



# LAND USE SERVICES DEPARTMENT

## Planning Division

### PLANNING COMMISSION STAFF REPORT



**HEARING DATE:** July 19, 2012

**AGENDA ITEM NO:** 3

**Project Description**

**Vicinity Map**

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APN: 0649-221-09  
APPLICANT: HAVASU LANDING, LLC  
COMMUNITY: HAVASU/1ST SUPERVISORIAL DISTRICT  
LOCATION: HAVASU LAKE ROAD & LAKE BLVD,  
NORTHEAST CORNER.  
PROJECT NO.: P200800488  
PROPOSAL: TENTATIVE TRACT MAP 18719 TO CONVERT A  
PREVIOUSLY APPROVED (PARTIALLY DEVELOPED)  
RENTAL MOBILE HOME PARK TO A RESIDENT-OWNED  
MOBILE HOME PARK WITH 320 RESIDENTIAL LOTS AND  
LETTERED LOTS FOR ROADS AND OPEN SPACE IN  
THREE PHASES ON 68.84 ACRES.  
STAFF: KEVIN WHITE  
REP(S): DAWSON SURVEYING



**134 Hearing Notices sent on: July 6, 2012**

**Field Inspected By: Randy Coleman**

**Report Prepared By: Kevin White**

**SITE DESCRIPTION:**

**Parcel Size:** 68.84 acres.

**Terrain:** Previously Graded.

**Vegetation:** Some Perimeter Landscaping

**EXISTING LAND USES AND ZONING DISTRICT DESIGNATIONS:**

AREA	EXISTING LAND USE	LAND USE ZONING DISTRICT	OVERLAYS
Site	Mobile Home Park (Partially Constructed)	SD-RES	N/A
North	Vacant	RS & SD-RES	N/A
South	Single-Family Residential	RS	N/A
East	Vacant/RV Park	Chemehuevi Indian Reservation	N/A
West	Vacant	SD-RES	N/A

	<b><u>AGENCY</u></b>	<b><u>COMMENTS</u></b>
<b>City Sphere of Influence:</b>	None	None
<b>Water Service:</b>	Chemehuevi Indian Reservation	Presently Served
<b>Sewer Service:</b>	Chemehuevi Indian Reservation	Presently Served

**STAFF RECOMMENDATION:** APPROVE Tentative Tract Map 18719 to create 320 residential lots in an existing mobile home park to allow individual ownership by residents.

In accordance with Section 83.010605 of the Development Code, this action may be appealed to the Board of Supervisors.

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END DEC

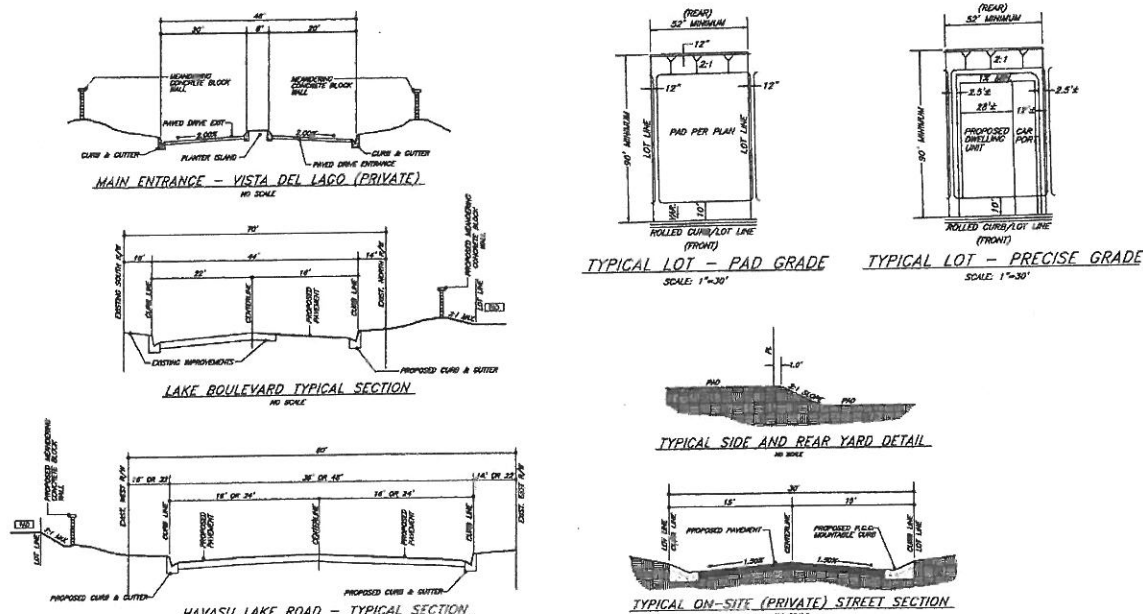
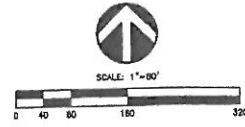
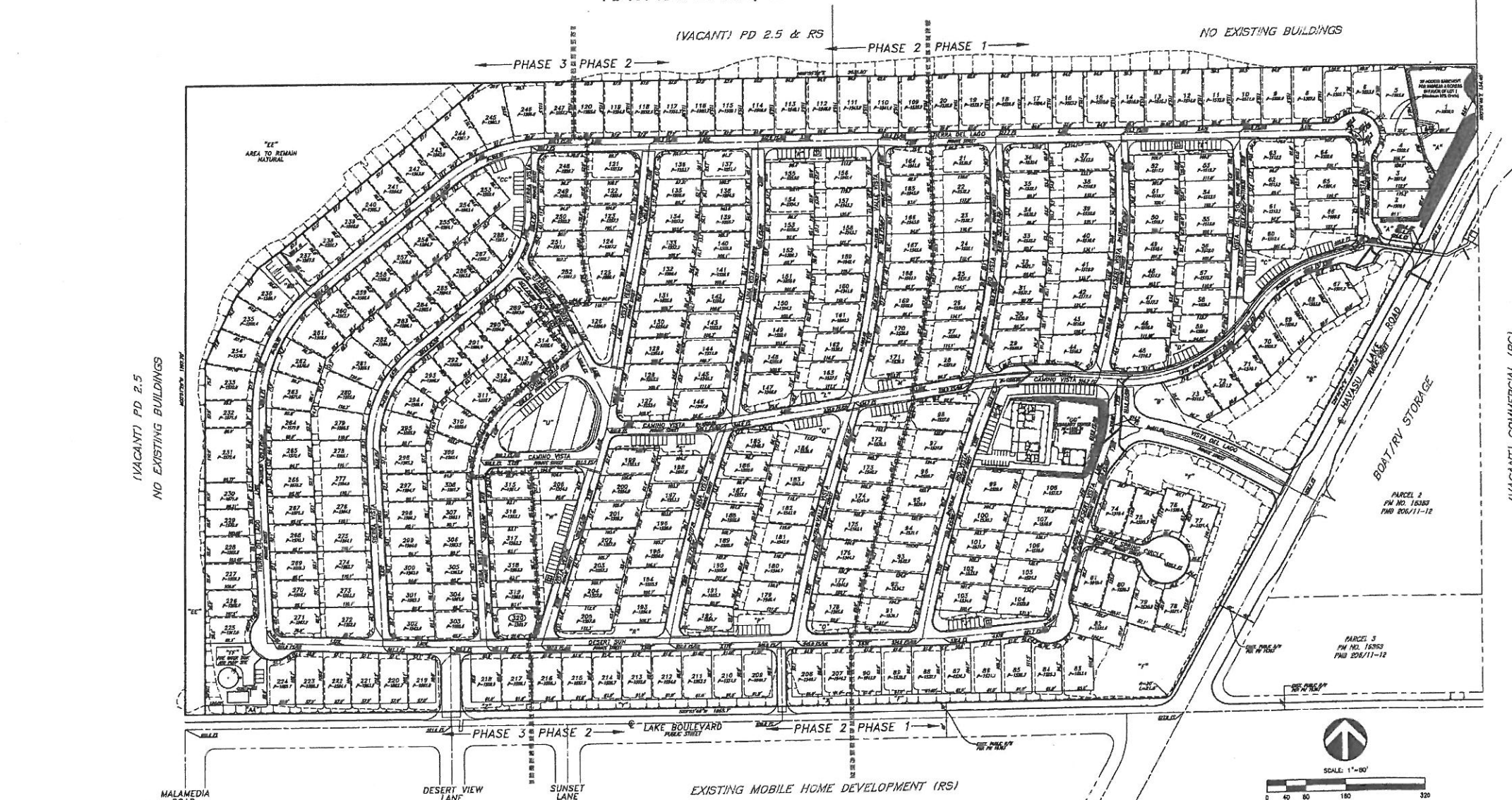


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# TENTATIVE TRACT No. 18719

## HAVASU LAKE, SAN BERNARDINO COUNTY, CALIFORNIA



### PLAN LEGEND

- PHASE 1
- PHASE 2
- PHASE 3
- PROPOSED 2:1 MAX. SLOPE
- EXISTING CONTOUR
- PROPOSED CONTOUR
- PROPOSED DIRECTION OF FLOW AND GRADE

### TOPOGRAPHY

KENNEY AERIAL  
Flight Date: 04/24/00  
MAPPING INC.

### LEGAL DESCRIPTION:

PARCEL 1 OF PARCEL MAP NO. 18363, SAN BERNARDINO COUNTY, CALIFORNIA, RECORDED JANUARY 14, 2003 AS PARCEL MAP BOOK 306, PAGES 11 AND 12.

### EXISTING EASEMENTS:

- AN EASEMENT IN FAVOR OF VERDON CALIFORNIA INC., RECORDED NOVEMBER 14, 2003 AS INSTRUMENT NO. 03-854247, O.R. (NOT PLOTTABLE OF RECORD)
- AN EASEMENT IN FAVOR OF SOUTHERN CALIFORNIA Edison COMPANY, ITS SUCCESSORS AND ASSIGNS, RECORDED FEBRUARY 24, 2003 AS INSTRUMENT NO. 03-126661, O.R. (NOT PLOTTABLE OF RECORD)

### YUCCA/JOSHUA TREE NOTE

THERE ARE NO YUCCA OR JOSHUA TREES WITHIN THE BOUNDARIES OF THIS PROJECT.

### UTILITY PURVEYORS

- WATER - CHANDLER RIVER TRIBE (WHEELER WATER)  
200 SUNSHINE TRAIL  
HAVASU LAKE, CA 92383
- SEWER - CHANDLER RIVER TRIBE  
200 SUNSHINE TRAIL  
HAVASU LAKE, CA 92383
- GAS - N/A
- ELECTRICITY - SOUTHERN CALIFORNIA Edison Co.  
505 W. 140 AVENUE  
ALHAMBRA, CA 91803  
PLANNING: 760-821-1804
- VERDON - VERDON  
1200 CHANDLER TREE LAKE  
REDLANDS, CA 92374  
JUSTIN MARK 800-748-6657

### LOT SUMMARY

VERDON LAND IS AN EXISTING MOBILE HOME COMMUNITY. LAND USE DISTRICT AS-16. PROPOSED PROJECT IS FOR DEVELOPER BUILD OUT.

LOT #	PROPOSED USE	AREA	% OF TOTAL
1-300	RESIDENTIAL LOTS	43.50	65.3
"A" - "D"	LANDSCAPING/PARKING/OPEN AREAS	7.77	10.3
"E"	AREA TO REMAIN NATURAL	4.31	6.3
"F"	FIRE WATER TANK & PUMP SITE	0.33	0.5
"G"	CLUMPHOUSE	0.86	1.4
"H"	PRIVATE STREETS	11.19	16.1
		66.44	100%

PHASING:  
PHASE 1 - 100 RESIDENTIAL LOTS  
PHASE 2 - 100 RESIDENTIAL LOTS  
PHASE 3 - 100 RESIDENTIAL LOTS

PROPOSED DENSITY = 320  
66.44 = 4.61 D.U./ACROSS ACRE  
LINEAR FEET OF NEW (PRIVATE) STREETS IS APPROXIMATELY 16,000 LF

### GENERAL INFORMATION

ASSESSOR'S PARCEL NUMBER: 0648-221-08  
APPLICANT/OWNER:  
HAVASU LANDINGS LLC  
2000 CHANDLER CIRCLE  
LA BUREAU, CALIFORNIA 92533  
(PH) 771-3034  
ATTN: TERRY FLEMING  
MARC FLEMING  
DANISHY SURVEYING, INC.  
575 E. CARRISON DRIVE, SUITE B  
COLTON, CALIFORNIA 92324-3000  
(PH) 435-0016  
ATTN: ROBERT J. DANISH, PLS  
MAP PREPARATION DATE: MARCH 2011  
MAP REVISION DATE: FEBRUARY 2012



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**BACKGROUND:** The project site is located at the intersection of Havasu Lake Road and Lake Blvd in the community of Havasu Landings. This community is approximately 20 miles south of the City of Needles, and consists of single-family residential homes, a marina, campground, general store, two gas stations, two restaurants, a casino and a fire station. The majority of the Havasu Landings community is located within the Chemehuevi Indian Reservation, which surrounds the private unincorporated lands in the area, and borders the project site to the east.

The project site is a partially-developed mobile home park that was previously approved to allow 320 spaces on 68.84 acres. The project was approved to be developed in three phases by the Board of Supervisors on December 9, 2003. All three phases have been graded and all roads and infrastructure have been installed throughout the first phase (with the exception of the final street cap). Currently 39 of the approved 320 spaces have been improved with homes. Since the 39 spaces were approved, the County of San Bernardino has relinquished the primary enforcement and control of mobile home parks to the State of California, Department of Housing and Community Development (HCD) and no longer has the authority to issue permits within the park, including permits for construction of buildings, roads, drainage, etc., and the set down of new manufactured homes. In addition, since the last major improvements were completed, the property went into foreclosure and a new property owner has taken ownership of the property.

The application for the proposed tract was originally filed by the former property owner (original developer) in 2008. The project was placed on hold until it was reactivated by the current owner.

#### **ANALYSIS:**

The proposed project would allow the conversion of a 320-space rental mobile home park to a 320-lot resident-owned mobile home park subdivision, as provided in the Subdivision Map Act (SMA), Government Code section 66410, et seq. In addition to the 320 mobile home lots, there will be lettered lots for roads, open space and common areas, to be recorded in three phases. A homeowners' association, comprised of the individual lot owners, would be responsible for maintenance of the lettered lots/common areas.

State law extensively regulates most matters involving mobile home parks, so the County is limited in its regulatory authority in the review of a mobile home park subdivision. Subsection 66427.5(e) of the SMA states "The subdivider shall be subject to a hearing by a legislative body or advisory agency, which is authorized by local ordinance to approve, conditionally approve, or disapprove the map. The scope of the hearing shall be limited to the issue of compliance with this section." The SMA is clear on the narrow scope of the hearing. Section 66427.4 of the SMA provides that in approving or denying a tentative map for a mobile home park subdivision, the County must determine that the subdivider has complied with certain requirements to

demonstrate that the proposed mobile home park conversion will avoid economic displacement of current tenants who do not choose to purchase their home sites. The subdivider is required to submit to all residents of the park a Tenant Impact Report which describes the impact of the conversion and explains the protections afforded to those resident households that elect not to purchase a lot within the park. The subdivider must offer each existing tenant an option to purchase a subdivided lot, or to remain as a renter. The Tenant Impact Report must be sent to each resident at least 15 days prior to the hearing on the map.

A survey of support (Survey) must also be conducted by the subdivider wherein each occupied mobile home space receives a written ballot to indicate support or non-support for the subdivision and to indicate residents' interest in purchasing their mobile home spaces. The mobile home park will remain a manufactured housing community, with the existing residents having the right to either buy their subdivision interest or to remain and rent the subdivided mobile home space they occupy.

On March 7, 2012, this project was recommended for approval with conditions by the Development Review Committee. A Resident Impact Report (Report) was completed in 2008 when the property was owned by the original developer of the park. Due to the length of time that had passed since the subdivision request and the change of ownership, staff requested that the new owner complete the Report again. This new Report is dated March 26, 2012. After completion of the Report, staff scheduled the item for a Zoning Administrator hearing. At the hearing, it was determined that although a new Report was completed, it had not been sent to the residents of the park. The matter has been referred to the Planning Commission because of controversy that has arisen about the project. Staff has now confirmed that the Tenant Impact Report and Survey were completed as required by Section 66427.5 of the SMA. The survey was sent to 39 residents of occupied spaces, of which 28 residents responded. Of the 28 residents who responded, 24 supported the subdivision or would like to buy their spaces. Only four residents voted against the proposed subdivision. The SMA does not require a majority or a specific percentage of residents to vote in favor of the conversion. The SMA only states the results of the survey shall be submitted to the local agency to be considered as part of the subdivision map hearing. This requirement is designed to give cities and counties the power to ensure that mobile home park conversions under Section 66427.5 are bonafide residential conversions and to prevent abuses in the conversion process that otherwise might arise.

### **Comments from the Surrounding Property Owners**

#### Woody LLC

The owner of the property directly north of the site (Woody LLC) has expressed opposition to the proposal (Exhibit E) due to two factors. First, when the property was originally graded in 2005, (before Woody LLC acquired the property) a manufactured slope was created along the shared property line. Woody LLC alleges that the slope encroaches onto its property, and the previous owner/developer of the mobile home



park failed to obtain an off-site grading acceptance letter from the previous owner of the Woody LLC property. A representative of Woody LLC has stated that the Woody LLC property was damaged, and is seeking resolution. Staff has been advised by County Counsel that this is a civil matter between the two parties and is not applicable to the current subdivision proposal.

Woody LLC has also expressed concerns with the removal of a previously proposed access driveway across the project site that would have provided access to their property from Havasu Lake Road. The access easement was never recorded by the parties, and is not required for the Woody LLC property to have legal and physical access. Therefore staff recommends approval of the subdivision without this driveway.

#### Chemehuevi Indian Tribe

The Chemehuevi Indian Tribe provides water and sewer service to the mobile home park. This is accomplished by the Tribe serving water to the park owner, who meters the flow to individual home sites. The Tribe is concerned that the subdivision will create a situation where they will have 320 customers instead of one master customer as they do now. The Tribe has requested (Exhibit E) that the tract map be conditioned to require a restrictive covenant placed on every deed that requires the property owners to pay their cost for water and sewer service to a company formed for that purpose, in compliance with the Tribe's Water Ordinance. The developer is currently working with the Tribe to provide for the homeowners' association to act as the "company" responsible for billing the individual home sites, as requested. A condition of approval has been included to verify that the requirements of the water and sewer purveyor (the Tribe) have been satisfied prior to recordation.

The site has historically drained from west to east, exiting the site near the northeast corner of the site, crossing the Chemehuevi Indian Reservation and ultimately into the Colorado River, which is approximately 900 feet from the site. Prior to the initial approval of the project, a hydrology study was submitted to the County which indicated the project would be designed so that the storm water runoff from the development would exit the site at the same, historic location. The project was conditioned to provide drainage improvements in order to slow the peak flow rate to an acceptable level that would not negatively impact downstream properties.

The letter from the Tribe indicates rain and other runoff from the mobile home park flows onto the tribal land, creating erosion and large muddy areas on the Tribal Resort Campground. County staff was unaware of any drainage issue until the June 2012 letter was received from the Tribe. The letter from the Tribe indicates the mobile home park was notified of the issue in July of 2011, and has made no attempt to mitigate the runoff. The letter also notes that the Mitigated Negative Declaration (Initial Study/MND) prepared for the development project stated that runoff from the site would be less than significant with mitigation incorporated. The mitigation listed in the document was to develop adequate drainage facilities so that downstream properties would not be adversely affected. Example improvements were listed in the mitigation measure,

including detention facilities and channel erosion control measures, such as energy dissipaters, were listed as potential measures. A drain was constructed to convey storm water from the project site, under Lake Havasu Road, to the Tribe property. The design was approved to ensure that discharge would not damage the downstream property.

Because the development is already entitled and the County no longer has jurisdiction over mobile home parks, the County has a very limited role in enforcing conditions placed on the original development, or imposing additional conditions on TTM 18719. The County is preempted by state law from imposing new drainage requirements because HCD approves construction permits and enforces conditions related to water supply, ground drainage and water supply under Health and Safety Code Section 18501.

County staff may be able to assist HCD in evaluating nuisance runoff complaints by providing the hydrology study approved in 2003. The study contains an analysis of storm water runoff substantiating the existing drainage improvements. The developer and the Tribe have entered into discussions aimed at resolving any potential issues regarding the off-site drainage from the mobile home park. Several options for resolution are under consideration to determine which are the most effective and feasible for both parties.

This project is statutorily exempt from the California Environmental Quality Act (CEQA), pursuant to Section 21080.8 of the Public Resources Code, for subdivisions of existing rental mobile home parks. Therefore, a Notice of Exemption is recommended.

**RECOMMENDATION:**

That the Planning Commission:

- 1) **APPROVE** Tentative Tract Map 18719 to subdivide an existing rental mobile home park into 320 residential lots and lettered lots for roads and open space areas on 68.84 acres;
- 2) **ADOPT** the Findings contained in the staff report; and
- 3) **FILE** a Notice of Exemption

**ATTACHMENTS:**

Exhibit A: Findings  
Exhibit B: Conditions of Approval  
Exhibit C: Survey  
Exhibit D: Resident Impact Report  
Exhibit E: Correspondence



## **EXHIBIT A**

### **FINDINGS**

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**APN: 0649-221-09/P200800488**  
TT 18719 - Havasu Landing, LLC  
**Planning Commission: July 19, 2012**

**FINDINGS - Tentative Tract 18719**

[SBCC 86.12.060]

1. The proposed map, subdivision design, and improvements are consistent with the General Plan, because the park conforms to the development standards adopted with the approval of the mobile home park.
2. The site is physically suitable for the type and proposed density of development, because the site and the proposed lots have adequate setbacks, landscape areas, parking and open space.
3. The design of the subdivision and the proposed improvements are not likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat because the subdivision is in substantial conformance to the previously approved development.
4. The design of the subdivision or type of improvements is not likely to cause serious public health or safety problems because the subdivision will convert a previously approved rental mobile home park into a resident owned mobile home park. The configuration of the proposed space and roads remains in substantial conformance to the originally approved development.
5. The design of the subdivision or the type of improvements will not conflict with easements acquired by the public at large for access through or use of, property within the proposed subdivision, because the easements were previously designed to be compatible with the previously approved mobile home park, and all easements will be required to be plotted on the final map to further detail consistency.
6. The discharge of sewage from the proposed subdivision into the community sewer system will not result in violation of existing requirements prescribed by the California Regional Water Quality Control Board because the existing and proposed structures within the park will connect to the Chemehuevi Indian Tribe wastewater system.
7. The design of the subdivision provides, to the extent feasible, passive or natural heating and cooling opportunities because the typical lots have adequate building setbacks.
8. The proposed subdivision, its design, density, and type of development and improvements conforms to the regulations of this Development Code and the regulations of any public agency having jurisdiction by law because the subdivision conforms to the previously approved Final Development Plan which was previously approved by the County of San Bernardino.

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## **EXHIBIT B**

### **CONDITIONS OF APPROVAL**



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## CONDITIONS OF APPROVAL

Havasu Landing LLC  
**Tentative Tract Map 18719**  
For a Resident Owned Mobile Home Park

### **GENERAL REQUIREMENTS** Conditions of Approval and Procedures

LAND USE SERVICES / Planning Division (909) 387-8311

1. Project Description - Tentative Tract 18719 is approved to be recorded and constructed in compliance with the San Bernardino County Code (SBCC), the following conditions of approval, the approved stamped tentative map as designed, and the Mobile Home Park conditions of approval dated December 9, 2003. This approval includes the requirements of any approved displays (e.g. slope analysis, landscape plans) and/or approved reports. TT18719 is approved to convert a rental mobile home park to a resident-owned mobile home park, with 320 residential lots and lettered lots for roads and open space areas on 68.84 acres. Project Site APN: 0649-221-09. Project No.: P200800488
2. Project Location: The project site is located at the Northeast corner of Lake Blvd and Havasu Lake Road. The Current Zoning Designation for this Project is SD-RES (Special Development - Residential).
3. Expiration/TT. This conditional approval of the Tentative Tract Map shall become null and void unless all conditions have been completed and the Final Map has been deemed complete by the County Surveyor for purposes of recordation within thirty-six (36) months following the approval effective date, unless an extension of time is granted.  
PLEASE NOTE: This will be the ONLY notice given of the approval expiration date. The "developer" is responsible for initiation of any extension request.
4. Extension of Time/TT. Where circumstances cause delays, which do not permit compliance with the required recordation time limit, the developer may submit for review and approval an application requesting an extension of time. County Planning may grant such requests for extensions of time in compliance with the State Map Act Section 66452.6. An Extension of Time may be granted upon a successful review of an Extension of Time application, which includes a justification of the delay in recordation, a plan of action for completion and submittal of the appropriate fee, not less than 30 days prior to the expiration date. The granting of an extension request is a discretionary action that may be subject to additional or revised conditions of approval.

Effective Date: July 30, 2012  
Expiration Date: July 30, 2015

5. Revisions/TT. Any proposed change to the approved Tentative Tract Map, change in use, and/or the conditions of approval shall require that an additional land use application (e.g. Revision to an Approved Action) be submitted for review and approval obtained from County Planning.
6. "Developer" Defined. The term "developer" as used in these conditions of approval for this project and for any development of this project site, includes all of the following: the applicant, the property owner and any lessee, tenant or sub-tenant, operator and/or any other agent or other interested party of the subject project and/or project site and/or any heir or any other successor in interest in the project site or project land use by sale or by lease of all or of a portion of the project site or project land uses and/or any other right given to conduct any land use in any or all of the project structures or any area on the project site.
7. Indemnification. In compliance with SBCC §81.01.070, the "developer" shall agree, to defend, indemnify, and hold harmless the County or its "indemnitees" (herein collectively the County's elected officials, appointed officials (including Planning Commissioners), Zoning Administrator, agents, officers, employees, volunteers, advisory agencies or committees, appeal boards or legislative body) from any claim, action, or proceeding against the County or its indemnitees to attack, set aside, void, or annul an approval of the County by an indemnitee concerning a map or permit or any other action relating to or arising out of County approval, including the acts, errors or omissions of any person and for any costs or expenses incurred by the indemnitees on account of any claim, except where such indemnification is prohibited by law. In the alternative, the developer may agree to relinquish such approval.

Any condition of approval imposed in compliance with the County Development Code or County General Plan shall include a requirement that the County acts reasonably to promptly notify the "developer" of any claim, action, or proceeding and that the County cooperates fully in the defense. The "developer" shall reimburse the County and its indemnitees for all expenses resulting from such actions, including any court costs and attorney fees, which the County or its indemnitees may be required by a court to pay as a result of such action.

The County may, at its sole discretion, participate at its own expense in the defense of any such action, but such participation shall not relieve the "developer" of their obligations under this condition to reimburse the County or its indemnitees for all such expenses.

Effective Date: July 30, 2012  
Expiration Date: July 30, 2015

This indemnification provision shall apply regardless of the existence or degree of fault of indemnitees. The developer's indemnification obligation applies to the indemnitees' "passive" negligence but does not apply to the indemnitees' "sole" or "active" negligence or "willful misconduct" within the meaning of Civil Code Section 2782.

8. Development Fees. Additional fees may be required prior to issuance of development permits and shall be paid as specified in adopted fee ordinances.
9. Project Account. The Job Costing System (JCS) account number is P200800488. This is an actual cost project with a deposit account to which hourly charges are assessed by various county agency staff (e.g. Land Use Services, Public Works and County Counsel). Upon notice, the "developer" shall deposit additional funds to maintain or return the account to a positive balance. The "developer" is responsible for all expenses charged to this account. Processing of the project shall cease, if it is determined that the account has a negative balance and that an additional deposit has not been made in a timely manner. A minimum balance of \$1,000.00 shall be in the project account at the time of project approval and a minimum balance of \$1000.00 must be in the project account at the time the County Surveyor initiates Condition Compliance Review for recordation. Sufficient funds shall remain in the account to cover all estimated charges that may be made during each compliance review. All fees required for processing shall be paid in full prior to recordation. There shall be sufficient funds (\$250.00) remaining in the account to properly fund file closure and any other required post-occupancy compliance review and inspection requirements (e.g. mitigation performance).
10. Condition Compliance. Condition compliance confirmation for purposes of Final Map recordation will be coordinated by the County Surveyor.
11. Parking. Parking shall only be allowed in designated areas of the park, as shown on the approved Planned Development site plan.

PUBLIC WORKS/Land Development - Drainage (909) 387-8217

12. FEMA Regulations. Any improvements within the FEMA Flood Zone area shall comply with FEMA regulation.
13. (BMP) Devices. It is recommended that catch basin inserts type "Flowgard Plus" or a similar type needs to be installed at each catch basin inlet to prevent trash/debris and other pollutants from discharging to the lake.

Mitigation Measures are *italicized*



COUNTY FIRE (909) 386-8465

14. Jurisdiction. The above-referenced project is under the Jurisdiction of the San Bernardino County Fire Department. Prior to any construction occurring on any parcel, the Developer shall contact the Fire Department for verification of current fire protection development requirements. All new construction shall comply with the existing Uniform Fire Code requirements and all applicable statutes, codes, ordinances or standards of the Fire Department.
15. Fire Protection. Any required fire sprinklers, fire hydrant, fire main and fire alarm system installations necessitated by this construction must be made under separate detailed fire protection plans approved by the fire department prior to installation.
16. Construction. All construction must comply with all appropriate fire protection installation standards as adopted by the San Bernardino County Fire Department.
17. Access. The development shall have a minimum of 3 points of vehicular access. These are for fire/emergency equipment access and for evacuation routes. Standard 902.2.1

Single Story Road Access Width:

All buildings shall have access provided by approved roads, alleys and private drives with a minimum twenty six (26) foot unobstructed width and vertically to fourteen (14) feet six (6) inches in height. Other recognized standards may be more restrictive by requiring wider access provisions.

18. Street Sign. This project is required to have an approved street sign (temporary or permanent). The street sign shall be installed on the nearest street corner to the project. Installation of the temporary sign shall be prior any combustible material being placed on the construction site. Prior to final inspection and occupancy of the first structure, the permanent street sign shall be installed. Standard 901.4.4 [F72]
19. Hydrant Marking. Blue reflective pavement markers indicating fire hydrant locations shall be installed as specified by the Fire Department. In areas where snow removal occurs or non-paved roads exist, the blue reflective hydrant marker shall be posted on an approved post along the side of the road, no more than three (3) feet from the hydrant and at least six (6) feet high above the adjacent road. Standard 901.4.3. [F80]

Effective Date: July 30, 2012  
Expiration Date: July 30, 2015

20. Residential Addressing. The street address shall be installed on the building with numbers that are a minimum of four (4) inches in height and with a one half (½) inch stroke. The address shall be visible from the street. During the hours of darkness, the numbers shall be internally and electrically illuminated with a low voltage power source. Numbers shall contrast with their background and be legible from the street. Where the building is fifty (50) feet or more from the roadway, additional contrasting four (4) inch numbers shall be displayed at the property access entrances. Standard 901.4.4 [F81]

PUBLIC HEALTH/ Environmental Health Services (DEHS) (909) 387-4666

21. Water and Wastewater. All water and wastewater connections are to be approved by the State of California, Housing and Community Development. For more information, please contact HCD at 3737 Main Street, Suite 400, Riverside, CA 92501-3337, (951) 782-4420.
22. Refuse. All refuse generated at the premises shall at all times be stored in approved containers and shall be placed in a manner so that public health nuisances are minimized. All refuse not containing garbage shall be removed from the premises at least 1 time per week, or as often as necessary to minimize public health nuisances. Refuse containing garbage shall be removed from the premises at least 2 times per week, or as often if necessary to minimize public health nuisances, by a permitted hauler to an approved solid waste facility in conformance with San Bernardino County Code Chapter 8, Section 33.0830 et. seq. For information, please call DEHS/LEA at: 909-387-4655.

Effective Date: July 30, 2012  
Expiration Date: July 30, 2015

**PRIOR TO RECORDATION OF PHASE 1 OF TENTATIVE TRACT MAP 18719**

*The following conditions shall be completed:*

PUBLIC WORKS/Surveyor Division (909) 387-8145

23. Easements. Easements of record not shown on the tentative map shall be relinquished or relocated. Lots affected by proposed easements or easements of record, which cannot be relinquished or relocated, shall be redesigned.
24. Non-Interference. Subdivider shall present evidence that he has tried to obtain a non-interference letter from any utility company that may have rights of easement within the property boundaries.
25. Monumentation. Final Monumentation, not set prior to recordation, shall be bonded with a cash amount deposited with the County Surveyor's Office as established per the County fee schedule 16.0215B (e)(6).
26. Surveyor Fees. Prior to approval for recordation, all fees required under actual cost job number TR. 18719 shall be paid in full.

LAND USE SERVICES / PLANNING DIVISION (909) 387-8311

27. HOA. The developer shall establish a Homeowners' Association for the ownership and maintenance of all private roads, lettered lots, drainage improvements, walls and fences, the clubhouse facilities, and all common areas.
28. Fees. All fees required under actual cost job number P200800488 shall be paid in full.
29. Wall. The Developer shall bond for or build a decorative block wall adjacent to lot 1 that connects to and is consistent with the existing wall along Havasu Lake Road.

Effective Date: July 30, 2012  
Expiration Date: July 30, 2015

COUNTY FIRE (909) 386-8465

30. Water System Residential. A water system approved by the Fire Department is required. The system shall be operational, prior to recordation. Residential developments may increase the spacing between hydrants to be no more than six hundred (600) feet and no more than three hundred (300) feet (as measured along vehicular travel-ways) from the driveway on the address side of the proposed single family structure. Standard 901.4 [F-54b]
31. Hydrant Marking. Blue reflective pavement markers indicating fire hydrant locations shall be installed as specified by the Fire Department. In areas where snow removal occurs or non-paved roads exist, the blue reflective hydrant marker shall be posted on an approved post along the side of the road, no more than three (3) feet from the hydrant and at least six (6) feet high above the adjacent road. Standard 901.4.3. [F80]



**PRIOR TO RECORDATION OF PHASE 2 OF TENTATIVE TRACT MAP 18719**

*The following conditions shall be completed:*

LAND USE SERVICES / PLANNING DIVISION (909) 387-8311

32. Roads. All access drives, internal roads and parking areas shall be surfaced A/C paving as noted on the approved site plan. All parking for the handicap and all loading zones shall be surfaced with a minimum of 2 inches of AC Paving.
33. Fence. The developer shall extend the existing steel picket fence that existing along Lake Blvd until the beginning of phase 3.
34. Water and Wastewater. Provide proof to Planning that water and wastewater connections have been approved by the State of California, Housing and Community Development. For more information, please contact HCD at 3737 Main Street, Suite 400, Riverside, CA 92501-3337, (951) 782-4420.
35. Fees. All fees required under actual cost job number P200800488 shall be paid in full.

COUNTY FIRE (909) 386-8465

36. Combustible Protection. Prior to combustibles, being placed on the project site within phase 2 an approved paved road with curb and gutter and fire hydrants with an acceptable fire flow shall be installed. The topcoat of asphalt does not have to be installed until final inspection and occupancy. [F44]
37. Turnaround. An approved turnaround shall be provided at the end of each roadway one hundred and fifty (150) feet or more in length. Cul-de-sac length shall not exceed six hundred (600) feet; all roadways shall not exceed a 12 % grade and have a minimum of forty five (45) foot radius for all turns. In the FS1, FS2 or FS-3 Fire Safety Overlay District areas, there are additional requirements. Standard 902.2.1 [F43]
38. Hydrant Marking. Blue reflective pavement markers indicating fire hydrant locations shall be installed as specified by the Fire Department. In areas where snow removal occurs or non-paved roads exist, the blue reflective hydrant marker shall be posted on an approved post along the side of the road, no more than three (3) feet from the hydrant and at least six (6) feet high above the adjacent road. Standard 901.4.3. [F80]

Effective Date: July 30, 2012  
Expiration Date: July 30, 2015

PRIOR TO RECORDATION OF PHASE 3 OF TENTATIVE TRACT MAP 18719  
*The following conditions shall be completed:*

LAND USE SERVICES / PLANNING DIVISION (909) 387-8311

39. Roads. All access drives, internal roads and parking areas shall be surfaced A/C paving as noted on the approved site plan. All parking for the handicap and all loading zones shall be surfaced with a minimum of 2 inches of AC Paving.
40. Fence. The developer shall extend the existing steel picket fence that existing along Lake Blvd until the end of phase 3.
41. Water and Wastewater. Provide proof to Planning that water and wastewater connections have been approved by the State of California, Housing and Community Development. For more information, please contact HCD at 3737 Main Street, Suite 400, Riverside, CA 92501-3337, (951) 782-4420.
42. Fees. All fees required under actual cost job number P200800488 shall be paid in full.

COUNTY FIRE (909) 386-8465

43. Combustible Protection. Prior to combustibles, being placed on the project site within phase 3 an approved paved road with curb and gutter and fire hydrants with an acceptable fire flow shall be installed. The topcoat of asphalt does not have to be installed until final inspection and occupancy. [F44]
44. Turnaround. An approved turnaround shall be provided at the end of each roadway one hundred and fifty (150) feet or more in length. Cul-de-sac length shall not exceed six hundred (600) feet; all roadways shall not exceed a 12 % grade and have a minimum of forty-five (45) foot radius for all turns. In the FS1, FS2 or FS-3 Fire Safety Overlay District areas, there are additional requirements. Standard 902.2.1 [F43]
45. Hydrant Marking. Blue reflective pavement markers indicating fire hydrant locations shall be installed as specified by the Fire Department. In areas where snow removal occurs or non-paved roads exist, the blue reflective hydrant marker shall be posted on an approved post along the side of the road, no more than three (3) feet from the hydrant and at least six (6) feet high above the adjacent road. Standard 901.4.3. [F80]

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## **EXHIBIT C**

### **SURVEY**

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# VISTA DEL LAGO HOMEOWNERS ALPHABETICAL

	NAME	LOT #
1.	ANTHONY, ERIK	101 - yes
2.	BENO, CRAIG & THERESA	95 - no
3.	BEVERAGE, BILL & JOLENE	83 - yes
4.	BINKLEY, KEN & JENNIFER	30 -
5.	BRAJEVIC, ANTHONY & DANA	72 - yes
6.	FLEMING, TERRY SR.	44 - yes
7.	FLEMING, TERRY SR.	28 - yes
8.	DOWNING, LLOYD & PAT	5 - yes
9.	DUARTE, CARLOS & ANITA	77 - yes
10.	DWORAK, CHAD & APRIL	64
11.	GORGONE, PHIL & JEAN	71 - yes
12.	GRIMM, DAVID & ELSA	88 - yes
13.	HARGIS, MIKE & NANCY	61 -
14.	HOPKINS, DAVID & JODY	60 - yes
15.	HORIZON COMMUNITY BANK	26 - yes
16.	HORIZON COMMUNITY BANK	94 - yes
17.	JAMIESON, RICK & JUDY	106 - yes
18.	LANSFORD, BILLIE & ERIC & LOIS	56 - yes
19.	LARSON, GLENN & MICHELLE	89 - yes
20.	LEWIS, JEFF & ANGELA	93 - no
21.	MONNINGER, BRIAN & TRISH	70 - yes
22.	NAPPI, MARK & LISA	82 - yes
23.	NELMS, TOM & SUSAN	92 -
24.	PELOQUIN, KENNY	102 -
25.	PELOQUIN, VIC & LINDA	45 -
26.	PRESCHER, MIKE & KOURTNEY	35 - yes
27.	ROWNEY, GREG & KRIS	33 - yes
28.	HEIDEMANN, JENNIE (RUSSELL)	81 - yes
29.	SLAUGHTER, MAC	36 - yes
30.	SMITH, RON & CANDICE	98 - yes
31.	STEELE, PAT & MEGAN	31 -
32.	SZALONEK, KURT & JILL	78 - no
33.	VANPOUR, DAVID & SABRINA	99 -
34.	VOORTING, CRAIG & CHRIS	69 - yes
35.	WASHBURN, PHILLIP	32 - yes
36.	WRIGHT, TOM & DEBI	29
37.	WRIGHT, TOM & DEBI	96
38.	WRIGHT, TOM & DEBI	103
39.	Zaycor	34 - no

28 of 39 Responded = 72%

24 of 28 Voted yes = 86%

4 of 28 Voted No = 14%

April 5, 2012

# Voting Ballot

## for Vista Del Lago Lot Purchase

Vista Del Lago Lot Purchase	Existing Lot #305	New Lot #93
I/We Are in Favor of Purchasing the lot currently being leased	<input type="checkbox"/>	<input type="checkbox"/>
I/We Are NOT in Favor of Purchasing the lot currently being leased	<input checked="" type="checkbox"/>	<input type="checkbox"/>

# Voting Ballot

## for Vista Del Lago Lot Purchase

Vista Del Lago Lot Purchase	Existing Lot #199	New Lot #78
I/We Are in Favor of Purchasing the lot currently being leased		<input type="checkbox"/>
<del>I/We</del> Are NOT in Favor of Purchasing the lot currently being leased		<input checked="" type="checkbox"/>

# Voting Ballot

## for Vista Del Lago Lot Purchase

Vista Del Lago Lot Purchase	Existing Lot #243	New Lot #34
I/We Are in Favor of Purchasing the lot currently being leased	<input type="checkbox"/>	
I/We Are NOT in Favor of Purchasing the lot currently being leased	<input checked="" type="checkbox"/>	

# Voting Ballot

## for Vista Del Lago Lot Purchase

Vista Del Lago Lot Purchase	Existing Lot #242	New Lot #35
I/We Are in Favor of Purchasing the lot currently being leased	<input checked="" type="checkbox"/>	
I/We Are NOT in Favor of Purchasing the lot currently being leased		<input type="checkbox"/>



# Voting Ballot

## for Vista Del Lago Lot Purchase

Vista Del Lago Lot Purchase	Existing Lot #310	New Lot #98
I/We Are <del>in favor</del> of Purchasing the lot currently being leased <i>INTERESTED</i>	<input checked="" type="checkbox"/>	
I/We Are NOT in Favor of Purchasing the lot currently being leased	<input type="checkbox"/>	

would like ALL THE NUMBERS PRIOR TO  
A FINAL DECISION: IE = ASSOCIATION FEES  
LOT COST  
ETC.

# Voting Ballot

## for Vista Del Lago Lot Purchase

Vista Del Lago Lot Purchase	Existing Lot #195	New Lot #82
I/We Are in Favor of Purchasing the lot currently being leased	<input checked="" type="checkbox"/>	
I/We Are NOT in Favor of Purchasing the lot currently being leased	<input type="checkbox"/>	

Voting Ballot  
for Vista Del Lago Lot Purchase

Vista Del Lago Lot Purchase	Existing Lot #196	New Lot #81
I/We Are in Favor of Purchasing the lot currently being leased	<input checked="" type="checkbox"/>	
I/We Are NOT in Favor of Purchasing the lot currently being leased		<input type="checkbox"/>

# Voting Ballot

## for Vista Del Lago Lot Purchase

Vista Del Lago Lot Purchase	Existing Lot #205	New Lot #72
I/We Are in Favor of Purchasing the lot currently being leased	<input checked="" type="checkbox"/>	
I/We Are NOT in Favor of Purchasing the lot currently being leased	<input type="checkbox"/>	

# Voting Ballot

## for Vista Del Lago Lot Purchase

Vista Del Lago Lot Purchase	Existing Lot #207	New Lot #70
I/We Are in Favor of Purchasing the lot currently being leased	<input checked="" type="checkbox"/>	
I/We Are NOT in Favor of Purchasing the lot currently being leased	<input type="checkbox"/>	



# Voting Ballot

## for Vista Del Lago Lot Purchase

Vista Del Lago Lot Purchase	Existing Lot #208	New Lot #69
I/We Are in Favor of Purchasing the lot currently being leased	<input checked="" type="checkbox"/>	
I/We Are NOT in Favor of Purchasing the lot currently being leased		<input type="checkbox"/>

# Voting Ballot

## for Vista Del Lago Lot Purchase

Vista Del Lago Lot Purchase	Existing Lot #241	New Lot #36
I/We Are in Favor of Purchasing the lot currently being leased	<input checked="" type="checkbox"/>	
I/We Are NOT in Favor of Purchasing the lot currently being leased	<input type="checkbox"/>	

Voting Ballot  
for Vista Del Lago Lot Purchase

Vista Del Lago Lot Purchase	Existing Lot #194	New Lot #83
I/We Are in Favor of Purchasing the lot currently being leased	<input checked="" type="checkbox"/>	
I/We Are NOT in Favor of Purchasing the lot currently being leased		<input type="checkbox"/>

Phil & Jean Gorgone  
2138 Oak Canyon  
Chino Hills, CA 91709

**Voting Ballot**  
**for Vista Del Lago Lot Purchase**

.....

Vista Del Lago Lot Purchase	Existing Lot #206	New Lot #71
I/We Are in Favor of Purchasing the lot currently being leased		<input checked="" type="checkbox"/>
I/We Are NOT in Favor of Purchasing the lot currently being leased		<input type="checkbox"/>

Carlos & Anita Duarte  
906 W. Donington Street  
Glendora, CA 91741

**Voting Ballot**  
**for Vista Del Lago Lot Purchase**

<b>Vista Del Lago Lot Purchase</b>	<b>Existing Lot #200</b>	<b>New Lot #77</b>
I/We Are in Favor of Purchasing the lot currently being leased	<input checked="" type="checkbox"/>	
I/We Are NOT in Favor of Purchasing the lot currently being leased		<input type="checkbox"/>

Terry Fleming Sr.  
78980 Carmel Circle  
LaQuinta, CA 92253

## Voting Ballot

### for Vista Del Lago Lot Purchase

Vista Del Lago Lot Purchase	Existing Lot #249	New Lot #30
I/We Are in Favor of Purchasing the lot currently being leased	<input checked="" type="checkbox"/>	
I/We Are NOT in Favor of Purchasing the lot currently being leased		<input type="checkbox"/>



# Voting Ballot

## for Vista Del Lago Lot Purchase

Vista Del Lago Lot Purchase	Existing Lot #313	New Lot #101
I/We Are in Favor of Purchasing the lot currently being leased	<input checked="" type="checkbox"/>	
I/We Are NOT in Favor of Purchasing the lot currently being leased		<input type="checkbox"/>

Voting Ballot  
for Vista Del Lago Lot Purchase

Vista Del Lago Lot Purchase	Existing Lot #217	New Lot #60
I/We Are in Favor of Purchasing the lot currently being leased		<input checked="" type="checkbox"/>
I/We Are NOT in Favor of Purchasing the lot currently being leased		<input type="checkbox"/>

Glen & Michelle Larson  
175 S. Eucalyptus Drive  
Anaheim, CA 92808

# Voting Ballot

## for Vista Del Lago Lot Purchase

Vista Del Lago Lot Purchase	Existing Lot #188	New Lot #89
I/We Are in Favor of Purchasing the lot currently being leased	<input checked="" type="checkbox"/>	
I/We Are NOT in Favor of Purchasing the lot currently being leased		<input type="checkbox"/>

Voting Ballot  
for Vista Del Lago Lot Purchase

Vista Del Lago Lot Purchase	Existing Lot #4	New Lot #5
I/We Are in Favor of Purchasing the lot currently being leased	<input checked="" type="checkbox"/>	
I/We Are NOT in Favor of Purchasing the lot currently being leased		<input type="checkbox"/>

# Voting Ballot

## for Vista Del Lago Lot Purchase

Phillip Washburn  
16507 23rd St.  
P O Box 509  
Sunset, CA 90742

Vista Del Lago Lot Purchase	Existing Lot #245	New Lot #32
I/We Are in Favor of Purchasing the lot currently being leased	<input checked="" type="checkbox"/>	
I/We Are NOT in Favor of Purchasing the lot currently being leased		<input type="checkbox"/>

# Voting Ballot

## for Vista Del Lago Lot Purchase

Vista Del Lago Lot Purchase	Existing Lot #244	New Lot #33
I/We Are in Favor of Purchasing the lot currently being leased	<input checked="" type="checkbox"/>	
I/We Are NOT in Favor of Purchasing the lot currently being leased	<input type="checkbox"/>	



# Voting Ballot

## for Vista Del Lago Lot Purchase

Vista Del Lago Lot Purchase	Existing Lot #189	New Lot #88
I/We Are in Favor of Purchasing the lot currently being leased	<input checked="" type="checkbox"/>	
I/We Are NOT in Favor of Purchasing the lot currently being leased		<input type="checkbox"/>

Attention: Bill Cleary  
225 N. Lake Havasu Avenue  
Lake Havasu City, AZ 86403

## Voting Ballot

### for Vista Del Lago Lot Purchase

Vista Del Lago Lot Purchase	Existing Lot #306	New Lot #94
I/We Are in Favor of Purchasing the lot currently being leased	<input checked="" type="checkbox"/>	<input type="checkbox"/>
I/We Are NOT in Favor of Purchasing the lot currently being leased	<input type="checkbox"/>	<input type="checkbox"/>

## Voting Ballot

### for Vista Del Lago Lot Purchase

Vista Del Lago Lot Purchase	Existing Lot #318	New Lot #106
I/We Are in Favor of Purchasing the lot currently being leased	<input checked="" type="checkbox"/>	
I/We Are NOT in Favor of Purchasing the lot currently being leased	<input type="checkbox"/>	

BUT NOT AT THE PRICE QUOTED

RICK JAMESON

# Voting Ballot

## for Vista Del Lago Lot Purchase

Vista Del Lago Lot Purchase	Lot #307	New Lot #95
I/We Are in Favor of Purchasing the lot currently being leased	<input type="checkbox"/>	
I/We Are NOT in Favor of Purchasing the lot currently being leased	<input checked="" type="checkbox"/>	

*Not enough information to make decision.*

Voting Ballot  
for Vista Del Lago Lot Purchase

Vista Del Lago Lot Purchase	Existing Lot #221	New Lot #56
I/We Are In Favor of Purchasing the lot currently being leased	<input checked="" type="checkbox"/>	
I/We Are NOT In Favor of Purchasing the lot currently being leased		<input type="checkbox"/>

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## **EXHIBIT D**

### **RESIDENT IMPACT REPORT**

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## **RESIDENT IMPACT REPORT**

**HAVASU LANDING, LLC  
dba VISTA DEL LAGO  
12600 Havasu Lake Road  
Havasu Lake, California 92363**

Prepared by

Paul D. Bojic, Esq.  
Bojic, Pyfrom & Associates  
35-900 Bob Hope Drive, Suite 215  
Rancho Mirage, California 92270

June 14, 2012

### **1. Purpose of This Resident Impact Report.**

Havasu Landing, LLC, doing business as Vista Del Lago ("Vista Del Lago"), submits this Resident Impact Report ("RIR") in conjunction with its application for a tentative map, County of San Bernardino Department of Planning and Land Use Project No. P200800488.

The RIR is prepared pursuant to Government Code Section 66427.5 ("Subdivision Map Act"). Whenever a subdivision is created from a rental manufactured home community for the purpose of facilitating resident ownership, the Subdivision Map Act requires that the entity creating the subdivision from a rental manufactured home community file a report on the impact that the subdivision will have on the residents of the manufactured home community. Concurrently with the RIR the subdivider must also provide results of a survey regarding resident support for the conversion of a rental manufactured home community to a resident owned manufactured home subdivision. For the purposes of this RIR, the term "resident" shall mean the registered homeowner of a manufactured home who has the right to rent a lot in Vista Del Lago manufactured home community ("Community") under a written lease agreement with Vista Del Lago.

Vista Del Lago is an approved 320 space, rental manufactured home community with improved streets, a clubhouse, swimming pool, spa pool and common areas and facilities for the use of residents of the Community. The Community has no age restriction.

The main purpose of a RIR is to show that Community residents will not be adversely affected by the subdivision of the Community and that the subdivision will result in neither the actual nor economic displacement of Community residents. This RIR shows that: (1) no residents will be displaced; (2) no issues over the adequacy of replacement housing exist because no residents will be displaced; (3) reasonable relocations costs are not at issue because no residents will be displaced; (4) that no issues exist regarding rental rates because residents have long term leases with Vista Del Lago, and (5) that the Community's conversion will have no adverse

impact. Indeed, the subdivision provides residents with a choice to either purchase their lot or continue to lease then lot.

2. Residents' Current Status and Rights.

2.1 Current Status.

As of March 26, 2012, there are thirty-nine (39) households that lease lots in the Community. Various new and pre-owned manufactured homes are currently for sale in the Community in conjunction with voluntary long term lot leases.

2.2 Residents' Rights.

No Resident is either actually or economically displaced from the Community. Each Resident owns their manufactured home and has a long term leasehold estate in their lot.

3. Resident's Rights Upon Subdivision.

The subdivision of the Community is to facilitate Resident ownership. Each resident will have a choice of either continuing to lease their lot under their existing long term lease or to purchase their lot.

4. Impact of the Subdivision on Residents.

4.1 No Actual Displacement of Residents.

No residents will be displaced. Current residents who have long term leases that govern rent charges for use and occupancy of their lots shall continue to reside in the Community based upon the terms and conditions as set forth in their lease. The conversion of the Community to a resident owed subdivision will not alter those lease terms and conditions if residents choose to continue leasing their lots. Furthermore, upon the termination of those leases of those Current residents who have long term leases that govern rent charges for use and occupancy of their lots, an extension to said leases will be offered by the Owner. However, in no event shall the monthly rent be increased by an amount greater than the average monthly percentage increase in the Consumer Price Index for the most recently reported period and in compliance with Subdivision Map Act Section 66427.5(f)(2). Therefore, there will be no actual displacement of any resident due to the Community' 8 subdivision to facilitate resident ownership.

4.2 Rental Rate Increases; No Economic Displacement of Residents.

While current residents have already achieved rent protection through their long term leases, Governmental Code Section 66427.5 specifies that the subdivider of a manufactured home community disclose in the RIR certain mitigation measures to residents who choose not to purchase their lots. The specific nature of these measures depends upon whether a particular resident is "lower income" or "nonlower income" as defined by the California Health and Safety Code; it also depends upon whether the resident was already living in the Community at the time

the owner filed a tentative or parcel map. For the purposes of this RIR as noted above, the beginning of the subdivision effort for Vista Del Lago is taken to be the "Subdivision Initiation Date" defined as the date upon which Vista Del Lago files its application for tentative map for the Vista Del Lago subdivision.

Based on these two distinctions, the Government Code identifies three (3) different groups of homeowners, each with its own level of mitigation measure. For Vista Del Lago these three (3) groups and corresponding measures are as follows:

#### 4.2.1 New Residents.

**Definition:** All residents who have purchased their homes after the "Subdivision Initiation Date," and who have been provided with written notice that the Community is in the process of being subdivided to facilitate resident ownership. Residents who will be new to the Community on or after that date but before actual subdivision, therefore comprise this group of residents.

**Benefits:** Residents in this group do not qualify for special mitigation measures. However, a member of this group has the choice of either purchasing his or her lot or continuing to rent that lot under the rental agreement that he or she would already have in place.

#### 4.2.2 Nonlower Income Residents.

**Definition:** All residents who on the "Subdivision Initiation Date" own manufactured homes within the Community, but who do not qualify as "lower-income" according to Health and Safety Code Section 50079.5 (or who are lower-income, but do not occupy their home as their principal residence).

**Benefits:** The Subdivision Map Act Section 66427.5(f)(1) provides that rents for non purchasing, nonlower income residents "may increase from the preconversion rent to market levels, as defined in an appraisal conducted in accordance with nationally recognized professional appraisal standards, in equal annual increases over a four-year period."

#### 4.2.3 Lower-Income Residents.

**Definition:** All residents who on the "Subdivision Initiation Date" own manufactured homes within the Community and who occupy those homes as their principal residences who qualify as "lower income" according to Health and Safety Code Section 50079.5. To qualify for this mitigation measure, a resident would normally need to be certified as lower-income at the Subdivision Initiation Date, and annually thereafter.

**Benefits:** The Subdivision Map Act Section 66427.5(f)(2) states, "As to non-purchasing residents who are lower income households, as defined in Section 50079.5 of the Health and Safety Code, the monthly rent, including any applicable fees or charges for use of any preconversion amenities, may increase from the preconversion rent by an amount equal to the average monthly increase in rent in the four years immediately preceding the subdivision, except

that in no event shall the monthly rent be increased by an amount greater than the average monthly percentage increase in the Consumer Price Index for the most recently reported period."

***Current Residents:*** Current residents who have long term leases that govern rent charges for use and occupancy of their lots shall continue to reside in the Community based upon the terms and conditions as set forth in their lease. The conversion of the Community to a resident owned subdivision will not alter those lease terms and conditions if residents choose to continue leasing their lots. Furthermore, upon the termination of those leases of those Current residents who have long term leases that govern rent charges for use and occupancy of their lots, an extension to said leases will be offered by the Owner. However, in no event shall the monthly rent be increased by an amount greater than the average monthly percentage increase in the Consumer Price Index for the most recently reported period and in compliance with Subdivision Map Act Section 66427.5(f)(2).

5. Resident Support.

Pursuant to the provisions of Subdivision Map Act, Section 66427.5(d), Vista Del Lago must conduct a survey of the Community residents regarding support for subdivision of the Community to resident ownership and submit the survey to the County of San Bernardino Department of Planning and Land Use in conjunction with filing its application for a tentative map to be considered at the time of the hearing on the application. Attached hereto and marked as Exhibit "A" is the true and correct Certification from Havasu Lakeshore Investments, LLC certifying that a survey of Community residents was conducted by secret ballot and that the results of the survey show that one hundred percent (100%) of Vista Del Lago residents support conversion.

6. Relocation Plan.

As discussed above, there are no residents that require relocation.

7. Legal Notices.

All residents will receive all legal notices in the manner and within the time frames required by state and local laws and ordinances. As mentioned above, all residents new to the Community from the Subdivision Initiation Date, if any, will receive "Notice to Prospective Resident" disclosures.

8. Benefits of the Subdivision.

The purpose of the subdivision of a manufactured home Community is to facilitate resident ownership of the Community and, to provide Community's residents with a choice. The residents may choose either to purchase an ownership interest in the Community, which would take the form of a fee simple interest in their lot, or to continue to rent their lot in the Community. Subdivision provides residents with the opportunity to operate and control the Community, thereby allowing them to shape their own economic futures.

Further, by allowing residents of all economic levels the ability to select their individual housing goals and to participate in the subdivision process, as well as in the later management and operation of the Community, residents are able to exercise direct influence over their homes and neighborhood environments. Thus, subdivision to facilitate resident ownership broadens the scope of control that Community residents have over their lives.

9. Conclusions.

The subdivision of the Community to facilitate resident-ownership provides the residents with an opportunity of choice. Community residents may choose to purchase a lot in the new subdivision or may choose to continue to lease. Subdivision also provides the potential for residents to enjoy the security of living in a resident controlled Community, where management decisions are not motivated by profit, but by the desire to achieve the best living environment at the most affordable cost.

The subdivision does not require any residents to relocate from the Community as a result of the subdivision. All residents choosing to continue to lease will have the choice of remaining in the Community under the terms of their lease. In sum, the subdivision of the Community to facilitate resident ownership will result in neither the actual nor the economic displacement of any resident.

[END OF RESIDENT IMPACT REPORT]



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## **EXHIBIT E**

### **CORRESPONDENCE**

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## *Chemehuevi Indian Tribe*

P. O. Box 1976 • HAVASU LAKE, CA 92363 • (760) 858-4219 • FAX: (760) 858-5400

June 11, 2012

San Bernardino County Zoning Administrator  
San Bernardino County Government Center  
385 N. Arrowhead Ave.  
First Floor,  
San Bernardino, CA 92415

Reference: (a) Project No. P200800488/TT 18719 Havasu Lake Rezoning Hearing  
(b) Comments from San Bernardino County Initial Study Environmental Checklist Form

Dear Madam Administrator:

With regards to Reference (a) above, the Chemehuevi Indian Tribe would like to take this opportunity to comment on the proposed rezoning action before you at a hearing scheduled on June 14, 2012 at 9:00 a.m. or thereafter.

The request for converting the existing mobile home park known as Vista Del Lago (VDL) into a mobile home subdivision is viewed with some concern by the Chemehuevi Indian Tribe (CIT). This action would in effect create a multiplicity of individual owners of upwards of 320 lots instead of the present single LLC entity. While not usually of great significance in most instances, in this situation it makes resolution of an ongoing problem much more difficult. The Tribe will most certainly find itself having to negotiate two important issues with as many as 320 individuals instead of a single overarching legal entity.

The first issue is that of rain and other source water runoff from VDL onto the property of the Tribe which creates erosion and large areas of muddy ground on the Tribal Resort Campground. In a letter to Vista Del Lago LLC of July 6, 2011 the Tribal Council refrained from direct action in order to allow VDL time to correct the runoff and consider some means of dispersing this water other than allowing it to flood onto the resort camping and beach areas. To date, no attempt to mitigate this runoff has been forthcoming.

Reviewing the San Bernardino County Initial Study Environmental Checklist Form, the runoff problems were acknowledged and proper mitigation was specified at the time of development in August of 2003. (See attached Reference (b).) Among the issues mentioned in the mitigation portion of that document is the statement that the run off would be "Less than significant with mitigation incorporated." To date, these measures have not been incorporated although the Tribe has asked that VDL do so.

June 11, 2012

A second issue affected by this rezoning is the issue of sewer and water utilities. Currently the Tribe "wheels" water to Vista Del Lago through its water system and receives wastewater into its sewer and treatment system. This is done through a contract with the Vista Del Lago LLC. That is, the Tribe deals only with a single payer entity for billing. All water and wastewater systems for VDL are maintained by the LLC and not the Tribe. This begs the question as to the manner in which the Tribe can enforce the payment of utility fees when the project becomes the property of possibly 320 individual owners. Given the manner in which the water is connected, if a few people refused to pay their bills is the Tribe supposed to cut the service to the entire group? The Tribe has no jurisdiction on California Fee Land thus leaving very little recourse otherwise.

There needs to be as a condition of approval of the tentative map a restrictive covenant placed in every deed that requires the property owner to pay for the cost of installing and maintaining a water meter for each parcel and an obligation to pay each owner's cost for service to a company formed for that purpose. The company has to have the authority to cut service for failure to pay and requiring compliance with the Tribe's Water Ordinance. The same holds true for the sewer service. Maintenance of the VDL system would remain the responsibility of the company or the owners individually.

The Tribe does not have any specific objections to the creation of the subdivision providing the recommended storm water run-off mitigation and an organization for utilities is put into place before such rezoning is approved.

Thank you for your kind consideration.

Sincerely,

A handwritten signature in blue ink, appearing to read "Edward D. Smith", followed by a stylized flourish.

Edward D. Smith  
Tribal Chairman, Chemehuevi Indian Tribe



# **VIII. HYDROLOGY AND WATER QUALITY — Would the project:**

Potentially  
Significant  
Impact

Less than  
Significant with  
Mitigation Incorp.

Less than  
Significant  
Impact

No  
Impact

- a) Violate any water quality standards or waste discharge requirements?
- b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?
- c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner that would result in substantial erosion or siltation on- or off-site?
- d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site?
- e) Create or contribute runoff water that would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?
- f) Otherwise substantially degrade water quality?
- g) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?
- h) Place within a 100-year flood hazard area structures which would impede or redirect flood flows?
- i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?
- j) Inundation by seiche, tsunami, or mudflow?

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SUBSTANTIATION:

- VIII-a) This project has the potential to discharge varying amounts of urban pollutants such as motor oil, antifreeze, gasoline, pesticides, detergents, trash, domestic animal waste and fertilizers ultimately into the Colorado River. The below listed mitigation measures have either been incorporated as part of the proposed project design, or required as conditions of approval to ensure that surface runoff impacts are less than significant as a result of this project.
- VIII-b) The project will not substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level, because the project is served by an existing water purveyor (The Havasu Water Co.), which has indicated that there is currently sufficient capacity in the existing water system to serve the anticipated needs of this project.
- VIII-c,d) The project does have a small wash that crosses the northwest corner of the project site. The dry wash enters on the west boundary and exits on the north boundary. No impacts to this wash are expected because the project proposes to keep this portion of the property vacant.
- VIII-e) The development of the proposed project would convert approximately 66-acres of pervious surface to an impervious surface thereby substantially increasing the amount of runoff. However, drainage improvements have been incorporated into the design of the project to control flows.
- VIII-f) During construction, adequate erosion control techniques will be required to prevent erosion, sediment, and materials from entering surface waters. Prior to the issuance of grading permits a National Pollutant Discharge Elimination System permit (NPDES) is required
- VIII g) The project will not place unprotected housing within a 100-year flood hazard area as mapped on a Federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map, because the project is not within identified flood hazard areas.
- VIII h) The project will not place within a 100-year flood hazard area structures which would impede or redirect flood flows, because the site is not located within a 100-year flood hazard.
- VIII-i) The project is located in close proximity to the Colorado River. However, the project is not located within a dam inundation area, or in close proximity to a dam or levee; therefore no significant impact is anticipated.

CRAIG AND THERESA BENO  
314 CALVERT PARK  
BEAUMONT, CA 92223  
(951) 849-4936 HOME (909) 782-0934

March 12, 2012

San Bernardino County  
Planning Division  
Kevin White, Judy Tateman  
385 N. Arrowhead Ave., 1<sup>st</sup> Floor  
San Bernardino, CA 92415

Project No. P200800488  
Vista Del Lago, Havasu Lake, CA  
Applicant: Havasu Landing LLC  
Tentative Tract Map 18719 to convert previously approved Rental  
Mobile Home Park to a Resident Owned Mobile Home Park.

The purpose of this letter is to voice our concerns regarding the above mentioned application to convert the existing Rental Mobile Home Park to a Resident Owned Mobile Home Park. Our main concerns are as follows:

- 1) We own one of the Model Homes in the park and along with other Model Home owners are currently involved in an eviction process with the new park owner Havasu Landing LLC "Applicant". This issue is unresolved and has gone to Appeals Court. Applicant alleges that all long term leases previously issued to homeowners are invalid due to foreclosure. This has made our home virtually worthless. It is our belief that once this conversion is complete, ALL LEASES will then be deemed invalid and all mobile home owners will be forced to purchase the lots at whatever price the park owner wants.
- 2) It is also our understanding that the Applicant is involved in another lawsuit with the previous owner of the park which challenges the validity of the foreclosure and the current title of the Park.
- 3) We also understand that there is a property line dispute on the North side of the property. If this is not resolved prior to park conversion it could become a legal issue for the new lot owners.
- 4) We have also become aware of a new issue with the tribe regarding the storm water run off from the park to the tribal property.
- 5) In addition to the legal issues, Phase 1 of the Park is not complete i.e.: asphalt overlay of streets, street lighting, landscaping, etc. This should not be left as a burden to the lot owners.

I know this does not give all details but I did not want to burden you with a long description of the chain of events but would be happy to answer any questions that you may have.

Respectfully,  
Craig and Theresa Beno



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## Owner's Reply to Havasu Lakeshore Investments

2012 MAR 13 AM 9:51

949-758-5338  
949-581-2000

March 9, 2012

To the Zoning Administrator:

My wife Patricia and I are the original owner's of the residence located at 12600 Havasu Lake Road # 4 in the gated community of Vista Del Lago. My property bill lists the parcel number of 0649-221-09-6-00. My residence is located at far north/east corner of the community and parallels Havasu Lake Road.

We are present because although we would love to purchase the land beneath our residence, we have serious concerns about the vacant land directly below and in front of our residence. This lot, which is approximately 19,000 square feet and triangular shape was never intended to be built upon and was never listed on the original property map as a future site for building anything. The very important decision of my wife and I purchasing the lot where we live now was based on the fact that lot remain vacant, because any construction would block our view of the lake. This lot, although land originally owned by Vic Pelloquin is technically outside the gated community. It is the last piece of land that sits directly along Havasu Lake Road. This land has never been graded and we were promised it never would be subdivided for any building except for an easement road that was to be built by Mr. Pelloquin and a Mr. Red Hodges. The road was to extend from Havasu Lake Road and head northward into the desert. Apparently Mr. Hodges owns or owned property north of VDL and had plans to develop that land.

Besides Mr. Vic Pelloquin and his wife Linda assuring us there would be no development on the lot, we were assured over the years through two sets of property managers the land would always remain vacant. These assurances were made by the original manager and sales team of Mack and Linda McCann and their replacements a year later; the sales and management team of Tom and Diane Crozier.

Now imagine our surprise after VDL went into foreclosure and was sold to Mr. Terry Fleming that he intended to subdivide the lot below us. However this time we were told he wouldn't sell while he's the new owner, but he still intends to sell that lot and promised us we would be given first rights to purchase it.

I haven't met Mr. Fleming and only talked to him once about this issue. He seems like he's a nice man and appears to be fair, however I have been promised there would never be a building on the lot in front of my house and now my wife and I are on the verge of having our property devalued and lose one of the best views in the community.

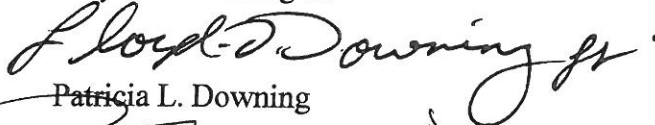
My wife and I have discuss purchasing the land our residence currently sits but we are worried that all we have worked to achieve the last six years will be destroyed because of broken promises. Six years ago, we bought a manufactured residence and had it placed at VDL with a twenty year lease, and later a signed addendum for ten additional years. Like most of the residents who own at VDL, I would like

to own the land my house currently sits, but not be forced into purchasing an additional lot in order to keep one of the best views in the community.

It is our wish the zoning administrator go forward with making VDL a resident owned community, but please do not allow and issue permits for Mr. Fleming to develop a section of land that was never intended to be built upon.

Thanks for allowing us the opportunity to speak at this hearing.

Lloyd D. Downing Jr.

A handwritten signature in cursive script that reads "Lloyd D. Downing Jr.".

Patricia L. Downing

A handwritten signature in cursive script that reads "Patricia L. Downing".



SAN BERNARDINO COUNTY LAND USE SERVICES DEPARTMENT  
PLANNING DIVISION PROJECT NOTICE  
San Bernardino County Land Use Services Department/Planning Division  
385 North Arrowhead Avenue, First Floor, San Bernardino, CA. 92415-0182

ATTENTION PROPERTY OWNERS

Page 1 of 2

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Your comments must be received by this department no later than August 22, 2008 to be sure that they are included in the final project action. However, comments will be taken up to the time of the project decision. Please refer to this project by the Applicant's name and the Assessor Parcel Number indicated below. If you have no comment, a reply is not necessary. If you have any questions regarding this proposal, please contact Project Planner, KEVIN WHITE at (909) 387-4115 or mail your comments to the address above. If you wish, you may also FAX your comments to (909) 387-3249.

ASSESSOR PARCEL NUMBER: 0649-221-09

(See map below for more information)

PROJECT NUMBER P200800488/TT 18719

APPLICANT PELOQUIN, VIC

LAND USE DISTRICT SD-Res

IN THE COMMUNITY OF: HAVASU LAKE/1ST/ SUPERVISORIAL DISTRICT

LOCATED AT: HAVASU LAKE ROAD AND LAKE BOULEVARD, NORTHWEST CORNER

PROPOSAL TENTATIVE TRACT MAP 18719 TO CONVERT EXISTING MOBILE HOME PARK TO MOBILE HOME SUBDIVISION WITH 320 RESIDENTIAL LOTS AND 33 LETTERED LOTS IN 30 CHASESTON 68.84 ACRES.

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2008 AUG 28 PM 1:10

If you want to be notified of the project decision, print your name clearly and legibly on this form and mail it to the address above along with a self-addressed, stamped envelope. All decisions are subject to an appeal period of ten (10) calendar days after an action is taken.  
Comments (If you need additional space, please attach additional pages):

I would like to be notified of the project decision & what is going to change in the future.

VICINITY MAP



SIGNATURE

BILL BEVERAGE

8-26-08

DATE

AGENCY

IF YOU CHALLENGE ANY DECISION REGARDING THE ABOVE PROPOSAL IN COURT, YOU MAY BE LIMITED TO RAISING ONLY THOSE ISSUES YOU OR SOMEONE ELSE RAISED IN WRITTEN CORRESPONDENCE DELIVERED TO THE LAND USE SERVICES/DEPARTMENT/PLANNING DIVISION AT, OR PRIOR TO, THE TIME IT MAKES ITS DECISION ON THE PROPOSAL OR, IF A PUBLIC HEARING IS HELD ON THE PROPOSAL, YOU OR SOMEONE ELSE MUST HAVE RAISED THOSE ISSUES AT THE PUBLIC HEARING OR IN WRITTEN CORRESPONDENCE DELIVERED TO THE HEARING BODY AT, OR PRIOR TO, THE HEARING.

DUE TO TIME CONSTRAINTS AND THE NUMBER OF PERSONS WISHING TO GIVE ORAL TESTIMONY, TIME RESTRICTIONS MAY BE PLACED ON ORAL TESTIMONY AT ANY PUBLIC HEARING ABOUT THIS PROPOSAL. YOU MAY WISH TO MAKE YOUR COMMENTS IN WRITING TO ASSURE THAT YOU ARE ABLE TO EXPRESS YOURSELF ADEQUATELY.





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 COUNTY PLANNING DIVISION

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**ASSESSOR PARCEL NUMBER:** 0649-221-09 (See map below for more information)  
**PROJECT NUMBER** P200800488/TT 18719  
**APPLICANT** PELOQUIN, VIC  
**LAND USE DISTRICT (ZONING):** SD-Res  
**IN THE COMMUNITY OF:** HAVASU LAKE/1ST/ SUPERVISORIAL DISTRICT  
**LOCATED AT:** HAVASU LAKE ROAD AND LAKE BOULEVARD, NORTHWEST CORNER  
**PROPOSAL** TENTATIVE TRACT MAP 18719 TO CONVERT EXISTING MOBILE HOME PARK TO MOBILE HOME SUBDIVISION WITH 320 RESIDENTIAL LOTS AND 33 LETTERED LOTS IN 3 PHASES ON 68.84 ACRES.

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 Comments (If you need additional space, please attach additional pages):

Please issue any permits that they need. This is a wonderful project.

VICINITY MAP



Carl Balic 08-12-08  
 SIGNATURE DATE AGENCY

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IN THE COMMUNITY OF: HAVASU LAKE/1ST/ SUPERVISORIAL DISTRICT

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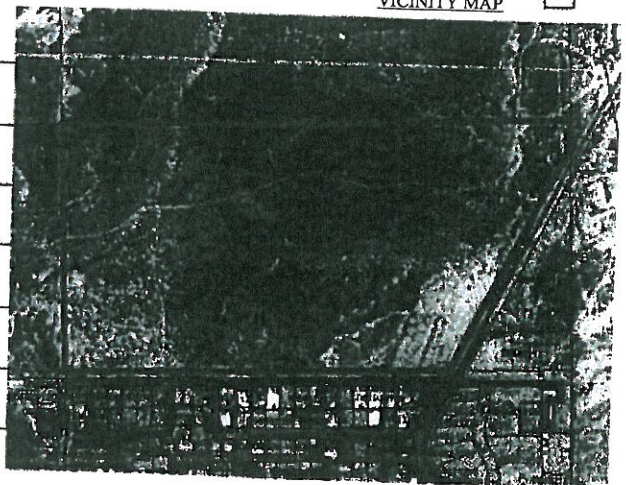
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VICINITY MAP



Patricia + Lloyd Downing



Patricia Downing 8/18/08

SIGNATURE

DATE

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(See map below for more information)

PROJECT NUMBER P200800488/TT 18719

APPLICANT PELOQUIN, VIC

LAND USE DISTRICT SD-Res

IN THE COMMUNITY OF: HAVASU LAKE/1ST/ SUPERVISORIAL DISTRICT

LOCATED AT: HAVASU LAKE ROAD AND LAKE BOULEVARD, NORTHWEST CORNER

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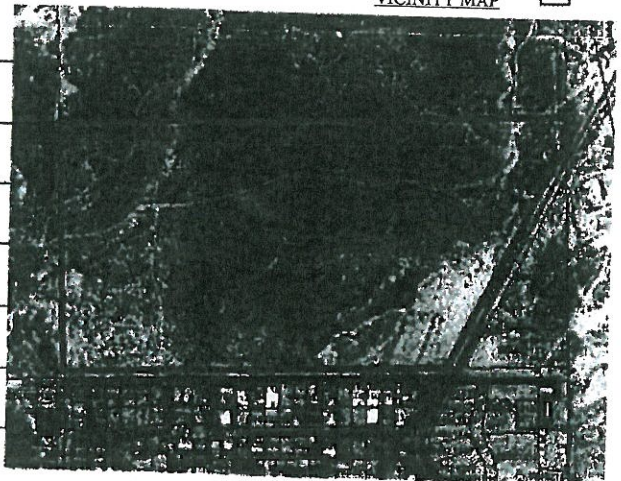
VICINITY MAP



JAMES R. ZATICK

6135 Columbus Court

AITA LOMA, CA 91701



*James R. Zatick*  
SIGNATURE

DATE

8/21/08

AGENCY

Mobile Home Park Resident



SAN BERNARDINO COUNTY LAND USE SERVICES DEPARTMENT  
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PROJECT NUMBER P200800488/TT 18719  
APPLICANT PELOQUIN, VIC  
LAND USE DISTRICT (ZONING): SD-Res  
IN THE COMMUNITY OF: HAVASU LAKE/1ST/ SUPERVISORIAL DISTRICT  
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VICINITY MAP



We Do not think  
this is a good idea.  
There are not enough  
roads to access this  
area - congestion etc.  
will be a concern -  
And water etc a  
concern. you should  
DO soil test to make  
sure lots are safe! not filled in  
Lucy & John Woodlaw 8-12-08

SIGNATURE

DATE

AGENCY

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## Notice of Hearing March 15, 2012

**Please consider and address these expressed questions and concerns regarding application to convert parcel APN: 0649-221-09, Project No. P200800488 (also known herein as Vista Del Lago and/or the Park) from a “rental mobilehome park” to a “resident owned mobile home park”.**

In general the opportunity to own the land on which our homes are located sounds appealing if it does not come with unreasonable expense; there is a potential for hidden costs and consequences that could be financially devastating for many of the residents. We have previously considered this option when first proposed by the previous owner. Many conversations about buying our lots have occurred between Park residents. Please read through the questions and concerns that were expressed by others and me below.

Q. First, is this a request to convert Vista Del Lago to a true resident owned park (condominium style) or a subdivision to sell lots? The prior application was for a subdivision conversion where we would be allowed to purchase our individual lots. There may not be the same interest in a condominium type ownership.

Q. The Notice of Hearing states the applicant as “Havasus Lakeshore Investments”. Is that the correct applicant name? Havasu Landing LLC is the current owner.

Q. The streets are not finished. Only the base asphalt has been done for Phase One of Vista Del Lago. Someone said the cost to “cap” the streets could be over \$300,000. That is not an expense that should be allowed to be abated by the owner and passed on to a homeowners association. It is expected that the owner/developer should finish all the infrastructure improvements. I would think finishing street improvements and utilities would be a normal expectation for any residential development. That was the expectation when we bought our homes and located them in the Park. I don’t want to be responsible for any cost to complete any unfinished infrastructure.

Q. If the conversion is approved now, how will responsibility for completing unfinished infrastructure be guaranteed? Will you make that a condition of approval that all infrastructure improvements have been completed by the owner/developer before lot sales may begin? (The street light locations and lot signs are just pipes with wires sticking out of the ground, not capped, so not particularly safe.) [All infrastructure work should be the absolute responsibility of the owner/developer. That should not be passed on to a homeowners association to be funded from park resident dues or assessments.]

Q. Who will be financially responsible for the future development of Phase 2 and 3? I don’t want to be subject to or liable for or forced by majority vote to incur those costs. If there is a one unit/one vote rule and the current owner still has ownership of the majority of lots; could he dictate what will and will not happen, set policy and make financial decisions that would affect us all?

Q. Is there any formula where the county would assume ownership of the Park streets and utilities and provide services to the Park as residents of San Bernardino County?

Q. If the county will not assume ownership and/or service the utilities so it falls to an HOA if conversion is allowed, how are initial repairs and maintenance handled when no reserves have been accumulated by years of dues paid? Will the owner/developer be required to start an emergency repairs and maintenance fund as a cushion for the first several years?



Q. Will a bond of sufficient amount to cover a catastrophic failure of the water, sewer or electrical systems be required until all lots are sold and a sufficient reserve fund is established? If yes, how do you estimate such a need in determining a reasonable bond amount?

Q. If we do not want to purchase, or can not afford to purchase the lot on which our home is located can he sell it to someone else who could then demand we move our home?

Q. Do any local, county, state or federal laws protect us against unreasonable rent increases or penalties if we elect not to purchase the lots?

Q. How will the price of the lots be determined? Is the owner allowed to charge anything he wants or is some reasonable third party method of determining fair market price required?

Q. If this is a "condominium" conversion, how is current value vs. potential future value established when so few lots have been sold and none sold in the last three, maybe four years? This is important in determining the unit cost of ownership. Is it based on the perceived (blue sky) current value, an estimated future value or an independent third part appraisal of the Park? (It could take a decade to sell the remaining lots in phase one. Who knows if a phase 2 or 3 will ever make sense?)

Q. Are the original leases still in force since the foreclosure? If yes, will this conversion make the current leases null and void? If yes, how can we be assured of fair treatment and fair rental rates for new agreements? Will long term leases be required to be offered residents who choose not to purchase the lots?

Q. We have been led to believe we are protected by Federal Mobilehome Residency Law because of the significant cost to relocate these homes, but I don't know who enforces that law, do you? (Does everything require filing a civil action to enforce?)

### **Other thoughts and Comments:**

My hope is that the zoning and planning officials, Housing and Community Development Department and the Department of Real Estate will give this application close scrutiny with the best interests of the Park residents at heart and will protect us as laypeople with little knowledge of potential pitfalls that could cause us financial harm or worse yet expose us to loose our homes by default if we do not or can not purchase our lots.

Please consider the captive nature of mobile homes in a park. We are at the mercy of fair and reasonable ownership and management. We can not "hookup" our homes and leave if we are not happy with how the Park is run and maintained or the rents we are charged. Once in place these homes cannot be moved for a reasonable price. (I spoke to someone who told me he was told it would cost him over \$50,000 to move his home to a new location, bring in the utilities, set the unit and rebuild the interior damage, the driveway, sidewalks, carport, awnings, AC system other replacements needed. That would be an extreme hardship if a demand to buy the lot or move your home was made.

These are "ground set" homes. That is a very different method of installation. To "ground set" these homes they first excavate a three foot deep area where the home will be located so that the finished home is at grade level like a standard stick built home. The sections are supported by piers, plus these units have special earthquake (code approved) blocks and piers (bolted to the permanently retained piers according to code, not just resting in place (gravity hold) like an above grade placed mobile home, with "skirting around and steps up to the entry). Once in place, the axles were removed, the tow tongue was removed. A full perimeter concrete block foundation three feet tall and poured solid with concrete was constructed surrounding the unit defining the space under the unit and supporting the concrete walkways, patio and driveway that were poured on all sides, encasing the home in place with concrete at grade level. Carports and patio structures were built in place. Large commercial grade AC/heat exchangers were installed on a concrete slab at the end of the units. (The axles and tow tongue were taken by the Park and sold or disposed, so were not offered or left for the home owners, since no future use was contemplated.) This is much different than the above ground method of placement of a mobile home so makes the possibility of moving these homes financially unfeasible. The cost to remove the driveway and perimeter concrete, demo the concrete footing wall, jack the unit, purchase axles and tow tongue and have them installed, move the unit to a new location, even if only down the street, then incur the cost to prepare a new site and perform the same installation steps again could easily exceed the value of the home. It is not feasible to move these homes. We can not be left unprotected and subject to eviction or financial harm that a requirement to purchase and no option to continue leasing/renting would impose. (Please go to the website to see these homes. <http://www.vistadellago.info/index.html> Click on homes then click on the model numbers in the lower right of screen to see the homes.)

It was brought to our attention that there is a concern for rain water that drains off of the Vista Del Lago Park property down the hill, through the Indian Reservation campground, where it then drains into Lake Havasu. That is the natural flow direction from the higher elevation Park location through the lower elevation Indian land and campground. As you know, desert rain storms can be intense, so the amount of water can be torrential, causing temporarily flooding which in turn could be dangerous to the inexperienced visitors of the campground and could cause specific property damage and erosion. I have heard that San Bernardino County Planning Department, in consideration of a conversion plan (rightfully) was demanding a letter from the Indians acknowledging and allowing the water encroachment through Indian land. That is a prudent demand no matter what type of conversion is allowed. It is a potential future liability with unknown potential cost.

I also worry that future growth of Havasu Estates and the Indian housing area north of the Park could require additional improvements to Havasu Lake Road, which could include a future demand by SBC to abate run off water from the Park. If a catch basin and culvert under Havasu Lake Road were required so dangerous flooding from Park run-off no longer occurred that could be very expensive. (Flooding could temporarily trap residents and emergency services in or out of the area north of the crossing point.) That is a potentially expensive improvement which should be resolved now so no unplanned and unreasonable expenses will be imposed to homeowners of the Vista Del Lago Park.

With consideration to this proposal, will it come with requirements for the posting of financial bonds equal to the estimated future cost to complete the work needed to finish improvements and emergency funds for repairs? Who knows what the cost of asphalt will be in future or cost to repair a failure of underground utilities?



Will a homeowners association be required to be formed in conjunction with this application to convert from rented lots to owned lots? If yes, will the conversion request be allowed to consummate before evidence of adequate formation of an association and placement of required bonds are in place to contemplate the financial needs of a fledgling organization with very few members and huge potential costs?

Will the Park owner be required to make an up front contribution of monies for the currently unsold lots to insure a fair share cost to all residents in the event of need? A requirement placed on the owner to pay monthly association dues for the unsold lots until sold could be defaulted, requiring the association to take legal action against the current owner. However the current owner is an LLC that could declare bankruptcy leaving owners "holding the bag" for all needed repairs and maintenance. That is not fair to allow or consider. Protections for homeowners ought to be an obligation of our representative in government so that we are not left in financial ruin by the action or inaction of an owner seeking to protect personal interests.

The park was to be completely enclosed by a functional block and wrought iron wall. The north and rear property lines remain uncompleted. I was told that the north border could not be done until property line disputes with the neighboring owner were settled. Is there a dispute? Was there encroachment? If yes, was the dispute over property line encroachment settled? Will you require it to be settled before approving conversion?

The water and sewer systems are a contract with the Chemehuevi Indians, who own the water we consume and who own and operate the sanitation processing system where our waste routed processed. If I understand correctly, we are at the mercy of that contract and willingness of the Indians to continue to provide us water and accept our sewer for processing at fair and reasonable rates. Is this correct? What assurances will have that water and sewer services will be provided for an unlimited period of time? We are residents of a park located on San Bernardino County land, State of California, United States of America. As individual consumers, should the State and County be obligated to assure access to basic services? No allowance for wells or septic systems by individual lot owners nor was any consideration or requirement made upon the original developer of this park to make this park self sufficient. I live with the fear that our water could be withheld or charged exorbitant rates. We do not have the power to command services from a sovereign Indian nation, unless they are required to agree to continue to provide water and sewer services to this park for an unlimited period of time.

Dawson Surveying is listed on the "Notice of Hearing". Are they the survey company who has surveyed this location? Did they go out and resurvey this project in conjunction with this application to convert? Have they certified the lot lines and location of the project on the parcel are correct and within the property lines? Did San Bernardino County require certification of the location of this project to be built within the property lines? It was rumored there was a problem with the grading and/or encroachment issues with the county or the owner of the neighboring land to the north of Vista Del Lago and that is why those lots could not be sold and that is why the block wall could not be built. That needs to be resolved if still pending. We do not want financial responsibility to fix problems like that. That could hundreds of thousands of dollars to fix if retaining walls or regarding were required.

Have the Chemehuevi Indians been included in the Notice of Hearing? They may have a vested interest in this action. They control the water and sewer. There is a contract for services with the Park that could be a concern. Is the Park subject to a minimum cost per month that was negotiated based on the Park assumption of occupancy which may be higher than current occupancy so if divided equally amongst the current residents would be cost prohibitive? How can we be protected as residents of

Vista Del Lago and be assured of continued water and sewer service and at reasonable prices? (We pay the Park for water and sewer. We have no knowledge of the contract terms with the Indian Tribe.)

Simply allowing this owner to convert without addressing all the uncompleted work and financial consequences associated with each pending item seems ill conceived and unfair. As a lessor of land in this park there were promises made and expectations of completion of services and amenities that have not occurred, due to the foreclosure. The new owner has made no comment to us as to when or if the streets will be completed or street lights installed or perimeter walls will be installed. How can you grant conversion when so much is not done?

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