

INTEROFFICE MEMO

DATE February 7, 2013
FROM Kevin White, Senior Planner
Land Use Services Department, Planning Division
TO Honorable Planning Commission

PHONE 387-3067

MAIL CODE 0182



SUBJECT Havasu Lakeshore Investments; TTM 18719/ **P200800488**

The Planning Commission will recall that it considered this application on July 19, 2012, and continued the items several times (most recently December 20, 2012) so that staff could respond to issues raised since the July 19, 2012 hearing. In short, this project is the conversion of a previously approved 320-unit rental mobile home park to a resident-owned mobile home park subdivision (Project).

Revised Map.

The applicant has revised Tentative Tract Map 18719 so that the subdivision is consistent with the Planned Development Site Plan that was conditionally approved by the Board of Supervisors on December 16, 2003 (2003 Board Approved Planned Development). The changes to conform the map to the 2003 Board Approved Planned Development include the following:

1. The addition of an access driveway and landscape area "LOT A" at the northwest corner of the site.
2. The removal of lot 1 (proposed mobile home space) that was located at the northeast corner of the site
3. The modification of the previously identified lot 231 which has been divided into two lots (current lots 230 and 231) as originally configured on the previously approved Planned Development.

All other facets of the development remain identical to the map previously submitted to the Planning Commission and the subdivision is identical to the 2003 Board Approved Planned Development.

Gresham Savage Letter.

On December 20, 2012, the Planning Commission received a letter from attorney Jennifer Guenther of the law firm of Gresham Savage Nolan & Tilden, APC, who is representing Woody LLC, the owner of the property immediately north of the mobile home park.

The letter indicates opposition to the Project based on the following points:

1. Illegal Grading was done on the applicant's property that adversely impacted Woody LLC;
2. Access to the Woody LLC property was impacted by the proposed subdivision map.
3. The County's reliance on the Subdivision Map Act section 66427.5 was not appropriate since the proposed Map was not identical to the 2003 Board Approved Planned Development site plan.

- 4 The County's analysis under the California Environmental Quality Act (CEQA) is inadequate and fails to address potentially significant impacts.

The following analysis is provided in response to Woody LLC's four assertions:

1. Grading

Subsequent to its approval, the mobile home park was graded throughout, and all roads and infrastructure installed throughout the first phase (with the exception of the final street cap). Additionally, 39 of the 320 spaces are now occupied. The slope along the northern property line was approved by the County as part of the Planned Development Application, and was created pursuant to a grading permit. The problem surfaced with the previous developer's failure to receive a grading acceptance letter from the Woody LLC's predecessor. Accordingly, the dispute regarding this slope is a civil matter between the two parties and is not relevant to the current subdivision proposal. The slope has been on the property for several years and was in place when the property was acquired by the both current property owners.

2. Access

As noted above the applicant has revised the map to restore the Project back to its original design, including the access driveway proposed in the northeast corner of the property. This revision also resulted in the deletion of lot 1 shown on the previous version of the subdivision map.

3. Applicability of Subdivision Map Act Section 66427.5

Woody has asserted that Government Code Section 66427.5 does not apply to the County's action on this Map since there have been modifications to the underlying site plan for the Planned Development. However, the revised map is now consistent with the previous 2003 Board Approved Planned Development site plan and no design changes are requested by the applicant

4. CEQA.

Although staff originally recommended that the Project be found exempt from CEQA review, based on information received at the July 19, 2012 Planning Commission hearing, staff prepared an addendum to the Initial Study/Mitigated Negative Declaration adopted for the approved mobile home park development Project. The addendum has been revised to note the changes in the revised Tentative Tract Map and is attached as Exhibit B. Approval and recordation of the map only allows the previously approved mobile home spaces to be sold to the current and future residents of the park. The development and impacts of the future construction can occur on the property at any time without further discretionary approval of the County, as the park is already entitled. All construction, grading, drainage, air quality, noise and traffic impacts were evaluated by the County when the mobile home park was approved.

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In accordance with CEQA Guidelines Section 15164, the County of San Bernardino issued an Addendum to the MND in order to note the minor revisions to the previous entitlements. The proposed subdivision of the Project site is a minor technical revision to the previously approved mobile home park development project, as it will only affect property ownership options for residents of the park. The subdivision will not result in any physical impacts. None of the conditions described in Section 15162 of the CEQA guidelines apply to this revision of the Project.

RECOMMENDATION: That the Planning Commission:

- 1) ADOPT the attached Findings;
- 2) ADOPT the attached Addendum to the previously adopted Mitigated Negative Declaration, based on a finding that the Initial Study was completed in compliance with CEQA, that it has been reviewed and considered prior to approval of the Project, and that the Initial Study/Mitigated Negative Declaration reflects the independent judgment of the County of San Bernardino;
- 3) APPROVE TTM No. 18719 subject to the Conditions of Approval in the Staff Report dated July 19, 2012; and
- 4) FILE a Notice of Determination

ATTACHMENTS:

Exhibit A: Findings
Exhibit B: Mitigated Negative Declaration Addendum
Exhibit C: Conditions of Approval
Exhibit D: Revised Tentative Tract Map
Exhibit E: Letter from Gresham Savage Dated December 19, 2012
Exhibit F: December 6, 2012 Planning Commission Memo
Exhibit G: Chemehuevi Indian Tribe Letter Dated October 4, 2012
Exhibit H: July 19, 2012 Planning Commission Staff Report

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EXHIBIT A

FINDINGS

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APN: 0649-221-09/P200800488

TT 18719 - Havasu Landing, LLC

Planning Commission: February 7, 2013**FINDINGS - Tentative Tract 18719****[SBCC 86.12.060]**

1. The proposed map, subdivision design, and improvements are consistent with the General Plan and the Planned Development Site Plan that was conditionally approved by the Board of Supervisors on December 16, 2003 (2003 Board Approved Planned Development).
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.
9. An Addendum to the Mitigated Negative Declaration has been prepared in compliance with the California Environmental Quality Act (CEQA) and represents the independent judgment of the County acting as lead agency for the project. The project will not have any new significant adverse impact on the environment. The proposed subdivision of the Project site is a minor technical revision to the previously approved mobile home park development project, as it will only affect property ownership options for residents of the park. None of the conditions described in Section 15162 of the CEQA guidelines apply to this revision of the project, as documented in the addendum to the adopted MND.

EXHIBIT B

MITIGATED NEGATIVE DECLARATION ADDENDUM

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SAN BERNARDINO COUNTY

ADDENDUM TO MITIGATED NEGATIVE DECLARATION VISTA DEL LAGO.

P200800488 SCH# 2003081162

PROJECT LABEL:

APN:	0649-22103
APPLICANT:	HAVASU LANDING LLC
COMMUNITY:	HAVASU/1ST SUPERVISORIAL DISTRICT
LOCATION:	HAVASU LAKE ROAD & LAKE BLVD, NORTHEAST CORNER
PROJECT NO:	P200800488
STAFF:	KEVIN WHITE, SENIOR ASSOCIATE PLANNER
REP(S):	DAWSON SURVEYING
PROPOSAL:	TENTATIVE TRACT MAP 18719 TO CONVERT A PREVIOUSLY APPROVED (PARTIALLY DEVELOPED) RENTAL MOBILEHOME 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.

USGS Quad: Needles/Parker
T, R, Section: T5N R24E Sec.36
Thomas Bros.: page 372 Grid: B-3

Planning Area: N/A
OLUD: SD-RES (Special Development-
Residential)

Overlays: N/A

PROJECT CONTACT INFORMATION:

Lead agency: San Bernardino County
Land Use Services Department - Current Planning Division
385 North Arrowhead Avenue, First Floor
San Bernardino, CA 92415-0182

Contact person: Kevin White, Senior Associate Planner
Phone No: (909) 387-3067 **Fax No:** (909) 387-3249
E-mail: kwhite@lusc.sbcounty.gov

Project Sponsor: Terry Fleming – Havasu Lakeshore Development
78980 Carmel Circle, La Quinta, CA 92253

PROJECT DESCRIPTION:

The proposed project (Tentative Tract 18719) 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). Tentative Tract Map 18719 is consistent with the Planned Development Site Plan that was conditionally approved by the Board of Supervisors on December 16, 2003 (2003 Board Approved Planned Development). 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. Development of the mobile home park was previously approved by the Board of Supervisors on December 16, 2003. At that time the Board of Supervisors also adopted a Mitigated Negative Declaration (MND), State Clearinghouse #2003081162.

Introduction and Background

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 with utilities installed, and all roads and have been installed throughout the first phase (with the exception of the final street cap). The grading that occurred on the site was approved by the County of San Bernardino as part of the Planned Development application, which includes the manufactured slope that is located along the northern property line. The original developer obtained a grading permit for the grading that occurred on the site. Currently 39 of the approved 320 spaces have been improved with homes. Since the 39 spaces were improved, 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, setting down new manufactured homes, roads, drainage, etc. 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 proposed tract was originally proposed by the former property owner (original developer) in 2008. The project was placed on hold until it was reactivated by the current owner.

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 these improvements are located within the Chemehuevi Indian Reservation, which surrounds the private unincorporated lands in the area, and borders the project site to the east.

In accordance with CEQA Guidelines Section 15164, the County of San Bernardino issues this Addendum to the MND in order to note the minor revisions to the previous entitlements. This Addendum to the MND will not be circulated for public review, and will be added to the MND adopted for the project.

Proposed Revision to the Approved Project

The proposed subdivision of the project site is a minor technical revision to the previously approved mobile home park development project, as it will only affect property ownership options for residents of the park. The subdivision will not result in any physical impacts. None of the conditions described in Section 15162 of the CEQA guidelines apply to this revision of the project, as documented in the following addendum to the adopted MND. In reference to the minor changes proposed to the approved mobile home park development project, this addendum document uses the terms "proposed subdivision" and "revised project" interchangeably.

Addendum to the Environmental Checklist**I. AESTHETICS.**

The revised project will not result in new impacts with respect to aesthetics. The acreage to be developed remains unchanged, with the primary modification being the manner in which the mobile home spaces are owned.

II. AGRICULTURE RESOURCES.

The revised project will not result in new impacts with respect to Agriculture Resources. The project will not have any impacts to farmlands. The revision does not increase the area of land that will be disturbed by the project.

III. AIR QUALITY.

The revised project will not result in new impacts with respect to Air Quality. The revised project would not result in a change in the number of passenger car equivalents trips, or the air emissions related to project construction.

IV. BIOLOGICAL RESOURCES.

The revised project will not result in new impacts with respect to Biological Resources. The acreage to be developed remains unchanged, with the primary modification being the ownership of the mobile home spaces. The proposed change to the project would not result in a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service.

V. CULTURAL RESOURCES.

The revised project will not result in new impacts with respect to Cultural Resources. The acreage to be developed remains unchanged, with the primary modification being the future ownership of the mobile home spaces. The proposed change to the Project will not cause a substantial adverse change in the significance of a historical resource as defined in §15064.5 of the CEQA Guidelines. All Cultural Resources mitigation measures were implemented prior to the issuance of grading permits.

VI. GEOLOGY AND SOILS.

The proposed subdivision will not result in new impacts with respect to Geology and Soils. The proposed subdivision will not result in any physical impacts not already authorized by the previously approved development project. Therefore, the subdivision will not expose people or structures to any substantial adverse effects, including the risk of loss, injury, or death involving:

**Havasu Landing LLC – TT18719
P200800488**

January 31, 2013

- i. Rupture of a known earthquake faults;
- ii. Strong seismic ground shaking;
- iii. Seismic-related ground failure, including liquefaction; and
- iv. Landslides.

This finding has not changed from that made in the Initial Study approved for the Existing Project. The project site is not located in an area that has been identified by the County Geologist as having the potential for expansive soils. Sewer service will be provided by the Chemehuevi Indian Reservation. No septic systems will be utilized as part of this project. The grading that occurred on the site was approved by the County of San Bernardino as part of the Planned Development, which includes the manufactured slope that is located along the northern property line. The existing conditions relative geology and soils remain consistent with the Planned Development approved by the Board of Supervisors in 2003.

VII. GREENHOUSE GAS EMISSIONS

The proposed subdivision will not result in impacts with respect to Greenhouse Gases (GHG). The mobile home park development has already been entitled by the County of San Bernardino. The proposed subdivision only changes the ownership of the project, allowing the previously approved spaces to be sold. The proposed subdivision does not allow an expansion of the mobile home park; nor does it authorize any physical improvements or land use that would generate greenhouse gas emissions.

VIII. HAZARDS AND HAZARDOUS MATERIALS

The revised project will not result in new impacts with respect to Hazards and Hazardous Materials. The proposal will not impact a site on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5. Therefore, the project will not create a significant hazard to the public or the environment.

IX. HYDROLOGY AND WATER QUALITY.

The subdivision of the mobile home park will not result in new impacts to hydrology or water quality. The revised project does not alter project compliance with wastewater treatment requirements of the Regional Water Quality Control Board, Santa Ana Region, as determined by County Public Health – Environmental Health Services. Impacts are considered less than significant.

The proposed project will not require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, as there is sufficient capacity in the existing system for the previously entitled land use and development. The proposed subdivision project will be serviced by existing sewer and water lines in proximity to the project site. Wastewater and water treatment facilities will be provided by the Chemehuevi Indian Reservation. The proposed project will have sufficient water supplies available to serve the project from existing entitlements and resources.

X. LAND USE AND PLANNING.

The proposed subdivision will not result in any change in the permitted land use on the project site, or any new impacts with respect to Land Use and Planning. The project will not disrupt or divide the physical arrangement of an existing community, have conflicts with any applicable land use plan, policy, or regulation. The site is not within an applicable habitat conservation plan or natural community conservation plan.

XI. MINERAL RESOURCES.

The revised project will not result in a change in the approved land use on the project site, and will therefore not result in the loss of availability of a known mineral resource that would be of future value to the residents of the State, and will not result in loss of availability of a locally-important mineral resources recovery site delineated on a local general plan, specific plan, or other land use plan.

XII. NOISE.

The proposed subdivision will not generate noise, nor will it result in the exposure of people to excessive vibration or noise levels. The proposed subdivision will not authorize any physical development on the site. Therefore, findings regarding noise impacts of the project in the Initial Study/Mitigated Negative Declaration approved for the Existing Project remain unchanged.

XIII. POPULATION AND HOUSING.

The revised project will not result in new impacts with respect to population and housing. The project was previously approved to allow the construction of a 320-space mobile home park. The proposed subdivision will only allow the approved park project to be subdivided so that the ownership of the mobile home spaces may be transferred to park residents. No residents will be displaced, because they will all have the option to remain in the park as renters.

XIV. PUBLIC SERVICES.

The proposed subdivision will not result in any new or modified physical impacts not associated with the previously entitled development project. The subdivision will not require any new or physically altered governmental facilities for any of the following public services:

- Fire Protection
- Police Protection
- Schools
- Parks
- Other public facilities.

This finding has not changed from that made in the Initial Study/Mitigated Negative Declaration approved for the Existing Project.

XV. RECREATION.

The proposed subdivision will not result in any increased use of parks or other recreational facilities, and does not create any new impact on recreational facilities because it does not authorize any new development. This finding has not changed from that made in the Initial Study approved for the Existing Project.

XVI. TRANSPORTATION AND CIRCULATION.

The proposed subdivision will not result in any change in the land use approved on the project site, and therefore will not result in increased vehicle trips or traffic congestion of the street systems. The project will not result in changes to air traffic levels or a change in location that results in substantially safety risks. This finding has not changed from that made in the Initial Study/Mitigated Negative Declaration approved for the Existing Project. The subdivision map conforms to the circulation and access design of the Planned Development, approved by the Board of Supervisors in 2003.

XVII. UTILITIES AND SERVICE SYSTEMS.

The proposed subdivision only changes the ownership of the project, allowing the previously approved mobile home park spaces to be sold. The subdivision does not allow an expansion of the mobile home park, nor any change in plans for development of the approved project. The revised project will be serviced by existing sewer and water lines in proximity to the project. Wastewater and water treatment facilities will be provided by the Chemehuevi Indian Reservation, as planned for the approved mobile home park development. The proposed project will have sufficient water supplies available to serve the project from existing entitlements and resources.

XVIII. MANDATORY FINDINGS OF SIGNIFICANCE.

Based on the foregoing analysis of potential impacts of changes proposed to the previously approved mobile home park development project, and potential changes in circumstances that might affect the County's findings, the proposed subdivision (the revised project) does not have the potential to significantly degrade the quality of the environment, or substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population or drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory. The subdivision will not result in any physical impacts not already authorized by the previously approved development project. The modification made to the site since the Mitigated Negative Declaration was adopted were improvements associated with the Planned Development approved by the Board of Supervisors in 2003.

The proposed subdivision will not result in impacts that are individually limited, but cumulatively considerable, because the effect of the subdivision will be limited to allowing resident ownership of spaces in an approved mobile home park, which will result in no physical impacts.

The proposed subdivision will not have environmental effects that will cause substantial adverse effects on human beings, either directly or indirectly, as no physical impacts would be authorized by approval of the subdivision, and any residents of the park who choose not to purchase a lot will be permitted to remain as renters.

Increases in air quality emissions, noise, and traffic will not be created by the proposed subdivision. These potential impacts have been thoroughly evaluated and appropriate mitigation measures have been applied to the previously approved development project through the Initial Study/Mitigated Negative Declaration adopted with approval of the mobile home park development project.

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EXHIBIT C

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: TBD
Expiration Date: TDB

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: TBD
Expiration Date: TDB

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.
12. 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.

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

13. FEMA Regulations. Any improvements within the FEMA Flood Zone area shall comply with FEMA regulation.

Effective Date: TBD
Expiration Date: TDB

14. (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.

COUNTY FIRE (909) 386-8465

15. 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.
16. 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.
17. Construction. All construction must comply with all appropriate fire protection installation standards as adopted by the San Bernardino County Fire Department.
18. 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

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

19. 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.

PRIOR TO RECORDATION OF PHASE 1 OF TENTATIVE TRACT MAP 18719

The following conditions shall be completed:

PUBLIC WORKS/Surveyor Division (909) 387-8145

20. 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.
21. 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.
22. 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).
23. 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

24. 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.
25. Fees. All fees required under actual cost job number P200800488 shall be paid in full.
26. Perimeter 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.

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

27. Perimeter Fence. The developer shall extend the existing steel picket fence along Lake Blvd to the beginning of phase 3.
28. 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.
29. Fees. All fees required under actual cost job number P200800488 shall be paid in full.

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

30. Perimeter Fence. The developer shall extend the existing steel picket fence along Lake Blvd to the end of phase 3.
31. 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.
32. Fees. All fees required under actual cost job number P200800488 shall be paid in full.

EXHIBIT D

REVISED TENTATIVE TRACT MAP

EXHIBIT E

LETTER FROM GRESHAM SAVAGE DATED DECEMBER 19, 2012

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December 19, 2012

LAND USE SERVICES DEPARTMENT

DEC 19 2012

COUNTY OF SAN BERNARDINO

VIA HAND-DELIVERY

San Bernardino County Planning Commission
385 North Arrowhead Avenue
San Bernardino, CA 92415

Re: Letter in Opposition to Proposed TTM 18719/P200800488 (Havasu Lakeshore Investments)--December 20, 2012

Dear Members of the Planning Commission:

This office represents Woody, LLC, who owns property which is immediately adjacent to, and which will be adversely impacted by the above-referenced Tentative Tract Map proposal. We strongly oppose approval of Tentative Tract Map 18719 ("TTM") due to the following reasons: 1) the illegal grading done on applicant's parcel which has adversely impacted our client and has yet to be remediated; 2) the fact that our client's access to its property will be adversely impacted by the proposed Tentative Tract Map 18719; and 3) perhaps most importantly, the County's cursory analysis under the California Environmental Quality Act ("CEQA") is wholly inadequate, and fails to address potentially significant environmental impacts.

Accordingly, we request that the Planning Commission deny approval of Tentative Tract Map 18719, or alternatively, continue the hearing until such time as these serious issues can be adequately addressed by County Planning staff and through negotiations between the applicant and our client.

- 1) Illegal Grading Has Occurred on Applicant's Property, Thereby Adversely Impacting Adjacent Property.

Illegal grading of the applicant's property occurred in approximately 2006, of which our client did not receive notice until 2011, in the form of a letter from the County Building Official dated July 15, 2011. This improperly placed fill continues to encroach upon, and create drainage impacts to our client's property, thus constituting a public

nuisance.¹ The applicant should not be able to obtain a new Tentative Tract Map approval—or any other County permit or approval, for that matter—while an illegal condition exists upon its property. In fact, such a grading violation justifies revocation of the original General Plan Amendment and Planned Development approvals for the mobile home park that were issued in 2003.² Surely, illegal grading is not in compliance with the original approvals, and thus constitutes a changed condition and violation which justifies their revocation—not the granting of a new land use approval.

Given the existing grading violations, at minimum a condition should be imposed upon the Tentative Tract Map which provides for proper grading and erosion control, in accordance with County Development Code Section 87.02.070 (a)(1)(D). However, no such condition appears in the staff report or draft findings prepared for Tentative Tract Map 18719.

2. Tentative Tract Map 18719 Will Adversely Impact Adjacent Landowner's Access to Property.

Under the original approvals, which the County states that it is now complying with, our client was provided access to its property by way of an easement. The proposed approval Tentative Tract Map 18719 will impede and eliminate this easement and create substantial access issues to my client's property that is less convenient and less direct, and for which the necessary right-of-way is currently speculative and uncertain. This precludes the Planning Commission from making the mandatory finding related to access under County Development Code Section 87.02.060 (a)(1)(E), which provides:

"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. This finding may also be made if the review authority finds that alternate easements for access or use will be provided, and that they will be substantially equivalent to ones previously acquired by the public. This finding shall apply only to easements of record, or to easements established by judgment of a court of competent jurisdiction, and no authority is hereby granted to the review authority to determine that the public at

¹ San Bernardino County Development Code § 86.09.050 (a).

² *Id.* at § 86.09.170.

large has acquired easements of access through or use of property within the proposed subdivision". (Emphasis added).

The proposed easement location is thus not substantially equivalent to the existing easement, and thus does not satisfy the requirement that adequate access be provided to abutting landowners under County Development Code Section 87.05.030.

3. County's Reliance on Subdivision Map Act § 66427.5 is Inconsistent with the Statute.

Several times throughout the Staff Report, the County indicates that it is limited in its authority to approve or impose additional conditions on the TTM 18719 by Subdivision Map Act section 66427.5 and that the State Department of Housing and Community Development ("HCD") has the sole authority to approve or issue permits within the Park.

Section 66427.5 was originally enacted in 2002 as a means of ensuring that the conversion of an existing mobile home park from rental to residential ownership did not harm the underlying tenants and to ensure that the conversion was not a "sham conversion" to avoid local rent control ordinances. Thus, the requirements stated in Section 66427.5 are limited in scope to the protection of those tenants.

If the County determines it must rely solely on Section 66427.5 in its review of the TTM, then it cannot approve modifications to the underlying site plan as originally approved, including the modifications to lot locations, street layouts, and other infrastructure requirements that are currently proposed. To do so would step outside of the bounds of the County's alleged authority, as stated within the Staff report. Instead, it may only approve the conversion from rental property to residential ownership as it currently stands. Any Alteration to a mobile home park would be subject to HCD regulations under Title 25.

The County may only approve the proposed modifications to the site from its current configuration if it determines that Section 66427.5 does not apply to the second and third phases of the development—the phases in which the Applicant has proposed changes to the site plan. If the County does move forward with these changes, it must take into consideration, then, the impact on the neighboring properties on all sides.

4. County's CEQA Review is Inadequate.

CEQA requires public agency decision-makers to document and consider the environmental implications of their actions, as well as inform the public of the environmental consequences of the proposed action.³

Here, the County purports to rely upon an Addendum to a previous Mitigated Negative Declaration ("MND") prepared in 2003 for the original mobile home park approvals—more than nine years ago. At the outset, it is apparent that the Addendum contained at Exhibit C to the December 6, 2012 staff report fails to mention the illegal grading (and associated drainage impacts) and access impacts discussed above. More importantly, an Addendum is inappropriate where the underlying environmental review has become outdated.

Due to these changed conditions and the age of the underlying environmental review, the County is obligated under CEQA to consider the environmental impacts of the 320-space subdivision anew, rather than simply claiming that approval of Tentative Tract Map 18719 "will only affect property ownership options for residents of the park"—when in reality, the "project" proposed today is significantly different from that approved in 2003.

a. Legal Standard of Review Applicable to MNDs.

Under CEQA, a MND is appropriate only where there is no substantial evidence that the project as revised may have a significant effect on the environment.⁴ Where substantial evidence in the record supports a fair argument that the proposed project may have significant adverse environmental effects even after mitigation, an Environmental Impact Report ("EIR") must be prepared.⁵ Even if other substantial evidence supports the opposite conclusion, the agency nevertheless must prepare an EIR.⁶ This is because the fair argument standard creates a very low threshold of review, generally favoring the preparation of an EIR where any doubt exists as to whether significant, unmitigated impacts will occur.⁷

³ *Citizens of Goleta Valley v. Board of Supervisors* (1990) 52 Cal. 3d 553.

⁴ Cal. Pub. Res. Code 21064.5; *San Bernardino Valley Audubon Society v. Metropolitan Water District* (1999) 71 Cal. App. 4th 382, 390.

⁵ *No Oil, Inc. v. City of Los Angeles* (1974) 13 Cal. 3d 68, 75.

⁶ *Id.*; *Friends of "B" Street v. City of Hayward* (1980) 106 Cal. App. 3d 988, 1000-1003.

⁷ *Citizens Action to Serve All Students v. Thornley* (1990) 222 Cal. App. 3d 748, 754; *Mejia v. City of Los Angeles* (2005) 130 Cal. App. 4th 322, 332.

Furthermore, an addendum to an adopted MND may be prepared if only minor technical changes or additions are necessary; or, if none of the conditions described in CEQA Guidelines § 15162, calling for the preparation of a subsequent MND, have occurred. The County's Addendum provides no support for its conclusion that none of the conditions described under Section 15162 have occurred, which include the following:

- (1) Substantial changes are proposed in the project which will require major revisions of the previous EIR or negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects;
- (2) Substantial changes occur with respect to the circumstances under which the project is undertaken which will require major revisions of the previous EIR or negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; or
- (3) New information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified as complete or the negative declaration was adopted, shows any of the following:
 - (A) The project will have one or more significant effects not discussed in the previous EIR or negative declaration;
 - (B) Significant effects previously examined will be substantially more severe than shown in the previous EIR;
 - (C) Mitigation measures or alternatives previously found not to be feasible would in fact be feasible and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or
 - (D) Mitigation measures or alternatives which are considerably different from those analyzed in the previous EIR would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.⁸

⁸ CEQA Guidelines § 15162 (emphasis added).

Here, use of an Addendum is inappropriate for several reasons. First, it makes no mention of the illegal grading which has occurred, or the potential access issues that would result if Tentative Tract Map 18719 is approved, with changes to internal circulation within the subdivision. Rather, the Addendum simply concludes, with no supporting evidence, that there will be no new impacts to geology and soils because "this finding has not changed from that made in the Initial Study approved for the Existing Project."⁹ The discussion under the "Transportation and Circulation" heading does not even mention internal circulation or access for adjacent landowners.¹⁰

This is problematic because a CEQA document must generally analyze impacts upon existing or "baseline" conditions—conditions which have changed since the prior CEQA review was conducted in 2003.¹¹ The underlying MND and Addendum do not take existing conditions into account, and accordingly, a new Initial Study must be done to determine the appropriate level of CEQA review.

Besides failing to account for existing baseline conditions, the Addendum also fails to adequately analyze future potential impacts—namely, noise and air quality impacts to the current residents who were not yet occupying the mobile home park when the original approvals were issued. The Addendum acknowledges that the mobile home park is currently only partially developed, and that only 39 of the approved 320 spaces have been improved with homes. It does not appear that the proposed roads, open space and common areas now proposed under Tentative Tract Map 18719 were accounted for in the prior MND, as they would not have been included within the original approvals.¹²

Thus, the Addendum fails to analyze potential health risks to the 39 sensitive receptors who now occupy the project site, who were not there when the original MND was approved in 2003, and will now be impacted by noise and pollution during construction of common area improvements, as well as the transport of additional mobile home units to fill the remaining 281 spaces. The scope and duration of additional construction activities is not described anywhere in the staff report or addendum. Furthermore, the remaining mobile homes will likely be transported by heavy diesel trucks, thus potentially exposing the neighbors to truck exhaust, a serious health impact which must be addressed.

⁹ December 6, 2012 Staff Report at p. 17.

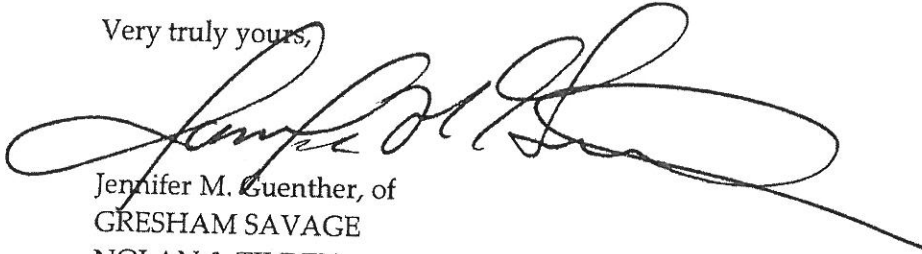
¹⁰ *Id.* at 19.

¹¹ CEQA Guidelines § 15125.

¹² December 6, 2012 Staff Report at p. 1.

In sum, we respectfully request that the Planning Commission decline to approve Tentative Tract Map 18719 until these issues can be adequately addressed by the applicant.

Very truly yours,

A large, stylized handwritten signature in black ink, appearing to read 'Jennifer M. Guenther', is written over the typed name and company information.

Jennifer M. Guenther, of
GRESHAM SAVAGE
NOLAN & TILDEN,
A Professional Corporation

JMG:tmo

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EXHIBIT F

DECEMBER 6, 2012 PLANNING COMMISSION MEMO

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INTEROFFICE MEMO

DATE December 6, 2012

PHONE 387-3067

FROM Kevin White, Senior Planner
Land Use Services Department, Planning Division

MAIL CODE 0182

TO Honorable Planning Commission



SUBJECT Havasu Lakeshore Investments; TTM 18719/ **P200800488**

The Planning Commission will recall that it considered this application on July 19, 2012, and continued the item so that staff could respond to issues raised during the course of the hearing.

By way of review, on December 9, 2003 (Item 48), the Board of Supervisors approved a General Plan amendment and Planned Development for a 320-unit mobile home park with a 7,100 square foot clubhouse facility, and a 2.12-acre commercial facility, all located on an 80-acre parcel at the intersection of Havasu Lake Road and Lake Boulevard in the Havasu Landings Community. As originally approved, the mobile home park was to be developed in three phases and all property remained in the ownership of the applicant with individual mobile home spaces leased to tenants.

Subsequent to its approval, the mobile home park was graded throughout, and all roads and infrastructure installed throughout the first phase (with the exception of the final street cap). Additionally, 39 of the 320 spaces are now occupied.

In 2009, the County relinquished the primary enforcement and control of mobile home parks within the County to the State Department of Housing and Community Development (HCD). Accordingly, the County no longer has authority to issue permits within the park, including permits for construction of buildings, setting down new manufactured homes, roads, drainage, etc.

The current owner has proposed converting this 320-space rental mobile home park (which comprises 68.4 acres of the original protect site) to a 320-lot resident-owned mobile home park subdivision, as provided in the Subdivision Map Act (SMA). The proposed Tract Map was modified from the original design by creating a new lot (lot #1) at the Northeast corner of the project site. However, along the western edge of the site, two previously approved spaces were combined into a single space. Therefore, the park has not been expanded and the park will continue to have 320 spaces (lots). 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.

At the July 19, 2012 hearing, the Chemehuevi Indian Tribe expressed concerns related to drainage impacts, water and sewer services, and compliance with the California Environmental Quality Act (CEQA). Staff also received correspondence and testimony from residents of the mobile home park who expressed concerns with the proposed subdivision. Additionally, several issues were also raised by Commission and the item was continued so that the staff could provide further information to the Planning Commission. These have been synthesized into the five issues discussed below.

1. **County's Land Use Approval Authority.**

a) **State Preemption**

As stated, state law generally preempts the County from imposing conditions on mobile home parks which apply within the boundaries of the park. However, the County can, within the reasonable exercise of police powers, adopt zoning ordinances to allow or prohibit parks, and regulate park perimeter walls or enclosures on public street frontage, signs, access, and vehicle parking. The County also has limited authority to impose certain conditions to mitigate present health and safety concerns.

b) **Limited Authority When Considering a Subdivision Conversion.**

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". (Emphasis added) The SMA is clear that the scope of the hearing is very narrow and limited to those issues described in Section 66427.5.

Section 66427.5 of the SMA provides that in approving or denying a tentative map for a mobile home park subdivision, the County determines whether or not the subdivider has complied with certain requirements to avoid economic displacement of current tenants who do not choose to purchase their home sites in the following manner:

- (i) The subdivider must offer each existing tenant an option to purchase a subdivided lot, or to remain as a renter;
- (ii) 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;
- (iii) The Tenant Impact Report must be sent to each resident at least 15 days prior to the hearing on the map; and,
- (iv) The subdivider must obtain a survey of support of residents for the conversion.

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.

c) The Entire 320-Unit Park is the Project.

During the July 19, 2012 hearing, the Planning Commission asked if the subdivision of Phase One could be approved and the subdivision of Phases Two and Three denied, based on the fact that only the Phase One of the park is substantially completed, and Phases Two and Three have not had roads installed. However, the entire site is considered a mobile home park under state law. The entire 320-unit site was previously approved as a mobile home park, improvements have been made to the entire park and two or more lots have been rented or leased to accommodate manufactured or mobile homes for human habitation. Since the entire project site is considered a mobile home park under state law, the County cannot deny subdivision of the area in Phases Two and Three based on the facts that these phases have not been fully developed.

2. Drainage and Utility Services.

Since the July 19, 2012 Planning Commission hearing, staff has been informed that Havasu Lakeshore Investments (Applicant) and the Chemehuevi Indian Tribe have entered into an agreement that fully addresses the concerns the Chemehuevi Indian Tribe previously expressed, namely, those related to drainage impacts and the utility services provided by the Chemehuevi Indian Tribe. The Chemehuevi Indian Tribe now supports the proposed project (see attached letter dated October 4, 2012

3. Tenant Concerns.

Residents of the mobile home park previously expressed concerns with the transfer of the park into resident ownership prior to completion of certain park improvements, due to uncertainty related to owner liabilities, purchase prices, etc. In response, staff notes that the proposed project will only allow the transfer of ownership of existing and proposed spaces to be sold to new and existing residents. However, existing residents are not required to purchase their spaces, and have the option of continuing with their current leases if they decide they would not like to purchase their existing space. Authority over the construction and operation of the park rests with the State.

4. CEQA.

Although staff originally recommended that the project be found exempt, based on information received at the July 19, 2012 Planning Commission hearing, Staff has prepared an addendum to the Initial Study/Mitigated Negative Declaration for the approved mobile home park development project.

5. Findings.

The recommended findings for approval for TTM No. 18719 have been updated consistent with the additional information summarized in this memorandum. Staff has 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.

RECOMMENDATION: That the Planning Commission:

- 1) **ADOPT** the attached Findings dated December 6, 2012;
- 2) **ADOPT** the attached Addendum to the previously adopted Mitigated Negative Declaration, based on a finding that the Initial Study was completed in compliance with CEQA, that it has been reviewed and considered prior to approval of the project, and that the Initial Study/Mitigated Negative Declaration reflects the independent judgment of the County of San Bernardino;
- 3) **APPROVE** TTM No. 18719 subject to the Conditions of Approval in the Staff Report dated July 19, 2012; and
- 4) **FILE** a Notice of Determination

ATTACHMENTS:

Exhibit A: Findings
Exhibit B: Chemehuevi Indian Tribe Dated October 4, 2012
Exhibit C: Mitigated Negative Declaration Addendum
Exhibit D: Additional Correspondence
Exhibit E: July 19, 2012 Planning Commission Staff Report

EXHIBIT G

CHEMEHUEVI INDIAN TRIBE LETTER DATED OCTOBER 4, 2012

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October 4, 2012

Kevin White, Senior Planner
County of San Bernardino
Land Use Services
385 N. Arrowhead Avenue
San Bernardino, California 92415-0182

Dear Mr. White:

As Chairman of the Chemehuevi Indian Tribe ("Tribe"), I am writing to advise you that the Tribe and Havasu Landing, LLC, have entered into two agreements that resolve all of the impacts to the Chemehuevi Indian Reservation ("Reservation") that would be created by the County of San Bernardino, approving the subdivision map for the Vista Del Lago Mobile Home Park ("Project"). The Tribe, therefore, is supporting approval of the project.

The two (2) agreements that the parties have entered into mitigate all water, sewage and water drainage impacts to the Reservation created by the Project. The following is a short description of each agreement:

1. Water and Sewer Service Agreement. A Water and Sewer Service Agreement by and between the between Havasu Landing, LLC and Vista Del Lago Mobile Home Park, on the one hand, and the Chemehuevi Indian Tribe, on the other hand, for water and sewer service has been agreed upon by the foregoing parties. Based upon the foregoing, the Chemehuevi Indian Tribe considers any issues with regard to water and sewer service to be resolved. Because of the foregoing, the Chemehuevi Indian Tribe hereby withdraws any and all objections it has previously lodge with the County of San Bernardino with regard to the water and sewer service to Visa Del Lago Mobile Home Park.
2. Storm Drain Run-Off. A Drainage Plan Agreement by and between the between Havasu Landing, LLC and Vista Del Lago Mobile Home Park, on the one hand, and the Chemehuevi Indian Tribe, on the other hand, to mitigate erosion from storm water runoff has been agreed upon by the foregoing parties. Based upon the foregoing, the Chemehuevi Indian Tribe considers any issues with regard to erosion from storm water runoff to be resolved. Because of the foregoing, the Chemehuevi Indian Tribe hereby withdraws any

And all objections it has previously lodge with the County of San Bernardino
With regard to erosion from storm water runoff to Vista Del Lago Mobile Home
Park

For these reasons, the Chemehuevi Indian Tribe respectfully requests that the
county of San Bernardino approved the Project. Should you have any questions, please
feel free to contact the Tribe's attorney, Lester J. Marston at 707-462-6846.

Respectfully Submitted,


Edward D Smith, Chairman

EXHIBIT H

JULY 19, 2012 PLANNING COMMISSION STAFF REPORT

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LAND USE SERVICES DEPARTMENT
Planning Division
PLANNING COMMISSION STAFF REPORT



HEARING DATE: July 19, 2012

AGENDA ITEM NO: 3

Project Description

Vicinity Map

↑ N

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
Report Prepared By: Kevin White

Field Inspected By: Randy Coleman

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

City Sphere of Influence:

Water Service:

Sewer Service:

AGENCY

None
Chemehuevi Indian Reservation
Chemehuevi Indian Reservation

COMMENTS

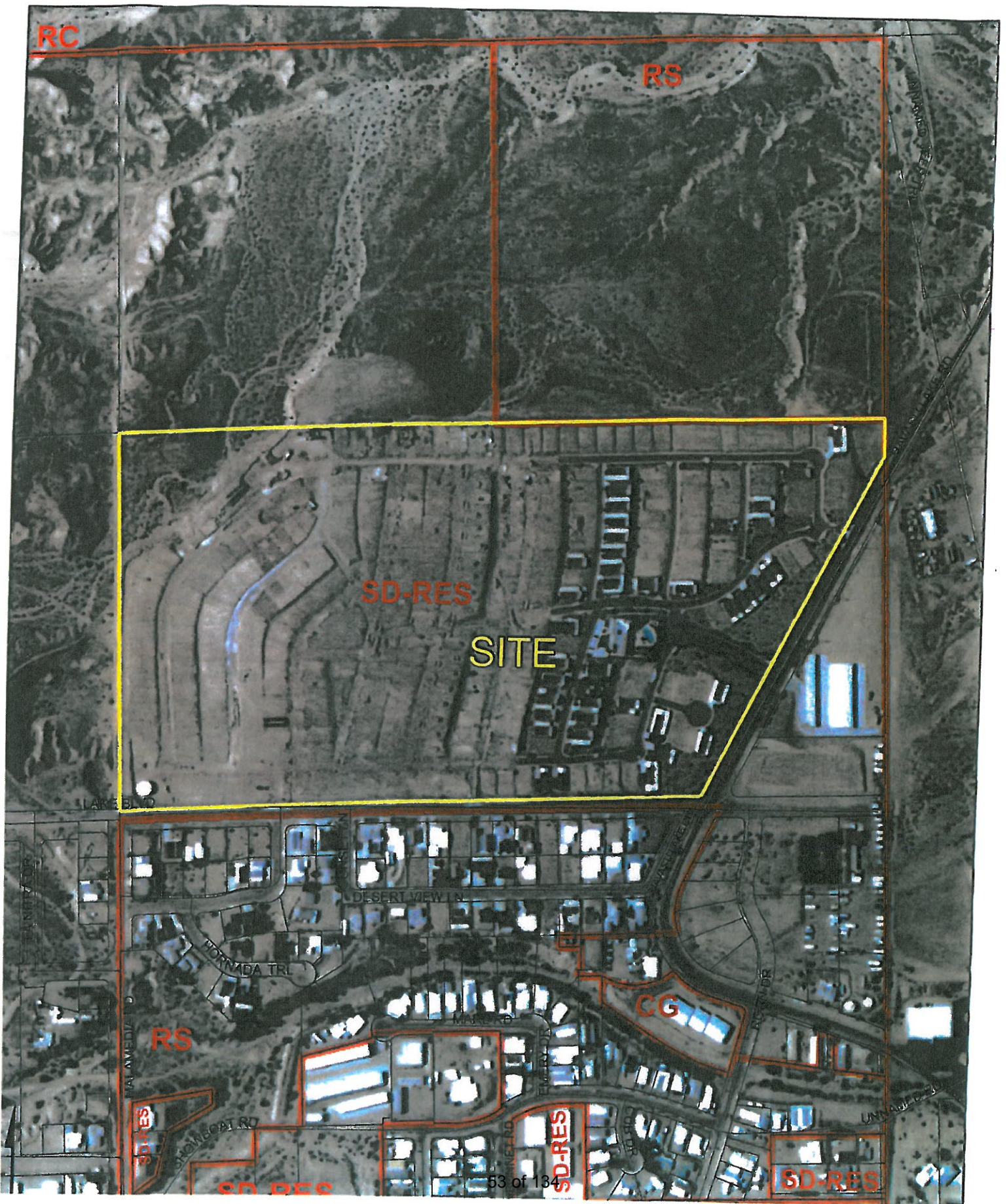
None
Presently Served
Presently Served

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.

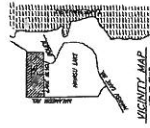
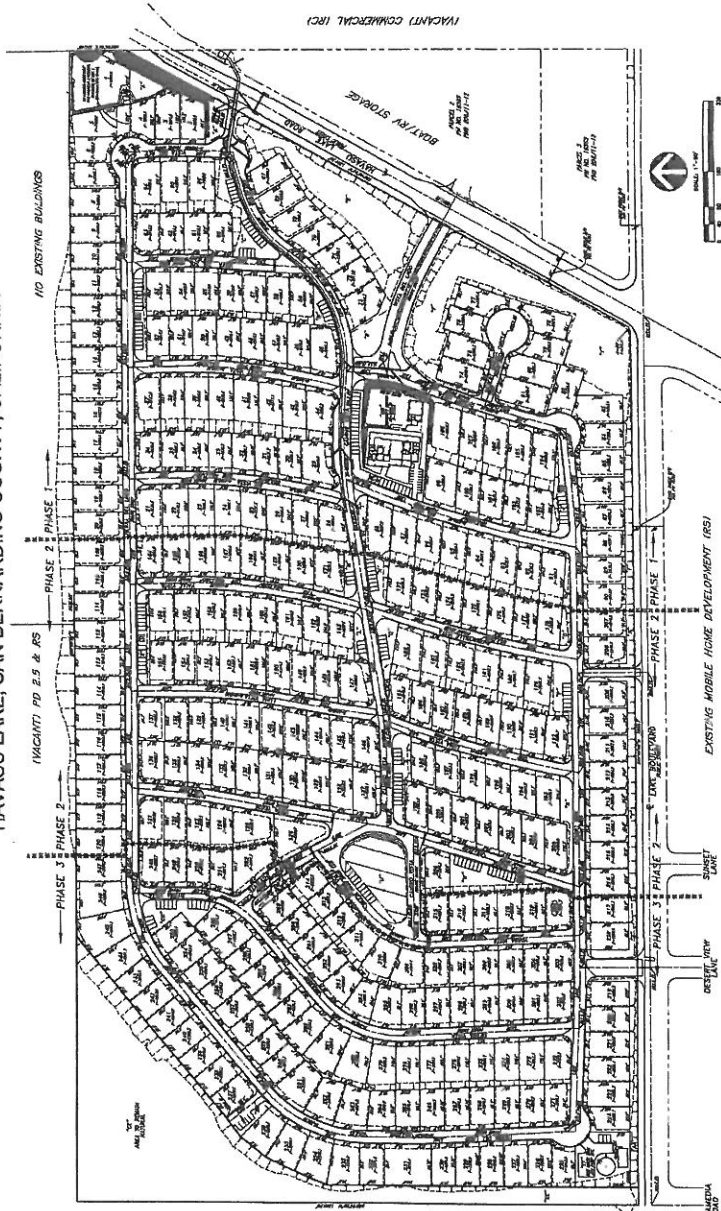
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OFFICIAL LAND USE DISTRICT MAP



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TENTATIVE TRACT No. 18719 HAVASU LAKE, SAN BERNARDINO COUNTY, CALIFORNIA



LOT SUMMARY

PHASE	LOT NO.	ACRES	SQ. FT.	APPROX. LOT AREA
PHASE 1	1-100	1.00	136,000	1.00
PHASE 2	101-200	2.00	272,000	2.00
PHASE 3	201-300	3.00	408,000	3.00
TOTAL	1-300	6.00	816,000	6.00

UTILITY SUBDIVISIONS

UTILITY	DESCRIPTION	APPROX. WIDTH
WATER	12" DUCTILE IRON PIPE	12"
SEWER	12" VITRIFIED CLAY PIPE	12"
GAS	8" BLACK IRON PIPE	8"
ELECTRIC	4" ALUMINUM PIPE	4"

PLAN LEGEND

SYMBOL	DESCRIPTION
(Solid line)	PROPERTY BOUNDARY
(Dashed line)	EXISTING MOBILE HOME DEVELOPMENT (R3)
(Dotted line)	EXISTING LOT BOUNDARY
(Thick solid line)	EXISTING LOT BOUNDARY
(Thin solid line)	EXISTING LOT BOUNDARY
(Thick dashed line)	EXISTING LOT BOUNDARY
(Thin dashed line)	EXISTING LOT BOUNDARY

LEGAL DESCRIPTION

SECTION	TOWNSHIP	RANGE	SECTION
14	35N	12E	14
15	35N	12E	15
16	35N	12E	16
17	35N	12E	17

EXISTING EASEMENTS

EASEMENT	DESCRIPTION
1	10' WIDE EASEMENT FOR UTILITY LINES
2	10' WIDE EASEMENT FOR UTILITY LINES
3	10' WIDE EASEMENT FOR UTILITY LINES
4	10' WIDE EASEMENT FOR UTILITY LINES

TOPICAL LOT - PAD GRADE

SECTION	TOWNSHIP	RANGE	SECTION
14	35N	12E	14
15	35N	12E	15
16	35N	12E	16
17	35N	12E	17

TOPICAL LOT - PRECISE GRADE

SECTION	TOWNSHIP	RANGE	SECTION
14	35N	12E	14
15	35N	12E	15
16	35N	12E	16
17	35N	12E	17

GENERAL INFORMATION

PROPERTY	DESCRIPTION
1	10' WIDE EASEMENT FOR UTILITY LINES
2	10' WIDE EASEMENT FOR UTILITY LINES
3	10' WIDE EASEMENT FOR UTILITY LINES
4	10' WIDE EASEMENT FOR UTILITY LINES

EXISTING EASEMENTS

EASEMENT	DESCRIPTION
1	10' WIDE EASEMENT FOR UTILITY LINES
2	10' WIDE EASEMENT FOR UTILITY LINES
3	10' WIDE EASEMENT FOR UTILITY LINES
4	10' WIDE EASEMENT FOR UTILITY LINES

TOPICAL LOT - PAD GRADE

SECTION	TOWNSHIP	RANGE	SECTION
14	35N	12E	14
15	35N	12E	15
16	35N	12E	16
17	35N	12E	17

TOPICAL LOT - PRECISE GRADE

SECTION	TOWNSHIP	RANGE	SECTION
14	35N	12E	14
15	35N	12E	15
16	35N	12E	16
17	35N	12E	17

TOPICAL LOT - PAD GRADE

SECTION	TOWNSHIP	RANGE	SECTION
14	35N	12E	14
15	35N	12E	15
16	35N	12E	16
17	35N	12E	17

TOPICAL LOT - PRECISE GRADE

SECTION	TOWNSHIP	RANGE	SECTION
14	35N	12E	14
15	35N	12E	15
16	35N	12E	16
17	35N	12E	17

TOPICAL LOT - PAD GRADE

SECTION	TOWNSHIP	RANGE	SECTION
14	35N	12E	14
15	35N	12E	15
16	35N	12E	16
17	35N	12E	17

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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*

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

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]

Mitigation Measures are *italicized*

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.

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.

APN: 0649-221-09
P200800488/ TT18719
Havasu Landing LLC
PC: 07/19/2012

Conditions of Approval

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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]

Mitigation Measures are *italicized*

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]

Mitigation Measures are *italicized*

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.	Zaycer	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 checked="" 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"/>	
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 #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 in favor 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"/>	

Jenny Heidemann
7070 Via Mariposa Sur
Bonsall, CA 92003

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"/>	

Anthony & Dana Brajevic
17751 Carranza Lane
Huntington Beach, CA 92647

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"/>	

Brian & Trish Monninger
18272 Valle Pacifico Dr.
Gavilan Hills, CA 92570

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"/>	<input type="checkbox"/>
I/We Are NOT in Favor of Purchasing the lot currently being leased	<input type="checkbox"/>	<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

Vista Del Lago Lot Purchase	Existing Lot #200	New Lot #77
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"/>

County of San Luis Obispo
P O Box 604
Somis, CA 93066

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"/>

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"/>

Lloyd & Pat Downing
#3 Poulownia
Rancho Santa Margarita, CA
92688

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"/>

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

Voting Ballot

for Vista Del Lago Lot Purchase

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 JAMISON

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="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.

Havasus 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 664275(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,



Edward D. Smith
Tribal Chairman, Chemehuevi Indian Tribe

PO BOX 1976 • HAVASU LAKE, CA • 92363
PHONE: 760-858-1116 • FAX: 760-858-1805 • CELL: 928-208-7124
EMAIL: TRIBE@CITLINK.NET

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?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f) Otherwise substantially degrade water quality?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
h) Place within a 100-year flood hazard area structures which would impede or redirect flood flows?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
j) Inundation by seiche, tsunami, or mudflow?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

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., 1st 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

RECEIVED
CURRENT PLANNING
Owner's Reply to Havasu Lakeshore Investments
2012 MAR 13 AM 9:51

949-758-5238
2-58-2000

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.

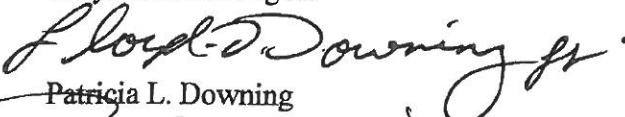
My wife and I have discuss purchasing the land our residence currently sits but we are worried that all we have worked to achieve the last six years will be destroyed because of broken promises. Six years ago, we bought a manufactured residence and had it placed at VDL with a twenty year lease, and later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

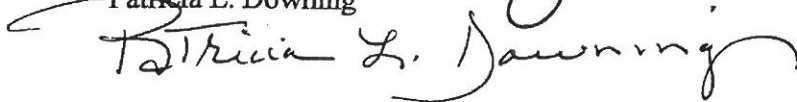
It is our wish the zoning administrator go forward with making VDL a resident owned community, but please do not allow and issue permits for Mr. Fleming to develop a section of land that was never intended to be built upon.

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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ASSESSOR PARCEL NUMBER: 0649-221-09
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.

(See map below for more information)

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2008 AUG 28 PM 1:10
STATION

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

VICINITY MAP



BILL BEVERAGE

8-26-08

SIGNATURE

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.



SAN BERNARDINO COUNTY LAND USE SERVICES DEPARTMENT
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2008 APR 11 AM 10:04
 COUNTY PLANNING DIVISION
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 Page 1 of 2

ATTENTION PROPERTY OWNERS

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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 SD-Res
 (ZONING):
 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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Please issue any permits that they need. This is a wonderful project.

VICINITY MAP



Carol Balin 08-12-08
 SIGNATURE DATE AGENCY

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Page 1 of 2

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ASSESSOR PARCEL NUMBER: 0649-221-09

PROJECT NUMBER: P200800488/TT 18719

(See map below for more information)

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

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PLANNING
AUG 19 PM 2:29

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Patricia + Lloyd Downing

VICINITY MAP



SIGNATURE

Patricia Downing 8/18/08

DATE

AGENCY

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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 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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2008 AUG 22 AM 3:08
COUNTY PLANNING

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JAMES R. ZATICK
6135 Columbus Court
AITA LOMA, CA 91701

VICINITY MAP



James R. Zatick
SIGNATURE

DATE

8/21/08

AGENCY

Mobile Home Park Resident



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

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ASSESSOR PARCEL NUMBER: 0649-221-09

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

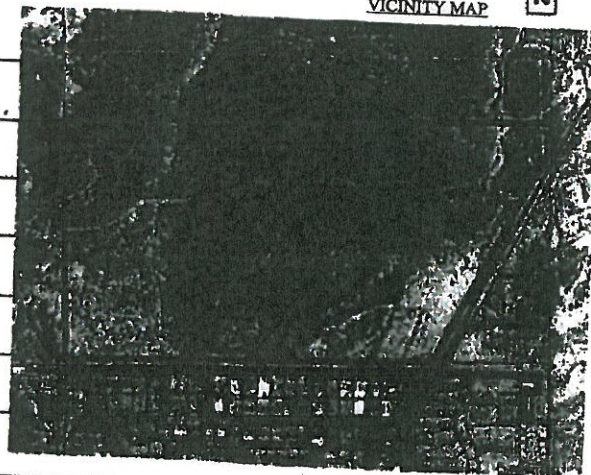
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(See map below for more information)

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2008 AUG 18 PM 1:18

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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

Amy & 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 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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