

ORDINANCE NO. _____

**AN ORDINANCE OF THE VENTURA COUNTY BOARD OF SUPERVISORS
AMENDING DIVISION 8, CHAPTER 1, ARTICLE 2, 3, 4, AND 9 OF THE VENTURA
COUNTY ORDINANCE CODE, NON-COASTAL ZONING ORDINANCE PERTAINING
TO THE ESTABLISHMENT OF A SENIOR MOBILEHOME PARK OVERLAY ZONE
AND RELATED REGULATIONS**

The Board of Supervisors of the County of Ventura, State of California, ordains as follows:

Section 1

The Board of Supervisors finds that:

- A. There are 25 mobilehome parks in the unincorporated area of Ventura County, eight of which have long operated as senior mobilehome parks, providing an important source of affordable senior housing;
- B. The eight senior mobilehome parks represent approximately 660 spaces out of 1,360 total spaces, or 50 percent of all mobilehome spaces in the unincorporated area;
- C. The conversion of senior mobilehome parks to mobilehome parks allowing occupancy by persons of all ages will result in harmful environmental effects and the loss of existing affordable senior housing within the County. These effects present a threat to, and a specific adverse impact upon, public health, safety and welfare and the County's ability to provide safe and decent housing opportunities to seniors;
- D. The goals of the 2014-2021 Housing Element of the County's General Plan include discouraging the conversion of existing senior citizen housing to other uses and providing opportunities for new, and preserving existing, senior housing including ownership, rental, and manufactured housing (Housing Element Goals/Policies 3.3.2-4(1) and 3.3.1-5(4));
- E. The California Legislature has authorized counties to provide zoning for "senior mobilehome parks" pursuant to California Health and Safety Code section 18300;
- F. The California Attorney General has opined that zoning for senior housing does not conflict with the general prohibition against discrimination based upon age contained in California Government Code section 65008 (87 Cal. Ops. Atty. Gen. 148 (Oct. 20, 2004));

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- G. It is necessary to develop new zoning regulations to implement a Senior Mobilehome Park Overlay Zone in order to promote and preserve low cost senior mobilehome parks;
- H. This ordinance is necessary to mitigate the unregulated effects of conversion of senior housing to housing allowing occupancy by persons of all ages, including the potential shrinking inventory of existing quality affordable housing for seniors, and restricted housing options for seniors hoping to remain in their mobilehome community or transition into such a community from larger or more expensive housing. No feasible alternative is available to satisfactorily mitigate or avoid these specific adverse impacts as well or better with a less burdensome effect than the adoption of the proposed ordinance;
- I. California's Unruh Civil Rights Act (Civil Code, § 51 et seq.) authorizes private parties to establish housing for senior citizens and the Federal Fair Housing Act (42 U.S.C. § 3601 et seq.) expressly allows for “housing for older persons”; and
- J. The adoption of the text amendments herein and the zoning of the listed existing mobilehome park properties to the Senior Mobilehome Park Overlay Zone is consistent with the Ventura County General Plan and good zoning practice and is in the interest of the public health, safety and general welfare.

Section 2

Article 2: Definitions

Article 2, Section 8102-0 - Application of Definitions, of Chapter 1 of Division 8 of the Ventura County Ordinance Code, is hereby amended by addition of the following definition in appropriate alphabetical order:

Senior Mobilehome Park - A mobilehome park with a minimum of 10 spaces in which at least 80 percent of the occupied mobilehomes or manufactured homes are inhabited by, or intended for habitation by, at least one person who is 55 years of age or older.

Section 3

Article 3: Establishment of Zones, Boundaries and Maps

Article 3, Section 8103-0 – Purpose and Establishment of Zones and Minimum Lot Areas, of Chapter 1 of Division 8 of the Ventura County Ordinance Code is hereby amended to read as follows:

Sec. 8103-0 - Purpose and Establishment of Zones and Minimum Lot Areas

In order to classify, regulate, restrict, and segregate uses of land and buildings; to regulate the height and size of buildings; to regulate the area of yards and other open spaces around buildings; and to regulate the density of population, the following classes of use zones are established along with their abbreviations and minimum lot areas. Alternative minimum lot areas may be established pursuant to Section 8103-1 et seq. Minimum lot area requirements are expressed in "gross" area for land uses and structures. The minimum lot area for subdivision purposes is expressed in "net" area for parcels of less than 10 acres, and "gross" area for parcels of 10 acres or more.

Zoning District Base Zones	Abbreviation	Minimum Lot Area *
Open Space.....	OS	10 Acres
Agricultural Exclusive	AE	40 Acres
Rural Agricultural	RA	1 Acre
Rural Exclusive.....	RE	10,000 sq.ft.
Single-Family Estate	RO.....	20,000 sq.ft.
Single-Family Residential	R1.....	6,000 sq.ft.
Two-Family Residential	R2.....	7,000 sq.ft.
Residential Planned Development	RPD	As Specified by Permit
Residential High Density.....	RHD.....	0.80 acre (1)
Commercial Office	CO	No Requirement
Neighborhood Commercial	C1	No Requirement
Commercial Planned Development	CPD	No Requirement
Industrial Park	M1	10,000 sq.ft.
Limited Industrial	M2	10,000 sq.ft.
General Industrial	M3	10,000 sq.ft.
Timberland Preserve	TP.....	160 Acres
Specific Plan	SP	Established by Plan
Residential.....	RES.....	OTSDC (2)
Residential Mixed Use.....	R/MU.....	OTSDC (2)
Town Center.....	TC	OTSDC (2)
Industrial.....	IND	OTSDC (2)

Overlay Zones

Refer to Article 9 (Standards for Specific Zones and Zone Types) for development standards applicable in Overlay Zones

Scenic Resource Protection	/SRP	Not Applicable
Mineral Resource Protection	/MRP	Not Applicable
Community Business District	/CBD	Not Applicable
Temporary Rental Unit Regulation	/TRU	Not Applicable
Dark Sky	/DKS	Not Applicable
Habitat Connectivity and Wildlife Corridors.....	/HCWC.....	Not Applicable
Critical Wildlife Passage Areas	/CWPA.....	Not Applicable
Mobilehome Park	/MHP.....	Not Applicable

Senior Mobilehome Park/SMHP.....Not Applicable

Section 4

Article 4: Purposes of Zones

Article 4, Section 8104-7 – Overlay Zones, of Chapter 1 of Division 8 of the Ventura County Ordinance Code is hereby amended by the addition of the following:

Sec. 8104-7.10 - Senior Mobilehome Park (SMHP) Overlay Zone

The purposes of this zone are:

- a. To recognize senior mobilehome parks as walkable communities where seniors may live actively and independently among peers, the preservation of those qualities being central to residents' continued health, welfare and financial stability.
- b. To recognize that senior mobilehome parks provide one of the few housing options within Ventura County available to seniors that are affordable and allow for independent living in a detached dwelling.
- c. To preserve a significant source of affordable, senior housing by ensuring that senior mobilehome parks within the unincorporated area remain predominantly available to seniors and are not converted to allow occupancy by persons of all ages.
- d. To meet the purpose of the federal Housing for Older Persons Act of 1995 (42 U.S.C. § 3607).
- e. To ensure a sufficient supply of land for this type of use in the future.

Section 5

Article 9: Standards for Specific Zones and Zone Types

Article 9, Section 8109-4 – Standards for Overlay and Special Purpose Zones, of Chapter 1 of Division 8 of the Ventura County Ordinance Code is hereby amended by the addition of the following:

Section 8109-4.11 – Senior Mobilehome Park Overlay Zone

Sec. 8109-4.11.1 – Application

The abbreviated reference for this zone when applied to a base zone shall be "SMHP". The provisions of this overlay zone are intended to apply to all mobilehome parks in the unincorporated area where, as of the operative date of the Ordinance enacting this Section 8109-4.11, such mobilehome parks meet the definition of senior mobilehome park and are rezoned to

the SMHP Overlay Zone. The suffix “SMHP” shall be added to the base zone covering land so identified (e.g., RPD-8 du/ac/MHP/SMHP), but shall have no effect on the provisions of the base zone, except for the limitations provided herein. In this overlay zone the permit requirements of Division 11, Chapter 1, Articles 5, 11, 13 and 17 shall apply.

Sec. 8109-4.11.2 - Allowed Uses

Only the following uses, as authorized in this Chapter and with appropriate permits, are allowed:

- a. Principal Uses: Senior mobilehome parks.
- b. Accessory Uses: Accessory structures and uses incidental to the operation of senior mobilehome parks, and for the exclusive noncommercial use of the senior mobilehome park residents and their guests, such as a clubhouse or community center, community pool, recreational vehicle storage, or common laundry facility.
- c. Accessory Uses to Dwellings, in accordance with section 8105-4.
- d. Uses exempt from obtaining permits, in accordance with section 8105-4.
- e. Uses not listed above to which owners and residents of mobilehome parks have reasonable expectancy, consistent with applicable permit conditions and section 8101-4.10, and which do not interfere with the operation of mobilehome parks or their use and enjoyment by residents. Examples of such uses include occasional filming activities and wireless communications facilities.

Sec. 8109-4.11.3 - Land Use Regulations

All owners, operators, and occupants, as applicable, located within the Senior Mobilehome Park Overlay Zone shall comply with all of the requirements and limitations described below.

Sec. 8109-4.11.3.1 - Signage, Advertising, Rental Agreements and Leases

- a. Signage, advertising, park rules, regulations, rental agreements and leases for units in a mobilehome park in the Senior Mobilehome Park Overlay Zone must state that the park is a “Senior Mobilehome Park”.
- b. Any advertisement for a rental or vacancy in a Senior Mobilehome Park must state that the vacancy is intended for occupancy by at least one person 55 years of age or older.

Sec. 8109-4.11.3.2 – Occupancy Limitations & Rentals

At least 80 percent of the occupied units in a Senior Mobilehome Park must be occupied by at least one person 55 years of age or older.

Senior Mobilehome Park occupancy satisfies the requirements of this section even if:

- a. There are unoccupied mobilehomes, provided that at least 80% of the occupied mobilehomes are occupied by at least one person 55 years of age or older.
- b. To the extent permitted by applicable law, for a period of no more than two consecutive years fewer than 80 percent of the occupied units are occupied by at least one person 55 years of age or older, provided the Senior Mobilehome Park has reserved all unoccupied mobilehomes for occupancy by at least one person 55 years of age or older.

Sec. 8109-4.11.4- Age Verification & Compliance Procedures

- a. The County shall determine, and maintain summary documentation establishing that at least 80 percent of the mobilehomes in a Senior Mobilehome Park are occupied by at least one resident who is 55 years of age or older. The full occupancy verification documentation shall be made available by park owners for inspection by County upon reasonable notice and request.
- b. At least once every two years owners and operators of Senior Mobilehome Parks shall submit documentation confirming that at least 80 percent of all occupied mobilehomes are occupied by at least one resident 55 years of age or older to the Planning Division of the County of Ventura Resource Management Agency.
- c. The County shall consider government-issued identification to be reliable documentation of the age of the residents of the mobilehome park, provided that it contains specific information about current age or date of birth (e.g. driver's license).
- d. Reliable documentation shall also include a certification in a lease, application, affidavit, or other document signed by any member of the household age 18 or older asserting that at least one person in the unit is 55 years of age or older.
- e. If the occupant(s) of a particular mobilehome refuse or are unable to comply with these age verification procedures, the County may, if it has sufficient evidence, consider the unit to be occupied by at least one person 55 years of age or older. Such evidence may include:
 - (1) Government records or documents;
 - (2) Prior forms or applications; or
 - (3) A statement from an individual who has personal knowledge of the age of the occupants. The individual's statement must set forth the basis for such knowledge and be signed under the penalty of perjury.

Sec. 8109-4.11.4.1 – Duty of Mobilehome Park Residents to Comply with Age Verification Request

Upon the operative date of this Section 8109-4.11.4.1, and no later than 30 days after request for age verification by a mobilehome park owner or operator or an employee or agent of the County, all owners and residents of all mobilehomes located, or proposed to be located, within the Senior Mobilehome Park Overlay Zone shall provide to the mobilehome park operator and to the Planning Division of the County the requested age verification documents or information.

Sec. 8109-4.11.4.2 – Duty of Mobilehome Park Owners/Operators to Comply With Age Reporting Requirement and Certification

a. Within 60 days of the passage (Insert Date) of this Section 8109-4.11.4.2, and then every two years thereafter, the owner or operator of each Senior Mobilehome Park shall report to the Planning Director of the County confirmation that at least 80 percent of all occupied mobilehomes are occupied by at least one resident 55 years of age or older. The owners or operators of each senior mobilehome park shall maintain procedures for verifying the age of park residents.

b. The senior mobilehome park owner or operator shall provide to the County a certification substantially in the following form:

"I [name] hereby certify that there is at least one occupant 55 years of age or older living in ___ [number of such mobilehomes] mobilehomes out of a total number of ___ [total number] mobilehomes located in this mobilehome park. This certification is based on my personal knowledge of the residents, evidence provided to me in the form of official government documents containing specific information about the current age of the residents, resident affidavits, or age certifications made by residents.

Section 6

Sections 8109-4.11.4.1 in Section 5 of this ordinance shall become effective and operative 30 days following the adoption of this ordinance. Section 8109-4.11.4.2 in Section 5 of this ordinance shall become effective 30 days following the adoption of this ordinance and operative 60 days following adoption. All remaining provisions of this ordinance shall become effective 30 days following adoption of this ordinance and shall become operative 90 days following adoption.

Ayes: Supervisors: _____

Noes: _____

Absent: _____

Chair, Board of Supervisors

ATTEST: Michael Powers
Clerk of the Board of Supervisors
County of Ventura, State of California

By _____
Deputy County Clerk