DEPARTMENTS: Planning, Building & Fire

RECOMMENDED ACTION AND JUSTIFICATION: The Planning Commission and the department heads for the Fire, Building and Planning Departments recommend adoption of the enclosed Ordinance and Resolution. Recommended actions include waiver of first reading and introduction of an ordinance to prohibit the installation of pre-1976 mobile homes within Mariposa County; and adoption of a resolution approving Zoning Amendment No. 2005 - 121, with findings, adopting a Notice of Categorical Exemption (CEQA), and establishing a Sale/Rental Disclosure Agreement. The findings for the ordinance and resolution provide the basis upon which this action is being taken.

BACKGROUND AND HISTORY OF BOARD ACTIONS: The Board of Supervisors, on June 21, 2005, unanimously approved a Resolution of Intention to begin the process of amending Title 17 of the Mariposa County Code to prohibit the installation of pre-1976 mobile homes. That Resolution of Intention was duly considered by the Planning Commission on July 22, 2005. The Planning Commission has unanimously recommended that the Board of Supervisors adopt the draft ordinance, and the matter is back before the Board for consideration at a public hearing.

ALTERNATIVES AND CONSEQUENCES OF NEGATIVE ACTION: Failure to act upon the proposed ordinance would result in increased risk to residents and firefighters in Mariposa County who may be exposed to fire incidents occurring in pre-1976 mobile homes.

Financial Impact? ( ) Yes (x) No Current FY Cost: $
Budgeted In Current FY? ( ) Yes ( ) No ( ) Partially Funded
Amount in Budget: $
Additional Funding Needed: $
Source:

Internal Transfer
Unanticipated Revenue 4/5's vote
Transfer Between Funds 4/5's vote

Contingency
( ) General ( ) Other 4/5's vote

CLERK'S USE ONLY:
Res. No: Ord. No. 
Vote - Ayes: Noes: 
Absent: 
( ) Approved ( ) Minute Order Attached ( ) No Action Necessary

The foregoing instrument is a correct copy of the original on file in this office.
Date: 
Attest: MARGIE WILLIAMS, Clerk of the Board County of Mariposa, State of California
By: Deputy

Revised Dec. 2002

Annual Recurring Cost: $
List Attachments, number pages consecutively
1. Staff report to Board, with attachments;
4. Draft Ordinance, with findings;
5. Proposed Resolution adopting the CEQA Notice of Categorical Exemption and requiring a Sale/Rental Disclosure Statement

COUNTY ADMINISTRATIVE OFFICER:
( ) Requested Action Recommended
( ) No Opinion
Comments:

CAO: [Signature]

Revised Dec. 2002
STATE OF CALIFORNIA  
COUNTY OF MARIPOSA  
BOARD OF SUPERVISORS

Resolution No. 05-451

A resolution approving Zoning Ordinance Amendment No. 05-121, modifying Title 17 of the County Code to prohibit the installation of mobile homes built prior to January, 1976.

WHEREAS on the 21st day of June, 2005, the Board of Supervisors adopted Resolution No. 05-279, a Resolution of Intention to initiate an amendment to Mariposa County Code, Title 17, Zoning, and directing the Planning Commission to consider and make a recommendation concerning pre-1976 mobile homes; and

WHEREAS, the adoption of Resolution No. 05-279 was based upon the presentations to the Board of Supervisors by the Mariposa County Fire Chief, Building Director and Planning Director on April 19th and June 21, 2005, and consideration of public input and discussion of the proposed ordinance and its implementation; and

WHEREAS the proposed ordinance is based on the National Manufactured Housing Construction and Safety Standards Act of 1974, adopted in June, 1976, which addresses the serious health and safety issues inherent in earlier mobile homes;

WHEREAS the fire incidence in pre-1976 mobile homes is significantly increased due to the use of materials that support quicker combustion of the whole unit in flashover conditions, which places Mariposa County residences and firefighters at a greater risk of injury or death; and

WHEREAS it has been verified that when newer units burn, fires stay contained within the room of origin for a longer period of time, giving occupants additional time to get to safety; and

WHEREAS a duly noticed public hearing concerning this matter was scheduled for July 22, 2005 with the Planning Commission; and
WHEREAS a staff report was prepared pursuant to state planning and zoning law and local ordinance, and a Notice of Exemption was prepared pursuant to Sections 15061(b)3 of the California Environmental Quality Act (CEQA) Guidelines; and

WHEREAS the Planning Commission held a public hearing on the proposed ordinance on July 22, 2005 and carefully considered all the information in the public record and in the staff report, and comments made by members of the Mariposa County community who provided testimony before or during the public hearing; and

WHEREAS the Planning Commission adopted Resolution No. 2005-24, recommending that the Board of Supervisors approve Zoning Ordinance Amendment No. 05-121 with findings; and

WHEREAS a duly noticed public hearing concerning this matter was scheduled for September 20, 2005 with the Board of Supervisors; and

WHEREAS a staff report was prepared pursuant to state planning and zoning law and local ordinance, and a Notice of Exemption was prepared pursuant to Sections 15061(b)3 of the California Environmental Quality Act (CEQA) Guidelines; and

WHEREAS the Board of Supervisors held a public hearing on Zoning Amendment No. 05-121 on September 20, 2005 and carefully considered all the information in the public record and in the staff report, comments made by members of the Mariposa County community who provided testimony before or during the public hearing, and the recommendation of the Planning Commission.

NOW THEREFORE, BE IT RESOLVED THAT the Board of Supervisors hereby approves Zoning Amendment No. 05-121, an amendment to Title 17 of the Mariposa County Code to prohibit the installation of pre-1976 mobile homes, as follows:

Section 17.108.095 Pre-1976 Mobile Homes

A. Mobile homes manufactured prior to January 1976 shall be prohibited from being located into or relocated within Mariposa County unless they meet the seal standards of the United States Department of Housing and Urban Development or equivalent standards established by the California Department of Housing and Community Development.

B. Each mobile home shall be installed on a foundation or tie down system meeting the requirements of California law.

C. No mobile home of any age shall be used as an uninhabited storage structure.

D. A legal existing, nonconforming mobile home installed on a parcel in the county may remain on the parcel upon which it is installed and shall not be relocated to another parcel within the County of Mariposa.

E. No legal existing nonconforming mobile home may have a new addition or expansion which physically alters the structure of the mobile home.

F. Expansion of or an addition physically attached to a conforming mobile home shall meet the standards of the Uniform Building Code or shall obtain any required certificate issued by the California Department of Housing and Community Development,
such that the expansion or addition does not compromise the original structural integrity of the mobile home.

G. Upon sale or rental of a mobile home manufactured prior to 1976, written notice shall be provided, in a prescribed form, to the new owner or tenant advising them of serious health and safety risks inherent in inhabiting such structures, unless the mobile home has been retrofitted to meet the seal standards of the United States Department of Housing and Urban Development or the equivalent standards established by the California Department of Housing and Community Development.

BE IT FURTHER RESOLVED THAT the Board of Supervisors action is based upon the following findings:

1. Fire incidence in pre-1976 mobile homes is significantly increased due to the use of materials that support quicker combustion of the whole unit in flash over conditions, which places Mariposa County residences and firefighters at a greater risk of injury or death.

2. The proposed ordinance is based on the National Manufactured Housing Construction and Safety Standards Act of 1974 adopted in June 1976, which addresses the serious health and safety issues inherent in earlier models.

3. It has been verified that when newer units burn, fires stay contained within the room of origin for a longer period of time, giving occupants and firefighters additional time to get to safety.

4. It is in the interest of the health and safety of mobile home residents and firefighters in Mariposa County that notice and information be provided the Mariposa County general public about the dangers inherent in mobile homes that do not meet the National Manufactured Housing Construction and Safety Standards Act, adopted in June, 1976.

BE IT FURTHER RESOLVED THAT the Board of Supervisors hereby direct planning staff to file a Notice of Exemption for the action pursuant to State of California CEQA Guidelines.

BE IT FURTHER RESOLVED THAT the Board of Supervisors hereby approves the Rental Disclosure Statement as shown in Exhibit 1.

BE IT THEREFORE FINALLY RESOLVED THAT the Board of Supervisors approves ON MOTION BY Supervisor Fritz, seconded by Supervisor Stetson, this resolution is duly passed and adopted this the 20th day of September, 2005 by the following vote:

AYES: STETSON, TURPIN, BIBBY, FRITZ, PICKARD

NOES: NONE

EXCUSED: NONE
ABSTAIN:  NONE

BOB PICKARD, Chairman
Mariposa County Board of Supervisors

ATTEST:

MARGIE WILLIAMS, Clerk of the Board

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY:

THOMAS P. GUARINO, County Counsel
MARIPOSA PLANNING STAFF REPORT

From: Kris Schenk, Planning Director; John Davis, Building Director; Blaine Schultz, Fire Chief

Prepared By: Kris Schenk, Planning Director

Board of Supervisors Meeting Date: September 20, 2005

Proposal: Zoning Amendment No. 05-121

Description: Proposed amendment to the Mariposa County Code, Section 17.108.95, to prohibit the installation or relocation of mobile homes manufactured prior to January, 1976, unless such homes have been retrofitted to meet the seal standards of the United States Department of Housing and Urban Development or equivalent standards established by the California Department of Housing and Community Development.

The proposed ordinance would not apply to households currently living in pre-1976 mobile homes in Mariposa County. Neither would it affect mobile home parks in Mariposa County, which are regulated by the California Department of Housing and Community Development. The ordinance would require, upon sale or rental of any such pre-1976 mobile home, written notice to be provided to the new owner or tenant advising them of the serious health and safety risks inherent in living in the home.

Proponent: County of Mariposa

Proposed location: Countywide

Noticing: Gazette Ad: August 24, 2005 and September 7, 2005

STAFF SUMMARY ANALYSIS & RECOMMENDATION:
Staff prepared the proposed ordinance in compliance with the Mariposa County General Plan. The amendment is proposed to protect human health and safety, and will not negatively impact the environment. To date, there has been no public opposition to this project.

Requested The Planning Commission and staff from the departments of Building, Fire and Planning recommend that the Board of Supervisors take action to:

Board Action:
(1) Adopt a resolution, finding the project to be exempt from CEQA, pursuant to Section 15061(b)3, of the California Environmental Quality Act (CEQA), approving Zoning Ordinance Amendment No. 05-121, and approving the proposed Rental Disclosure Statement;
(2) Adopt the proposed ordinance adding Section 17.108.095 to Mariposa County Code, Title 17.
Staff

Recommended Action:

Department heads from the Planning, Building and Fire Departments participated in drafting this ordinance. The Board of Supervisors, on June 21, 2005, unanimously adopted Resolution No. 05-279, a Resolution of Intention to initiate an amendment to Title 17, based upon the following findings:

1. Fire incidence in pre-1976 mobile homes is significantly increased due to the use of materials that support quicker combustion of the whole unit in flash over conditions, which places Mariposa County residences and firefighters at a greater risk of injury or death.

2. The proposed ordinance is based on the National Manufactured Housing Construction and Safety Standards Act of 1974, adopted in June 1976, which addresses the serious health and safety issues inherent in earlier models.

3. It has been verified that when newer units burn, fires stay contained within the room of origin for a longer period of time, giving occupants and firefighters additional time to get to safety.

4. It is in the interest of the health and safety of mobile home residents and firefighters in Mariposa County that notice and information be provided to the Mariposa County general public about the dangers inherent in mobile homes that do not meet the National Manufactured Housing Construction and Safety Standards Act, adopted in June, 1976.

An ordinance prohibiting the installation of pre-1976 mobile homes will have no significant environmental impacts. The amendment is being done to protect human health and safety. To date there has been no public opposition to the ordinance - - during two noticed meetings before the Mariposa County Board of Supervisors to consider initiating the amendment; following an article describing the proposed ordinance in the Mariposa Gazette and two Planning Commission public hearing notices published in the Mariposa Gazette; and during the public hearing held by the Planning Commission on July 22, 2005 to consider the ordinance.

The Planning Commission, after having considered the draft ordinance during a public hearing, recommends that the Board approve the environmental Notice of Exemption and the Sale/Rental Disclosure Statement and adopt the ordinance. Staff concurs with this recommendation.
MARIPOSA COUNTY RESOLUTION NO. 05-279

RESOLUTION OF INTENTION TO INITIATE AN AMENDMENT TO TITLE 17, THE MARIPOSA COUNTY ZONING ORDINANCE, TO PROHIBIT THE INSTALLATION OF PRE-1976 MOBILE HOMES WITHIN MARIPOSA COUNTY

WHEREAS, the Mariposa County Board of Supervisors did, on April 19, 2005, consider the matter of prohibiting the installation in Mariposa County of mobile homes manufactured prior to June 15, 1976; and

WHEREAS, the Board of Supervisors has reviewed and discussed statistical data, photographic slides, and state and federal information documenting the serious life and property hazards associated with fires in pre-1976 mobile homes; and

WHEREAS, the Board directed staff to return with additional information and an amended draft ordinance that would prohibit the location or relocation of mobile homes built prior to June 15, 1976 unless they meet the seal standards of the United States Department of Housing and Urban Development, or equivalent standards of the California Department of Housing and Community Development; and

WHEREAS, the Board of Supervisors does not intend to displace or prevent current inhabitants of pre-1976 mobile homes in Mariposa County from continuing to live in these homes if they wish, nevertheless the Board does intend that upon the sale or rental of such mobile homes to new owners or tenants, the original owner shall provide written notice to the new owners or tenants clearly advising them of the serious risks to life, safety and property associated with living in a pre-1976 mobile home that has not been retrofitted to meet the seal standards of the United States Department of Housing and Urban Development, or the equivalent standards of the California Department of Housing and Community Development; and

WHEREAS, the proposed ordinance does not affect mobile home parks in Mariposa County, which are under the jurisdiction of the California Department of Housing and Community Development, and which does not allow the installation of pre-1976 units.

NOW THEREFORE BE IT RESOLVED THAT the Board of Supervisors does hereby initiate an action, pursuant to Section 17.128.020 (B) of the County Code, amending Title 17, the Mariposa County Zoning Ordinance, to prohibit the installation of pre-1976 mobile homes, unless they have been retrofitted to meet the above-referenced seal standards.
BE IT FURTHER RESOLVED THAT the Board of Supervisors does hereby adopt the findings in Attachment 1 as the basis for undertaking this amendment to Title 17.

BE IT FINALLY RESOLVED THAT the Board of Supervisors hereby directs that the proposed ordinance in Attachment 2 be advertised for adoption, be widely circulated in Mariposa County, be noticed to the general public in the newspaper and be referred to the Mariposa County Planning Commission for a recommendation, prior to being brought back to the Board of Supervisors for final consideration and enactment.

ON MOTION BY Supervisor Stetson, seconded by Supervisor Fritz; this resolution is duly passed and adopted this 21st day of June, 2005 by the following vote:

AYES: Stetson, Turpin, Bibby, Fritz, and Pickard

NOES: None

ABSENT: None

ABSTAIN: None

Bob Pickard, Chairman
Mariposa County Board of Supervisors

Margie Williams
Clerk of the Board of Supervisors

Thomas P. Guarino
County Counsel
FINDINGS

1. Fire incidence in pre-1976 mobile homes is significantly increased due to the use of materials that support quicker combustion of the whole unit in flash over conditions, which places Mariposa County residences and firefighters at a greater risk of injury or death.

2. The proposed ordinance is based on the National Manufactured Housing Construction and Safety Standards Act of 1974 adopted in June 1976, which addresses the serious health and safety issues inherent in earlier models.

3. It has been verified that when newer units burn, fires stay contained within the room of origin for a longer period of time, giving occupants and firefighters additional time to get to safety.

4. It is in the interest of the health and safety of mobile home residents and firefighters in Mariposa County that notice and information be provided to the Mariposa County general public about the dangers inherent in mobile homes that do not meet the National Manufactured Housing Construction and Safety Standards Act, adopted in June, 1976.
PROPOSED ORDINANCE

Section 17.108.095 Pre-1976 Mobile Homes

A. Mobile homes manufactured prior to January 1976 shall be prohibited from being located into or relocated within Mariposa County unless they meet the seal standards of the United States Department of Housing and Urban Development or equivalent standards established by the California Department of Housing and Community Development.

B. Each mobile home shall be installed on a foundation or tie down system meeting the requirements of California law.

C. No mobile home of any age shall be used as an uninhabited storage structure.

D. A legal existing, nonconforming mobile home installed on a parcel in the county may remain on the parcel upon which it is installed and shall not be relocated to another parcel within the County of Mariposa.

E. No legal existing nonconforming mobile home may have a new addition or expansion which physically alters the structure of the mobile home.

F. Expansion of or an addition physically attached to a conforming mobile home shall meet the standards of the Uniform Building Code or shall obtain any required certificate issued by the California Department of Housing and Community Development, such that the expansion or addition does not compromise the original structural integrity of the mobile home.

G. Upon sale or rental of a mobile home manufactured prior to 1976, written notice shall be provided, in a prescribed form, to the new owner or tenant advising them of serious health and safety risks inherent in inhabiting such structures, unless the mobile home has been retrofitted to meet the seal standards of the United States Department of Housing and Urban Development or the equivalent standards established by the California Department of Housing and Community Development.
Resolution No. 05-24

A resolution recommending that the Mariposa County Board of Supervisors approve Zoning Ordinance Amendment No. 05-121, modifying Title 17 of the County Code to prohibit the installation of mobile homes built prior to January, 1976.

WHEREAS on the 21st day of June, 2005, the Board of Supervisors adopted Resolution No. 05-279, a Resolution of Intention to initiate an amendment to Mariposa County Code, Title 17, Zoning, and directing the Planning Commission to consider and make a recommendation concerning pre-1976 mobile homes; and

WHEREAS, the adoption of Resolution No. 05-279 was based upon the presentations to the Board of Supervisors by the Mariposa County Fire Chief, Building Director and Planning Director on April 19th and June 21, 2005, and consideration of public input and discussion of the proposed ordinance and its implementation; and

WHEREAS the proposed ordinance is based on the National Manufactured Housing Construction and Safety Standards Act of 1974, adopted in June, 1976, which addresses the serious health and safety issues inherent in earlier mobile homes;

WHEREAS the fire incidence in pre-1976 mobile homes is significantly increased due to the use of materials that support quicker combustion of the whole unit in flashover conditions, which places Mariposa County residences and firefighters at a greater risk of injury or death; and

WHEREAS it has been verified that when newer units burn, fires stay contained within the room of origin for a longer period of time, giving occupants additional time to get to safety; and

WHEREAS a duly noticed public hearing concerning this matter has been scheduled for July 22, 2005 with the Planning Commission; and

WHEREAS a Notice of Exemption has been prepared pursuant to Sections 15061(b)3 of the California Environmental Quality Act (CEQA) Guidelines; and

WHEREAS the Planning Commission has held a public hearing on the proposed ordinance on July 22, 2005 and has carefully considered all the information in the public record.
and in the staff report, and comments made by members of the Mariposa County community who provided testimony before or during the public hearing.

NOW THEREFORE, BE IT RESOLVED THAT the Planning Commission of the County of Mariposa does hereby recommend that the Board of Supervisors adopt a resolution approving Zoning Amendment No. 05-121 with findings, directing planning staff to file a Notice of Exemption for the action pursuant to State of California CEQA Guidelines, and approving the Rental Disclosure Statement.

BE IT THEREFORE FURTHER RESOLVED THAT the Planning Commission of the County of Mariposa does hereby recommend that the Board of Supervisors adopt an Ordinance, amending Title 17 of the Mariposa County Code by adding Section 17.108.095 prohibiting the installation of pre-1976 mobile homes, as follows:

Section 17.108.095 Pre-1976 Mobile Homes

A. Mobile homes manufactured prior to January 1976 shall be prohibited from being located into or relocated within Mariposa County unless they meet the seal standards of the United States Department of Housing and Urban Development or equivalent standards established by the California Department of Housing and Community Development.

B. Each mobile home shall be installed on a foundation or tie down system meeting the requirements of California law.

C. No mobile home of any age shall be used as an uninhabited storage structure.

D. A legal existing, nonconforming mobile home installed on a parcel in the county may remain on the parcel upon which it is installed and shall not be relocated to another parcel within the County of Mariposa.

E. No legal existing nonconforming mobile home may have a new addition or expansion which physically alters the structure of the mobile home.

F. Expansion of or an addition physically attached to a conforming mobile home shall meet the standards of the Uniform Building Code or shall obtain any required certificate issued by the California Department of Housing and Community Development, such that the expansion or addition does not compromise the original structural integrity of the mobile home.

G. Upon sale or rental of a mobile home manufactured prior to 1976, written notice shall be provided, in a prescribed form, to the new owner or tenant advising them of serious health and safety risks inherent in inhabiting such structures, unless the mobile home has been retrofitted to meet the seal standards of the United States Department of Housing and Urban Development or the equivalent standards established by the California Department of Housing and Community Development.

BE IT FINALLY RESOLVED THAT the recommended action is based upon substantial evidence in the public record and with the following findings;

1. Fire incidence in pre-1976 mobile homes is significantly increased due to the use of materials that support quicker combustion of the whole unit in flash over conditions, which places Mariposa County residences and firefighters at a greater risk of injury or death.

2. The proposed ordinance is based on the National Manufactured Housing Construction and Safety Standards Act of 1974 adopted in
June 1976, which addresses the serious health and safety issues inherent in earlier models.

3. It has been verified that when newer units burn, fires stay contained within the room of origin for a longer period of time, giving occupants and firefighters additional time to get to safety.

4. It is in the interest of the health and safety of mobile home residents and firefighters in Mariposa County that notice and information be provided the Mariposa County general public about the dangers inherent in mobile homes that do not meet the National Manufactured Housing Construction and Safety Standards Act, adopted in June, 1976.

ON MOTION BY Commissioner Skyrud, seconded by Commissioner DeSantis, this resolution is duly passed and adopted this 22nd day of July, 2005 by the following vote:

AYES: Ludington, Ross, Rudzik, Skyrud, DeSantis

NOES: None

EXCUSED: None

ABSTAIN: None

______________________________
Robert L. Rudzik, Chair
Mariposa County Planning Commission

Attest:

______________________________
Tracy Gauthier, Secretary to the
Mariposa County Planning Commission

Revised: March 17, 2004
Deliberations:

None

On motion of Commissioner Ludington, seconded by Commissioner Skyrud, the Planning Commission adopted a resolution adopting a Mitigated Negative Declaration, and approved Land Division No. 2004-140 with the recommended findings, conditions, and mitigation measures as amended. Motion carried by the following vote:

AYES: Ludington, Ross, Rudzik, Skyrud and De Santis
NOES: None

2C. Zoning Ordinance Amendment No. 2005-121; County of Mariposa, project proponent.

Kris Schenk presented Zoning Ordinance Amendment No. 2005-121 and briefly described the proposed amendment to Mariposa County Code, to add Section 17.108.095, to prohibit the installation or relocation of mobile homes manufactured prior to January, 1976, unless such homes have been retrofitted to meet the seal standards of the United States Department of Housing and Urban Development or equivalent standards established by the California Department of Housing and Community Development.

Schenk stated the Board of Supervisors has requested the Planning Commission make a recommendation to them regarding this subject.

Blaine Shultz of County Fire, spoke regarding the safety of the people living in pre 1976 mobile homes, and the safety of fire fighters attempting to fight the fires. Shultz explained the construction of post and pre 1976 mobile home. He then talked about a training fire with a pre 1976 mobile home. Shultz spoke of the post and pre 1976 mobile home window escape issues. Shultz concluded saying he would like to see pre 1976 mobile home not allowed to be brought in to Mariposa.

Commissioner Rudzik asked how the public will be notified. John Davis, Building Director, responded we would run an add in the news paper.

Commissioner Skyrud asked about motor homes being used for a permanent residence. Davis responded they will be addressing this issue with another ordinance. Skyrud then asked how this is handled right now. Davis said that the county operates under Title 17 which says what ever people live in will have to meet building requirements.

Staff concluded recommending that the Planning Commission adopt a resolution recommending that the Board of Supervisors take action to adopt a resolution, finding the project is exempt from CEQA pursuant to Section 15061(b)3, of the California Environmental Quality Act (CEQA), approving Zoning Ordinance Amendment No. 2005-121, and approve the proposed Rental Disclosure Statement, and adopt the proposed ordinance adding Section 17.108.095 to Mariposa County Code, Title 17.
Public Comment Portion of Hearing Opened

None

Public Comment Portion of the Hearing Closed

Deliberations:

None

On motion of Commissioner Skyrud, seconded by Commissioner De Santis, the Planning Commission adopted a resolution recommending that the Board of Supervisors take action to adopt a resolution, finding the project is exempt from CEQA pursuant to Section 15061(b)3, of the California Environmental Quality Act (CEQA), approve Zoning Ordinance Amendment No. 2005-121, approve the proposed Rental Disclosure Statement, and adopt the proposed ordinance adding Section 17.108.095 to Mariposa County Code, Title 17. Motion carried by the following vote:

AYES: Ludington, Ross, Rudzik, Skyrud and De Santis
NOES: None

3. ACTION:

3A. Recommended policy to address inactive open applications. The Planning Commission considered a policy recommendation to the Board of Supervisors to address the length of time inactive current planning applications should remain open.

Sarah Williams recommended that the Commission present to the Board of Supervisors, a policy to allow staff to close a project file after 6 months when there isn't any activity or progress being made.

Commissioner Rudzik asked if County Counsel supports this. Williams responded yes.

Public Comment Portion of the Hearing Open

None

Public Comment Portion of the Hearing Closed

Recess: 10:45
Reconvened: 11:00 a.m.

On motion of Commissioner Skyrud, seconded by Commissioner Ross, the Planning Commission adopted a resolution recommending that the Board of Supervisors take action to
DATE:           February 4, 2005

TO:            John Davis, Building Director

FROM:          Blaine Shultz, Fire Chief

RE:            Report on fires in Mobile homes

A review of the last five years fire activity in structure fires indicates that 65% of all
working structure fires have been in mobile homes. Further, the extent of fire and
resultant loss occurs in the mobile home category. With a couple of exceptions, most of
these fires occurred in older coaches, 1960 to 1980 vintage.

<table>
<thead>
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<th>Class of Fire</th>
<th>2000</th>
<th>2001</th>
<th>2002</th>
<th>2003</th>
<th>2004</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>All structure fires</td>
<td>13</td>
<td>8</td>
<td>11</td>
<td>6</td>
<td>5</td>
<td>43</td>
</tr>
<tr>
<td>Mobile Home Fires</td>
<td>6</td>
<td>4</td>
<td>7</td>
<td>6</td>
<td>5</td>
<td>28</td>
</tr>
<tr>
<td>% of Total</td>
<td>46%</td>
<td>50%</td>
<td>64%</td>
<td>100%</td>
<td>100%</td>
<td>65%</td>
</tr>
</tbody>
</table>

Mobile Homes constructed pre 1976 did not meet codes that ensured adequate access
from the exterior and through the coach. Further, preservatives such as formaldehyde
and liberal application of varnish over veneer wood construction created a significant fire
load. Operating in the interior of one of these coaches places firefighters at a greater risk
that in current structures, mobile and modular.

Fire cause in older mobile homes is significant due to the use of both copper and
aluminum wiring in the electrical system. This was remedied in coaches newer than
1976 and resulted in a dramatic decrease in number of fires.

The department regularly trains in live burn activities and our experience has shown that
fire extension and involvement occurs twice as fast in the older version of mobile homes.
Post 1976 units have larger doors, hallways and in many cases drywall construction
which limits rapid fire spread.

Based on occupant and firefighter safety, we recommend that any addition pre-1976
coaches to the housing inventory be restricted.
Mobile Homes on Tie-Downs

<table>
<thead>
<tr>
<th>Date</th>
<th>Total MH's</th>
<th>Pre-1976</th>
</tr>
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<tbody>
<tr>
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<td></td>
</tr>
<tr>
<td>1/05-4/05</td>
<td>2</td>
<td></td>
</tr>
</tbody>
</table>
DRAFT

MARIPOSA COUNTY ORDINANCE NO. _____

AN ORDINANCE MODIFYING MARIPOSA COUNTY CODE, ADDING SECTION 17.108.095 TO THE MARIPOSA COUNTY ZONING ORDINANCE PROHIBITING MOBILE HOMES BUILT PRIOR TO JANUARY 1, 1976 FROM BEING LOCATED INTO OR RELOCATED WITHIN MARIPOSA COUNTY.

WHEREAS, the proposed ordinance is based on the National Manufactured Housing Construction and Safety Standards Act of 1974, adopted in June, 1976, which addresses the serious health and safety issues inherent in earlier models.

WHEREAS, fire incidence in pre-1976 mobile homes is significantly increased due to the use of materials that support quicker combustion of the whole unit in flash over conditions, which places Mariposa County residences and firefighters at a greater risk of injury or death.

WHEREAS, it has been verified that when newer units burn, fires stay contained within the room of origin for a longer period of time, giving occupants additional time to get to safety.

NOW THEREFORE, the Board of Supervisors of Mariposa County, a political subdivision of the State of California does ordain as follows:

Section I - Title 17 of Mariposa County Zoning Ordinance shall be modified by adding Section 17.108.095 as follows:

Section 17.108.095 Pre-1976 Mobile Homes

A. Mobile homes manufactured prior to January 1976 shall be prohibited from being located into or relocated within Mariposa County unless they meet the seal standards of the United States Department of Housing and Urban Development or equivalent standards established by the California Department of Housing and Community Development.

B. Each mobile home shall be installed on a foundation or tie down system meeting the requirements of California law.

C. No mobile home of any age shall be used as an uninhabited storage structure.

D. A legal existing, nonconforming mobile home installed on a parcel in the county may remain on the parcel upon which it is installed and shall not be relocated to another parcel within the County of Mariposa.

E. No legal existing nonconforming mobile home may have a new addition or expansion which physically alters the structure of the mobile home.

F. Expansion of or an addition physically attached to a conforming mobile home shall meet the standards of the Uniform Building Code or shall obtain any required certificate issued by the California Department of Housing and Community Development, such that the expansion or addition does not compromise the original structural integrity of the mobile home.
G. Upon sale or rental of a mobile home manufactured prior to 1976, written notice shall be provided, in a prescribed form, to the new owner or tenant advising them of serious health and safety risks inherent in inhabiting such structures, unless the mobile home has been retrofitted to meet the seal standards of the United States Department of Housing and Urban Development or the equivalent standards established by the California Department of Housing and Community Development.

PASSED AND ADOPTED this ___ day of ____________, 2005 by the Board of Supervisors of Mariposa County by the following vote:

AYES:  
NOES:  
ABSTAINED:  
EXCUSED:  

__________________________  
BOB PICKARD, Chairman  
Mariposa County Board of Supervisors

ATTEST:

__________________________  
MARGIE WILLIAMS, Clerk of the Board

APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY:

__________________________  
TOM GUARINO, County Counsel
STATE OF CALIFORNIA  
COUNTY OF MARIPOSA  
BOARD OF SUPERVISORS

Resolution No. 05-____

A resolution approving Zoning Ordinance Amendment No. 05-121, modifying Title 17 of the County Code to prohibit the installation of mobile homes built prior to January, 1976.

WHEREAS on the 21st day of June, 2005, the Board of Supervisors adopted Resolution No. 05-279, a Resolution of Intention to initiate an amendment to Mariposa County Code, Title 17, Zoning, and directing the Planning Commission to consider and make a recommendation concerning pre-1976 mobile homes; and

WHEREAS, the adoption of Resolution No. 05-279 was based upon the presentations to the Board of Supervisors by the Mariposa County Fire Chief, Building Director and Planning Director on April 19th and June 21, 2005, and consideration of public input and discussion of the proposed ordinance and its implementation; and

WHEREAS the proposed ordinance is based on the National Manufactured Housing Construction and Safety Standards Act of 1974, adopted in June, 1976, which addresses the serious health and safety issues inherent in earlier mobile homes;

WHEREAS the fire incidence in pre-1976 mobile homes is significantly increased due to the use of materials that support quicker combustion of the whole unit in flashover conditions, which places Mariposa County residences and firefighters at a greater risk of injury or death; and

WHEREAS it has been verified that when newer units burn, fires stay contained within the room of origin for a longer period of time, giving occupants additional time to get to safety; and

WHEREAS a duly noticed public hearing concerning this matter was scheduled for July 22, 2005 with the Planning Commission; and
WHEREAS a staff report was prepared pursuant to state planning and zoning law and local ordinance, and a Notice of Exemption was prepared pursuant to Sections 15061(b)3 of the California Environmental Quality Act (CEQA) Guidelines; and

WHEREAS the Planning Commission held a public hearing on the proposed ordinance on July 22, 2005 and carefully considered all the information in the public record and in the staff report, and comments made by members of the Mariposa County community who provided testimony before or during the public hearing; and

WHEREAS the Planning Commission adopted Resolution No. 2005-24, recommending that the Board of Supervisors approve Zoning Ordinance Amendment No. 05-121 with findings; and

WHEREAS a duly noticed public hearing concerning this matter was scheduled for September 20, 2005 with the Board of Supervisors; and

WHEREAS a staff report was prepared pursuant to state planning and zoning law and local ordinance, and a Notice of Exemption was prepared pursuant to Sections 15061(b)3 of the California Environmental Quality Act (CEQA) Guidelines; and

WHEREAS the Board of Supervisors held a public hearing on Zoning Amendment No. 05-121 on September 20, 2005 and carefully considered all the information in the public record and in the staff report, comments made by members of the Mariposa County community who provided testimony before or during the public hearing, and the recommendation of the Planning Commission.

NOW THEREFORE, BE IT RESOLVED THAT the Board of Supervisors hereby approves Zoning Amendment No. 05-121, an amendment to Title 17 of the Mariposa County Code to prohibit the installation of pre-1976 mobile homes, as follows:

Section 17.108.095 Pre-1976 Mobile Homes

A. Mobile homes manufactured prior to January 1976 shall be prohibited from being located into or relocated within Mariposa County unless they meet the seal standards of the United States Department of Housing and Urban Development or equivalent standards established by the California Department of Housing and Community Development.

B. Each mobile home shall be installed on a foundation or tie down system meeting the requirements of California law.

C. No mobile home of any age shall be used as an uninhabited storage structure.

D. A legal existing, nonconforming mobile home installed on a parcel in the county may remain on the parcel upon which it is installed and shall not be relocated to another parcel within the County of Mariposa.

E. No legal existing nonconforming mobile home may have a new addition or expansion which physically alters the structure of the mobile home.

F. Expansion of or an addition physically attached to a conforming mobile home shall meet the standards of the Uniform Building Code or shall obtain any required certificate issued by the California Department of Housing and Community Development, such that the expansion or addition does not compromise the original structural integrity of the mobile home.
G. Upon sale or rental of a mobile home manufactured prior to 1976, written notice shall be provided, in a prescribed form, to the new owner or tenant advising them of serious health and safety risks inherent in inhabiting such structures, unless the mobile home has been retrofitted to meet the seal standards of the United States Department of Housing and Urban Development or the equivalent standards established by the California Department of Housing and Community Development.

BE IT FURTHER RESOLVED THAT the Board of Supervisors action is based upon the following findings:

1. Fire incidence in pre-1976 mobile homes is significantly increased due to the use of materials that support quicker combustion of the whole unit in flash over conditions, which places Mariposa County residences and firefighters at a greater risk of injury or death.

2. The proposed ordinance is based on the National Manufactured Housing Construction and Safety Standards Act of 1974 adopted in June 1976, which addresses the serious health and safety issues inherent in earlier models.

3. It has been verified that when newer units burn, fires stay contained within the room of origin for a longer period of time, giving occupants and firefighters additional time to get to safety.

4. It is in the interest of the health and safety of mobile home residents and firefighters in Mariposa County that notice and information be provided the Mariposa County general public about the dangers inherent in mobile homes that do not meet the National Manufactured Housing Construction and Safety Standards Act, adopted in June, 1976.

BE IT FURTHER RESOLVED THAT the Board of Supervisors hereby direct planning staff to file a Notice of Exemption for the action pursuant to State of California CEQA Guidelines.

BE IT FURTHER RESOLVED THAT the Board of Supervisors hereby approves the Rental Disclosure Statement as shown in Exhibit 1.

BE IT THEREFORE FINALLY RESOLVED THAT the Board of Supervisors approves ON MOTION BY Supervisor ________, seconded by Supervisor ________, this resolution is duly passed and adopted this __________, 2005 by the following vote:

AYES:

NOES:

EXCUSED:

ABSTAIN:
Bob Pickard, Chairman
Mariposa County Board of Supervisors

ATTEST:

MARGIE WILLIAMS, Clerk of the Board

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY:

TOM GUARINO, County Counsel

Revised: March 17, 2004
MARIPOSA COUNTY
NOTICE OF EXEMPTION

TO:        County Clerk, County of Mariposa        FROM:    Mariposa County
           P.O. Box 247                                    Board of Supervisors
           Mariposa, CA  95338                             P.O. Box 784
                                                        Mariposa, CA  95338

Project Title:   Zoning Ordinance Amendment No. 2005-121
Project Address:  Countywide

Description of Project: Amendment to the Mariposa County Code, Section 17.108.095, to
                      prohibit the installation or relocation of mobile homes manufactured prior
to January, 1976, unless such homes have been retrofitted to meet the
                      seal standards of the United States Department of Housing and Urban
                      Development or equivalent standards established by the California
                      Department of Housing and Community Development. The ordinance
                      would not apply to households currently living in pre-1976 mobile homes
                      in Mariposa County. Neither would it affect mobile home parks in
                      Mariposa County, which are regulated by the California Department of
                      Housing and Community Development. The ordinance requires, upon
                      sale or rental of any such pre-1976 mobile home, written notice to be
                      provided to the new owner or tenant advising them of the serious health
                      and safety risks inherent in living in the home.

Name of Public Agency Approving Project:  Mariposa County Board of Supervisors

Name of Proponent Carrying Out Project:  Mariposa County Board of Supervisors,
pursuant to Mariposa County Resolution No. 05-279 adopted June 21,
2005

Exempt Status:  Categorical Exemption, Section 15061(b)3, CEQA Guidelines

Reason Why Project Is Exempt:  It can be seen with certainty that the ordinance has
                                no potential for causing a significant effect on the
                                environment. The proposed ordinance will reduce,
                                by no more than a few homes annually, the number
                                of mobile homes which may obtain permits to be
                                installed in Mariposa County. The proposal has no
                                potential to negatively affect biological or cultural

Revision date:  April 7, 2004
resources, public roads, land uses, public services or other environmental values. The proposal has the potential to significantly protect human health and safety, as well as improve fire protection public services. The General Plan (including the Housing Element and the regional housing needs analysis) is not significantly affected by this proposed ordinance.

Lead Agency Contact Person: Kris Schenk, Planning Director

Phone Number: (209) 742 - 1216

Mariposa County, Planning Department

by

Kris Schenk
Planning Director

Date

DRAFT
Draft
SALE/RENTAL DISCLOSURE STATEMENT

This disclosure statement concerns the real property situated in Mariposa County, State of California located at: ________________________________

This statement discloses the age of the mobile home offered for sale or rent as being constructed in 19____.

The owner discloses that the above described Mobile Home was constructed prior to the National Manufactured Housing Construction and Safety Standards Act of 1974, which was enacted in June, 1976, and addresses the serious health and safety issues inherent in Mobile Homes built prior to 1976.

The owner further discloses that fire incidence in pre-1976 mobile homes is significantly increased due to the use of materials that support quicker combustion of the whole unit in flash over conditions, which places mobile home residents at a greater risk of injury or death than those inhabiting mobile homes constructed after January 1976.

Owner_________________________ Date________________

Owner_________________________ Date________________

Renter/Purchaser_________________ Date________________

Renter/Purchaser_________________ Date________________