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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~~ 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.

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15.40.110 [Reserved]¶
15.40.120 [Reserved]¶
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- 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.**

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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.

Deleted: the department of public health of Napa County

Deleted: "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.

Deleted: "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.

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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

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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.

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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.

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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.

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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.

Deleted: 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.

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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.

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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.

Deleted: 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.

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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.

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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.

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Deleted: 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.

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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.

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Deleted: 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.

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Deleted: 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.

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Deleted: 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.

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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. ¶

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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.

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15.40.220 Sewage disposal.

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

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15.40.230 Water supply.

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

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

15.40.240 Trash and garbage disposal.

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

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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.

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Deleted: 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.

15.40.260 Fencing and enclosure.

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

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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.

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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.

Deleted: 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.

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.

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15.40.280 Mobilehomes—Registration requirements.

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

Deleted: 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. ¶

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.

Deleted: B. Landscaping shall be used as a buffer between mobilehome units and adjoining property. ¶
Deleted: 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 ...

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15.40.300 Retail sales prohibited—Exception.

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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 the provision of permanent affordable housing and 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 may be 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 in addition to the information and materials otherwise required for a use permit application:

Deleted: 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.

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a. A narrative statement of how the variation request is consistent with the general plan or any applicable specific plan, including but not limited to how the request is consistent with the Housing Element of the General Plan, the PD or AH zoning district and applicable County, state and federal law, and how the variation request meets the findings required in this Section;

b. Proposed ownership structure for the mobilehome spaces and units and the ownership mechanism for improvement and maintenance of common areas, parking areas, landscaped areas, etc.

c. Any additional information required by the director to demonstrate that the site will be developed in accordance with the findings required in this Section.

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 the preservation or creation of permanent affordable housing within unincorporated Napa County that is, at minimum, sufficient to offset the project's adverse impact on park residents in relation to housing affordability or displacement.

b. 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.

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

d. 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.

e. 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,

Deleted: 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;

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Deleted: 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

Deleted: 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;¶
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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 ...

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- 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.

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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 polices 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: _____

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

Cc/d/Plan/Ord/2013Mobilehomes/2013MobilehomeOrdinance_TrackChanges(2)