CITY OF
JOHN DAY

DATE: 02/23/2021

TO: John Day City Council

FROM: Nicholas Green, Chief Planning Official

RE: Supplemental staff report to AMD-21-01 (RERC Adoption)

Staff wish to enter the following into the public record:

1) **RERC Citizen Involvement (Goal 1).** The intent of Goal 1: Citizen Involvement is to provide opportunities for widespread public involvement, effective two-way communication, the ability for the public to be involved in all phases of the planning process, to make technical information easy to understand, and provide feedback mechanisms for policy-makers to respond to public input. Including having a committee for citizen involvement to monitor and encourage public participation in the planning process. John Day was one of ten communities nationwide selected for the highly competitive Recreation Economy for Rural Communities (RERC) planning assistance grant. This was a multi-month planning process that included stakeholders from multiple disciplines and communities, including a two-day workshop gathering residents and community stakeholders to draft an action plan around the community's goals. Twenty two (22) local stakeholders participated in the workshop (identified in Exhibit B to the RERC Report). Following the workshop, information was presented publicly at a city council meeting held on December 8, 2020. Only after these opportunities for public feedback was the RERC report submitted to the John Day planning commission, which unanimously recommended the report for approval at a public hearing held January 12, 2021.

2) **Land Use Planning (Goal 2).** The RERC strategy does not purport to change land use planning or zoning requirements. The four goals identified in the report relate to activities that will be implemented through a community action plan, including promoting Main Street as a gateway to nearby public lands, accelerating and incubating businesses to expand recreation services, galvanizing community support and participation, and expanding recreation opportunities for all in John Day. Specific actions identified in the RERC plan, such as installing information kiosks, creating new recreational maps and hosting listening sessions do not affect land use or zoning. Staff does not understand comments from Riverside Home Park suggesting that the City "has engaged in planned adoption of additional ordinances to facilitate the adoption and furtherance from of the RERC Plan." Other than an ordinance to adopt the RERC, no ordinances are needed to further the RERC because it would be implemented administratively. To the extent other potential ordinances might indirectly facilitate the RERC, unadopted ordinances that might potentially be adopted in the future are not approval criteria for this amendment. Compliance with the City's existing code, other than the provisions of JDDC Section 5-4.1.050, is not an approval criteria for a legislative amendment. Nonetheless, staff is unaware of any provisions of the City's existing code that would be in conflict with the RERC because the RERC is simply an action plan to achieve goals set out in the RERC.

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Findings of compliance with JDDC Section 5-4.1.050 and the City's Comprehensive Plan were contained in the staff report as supplemented by this supplemental staff report.

3) **Housing (Goal 10).** No portion of the RERC plan affects residential housing in John Day or the surrounding communities. The RERC does not change the amount of land designated for residential development or impose new regulations on residential development. Accordingly, Housing Policy 1 is not implicated. Figure 4 on Page 8 of the plan (page 9 of the PDF) does not show a trail traversing Riverside Home Park. The trail system shown within the red hash marks in this figure is entirely on public lands owned by the City of John Day and designated for public recreation as part of the Innovation Gateway Area Plan, as adopted through post-acknowledgment plan amendment AMD-19-01 in November 2019. If fully implemented, the RERC would provide amenities for residential areas, including Riverside Home Park, which supports recreational and quality of living objectives set out in the Comprehensive Plan.

4) **Integrated Park System.** The City hosted a neighborhood meeting at the John Day Fire Hall on March 6, 2019 as part of the Innovation Gateway Area planning process and the proposed development of new riverfront parks through the City's Integrated Park System. Mr. Chris Fox, representing Riverside Home Park, along with other neighborhood residents participated in the meeting. During the discussion of the Hill Family Park and proposed improvements to the city properties to the east and north of Riverside Home Park, staff asked Mr. Fox if he would like to have a bridge across Canyon Creek, between the proposed Hill Family Park and Riverside Home Park. He said he would not, but would like to have a bridge north across the John Day River to the City's trail system there. Other residents concurred with this change so as to avoid conflict between bridge and pedestrian traffic near existing housing. As a result, city staff changed the design to include a bridge across the John Day River into the pocket park located at the northeast corner of the home park. Mr. Fox's request was incorporated into the final Innovation Gateway Area Plan adopted in November 2019. Both he and his investment partner, Patti Rathbone, were present at the adoption meeting and were notified in advance of the Plan's adoption. Neither party contested as it was consistent with our neighborhood meeting. No other project elements involved Riverside, and that one was only included at his request in order to create a more inclusive community and allow his residents greater access to the City's public trail system. Mr. Fox was present during subsequent meetings and discussions of the city council on multiple dates and never commented that he was against the improvement, nor did he comment during the legislative proceedings to adopt the area plan. If the position of Riverside Home Park has since changed, the City simply won't proceed with the bridge improvements. No land has been (or will be) taken from Riverside Home Park and no land owned by Riverside is proposed to be taken in this RERC Plan submitted to the council for adoption.

5) **Comments on Proposed Ordinances. Our File No.: 135966-252955.** Subject document from Riverside Home Park (RHP) received on February 19, 2021 via email shall be entered into the official record **(Enclosure 1)**.

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Staff recommendation: Staff continues to find that the proposed amendments satisfy all applicable criteria and recommends adoption. However, if Council desires additional time to review the materials provided or desires to make significant revisions to the proposed amendments, Council should continue the hearing to a future date to allow for deliberation and/or leave the record open to additional written testimony and conduct deliberations at a future date.

Enclosure 1

Comments on Proposed Ordinances. Our File No.: 135966-252955 [Attached]

Schwabe
WILLIAMSON & WYATT®

February 19, 2021

J. Kenneth Katzaroff
Admitted in Washington and Oregon
T: 206-405-1985
C: 206-755-2011
KKatzaroff@SCHWABE.com

City Council
City of John Day
c/o City Manager, Nicholas Green
450 East Main St.
John Day, OR 97845

RE: Riverside Home Park, LLC's Comments on Proposed Ordinances
Our File No.: 135966-252955

Mayor Lundbom, Councilors:

Our offices represent Riverside Home Park, LLC ("***Riverside***" or the "***Park***"). This letter provides Riverside's comments on the torrent of new ordinances and request that the City of John Day (the "***City***") include this letter in the records for AMD-20-10, AMD-20-11, AMD-21-02, and the RERC Adopting Ordinance.

I. Introduction and Background

Riverside is a manufactured home park that provides roughly 15% of the housing supply for John Day and has been a valid and existing use since the 1960s. The entire park is adjacent to the John Day River and includes roughly 23 acres and 154 spaces for manufactured housing. Riverside provides affordable housing to some of the poorest residences in the City, and indeed, in all of Oregon. In recent years, Riverside has worked hard to upgrade the park. This has been a relatively slow process as it is complicated and requires careful compliance with state law, including issues regarding landlord–tenant rights, equal housing, and the state's manufactured housing statutes. In the last 14-months alone, this has meant an investment in excess of $100,000.

Riverside is proud that it continues to provide some of the poorest citizens in all of Oregon with a safe place to live and a roof over their heads. Indeed, but for the extremely low rental rates that Riverside has attempted to maintain (most as low as $230 per month), the City would likely see an increase in homelessness, people camping in public areas, and people of all ages living out of vehicles parked on the street.

Riverside is unclear as to whether the City Council is aware of the City's roughly 16-month battle and ongoing harassment at the hands of the City's Manager. Rather than repeat all actions unlawfully taken against Riverside, we highlight a few here:

- Early fall 2019: City Manager meets with Riverside's ownership after including portions of the Park on trail maps for the City's "Innovation Gateway." Riverside objects to the City planning to use its private property without compensation. City Manager asks if the City could purchase the park but scoffs when told the appraised value.

- November 2019: City Manager takes a tour of the Park and informs Riverside that there are "hundreds" of code violations. The City Manager then presents Riverside with an "Abatement Agreement" that would essentially require the Park to be gutted and dozens of families made homeless. Riverside refuses to sign such agreement and asks for even a basic list of the alleged code violations.

- January 14, 2020: City Manager takes a request before the Planning Commission to unlawfully revoke a conditional use permit related to the Park. Our offices are engaged to appeal that unlawful revocation. The City relents when the revocation is appealed to the City Council and the Land Use Board of Appeals ("***LUBA***") and withdraws that revocation. Riverside files a Tort Claim Notice against the City.

- April 9, 2020: City Manager issues to Riverside a "Cease and Desist and Notice of Code Violation" alleging that Riverside conducted unlawful fill in the John Day River. The notice is followed by a "Criminal Citation" for violating a particular section of the John Day Development Code ("***Code***"). The Criminal Citation is later dismissed by the circuit court.

  City Manager also reports Riverside to the Department of State Lands ("***DSL***") alleging the same violation. DSL investigates and determines no such violation.

- May 2020: Without proper notice, City Manager asks the Planning Commission and the City Council to adopt two new ordinances that directly target Riverside and its business. Due to improper notice, the amendments were challenged by Riverside. Riverside files another Tort Claim Notice against the City.

- June 2020: Through referral from local DLCD Representative, mediator Sam Imperati ("***Mediator***") contacts both Riverside and the City about the possibility to mediate, paid for by DLCD.

- September 2020: Planning Commission again tries to take up ordinances, which, again, are improperly noticed and do not provide the availability for the public to comment.

- November 2020: Planning Commission again takes up the ordinances. Riverside comments voicing significant concern.

  Mediator re-contacts both parties to offer assistance.

- January 2021: Planning Commission recommends approval of ordinances over the objection of Riverside.

- February 2021: Riverside renews its objections to the passing of ordinances that make the cost of doing business in John Day more expensive, and to the passing of any ordinance that provides the City Manager any more authority or discretion. The trust between Riverside and the City Manager is broken. Despite continued requests, the City Manager still refuses to provide Riverside with a list of alleged code violations, and, instead, has spent nearly a year attempting to adopt new code provisions that would enable the City to revoke, fine, or otherwise punish Riverside for alleged violations.

II. The City Council should decline to adopt Ordinance No. 20-188-09 (AMD-20-10) or remand it to the Planning Commission to Incorporate Changes that Protect Private Citizens

Riverside references and incorporates its previous comments regarding this code amendment. The draft presented to the Planning Commission and recommended for adoption by that body is substantially different from the proposal before the City Council and includes several changes made by staff that were not recommended by the Planning Commission. On that basis alone, this amendment should be remanded to the Planning Commission for review before a new recommendation before this body.

Section B of AMD-20-10 "deems" any violation of the code to be a "public nuisance" and subject to the procedures at Title 8, Chapter 2 of the Code. That is inappropriate and not supported by the law or by the Code. To the extent that the Code contains a definition of a "public nuisance" it is located at JDC 8-2-8-A, which states that "[a] public nuisance is any thing, condition, or act which is or may be a detriment or menace to the public health, safety, or welfare. No person will cause, permit, or maintain a public nuisance on public or private property." Therefore, any "public nuisance" must, invariably, provide some risk of public health and safety. To the extent a party fails to get the proper permit or other technical violation of the code, or, perhaps places a pre-fabricated shed on its property but violates setback requirements, such "violations" simply cannot sufficiently be tied to the doctrine of nuisance nor its application in the Code. Any attempt at enforcement for "violations" without specific endangerment to public health and safety cannot be inappropriately lumped in via this amendment to the Code.

Section D of AMD-20-10 seeks to greatly expand the City's ability to revoke permitted land uses. This sets a scary precedent and will lead to increased harassment on less-desirable yet necessary uses (such as low-income housing), and enables revocation proceedings upon just a single allegation of violation – whether technical in nature or actually endangering the public.

It is likely that this provision will be un-equally applied and could cause an as-applied constitutional challenge because it is likely that the City's enforcement is targeted more at uses and properties of low-income persons who could not defend against alleged violations. Further,

the remedy for a violation should be to seek compliance and not to revoke the permit. Such compliance can already be forced through the City's Code or via ORS 197.825(3)(a).

Section F, and its companion (the new definition of "Planning Official") are misguided. Under the current definition, there are no professional requirements for the "Planning Official" – no planning experience requirements, certifications, building inspection or other expertise, or any vetting process. Further, the City Manager is given full authority to appoint anyone to said function. Staff argues that there is "no incentive for the City Manager or Planning Official to designate someone that is unable to perform the duties assigned" but that assurance is simply not good enough. As stated above, Riverside has been forced to hold the current City Manager and Planning Official, Nicholas Green, accountable for a variety of illegal and improper planning acts. Enabling the City Manager to continue to appoint unqualified persons to administer the Code and independently enforce its provisions will only lead to additional conflict and litigation.

Lastly, Section I seeks to add vicarious liability to the owner of any property. Liability should lay with the bad actor alone. In Riverside's case, vicarious liability could be particularly inappropriate as Riverside is a landlord to 15% of the residents of the City. If a tenant violates the Code, even if corrected, the City could (and based upon the pattern of broken trust, will) seek penalty against Riverside – even if the violation is corrected. Further, during COVID-19, many of Riverside's authorities to enforce against its tenants, such as through eviction, remain, difficult. Although statewide moratoriums on eviction only relate to non-payment of rent, it is virtually impossible to schedule a court hearing or other process to seek eviction or other causes as well. Liability should be limited to the actor.

Lastly, to the extent the City plans to use this ordinance as a weapon, such as to punish or revoke permits due to past-occurring violations, such application is disallowed under the Oregon State Constitution as an *ex post facto* punishment. *See* Section 21, Oregon Constitution Article I. *State v. Harberts*, 198 Or App 546, 108 P3d 1201 (2005) (a law that increases the punishment for a crime for an offense committed prior to enhancement of the penalty is a prohibited *ex post facto* law).

III. The City Council should decline to adopt Ordinance No. 20-188-09 (AMD-20-11) or remand to the Planning Commission to Amend Consistent with these Comments

Riverside refers to and incorporates its past comments regarding this proposed amendment. Riverside's main objection to this amendment remains that it increases the cost of housing and seeks to further limit manufactured dwelling uses, which violates Housing Policy 1 of the John Day Comprehensive Plan.

Beyond that, Riverside is unclear as to the City's interpretation of Section F.1., which requires manufactured homes to be multi-sectional and in excess of 1,000 square feet. It is unclear whether the City intends this restriction to apply to manufactured homes outside of manufactured home/dwelling parks, or whether it only relates to those homes outside of dwelling parks. To the extent it intends this restriction to apply within parks, such as Riverside, the enactment of this restriction will result in a regulatory taking of approximately thirty (30) lots

within Riverside because the established lot sizes cannot accommodate more than a single-section manufactured dwelling. If it is the City's intent to apply this to Riverside, Riverside reserves the right to seek just compensation for such taking.

Further, given the rapid rise of tiny homes, which have substantially increased the options for affordable housing, this limitation is just poor policy. Staff included scant evidence with regard to its Goal 10 analysis, focusing on the actual lands and housing needs for new dwelling units within the City. No analysis was provided regarding the economic consequences and restriction in housing types that this amendment creates. It does not take a planning expert to see that prohibiting tiny homes or other affordable modularized homes – as this amendment does – violates the City's Comprehensive Plan, including Housing Policies 1, 2, 4, 6, and 8.

This amendment needs additional analysis and should be remanded to the Planning Commission until such analysis is provided.

IV. Ordinance No. 21-191-02 (AMD-21-02) is Designed to Reduce Public and Participation instead of furthering Oregon Planning Goal 1

The entire purpose of this amendment is to further restrict public participation and involvement. Staff is correct that this aligns the state and code requirements for notice. However, given that the City has failed to meet the current requirements, on numerous occasions (which Riverside has been forced to point out and/or appeal), further reducing procedural protections is ill advised. Additionally, the City continues to reduce public access in other matters, including reducing hours of operation and access to City Hall in general.

This pattern of reducing public notice, access, and participation is deeply concerning. The response from the City Manager on challenges to process and participation has resulted in this (and other) attempts at shutting down public participation. This should be a warning sign for all.

This amendment should be rejected until the City Manager and Planning Official can show an actual pattern and practice of meeting the existing requirements of the Code.

Perhaps most importantly, this amendment would be in direct conflict with the John Day Comprehensive Plan. The Comprehensive Plan requires that notice to DLCD be given 45 days prior to the first public hearing. *See* Plan Amendment Procedure 1, Comprehensive Plan, p. 85. However this amendment only amends the Code and *not* the Comprehensive Plan. Therefore, this amendment may not be adopted until accompanied by the required Comprehensive Plan amendment so that the two are not in conflict.

V. RERC Plan incorporates Riverside's Lands – Including for Public Access Trails – Without Just Compensation

The RERC Plan seeks to increase economic vitality within the City. Riverside applauds the City's work for that endeavor. However, this plan, when accompanied by the onslaught of additional regulation and consistent attack by the City Manager, has Riverside understandably

concerned. For example, page 9, Figure 4, again depicts and "integrated park and trail system" which directly traverses Riverside's property. Riverside has not received compensation for this taking and will challenge any regulatory taking as such.

With more particularity, Riverside objects to certain findings contained within the Staff Report:

- Goal 1's requirements are not met. The City conducted the bare minimum when it comes to process to adopt a new plan that governs future of John Day. According to the plan, only one community workshop was held, despite the fact that the City has been actively engaged in seeing grants and other code changes for the past 12-months to facilitate this plan's adoption.

- Goal 2 is not met. The City has engaged in planned adoption of additional ordinances to facilitate the adoption and furtherance of the RERC Plan. The City provided no analysis as to how the RERC Plan comports with the City's existing code and/or the Comprehensive Plan.

- Goal 10. Staff's findings are in error. The RERC Plan impacts the housing provided by Riverside and violates Housing Policy 1, which seeks new ordinances to "better accommodate manufactured housing" instead of continuing the City's assault on Riverside. (Including adding public trails over Riverside's property.)

The impacts of the RERC Plan have not been properly evaluated. A more proper and complete analysis must be completed before the RERC and its adopting ordinance may be approved.

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VI. Conclusion

Riverside has attempted to work collaboratively with the City Manager. After multiple calls, ongoing correspondence, and multiple assurances that we should just "trust" the City Manager in performing his duties equitably, my client simply cannot continue to stand by and wait for the next attack. Over the past 13-months, rather than continuing to improve the Park, Riverside has spent tens of thousands of dollars fighting improper adoptions, illegal revocations, and erroneous reports to state agencies. Enough is enough.

Rather than collaborate or engage in the mediation process suggested by DLCD, the City Manager continues to attempt to adopt additional code provisions to weaponize the code against a manufactured home park that houses some of the state's poorest citizens.

This Council should review each and every ordinance and each and every comment submitted, carefully. Anything that increases the cost to citizens during this extremely difficult time should be rejected. Now is not the time to hit the community when it is down or to further alienate the citizen and business community.

Sincerely,

/s/ J. Kenneth Katzaroff

J. Kenneth Katzaroff

JKKA

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February 22, 2021

TO: City of John Day / City Council

FROM: Patti Rathbone (Riverside Home Park)

RE: COMMENTS FOR THE CITY COUNCIL MEETING 02/23/21
PROPOSED ORDINANCES

I have a lot of Comments reference to these Changes, what has prompted them and what is the "real" purpose of them. I feel compelled to offer my Comments on a personal level , as an Investor in John Day & as a supporter of the many families that reside in the Riverside Home Park and the Community.

In 2013, I was introduced to the City of John Day by virtue of the Riverside Home Park. A Manufactured Home Park that has been part of the John Day Community since 1961. Since my involvement in the Park, much has been done to improve it, in a variety of ways. It takes a lot of time, money & commitment to make changes that affect so many people's lives. When I first came to visit the Park in 2013, the Chief of Police told me that, although it may not be pretty, it's a vital part of the Community. The affordable housing it provides to the most vulnerable folks in the Community, is invaluable.

November 2019, I was asked to come to the Park as a "Multi Agency" Inspection was suddenly scheduled to take place. Likely the 1st of its kind. I was also in town for a City Meeting that presented a "new vision" for the City that you are all aware of. It's quite a plan and to some, very exciting. Millions of dollars being acquired to create a "new John Day".

January 14, 2020, the City of John Day attempted to inequitably revoke the Riverside Home Park's Permit to Operate. This action, although rescinded based on the illegality of it, would have LITERALLY displaced 130+ FAMILIES in the John Day Community. When I personally sat with the City Official in November and he eluded wanting to "abate" .. aka "condemn" people's homes within the park, I said "and make them homeless"??? They will lose their homes!? They own these homes!? This was appalling to me. Instead, the City made a move to revoke Riverside's Permit which allows them to operate, less than 60 days later! These residents would have been put out on the street, with no home and nowhere to go.

Although Riverside Home Park has made some pretty dramatic strides in improving the park, over the last 7 years, it's obvious the City doesn't care for the "looks" of the Park as it doesn't "fit" into the "new John Day". The Park property consists of approximately 1780 feet of John Day River frontage. The River frontage is a focal point of the new "tourism plan" for John Day. I'm sure there are some that would like to control all that River frontage. Do we see a pattern here??

So this brings me to the purpose of the meeting today. These "Changes" to the City Development Code. Everything seems geared toward "Manufactured Home Parks". To my knowledge, there is one large MF Home Park in John Day.... Riverside Home Park. Your correspondence and reasoning behind this "needed" Amendment stated the purpose was to "fix" the code so it's more "clear". From a layman's perspective, it is "clear" that you are not only coming after Riverside Home Park, but the whole Community. Its appears you are creating added regulation and regulatory processes in everything that are not only burdensome but expensive for folks to navigate through. Why is the City intent on trying to

make "living" in John Day more difficult? Not only this, but creating "unelected code enforcement officer(s), who serve at the pleasure of the City Manager that can change at anytime, under any circumstance. You find it timely to make these changes NOW, all while Communities across the Country are dealing with a Pandemic, business closure, employee layoffs, school closures, Child care issues ect ect ect. Why now..? Is your rush to create unrecognizable loopholes to your code to ultimately shut down and/or eliminate Riverside Home Park from being able to operate so that you can turn the property into something you find "appealing" to all your new "tourism"?

If this goes forward, without protections for the Homeowners within the MH Park & the Owners of the MH Park, you are creating a housing crisis for the most vulnerable in the Community! It will come. I live in the Portland area, I see homelessness every single day. This is NOT what you want happening in John Day, Oregon.

I personally, don't understand the urgent need for these specific changes. There are many many problems buried in the "verbiage" chosen in the "revisions". These will be addressed by "others".. but MY comments are truly directed at the underlying motives.

Respectfully Submitted,

Patti Rathbone (Riverside Home Park)

February 16th 2021

Dear City Council of John Day, Oregon

Re: February 23, 2021 Public hearing being held to adopt additions and changes to ordinances which will significantly impact the citizens of John Day and their friends, family and associates in the surrounding area.

The City Council has before it the following issues:

1. Shortening the public notice requirements to change the comprehensive plan and/or submitting changes to the city of John Day ordinances and development code.

2. Introduction of new code enforcement procedures that are designed to punish not to increase health and safety.

3. Adopting Recreational Economy Area for Rural Communities.

4. Proposed Amendments and code revision for manufactured home parks.

5. Amendment raising the minimum square footage of a manufactured home unit to 1,000 sf which will eliminate singlewides within the City limits of John Day.

I am submitting my reasons in opposition to these additions and changes as follows:

The Citizens of John Day need to be heard from and given the opportunity to understand what is being considered. Shortening the public notice requirements, especially when there is already limited access due to COVID is unconscionable.

John Day's City Manager needs to understand that Grant County is one of the lowest income per capita County's in the entire state. The above proposals will impact the poorest significantly, when compared with their previously known culture. Many people cannot afford a double-wide manufactured home, for instance.

A two hour Public Testimony Hearing on all these subject matters is not equitable when considering the future impact on Council representing it's Citizens. Plus, COVID has greatly limited how people can participate effectively. There should be a hearing held in a larger facility when Covid-19 epidemic does not prohibit personal testimony due to lack of transparency and their inability / limited ability to testify via technology on the proposed existing additions and changes.

The County has the lowest income per capita in the state and with that it's citizens require additional time and resources to educate themselves and communicate their opinion to the City Council verses the current set-up of less transparency and more restrictive access.

The City Council should recognize the growing concerns of its Citizens as it relates to misrepresentations, broken trust and the potential of over leveraged financial obligations it has bestowed on them. For example, the City continues to raise sewer rates when people are barely scraping by. The City also continues to finance its pet projects with debt at the industrial park and make haphazard changes to its code that only seem to be designed to hurt people and make John Day a more expensive and less friendly place.

The City Council should recognize that a significant amount of time has been spent obtaining Grants for improving the City of John Day however the financial impact on its citizens has been increasing almost monthly while no real plan to alleviate these growing costs and the impact of taking such funds out of circulation within the community has.

The City Council should recognize that some of these proposed additions and changes further increase and empower the City Managers "a non elected official" to act on their own sole discretion – including in determining if he believes there is a code violation where he can then force fines or for someone to hire a lawyer to fight bogus actions.

The City Council should recognize that the citizens' upbringing in a rural community has provided significantly more liberties when compared with the majority of the State of Oregon which some of the proposed additions and changes will impact significantly by March 23rd 2021 if passed.

The City Council should take more time to do the esteemable "Behave authentically true to your values with realistic expectations" thing and reconnect with its citizens prior to a rush passage of some of these additions and changes.

The City Council should recognize that the potential repercussions of passing some of the proposed additions or changes will not be limited to the citizens of John Day but to their friends, family and associates in the immediate vicinity.

There is a tremendous amount of tension that has been building up over the past 14 months based upon the unknown in several different realms in your Citizens lives. Please provide the extra time and materials they require to participate in what you are considering.

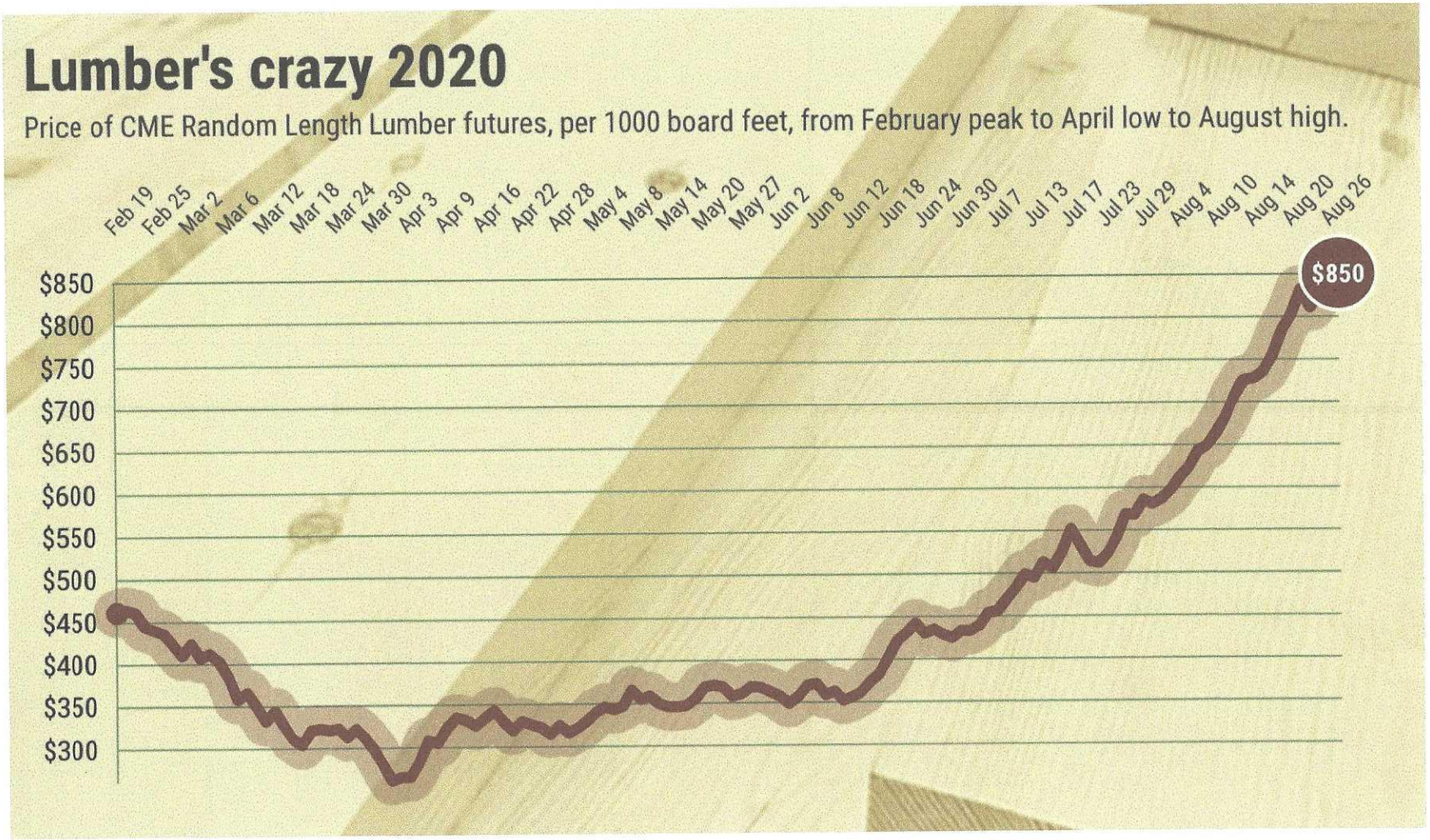
I'm confident that they will participate if given a platform that better fits their capacity to do so. It is passed time to reconnect with them.

I thank the City Council for all of your good intentions and for all of your hard work.

Sincerely,

Chris Fox
Riverside Home Park, Agent

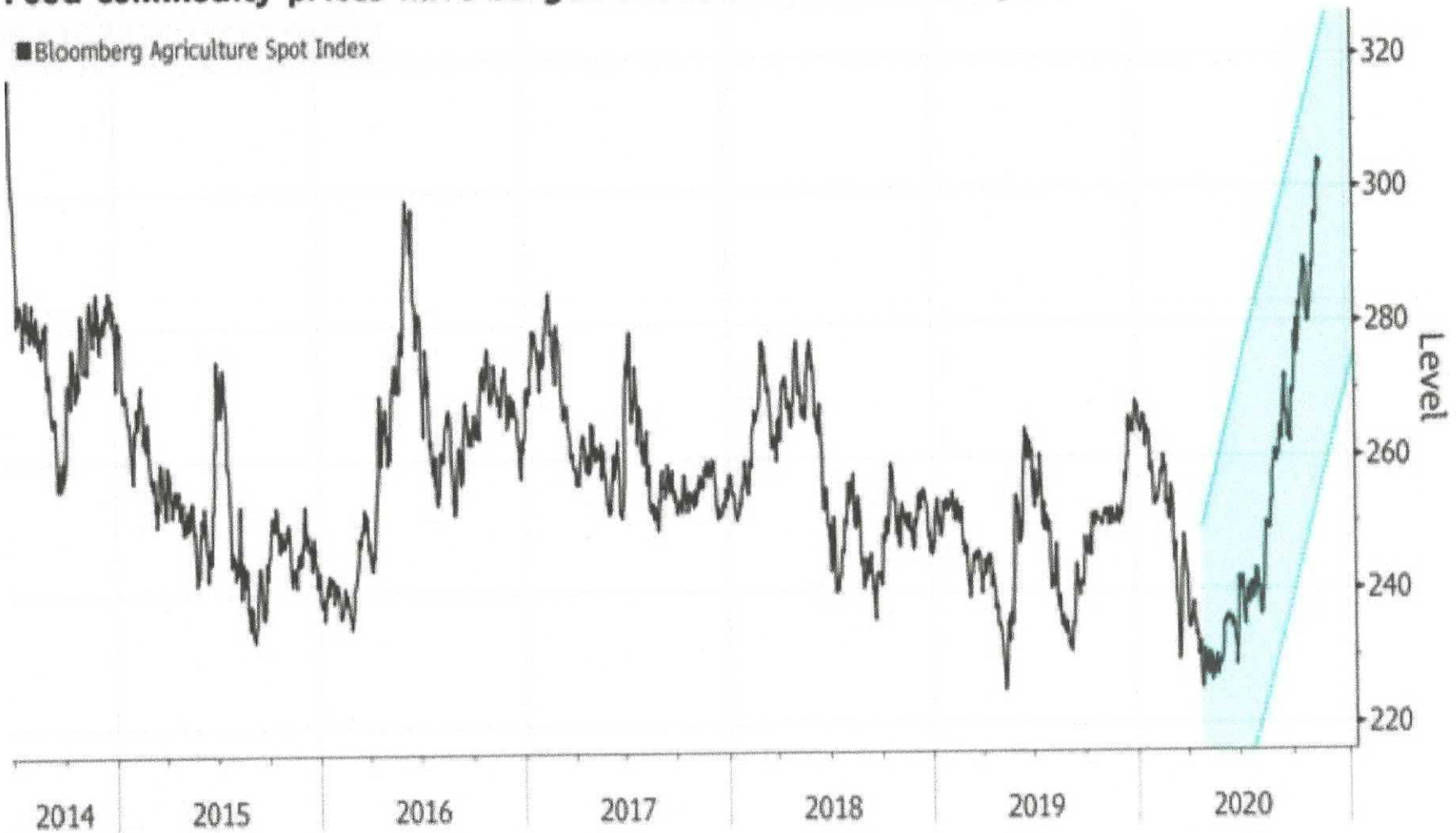
Supplemental letter & material attached.



INFLATIONARY TIMES WITH NO WAGE INCREASES

Inflation Expectations

Food commodity prices have surged about 35% since late April



Source: Bloomberg

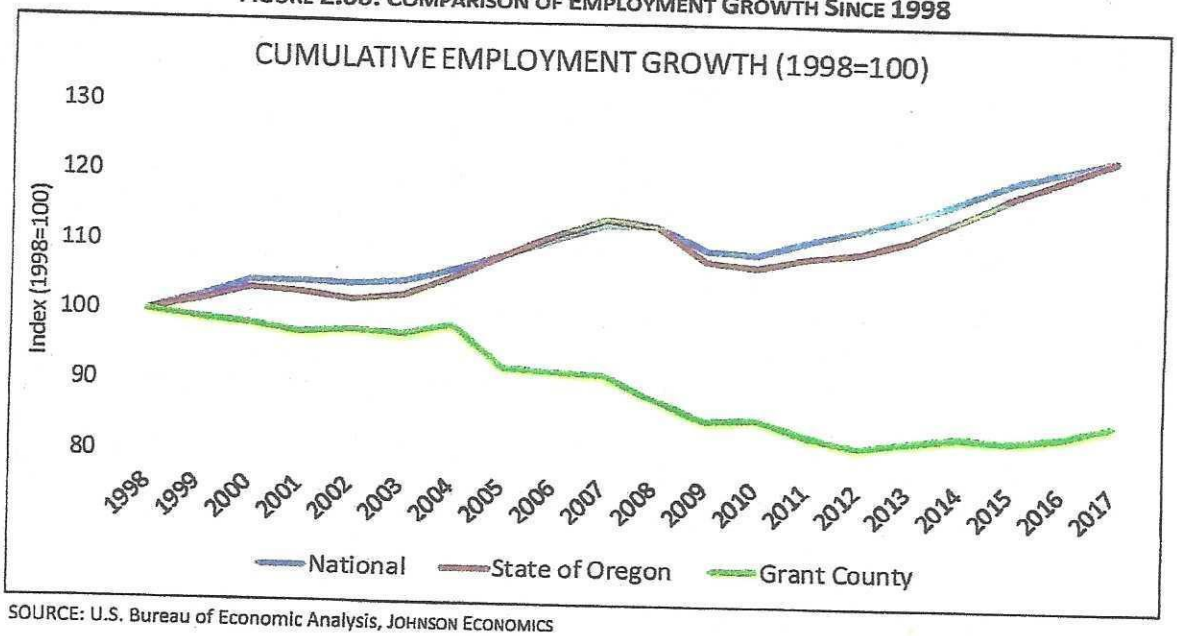
lesser extent and primarily among larger industry leaders. Finally, changes in the use of electronic devices and growth in online services are causing a shift in the tech sector, from hardware manufacturing to software development.

Recent trends and current forecasts reflect a shift from a goods economy, featuring manufacturing and natural resources, towards a service economy, which emphasizes personal care and enrichment, technological innovation, research, and design.

GRANT COUNTY ECONOMIC TRENDS

Grant County has unfortunately been losing employment in recent decades, while the US and Oregon have generally experienced positive job growth outside of recessionary periods. Grant County saw additional job loss after the most recent recession, but levels have stabilized since roughly 2011.

FIGURE 2.06: COMPARISON OF EMPLOYMENT GROWTH SINCE 1998



SOURCE: U.S. Bureau of Economic Analysis, JOHNSON ECONOMICS

Annual growth rates have typically lagged behind the state and have often been negative during this period.

Distressed Areas in Oregon

Business Oregon gives priority when funding technical assistance, programs, and projects to geographic areas determined to be economically distressed as prescribed by Oregon law.

Below is a list of identified distressed areas in Oregon. This is the update for 2021 and will be in effect through the end of 2021. The department publishes updated lists every year at the end of December under the normal methodology and every month under the temporary methodology.

Distressed Areas in Oregon, 2021

Posted December 31, 2020

Distressed Counties, 2021

County	Index Components				2021 Distressed Index	
	Relative U-Rate	Relative PCPI	Payroll Change	Employment Change	Distressed Index	Index <1.0
Oregon	1.00	1.00	1.08	1.01	1.09	Non-Distressed
Baker	0.80	0.80	1.05	1.02	0.69	Distressed
Benton	1.28	0.92	1.07	1.00	1.25	Non-Distressed
Clackamas	1.09	1.16	1.06	1.01	1.36	Non-Distressed
Clatsop	1.00	0.89	1.06	1.01	0.95	Distressed
Columbia	0.82	0.87	1.05	1.01	0.76	Distressed
Coos	0.78	0.87	1.08	0.99	0.70	Distressed
Crook	0.70	0.80	0.99	1.03	0.57	Distressed
Curry	0.71	0.85	1.06	1.00	0.64	Distressed
Deschutes	0.95	1.06	1.18	1.03	1.12	Non-Distressed
Douglas	0.76	0.80	1.05	1.01	0.64	Distressed
Gilliam	1.00	1.04	1.20	1.11	1.39	Non-Distressed
Grant	0.54	0.81	1.04	1.02	0.46	Distressed
Harney	0.70	0.79	1.04	1.06	0.60	Distressed

Hood River	1.16	1.06	1.07	1.01	1.33	Non-Distressed
Jackson	0.84	0.91	1.07	1.01	0.82	Distressed
Jefferson	0.73	0.66	1.06	1.02	0.52	Distressed
Josephine	0.74	0.82	1.07	1.02	0.67	Distressed
Klamath	0.60	0.78	1.05	0.99	0.48	Distressed
Lake	0.69	0.81	1.04	1.04	0.60	Distressed
Lane	0.90	0.89	1.06	1.00	0.85	Distressed
Lincoln	0.86	0.86	1.08	0.99	0.79	Distressed
Linn	0.86	1.04	0.89	1.02	0.81	Distressed
Malheur	0.90	0.65	1.07	0.99	0.62	Distressed
Marion	0.95	0.85	1.08	1.02	0.88	Distressed
Morrow	0.90	0.91	1.07	1.00	0.88	Distressed
Multnomah	1.12	1.14	1.09	1.01	1.40	Non-Distressed
Polk	0.90	0.81	1.08	1.02	0.80	Distressed
Sherman	1.09	1.07	1.05	1.05	1.29	Non-Distressed
Tillamook	0.95	0.86	1.06	1.02	0.88	Distressed
Umatilla	0.77	0.79	1.08	1.00	0.66	Distressed
Union	0.77	0.78	1.06	1.00	0.64	Distressed
Wallowa	0.64	0.87	1.07	1.03	0.61	Distressed
Wasco	0.90	0.82	1.07	0.97	0.77	Distressed
Washington	1.19	1.20	1.07	1.02	1.57	Non-Distressed
Wheeler	0.86	0.74	1.07	0.98	0.67	Distressed
Yamhill	1.09	0.89	1.07	1.02	1.06	Non-Distressed

Source: Business Oregon, based on data from the Oregon Employment Department and U.S. Bureau of Economic Analysis.

Statutory/Other Authority: ORS 285A.075
Statutes/Other Implemented: ORS 285A.020, 285A.075, 285B.062 & 285B.065
History:
OBDD 5-2019, amend filed 03/01/2019, effective 03/01/2019
OBDD 3-2014, f. 2-28-14, cert. ef. 3-3-14
OBDD 3-2013, f. 3-29-13, cert. ef. 4-1-13
EDD 24-2009, f. 11-30-09, cert. ef. 12-1-09
EDD 27-2008, f. 8-28-08, cert. ef. 9-1-08
EDD 10-2008(Temp), f. & cert. ef. 3-20-08 thru 9-15-08
EDD 12-2007(Temp), f. & cert. ef. 9-21-07 thru 3-18-08
EDD 4-2003, f. & cert. ef. 3-26-03
EDD 12-1998, f. & cert. ef. 8-14-98

123-024-0021
Distressed Area List

At least once per biennium, the department will review the economic conditions in Oregon and prepare a list of distressed areas. The distressed area list on file with the department's Director's Office is adopted as part of these rules by reference. The department will make the distressed area list available to all interested parties. A copy of the distressed area list, as well as further information related to the methodology described in OAR 123-024-0031 and so forth, may be obtained from the Director's Office, Oregon Business Development Department, State Lands Building Suite 200, 775 Summer Street NE, Salem, Oregon 97301-1280.

Statutory/Other Authority: ORS 285A.075
Statutes/Other Implemented: ORS 285A.095, 285B.062 & 285B
History:
OBDD 2-2013, f. 3-29-13, cert. ef. 4-1-13

Oregon Business Development Department

Chapter 123

Division 24
DISTRESSED AREAS

123-024-0001
Scope and Purpose

In accordance with ORS 285A.020(5), the department shall give priority when providing funding for a project, a program or activity, to counties, cities, communities or other geographic areas that are designated as distressed by the department. The designation of distressed areas must be based on indicators of economic distress, including but not limited to unemployment, poverty and job loss.

Statutory/Other Authority: ORS 285A.075
Statutes/Other Implemented: ORS 285A.020, 285A.075, 285B.062 & 285B.065
History:
OBDD 2-2013, f. 3-29-13, cert. ef. 4-1-13
EDD 27-2008, f. 8-28-08, cert. ef. 9-1-08
EDD 10-2008(Temp), f. & cert. ef. 3-20-08 thru 9-15-08
EDD 12-2007(Temp), f. & cert. ef. 9-21-07 thru 3-18-08
EDD 12-1998, f. & cert. ef 8-14-98

123-024-0011
Definitions

For the purposes of these rules additional definitions may be found in Procedural Rules, OAR 123-001 The following terms shall have the following definitions, unless the context clearly indicates otherwise: "City" means the area within the corporate limits of any incorporated city in Oregon.

EDD 4-2003, f. & cert. ef. 3-26-03
EDD 12-1998, f. & cert. ef. 8-14-98

123-024-0031
Methodology for Determining Distressed Areas

The department will consider a county, City, or other geographic area to be a distressed area under one of the following methods:

(1) Using the most recent data available on the date of calculation, a county is considered distressed when, an index is calculated as the product of the values calculated using four composite factors. It is distressed if its index is less than 1.0. If the index is more than 1.0 the county is considered non-distressed. The following are the four factors used to determine a distressed county:

(a) The state's unemployment rate divided by the county's unemployment rate;

(b) The county's per capita personal income divided by the state's per capita personal income;

(c) The change in the county's average covered payroll per worker over a two year period;

(d) The sum of the change in the county's employment over a two year period; or

(2) A city outside of a county identified as a distressed area under subsection (1) of this section may be designated as distressed when its variable values are below the designated threshold value as determined by at least three of the four indicators listed below. The threshold values for each of the four indicators shall be determined by using reliable data from each of the distressed counties based on a demonstrated methodology, as approved by the director of the department. Threshold values are calculated

using the most recent 5 year American Community Survey data from the U.S. Census Bureau.

(a) Percentage of city population 25 years old and over with a bachelor's degree or higher. The threshold value for variable A is the percentage of Oregon population 25 years old and over with a bachelor's degree or higher. If the percentage of city population 25 years old and over with a bachelor's degree or higher is higher than the percentage of Oregon population 25 years old and over with a bachelor's degree or higher, this value is above the threshold and not distressed.

(b) The city's unemployment rate. The threshold value for variable B is Oregon's unemployment rate. If the city's unemployment rate is lower than Oregon's unemployment rate, this value is below the threshold and not distressed.

(c) Percentage of the city population 3 years of age and over, excluding those enrolled in college undergraduate and graduate or professional school, below the poverty level. The threshold value for variable C is the percentage of Oregon population 3 years of age and over, excluding those enrolled in college undergraduate and graduate or professional school, below the poverty level. If the percentage of the city's population 3 years of age and over, excluding those enrolled in college undergraduate and graduate or professional school, below the poverty level is lower than the percentage of Oregon population below the poverty level, this value is below the threshold and not distressed.

(d) The city's per capita personal income. The threshold value for variable D is Oregon's per capita personal income. If the city's per capita personal income is higher than Oregon per capita personal income, this value is higher than the threshold and not distressed.

(3) A county, City, or other geographic area that has demonstrated in writing, through a Temporary Distressed Petition,

to the satisfaction of the director of the department, that it is suffering or is likely to suffer economic distress equal to or greater than those counties and cities qualifying as distressed areas under subsections (1) and (2) of this section. The director shall have the authority to declare counties, cities, and other geographic areas distressed as allowed under the Temporary Methodology for Determining Distressed Areas, OAR 123-024-0046.

Statutory/Other Authority: ORS 285A.075
Statutes/Other Implemented: ORS 285A.020, 285A.075, 285B.062 & 285B.065
History:
OBDD 5-2019, amend filed 03/01/2019, effective 03/01/2019
OBDD 3-2014, f. 2-28-14, cert. ef. 3-3-14
OBDD 2-2013, f. 3-29-13, cert. ef. 4-1-13
EDD 24-2009, f. 11-30-09, cert. ef. 12-1-09
Reverted to EDD 27-2008, f. 8-28-08, cert. ef. 9-1-08
EDD 4-2009(Temp), f. & cert. ef. 5-7-09 thru 11-2-09
EDD 27-2008, f. 8-28-08, cert. ef. 9-1-08
EDD 10-2008(Temp), f. & cert. ef. 3-20-08 thru 9-15-08
EDD 12-2007(Temp), f. & cert. ef. 9-21-07 thru 3-18-08
Reverted to EDD 12-1998, f. & cert. ef. 8-14-98
EDD 10-2005(Temp), f. & cert. ef. 11-4-05 thru 12-21-05
EDD 7-2005(Temp), f. & cert. ef. 10-24-05 thru 12-21-05
Reverted to EDD 12-1998, f. & cert. ef. 8-14-98
EDD 3-2005(Temp), f. & cert. ef. 4-21-05 thru 10-15-05
EDD 12-1998, f. & cert. ef. 8-14-98

123-024-0046
Temporary Methodology for Determining Distressed Areas

The following methodology will be used to determine temporarily distressed areas when economic distress is abundant throughout the state of Oregon.

(1) State Temporary Distressed Test: In a given month, if Oregon's unemployment rate exceeds 8.0%, the County Temporary Distressed Methodology will be used.

(2) County Temporary Distressed Test: In a given month, if Oregon's unemployment rate exceeds 8.0% and if the county's unemployment rate exceeds 8.0%, the county is considered temporarily distressed.

(a) When a temporarily distressed county's unemployment falls below 8.0%, it will remain distressed for 180 days or until the regular distressed communities list is published, whichever is less.

(b) All places and cities within a temporarily distressed county are considered distressed.

(3) Any county that is unable to pass the County Temporary Distressed Test is not considered to be temporarily distressed. All cities or places within a county that is unable to pass the County Temporary Distressed Test may seek temporary distressed status by filing a temporary distressed petition defined in OAR 123-024-0031(3).

(4) Temporary Distressed Petition: Any city or place not considered distressed may submit a formal petition asking for temporary distressed status in accordance with OAR 123-500-0031(3)

(a) Temporary distressed petitions will describe in narrative form local conditions that warrant temporary distressed status.

(b) Local conditions may include, but are not limited to, first-source anecdotal discussions of changes in employment, temporary lay-offs, furloughs, firm closures, firm idlings, reduced

sales revenue, home foreclosure rates, welfare assistance, and unemployment assistance.

(c) The temporary distressed status granted under the petitions will last no longer than 180 days or until the normal distressed communities list is published.

(5) If Oregon fails to pass the State Temporary Distressed Test, the regular distressed communities' methodology will be used in December of the same year. The distressed communities list will be published at this time. All counties, cities, and places will maintain their temporary distressed status until the distressed communities list is published.

Statutory/Other Authority: ORS 285A.075
Statutes/Other Implemented: ORS 285A.020, 285A.075, 285B.062 & 285B.065
History:
OBDD 2-2013, f. 3-29-13, cert. ef. 4-1-13
EDD 24-2009, f. 11-30-09, cert. ef. 12-1-09

Supplemental for the City Council letter dated February 16th 2021.

See: Inflation charts and Grant County having the worst economy in the State.

1. The proposed Recreational Economy for Rural Communities Dated October 2020. - Feb 23rd 2021 Agenda #7b.

The real beginning of this project was when the City of John Day was successful in completing its redaction of floodplain areas opening up additional lands for development in October of 2019.

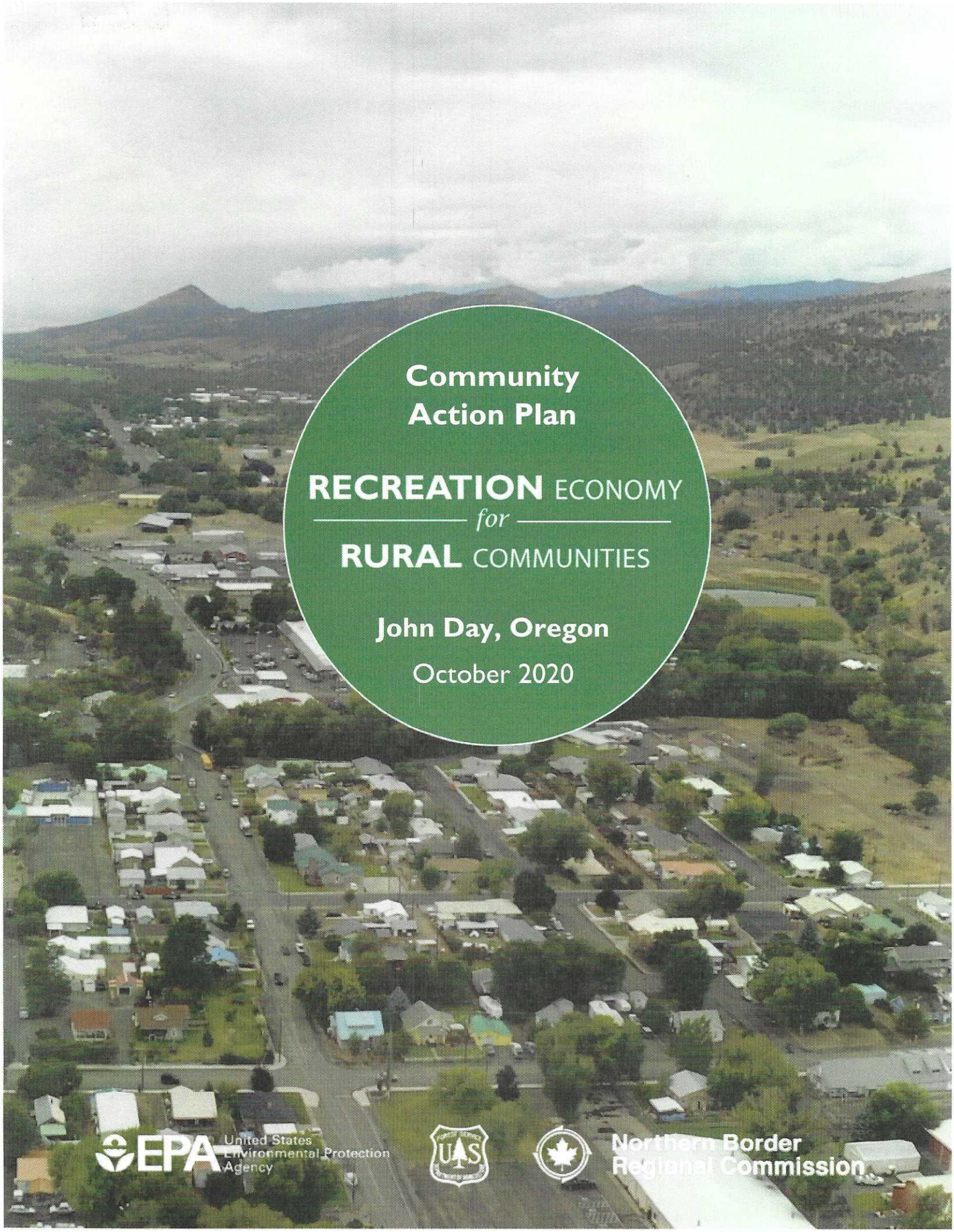
This is also the beginning of a 16 month entanglement between Riverside Home Park and the City of John Day.

This has now become a Citizen of John Day and their friends, families and associates in the surrounding areas issue as well.

The proposed ordinances Public hearing will be held February 23rd 2021.
In parts of these proposed ordinances has the potential in affecting the Citizens and their surrounding friends, family and associates in a profound way.

Grant County is unique in the respect that it has enjoyed significant liberties when compared with the majority of the rest of Counties in Oregon.
The citizens of John Day / Grant Counties culture could be significantly impacted on restricting liberties that have been part of its society for multiple generations.

The liberties that the citizens have prided themselves and enjoyed could be restricted by the further empowerment of the City Manager as well as the continued increase in their imposed financial obligations.



Community Action Plan

RECREATION ECONOMY *for* RURAL COMMUNITIES

John Day, Oregon

October 2020

EPA United States Environmental Protection Agency

Northern Border Regional Commission

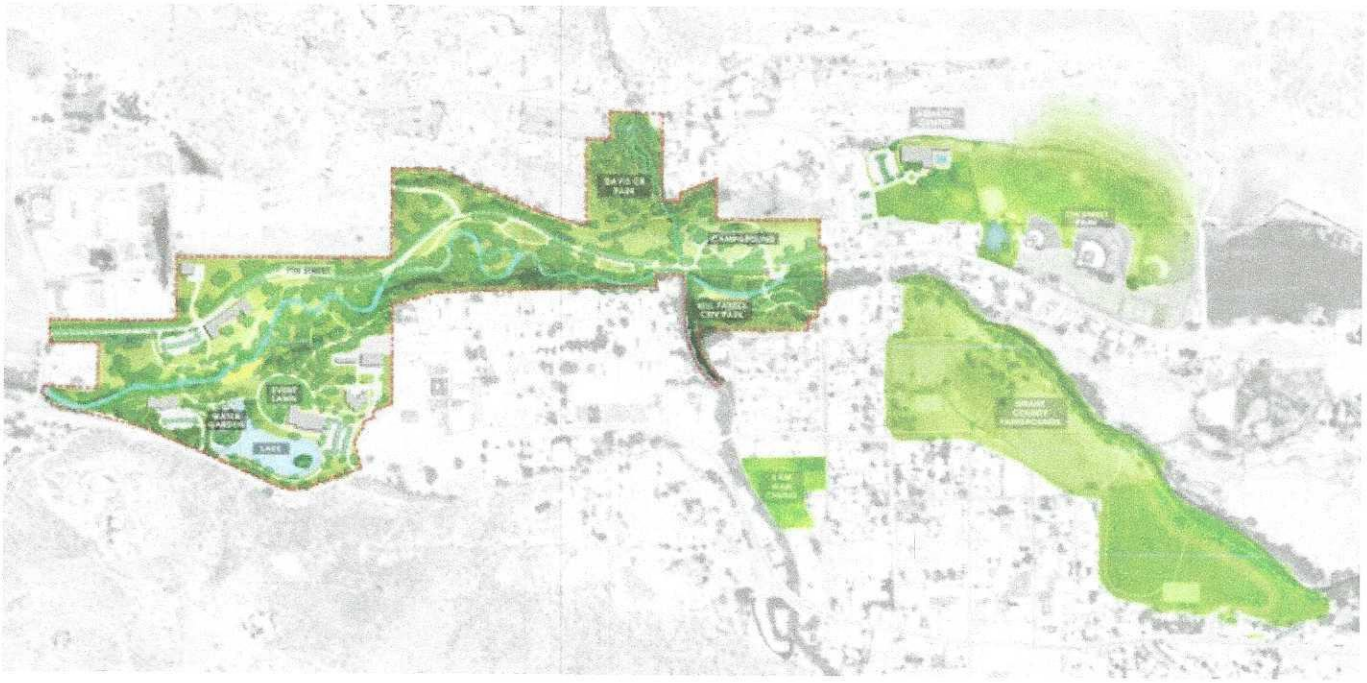


Figure 4 – Proposed integrated park and trail system in John Day.

I BELIEVE **MY COMMUNITY...**

- Is an undiscovered playground
- Is going places!
- Is innovative
- Has an incredible group of leaders
- Has multiple unique outdoor activities
- Is poised for progress and growth
- Is one of Oregon's last frontier communities
- Can be a great basecamp for activities and seeing the region
- Has a unique energy and grit
- Has unlimited potential
- Is providing leadership that Eastern Oregon as a whole can follow
- Is at a pivotal point in history. We can change the economic forecast here through our recreation opportunities.

I BELIEVE **OUTDOOR REC...**

- Is so important for Eastern Oregon tourism (one of the top industries!)
- Is key to quality of life
- Is an essential part of our community.
- Is one of the keys to our economic survival
- Improves everyone's health and creates a healthy community
- Is serene in Grant County
- Should be accessible to everyone
- Is part of our culture
- Brings families together
- Enlightens the mind and revitalizes the soul
- Is sustainable
- Provides a really unique experience in this area.

Figure 5 – Summary results of the This I Believe exercise.

2. EXAMPLE: Feb 23rd 2021 Agenda #5b AMD 20-10 Ordinance NO. 20-187-08

A. Compliance with the Development Code. 1. No structure (or part of a structure) may be used, erected, moved, or altered, no land may be used, altered, or divided, and no other action shall be undertaken unless such action conforms with the regulations and requirements of this Development Code.

F. Administration; Remedies. The City Planning Official and any public safety officer may enforce the provisions of this Development Code. In pursuing enforcement, the City Planning Official may pursue any remedy provided by this Development Code or otherwise available at law or equity including, without limitation, injunctive relief without prejudice to any other remedy available to City. The City Planning Official may enter into voluntary compliance agreements with the violator. The remedies available to City are not exclusive and it is within the discretion of City to seek cumulative remedies for a violation of the Development Code.

Planning Official. The person appointed by the City Manager to administer the City's Development Code and perform land use planning functions. The Planning Official may be a City employee or a contractor. This term includes any qualified designee of the Planning Official.

3. AMD 20–11 Feb 23rd 2021 Agenda #6B.

Item (F1)

1. Floor Plan. The manufactured home shall be multi-sectional and have an enclosed floor area of not less than 1,000 square feet;.

Item (F5)

5. Thermal Envelope. The manufactured home 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 meets "Super Good Cents" energy efficiency standards is deemed to satisfy the exterior thermal envelope certification requirement. Additional manufacturer certification shall not be required;have an exterior thermal envelope meeting performance standards which reduce levels equivalent to the performance standards required of single-family dwellings constructed under the Low-Rise Residential Dwelling Code as defined in ORS 455.010.

Attached request for Minimum 840 sq. ft. Floor Plan

Request to allow the installation of a minimum of 840 sf singlewide trailers into Riverside Home Park.

Historical documents suggest this issue has been addressed in 2005 with the previous manager Peggy Carey and up to 2016 with Nick Green showing evidence of acceptability.

The cost of New singlewide homes have increased significantly, estimated at 20% over the last 12 months $30,000 to $37,000 and the factories are 9 months out from delivery of their orders.

The affordability of a singlewide versus a doublewide is greater when considering the additional transportation costs of a double wide and set-up installation costs of a doublewide. It reduces the target market.

The demographic make-up of the citizens of Grant County is one of the lowest income per capita Counties in the state of Oregon.

The top priority of the City of John Day is to provide housing. Regulating the minimum square footage to 1,000 sf does not promote this endeavor.

The National trend for over a decade has been decreased size of living area per person.

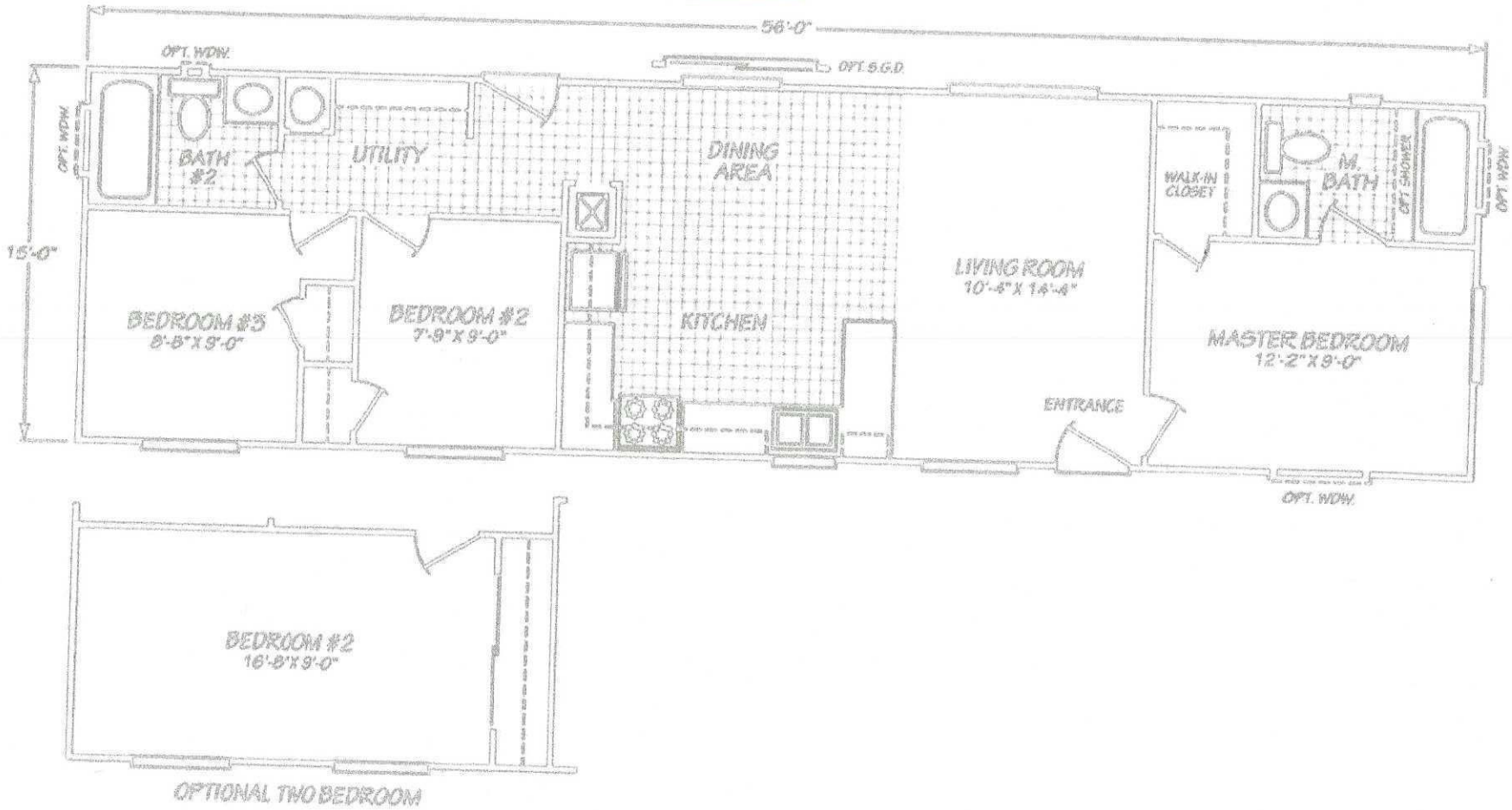
Reduces the number of available vacant lots to improve for Riverside Home Park on some on our smaller lots.

See 840 sf foot print of 3 bd 2 ba. Home.
See Grant County Income per capita chart.

Windstone | 3 Beds · 2 Baths · 840 SqFt

15 X 56 Single Wide | Economy Priced Homes

LEARN MORE



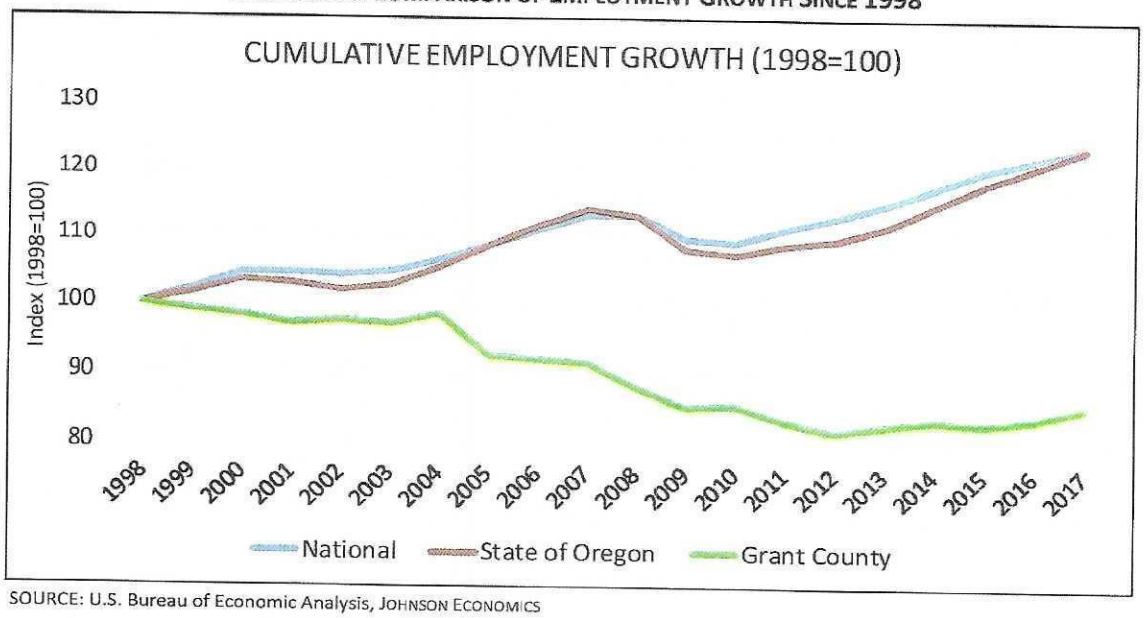
lesser extent and primarily among larger industry leaders. Finally, changes in the use of electronic devices and growth in online services are causing a shift in the tech sector, from hardware manufacturing to software development.

Recent trends and current forecasts reflect a shift from a goods economy, featuring manufacturing and natural resources, towards a service economy, which emphasizes personal care and enrichment, technological innovation, research, and design.

GRANT COUNTY ECONOMIC TRENDS

Grant County has unfortunately been losing employment in recent decades, while the US and Oregon have generally experienced positive job growth outside of recessionary periods. Grant County saw additional job loss after the most recent recession, but levels have stabilized since roughly 2011.

FIGURE 2.06: COMPARISON OF EMPLOYMENT GROWTH SINCE 1998



SOURCE: U.S. Bureau of Economic Analysis, JOHNSON ECONOMICS

Annual growth rates have typically lagged behind the state and have often been negative during this period.

R.H.P. HISTORY OF DISCUSIONS REGARDING THE LEGALITY OF INSTALLING SINGLEWIDE MOBILE HOMES SINCE SEPTEMBER 2006

September 06, 2006 - Riverside Home Park attorney Jack Graham emails to city of John Day attorney Michelle Timko.

Mr. Graham states that he did not believe a change in the Sony affects the rights attached to the property from the time it was originally permitted the owners of the park always retain the rights associated with the original permit process they are Grandfathered even if the city zoning is subsequently modified.

November 10th, 2006 - Riverside Home Park signed non conforming use form sent back to Peggy Carey City of John Day.

September 21st, 2016 - Nick Green to Siegel planning States: Peggy thought that since Riverside Home Park is on private property it can't be regulated by City of John Day development code. The City Code specifically talks to "units" that existed prior to November 24th, 2005 but not to the Park itself.

September 22nd, 2016 - Siegel planning to Nick Green. Peggy the previous City manager discussed the same issue with them over the phone several years ago.

September 25th, 2016 -Scot Siegal of Siegal Planning writes Nick Green and states:
If the code is unclear, **review legislation history from when the City adopted the code.**

September 25th, 2016 - Nick Green emails Chris Fox of Riverside Home Park and states: if there are state laws that trump the City code he was not aware of any but he was new at this.

Throughout my years with Riverside Home Park, I have always continued with the belief that the property was grandfathered to install singlewides until this proposed code change.

See attached documents & 2015 ORS 446.200

Subj: **Fwd: Riverside Mobile Home Park, City of John Day**
Date: 9/8/2006 3:24:49 P.M. Pacific Standard Time
From: jgrahamlaw@earthlink.net
To: estatebldg@aol.com

Chris,
Attached is a copy of my e-mail to the John Day city attorney.
Jack Graham, P.C.
530 Center St. NE, Suite 700
Salem, Oregon 97301
Tel. 503-364-1117
Fax. 503-217-0477
Fax. (Salem) 503-585-1006

Begin forwarded message:

From: Jack Graham <jgrahamlaw@earthlink.net>
Date: September 6, 2006 3:46:33 PM PDT
To: Michelle Timko <mtimko@tds.net>
Subject: **Riverside Mobile Home Park, City of John Day**

Dear Michelle,
I represent owners and realtors involved with the Riverside Mobile Home Park, located at 677 West Main in John Day. They have explained to me that City Manager, Peggy Carey, has advised them that, due to revised zoning, no new single wide manufactured housing will be permitted in the park. I understand there are several vacant spaces in the park which are suitable only for single wides and the park was approved for this use many years ago. The owners would like to proceed with the placement of additional single wides in the park, filling up the vacant spaces.

Under Oregon law, I don't believe a change in zoning affects the rights attached to this property from the time it was originally permitted. In other words, the owners of the park always retain the rights associated with the original permit process. They are grandfathered in even if city zoning is subsequently modified. The City cannot come along years later, and change the permitted uses of the park. Likewise, under ORS 92.040 *et seq.* the park could be converted to a manufactured home subdivision and retain the right to place single wide homes in the park.

I would appreciate your examination of this matter and a call to let me know if you agree with me. My clients would like to proceed with the permit process to place additional single wide manufactured homes in this park asa quickly as possible. We would like to reach agreement on this process quickly and informally rather than taking a more arduous path. Thanks for your attention. Please let me know if you need any other information.
Jack Graham, P.C.
530 Center St. NE, Suite 700
Salem, Oregon 97301
Tel. 503-364-1117
Fax. 503-217-0477
Fax. (Salem) 503-585-1006

=

Estate Builders, Inc.

Investment Real Estate

COPY

November 10, 2006

To: City of John Day
John Day City Manager
Ms. Peggy Carey
450 East Main Street
John Day, OR 97845

From: Estate Builders
Chris Fox
1524 NE 40th Ave
Portland, OR 97203

Dear Peggy,

Enclosed is the Non Conforming Use form signed by Terry Robinson.

Please advise after your review.

Thank you.

Chris Fox,
Property Manager

1524 NE 40th Ave. • Portland, Oregon 97232 • Phone (503) 284-7000 Fax (503) 335-6904

2015 ORS § 446.200[1]
When noncompliance with city or county regulations authorized

(1) Any manufactured structure that meets the requirements prescribed under ORS 446.003 (Definitions for ORS 446.003 to 446.200 and 446.225 to 446.285 and ORS chapters 195, 196, 197, 215 and 227), 446.155 (Sanitation and safety requirements) to 446.200 (When noncompliance with city or county regulations authorized) and 446.225 (Administration and enforcement of federal manufactured housing safety and construction standards) to 446.285 (Advisory board training and education programs):

(a) Is not required to comply with any ordinances of a city or county prescribing requirements for plumbing, heating, illuminating, mechanical, structural, transportation, thermal, fire and life safety, cooking or electrical equipment and material installed in manufactured structures.

(b) Is required to comply with this chapter and the administrative rules adopted thereunder regulating plumbing, heating, illuminating, mechanical, structural, transportation, thermal, fire and life safety, cooking and electrical equipment and material installed in manufactured structures.

(2) A manufactured dwelling that is constructed in conformity with the minimum safety standards provided by ORS 446.185 (Minimum safety standards for equipment, material and installations) and which bears an insignia of compliance is not required to comply with any additional regulations if it is thereafter placed upon a permanent foundation and affixed to real property. [Formerly 446.165; 1989 c.648 §20; 1991 c.226 §6; 1995 c.251 §4]

* * *

(No annotations for this section.)

Related Statutes[3]

- 446.003
  Definitions for ORS 446.003 to 446.200 and 446.225 to 446.285 and ORS chapters 195, 196, 197, 215 and 227
- 446.005
  Issuing authority defined
- 446.066
  Inspection of parks

or parcel of land under common ownership and having as its primary purpose:
(A) The renting of space and related facilities for a charge or fee; or
(B) The provision of space for free in connection with securing the patronage of a person.
(b) Does not mean:
(A) An area designated only for picnicking or overnight camping; or
(B) A manufactured dwelling park or mobile home park. [2005 c.619 §11]

Note: 197.492 and 197.493 were enacted into law by the Legislative Assembly but were not added to or made a part of ORS chapter 197 or any series therein by legislative action. See Preface to Oregon Revised Statutes for further explanation.

197.493 Placement and occupancy of recreational vehicle. (1) A state agency or local government may not prohibit the placement or occupancy of a recreational vehicle, or impose any limit on the length of occupancy of a recreational vehicle, solely on the grounds that the occupancy is in a recreational vehicle, if the recreational vehicle is:
(a) Located in a manufactured dwelling park, mobile home park or recreational vehicle park;
(b) Occupied as a residential dwelling; and
(c) Lawfully connected to water and electrical supply systems and a sewage disposal system.
(2) Subsection (1) of this section does not limit the authority of a state agency or local government to impose other special conditions on the placement or occupancy of a recreational vehicle. [2005 c.619 §12]

Note: See note under 197.492

4. AMD 21-02 Feb 23rd 2021 Agenda #8b.

Proposed rule change in
SHORTNING THE NOTICE TIMELINE FROM 45 DAYS TO 35 DAYS TO CHANGE ZONING OR ORDINANCES ADDITIONS / CHANGES

The amount of paperwork generated by the City of John Day with specific and complex language and their proposed tightening the opportunity for Citizens response is another example of additional empowerment as well as disconnect with its Citizens.

The John Day City Council January 27th , 2021 meeting agreed to cancel the 2nd city council meeting in February 23rd 2021. Sometime after that meeting a change in plans occurred and this previously canceled meeting is now set up for a Public Hearing on the issues detailed in this cover letter. An example of one party pivoting.

The request to decrease the notices to the public by 10 days from 45 days to 35 days, the decreased work week at City Hall from 5 days to 4 days the new glass walls installed in City Halls reception area are all examples of City Hall's decreased accessibility.

Over the past 14 months the existing procedures by the City Manager in either providing notice and or the correct reports in a timely manner has been irregular. Riverside Home Park has spent countless time, money and energy in trying to determine specifically what is the City of John Days objective?

City council holds additional committee meetings for Public input on proposed new marijuana ordinances and airport land rezoning but have not provided any committee meetings regarding the items listed in the cover letter which will affect the public immediately as of March 23rd 2021 if approved by the City Council.

Local governments may be bound to hold at least one public hearing and often times several according to the attached document describing Customary Government Business Practices.

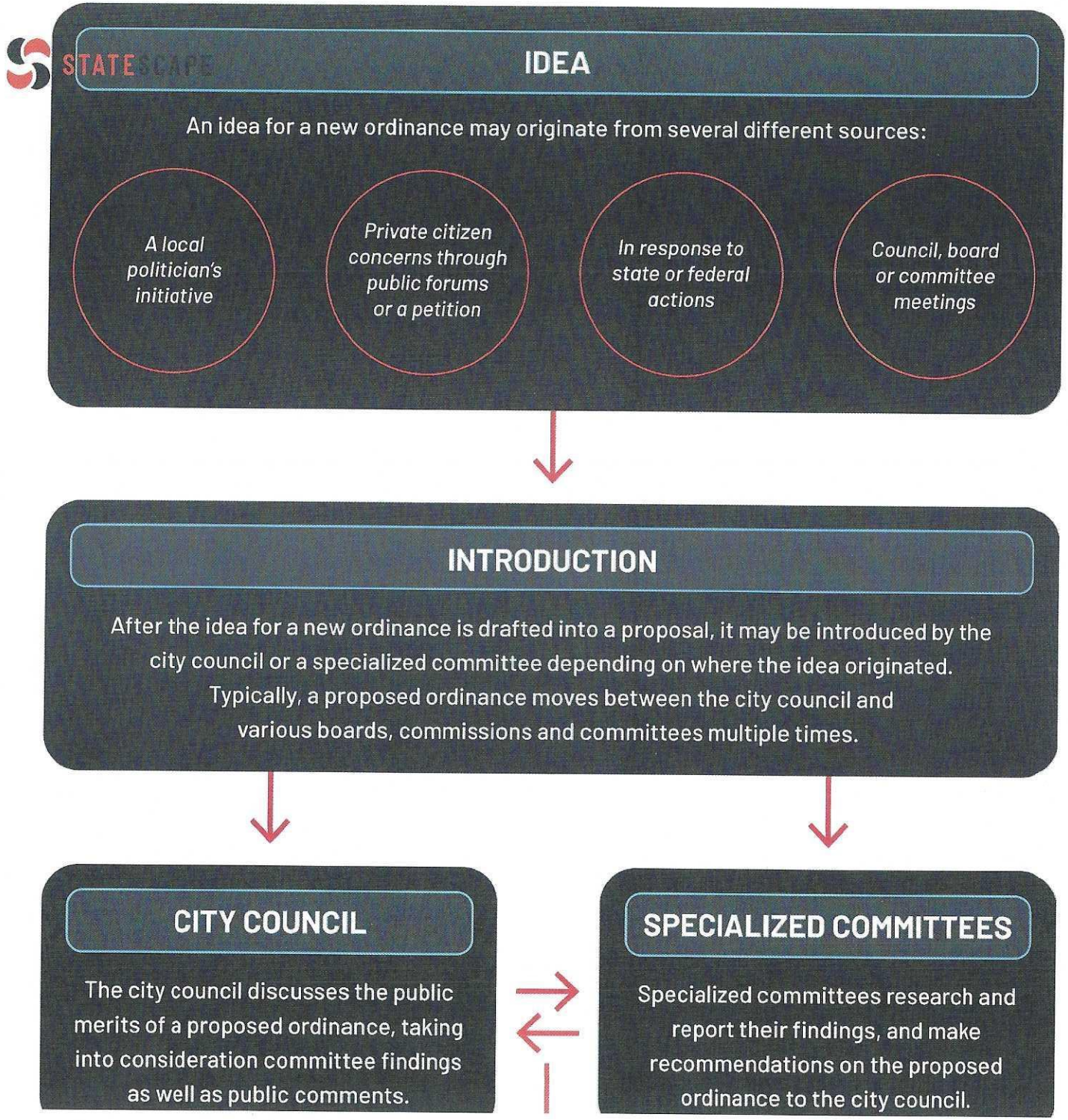
STATESCAPE

ORDINANCE PROCESS

A condensed look at the ordinance process.

What is an ordinance?

An ordinance is the name typically used for a law passed by a local political subdivision, such as a city, county, village, or town. Ordinances may address a wide variety of local issues, from local government structure to speed limits and sign sizes. The process for passing an ordinance is determined by the laws of each individual state, though there are many similarities between states. The diagram below portrays how the ordinance process generally works.


STATESCAPE
IDEA
An idea for a new ordinance may originate from several different sources:
A local politician's initiative
Private citizen concerns through public forums or a petition
In response to state or federal actions
Council, board or committee meetings
INTRODUCTION
After the idea for a new ordinance is drafted into a proposal, it may be introduced by the city council or a specialized committee depending on where the idea originated. Typically, a proposed ordinance moves between the city council and various boards, commissions and committees multiple times.
CITY COUNCIL
The city council discusses the public merits of a proposed ordinance, taking into consideration committee findings as well as public comments.
SPECIALIZED COMMITTEES
Specialized committees research and report their findings, and make recommendations on the proposed ordinance to the city council.

STATESCAPE

READINGS & PUBLIC HEARINGS

A proposed ordinance is usually read each time it goes before the city council. In addition, local governments may be bound to hold at least one public hearing, and oftentimes several. This is to give the public a formal opportunity to comment on the proposed ordinance.

VOTING & ENACTMENT

After public hearings and final discussions, the city council votes on the proposed ordinance. In some localities, the ordinance must then be approved by the mayor. After final approval, the ordinance is officially adopted, and takes effect based on the process of the specific locality.

How we can help.

Let StateScape be your eyes and ears when tracking the ordinances that matter most to your organization with our cutting-edge LocalTrack service.

5. Riverside Home Parks request for a 10% decrease in its total monthly water and sewer bills.

Riverside Home Park pays more for water than any potentially any other entity in the entire City of John Day.

Given the gross volume of both water and sewer charges I request a 10% reduction in the total cost of the combined water and sewer bills on the two city meters at Riverside Home Park for the following

1. Administration costs.
2. Maintenance on all services.
3. Credit loss.
4. Lack of legal authority to enforce payment.

Riverside Home Park has not had a space rent increase for over 3 1/2 years. The lost potential rent raise money that could have been received by the Riverside Home Park investment group could have been used to upgrade the Park.

IN CONCLUSION to
Supplemental City Council letter dated February 16th 2021

Riverside Home Park has succeeded in several areas with examples as follows;

Good rapport with Grant County Assessor's Office, Good rapport with local vendors.

Increased housing for the community, Improved relationships with residents, Decreased resident conflicts, Decrease police action at property, Decreased Justice of the Peace involvement, Decreased occurrence of several different types of nuisance violations.

Riverside Home Park still has concerns with as follows;

Goal post's changing with the City of John Day's objectives about every other month for the past 16 months involving lack of professional courtesy, juggling of dates, times, procedure and legal language.

Disinformation used with unknown motives either targeted at Riverside Home Park or the Community at large and recent projects that have failed financially.

The potential for new proposed ordinances to become effective that allow a substantial amount of empowerment to the City Hall and could be another way to generate additional income and or used as a weapon.

Derogatory publishing and Riverside Home Park being forced to seek legal counsel for the past 14 months.

The current inability to raise space rents of $230 a month from 47 months ago. The lowest in the state of Oregon when compared with the amenities provided.

Riverside Home Park Bundled Items which as of February 23rd, 2021 could and does impact its operation as follows;

Water and Sewer rate increases with no allowance provided Riverside Home Park for Administration, Maintenance, Credit Loss and lack of Legal Authority to shut water services off for non-payment.

The threat of banning the installation of singlewides into the remaining vacant spaces in Riverside Home Park.

Nuisance and Thermal Envelope code enforcement further empowering City Hall.

Continued Legal Bills.