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ORDINANCE NO. 20-185-06

**AN ORDINANCE AMENDING THE JOHN DAY DEVELOPMENT CODE TO REVISE CODE
LANGUAGE RELATED TO MANUFACTURED HOMES**

The John Day City Council adopts the following findings:

WHEREAS, the City seeks to accommodate low-cost housing for residents; and

WHEREAS, the City of John Day Comprehensive Land Use Plan requires that mobile home parks be designed to protect the character of adjoining residential uses and provide for a maximum level of quality living for occupants; and

WHEREAS, the standards and requirements by the state regarding manufactured dwelling park standards are far more thorough than those of the City of John Day Development Code.

FINDINGS, The City of John Day finds that Staff Report AMD-20-06 proves consistent with the applicable requirements for the proposed amendments found in all exhibits attached hereto and incorporated by this reference.

NOW THEREFORE, based on the foregoing Findings, the John Day City Council hereby adopts the Staff Report findings and ordains as follows:

**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.

Table 5-2.2.020 Land Uses Allowed in Residential Districts (RL, RG, RC)				
Uses	Status of Use in District			
Use Categories <i>(Examples of uses are in Chapter 5-1.3; definitions are in Chapter 5-6.1)</i>	Residential Limited (RL)	Residential General (RG)	Residential Commercial (RC)	[Reserve]
Manufactured Home <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~~;~~.
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)~~;~~.
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)~~;~~.
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~~;~~.
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~~;~~.
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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Table 5-4.1.010 Summary of Approvals by Type of Review Procedure		
Approvals*	Review Procedures	Applicable Regulations^
...
<u>Manufactured Dwelling Placement Permit</u>	<u>Type I</u>	<u>Chapter 5-2.2; See also Section 5-2.2.100</u>

* 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

APPROVED AND ADOPTED by the City Council of City of John Day and signed by the mayor
this 12th day of May, 2020.

Ayes: _____
Nays: _____
Abstentions: _____
Absent: _____
Vacancies: _____

Ron Lundbom, Mayor

ATTEST:

Nicholas Green, City Manager



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Exhibit A

STAFF REPORT

Date Submitted: , 2020

Agenda Date Requested: May 12, 2020

To: John Day City Council

From: Daisy Goebel, City of John Day
Associate Planner

Subject: An ordinance to amend the Development Code to revise language regarding manufactured dwellings and mobile home parks to clarify requirements and increase standards for new development.

Location: Citywide

Type of Action Requested

<input type="checkbox"/>	<input type="checkbox"/>	Resolution	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	Ordinance
<input type="checkbox"/>	<input type="checkbox"/>	Formal Action	<input type="checkbox"/>	<input type="checkbox"/>	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. STAFF RECOMMENDATION

Staff recommends the City Council **adopt Ordinance 20-185-06, as presented.**

4. PUBLIC NOTIFICATION

The City of John Day mailed public notice to all affected property owners on April 14th, 2020 and notice was posted in the Blue Mountain Eagle on April 22nd and 29th 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.

5. 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.

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 home park occupants. The standards this ordinance amends include:

- i. 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.
- ii. 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.
- iii. 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.
- 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.

6. CITY COUNCIL OPTIONS

After hearing the staff presentation, Planning Commission recommendation and any public testimony, including any rebuttal, the commission will close the hearing and deliberate. The City Council has three options:

1. Adopt Ordinance No. 20-185-06, as presented.
2. Amend Ordinance No. 20-185-06 and adopt as amended.
3. Adopt findings demonstrating that the ordinance does not comply with the John Day Comprehensive Plan and do not adopt Ordinance No. 20-185-06.

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