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**STAFF REPORT AMD-20-06**

**Date Submitted:** May 11, 2020  
**Agenda Date Requested:** May 12, 2020  
**To:** John Day Planning Commission  
**From:** Daisy Goebel, City of John Day  
Associate Planner  
**Subject:** An Ordinance Amending the John Day Development Code to Revise Code Language Related to Manufactured Homes  
**Location:** Citywide

**Type of Action Requested**

[    ]    **Resolution**                      [ **X** ]    **Ordinance**  
[    ]    **Formal Action**                      [    ]    **Report Only**

**1. BACKGROUND**

The City of John Day is proposing a series of amendments to the City Development Code (the Code) to revise language and standards regarding manufactured dwellings and mobile home parks. These amendments accomplish three purposes: first, to clarify the requirements and standards for manufactured dwellings; second, to conform with state requirements and incorporate language that is consist with state and federal codes; and third, to establish requirements for future mobile home park development to provide basic amenities for residents including open space and street lighting.

**2. APPLICABLE CRITERIA**

This request is a legislative amendment to amend the John Day Development Code. The approval criteria in section 5-4.1.050.G apply.

### 3. PLANNING COMMISSION CONSIDERATIONS

The Planning Commission's review must focus on the relevant code criteria and follow the public hearing requirements for a Type IV Legislative Amendment under section 5-4.7.020. The Planning Commission should recommend the City Council approve the request if it conforms to the approval criteria.

### 4. STAFF RECOMMENDATION

Staff recommends that the Planning Commission make a recommendation to the City Council to **adopt Ordinance 20-185-06, as presented** along with the findings in this report.

### 5. PUBLIC NOTIFICATION

The City of John Day mailed public notice to all affected property owners on April 14<sup>th</sup>, 2020 and notice was posted in the Blue Mountain Eagle on April 22<sup>nd</sup> and 29<sup>th</sup> as required by the Development Code.

Public comments received: Jean Dahlquist, Fair Housing Council of Oregon, submitted language for the City's consideration related to satisfying statewide planning Goal 10. Commentary from her submission is incorporated in the staff findings below.

### 6. ADOPTION PROCEDURE AND FINDINGS

The following section shown in italics and boldface provides the decision making criteria as required by John Day Development Code Section 5-4.1.050.G.

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***Decision-Making Criteria. The recommendation by the Planning Commission and the decision by the City Council shall be based on the following factors:***

- 1. Approval of the request is consistent with the Statewide Planning Goals;***
- 2. Approval of the request is consistent with the Comprehensive Plan; and***
- 3. The property and affected area is presently provided with adequate public facilities and services, including transportation, sewer and water systems, to support the use, or such facilities and services are provided for in adopted City plans and can be provided concurrently with the development of the property.***

**Finding:** Statewide Planning Goals and the City of John Day Comprehensive Plan mirror one another. Therefore, compliance with one document means compliance with the other. The third criterion concerning adequate public facilities and services does not apply in this request because the amendment does not change zoning or development in a way that would substantially affect or conflict with current public services.

This request is consistent with the John Day Comprehensive Plan and Statewide Planning Goals. The only Statewide Planning Goals and Comprehensive Plan Goal that is directly impacted by this request is Goal 10, housing. The purpose of Goal 10 is to provide for the housing needs of citizens of the state. The corresponding element of the John Day Comprehensive Land Use Plan contains a provision to address manufactured dwellings specifically. It states, “Mobile home parks should be developed in areas in close proximity to commercial services, with access to a collector, and should be designed to protect the character of adjoining residential uses and provide for a maximum level of quality living for occupants.”

**The proposed use of this amendment meets the housing needs of present and future residents under Goal 10.** This ordinance amends requirements for new manufactured home developments and adjusts permitting and land use requirements when adding new units to existing manufactured home parks to improve living conditions for Manufactured dwelling park occupants. The standards this ordinance amends include:

- i. Alterations. Alterations to existing manufactured dwelling parks/mobile home parks are subject to a Type II Site Design Review for that portion of the manufactured dwelling park proposed to be altered, which must meet current standards for manufactured dwelling parks to the extent practical. The purpose of this amendment is to ensure expansions of a manufactured dwelling park meet minimum State and City safety standards for ingress/egress and that proposed expansions do not expand non-conforming street widths and/or continue the use of non-standard road materials (i.e. gravel roads) within existing manufactured dwelling parks.
- ii. Relocations/New Placements. Manufactured dwellings and recreational vehicles (RVs)/trailers proposed to be sited within a manufactured dwelling park or mobile home park, and any expansion or significant alteration thereof, must first be approved under a Type I review process to ensure compliance with minimum State and City safety standards for manufactured home occupancy. The purpose of this amendment is to ensure new dwelling units placed within the city limits do not expand non-conforming home standards or perpetuate the use of dwelling unit dimensions and/or materials that are not compliance with State and City regulations.
- iii. Thermal Efficiency. Manufactured dwellings located within a manufactured dwelling/mobile home park shall be certified by the manufacturer to meet the thermal envelope requirements equivalent to those for a single-family dwelling constructed under the State Building Code. The purpose of this amendment is to ensure minimum thermal efficiency standards are met, as required by State law.
- iv. Requires Manufactured dwellings in all parks to be consistent with ORS 197.314(6), regardless of the park size.
- v. Creates a minimum surfaced width of the roadway with access design standards.
- vi. Requires park roads to be improved to State or City standards, whichever

- is more restrictive.
- vii. Requires 100 SF of open space for each unit in the park provided in common open space.
  - viii. Requires lighting at levels appropriate for pedestrians.
  - ix. Requires manufactured home dwelling parks to be compliant with state law, specifically ORS 446.095 to 446.105 -- Park construction and facilities.
  - x. Prohibits short term rentals within parks except in designated RV areas; affirms RV parks shall be subject to applicable transient room taxes.

No residential land supplies, types, locations, or affordability ranges are impacted by this ordinance. This ordinance does not affect existing manufactured home parks except when altering or adjusting the parks or when adding new units thereto.

The City's Housing Needs Analysis (HNA) and Buildable Lands Inventory (BLI) were addressed in the 2003 Comprehensive Plan but do not necessarily reflect the current housing supply or housing needs in John Day. Due to changing market conditions and the desire to increase the supply of both affordable housing and workforce housing, the City contracted with EcoNorthwest to create the *Housing & Community Development Assessment (October 2019)* for John Day. This document reflects the best available data for John Day's housing market and includes an inventory of buildable residential lands. Key findings from the Assessment as it relates to this amendment are:

- Demand for new housing is primarily linked to population growth. Between 1990 and 2018, John Day's population shrunk by 101 people (-6%). The population in John Day's UGB is forecasted to continue to shrink in the coming decades as is the population of Grant County. However, City policies currently in place to incentivize housing and develop buildable lands, coupled with its emphasis on tourism and recreation as described in its Strategy for Growth and Community Investment Strategy/Comprehensive Economic Development Strategy could shift this decline to modest but sustainable growth.
- John Day has capacity for 1,000-1,800 units in the current urban growth boundary, more than double the number of homes currently in the city limits
- John Day will have demand for up to 230 new dwelling units between 2019 and 2039. This equates to between 22 and 46 for each 5-year period, or between 4 and 9 new units per year. About 75% of new dwelling units are expected to be single-family detached (including manufactured homes).

**Based on these findings, the City of John Day is already compliant with Goal 10 and will continue to be compliant regardless of how the land will be used as adjusted by this amendment or by projected development patterns.**

**7. PLANNING COMMISSION MOTION**

After hearing the staff presentation and any public testimony, including any rebuttal, the commission will close the hearing and deliberate. The following motion is suggested:

“I move to recommend City Council approve AMD-20-06 based on the findings contained in the staff report [with conditions, if any].”

*The staff report may be amended during the course of the hearing.*

**RECOMMENDED TO THE CITY COUNCIL** by the John Day Planning Commission this 12th day of May, 2020.

Ayes: \_\_\_\_\_  
Nays: \_\_\_\_\_  
Abstentions: \_\_\_\_\_  
Absent: \_\_\_\_\_  
Vacancies: \_\_\_\_\_

ORDERED:

\_\_\_\_\_  
Ken Boethin, Chair

ATTEST:

\_\_\_\_\_  
Nicholas Green, City Manager

**ORDINANCE NO. 20-185-06, AN ORDINANCE AMENDING THE JOHN DAY  
DEVELOPMENT CODE TO REVISE CODE LANGUAGE RELATED TO  
MANUFACTURED HOMES**

Added language in double underline

Deleted language in ~~strikethrough~~

**5-2.2.020 Residential Districts - Allowed Land Uses**

Table 5-2.2.020 identifies the land uses that are allowed in the Residential Districts. The specific land use categories are described and uses are defined in Chapter 5-1.3.

<b>Table 5-2.2.020 Land Uses Allowed in Residential Districts (RL, RG, RC)</b>				
<b>Uses</b>	<b>Status of Use in District</b>			
<b>Use Categories</b>  <i>(Examples of uses are in Chapter 5-1.3; definitions are in Chapter 5-6.1)</i>	<b>Residential Limited (RL)</b>	<b>Residential General (RG)</b>	<b>Residential Commercial (RC)</b>	[Reserve]
Manufactured <del>Home</del> <u>Dwelling</u> Park, per Section 52.2.100G.	CU	S	CU	

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**5-2.2.100 Residential Districts - Special Use Standards**

Section 5-2.2.100 provides standards for specific land uses and building types, as identified in Table 5-2.2.020 that control the scale and compatibility of those uses within Residential Districts. The standards in Section 5-2.2.100 supplement (are in addition to and do not replace) the standards in Sections 5-2.2.010 through 5-2.2.090. This Section applies to the following uses and building types:

- Accessory Dwelling
- Attached Single Family (Townhouses or Rowhouses) and Attached Duplexes
- Bed and Breakfast Inns
- Group Living (Residential Care Homes and Residential Care Facilities)
- Home Occupations
- Manufactured Homes
- Manufactured ~~Mobile~~ Dwelling/Mobile Home Parks
- Multiple Family Housing
- Short-Term Vacation Rentals
- Zero-Lot Line Housing (not common wall)
- Temporary Medical Hardship Dwellings

## Manufactured Homes and RVs as Temporary Dwellings

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~~**F. Manufactured Homes.** Manufactured homes are permitted on individual lots, subject to all of the following design standards. Manufactured dwellings relocated into the City of John Day shall conform to City standards. The following standards do not apply to units existing within the City prior to November 24, 2005, provided they were lawfully established.~~

**F. Manufactured Dwellings.** Manufactured dwellings are permitted on individual lots in all zones that allow residential dwellings as a permitted or conditional use. All manufactured dwellings proposed to be sited on individual lots within the City must first receive approval under a Type I Land Use Review procedure. In addition to all other applicable criteria, manufactured dwellings on individual lots are subject to the following:

1. Floor Plan. The manufactured **home dwelling** shall be multi-sectional and have an enclosed floor area of not less than 1,000 square feet<sub>;</sub>
2. Roof. The manufactured **home dwelling** shall have a pitched roof with a slope not less than 3 feet in height for each 12 feet in width (14 degrees)<sub>;</sub>
3. Residential Building Materials. The manufactured **home dwelling** shall have exterior siding and roofing which in color, material and appearance are similar or superior to the exterior siding and roof material used on nearby residences (e.g., horizontal wood or wood-appearance siding is considered “superior” to metal siding and roofing)<sub>;</sub>
4. Garages and Carports. If the manufactured home has a garage or carport, the garage or carport shall be constructed of the same materials ~~like those~~ and colors used on the **house; manufactured dwelling.**
5. Thermal Envelope. The manufactured **home dwelling** shall be certified by the manufacturer to meet the thermal envelope requirements equivalent to those for a single-family dwelling constructed under the State Building Code. Evidence demonstrating that the manufactured **home dwelling** meets “Super Good Cents” energy efficiency standards is deemed to satisfy the exterior thermal envelope certification requirement. Additional manufacturer certification shall not be required<sub>;</sub>
6. Placement The manufactured **home dwelling** shall be placed on an excavated and back-filled foundation and enclosed at the perimeter such that the manufactured **home dwelling** is located not more than 16 inches above grade, and complies with the minimum set-up standards of the adopted state Administrative Rules for Manufactured Dwellings, OAR Chapter 918. Where the building site has a sloped grade, no more than 16 inches of the enclosing material shall be exposed on the uphill side of the home<sub>;</sub>
7. Flood Plain. Manufactured **homes dwellings**, when placed in a flood hazard area, pursuant to Chapter 5-2.9, shall comply with the following supplemental standards.
  1. The stand shall be a minimum of 12 in. above Base Flood Elevation (BFE) unless the foundation wall is opened on one side or end so that floodwater cannot be trapped. [*Manufactured Dwelling Specialty Code, 4-3.1(5)*]
  2. The bottom of the longitudinal chassis frame beam in A zones, and the bottom of the lowest horizontal structural member supporting the dwelling in V zones shall be a minimum of 12 inches above BFE. [*See definition of Lowest Floor in Manufactured Dwelling Specialty Code*]
  3. The manufactured **home dwelling** shall be anchored to prevent flotation, collapse, or lateral movement during the base flood. Anchoring methods may include, but are not limited to, use of over-the-top or frame ties to ground anchors (Reference

FEMA's "Manufactured Home Installation in Flood Hazard Areas" guidebook for anchoring techniques). [44 CFR 60.3(c)(6)]

4. Electrical crossover connections shall be a minimum of 12 inches above BFE. [Manufactured Dwelling Specialty Code 6-4.2(1)]
8. Foundation Skirt. The foundation area of the manufactured ~~home~~ dwelling shall be fully skirted with concrete, horizontal wood or vinyl siding, or other materials, pursuant to applicable building codes.
9. Prohibited. The manufactured ~~home~~ dwelling shall not be located in a designated historic district.

~~**G. Manufactured/Mobile Home Parks.** Manufactured/mobile home parks (not including recreational vehicles) are permitted on parcels of one (1) acre or larger, subject to compliance with subsections 1-5, below:~~

**G. Manufactured Dwelling/Mobile Home Parks.** Manufactured dwelling/mobile home parks must be located on parcels of one (1) acre or larger. New manufactured dwelling parks are subject to Site Design Review. Alterations of existing manufactured dwelling parks/mobile home parks are subject to a Type II Site Design Review for that portion of the manufactured dwelling park proposed to be altered, which must meet current standards for manufactured dwelling parks to the extent practical. Manufactured dwellings and recreational vehicles/trailers proposed to be sited within a manufactured dwelling park or mobile home park, and any expansion or significant alteration thereof, must first be approved under a Type I review process. In addition to all other applicable criteria, manufactured/mobile home parks and manufactured homes within a manufactured dwelling/mobile home park are subject to the following:

1. Permitted uses: Single family residences, manufactured ~~home~~ dwelling park manager's office, home occupations, and accessory structures that are necessary for the operation and maintenance of the manufactured dwelling park (e.g., landscape maintenance).
2. Space. The minimum size pad or space for each dwelling is 2,500 square feet, provided that the overall density of the park does not exceed 12 units per acre. Each space shall be at least 30 feet wide and 40 feet long, in accordance with ORS 446.010(c).
3. Setbacks and Building Separation. The minimum setback between park structures and abutting properties is 5 feet. The minimum setback between park structures and public street right-of-way is 15 feet. At least a 10-foot separation shall be provided between all dwellings. Dwellings shall be placed a minimum of 14 feet apart where flammable or combustible fuel is stored between units. Park structures shall be placed no closer than 5 feet to a park street or sidewalk/pathway. An accessory structure shall not be located closer than 6 feet to any other structure or dwelling, except that a double carport or garage may be built which serves 2 dwellings. When a double carport/garage is built, the carport/garage shall be separated from all adjacent structures by at least 3 feet.
4. Perimeter landscaping. When manufactured dwellings are oriented with their back or side yards facing a public right-of-way, the City may require installation of fencing and/or planting of a 10-foot wide landscape buffer between the right-of-way and a manufactured ~~home park for the privacy and security of residents or aesthetics of the streetscape.~~ dwelling park.
5. Thermal Envelope. Manufactured dwellings located within a manufactured dwelling/mobile home park shall be certified by the manufacturer to meet the thermal envelope requirements equivalent to those for a single-family dwelling constructed under the State Building Code. Evidence demonstrating that the manufactured dwelling meets "Super Good Cents" energy efficiency standards is deemed to satisfy the exterior thermal



envelope certification requirement. Additional manufacturer certification shall not be required.

6. ~~5. Dwelling design (for parks smaller than 3 acres):~~ Manufactured dwellings ~~in parks smaller than 3 acres~~ shall meet the following design standards, consistent with ORS 197.314(6):
  - a. The manufactured dwelling shall have a pitched roof with a slope not less than 3 feet in height for each 12 feet in width (14 degrees); and
  - b. The manufactured dwelling shall have exterior siding and roofing which in color, material and appearance are similar or superior to the exterior siding and roof material used on nearby residences (e.g., horizontal wood or wood-appearance siding is considered “superior” to metal siding and roofing);
  - c. ~~Exception: Subsections a-b, above, do not apply to manufactured dwellings existing within the City prior to November 24, 2005.~~
7. Streets. The minimum surfaced width of the roadway within an access way shall be 24 feet if there is no parking allowed and 30 feet if parking is allowed on both sides. The first 50 feet of the access way measured from the public street shall be surfaced to a minimum width of 30 feet, with no parking, and shall be connected to the existing public street according to plans approved by the City.
8. Improvement Standards. The improvement of driveways, walkways, streets, drainage and other utilities shall conform to adopted State standards for such or shall conform to applicable City standards, whichever is more restrictive.
9. Open Space. There shall be at least 100 square feet of open space for each unit in the park provided in common open space. Common space areas shall each be no less than 5,000 square feet. Open Space must be a useable open recreational area, and shall be landscaped and maintained by the park owner.
10. Lighting. Lighting at levels appropriate for pedestrian safety shall be provided throughout the park. Light standards shall be directed downward only and shielded to prevent disruption to residents.
11. State Requirements. The manufactured dwelling park meets all applicable state standards including, without limitation, those set forth in ORS 446.095 to 446.105.
12. Flood Plain. Manufactured dwellings, when placed in a flood hazard area, pursuant to Chapter 5-2.9, shall comply with the following supplemental standards.
  - a. The stand shall be a minimum of 12 in. above Base Flood Elevation (BFE) unless the foundation wall is opened on one side or end so that floodwater cannot be trapped. [*Manufactured Dwelling Specialty Code, 4-3.1(5)*]
  - b. The bottom of the longitudinal chassis frame beam in A zones, and the bottom of the lowest horizontal structural member supporting the dwelling in V zones shall be a minimum of 12 inches above BFE. [*See definition of Lowest Floor in Manufactured Dwelling Specialty Code*]
  - c. The manufactured dwelling shall be anchored to prevent flotation, collapse, or lateral movement during the base flood. Anchoring methods may include, but are not limited to, use of over-the-top or frame ties to ground anchors (Reference FEMA’s “Manufactured Home Installation in Flood Hazard Areas” guidebook for anchoring techniques). [*44 CFR 60.3(c)(6)*]
  - d. Electrical crossover connections shall be a minimum of 12 inches above BFE. [*Manufactured Dwelling Specialty Code 6-4.2(1)*]
13. Prohibited. Short-term rentals (less than 30 days) unless specific spaces within the park are separately approved as a recreational vehicle park. Owners of recreational vehicles parks are subject to applicable transient room and/or lodging taxes.

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**5-4.1.010 Purpose And Applicability Of Review Procedures**

**Applicability of Review Procedures.** All land use and development permit applications and approvals, except building permits, shall be decided by using the procedures contained in this chapter. The procedure “type” assigned to each application governs the decision-making process for that permit or approval. There are four types of permit/approval procedures as described in subsections 1-4 below. Table 5-4.1.010 lists the City’s land use and development approvals and their required review procedure(s). [Notwithstanding anything herein to the contrary, the City Planning Official may determine the applicable review procedures for any land use and development approvals not expressly included in Table 5-4.1.010.](#)

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<b>Table 5-4.1.010 Summary of Approvals by Type of Review Procedure</b>		
<b>Approvals*</b>	<b>Review Procedures</b>	<b>Applicable Regulations^</b>
...	...	...
<a href="#"><u>Manufactured Dwelling Placement Permit</u></a>	<a href="#"><u>Type I</u></a>	<a href="#"><u>Chapter 5-2.2; See also Section 5-2.2.100</u></a>

\* The applicant may be required to obtain building permits and other approvals (e.g., Signs, Public Improvement Plans, Plumbing, Electrical, Structural, Floodplain Development, etc.) through the Building Official, and/or approvals from other agencies, such as a road authority or natural resource regulatory agency. The City’s failure to notify the applicant of any requirement or procedure of another agency shall not invalidate a permit or action taken by the City under this Code.

[^ The information listed in this column is provided as a convenience and is not intended to be a comprehensive list of all applicable approval criteria.](#)

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**5-6.1.030 Definitions**

The following definitions are organized alphabetically and some related terms are also grouped together and cross-referenced under group headings (e.g., Transportation-Related, Environment-Related, etc.).

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[Mobile home. See Residential Structure Types.](#)

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**Residential Structure Types**

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**Manufactured Home-Dwelling.** A manufactured [home dwelling](#) is a [dwelling permanent structure](#) constructed off-site in accordance with federal manufactured housing construction and safety standards (HUD code) in effect after July 15, 1976, then assembled or placed on-site in accordance with the

requirements of this Code. The term “manufactured ~~home~~ [dwelling](#)” does not include a “recreational vehicle.”

**Manufactured Home**~~/Dwelling~~. See Residential Structure Types