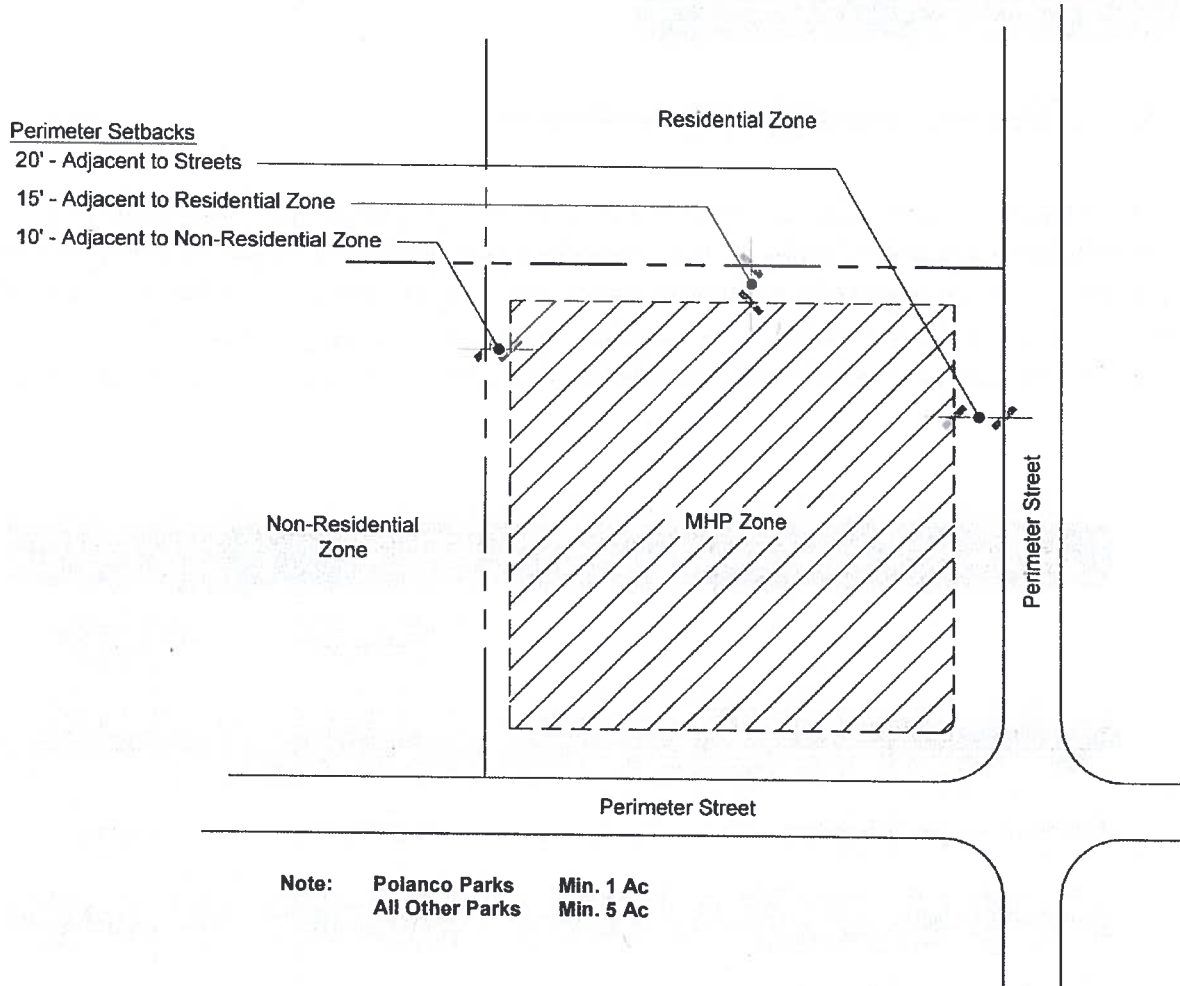


Exhibit 1  
**OVERALL PROJECT  
DEVELOPMENT STANDARDS**

**Mobile Home Park  
Development Standards & Design Criteria**

Redevelopment Agency for the County of Riverside  
September 7, 2010

## B. Interior Site Development Standards And Criteria

### i. Streets and/or Access Drives

All streets within a mobile home park and perimeter public streets shall be paved with asphalt concrete and shall be developed to County standards and specifications. Minimum paving thickness of all streets shall be per specifications Section 8.07 of Riverside County Ordinance No. 461. All streets and access drives within a mobile home park shall be privately owned and maintained by the property owner(s) of the mobile home park, or other private entity.

Adequate traffic circulation to and within the development for emergency and protective services, including fire and police equipment, shall be provided and approved by the County public works director. Any gates blocking any entrance or exit to a public street shall have an approved breakaway device for emergency public safety vehicles. The breakaway gate shall be approved by the public works director.

Blue-dot reflectors shall be mounted in private streets and access drives to indicate fire hydrant locations. Reflectors shall be mounted at the centerline of the street directly in line with the fire hydrants.

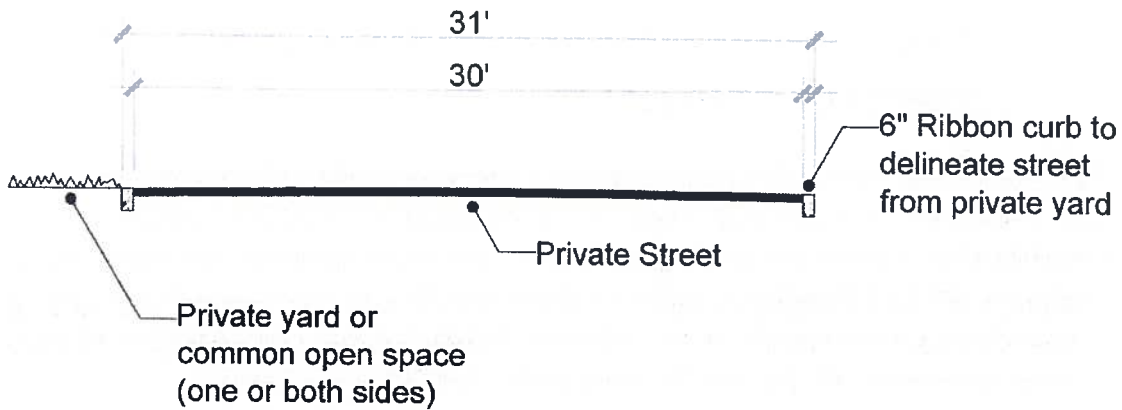
Access rights to private streets and access drives shall be granted to the County and other public or quasi-public agencies.

### ii. Table B - Street and Drive Aisle Requirements

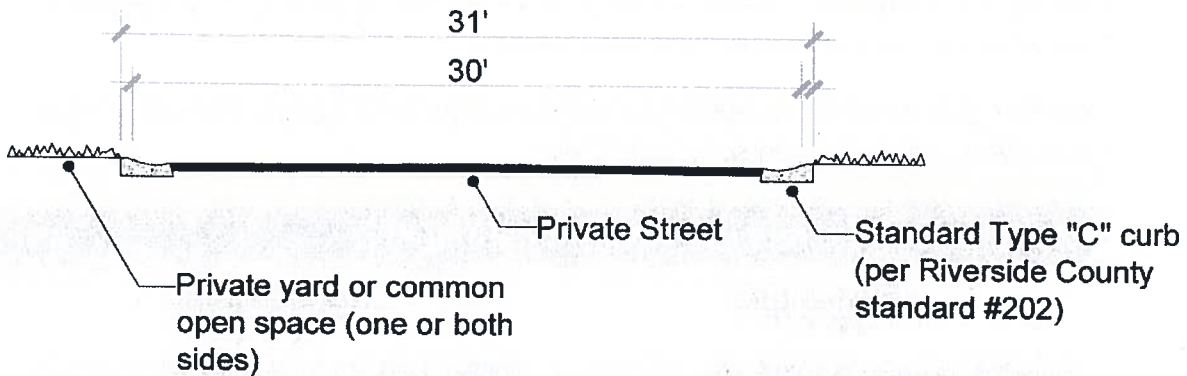
| <u>Polanco Bill</u><br>▼▼▼   | <u>All Other Parks</u><br>▼▼▼  |
|--|--|
| 31' back of curb to back of curb with minimum 6" wide ribbon curb or standard rolled curb, unless otherwise noted.<br>No Parking | 31' back of curb to back of curb with standard rolled curb required, unless otherwise noted.<br>No Parking           |
| 30' drive aisle plus 18' on one or both sides for head-in guest parking.<br>(Parking areas require use of 6" L-curb)             | 30' drive aisle plus 18' on one or both sides for head-in guest parking.<br>(Parking areas require use of 6" L-curb) |
| On-street parallel parking is not allowed  | 37' back of curb to back of curb with parallel guest parking on one or both sides                                    |

The above criteria are minimum requirements for projects receiving Agency funding. Additional criteria may be required by the County of Riverside Transportation Department and/or Planning Department pursuant to the General Plan designation of the subject site. If any conflicts occur between the above criteria and any other public agency requirements, the more restrictive shall apply.



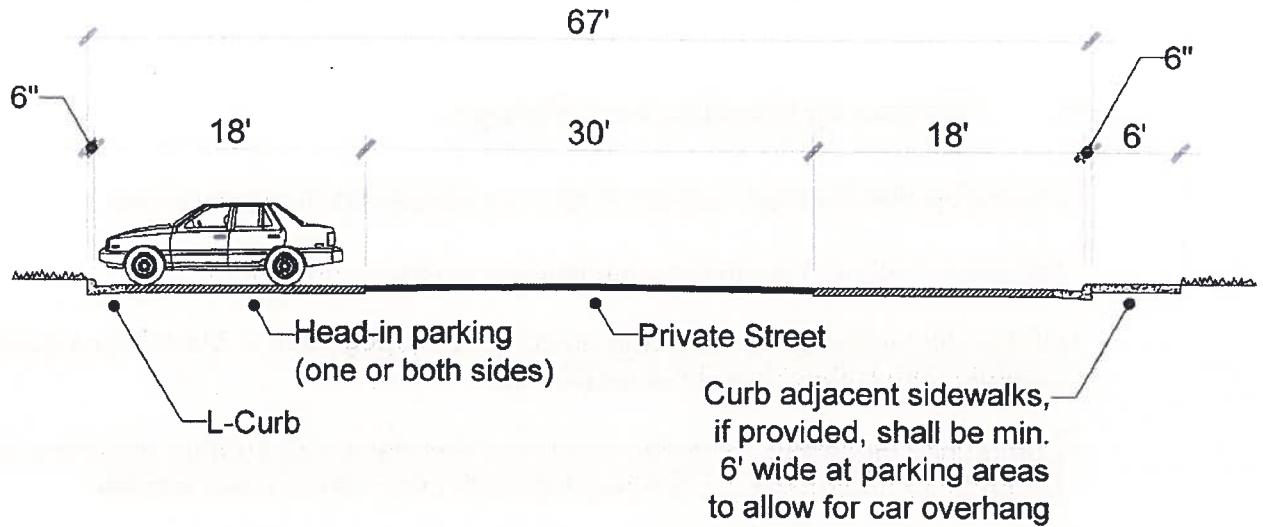


**Typical 31' Private Street w/ No  
On-Street Parking (Polanco Parks)**



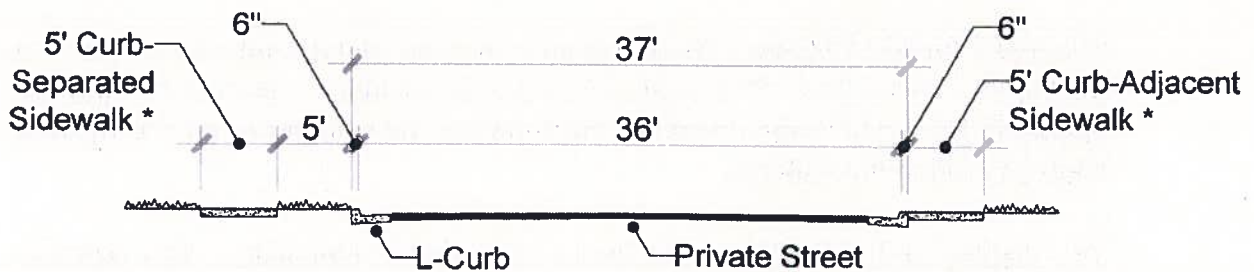
**Typical 31' Private Street w/ No  
On-Street Parking (All Other Parks)**

Exhibit 2  
**ROADWAY CROSS-SECTIONS  
PRIVATE ROADS WITH NO PARKING**



**Typical Street w/ Head-in Parking  
(Polanco and All Other Parks)**

\* Refer to section 2.B.vi for additional sidewalk information



**Typical Street w/ Parallel Parking  
(All Other Parks Only;  
Not Allowed in Polanco Parks)**

Exhibit 3  
**ROADWAY CROSS-SECTIONS  
PRIVATE ROADS WITH PARKING**



iii. **Community Identification Signage**

Community identification signage shall not exceed 100' in surface area.

Maximum height of community identification signage shall be 8'.

Community identification signage shall not be located within 100' of any existing residence that is outside of the project site.

Community identification signage shall be constructed of durable materials such as masonry and/or stucco. Signage fabricated from wood is not allowed.

Written or graphic information shall be precision cut or sandblasted into the signage. Applied graphics are not allowed.

Written or graphic information shall be painted a contrasting color from the surrounding sign color.

Lighting for community identification signage shall be automatically controlled ground-mounted fixtures that are vandal resistant. Internally illuminated signs are not allowed.

iv. **Project Directory Display Board**

A master Project Directory Display Board shall be placed near each entry into the mobile home park. The display board shall include a site plan of the park clearly showing all streets, building designators, unit numbers and fire hydrant locations within the complex.

The display board shall be a minimum of 4' x 4' in dimension. The maximum height shall be 5' measured from finish grade. Directory text shall be no closer than 18" above finish grade.

The directory board shall be easily read from a vehicle, including font type and size.

The directory board shall have automatically controlled night lighting.

v. Address Numbering

Each street name, where applicable, shall be clearly and visibly identified, with the location, type and color to be approved by the public works department.

Street address numbers shall be uniformly marked and placed for each mobile home space. And shall be clearly visible from the street. Street address numbers shall be no less than 3" in height, with at least a 1/2" brush stroke.

All street names and street address numbers shall be clearly visible to approaching emergency vehicles.

vi. Common Open Space

Common Open Space within a mobile home park shall correspond with the number of mobile homes in the park. Refer to Chapter 2.C.i, Table C.

Common Open Space amenities may include, but are not limited to:

- Bar-be-cue / picnic area (minimum requirement in Polanco projects)
- Swimming pools
- Spas
- Game Courts
- Tot Lots
- Dog Parks
- Gardens
- Greenbelts/Paseos
- Putting Greens
- Clubhouse or multi-purpose building
- Other similar facilities

Permanent buildings such as a clubhouse, multi-purpose building or other accessory structures shall have a maximum building height of 35', with the exception of architectural features such as towers, steeples, flagpoles, chimneys or similar architectural elements, which may extend a maximum of an additional 10'.

vii. Sidewalks/Connectivity

A clearly defined paved pedestrian pathway system shall be provided to ensure convenient pedestrian access to common area amenities within the mobile home park.

Sidewalks may be curb adjacent, detached from curb with parkway, off-street paseo/greenbelts, or a combination thereof.

Sidewalks shall be a minimum of 5' in width.

viii. Laundry Facilities

Accessory structures for laundry facilities are not allowed in Polanco projects. Laundry facility accessory structures are permitted in all other mobile home park projects and when provided shall be located so as to minimize unsightliness and noise disturbances both within and outside the development. Laundry buildings shall be architecturally compatible with the other common area accessory structures (if any) within the mobile home park.

No common areas or individual lots shall be used for the handling or drying of laundry.

ix. Mailboxes

Mailboxes shall be grouped into common master box(es) near the entrance directory and shall meet all minimum requirements of the local U.S. Postal Service Center. Master mailboxes shall have automatically controlled night lighting.

x. Trash Enclosures

Trash enclosures are required within the mobile home park and shall be solid block walls at least 6' in height and finished in a manner compatible with the architecture of any common area accessory structure. The trash enclosure shall contain space for recyclable materials. A separate access for pedestrian shall be

provided. Access gates or doors to any trash enclosure area shall be of opaque material.

The number and location of Trash Enclosures shall conform to Riverside County code requirements and is subject to Agency review. Refer to Exhibit 4, Trash Enclosure Prototypes.

xi. **Utilities**

All on-site electrical, telephone, CATV and similar services wires or cables within the mobile home park shall be installed underground.

Utility systems (water, sewer, drainage, electrical, gas and communication facilities) shall be constructed to the standards of the County or the appropriate jurisdiction in effect at the time of application.

Propane tanks shall be a maximum 250 gallons and shall have a maximum height of 42" measured from finish grade to the highest point of the tank.

Propane tanks must be located so that the filling connection and fixed liquid level gauge are at least 10' from any external source of ignition (i.e., open flame, window A/C, compressor, etc.), intake to direct vented gas appliance, or intake to a mechanical ventilation system.

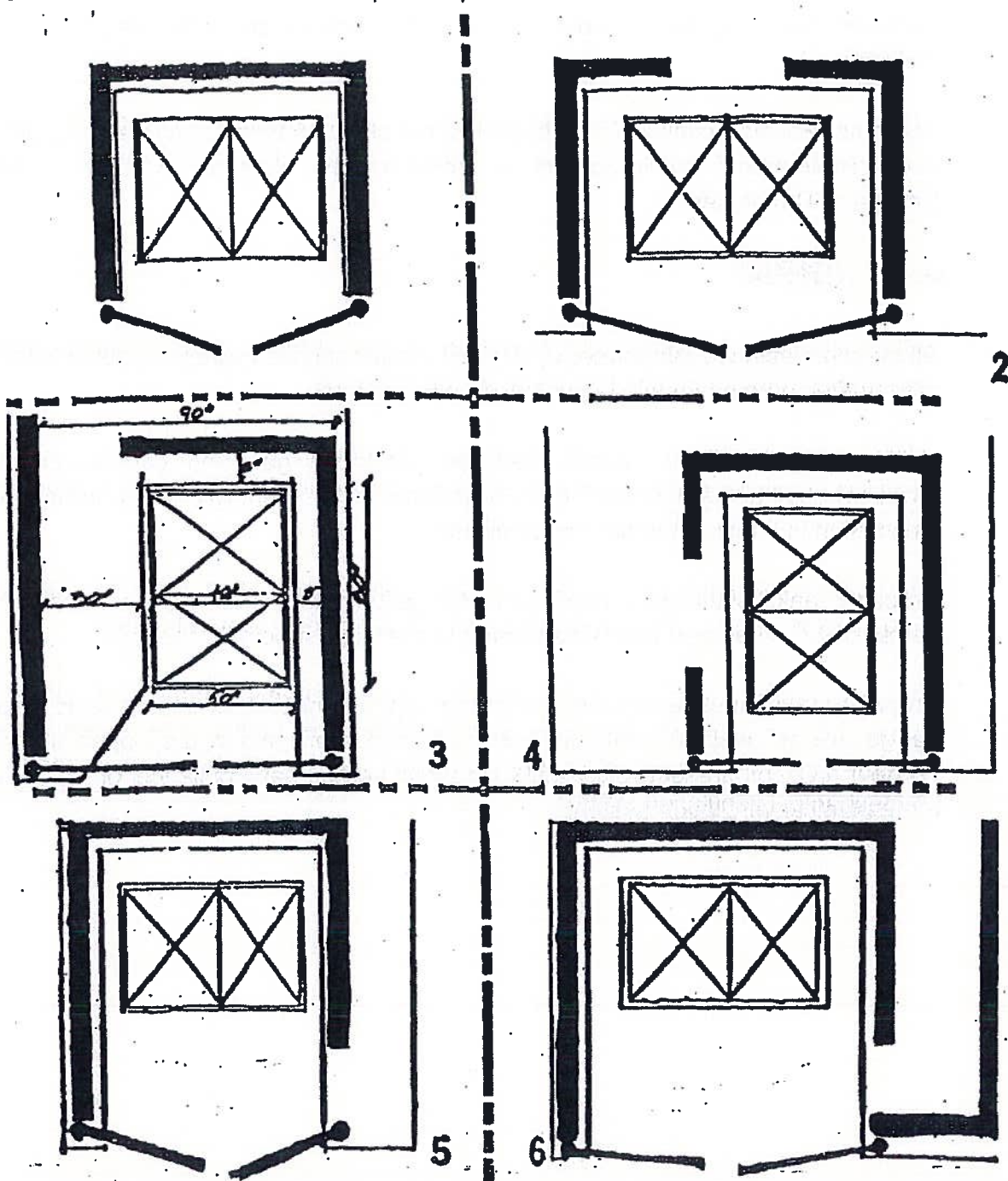


Exhibit 4  
TRASH ENCLOSURE PROTOTYPES  
(2 through 6 Only)



Propane tanks shall be located within the rear setback area of the lot and shall be screened from view through the use of landscaping, solid walls or fences.

Propane tanks shall not encroach onto septic system leach fields.

All propane tanks shall be maintained on a firm pad or foundation.

Utility pedestals shall be located within the rear setback area of each lot and shall be screened from view through the use of landscaping, solid walls or fences.

Mobile homes that cannot be connected to a sanitary sewer system or approved septic system that is located immediately behind the unit, shall not be permitted to be used for human habitation.

Septic system leach fields shall be located within rear setback areas and shall be fenced. Fencing shall match side yard fence. Refer to Chapter 2.B.xii

Appurtenances and associated equipment such as surface-mounted transformers, pedestal mounted terminal boxes and meter cabinets may be placed above ground.

Exterior utility meters shall be screened architecturally or with live landscaping.

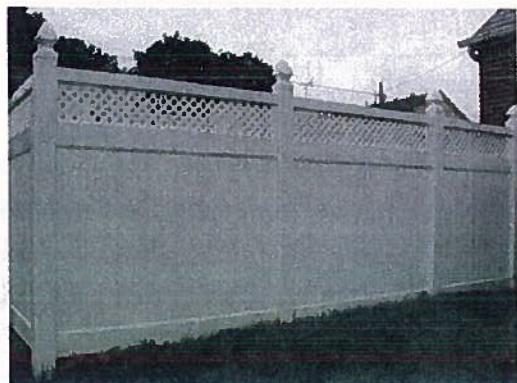
#### xii. Walls and Fences

Permitted types of walls or fences:

- Decorative masonry (including split face CMU block walls and stucco)
- Open rail with vertical or horizontal metal pickets
- Open or solid vinyl fencing (except white)



Split-Face CMU Block Wall



Vinyl Fence

Prohibited types of walls or fences:

- Wood fences
- Chain link fences
- Precision-cut CMU, unless used in a decorative manner subject to Agency review and approval.

Walls or fencing between units shall be a maximum of 42" in height measured from finish grade and shall be consistent and shall be the same material utilized within the mobile home park. Absolutely no chain link fence shall be permitted in any area of the mobile home park.

Wall or fencing in any other permitted location shall be a maximum of 6' in height measured from finish grade and shall be consistent and shall be the same material utilized within the mobile home park.

#### xiii. Mechanical Equipment

Mechanical equipment such as air conditioners, heaters, evaporative coolers, television and radio antennas, satellite dishes, and other such devices shall not be roof mounted where they would be visible from any public or private street, access drive, or common area. Placement of such devices is subject to all federal regulations.

Ground mounted air conditioning units must be screened by evergreen landscaping or an opaque wall or fence that is the same height or greater than the unit being screened.

#### xiv. Lighting

A lighting system approved by the County of Riverside Transportation Land Management Agency shall be installed along all perimeter public streets and along all private streets and access drives within the Mobile Home Park. Additionally, an on-site lighting system shall be installed along major pedestrian pathways within the Mobile Home Park. Light sources shall be shielded away from adjacent properties. Outdoor lighting devices shall be all-weather fixtures and approved by the Agency.

xv. **Landscaping**

The following sub-sections describe the minimum landscape requirements in Mobile Home Park developments. In addition, all landscaping shall comply with the Riverside County Water-Efficient Landscape Requirements (Ordinance No. 859).

**1) Perimeter Project Landscaping**

A maximum 6' high decorative masonry wall (split face concrete masonry units or stucco), open metal fence, or combination thereof, shall be placed along the development perimeter edges that are adjacent to public streets. (Vinyl fencing is prohibited at perimeter edges.) Wall or fence shall be set back at least 10' from the right-of-way line of the dedicated perimeter street. This landscape set back area may be calculated toward the required project setbacks listed in Chapter 2.A.i, Table A.

The perimeter landscape setback area adjacent to public streets shall be landscaped per the following minimum requirements:

- One 15-gallon tree for every 750 square feet of total landscape area in the remaining common open space areas.
- Trees may be grouped in clusters. Trees planted less than 15' apart should be of the same species.
- 50% minimum vegetative cover for all non-paved areas
- Turf, when used, shall be a maximum of 30% of the total landscape area.
- The remaining 50% of non-paved areas may be rock mulch. Rock should be earth-tone colors. White rock is not allowed.

The setback areas shall be planted with live landscaping. Landscaping shall be irrigated and maintained as a common element by the property owner(s).

At perimeter property lines that are adjacent to land zoned for residential, commercial or industrial uses, a solid masonry wall 6' in height shall be located on the property line and a landscape buffer at least 5' in depth shall be provided. This buffer area may be calculated toward the required project setbacks listed in Chapter 2, Table A. The buffer shall be landscaped with live plant materials, including at least one 15 gallon tree per lot. The landscape buffer shall be irrigated and maintained as a common element within the mobile home park.

At perimeter property lines that are adjacent to land zoned for Open Space or Agriculture, a 6' high solid masonry wall, open rail fence, or combination of these shall be constructed on the property line.

## **2) Interior Project Landscaping**

All common open space areas shall be landscaped per the following minimum requirements:

- One 15-gallon tree for every 600 square feet of total landscape area in the primary recreation area.
- One 15-gallon tree for every 750 square feet of total landscape area in the remaining common open space areas.
- Trees may be grouped in clusters. Trees planted less than 15' apart should be of the same species.
- 50% minimum vegetative cover for all non-paved areas
- Turf, when used, shall be a maximum of 30% of the total landscape area.

- The remaining 50% of non-paved areas may be rock mulch. Rock should be earth-tone colors. White rock is not allowed.

### **3) Individual Space Landscaping**

At least 10% of each lot shall consist of live landscaping, including at least one 15 gallon tree on each lot. The tree shall be located in the front setback area a minimum of 2½' from side PL on the driveway side in order to allow for the maneuvering of mobile homes from the street or access drive onto the lot or adjacent lots. Final tree location shall be subject to design review approval.

Remaining non-paved area, if any, on an individual lot may consist of rock mulch. Rock should be earth-tone colors. White rock is not allowed.

Ground mounted air conditioning units must be screened by evergreen landscaping or an opaque wall or fence that is the same height or greater than the unit being screened.

### **4) Walls and Fences**

Refer to Chapter 2, Walls and Fences, for permitted and prohibited wall and fence types.

#### **xvi. Irrigation**

Automatic irrigation systems are required for all planting areas.

Spray heads may not throw water directly onto any street, access drive, walkway or other paved surfaces.

#### **xvii. Recreational Vehicle Storage**

On-site recreational vehicle (RV) storage is not permitted within a Mobile Home Park development.



xviii. **Maintenance**

Property Owner(s) shall be responsible for the maintenance of all common elements including but not limited to:

- Project walls and fences
- Common area landscaping (including irrigation)
- Common area accessory structures
- Private streets and parking areas
- Common area lighting
- Project Directory(ies)

In addition, Property Owner(s) shall be responsible for the failure of residents to properly maintain visible exterior elements on individual lots, including but not limited to:

- Reasonable care and exterior maintenance of mobile home units
- Carports
- Walls or fences between lots
- Landscaping
- Screening of utility elements
- Removal of abandoned automobiles
- Removal of trash, debris, clutter, etc.

## C. Individual Lot Standards and Design Criteria

i. Table C - Lot Standards

|                                     |   |
|-------------------------------------|---|
| Minimum Lot Size                    | 3500 Square Feet  |
| Minimum Lot Dimensions              | 50' Min. Width; 70' Min. Depth  |
| Minimum Unit Size                   | 990 Square Feet   |
| Minimum Setbacks <sup>(1)</sup>     |   |
| Front                               | 10'   |
| Side                                | 5'  |
| Corner Side                         | 10'   |
| Rear                                | 10'   |
| Accessory Buildings                 | Not Allowed   |
| Open or enclosed porch              | Not Allowed   |
| Propane Tanks                       | 10' min setback from external source of ignition (i.e., open flame, window A/C, compressor, etc.), intake to direct vented gas appliance, or intake to a mechanical ventilation system.   |
| Maximum Lot Coverage <sup>(2)</sup> | 60%   |
| Maximum Height <sup>(3)</sup>       | 24'   |
| Common Open Space <sup>(4)</sup>    | 250 Square Feet per Unit  |
| Parking <sup>(5)</sup>              | <p>Polanco Parks</p> <ul style="list-style-type: none"> <li>• Resident: 2 covered spaces per unit</li> <li>• Guest: 1 Handicapped Space<br/>3 Open Guest Spaces</li> </ul> <p>All Other Parks</p> <ul style="list-style-type: none"> <li>• Resident: 2 covered spaces per unit</li> <li>• Guest: 0.3 spaces per unit<br/>(including handicapped space(s) per ADA requirements in effect at time of Application.)</li> </ul> |
| RV Storage                          | Not Allowed   |

Footnotes:

- 1) Support columns for patio cover and carport awnings shall not encroach into the required front setback nor extend beyond the front plane of the mobile home unit, whichever results in a greater setback. Likewise support columns for patio cover and carport awnings shall not encroach into required side or rear setback areas. Roof elements for patio cover and carport awnings may encroach a maximum of 1' into side and rear setback areas. Patio cover and carport awnings require the issuance of a permit from Riverside County.
- 2) Lot coverage includes the ground area directly beneath the footprint of the Mobile Home. Driveways, covered patios and carports are not included as part of the lot coverage.
- 3) Permanent buildings such as clubhouses, multi-purpose buildings or other similar structures shall have a maximum building height of 35', with the exception of towers, steeples, flagpoles, chimneys or similar architectural elements, which may extend a maximum of an additional 10'.
- 4) Refer to Chapter 2.B.vi for additional Common Open Space requirements
- 5) On-street parking, where allowed, may be calculated toward guest parking requirement (refer to Chapter 2.B.i)

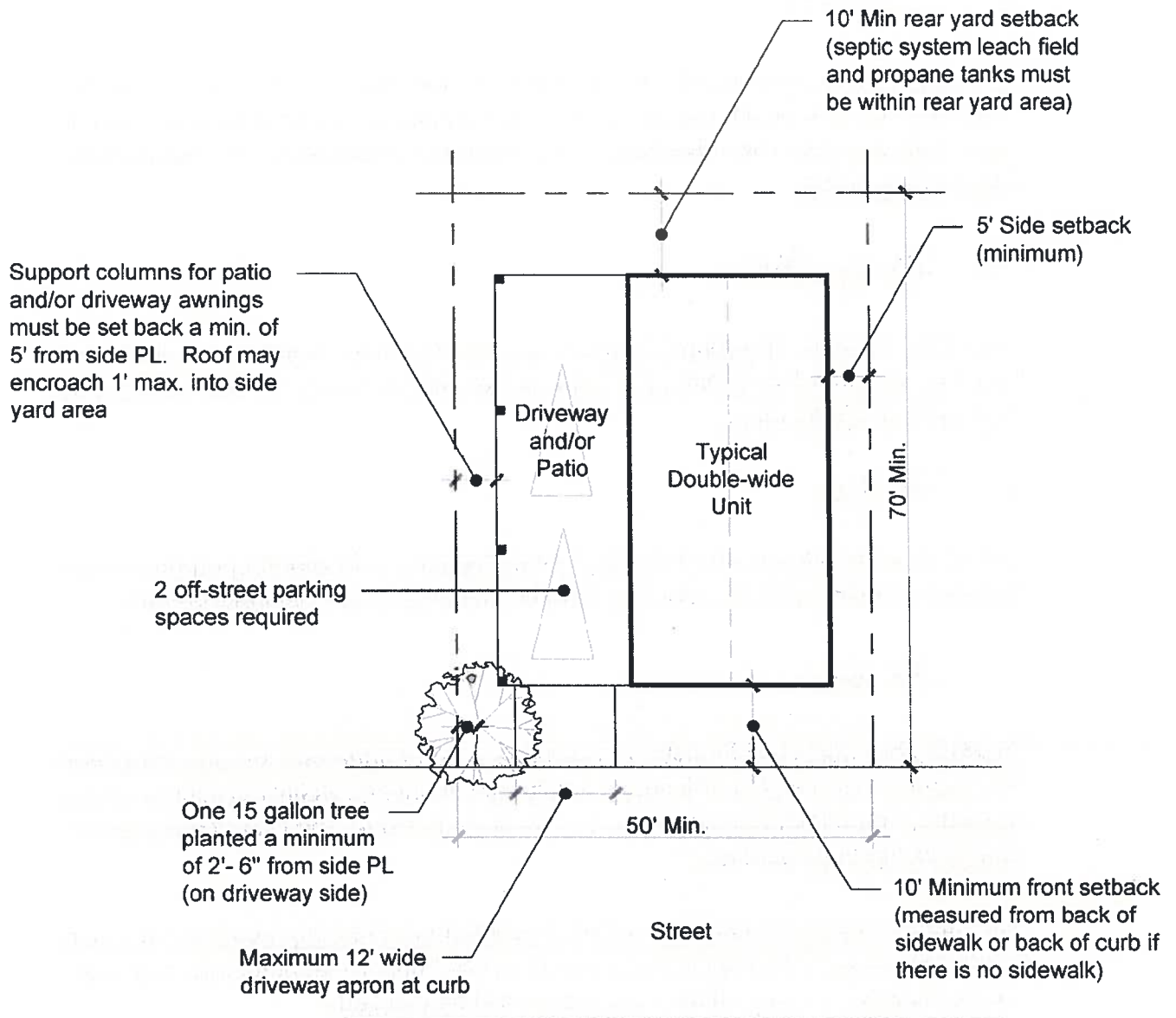


Exhibit 5  
TYPICAL LOT  
DEVELOPMENT STANDARDS

**Mobile Home Park  
Development Standards & Design Criteria**

Redevelopment Agency for the County of Riverside  
September 7, 2010

2-19

ii. **Parking Pad**

A tandem 2-car concrete parking pad shall be provided on each lot. The parking pad shall be of sufficient depth so that neither parking space protrudes into the front setback area. The driveway apron shall be a maximum of 12' wide within the front yard area.

iii. **Opaque Skirt**

The area between the ground surface and the first floor level of a mobile home shall be screened by an opaque skirt and painted to match or complement the color of the mobile home.

iv. **Windows**

All windows in rooms used for living, dining, cooking and sleeping purposes, and bathing and toilet facilities shall be properly maintained with window screens.

v. **Storage**

Property Owner(s) shall furnish to residents a list of approved storage containers for exterior use on any lot. All such containers should be readily available at local hardware, home improvement store or similar retail store. The list of containers is subject to Agency approval.

All outdoor storage containers shall be selected from the approved list. No other outdoor storage, including but not limited to stick built or manufactured cabinets, sheds, lockers, or other similar containers shall be allowed.

The location of storage containers shall be limited to rear and side yard areas, and shall be placed upon a concrete pad of equal or greater dimension than the container.



## CHAPTER THREE

# Design Review

### A. Submittal Requirements

Two hard copy sets of the following information shall be submitted for Agency review. All submittal information shall be consistent with the requirements listed on the Riverside County Application for Land Use and Development.

- Redevelopment Agency Application
- Site Plan
- Landscape Plan, if not included on Site Plan.
- Floor Plans and Elevations of any permanent structures on the site.
- Manufacturer's cut sheet(s) for proposed lighting fixtures.
- List of proposed storage container(s) to be used on individual lots, including manufacturer's cut sheets, if available.

Upon Agency approval of the submittal, a final submittal set shall be submitted to the Agency for archive purposes, including one hard copy set and one electronic set of the approved submittal documents.

### B. Design Review and Approval Process

The processing of Mobile Home Park developments shall follow all procedures set forth in the Riverside County Zoning Code.

In addition, any Mobile Home Park development that applies for Agency funding must submit the proposed project for design review and Approval by the Agency prior to funding.

The Agency shall review each project submittal solely for consistency with the Development Standards and Design Criteria contained herein. The Agency is not

responsible for the review of submissions to determine conformance with any other applicable codes, ordinances or standards established by any other public agency.

Upon review of the submittal, the Agency shall make one of the following determinations:

- Approved
- Approved with Modifications
- Denied

Submittals that are “Approved with Modifications” or “Denied” shall be revised as necessary and re-submitted for Agency approval. All project submittals must be “Approved” by the Agency in order to receive funding.

## C. Administration

### i. Amendment

The Mobile Home Park Development Standards and Design Criteria may be amended from time to time by the Agency. The most up-to-date version of the document may be found on the County’s web-site at [www.rivcoeda.org](http://www.rivcoeda.org).

### ii. Consistency with other Codes, Ordinances & Standards

In the event of any conflict between The Mobile Home Park Development Standards and Design Criteria with any other public agency code, ordinance or standard, the more restrictive shall apply.

“E”

HCD Information Bulletin 2008 – 10 (MP)





## DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT

## DIVISION OF CODES AND STANDARDS

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SACRAMENTO, CALIFORNIA 95812-1407

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**April 21 2008****Information Bulletin 2008 – 10 (MP)**

**TO:** Local Government Planning Agencies  
Local Building Officials  
Mobilehome Park Operators and Residents  
Mobilehome Park Interested Parties  
Division Staff

**SUBJECT: VALIDITY OF LOCAL ORDINANCES RELATING TO INSTALLATION OF NEW  
MANUFACTURED HOMES AND/OR SALE OR CONVERSION OF  
MOBILEHOME PARKS**

A number of local governments are enacting or enforcing ordinances relative to the physical operation and condition of mobilehome parks and recreational vehicle parks that are in conflict with the preemptive nature of the Mobilehome Parks Act ("MPA"), found in Health & Safety Code [H&SC] sections 18200, et seq., and the Special Occupancy Parks Act ("SOPA"), found in H&SC sections 18665, et seq.. Throughout this memorandum, there are references to "manufactured homes", "mobilehome parks" and "the Mobilehome Parks Act"; however, unless otherwise noted, the same issues and rules apply to recreational vehicles or park model trailers, recreational vehicle parks, and the Special Occupancy Parks Act.

This memorandum's purpose is to provide information and clarification for local government officials and those involved with mobilehome parks and manufactured home installations or sales that state law restricts local government authority attempting to regulate the physical structure and operation of mobilehome parks—whether privately-owned, resident-owned, or in the process of conversion. For example, local ordinances which impose inspection, lot standards, or infrastructure requirements within a mobilehome park at the time of home installation, conversion, or sale generally are expressly and/or impliedly preempted by the MPA, and the only valid authority for imposing and enforcing these requirements is the California Department of Housing and Community Development ("HCD") or local enforcement agencies that have assumed jurisdiction to enforce the MPA.

**Statutory Provisions Governing Preemption**

California courts have established guidelines for when local ordinances are preempted by state law. The general rule is that, if an otherwise valid local ordinance conflicts with preemptive state law, it is invalid. A "conflict" exists if an ordinance "duplicates, contradicts, or enters an area fully occupied by state law, either expressly or by implication". In addition, preemption is implied if the area is so fully covered by state law as to indicate it is exclusively a matter of state concern; it is partially covered by state law but the state coverage indicates that a paramount state concern will not allow additional



local action; or there is partial state coverage but the adverse effect of a local ordinance on state residents outweighs the possible benefit to the locality.

The MPA contains an express preemption, with minimal express authority for local ordinances. In addition, the Legislature's findings support its intent to allow only very restrictive authority for local government action within the boundaries of a mobilehome park. In the MPA, subdivision (a) of H&SC section 18300 provides that "the MPA and HCD regulations apply to all parts of the state and supersede any ordinance enacted by any city, county, or city and county, whether general law or chartered, affecting parks." Subdivision (g) and (h) of section 18300 provide the limited specific exceptions to the general state preemption, stating that the MPA does not preclude local governments, within the reasonable exercise of their police powers, from doing any of the following:

- \* Enacting certain zones for mobilehome parks within the jurisdiction, or establishing types of uses and locations such as senior mobilehome parks, mobilehome condominiums, or mobilehome subdivisions within the jurisdiction. [subdivision (g)(1)]

- \* Adopting ordinances, rules, regulations or resolutions prescribing park perimeter walls or enclosures on public street frontage, signs, access, and vehicle parking; or prescribing the prohibition of certain uses for mobilehome parks. [subdivision (g)(1), emphasis added]

- \* Regulating the construction and use of equipment and facilities located outside of a manufactured home or mobilehome used to supply gas, water, or electricity thereto or to dispose of sewage when the facilities are located outside a park. [subdivision (g)(2), emphasis added].

- \* Requiring a permit to use a manufactured home or mobilehome outside a park which permit may be refused or revoked if the use violates the MPA or the Manufactured Housing Act. [subdivision (g)(3), emphasis added.]

- \* Requiring a local building permit to construct an accessory structure for a manufactured home or mobilehome when the manufactured home or mobilehome is located outside a mobilehome park. [subdivision (g)(4), emphasis added]

- \* Prescribing and enforcing setback and separation requirements governing manufactured home, mobilehome, or mobilehome accessory structure or building installation outside of a mobilehome park. [subdivision (g)(5), emphasis added]

Other provisions directly addressing preemptive authority include H&SC sections 18253, 18400.1, 18605, 18610, and 25 CA Code of Regulations (CCR), section 1000.

### **Permissible Local Government Regulation and Standards**

Local governments do have some authority to regulate certain physical components in a mobilehome park. Also, pursuant to subdivision (b) of H&SC section 18300, they may assume MPA enforcement authority and become a "local enforcement agency" ("LEA"), rather than relying on HCD inspectors.

As stated above, subdivision (g) of H&SC section 18300 provides express authority for local governments, within the reasonable exercise of police powers, to adopt zoning ordinances to

allow or prohibit parks and certain park uses, and for park perimeter walls or enclosures on public street frontage, signs, access, and vehicle parking. Also, subdivision (h) of that section allows local governments, within specified parameters, to establish new park density, to require recreational facilities, and to require setback and separation requirements for manufactured housing outside of parks, but no greater than those permitted by applicable ordinances for other affordable housing forms.

H&SC section 18691, subdivision (b), permits a local government that is the MPA enforcement agency to enforce within parks its own fire code that imposes standards equal to or greater than the restrictions in the California Building Standards Code ("CBSC") and other state requirements. In addition, a local government which is not a local enforcement agency may assume fire prevention authority and impose certain portions of its fire code within a park.

Subdivision (e) of H&SC section 18501 and Title 25 CCR, section 1032, permit a local government to approve or deny approval for any construction permit to build or increase the size of a park or to add multifamily manufactured housing based on "compliance with all valid local planning health, utility and fire requirements". (H&SC §18501, emphasis added). The use of the word "valid" implicitly excludes requirements preempted by the MPA, allowing, for example, flood plain ordinance compliance, the minimum size of a park's land parcel, whether a septic system sewer hook-up is required, where and whether off-site drainage is permitted, and/or the number and spacing of fire hydrants.

### **Local Ordinance Provisions Which Are Preempted**

#### **General Background**

In implementing the Legislature's comprehensive statewide program to establish and enforce park standards for construction, maintenance, repairs, and occupancy, the Department's statutory and regulatory standards impose standards for virtually every aspect of a park's or a manufactured home's physical conditions, except for those expressly left to local government action in subdivision (h) of H&SC section 18300.

With respect to construction of a new or expanded park, or installation of multifamily manufactured housing, HCD regulations require evidence of local approvals from the local planning agency; the health, fire, and public works departments; the agency responsible for flood control; the serving utilities; and any other state or federal agency or special district that has jurisdiction and would be impacted by the proposed construction. (25 CCR §§1020.6, 1032). Similarly, HCD or the LEA may require local approvals for construction of a permanent building under the ownership or control of the park within a park if that installation may impact local services. Most other types of construction, replacements, installations, and alterations require an MPA enforcement agency permit and inspections (25 CCR § 1018), but no local approvals.

HCD regulations govern both park construction and manufactured home installation standards and procedures. Generally, the regulations require that a home and other structures on a park lot use not more than 75% of the lot space (25 CCR §1110) and that the home and structures have specified set-backs and separations from lot lines and structures

(25 CCR §1330). In addition, a “manufactured home” is a specific preemptive definition in H&SC section 18007 and a recreational vehicle (including a park model) is a specifically defined term in H&SC section 18010. As a result, a local government cannot impose restrictions on the minimum or maximum size of a manufactured home to be installed on a mobilehome park lot (ordinance precluding two-story manufactured homes found invalid in *County of Santa Cruz v. Waterhouse* (2005) 127 Cal.App.4<sup>th</sup>, 1483, 26 Cal.Rptr 3d 543) or whether a park model or recreational vehicle can be installed on a recreational vehicle lot.

#### Examples of Preempted Ordinance Provisions

The following italicized sentences are examples of local ordinances that have been brought to HCD's attention and that area preempted by state laws and regulations.

*“If there has been no Title 25 inspection within 3 years, one must be obtained”.* H&SC sections 18605 and 18610 provide that HCD's rules govern park maintenance and operation. No express or implied exception exists in H&SC section 18300 permitting local governments to impose inspection requirements related to park maintenance.

*“The Park owner shall provide a list of all Title 25 deficiencies found on inspection and evidence that all deficiencies have been corrected.”* Pursuant to H&SC sections 18605 and 18610, HCD's rules govern park maintenance and operation. Pursuant to the preemptive restrictions in H&SC section 18300, no express or implied exception exists permitting local governments to impose enforcement requirements related to park maintenance. In addition, the MPA does not require correction of all deficiencies:

- \* The MPA expressly permits extended periods for repairs to achieve correction of deficiencies. H&SC section 18420, subdivision (c)(4), permits the enforcement agency to defer repair requirements as long as there is a “valid reason why a violation has not been corrected, including, but not limited to, weather conditions, illness, availability of repair persons, or availability of financial resources....”

- \* The MPA permits an inspector to not cite a violation of the MPA if it is not an imminent hazard. (subdivision (d) of H&SC section 18420)

*“Written documentation from HCD shall be obtained demonstrating that the park complies with all applicable Title 25 requirements.”* The MPA governs performance of inspections and issuance of reports of violations or corrections and does not require HCD or an LEA to perform inspections to ensure compliance with “all applicable” Title 25 requirements. A “complaint inspection” involves resolution of a specific complaint. A “park maintenance inspection” involves identification and resolution of only hazards which are either an immediate risk to life, health, and safety, requiring immediate correction; or those constituting unreasonable risks to life, health or safety, requiring correction with 60 days (H&SC §18400.3). No other violations of Title 25 are recorded.

*“Proof of remediation of any Title 25 violations shall be confirmed in writing by the California Department of Housing and Community Development.”* In addition to the obvious issue that a local government cannot require HCD to perform any duties related to parks, HCD does not have enforcement responsibility for many of the state's parks and therefore has no information regarding any identified violations or proposed or completed remedies in those parks subject to LEA enforcement.

*"Prior to installation of a new home on an existing lot, there shall be two covered and paved parking spaces on the lot."* Subdivision (f) of Title 25 CCR section 1106 expressly and fully regulates paving for driveways and roadways, stating that paving generally is not required; therefore, local governments may not impose paving requirements. Title 25 CCR sections 1110, 1116, and 1118 regulate lot standards, precluding local government lot standards such as covered parking or a specific number of on-lot spaces. [While H&SC §18300(g)(1) provides local governments with authority to regulate "vehicle parking", that authority is narrowly interpreted and harmonized with the preemptive nature of the MPA by allowing local government ordinances to reasonably require a specified number of parking spaces within the boundaries of the park (to avoid public street parking), but without imposing their own specific location.]

*"No manufactured home may be installed on a lot of less than 4000 square feet, with a minimum depth of 75 feet and a minimum width of 50 feet, at least a fifteen-foot setback from any other home, and at least a ten-foot separation between all structures on the lot other than an attached cabana or covered patio."* The MPA implicitly preempts local authority to establish lot sizes by virtue of the standards in 25 CCR sections 1110 and 1118; see also, 25 CCR section 1106(e); in addition, subdivision (g) of H&SC section 18300 allows local governments to establish "density", not lot sizes or locations. The set-back and separation requirements are expressly established by 25 CCR section 1330; in addition, by implication, local action is precluded with respect to setbacks and separations because, in subdivision (h)(3) of H&SC section 18300, the Legislature authorized local action in this area only for manufactured homes sited outside of mobilehome parks.

*"The sides of the park facing a public street and the sides facing residential construction shall have walls high enough to block sight access of the roofs of the mobilehomes with ivy or other permanent foliage coverage, and no mobilehome shall be closer than 15 feet from the wall or fence."* The locality is authorized, by subdivision (h) of H&SC section 18300, to regulate only the wall or enclosure on the public street frontage, not other sides of the park. The locality is authorized to establish a set-back for the wall or enclosure on the public street frontage, but all other set-back and separation requirements (within the boundaries of the park) are preemptively established by the MPA regulations.

*"Every lot in a mobilehome park shall have no more than one mobilehome and one storage shed, and foliage shall be consistent with the surrounding area."* This ordinance establishes "lot standards". When H&SC section 18300 was amended in 1981, the express authority for local governments to regulate "landscaping" and establish standards for lots, yards, and park area in mobilehome parks was deleted by the Legislature, depriving local authority for this regulation under the MPA.

*"All on-site utilities shall be installed underground."* Utility construction requirements are preempted either by the PUC for utility-owned utilities, and/or by Title 25, CCR, which permits overhead utilities. New parks built after 1997 must have gas and electric services owned, operated, and maintained by the serving utility. See, Public Utilities Code section. 2791, Title 25 CCR, section 1180(g).

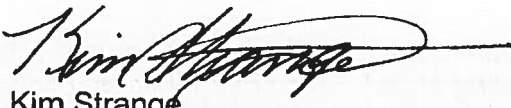
*"Prior to final approval of a park conversion, all lots shall be surveyed to be equal in size, clearly demarcated by landscaping, and lot lines approved by the Planning Department shall be recorded with the County Recorder."* A mobilehome park remains a mobilehome park before, during, and after conversion; see, H&SC section 18214, subdivision (a), which provides, "'Mobilehome park' is any area or tract of land where two or more lots are rented or leased, held out for rent or lease, or were formerly held out for rent or lease and later converted to a subdivision, cooperative, condominium, or other form of resident ownership..." (emphasis added) Thus, the preemptive provisions which applied to a park prior to, during, and after conversion. The establishment, marking, and movement of lot lines are governed by Title 25, CCR, sections 1104, 1105, 1330, and 1428. Landscaping is not a proper form of lot marking, and lot lines must either be those in existence or moved and approved pursuant to CCR section 1105. A local government may require that the final approved lot lines be those consistent with the requirements of Title 25, since the local government has the authority to approve final lot lines as part of a subdivision approval; however, their location and marking must be consistent with Title 25.

### **Conclusion**

The State Legislature, in its enactment and subsequent amendments to the Mobilehome Parks Act and the Special Occupancy Parks Act, has established clear preemptive authority with regard to state regulation of the physical construction and operational standards for mobilehome parks and recreational vehicle parks. Conversely, both expressly and impliedly, the Legislature has narrowly limited local government authority to legislatively mandate any activity or requirements with regard to the physical standards, physical operation, or physical status of a park. A number of local ordinances addressing park standards for construction, maintenance, operations, or conversions to subdivisions or other forms of resident ownership likely are invalid because the two state Acts preempt them.

If you have any questions regarding this memorandum, please feel free to contact our office at the address above.

Sincerely,

  
Kim Strange  
Deputy Director