



CITY HALL
207 Lafayette Street
P.O. Box 378
Winona, MN 55987-0378
FAX: 507/457-8212

February 19, 2015

Planning Commissioners
Winona, Minnesota 55987

Dear Commissioner:

The next meeting of the Planning Commission will be held on **Monday, February 23, 2015, at 4:30 p.m. in the Wenonah Room** of the Winona City Hall.

1. **Call to Order**
2. **Minutes – February 9, 2015**
3. **Public Hearing – Final Plat – BK Subdivision**
4. **Red Top Mobile Home Park Closure**
5. **Other Business**
6. **Future Action Items**
Zoning Ordinance Update
7. **Adjournment**

Sincerely,

Mark Moeller
City Planner

PLANNING COMMISSION MINUTES

DATE: February 9, 2015

TIME: 4:30 p.m.

PRESENT: Chairperson Davis, Commissioners Boettcher, Hahn, Buelow, Fritz, and L. Olson

ABSENT: Commissioners Porter, Ballard, and M. Olson

STAFF PRESENT: City Planner Mark Moeller

The meeting was called to order at 4:30 p.m. by Chairperson Davis.

Approval of Minutes – January 26, 2015

Minutes from the Commission's meeting of January 26, 2015 were reviewed and upon motion duly made and seconded, were unanimously approved as submitted.

Proposed Amendments - Site Plan Ordinance

Chairperson Davis called on Mark Moeller, City Planner, to provide staff overview of this item. Mr. Moeller noted that this amendment process was started a couple of months ago with the concept of adding the Commission to the list of person's receiving copies of site plans, and authorizing Commissioners to request that the full Commission review site plans. Since then, other amendments have been included in the proposal, by both the City Attorney's Office and staff. As presented in this afternoon's agenda, other amendments would serve to require the implementation of a Site Plan approval within a defined time period. In this case, that period would be December 31st of the year following the year in which the project was approved. Modifications would also provide for an appeal of a Planning Commission site plan action to City Council. Such an appeal would be required within 10 days following approval of a site plan. Following brief discussion of this item, Commissioner Buelow suggested that a change be made to the implementation timeline requirement. In order to provide consistency between this, and other zoning code provisions, it was suggested that the timeline simply be 12 months following plan approval.

It was then moved by Commissioner Fritz, and seconded by Commissioner Hahn, to recommend approval of the proposed site plan amendment, as included in this afternoon's agenda package, subject to the changes referenced by Commissioner Buelow. When the question was called, the vote of the Commission was unanimous to approve the motion.

Mr. Moeller noted that since site plan ordinance is not part of City Zoning or Subdivision Ordinances, a formal Commission hearing would not be required. As such, the matter would be referred, directly to Council, for approval.

Proposed Amendment – Subdivision Ordinance

Chairperson Davis again called on Mr. Moeller to provide a summary of this item.

Mr. Moeller explained that following a recent review of the City Subdivision Ordinance, the City Attorney had prepared a proposed amendment to Final Plat provisions (Section 42.06), for clarification. In summary, amendments would serve to:

1. Define criteria to be met in Council's consideration of a final plat. In part, these criteria include references to required development agreements, Natural State Agreements, conservation (other) easements, or public donations/dedications to be submitted as part of a final plat application. Although the submittal and consideration of such agreements may now be required as part of "policy", this change would solidify requirements by way of ordinance. Additionally, part (c) (4) references the need for the plat to be prepared in compliance with platting provisions of State law, specifically Chapter 505. A reference to this law is presently lacking.
2. In accordance with recent changes made to the City's Conditional Use permit process, and the previous site plan proposal, identify a "drop dead" date for plat recording. Although approved final plats are presently not subject to a recording timeline, amended language would require this within 180 days of plat approval. The purpose of these deadlines is to encourage project implementation under the framework of the neighborhood generally existing at the time of plat approval.

Finally, evidence that plats had been recorded would be required prior to undertaking public improvements, or issuing building permits to a plat.

In concluding, Mr. Moeller noted that should the Commission concur with the proposed amendment, a formal hearing will be established for final consideration by the Commission.

Following brief review and discussion, it was moved by Commissioner Buelow, and seconded, to recommend tentative approval of the ordinance as submitted, and to authorize a Commission hearing date to consider final approval. When the question was called, the vote of the Commission was unanimous to approve the motion.

Other Business

Chairperson Davis then called for other business. There being none, she moved to Future Action Items.

Mr. Moeller noted that during the Commission's last meeting, a commitment had been made to return to the Commission with a tentative schedule to be followed in retaining a consultant for the Zoning Ordinance Update Project. At this point, he distributed a draft schedule that had been prepared by staff. As proposed, the schedule includes the following steps:

- The Mayor's appointment of a steering or Advisory Committee consisting of:
 - Planning Commission Chair
 - City Council Person
 - Community Development Director

PLANNING COMMISSION MEETING MINUTES

FEBRUARY 9, 2015

PAGE 3

- Planning Staff

Initially, this Committee would serve to prepare the RFP, review consultant proposals, interview consultant finalists, and provide a consultant recommendation to Council.

Following consultant approval by Council, the Committee would facilitate an appropriate contract and could continue to serve as an advisory body through the update process. As an alternative, the Committee could be dissolved following consultant selection.

- A Request for Proposal (RFP) would be prepared by the Advisory Committee.
- The Planning Commission would review the RFP. At this point, the Commission could request additions or revisions to project scope.
- Council approves RFP. The Council would also be asked to authorize staff release of the RFP to potential consultants.
- Proposals would be received from consultants.
- All proposals would be reviewed by the Advisory Committee with the goal of paring a list to two finalists.
- The Advisory Committee would interview consultant finalists and provide recommendations to Council.
- The Council would approve recommendations and authorize the City to enter into a contract with the consultant, followed by project implementation.

Outside of this process, the Commission will play a vital part in helping to define the scope of work to be included in the RFP. Given this, he would like to devote portions of the next couple of meetings to developing a comprehensive list of issues or items that may be incorporated in the RFP. Again, although staff has been working on such a list during the past couple of years, the Commission may have additional items or concerns. If so staff would like to hear those prior to final preparation of the RFP.

Commissioner Fritz noted that an immediate concern of his was the potential development of some form of proper management code that could serve to promote a higher level of property maintenance throughout the City. An example of such a document might be the International Property Management Code. Mr. Moeller suggested that this item be discussed further during the next meeting.

Adjournment

There being no further business to come before the Commission, the meeting was adjourned.

Mark Moeller
City Planner

PLANNING COMMISSION

AGENDA ITEM: 3. Public Hearing – Final Plat – BK Subdivision

PREPARED BY: Mark Moeller

DATE: February 23, 2014

BASE DATA

Petitioner:	Fastenal Company
Location:	Northwest corner of Highway 61 and Pelzer Street (Exhibit A)
Existing Zoning:	B-2 (Commercial)
Current Lot Area:	.74 acres
Lot Area Frontage:	None
Lot Frontage Requirements:	None
Front, Rear, and Side Setback Requirements:	None
Proposed Number of Lots:	One (Exhibit B)
Proposed Lot Frontage:	N/A

DISCUSSION

This request relates to a formal lot split by the petitioner with the intent of using the site for future redevelopment.

Historically, the plat site (reference Exhibit C) included an auto maintenance building and was part of the larger former "Penneys" land complex. As noted on Exhibit C (general plat, site highlighted in orange), area street patterns included Service Drive (south of plat site) that intersected with Pelzer Street at both its east and west sides.

In 2005, Pelzer Street was reconstructed. With this project, Service Drive, easterly of Pelzer, was terminated at Pelzer while Service Drive, westerly of Pelzer, was rerouted (Exhibit B) "through" the Penney's property and to Pelzer approximately 200 feet north of its previous location. With this action, the plat site became a freestanding property. Notwithstanding that fact, the parcels property identification number continues to be the same as the larger site (now owned by Fastenal). As such, purposes of platting are to separate the platted area from its larger parcel (thereby formally recognizing both as

“freestanding”) and to certify legal boundaries of the site. With this, it is noted that the site was subject to two City easements, both of which have been vacated. A 25 foot power utility easement exists along the south boundary. All street right-of-way surrounding the lot was previously dedicated, and no further public dedications are proposed.

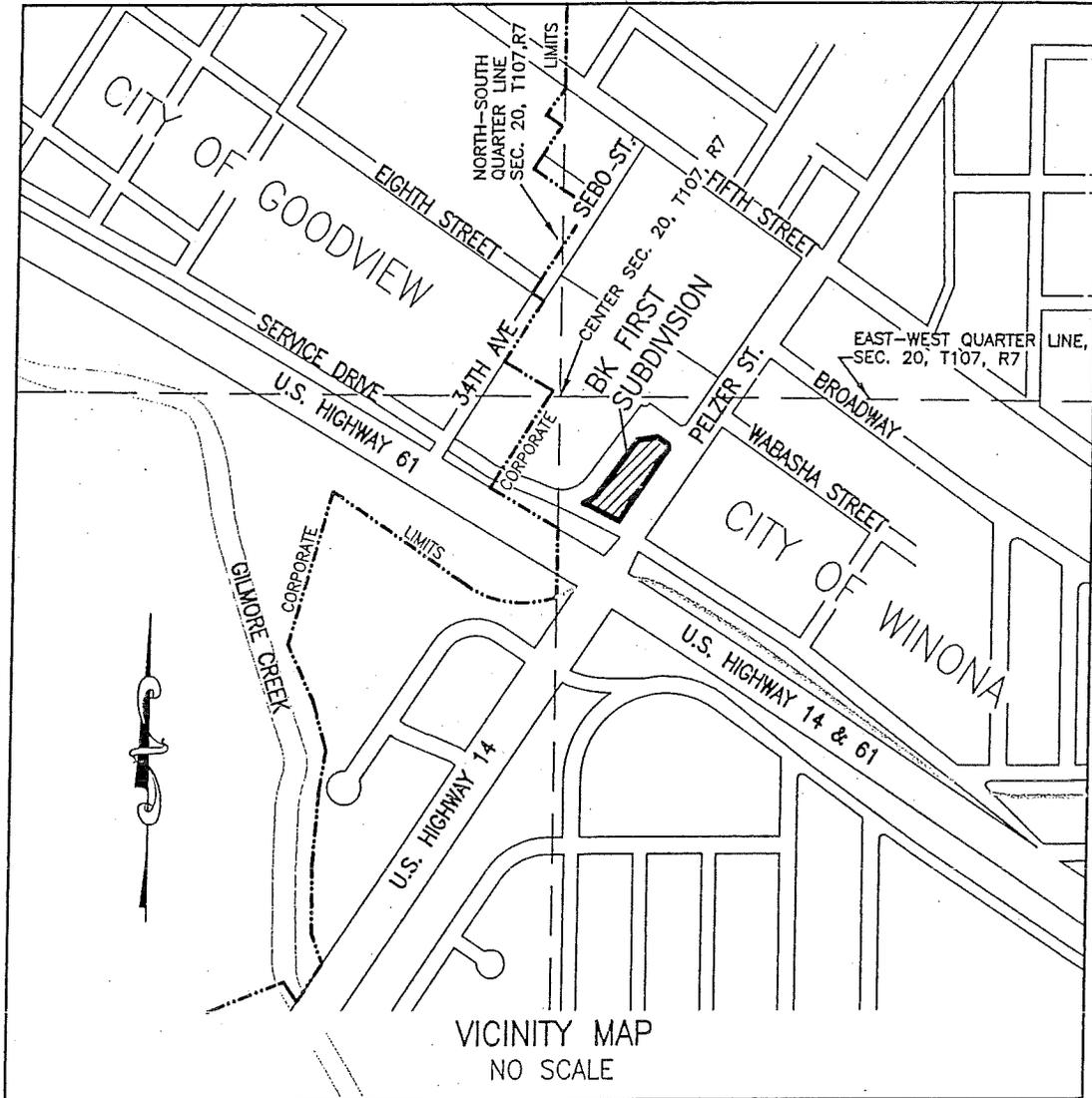
REVIEW BY OTHERS

The City Engineer has reviewed the plat and has no comments of it. Although notice of the Commission’s hearing was provided to MnDOT, no comments have been received from that agency.

RECOMMENDATION

Given the previous, and staff’s finding that the plat is consistent with applicable subdivision and zoning requirements, approval of the plat is recommended.

Attachments



"A"



15206-374

15206-374

"C"

PLANNING COMMISSION

AGENDA ITEM: 4. Red Top Mobile Home Park Closure

PREPARED BY: Carlos Espinosa

DATE: February 23, 2015

In accordance with Minnesota Statute 327C.095, closure of a mobile home park requires the Planning Commission to formally receive the closure statement and request the City Council to schedule a public hearing.

The City has received the attached closure statement for Red Top Mobile Home Park. The owner intends to close the park and cease use of the property as a manufactured home park as of June 1, 2015. The owner of Red Top Mobile Home Park intends to sell the property after closure of the park.

The owner has been working to help current residents relocate and residents are also potentially eligible for financial assistance through the Minnesota Manufactured Home Relocation Trust Fund. In addition, an organization named All Parks Alliance for Change (APAC) has provided the attached information to current Red Top residents.

Per statute, staff requests the Commission submit the closure statement to the City Council and request a public hearing to be scheduled.

Attachments:

1. Red Top Closure Statement
2. APAC Letter

**NOTICE OF CLOSURE AND CESSATION
OF USE OF LAND AS A MANUFACTURED HOME PARK**

**TO: THE CITY OF WINONA, ITS PLANNING COMMISSION, ITS PLANNING AND ZONING DEPARTMENT;
THE COMMISSIONER OF THE MINNESOTA DEPARTMENT OF HEALTH AND HUMAN SERVICES; AND
ALL RESIDENTS OF RED TOP MOBILE HOME PARK, INCLUDING BUT NOT LIMITED TO:**

1845 WEST 5TH STREET, #29, WINONA, MN 55987
1845 WEST 5TH STREET #68, WINONA, MN 55987
1845 WEST 5TH STREET #37, WINONA, MN 55987
1845 WEST 5TH STREET #57, WINONA, MN 55987
1845 WEST 5TH STREET #19, WINONA, MN 55987
1845 WEST 5TH STREET #27, WINONA, MN 55987
1845 WEST 5TH STREET #48, WINONA, MN 55987
1845 WEST 5TH STREET #52, WINONA, MN 55987

PLEASE TAKE NOTICE that the undersigned, Stephanie Vargas, as Manager of Red Top Mobile Home Park, which is situated upon that real property located in the City of Winona, Winona County, Minnesota, legally described as:

That part of Lot Seventeen (17), Subdivision of Section Twenty (20), Township One Hundred Seven (107) North, of Range Seven (7), West of the Fifth Principal Meridian, Winona County, Minnesota, described as follows:

Commencing at the center of said Section 20; thence East along the quarter section line a distance of 521.90 feet; thence at a deflection angle to the right of 36° 29' a distance of 55.3 feet to the Westerly line of Pelzer Street; thence at a deflection angle to the left of 90° 07' and along the Westerly line of Pelzer Street a distance of 165.00 feet to the point of beginning of the parcel of land to be described; thence at a deflection angle to the left of 90° a distance of 705.85 feet to the Easterly line of Sebo Street in the City of Winona; thence at a deflection to the right of 90° and along the Easterly line of Sebo Street a distance of 165 feet; thence at a deflection angle to the right of 90° a distance of 280 feet; thence at a deflection angle to the left of 90° a distance of 30 feet; thence at a deflection angle to the left of 90° a distance of 70 feet; thence at a deflection angle to the right of 90° a distance of 336 feet to the Southerly line of Fifth Street; thence at a deflection angle to the right of 90° and along the Southerly line of Fifth Street to its intersection with the Westerly line of Pelzer Street; thence Southerly along the Westerly line of Pelzer Street to the point of beginning, being located upon and forming a part of the Southwest Quarter of the Northeast Quarter (SW¼ of NE¼) of Section Twenty (20), Township One Hundred Seven (107) North, of Range Seven (7), West of the Fifth Principal Meridian, Winona County, Minnesota.

Except for land taken for roadway and/or highway purposes in that certain document – Order in the Matter of the Condemnation of Certain Real Estate in the County of Winona, State of Minnesota for public right-of-way and roadway purposes, recorded May 8, 2007, as Document No. 519345.

Together with a 20 foot easement for ingress and egress as set forth in Document No. 212632. Also together with a 10 foot easement for moving trailer homes as set forth in Document No. 212632.

intends to close the Red Top Mobile Home Park and cease use of the above-described real property as a manufactured home park as of May 1, 2015.

This notice is given by the undersigned pursuant to Minnesota Statute §327C.095 and Minnesota Statute §327C.01.

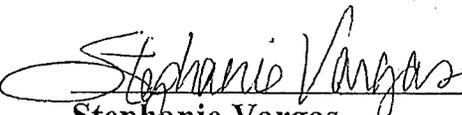
Minnesota Statute §327C.095 sets forth various obligations of the undersigned as Manager of the Red Top Mobile Home Park and the City of Winona as the municipality in which the park is located. The statute also sets forth various rights of the residents of the park. A copy of the statute is attached hereto as Exhibit A and incorporated herein by reference for the convenience of all parties notified.

Minnesota Statute §327C.01 sets forth various requirements in conjunction with the obligations of the undersigned as owner of Red Top Mobile Home Park. A copy of the statute is attached hereto as Exhibit B and incorporated herein by reference. Pursuant to Minnesota Statute §327C.01, subd. 1(a), the availability, location and potential costs of housing within a twenty-five (25) mile radius must be contained herein. Furthermore, prospective relocation costs must be contained herein.

The location, availability, and rental costs of manufactured home parks within a twenty-five (25) mile radius is attached hereto as Exhibit C and incorporated herein by reference for the convenience of all parties notified. Possible relocation costs for a single width mobile home unit is estimated at approximately three thousand dollars (\$3,000.00) in addition to gas and electric hookups upon relocation. The estimated relocation costs for a double width mobile home unit is approximately ten thousand dollars (\$10,000.00) in addition to gas and electric hookups upon relocation.

**"YOU MAY BE ENTITLED TO COMPENSATION FROM THE
MINNESOTA MANUFACTURED HOME RELOCATION TRUST FUND
ADMINISTERED BY THE MINNESOTA HOUSING FINANCE AGENCY."**

Dated: July 17, 2014


Stephanie Vargas

2013 Minnesota Statutes

This section has been affected by law enacted during the 2014 legislative session. [More Info...](#)

327C.095 PARK CLOSINGS.

Subdivision 1. Conversion of use; minimum notice. At least nine months before the conversion of all or a portion of a manufactured home park to another use, or before closure of a manufactured home park or cessation of use of the land as a manufactured home park, the park owner must prepare a closure statement and provide a copy to the commissioners of health and the housing finance agency, the local planning agency, and a resident of each manufactured home where the residential use is being converted. The closure statement must include the following language in a font no smaller than 14 point: "YOU MAY BE ENTITLED TO COMPENSATION FROM THE MINNESOTA MANUFACTURED HOME RELOCATION TRUST FUND ADMINISTERED BY THE MINNESOTA HOUSING FINANCE AGENCY." A resident may not be required to vacate until 60 days after the conclusion of the public hearing required under subdivision 4. If a lot is available in another section of the park that will continue to be operated as a park, the park owner must allow the resident to relocate the home to that lot unless the home, because of its size or local ordinance, is not compatible with that lot.

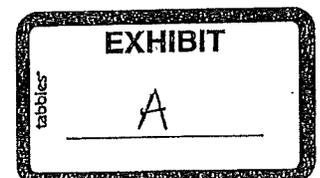
Subd. 2. Notice of hearing; proposed change in land use. If the planned conversion or cessation of operation requires a variance or zoning change, the municipality must mail a notice at least ten days before the hearing to a resident of each manufactured home in the park stating the time, place, and purpose of the public hearing. The park owner shall provide the municipality with a list of the names and addresses of at least one resident of each manufactured home in the park at the time application is made for a variance or zoning change.

Subd. 3. Closure statement. Upon receipt of the closure statement from the park owner, the local planning agency shall submit the closure statement to the governing body of the municipality and request the governing body to schedule a public hearing. The municipality must mail a notice at least ten days before the hearing to a resident of each manufactured home in the park stating the time, place, and purpose of the public hearing. The park owner shall provide the municipality with a list of the names and addresses of at least one resident of each manufactured home in the park at the time the closure statement is submitted to the local planning agency.

Subd. 4. Public hearing; relocation compensation; neutral third party. The governing body of the affected municipality shall hold a public hearing to review the closure statement and any impact that the park closing may have on the displaced residents and the park owner. At the time of, and in the notice for, the public hearing, displaced residents must be informed that they may be eligible for payments from the Minnesota manufactured home relocation trust fund under section 462A.35 as compensation for reasonable relocation costs under subdivision 13, paragraphs (a) and (e).

The governing body of the municipality may also require that other parties, including the municipality, but excluding the park owner or its purchaser, involved in the park closing provide additional compensation to residents to mitigate the adverse financial impact of the park closing upon the residents.

At the public hearing, the municipality shall appoint a neutral third party, to be agreed upon by both the manufactured home park owner and manufactured home owners, whose hourly cost must be reasonable and paid from the Minnesota manufactured home relocation trust fund. The neutral third party shall act as a paymaster and arbitrator, with decision-making authority to resolve any questions or disputes regarding any contributions or disbursements to and from the Minnesota manufactured home relocation trust fund by either the manufactured home park owner or the manufactured home owners. If the parties cannot agree on a neutral third party, the municipality will make a determination



Subd. 5. **Park conversions.** If the planned cessation of operation is for the purpose

of converting the part of the park occupied by the resident to a common interest community pursuant to chapter 515B, the provisions of section 515B.4-111, except subsection (a), shall apply. The nine-month notice required by this section shall state that the cessation is for the purpose of conversion and shall set forth the rights conferred by this subdivision and section 515B.4-111, subsection (b). Not less than 120 days before the end of the nine months, the park owner shall serve upon the resident a form of purchase agreement setting forth the terms of sale contemplated by section 515B.4-111, subsection (d). Service of that form shall operate as the notice described by section 515B.4-111, subsection (a). This subdivision does not apply to the conversion of a manufactured home park to a common interest community:

- (1) that is a cooperative incorporated under chapter 308A or 308B;
- (2) in which at least 90 percent of the cooperative's members are residents of the park at the time of the conversion; and
- (3) that does not require persons who are residents of the park at the time of the conversion to become members of the cooperative.

Subd. 6. Intent to convert use of park at time of purchase. Before the execution of an agreement to purchase a manufactured home park, the purchaser must notify the park owner, in writing, if the purchaser intends to close the manufactured home park or convert it to another use within one year of the execution of the agreement. The park owner shall provide a resident of each manufactured home with a 45-day written notice of the purchaser's intent to close the park or convert it to another use. The notice must state that the park owner will provide information on the cash price and the terms and conditions of the purchaser's offer to residents requesting the information. The notice must be sent by first class mail to a resident of each manufactured home in the park. The notice period begins on the postmark date affixed to the notice and ends 45 days after it begins. During the notice period required in this subdivision, the owners of at least 51 percent of the manufactured homes in the park or a nonprofit organization which has the written permission of the owners of at least 51 percent of the manufactured homes in the park to represent them in the acquisition of the park shall have the right to meet the cash price and execute an agreement to purchase the park for the purposes of keeping the park as a manufactured housing community. The park owner must accept the offer if it meets the cash price and the same terms and conditions set forth in the purchaser's offer except that the seller is not obligated to provide owner financing. For purposes of this section, cash price means the cash price offer or equivalent cash offer as defined in section 500.245, subdivision 1, paragraph (d).

Subd. 7. Intent to convert use of park after purchase. If the purchaser of a manufactured home park decides to convert the park to another use within one year after the purchase of the park, the purchaser must offer the park for purchase by the residents of the park. For purposes of this subdivision, the date of purchase is the date of the transfer of the title to the purchaser. The purchaser must provide a resident of each manufactured home with a written notice of the intent to close the park and all of the owners of at least 51 percent of the manufactured homes in the park or a nonprofit organization which has the written permission of the owners of at least 51 percent of the manufactured homes in the park to represent them in the acquisition of the park shall have 45 days to execute an agreement for the purchase of the park at a cash price equal to the original purchase price paid by the purchaser plus any documented expenses relating to the acquisition and improvement of the park property, together with any increase in value due to appreciation of the park. The purchaser must execute the purchase agreement at the price specified in this subdivision and pay the cash price within 90 days of the date of the purchase agreement. The notice must be sent by first class mail to a resident of each manufactured home in the park. The notice period begins on the postmark date affixed to the notice and ends 45 days after it begins.

Subd. 8. **Required filing of notice.** Subdivisions 6 and 7 apply to manufactured home parks upon which notice has been recorded with the county recorder or registrar of titles in the county where the manufactured home park is located. Any person may file the notice required under this subdivision with the county recorder or registrar of titles. The notice must be in the following form:

"MANUFACTURED HOME PARK NOTICE

THIS PROPERTY IS USED AS A MANUFACTURED HOME PARK

.....

PARK OWNER

.....

.....

.....

LEGAL DESCRIPTION OF PARK

.....

COOPERATIVE ASSOCIATION (IF APPLICABLE)"

Subd. 9. **Effect of noncompliance.** If a manufactured home park is finally sold or converted to another use in violation of subdivision 6 or 7, the residents do not have any continuing right to purchase the park as a result of that sale or conversion. A violation of subdivision 6 or 7 is subject to section 8.31, except that relief shall be limited so that questions of marketability of title shall not be affected.

Subd. 10. **Exclusion.** Subdivisions 6 and 7 do not apply to:

- (1) a conveyance of an interest in a manufactured home park incidental to the financing of the manufactured home park;
- (2) a conveyance by a mortgagee subsequent to foreclosure of a mortgage or a deed given in lieu of a foreclosure; or
- (3) a purchase of a manufactured home park by a governmental entity under its power of eminent domain.

Subd. 11. **Affidavit of compliance.** After a park is sold, a park owner or other person with personal knowledge may record an affidavit with the county recorder or registrar of titles in the county in which the park is located certifying compliance with subdivision 6 or 7 or that subdivisions 6 and 7 are not applicable. The affidavit may be used as proof of the facts stated in the affidavit. A person acquiring an interest in a park or a title insurance company or attorney who prepares, furnishes, or examines evidence of title may rely on the truth and accuracy of statements made in the affidavit and is not required to inquire further as to the park owner's compliance with subdivisions 6 and 7. When an affidavit is recorded, the right to purchase provided under subdivisions 6 and 7 terminate, and if registered property, the registrar of titles shall delete the memorials of the notice and affidavit from future certificates of title.

Subd. 12. **Payment to the Minnesota manufactured home relocation trust fund.**

(a) If a manufactured home owner is required to move due to the conversion of all or a portion of a manufactured home park to another use, the closure of a park, or cessation of use of the land as a manufactured home park, the manufactured park owner shall, upon the change in use, pay to the commissioner of management and budget for deposit in the Minnesota manufactured home relocation trust fund under section 462A.35, the lesser amount of the actual costs of moving or purchasing the manufactured home approved by the neutral third party and paid by the Minnesota Housing Finance Agency under subdivision 13, paragraph (a) or (e), or \$3,250 for each single section manufactured home, and \$6,000 for each multisection manufactured home, for which a manufactured home

owner has made application for payment of relocation costs under subdivision 13, paragraph (c). The manufactured home park owner shall make payments required under this section to the Minnesota manufactured home relocation trust fund within 60 days of receipt of invoice from the neutral third party.

(b) A manufactured home park owner is not required to make the payment prescribed under paragraph (a), nor is a manufactured home owner entitled to compensation under subdivision 13, paragraph (a) or (e), if:

(1) the manufactured home park owner relocates the manufactured home owner to another space in the manufactured home park or to another manufactured home park at the park owner's expense;

(2) the manufactured home owner is vacating the premises and has informed the manufactured home park owner or manager of this prior to the mailing date of the closure statement under subdivision 1;

(3) a manufactured home owner has abandoned the manufactured home, or the manufactured home owner is not current on the monthly lot rental, personal property taxes;

(4) the manufactured home owner has a pending eviction action for nonpayment of lot rental amount under section 327C.09, which was filed against the manufactured home owner prior to the mailing date of the closure statement under subdivision 1, and the writ of recovery has been ordered by the district court;

(5) the conversion of all or a portion of a manufactured home park to another use, the closure of a park, or cessation of use of the land as a manufactured home park is the result of a taking or exercise of the power of eminent domain by a governmental entity or public utility; or

(6) the owner of the manufactured home is not a resident of the manufactured home park, as defined in section 327C.01, subdivision 9, or the owner of the manufactured home is a resident, but came to reside in the manufactured home park after the mailing date of the closure statement under subdivision 1.

(c) If the unencumbered fund balance in the manufactured home relocation trust fund is less than \$1,000,000 as of June 30 of each year, the commissioner of management and budget shall assess each manufactured home park owner by mail the total amount of \$12 for each licensed lot in their park, payable on or before September 15 of that year. The commissioner of management and budget shall deposit any payments in the Minnesota manufactured home relocation trust fund. On or before July 15 of each year, the commissioner of management and budget shall prepare and distribute to park owners a letter explaining whether funds are being collected for that year, information about the collection, an invoice for all licensed lots, and a sample form for the park owners to collect information on which park residents have been accounted for. If assessed under this paragraph, the park owner may recoup the cost of the \$12 assessment as a lump sum or as a monthly fee of no more than \$1 collected from park residents together with monthly lot rent as provided in section 327C.03, subdivision 6. Park owners may adjust payment for lots in their park that are vacant or otherwise not eligible for contribution to the trust fund under section 327C.095, subdivision 12, paragraph (b), and deduct from the assessment accordingly.

(d) This subdivision and subdivision 13, paragraph (c), clause (5), are enforceable by the neutral third party, on behalf of the Minnesota Housing Finance Agency, or by action in a court of appropriate jurisdiction. The court may award a prevailing party reasonable attorney fees, court costs, and disbursements.

Subd. 13. **Change in use, relocation expenses; payments by park owner.** (a) If a manufactured home owner is required to relocate due to the conversion of all or a portion of a manufactured home park to another use, the closure of a manufactured home park, or cessation of use of the land as a manufactured home park under subdivision 1, and the

manufactured home owner complies with the requirements of this section, the manufactured home owner is entitled to payment from the Minnesota manufactured home relocation trust fund equal to the manufactured home owner's actual relocation costs for relocating the manufactured home to a new location within a 25-mile radius of the park that is being closed, up to a maximum of \$4,000 for a single-section and \$8,000 for a multisection manufactured home. The actual relocation costs must include the reasonable cost of taking down, moving, and setting up the manufactured home, including equipment rental, utility connection and disconnection charges, minor repairs, modifications necessary for transportation of the home, necessary moving permits and insurance, moving costs for any appurtenances, which meet applicable local, state, and federal building and construction codes.

(b) A manufactured home owner is not entitled to compensation under paragraph (a) if the manufactured home park owner is not required to make a payment to the Minnesota manufactured home relocation trust fund under subdivision 12, paragraph (b).

(c) Except as provided in paragraph (e), in order to obtain payment from the Minnesota manufactured home relocation trust fund, the manufactured home owner shall submit to the neutral third party and the Minnesota Housing Finance Agency, with a copy to the park owner, an application for payment, which includes:

(1) a copy of the closure statement under subdivision 1;

(2) a copy of the contract with a moving or towing contractor, which includes the relocation costs for relocating the manufactured home;

(3) a statement with supporting materials of any additional relocation costs as outlined in subdivision 1;

(4) a statement certifying that none of the exceptions to receipt of compensation under subdivision 12, paragraph (b), apply to the manufactured home owner;

(5) a statement from the manufactured park owner that the lot rental is current and that the annual \$12 payments to the Minnesota manufactured home relocation trust fund have been paid when due; and

(6) a statement from the county where the manufactured home is located certifying that personal property taxes for the manufactured home are paid through the end of that year.

(d) If the neutral third party has acted reasonably and does not approve or deny payment within 45 days after receipt of the information set forth in paragraph (c), the payment is deemed approved. Upon approval and request by the neutral third party, the Minnesota Housing Finance Agency shall issue two checks in equal amount for 50 percent of the contract price payable to the mover and towing contractor for relocating the manufactured home in the amount of the actual relocation cost, plus a check to the home owner for additional certified costs associated with third-party vendors, that were necessary in relocating the manufactured home. The moving or towing contractor shall receive 50 percent upon execution of the contract and 50 percent upon completion of the relocation and approval by the manufactured home owner. The moving or towing contractor may not apply the funds to any other purpose other than relocation of the manufactured home as provided in the contract. A copy of the approval must be forwarded by the neutral third party to the park owner with an invoice for payment of the amount specified in subdivision 12, paragraph (a).

(e) In lieu of collecting a relocation payment from the Minnesota manufactured home relocation trust fund under paragraph (a), the manufactured home owner may collect an amount from the fund after reasonable efforts to relocate the manufactured home have failed due to the age or condition of the manufactured home, or because there are no manufactured home parks willing or able to accept the manufactured home within a 25-mile radius. A manufactured home owner may tender title of the manufactured home in the manufactured home park to the manufactured home park owner, and collect an amount to

manufactured home park to the manufactured home park owner, and collect an amount to be determined by an independent appraisal. The appraiser must be agreed to by both the manufactured home park owner and the manufactured home owner. The amount that may be reimbursed under the fund is a maximum of \$5,000 for a single-section and \$9,000 for a multisection manufactured home. The manufactured home owner shall deliver to the manufactured home park owner the current certificate of title to the manufactured home duly endorsed by the owner of record, and valid releases of all liens shown on the certificate of title, and a statement from the county where the manufactured home is located evidencing that the personal property taxes have been paid. The manufactured home owner's application for funds under this paragraph must include a document certifying that the manufactured home cannot be relocated, that the lot rental is current, that the annual \$12 payments to the Minnesota manufactured home relocation trust fund have been paid when due, that the manufactured home owner has chosen to tender title under this section, and that the park owner agrees to make a payment to the commissioner of management and budget in the amount established in subdivision 12, paragraph (a), less any documented costs submitted to the neutral third party, required for demolition and removal of the home, and any debris or refuse left on the lot, not to exceed \$1,000. The manufactured home owner must also provide a copy of the certificate of title endorsed by the owner of record, and certify to the neutral third party, with a copy to the park owner, that none of the exceptions to receipt of compensation under subdivision 12, paragraph (b), clauses (1) to (6), apply to the manufactured home owner, and that the home owner will vacate the home within 60 days after receipt of payment or the date of park closure, whichever is earlier, provided that the monthly lot rent is kept current.

(f) The Minnesota Housing Finance Agency must make a determination of the amount of payment a manufactured home owner would have been entitled to under a local ordinance in effect on May 26, 2007. Notwithstanding paragraph (a), the manufactured home owner's compensation for relocation costs from the fund under section 462A.35, is the greater of the amount provided under this subdivision, or the amount under the local ordinance in effect on May 26, 2007, that is applicable to the manufactured home owner. Nothing in this paragraph is intended to increase the liability of the park owner.

(g) Neither the neutral third party nor the Minnesota Housing Finance Agency shall be liable to any person for recovery if the funds in the Minnesota manufactured home relocation trust fund are insufficient to pay the amounts claimed. The Minnesota Housing Finance Agency shall keep a record of the time and date of its approval of payment to a claimant.

(h) The agency shall report to the chairs of the senate Finance Committee and house of representatives Ways and Means Committee by January 15 of each year on the Minnesota manufactured home relocation trust fund, including the account balance, payments to claimants, the amount of any advances to the fund, the amount of any insufficiencies encountered during the previous calendar year, and any administrative charges or expenses deducted from the trust fund balance. If sufficient funds become available, the Minnesota Housing Finance Agency shall pay the manufactured home owner whose unpaid claim is the earliest by time and date of approval.

Subd. 14. **Payment adjustment for smaller manufactured home parks.** The total contribution to the fund under section 462A.35 paid by the park owner under subdivision 12, paragraph (a), must not exceed 20 percent of the sale price, or if no sale price is available, the assessed value of the manufactured home park, except that if the sale price, or, if there is no sale price, the assessed value, is:

(1) less than \$100,000, the manufactured home park owner's contribution to the fund must not exceed five percent of the sale price of the manufactured home park;

(2) less than \$200,000, the owner's contribution to the fund must not exceed eight percent of the sale price of the manufactured home park;

(3) less than \$300,000, the owner's contribution to the fund must not exceed ten

percent of the sale price of the manufactured home park; and

(4) less than \$500,000, the owner's contribution to the fund must not exceed 15 percent of the sale price of the manufactured home park.

Subd. 15. **Preemption of local ordinances.** Sections 327C.095, subdivisions 1, 4, and 12 to 16; 462A.21, subdivision 31; and 462A.35 preempt and supersede a township, county, or statutory or home rule charter city ordinance relating to the relocation or buyout payments paid due to a change of use or closure of manufactured home communities. A township, county, or statutory or home rule charter city must not adopt an ordinance requiring more compensation by the manufactured home park owners or its purchaser than what is provided for in this statute.

History: 1987 c 179 s 10; 1991 c 26 s 1-7; 1997 c 126 s 6; 1999 c 11 art 3 s 10; 2005 c 4 s 62, 63; 2006 c 200 s 1, 2; 2007 c 141 s 1-6; 2009 c 78 art 8 s 2, 3; 2009 c 101 art 2 s 109; 1Sp2011 c 4 art 3 s 57

Copyright © 2013 by the Office of the Revisor of Statutes, State of Minnesota. All rights reserved.

2013 Minnesota Statutes

327C.01 DEFINITIONS.

Subdivision 1. **Terms.** When used in sections 327C.01 to 327C.15 and 363A.38, the terms defined in this section have the meanings given them.

Subd. 1a. **Closure statement.** "Closure statement" means a statement prepared by the park owner clearly stating that the park is closing, addressing the availability, location, and potential costs of adequate replacement housing within a 25 mile radius of the park that is closing and the probable relocation costs of the manufactured homes located in the park.

Subd. 1b. **Displaced resident.** "Displaced resident" means a resident of an owner-occupied manufactured home who rents a lot in a manufactured home park, including the members of the resident's household, as of the date the park owner submits a closure statement to the local planning agency.

Subd. 1c. **Resident copy; shelter plan attached.** Beginning with rental agreements signed on August 1, 1994, or after, the park owner shall give a copy of the signed rental agreement to each resident with a copy of the evacuation or shelter plan attached. In addition, for existing leases, by August 15, 1994, the park owner shall provide each resident with a copy of the park evacuation or shelter plan.

Subd. 2. **In park sale.** "In park sale" means the sale of a manufactured home owned by a park resident and located in a manufactured home park, after which sale the home remains in the park.

Subd. 3. **Lot.** "Lot" means an area within a manufactured home park, designed or used for the accommodation of a manufactured home.

Subd. 4. **Manufactured home.** "Manufactured home" and "home" have the meaning specified in section 327B.01, subdivision 13.

Subd. 5. **Manufactured home park.** "Manufactured home park" and "park" have the meaning specified in section 327.14, subdivision 3, but do not include facilities which are open only during three or fewer seasons of the year.

Subd. 6. **Park owner.** "Park owner" means the owner of a manufactured home park and any person acting on behalf of the owner in the operation or management of a park.

Subd. 7. **Person.** "Person" means any individual, corporation, firm, partnership, incorporated and unincorporated association, or any other legal or commercial entity.

Subd. 7a. **Planning agency.** "Planning agency" means the planning commission or the planning department of a municipality as defined in section 462.352, the planning and zoning commission of a town as defined in section 366.17, or the planning commission of a county, as defined in section 394.30, or if the municipality does not have a planning agency, the governing body of the municipality.

Subd. 8. **Reasonable rule.** "Reasonable rule" means a park rule:

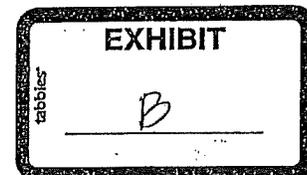
(a) which is designed to promote the convenience, safety, or welfare of the residents, promote the good appearance and facilitate the efficient operation of the park, protect and preserve the park premises, or make a fair distribution of services and facilities;

(b) which is reasonably related to the purpose for which it is adopted;

(c) which is not retaliatory or unjustifiably discriminatory in nature; and

(d) which is sufficiently explicit in prohibition, direction, or limitation of conduct to fairly inform the resident of what to do or not to do to comply.

Subd. 9. **Resident.** "Resident" means an owner of a manufactured home who rents a lot in a manufactured home park and includes the members of the resident's household.



AVAILABLE MANUFACTURED MOBILE HOME PARTKS WITHIN A 25 MILE RADIUS FROM RED TOP MOBILE HOME PARK, WINONA, MN

Lake Village Manufactured Home Community

27 Michigan Ln
Winona, MN 55987

Distance: 2.3 miles

Rent: \$335.00/water, sewer and trash included

Requirements: Security deposit required/Credit and Background check upon application

** Currently have vacancies

Hidden Valley Mobile Home Park

23 Hidden Valley
Minnesota City, MN 55959

Distance: 2.4 miles

Rent: \$246.00 and up/sewer and water included

Requirements: Security deposit required/\$25.00 Credit check upon application
Homes must come from factory with peaked roof and vinyl siding

**Currently have vacancies

Country Valley Manufactured Home Park

Hickory Lane
Stockton, MN 55988

Distance: 6.9 miles

Rent: \$185.00/sewer, water and trash included

Requirements: Security deposit required/Credit check upon application

**Currently have NO vacancies

Green Terrace Mobile Homes Park

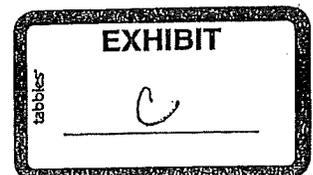
41758 Nottleman Lane
Winona, MN 55987

Distance: 13.8 miles

Rent: \$185/sewer and trash

Requirements: Security deposit required/Credit check upon application

**Currently have vacancies





All Parks Alliance for Change ■ APAC

An Organization of Manufactured Home Park Residents

Dear Carlos Espinosa, AICP
Assistant City Planner
City of Winona
207 Lafayette Street, P. O. Box 378
Winona, MN 55987

I am mailing you a copy of the documents that has been mailed to the current residents of Red Top Mobile Home Park. I am providing you with this information to ensure that there is no conflicting information being given to the residents.

If there is anything that we can do to support you in this closure process please do contact us.

Sincerely,

Thomas Siburg

APAC Community Organizer / Tenant Advocate
thomas@allparksallianceforchange.org

Dave Anderson

APAC Executive Director
dave@allparksallianceforchange.org



All Parks Alliance for Change ■ APAC

An Organization of Manufactured Home Park Residents

Dear Red Top Mobile Home Park Resident,

We are contacting you because a notice was sent to you on September 3, 2014 in Winona, MN that Red Top Mobile Home Park is closing. It is likely that this time is filled with a lot of questions and uncertainty. We are writing to say that we are here for you.

All Parks Alliance for Change (APAC) is a statewide organization that advocates for and supports manufactured home park residents. We will work with you during this closure, as will the City of Winona who will appoint a neutral third party to resolve process requests for compensation from the Manufactured Housing Relocation Trust Fund and facilitator of disputes between home owners and the park owner. We will work alongside you during this time to determine the possible path forward for you and your neighbors.

We have included with this letter the following to assist you through the park closure process. You will also find a Manufactured Home Park-Closing Resident Survey. Filling it out and mailing it back to APAC will help us know how best to serve you:

- **Is Your Manufactured Home Park Closing?**
an overview of what to expect and be aware of during a park closure
- **Manufactured Home Park-Closing Resident Survey**
a survey to help better support MHP park residents now and in the future
- **Your Legal Rights Under State Law 327C**
an overview of your rights as a resident in a manufactured housing park, including those under a park closing process
- **What are the Benefits of a Manufactured Home Park Cooperative?**
an overview of resident-owned-cooperatives as one model to preserve your park community
- **Minnesota Manufactured Home Relocation Trust Fund:**
 - **Frequently Asked Questions**
 - **Application Instructions and Checklist**
 - **Application Form for Payment**
 - **Certifications of Inability to Relocate Home and Eligibility for Payment**
includes an overview of the Relocation Trust Fund as well as the steps and documents needed for eligibility and payment of compensation

APAC has a toll free tenant hotline (855-361-2722) available to answer questions about your legal rights or the park closure process. Additionally, we have community organizers and tenant advocates who can work with you and your community.

Sincerely,

Thomas Siburg
APAC Community Organizer/Tenant Advocate

Dave Anderson
APAC Executive Director

2380 Wycliff Street, Suite 200 ■ St. Paul, MN 55114
Phone: (651) 644-5525 ■ Fax: (651) 523-0173 ■ Toll Free: (855) 361-2722
info@allparksallianceforchange.org ■ www.allparksallianceforchange.org





All Parks Alliance for Change ■ APAC

An Organization of Manufactured Home Park Residents

Is Your Manufactured Home Park Closing?

The Risks & Impacts

Manufactured (mobile) home parks are the leading source of affordable housing in MN and an attainable option for those with modest incomes to become homeowners. However, residents are in a vulnerable housing situation since they own their homes but not the land. The closure of a park can be financially devastating when a home cannot be moved due to age, moving costs, shortage of available lots, or the practice of parks barring homes over 10 years old.

Your Rights in a Park Closing

A minimum of nine months before the closure or conversion to another use of all or a portion of a park, the park owner must prepare a closure statement and provide a copy to a resident of each household clearly stating that the park is closing, the availability of replacement housing, the probable relocation costs, the right of first refusal for residents to match the sale price and purchase the park themselves, and possible eligibility for the MN Manufactured Home Relocation Trust Fund. The local municipality must hold a public hearing at least 60 days before the park closes.

MN Manufactured Home Relocation Trust Fund

The Relocation Trust Fund provides compensation in the event of a park closure either for moving costs or, if the home cannot be moved, through a home buy out. The fund also makes park owners responsible for home demolition costs. The fund is supported by contributions from both the park owners at time of closing and the home owners through an annual \$12 fee. The annual homeowner fee is not collected when the balance in the fund reaches \$1,000,000.

Preserve Your Community

A solution to the risk of park closure is conversion to resident-ownership through a cooperative, land trust or non-profit. Currently there are two routes that can be taken for residents to purchase their parks. The first option, make an unsolicited offer to a willing buyer. The second option, exercise your "right of first refusal" at the time a park is being sold for redevelopment.

If you have any questions about your legal rights or the park closure process please contact APAC at 651-644-5526 or toll free at 1-855-361-2722, or visit www.allparksallianceforchange.org

Your Legal Rights Under State Law 327C

Storm Shelters and Evacuation

Parks with 10 or fewer homes are not required to have a storm shelter. However they are required to have an evacuation plan that must be approved by the local municipality.

Parks with more than 10 homes licensed prior to March 1, 1988 must provide either a storm shelter or an evacuation plan. Parks licensed after March 1, 1988 must provide a shelter within the park

Reasonable Rule

Park rules, leases and regulations must:

- promote the convenience and safety of the residents. It must promote the good appearance and efficient operation of the park, protect the park premises and fairly distribute services and facilities.
- not be retaliatory or discriminatory in nature
- inform residents of acceptable and unacceptable behavior.

Unreasonable and Illegal Rules

Unreasonable rules are not allowed and include but are not limited to:

- prohibiting a resident from putting a reasonably sized "for sale" sign on their home.
- requiring a resident to use the services of a particular dealer or broker for an in park sale.
- requiring a resident or prospective resident to buy goods or services from a particular vendor—including the park owner.
- requiring more than one occupant of a home to have an ownership interest in the home.

Parks cannot make rules that conflict with a resident's privacy within their home and freedom of expression within the park.

Park Rule Changes

Law requires an owner to give residents 60 days written notice before changes take effect. All change must be reasonable. Any new rule that "substantially modifies" previous policies can only be enforced against new residents.

Substantial modification is defined as

- significantly diminishing or eliminating the park owner's material obligation.
- significantly limiting resident's rights, privileges or freedom of action.
- involving a significant new expense for a resident

Rent Increase

A park owner must give residents 60 days' written notice of any rent increase. The owner may only increase the rent twice in 12 months and the increase must be "reasonable."

Eviction

There are only eight reasons for which a resident may be evicted.

- Late rent or utility charges owed to the park
- Resident failure to comply with a law or government rule relating to manufactured home parks.
- Breaking the terms of the lease or park rules
- Repeated violations of lease or park rules
- If the resident is significantly annoying or endangering other residents or park personnel
- If a park is going to close
- If it is necessary for the health and safety of the park
- Resident gives false information in the lease application.

Park Closing

Park owner must provide a "closure statement" to state of Minnesota, local planning agency, and each resident nine months before the planned closing. The "closure statement" must say the park is closing and it must list replacement housing within 25 miles of the park as well as give estimates for moving homes from the park.

A public hearing is required through the local municipality to determine the impact of the park closing on residents. The Manufactured Home Relocation Trust Fund provides relocation compensation in the event of a park closing.

45 Day Right of First Refusal

If a park is closing for redevelopment within a year of a purchase agreement the residents have 45 days to match the price terms and conditions of the buyer's offer.

Resident Associations

Residents within a park have a right to form a Resident Association. They are formed to solve problems concerning living conditions within the park. To form a resident association, park residents need 51% of the park to sign a petition to form a resident association. Park owners cannot retaliate against residents for participating in the activities of a resident association, for making a complaint or attempting to exercise their rights in good faith.



All Parks Alliance for Change ■ APAC

An Organization of Manufactured Home Park Residents

What are the Benefits of a Manufactured Home Park Cooperative?

Control

The residents of a cooperative are also the owners. This provides a greater level of control. Residents decide on rules, maintenance, management, and virtually every other aspect of the running of the park.

Rent Stability

Instead of regular rent hikes to pad the park owner's pockets, cooperative residents enjoy very stable monthly payments. Those payments would be used to pay off the mortgage and take care of the park. The cooperative would decide when rent needed to be raised, for example: if they wanted to add another service for residents.

Permanent Housing

Because the property is owned by the residents, it is their choice whether to accept offers and close for redevelopment. This gives families much more stability.

Maintenance

No longer would residents have to wait on management to get around to maintenance requests. Because the residents own the property, they will also be able to decide who is responsible for maintenance, whether that is through an individual, a resident, or a company. The co-op will do the hiring.

Ownership

In a cooperative, the residents collectively own the property. It is the residents who make all decisions concerning how the park is run. This leads to a higher sense of pride and a feeling of community.

Low-cost financing

Through Northcountry Cooperative Foundation, it is possible to finance the purchase of your park. With their assistance, your mortgage payments for the park could be equal to or less than what you already pay in rent and also avoid having to pay a large down payment.

Help Available

You are not alone in this. If you are interested, but don't know where to go from here, don't hesitate to call APAC at 651-644-5525 or toll-free at 1-855-361-2722.

**Minnesota Manufactured Home Relocation Trust Fund
Frequently Asked Questions**

I am a manufactured (mobile) home owner and in the past my park owner charged me a fee of \$12. Is this legitimate? Where can I learn more?

In 2007, the state of Minnesota established the Minnesota Manufactured Home Relocation Trust Fund to provide manufactured (mobile) home owners with reasonable relocation compensation in the event that all or part of their park closes. This central state fund is administered by the Minnesota Housing Finance Agency. It is currently the only method for receiving relocation compensation. Information is available from All Parks Alliance for Change (651-644-5525 or toll free 866-361-2722) or Minnesota Management & Budget (<http://www.mmb.state.mn.us/treas-homes-trust>). In May of 2009, the state of Minnesota changed the collection method for the Trust Fund so that park owners are invoiced up front and then they are allowed to collect the \$12 afterwards either as a single annual amount or \$1 along with monthly lot rent.

Why am I no longer being charged the \$12 fee?

In 2011, a special Legislative session was held during the government shutdown. Behind closed doors Minnesota Legislature created a cap on the amount of money allowed in the Trust Fund, without a public hearing or any resident input. Once the Trust Fund reaches \$1,000,000 no more money can be put into the Trust Fund. Collection of the home owners fee will begin again once the balance is again below \$1,000,000.

Why was the Trust Fund created?

The Trust Fund was established by the Minnesota Legislature. It was developed in response to the risk of park closings. Prior to its adoption, park residents were guaranteed compensation for relocation costs only if their city passed a local ordinance.

Do I have to pay the \$12 annual fee?

Yes when the Trust Fund balance is below the \$1,000,000 balance. This is not an optional fee. As with other laws, the state does not consider following this law to be optional. Your park owner pays for your lot up front and if the payment is not made to the park owner by the home owner when due, under the new law the home owner could potentially be sued and made to pay the fee AND the park owners court costs. By law, you must pay the fee.

Why am I paying the park owner \$12?

Currently the Trust Fund has reached its cap, and you should not be paying the park owner the \$12 fee. When the cap is removed, the park owner may collect from residents the \$12 as this was paid up front by the park owner. This law was changed from a different collection method because it was not working properly and it was leaving almost half of the homeowners in the state ineligible or unprotected.

Can I send the money directly to the State of MN?

No. The park owner is invoiced for all licensed lots in their park by the state. They then have the option of collecting from the residents.

Does the park owner pay anything in to the Trust Fund?

Yes. A park owner who closes a park is responsible for paying up to \$3,250 for each single wide and \$6,000 for each double wide at the time of the closing.

Under what circumstances is compensation available through the Trust Fund? How do I make a request?

In the event of a park closure, the local municipality will appoint a neutral third party approved by the home owners and the park owner. To file a compensation claim, the home owner submits a copy of the closure statement and proof that the property taxes are paid. If the home can be moved, the homeowner also provides a contract for moving costs. If the home cannot be moved the home owner provides a certificate of title with releases on all liens. Upon approval by the neutral party the MHFA issues checks to the home movers or the home owner as appropriate.

What are the benefits of the Trust Fund?

Manufactured home owners are guaranteed reasonable compensation for relocation costs. If you live in one of the 22 cities that had ordinances, you may be entitled to receive a higher level of compensation. Otherwise, if the home can be moved, the compensation is moving costs up to \$4,000 for a single section home and up to \$8,000 for a multi-section home. If the home cannot be moved within a 25-mile radius, the compensation is the value of the home up to \$5,000 for a single section home and up to \$9,000 for a multi-section home.

If my city has a local ordinance providing for relocation compensation, do I still have to pay the annual fee?

Yes. If a manufactured home owner resides in a community that, prior to August 1, 2007, adopted a local ordinance covering relocation or buyout payments, the home owner can receive the higher of the local ordinance compensation amount or the state law compensation amount. However, the home owner is still required to pay the annual fee.

For further information: Contact All Parks Alliance for Change (APAC) at 651-644-5525 or info@allparksallianceforchange.org.

APAC is a statewide non-profit organization of manufactured (mobile) home park residents.

Manufactured Home Relocation Trust Fund Application Instructions and Checklist

(All items should be included with application unless otherwise noted)

Instructions

1. You must complete and submit the Application Form to:
 - The third party neutral appointed by the city of the county in which your manufactured home park is located;
 - Minnesota Housing Finance Agency at 400 Sibley St., Suite 300, St. Paul, MN 55101;
 - The park owner.
2. Your application must be accompanied with the documents listed below.
3. No payments will be made by Minnesota Housing until 45 days after the date in which the application and supporting documents have been submitted to the third party neutral.
4. Once application is approved by third party neutral, a check will be issued to the moving or towing contractor for 50% of the costs of moving upon signing of the contract and 50% upon relocation of the home and approved by the homeowner. If there are certified additional costs of relocating that must be paid to other vendors, a check will be issued to the homeowner for those certified costs.
5. If the homeowner is transferring title to the home to the park owner, a check will be issued to the homeowner upon approval by the third party neutral.
6. Any disputes about eligibility for or the amount of payment must be resolved by the third party neutral.

Document Check-List

- Closure statement from park owner
- Proof of annual trust fund payments
- Copy of contract with moving or towing contractor, if relocating
- Statement of additional relocation costs and supporting documentation
- Statement certifying all lot rents have been paid and attesting that no eviction litigation is pending
- Statement from county where manufactured home is located certifying that personal property taxes have been paid through the end of the year
- Appraisal from neutral appraiser, if title is being tendered to park owner
- Copy of manufactured home title, if title is being tendered to park owner
- Certification of Inability to Relocate, if title is being tendered to park owner

**MINNESOTA HOUSING
MANUFACTURED HOUSING RELOCATION TRUST FUND
APPLICATION FORM FOR PAYMENT**

Applicant Name:

Current Address:

City:

Zip Code:

Telephone (Day):

Telephone (Evening):

Email Address:

Name of Manufactured Housing Park:

Single Section

Multi-Section Housing

Relocation Information

1. Have you received a notice of your park closing?

Yes

No

2. What is the date your residential park is expected to close?

Month _____ Day _____ Year _____

3. If your park has closed, what date did it close?

Month _____ Day _____ Year _____

4. If your park has not closed, have you relocated to a new lot within your current park?

Yes

No

5. Are you planning on relocating your manufactured home to another park within a 25-mile radius of your current park?

Yes

No

6. If your answer to Question 5 is yes, what is the contract price for moving your home to a new location?

\$ _____

7. Are there any additional costs related to relocating your home that must be paid to some one other than yourself or the moving or towing contractor?

Yes

No

8. If the answer to Question 7 is yes, what is the cost?

\$ _____

9. If your answer to Question 5 is no, have you and the owner of your park agreed on an independent appraiser to conduct an appraisal on the worth of your manufactured home?

Yes

No

10. What is the value of your home as determined by an independent appraiser?	\$ _____
11. Are there documented costs required for demolition and removal of the home and any debris or refuse left on the lot?	Yes <input type="checkbox"/> No <input type="checkbox"/>
12. If your answer to Question 11 is yes, how much are those costs?	\$ _____
13. What is the name, address and telephone number of the third party neutral appointed by the city or county in which the manufactured home is located?	
14. Date application was submitted to third party neutral.	Month _____ Day _____ Year _____
15. Have you received any monetary compensation for your residence from any other entity or organization?	Yes <input type="checkbox"/> No <input type="checkbox"/>

Total of lines 6 and 8 or line 10 less costs on line 12

\$ _____

This application is submitted by the undersigned and is, to the undersigned's best knowledge, accurate in all details.

Signature _____ Date _____

Printed Name: _____

Certification of Inability to Relocate Manufactured Home and Eligibility for Payment from the Minnesota Manufactured Home Relocation Trust Fund

I, _____, the undersigned do hereby certify that:

1. I am the owner of the manufactured home for which compensation is being requested from the Minnesota Manufactured Home Relocation Trust Fund.
2. I was living in the manufactured home park prior to receipt of the park closure notice.
3. The manufactured home has not been relocated to another lot within the park or to another manufactured housing park at the park owner's expense.
4. I did not give notice that I was leaving the park before the notice of the park closure was mailed.
5. I have not abandoned the manufactured home.
6. No eviction action is pending against me for failure to pay the lot rental and no writ of recovery has been issued by a district court.
7. The manufactured housing park is not being closed because of a taking or eminent domain action of a unit of government or public utility.
8. The manufactured home that is my primary residence cannot be relocated because of its age or condition because no manufactured housing parks within 25 miles is willing to accept it.
9. The lot rental for the manufactured home is current.
10. The \$12 annual fee due to the Minnesota Manufactured Housing Trust Fund has been paid each year it was due.
11. Title to the manufactured home owned by me has been tendered to the owner of the manufactured home park in which the home is located and valid releases of all liens shown on the certificate of title.
12. A statement from the county in which the manufactured home is located evidencing that the personal property taxes have been paid has been delivered to the owner of the manufactured park in which the manufactured home is located.

Name

Address

Manufactured Home Park-Closing Resident Survey

This is a survey that will be used to gather basic information to help determine how to best explore options for residents towards a just resolution of your park's future closing. APAC is a statewide non-profit organization of manufactured home park residents. If you have any questions about this survey please call APAC at 651-644-5525.

1. Which park do you live in? _____
2. How old is your home? _____
3. Do you own or rent your home (please circle) Own Rent
4. How many years have you lived in your park?
5. What do you like most about living in your park?

6. Do you think that your home could be moved to another park? Yes No
7. Do you think you are able to afford the costs of relocation? Yes No
8. Please describe the impact that the park's closing will have on your household:

9. With respect to the park closing, please rate each of the following possible outcomes on a scale of 1 to 10; 10 being the most favorable, 1 being the least favorable. Please note that some options may be more feasible than others:

_____ residents banding together buying the park and running it as a cooperative
_____ having a non-profit organization purchase the park to keep it open
_____ organizing for relocation compensation
_____ knowing your legal rights and challenging the closure in court
_____ going it alone, without help of any outside organization or agency

10. Is your household willing to join with other park residents and work together towards the best possible scenario for those affected by the closure?

Yes No

11. If there were a way to keep the park open, would you want to stay?

Yes No

12. How many people live in your house? _____

13. Please identify the number of people in each age category in your household:

younger than 18 _____ 18 to 39 _____ 40-59 _____ 60 and older _____

14. Is English your primary language spoken at home?

Yes No

If no, what is your primary language spoken at home?

15. Please list the number of people in your household that identify themselves as the following:

Caucasian _____ Native American _____ African American _____

Hispanic/ Latino _____ Asian/ Pacific Islander _____ Other _____

16. What is your annual household income?

- a. \$0 to \$10,000
- b. \$10,000 to \$20,000
- c. \$20,000 to \$30,000
- d. \$30,000 to \$40,000
- e. \$40,000 to \$50,000
- f. \$50,000 or more

17. How many people in your household are disabled? _____

PLANNING COMMISSION

AGENDA ITEM: 6. Future Action Items

PREPARED BY: Mark Moeller

DATE: February 23, 2015

During the Commission's last meeting, it was noted that staff would like to devote portions of the next couple of meetings to discussing known issues that we could address through our upcoming zoning/subdivision ordinance update project. To get that process started, we are attaching a list of topics that, staff feels, should be examined through the project. Although not totally comprehensive, it does reflect problem areas/conflicts that we have encountered during the past 2-3 year period. A summary of these, and other items, will be discussed during Monday's meeting. Again, if you have concerns/thoughts please bring them to the meeting.

Attachment

Topics to Examine

1. Drawings/examples. Simplify complex and run-on writing in ordinances through use of bullet points/numbering, etc.
2. Take out redundancies and unutilized sections
3. Make ordinance easy to reference and navigate
4. Number of public hearings
5. Update parking requirements (for senior housing – non-convalescent, downtown, state licensed residential facilities, etc.)
6. University boundaries (clarify when zoning requirements for “institutions” apply) – especially for parking.
7. Alternative energy – simple regulations that allow them as part of primary structure (e.g. solar panels on roof), or regulated as accessory structures.
8. PUDs/amend Cluster development ordinance
9. Landscaping requirements
10. Bike ordinance/incentives
11. Sidewalks in new developments
12. Pre-application meetings
13. Fence Heights (in non residential districts)
14. Take out (or is prohibited) in M-1 Zoning district prohibitions
15. Permit carriage houses, grandmother facilities, accessory dwelling units.
16. Logging Ordinance/tree cutting ordinance.
17. Site Planning ordinance – make it stronger – add requirement for combination of parcels – define scope of conditions that may be added to a site plan approval, define process to enforce those conditions (e.g. development agreement).
18. Remove business/services as a “prohibited used” in M-2 zoning.
19. Design guidelines and form-based code for downtown area.
20. Adjust setbacks for Downtown Buildings (M-1 and M-2) zoning. Update outdated downtown manufacturing zones (i.e. rezone to commercial).
21. Clearer regulations for Cemeteries
22. Language permitting voluntary tear down and rebuild of nonconforming structures on same footprint. Language permitting additions to nonconforming structures in conforming areas (e.g. backyards). Already policy – would like to have it in Code. Language clarifying that setbacks
23. Address 300 foot parking distance requirement
24. Zoning requirements for “wild animals” – including bees, snakes, and rabbits.
25. Updated/strong performance standards that are easier to enforce. Detail on enforcement of performance standards. Revise “performance standards procedure” 43.30.
26. Requiring split zoned lots to be rezoned for development (in an overall effort to clean up zoning map) – or insert language clarifying that only uses of more restrictive zoning district permitted
27. More thorough regulations for cell towers/radio towers
28. Better define hunting areas (clarify that bow-hunting can occur outside agricultural zoning districts)

29. Remove section 43.45.
30. Delete references to primary thoroughfare map from 1960. Reference other map that shows functional classification of roads (e.g. arterial, collector, etc.).
31. Revise standards for business and services uses in M-1 zoning district to be clearer.
32. Examine permitted and conditional uses to protect residential areas (e.g. limit permitted uses and increase conditional uses).
33. Definition of fraternity and sorority houses. Clarify they must be owned by non-profit or by housing corporation that transfers all assets to non-profit upon dissolution.
34. Allow churches in commercial zones without 40 foot setback.
35. Address side yards on corner lots – specify that side yard runs whole length of lot on side street.
36. First permit lodging houses and rooming houses in the B-1 district (remove from R-3)
37. Clarify 50% rear yard “parking” requirement – e.g. do garages count? (they haven’t so far), does maneuvering space count?
38. Address food trucks on private property (e.g. prohibit)
39. Clarify that home occupations cannot occur in garages.
40. Revise list of permitted/conditional uses in M-1 and M-2 districts. Revise required setbacks accordingly.
41. 43.61 5) and 13) Resolve inconsistency for vet clinics - listed under both numbers
42. Clarification on issuance of “zoning certificates”
43. Clarify zoning enforcement – e.g. reference administrative citation process.
44. Specify that the predominate land use on a property (51% or more) determines setbacks and lot size requirements
45. Address issues with lot area standards for attached dwelling units on separate lots (e.g. Valley Oaks 7th Addition – Rivers variance requirement)
46. Address tourist homes (non- owner occupied rental for 1 week or less) – make not subject to 30% rule
47. Clarify “Termination of rights” language under nonconformity ordinance. Clarify that this section applies to nonconformities in general – not just nonconforming use.
48. Clarify that multiple buildings on the same lot must have the side yards setbacks for each building (ex. A building requires an 8’ minimum side yard setback, the adjacent building also requires an 8’ setback for a 16’ total distance between buildings).
49. Move site plan ordinance out of Chapter 44 and into Chapter 43
50. Update BOA ordinance to stipulate that decision made by simple majority.
51. Specify time limits on all approvals (Variances, Site Plans, subdivisions).
52. Rewrite environmental review ordinance, including a requirement for project proposers to pay for EAW preparation costs.
53. Address fencing requirements in M-2 zoning districts – e.g. require fencing for certain uses.
54. Accessory structure setbacks in commercial districts (e.g. same as residential setbacks? Zero setback required downtown? Now – current answer given is 5 feet to rear and side property lines)
55. Allow minor accessory structures (e.g. small bird houses, “little libraries” right away)

56. Create special setbacks for uncovered handicapped entrances/ramps. Clarify that covered handicapped ramps must comply with setbacks.
57. Define usable floor area in zoning code as areas used for habitation (reference housing ordinance "enclosed" walls of a room, "finished" floor area, "insulated floor area" etc.). Specifically state that an increase in usable floor area includes the conversion of attics, basements, and covered porches into living and sleeping areas.
58. At present the zoning ordinance makes provision for auto sales in both the B-1 and B-3 districts with both appearing to provide different performance standards. Pick one and clarify performance standards.
59. Define scope of conditions that may be added to a rezoning request. Define how those conditions will be enforced (e.g. development agreement).
60. Specify time limits on all approvals (Variances, Site Plans, subdivisions).
61. Update definition of family. Remove line about "related and up to 2 un-related." Clarify that a maximum of 3 people can occupy a rental unit unless everyone is related. One person plus two un-related is ok. A couple plus one unrelated is okay. Three related plus one unrelated is not okay (a sleeping room certification needed in this instance).
62. Clarify number of sleeping rooms permitted per property.
63. Exempt condo plats from subdivision requirements.
64. Examine permitted uses in CBD core (e.g. mini-storage).
65. Clarify references to housing code in parking requirements
66. Update sign ordinance including: sign height for monument signs, sign size along highways, off-premise sign requirements, number of signs per property, temporary signs, historic district signs, private parking lot signage, nonconforming and abandoned signs.
67. Parking requirements related to different unit sizes. For example, both a one-bedroom and a four-bedroom apartment require two parking spaces.
68. Outside storage – i.e. boats and RV's
69. Property maintenance
70. Abandoned buildings – requiring tear-down after a certain amount of time
71. Big-box versus small scale parking requirements