



**STAFF REPORT
TOWN COUNCIL MEETING OF OCTOBER 14, 2014**

TO: Town Council
FROM: Town Manager, Town Attorney
SUBJECT: Loomis RV Park – Partial Exemption from Duration of Stay Limitations
DATE: October 14, 2014

STAFF RECOMMENDATION:

Consider the staff report and attachments and adopt Resolution ___ approving a partial exemption from the duration of stay limitations imposed on the Loomis RV Park and requiring that the Park make permanently available not less than 16 spaces for daily/weekly rental.

BACKGROUND:

In 1967, Placer County issued a conditional use permit for the Loomis KOA campground. During the hearings on the use permit, the Placer County Zoning Administrator noted as "condition 5" that the campground would be limited to transient occupancy, which under the Town's Transient Occupancy Tax Ordinance means stays of less than 30 days. Over the years the use of the property has changed from a campground to a recreational vehicle park, but the limitation on duration of stays has remained in place. The Town's zoning code does not specifically limit the duration of stays in a "Recreational vehicle (RV) park" or campground. Today the Park includes 79 spaces for recreational vehicles.

In 2001, the California Legislature approved SB 325. SB 325 established statewide rules governing the operations of "Special Occupancy Parks", which definition include "recreational vehicle parks" (Health and Safety Code Sections 18865 *et seq.*) Section 18865.2 provides, in relevant part, as follows:

"In any city . . . that has imposed a time limitation for occupancy of spaces in special occupancy parks, any special occupancy park owner may apply for an exemption to that limitation. The exemption shall be granted unless the city . . . find[s] that . . . the exemption . . . would cause specific adverse impacts which cannot be mitigated or avoided by providing partial exemptions"

Earlier this past year, the Town was notified of a change in ownership of the Loomis RV Park (the "Park".) The new owner requested that the Town approve an exemption to the duration limitation originally imposed on the Park, citing the Special Occupancy Park Law. Eventually Town staff was provided specific information concerning the historical monthly v. daily/weekly use of the Loomis RV park. On September 23, the Town Manager and Finance Director visited the park and conducted an onsite audit of park records confirming the information provided by the park.

DISCUSSION:

The California Department of Housing and Community Development, which is charged with implementing SB 325, recognizes the Loomis RV Park as a Special Occupancy Park. Attached is a letter from the owner of the Loomis RV Park certifying that the Park does in fact qualify as a Special Occupancy Park.

Because the Park appears to qualify as a Special Occupancy Park, the Town's authority to enforce duration-of-stay restrictions is limited by state law. Initially the Park owners requested that the Town exempt all 79 of the recreational vehicles spaces from the 1967 duration restrictions. The Special Occupancy Park Law, however, allows the Town to grant a partial exemption if the Town determines that granting a full exemption would "cause specific adverse impacts." Staff believes that a full exemption would adversely affect the Town. There are no hotels in Loomis and no other places where visiting recreational vehicle owners can stay in Loomis for a short time. The lack of accommodations available for tourists and other visitors to the Town negatively impacts businesses in Town that would benefit from tourists, and inconveniences Town residents who have friends and relatives visiting in recreational vehicles.

After extensive discussions with the owner's representatives, as well as a site visit and transient occupancy tax audit by the Town Manager and Town Finance Director, staff and the owners' representatives have agreed that sixteen spaces should be reserved for short term stays (approximately 20% of the spaces in the Park.) Staff's review of the Park's records indicate that 16 spaces will be sufficient to meet the demand for short term rentals, based on actual Park usage over the preceding twelve months.

FINANCIAL IMPLICATIONS:

None. Adopting the resolution simply formalizes with the Town the procedures the RV park already has in place. Town Staff does not expect the revenues from Transient Occupancy Tax to significantly change from what has been received since the new owners began operations.

Attachments:

Resolution ____

Letter from Loomis RV Park

**TOWN OF LOOMIS
RESOLUTION 14- ____**

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF LOOMIS
APPROVING A PARTIAL EXEMPTION TO DURATION OF STAY
LIMITATIONS FOR THE LOOMIS RV PARK**

WHEREAS, in 1967 the County of Placer approved a conditional use permit for a campground within what later became the Town of Loomis ("Town") and imposed a condition limiting the duration of stay for visitors to the campground;

WHEREAS, today that campground is known as the Loomis RV Park ("Park"), which operates as a "Special Occupancy Park" (as defined by state law) consisting of 79 spaces for recreational vehicles; and,

WHEREAS, in 2001 the California Legislature adopted rules applicable to "Special Occupancy Parks" limiting the authority of local government to enforce duration of stay limitations on such parks; and

WHEREAS, the owners of the Park have asked that the Town Council approve an exemption to the original duration of stay limitations, as provided for by state law; and

WHEREAS, state law allows the Town to grant a partial exemption if the Town Council determines that a full exemption would cause specific adverse impacts to the Town; and

WHEREAS, based on the information provided to the Town Council on this date, the Town Council finds that a full exemption would adversely impact the Town for the following reasons: the Town lacks hotels and places where visiting recreational vehicle owners can stay in Loomis for a short time, and the granting of a full exemption would mean there would be no accommodations for tourists and other visitors to the Town, which would negatively impact businesses in Town that benefit from tourists, and would inconvenience Town residents who have friends and relatives visiting in recreational vehicles; and

WHEREAS, after consultation and a review of the historical use of the Park, Town staff and the Park owners have mutually agreed to recommend that the Town Council approve a partial exemption from the duration of stay limitations that recognizes the historical transient use of the Park and the importance to the Town of having spaces available at the Park for short duration stays.

NOW THEREFORE, BE IT RESOLVED by the Town Council of the Town of Loomis that:

1. A partial exemption from the duration of stay limitations imposed on the Loomis RV Park by its conditional use permit is hereby granted. For so long as the Loomis RV Park remains a "Special Occupancy Park" as defined in Health and Safety Code Section 18862.43, the duration of stay limitations shall not apply to Eighty Percent (80%) of the recreational vehicle spaces contained in the Park. The Park shall reserve and offer the remaining Twenty Percent (20%) of

recreational vehicle spaces for rental and use for periods of less than 30 days.

PASSED AND ADOPTED this 14th day of October, 2014, by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

Mayor

Attest:

APPROVED AS TO FORM:

Town Clerk

Town Attorney

1001186.1


**COLDREN
LAW OFFICES**
A Professional Law Corporation

September 25, 2014

Via Email to:

Jeffrey A. Mitchell
City Attorney, Town of Loomis
jmitchell@kmtg.com

Re: Town of Loomis/Loomis RV Park/Resolution

Dear Mr. Mitchell:

Following up on our discussions, and your conferences with Thom Niederkofler of our Management Team, and particularly of our telephone conversation of this morning:

- In addition to your own research, as well as the various legal authorities I provided you, the onsite inspection of Mr. Carroll and Mr. Angelocci, this will confirm that it is the position of Loomis RV that we are, and have been, a "special occupancy park" as that term is defined in the Health and Safety Code. I believe this to be the case, in part, based upon my 35 years of experience in representing RV park owners and mobilehome park owners throughout California. We, at Loomis RV, are pleased that the town agrees with this.

- Please extend our thanks to Mr. Carroll and Mr. Angelocci for promptly following up on the TOT audit issue, and I thank you for agreeing that our staff was helpful and cooperative in the process, and that the town had an opportunity to interview Tammy, the onsite manager, and to inspect the park.

- Confirming our discussion of this morning, it is your understanding, based on discussions that you have had with the CPA retained for this matter, as well as the town manager, that the town has verified (through random selection of 10 spaces) that the reports on transient occupancy usage historically provided to the town, and the payments of TOT which are subject of the audit, are accurate.

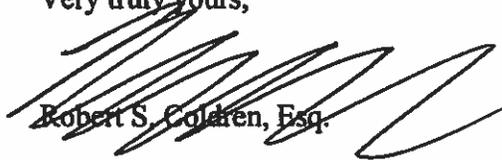
September 25, 2014

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- Finally, and most importantly from our perspective, town staff will recommend, (and hopefully town council will follow that recommendation) that at the October 14th town council meeting, the town adopt a resolution "regularizing" the historical "permanent" use of the RV park, subject to the proviso that has been heavily negotiated that at all times at least 20% of the spaces in our facility will be held for transient use only.

Thanks again for your hard work on bringing this to conclusion on the 14th, and I look forward to the agenda, staff report, and proposed resolution when available.

Very truly yours,

A handwritten signature in black ink, appearing to read 'Robert S. Coldren, Esq.', written over a printed name.

Robert S. Coldren, Esq.