



450 E. Main Street  
John Day, OR 97845  
[www.cityofjohnday.com](http://www.cityofjohnday.com)  
Tel: (541) 575-0028  
Fax: (541) 575-3668

**STAFF REPORT AMD-20-09**

**Date Submitted:** July 31, 2020  
**Agenda Date Requested:** September 1, 2020  
**To:** John Day Planning Commission  
**From:** Daisy Goebel, City of John Day  
Associate Planner  
**Subject:** Ordinance No. 20-188-09, An Ordinance Amending the John Day Development Code to Revise Code Language Related to Manufactured Homes and Manufactured/Mobile Dwelling Parks (Type IV Procedure)  
**Location:** Citywide

**Type of Action Requested**

Resolution                       Ordinance  
 Formal Action                       Report Only

**1. BACKGROUND**

The City of John Day is proposing an amendment to the City of John Day Development Code to revise the language used to describe manufactured dwellings and mobile home parks and clarify the required review processes for establishing or altering mobile home parks; it will also incorporate standards for open space, lighting, and street surfacing in new mobile home developments and revises the code to include reference to state requirements. The primary purposes of this amendment are to clarify the code language, establish consistency with state and federal codes, and to incorporate requirements that future developers provide basic standard-of-living amenities for residents. All code revisions are equally restrictive to state ORS requirements or otherwise within the limits of ORS provisions for manufactured dwelling regulations.

**2. APPLICABLE CRITERIA**

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

**3. PLANNING COMMISSION CONSIDERATIONS**

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

**4. STAFF RECOMMENDATION**

Staff recommends that the Planning Commission make a recommendation to the City Council to **adopt Ordinance 20-188-09 as presented** along with the findings in this report, subject to applicable comments submitted to the Planning Commission as part of the public hearing.

**5. PUBLIC NOTIFICATION**

The City of John Day mailed public notice to all affected property owners on July 31<sup>st</sup> and published notice in the Blue Mountain Eagle on August 12<sup>th</sup> and 19<sup>th</sup> as required by the Development Code.

Public comments received: **None**

**6. ADOPTION PROCEDURE AND FINDINGS**

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

\*\*\*

***Decision-Making Criteria. The recommendation by the Planning Commission 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 service commercial, 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."

This ordinance includes four additional requirements for new manufactured home development that directly provide for a higher level of quality living for occupants. The standards this ordinance adds are: to require maintenance of paved streets with minimum width and drainage requirements; to require provision of adequate water, power, and sewage facilities; to maintain lighting, landscaping, walkways, and play areas at appropriate levels, and; to require play areas for children within the park.

**7. PLANNING COMMISSION MOTION**

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

"I move to recommend City Council approve AMD-20-09 based on the findings contained in the staff report [with conditions, if any]."

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

**RECOMMENDED TO THE CITY COUNCIL** by the John Day Planning Commission this 1<sup>st</sup> day of September, 2020.

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

ORDERED:

---

Ken Boethin, Chair

ATTEST:

---

Nicholas Green, City Manager

EXHIBIT A

CITY OF JOHN DAY  
ORDINANCE NO. 20-188-09

AN ORDINANCE AMENDING THE JOHN DAY DEVELOPMENT CODE TO REVISE  
CODE LANGUAGE RELATED TO MANUFACTURED HOMES AND  
MANUFACTURED/MOBILE DWELLING PARKS

Added language in double underline

Deleted language in ~~strikethrough~~

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

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

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

<b>Table 5-2.2.020 Land Uses Allowed in Commercial Districts (D, GC)</b>			
<b>Uses</b>	<b>Status of Use in District</b>		
<b>Use Categories</b> (Examples of uses are in Chapter 5-1.4; definitions are in Chapter 5-6.1)	<b>Downtown (D)</b>	<b>General Commercial (GC)</b>	[Reserve]
<b>Residential Categories</b>			
<b>Household Living</b>			
All Residential Uses and Structures (Household Living			

and Group Living) <a href="#">except Manufactured Dwelling/Mobile Home Parks, per ORS 446.105</a> , allowed if:			
- Lawfully existing as of November 24, 2005*	P	P	

**Table 5-2.4.020 Land Uses Allowed in Industrial Districts (GI, LI, AIP)**

Uses	Status of Use in District		
Use Categories (Examples of uses are in Chapter 5-1.4; definitions are in Chapter 5-6.1)	General Industrial (GI)	Light Industrial (LI)	Airport Industrial Park (AIP)
<b>Residential Categories</b>			
<b>Household Living</b>			
All Residential Uses and Structures (Household Living and Group Living) <a href="#">except Manufactured Dwelling/Mobile Home Parks, per ORS 446.105</a> , allowed if:			
- Lawfully existing as of November 24, 2005*	P	P	N

...

**[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** [Dwellings](#)

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

...

~~**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 single-family residential dwellings, except they are not allowed in areas designated by the comprehensive plan or this code as a historic district or on residentially zoned land immediately adjacent to a designated historic landmark. All manufactured dwellings proposed to be sited on individual lots within the City including lots within a manufactured dwelling subdivision must first receive approval under a Type I Land Use Review procedure. In addition to the standards of the zone, manufactured dwellings on individual lots must meet the following standards:

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 commonly used on surrounding dwellings as determined by the Planning Official, 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 dwelling has a garage or carport, attached or detached, the garage or carport shall be constructed of materials like those used on the dwelling;
5. Thermal Envelope. The manufactured ~~home dwelling~~ shall be certified by the manufacturer to 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. 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;

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 ~~12~~ 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 ~~12~~ 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 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 to ensure compliance with State’s Manufacture Dwelling Specialty Code and other applicable safety standards. 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. The owner or operator of a mobile home or manufactured dwelling park shall:
  - a. Comply with all applicable State of Oregon standards for manufactured home parks including, without limitation, those set forth in ORS 446.095 to 446.105, and implementing State administrative rules.
  - b. Construct and maintain paved park streets with adequate storm drainage facilities as approved by the City of John Day at least 20 feet in width, unobstructed and open to traffic within the mobile home or manufactured dwelling park. If the owner or operator permits parking of motor vehicles on the park streets, the owner or operator shall construct and maintain the park streets at least 30 feet in width. The first 50 feet of a park's access way measured from the public street approach 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 or the Oregon Department of Transportation, as applicable.
  - c. Obtain a street opening or highway approach permit from the City of John Day or the Oregon Department of Transportation as applicable prior to developing or altering any street or highway approach.
  - d. Provide to each tenant water and electric power and sewage facilities, subject to review and approval by the City of John and other applicable service providers. All plumbing shall be installed in compliance with ORS 447.010 (Definitions for ORS 447.010 to 447.156 and 447.992) to 447.156 (Sale of uncertified plumbing products prohibited) and 447.992 (Civil penalties) and the rules of the Department of Consumer and Business Services adopted thereunder.
  - e. Provide a separate general play area restricted to that use, if the mobile home or manufactured dwelling park accommodates children who are under 14 years of age. No separate play area shall be less than 2,500 square feet in area. At least 100 square feet of play area shall be provided for each manufactured dwelling occupied by children.
  - f. Construct and maintain lighting at levels appropriate for pedestrian safety throughout the park. Lighting shall be directed downward only and shielded to prevent direct light and glare into dwellings or light trespass onto adjacent properties or rights-of-way.
  - g. Construct and maintain all driveways, walkways, drainage, lighting, landscaping, play areas, and other facilities and improvements in accordance with the Oregon Administrative Rules for Manufacture Home Parks and all applicable City of John Day codes and standards.
- ~~3. 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(e).~~
- ~~4. 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.~~

- ~~5. 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 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.~~
6. 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. 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)*]
8. 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.

...

#### 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.](#)

...

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

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

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

...

**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.).

...

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

...

**Residential Structure Types**

...

**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