



AGENDA & Notice of Planning Commission Work Session Meeting

The Planning Commission of the City of Newport will hold a work session meeting at **6:00 p.m., Monday, June 24, 2013**, at the Newport City Hall, Conference Room "A", 169 SW Coast Hwy., Newport, OR 97365. A copy of the meeting agenda follows.

The meeting location is accessible to persons with disabilities. A request for an interpreter for the hearing impaired, or for other accommodations for persons with disabilities, should be made at least 48 hours in advance of the meeting to Peggy Hawker, City Recorder, 541-574-0613.

The City of Newport Planning Commission reserves the right to add or delete items as needed, change the order of the agenda, and discuss any other business deemed necessary at the time of the work session.

NEWPORT PLANNING COMMISSION Monday, June 24, 2013, 6:00 P.M.

AGENDA

A. New Business.

1. Draft Presentation on System Development Charges (SDCs).

B. Unfinished Business.

1. Additional information regarding park models.

C. Adjournment.



Notice of Cancellation of Planning Commission Meeting

Due to lack of agenda items, the City of Newport Planning Commission meeting typically scheduled for **7:00 p.m. WILL NOT BE HELD** on **Monday, June 24, 2013**. There will be a 6:00 p.m. work session, however.

System Development Charges

OVERVIEW OF CITY OF NEWPORT PROGRAM
PLANNING COMMISSION WORK SESSION
JUNE 24, 2013

PURPOSE

“To impose a portion of the cost of capital improvements for water, wastewater, storm drainage, transportation, and parks on developments and redevelopments that create the need for or increase the demands on capital improvements .”

NMC 12.15.005

DEFINITION: SYSTEM DEVELOPMENT CHARGE (SDC)

“A reimbursement fee, an improvement fee, or a combination thereof assessed or collected at the time of increased usage of a capital improvement or issuance of a development permit, building permit or connection to the capital improvement.”

ORS 223.299(4)

DEFINITION: CAPITAL IMPROVEMENT

“Means public facilities or assets used for:

- *Wastewater collection, transmission, treatment and disposal, or any combination.*
- *Water supply, treatment, distribution, storage, metering, fire protection, or any combination thereof.*
- *Drainage and flood control.*
- *Transportation facilities including vehicle and pedestrian.*
- *Parks and recreation.*

Capital Improvement does not include costs for the operation of routine maintenance of such facilities.

ORS 223.299(1)

IMPROVEMENT VS. REIMBURSEMENT FEE

Improvement Fee: A fee for the cost of capital improvements to be constructed.

Reimbursement Fee: A fee for costs associated with capital improvements already constructed, or under construction when the fee is established, for which the local government determines that capacity exists.

HISTORY OF SDC ASSESSMENTS

1981 to 2008: Fixture based assessment for water and sewer impacts, off-street parking demand based assessment for streets, dwelling unit based assessment for parks. No SDCs collected for storm drainage.

2008 to current: Equivalent Dwelling Unit (EDU) based assessment for water, sewer, parks and streets. Storm drainage assessment based upon new impervious surface being added to a parcel or lot.

METHODOLOGY REQUIRED

State law requires that a methodology be prepared in order to establish System Development Charges. The methodology must include:

- Capital improvement plan.
- Growth projections.
- Evidence that system capacity needs to be improved to meet service needs of future users.
- Projected costs of improvements that increase system capacity.
- Portion of those costs attributed to future demand.

ORS 223.304

DETERMINING THE AMOUNT OF A SYSTEM DEVELOPMENT CHARGE FEE

SDC Eligible Costs
for CIP Projects

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SDC Fee
per EDU

Projected Growth in
Equivalent Dwelling
Units (EDU's)

EXAMPLE

Table 8.4.1 - SDC Eligibility for Water System CIP Projects

Project No.	Project Description	Adjusted Cost Estimate (current)	Reimbursement SDC Eligible (Y/N)	Improvement SDC Eligible (Y/N)	% SDC Eligible	SDC Eligible Cost
T1	Big Creek Water Treatment Plant Improvements	17,083,068.96	N	N	0.00%	\$0.00
T3	Upper Lake Siphon Intake	\$703,000.00	N	N	23.50%	\$165,205.00
T4	Raw Water Transmission Pipe, Dam to Plant (rolled into Project T1)	\$0.00	N	N	0.00%	\$0.00
S1	Agate Beach Lower Storage Tank - 1.0 MG GFS	\$2,200,000.00	N	N	75.00%	\$1,650,000.00
D1	Highway 101 SE 42th to 50th Waterline, Hwy Bore Crossing	\$600,000.00	N	N	100.00%	\$600,000.00
T2	Siletz River Pump Station - Pump Replacement	\$642,060.00	N	Y	43.00%	\$276,085.80
D2	12" Redundant Bay Crossing, East Option	\$2,333,560.00	N	Y	25.00%	\$583,390.00
D3	Highway 101 NE 36th to NE 40th Waterline	\$228,780.00	N	Y	50.00%	\$114,390.00
D5	NE 40th and Golf Course Drive Water Line Replacement	\$389,670.00	N	Y	25.00%	\$97,417.50
D6	NE Crestview Pl to 27th St Waterline Loop	\$132,840.00	N	N	0.00%	\$0.00
D7	NE Avery Street Loop Closure	\$112,770.40	N	N	0.00%	\$0.00
D8	NW 19th (Nye St to 101) and Nye St (18th to 20th) Waterline	\$153,510.00	N	N	0.00%	\$0.00
D9	Oceanview (12th to 14th) Waterline Replacement, Loop 13th to 12th	\$196,160.40	N	N	0.00%	\$0.00
D11	SW Coho St (27th to 29th) Waterline Replacement	\$106,270.00	N	N	0.00%	\$0.00
D12	Idaho Point Waterline Replacement and Looping	\$574,314.60	N	Y	25.00%	\$143,578.65
P1	Candletree Pump Station Rehabilitation	\$206,640.00	N	N	0.00%	\$0.00
P2	Lakewood Pump Station Rehabilitation	\$187,450.00	N	N	0.00%	\$0.00
D15	NE 5th St, Benton to eads	\$107,600.40	N	N	0.00%	\$0.00
D13	East Newport Waterline Extensions	\$2,096,510.40	N	Y	100.00%	\$2,096,510.40
D4	Hwy 101 NE 40th to Circle Way Waterline Replacement	\$509,220.00	N	Y	50.00%	\$254,610.00
S2	Agate Beach Upper Storage Tank - 1.0 MG GFS	\$1,740,465.60	N	Y	50.00%	\$870,232.80
S3	City Shops Tank Replacement - 1.0 MG GFS	\$1,657,090.00	N	N	0.00%	\$414,272.50
S4	King Ridge Storage Tank - 1.0 MG GFS	\$2,533,740.00	N	Y	100.00%	\$2,533,740.00
D14	Water Meter Replacement - Conversion to Touch Read Meters	\$1,461,240.00	N	Y	25.00%	\$365,310.00
					Subtotal	\$10,164,744.65
Completed Projects						
S4	Siletz River Water Intake	complete	N			\$0.00
15	Siletz River Raw Waterline	complete	N			\$0.00
16	South Beach 1 MG Reservoir	complete	N			\$0.00
17	Yaquina Heights 1 MG Reservoir	complete	N			\$0.00
18	Yaquina Heights 4th Level Pump Station Upgrade	complete	Y			\$25,000.00
19	East Newport Water Project	complete	Y			\$161,040.00
20	12-inch HDPE - SW 35th & Hwy 101 to Southshore (8" to 12")	complete	Y			\$150,000.00
					Subtotal	\$336,040.00
	Totals	\$35,955,984.76				\$10,500,784.65
*Total Growth EDUs: 4,700			Max Reimbursement SDC (\$336,040.00 / 4700):			\$71.50
			Max Improvement SDC (\$10,164,744.65 / 4700):			\$2,162.71
* Growth in EDUs reflects 20yr Planning Horizon						
Figure taken from 2008 Water System Master Plan					Water SDC Fee (per EDU):	\$2.234

DETERMINING ELIGIBILITY OF CAPITAL PROJECTS FOR SDC ASSESSMENTS

Only that portion of a planned capital improvement that is needed for future capacity is eligible for expenditure of SDC fees.

Existing Production:	12,937 EDU's x 46,246 gal/EDU/yr ÷ 365 = 1,639,136 gpd
Average Daily Demand (ADD):	1.64 MGD
Maximum Daily Demand (MDD) Multiplier:	3.5
Therefore, the MDD is:	1.64 MGD x 3.5 = 5.74 MGD
(This figure was confirmed to be in line with plant records)	
Projected Demand:	
Projected Production:	15,785 EDU's x 46,246 gal/EDU/yr ÷ 365 = 1,999,981 gpd
Therefore, the ADD is:	2.0 MGD
Assumed MDD Multiplier:	3.5
Therefore, the MDD is:	7.0 MGD
Ratio of Existing vs. Projected Demand:	5.74 MGD/7.0 MGD = 0.82
Therefore:	Approx. 82% of the new plant is replacing existing capacity. Approx. 18% of the new plant is to satisfy growth needs.

Note: Plant was ultimately funded with GO Bonds and is not listed as SDC eligible. Could be added back as reimbursement

WHAT TRIGGERS AN SDC ASSESSMENT

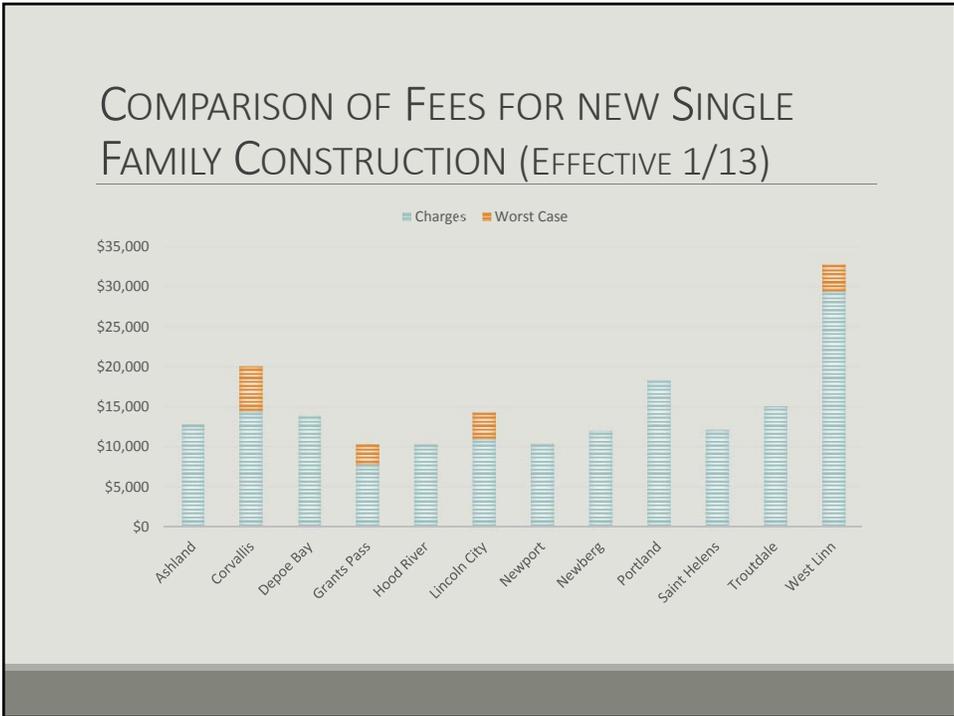
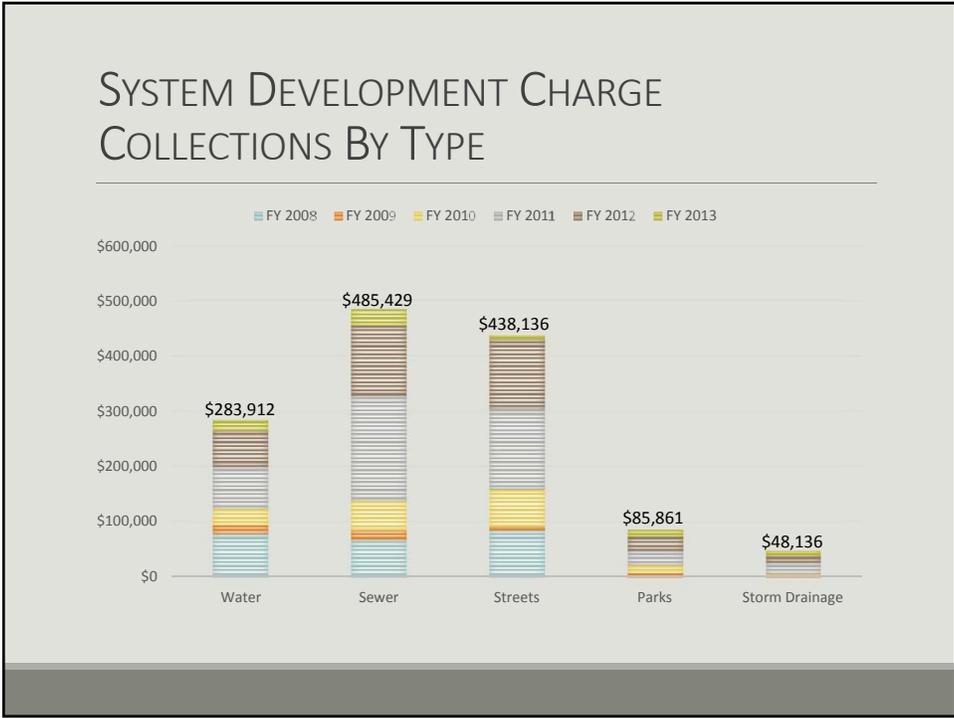
New construction or the alteration, expansion or replacement of a building or development that results in a change to the City's adopted SDC formula (e.g. adds square footage) or increases usage of the City's public improvement system.

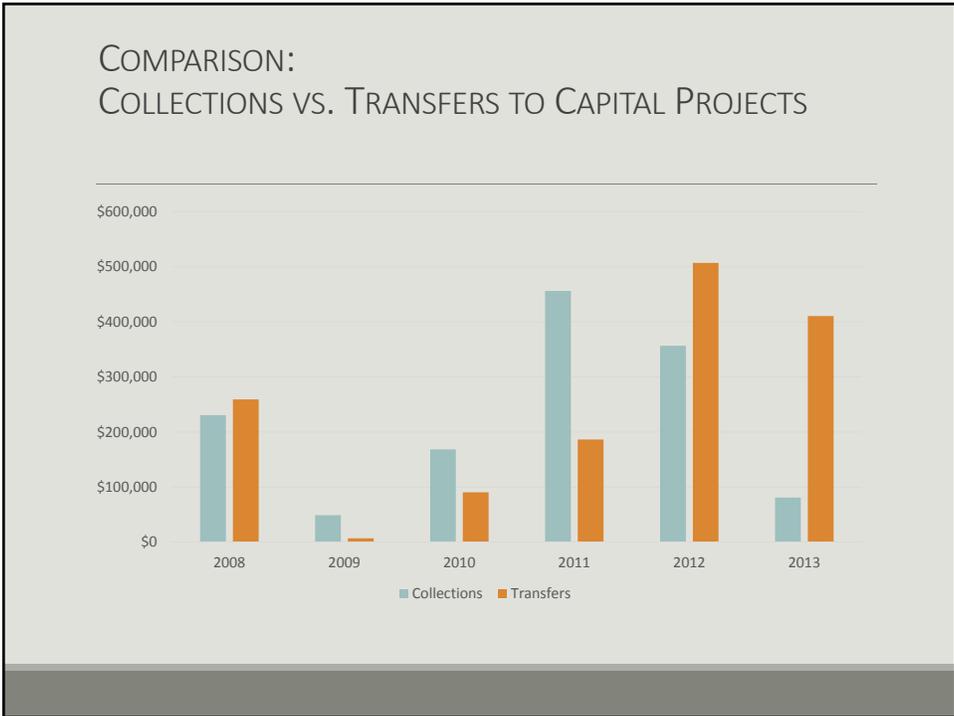
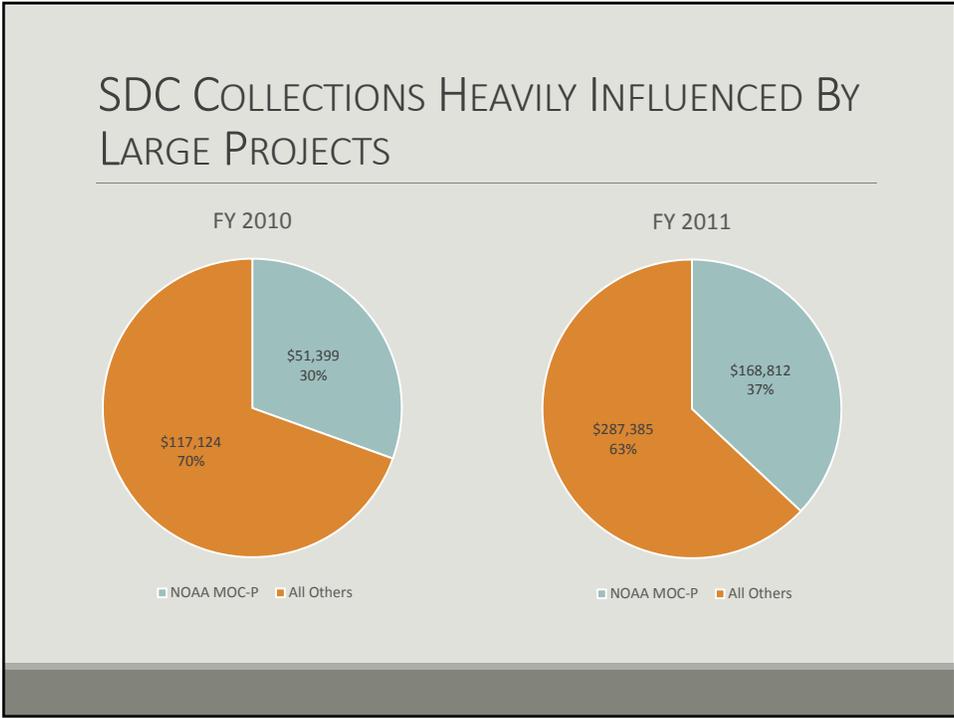
Payable upon:

- Issuance of a building permit or any construction activity for which a building permit is required but not obtained.
- Issuance of a development permit that does not otherwise require a building permit.
- Issuance of permits to connect to water or sewer systems.

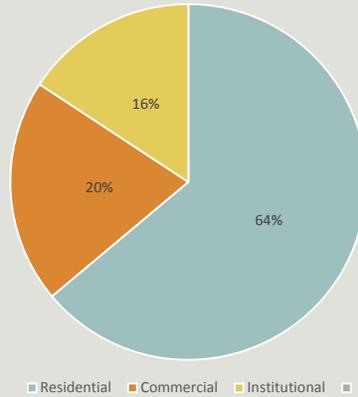
SYSTEM DEVELOPMENT CHARGE COLLECTIONS BY YEAR



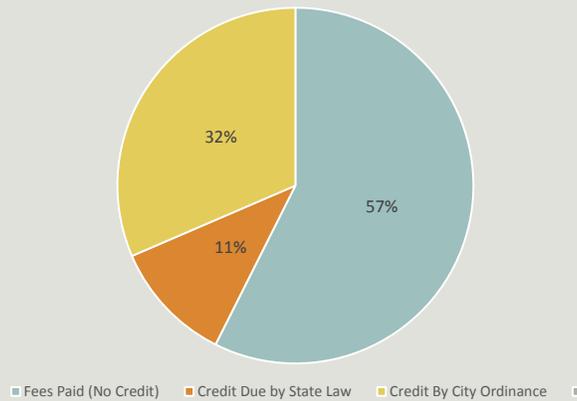


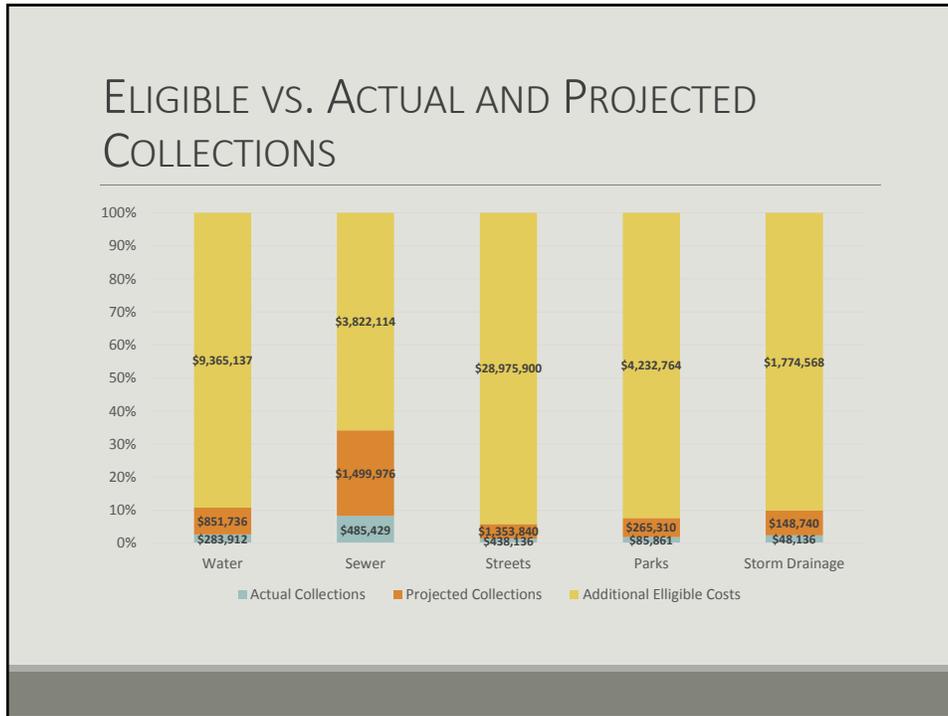


PERCENTAGE COLLECTED BY CONSTRUCTION TYPE



PERCENTAGE OF SDC ELIGIBLE PROJECTS RECEIVING CREDITS





AMENDING SDC FEES

- Adjustments to account for indexed changes in annual construction costs may be accomplished by Council resolution without notice or a hearing.
- Changes to the methodology or the addition of a project to a Capital Improvement Plan that results in an increase to a SDC fee requires a public hearing with at least 30 day notice to individuals who have requested written notice. Additional notice is required in certain circumstances.

ORS 223.304 & 223.309

AUTHORIZED EXPENDITURES

- Reimbursement fees may only be spent on capital improvements associated with the systems for which the fees are assessed.
- Improvement fees may only be spent on capital improvements that add capacity to the system (i.e. are SDC eligible) and must be funded out of accounts into which like type fees were collected.
- Any capital improvement receiving SDC funding must be included in the Capital Improvement Plan and list of SDC eligible projects.
- Fees may be expended on updates to Capital Improvement Plans, annual accounting, and related activities necessary to comply with SDC statutes.

SDC CREDITS

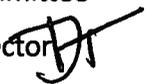
- Developer financed qualified public improvements. Only type of credit required by state law.
- Prior System Development Charge payments.
- Existing uses or development on a property.
- Prior use or development on a property within the last 30 years.

NMC 12.15.065

RECOMMENDATIONS

- Consider revising credits to ensure that they are not eliminating SDC payments for projects that are impacting the capital system
- Review CIP lists to confirm that projects listed are in-fact needed for the 20 year planning period. Add or delete as needed.
- Evaluate whether or not the methodology and ordinance are adequate to ensure SDC's are collected on eligible development.
- Analyze growth projections to ensure that they are reasonably accurate.

Memorandum

To: Newport Planning Commission/Advisory Committee
From: Derrick Tokos, Community Development Director 
Date: June 21, 2013
Re: Zoning Ordinance Revisions to facilitate placement of Park Model Units

Enclosed are proposed changes to Chapter 14.6 of the Newport Municipal Code which contains the City's requirements for manufactured dwellings and recreational vehicles. You may recall that the City overhauled this code section in 2010 (Ord. #2008) to bring it into compliance with state law. That effort pre-dated the housing study, which was completed a year later.

The attached revisions eliminate the minimum acreage and lot size standards for manufactured dwelling parks in favor of density limits and common open space requirements. Public testimony was provided in 2010 that the minimum lot size standard served to effectively prevent park models because it wasn't cost effective to provide that much land area for such small units.

Amendments also clarify that recreational vehicles can be used as a place of habitation within manufactured dwelling and recreational vehicle parks. This is consistent with ORS 197.485. They would not be permitted outside of these types of parks, except for storage purposes.

At the work session, I am hoping to get your feedback as to whether or not these changes are sufficient to address Implementation Measure 8.2 of the housing study. Park model units are already covered under the City's definition of a recreational vehicle, and since that definition comports with statute I would be reticent to revise it. If you believe that park model units should be an option on individual lots, then I can put together criteria akin to what the city requires for manufactured dwellings under 14.06.020. Otherwise, I am not sure what the value would be in developing criteria or a set of pre-approved plans if the units will be limited to parks.

Attachments

Markup Copy of NMC Chapter 14.6
Implementation Measure 8.2, Newport Comprehensive Plan
ORS 197.475 et. seq.
Chapter 33.251 of the Portland Zoning Code

Chapter 14.6. MANUFACTURED DWELLINGS AND RECREATIONAL VEHICLES.*

14.06.010 Purpose. The purpose of this section is to provide criteria for the placement of manufactured dwellings and recreational vehicles within the City of Newport. It is also the purpose of this section to provide for dwelling units other than site-built structures.

14.06.020 Manufactured Dwellings on Individual Lots.

A. In addition to the uses permitted in the underlying zone, a single manufactured dwelling may be placed on an individual lot or parcel in any residential district where single-family residences are allowed subject to the following provisions:

- (1) Conform to the definition of a manufactured dwelling in Section 2-1-1 of this Ordinance.
- (2) Have the wheels and tongue or hitch removed.
- (3) Be placed on an excavated and backfilled foundation and enclosed at the perimeter such that the manufactured home is located not more than 12 inches above grade.
- (4) Have a pitched roof of at least two and one half feet for each 12 feet in width and be provided with gutters and down-spouts consistent with the standards contained in the current State of Oregon amended Council of American Building Officials.
- (5) Have exterior siding and roofing which, in color, material, and appearance, is similar to the exterior siding and roofing material commonly used on residential dwellings within the community or which is comparable to the predominant materials used on adjacent dwellings as determined by the Building Official.
- (6) Have a garage or carport constructed of like materials if an adjacent lot or parcel is developed with a dwelling that has a garage or carport.
- (7) Be multisectional and enclose a space of not less than 1,000 square feet as determined by measurement of exterior dimensions of the unit. Space within accessory structures, extensions, or additions shall not be included in calculating space.
- (8) Be connected to the public water system and an approved sewage disposal system.
- (9) Be certified by the manufacturer to have an exterior thermal envelope meeting performance standards which reduce heat loss to levels equivalent to the performance standards required of single-family dwellings constructed under the state building code as defined in ORS 455.010.

B. A manufactured dwelling constructed in accordance with current Federal Manufactured Home Construction and Safety Standards that does not meet criteria

listed in subsection (A), may be approved by the Planning Commission as a Conditional Use pursuant to Section 2-5-3 of this Ordinance. Requests of this nature shall be reviewed under a Type III decision making process consistent with Section 2-6-1, Procedural Requirements.

14.06.030 Manufactured Dwelling Park Standards. Manufactured dwelling parks may only be allowed in the R-2, R-3, and R-4 zoning districts, subject to the development standards contained in this section.

14.06.040 Manufactured Dwelling Parks. Manufactured dwelling parks are permitted subject to the following:

- A. Construction of the manufactured dwelling park and placement of manufactured dwellings shall comply with the Oregon Manufactured Dwelling and Park Specialty Code, 2002 Edition, as amended.
- B. Streets within the manufactured dwelling park shall adhere to the standards outlined in Newport Municipal Code Chapter 13.05.040 where the construction or extension of such street is identified in the City of Newport Transportation System Plan.
- ~~C. The number of spaces for manufactured dwellings shall not exceed an average of six (6) per acre of the total area in the manufactured dwelling park.~~
- ~~C.D. Each space for a manufactured dwelling shall contain at least 5,000 square feet. The maximum density allowed in a manufactured dwelling park is one unit for every 2,500 sq. ft. of lot area in the R-2 zoning district and one unit for every 1,250 sq. ft. of lot area in R-3 and R-4 zoning districts.~~
- ~~D. Recreational vehicles may be used as a place of habitation provided they are connected to the manufactured dwelling parks water, sewage, and electrical supply systems. In such cases, the recreational vehicles shall be counted against the density limitations of the zoning district.~~
- E. Any manufactured dwelling park authorized under this section shall have a ~~contiguous area of not less than one (1) acre~~ common outdoor area of at least 2,500 sq. ft. or 100 sq. ft. per unit, whichever is greater. Common outdoor areas shall be landscaped and available for the use of all park residents.
- F. If the park provides spaces for 50 or more manufactured dwelling units, each vehicular way in the park shall be named and marked with signs that are similar in appearance to those used to identify public streets. A map of the vehicular ways shall be provided to the fire department for appropriate naming.
- G. Public fire hydrants shall be provided within 250 feet of manufactured dwelling spaces or permanent structures within the park. If a manufactured dwelling space or permanent structure in the park is more than 250 feet from a public fire hydrant, the park shall have water supply mains designed to serve fire hydrants. Each hydrant within the park shall be located on a vehicular way and shall conform in design and capacity to the public hydrants in the city.

- H. The manufactured dwelling park may have a community or recreation building and other similar amenities.
- I. All dead end streets shall provide an adequate turn around for emergency vehicles.

Staff: The proposed changes make it clear that recreational vehicles, such as park models, may be used as a place of habitation within manufactured dwelling parks. This is required pursuant to ORS 197.493. Existing minimum acreage and lot size requirements have been replaced with density limitations and common open space requirements. The open space requirement is akin to what is contained in Portland's code. This should make it easier to site small units, such as park models, within a park while still ensuring that there is a reasonable amount of open space.

14.06.050 Recreational Vehicles: General Provisions.

- A. Recreational vehicles may be stored on property within the City of Newport provided they are not used as a place of habitation while so stored unless the recreational vehicle is located within a manufactured dwelling or recreational vehicle park.
- B. Removal of the wheels or placement of a recreational vehicle on a permanent or temporary foundation shall not change the essential character of any recreational vehicle or change the requirements of this section.
- C. It shall be unlawful for any person occupying or using any recreational vehicle within the City of Newport to discharge wastewater unless connected to a public sewer or an approved septic tank in accordance with the ordinances of the City of Newport relating thereof. All recreational vehicle parks within the City of Newport shall comply with the sanitary requirements of the City of Newport and the State of Oregon.

Staff: The added language clarifies where it is permissible to occupy a recreational vehicle for purposes of habitation. It does not change the existing rules, which do not allow recreational vehicles to be used as a dwelling unit on an individual lot or parcel within the City of Newport.

14.06.060 Recreational Vehicle Parks. Recreational vehicle parks are allowed conditionally in an R-4 zone and conditionally if publicly owned in the P-1 and P-2 zoning districts (excluding those P-1 properties within the Historic Nye Beach Design Review District), subject to subsections A through D below and in accordance with Section 2-6-1, Procedural Requirements. Recreational vehicle parks are allowed outright in C-1, C-2, C-3, I-1, and I-2 zoning districts (excluding those C-2 properties within the Historic Nye Beach Design Review District), subject to the subsections A through D as follows:

- A. The park complies with the standards contained in state statutes and the Oregon Administrative Rules.
- B. The developer of the park obtains a permit from the state.
- C. The developer provides a map of the park to the City Building Official.

- D. The park complies with the following provisions (in case of overlap with a state requirement, the more restrictive of the two requirements shall apply):
- (1) The space provided for each recreational vehicle shall not be less than 600 square feet, exclusive of any space used for common areas (such as roadways, general use structures, walkways, parking spaces for vehicles other than recreational vehicles, and landscaped areas). The number of recreational vehicles shall be limited to a maximum of 22 per gross acre.
 - (2) Roadways shall not be less than 30 feet in width if parking is permitted on the margin of the roadway or less than 20 feet in width if parking is not permitted on the edge of the roadway, they shall be paved with asphalt, concrete, or similar impervious surface and designed to permit easy access to each recreation vehicle space.
 - (3) A space provided for a recreational vehicle shall be covered with crushed gravel or paved with asphalt, concrete, or similar material and be designed to provide run-off of surface water. The part of the space which is not occupied by the recreational vehicle, not intended as an access way to the recreation vehicle or part of an outdoor patio, need not be paved or covered with gravel provided the area is landscaped or otherwise treated to prevent dust or mud.
 - (4) A recreational vehicle space shall be provided with piped potable water and sewage disposal service. A recreational vehicle staying in the park shall be connected to the water and sewage service provided by the park if the vehicle has equipment needing such service.
 - (5) A recreational vehicle space shall be provided with electrical service.
 - (6) Trash receptacles for the disposal of solid waste materials shall be provided in convenient locations for the use of guests of the park and located in such number and be of such capacity that there is no uncovered accumulation of trash at any time.
 - (7) The total number of off-street parking spaces in the park shall be provided in conformance with Section 2-3-6.015. Parking spaces shall be covered with crushed gravel or paved with asphalt, concrete, or similar material.
 - (8) The park shall provide toilets, lavatories, and showers for each sex in the following ratios: For each 15 recreational vehicle spaces, or any fraction thereof, one toilet (up to 1/3 of the toilets may be urinals), one lavatory, and one shower for men; and one toilet, one lavatory, and one shower for women. The toilets and showers shall afford privacy, and the showers shall be provided with private dressing rooms. Facilities for each sex shall be located in separate buildings, or, if in the same building, shall be separated by a soundproof wall.
 - (9) The park shall provide one utility building or room containing one clothes washing machine, and one clothes drying machine for each ten recreational

vehicle spaces, or any fraction thereof.

- (10) Building spaces required by Subsection 9 and 10 of this section shall be lighted at all times of the night and day, shall be ventilated, shall be provided with heating facilities which shall maintain a room temperature of at least 62° F, shall have floors of waterproof material, shall have sanitary ceilings, floor and wall surfaces, and shall be provided with adequate floor drains to permit easy cleaning.
- (11) Except for the access roadway into the park, the park shall be screened on all sides by a sight-obscuring hedge or fence not less than six feet in height unless modified through either the conditional use permit process (if a conditional use permit is required for the RV park) or other applicable land use procedure. Reasons to modify the hedge or fence buffer required by this section may include, but are not limited to, the location of the RV park is such that adequate other screening or buffering is provided to adjacent properties (such as the presence of a grove or stand of trees), the location of the RV park within a larger park or development that does not require screening or has its own screening, or screening is not needed for portions not adjacent to other properties (such as when the RV park fronts a body of water). Modifications to the hedge or fence requirement of this subsection shall not act to modify the requirement for a solid wall or screening fence that may otherwise be required under Section 2-4-4.010 (Adjacent Yard Buffer) for non-residentially zoned property abutting a residentially zoned property.
- (12) Except for vehicles, there shall be no outside storage of materials or equipment belonging to the park or to any guest in the park.
- (13) Evidence shall be provided that the park will be eligible for a certificate of sanitation as required by state law.

Policy 7: As much as possible, the City of Newport shall protect residential development from impacts that arise from incompatible commercial and industrial uses; however, the city also recognizes that some land use conflicts are inevitable and cannot be eliminated. Where such conflicts occur, the uses shall be buffered, where possible, to eliminate or reduce adverse affects. Residences that develop next to objectionable uses are assumed to be cognizant of their actions, so no special effort by the adjacent use is required. The residential development will, therefore, be responsible for the amelioration of harmful affects.

Implementation Measure 7.1: The City of Newport shall investigate and evaluate housing programs that may reduce the costs on renters and home buyers.

Implementation Measure 7.2: The City of Newport shall eliminate any unnecessary review processes.

Policy 8: The City of Newport recognizes that mobile homes and manufactured dwellings provide an affordable alternative to the housing needs of the citizens of Newport. The city shall provide for those types of housing units through appropriate zoning provisions.

Implementation Measure 8.1: The City of Newport shall review the mobile home park inventory maintained by the Oregon Department of Housing and Community Services to identify parks that may be at risk of transition to commercial uses. Mobile home parks represent a low-cost housing alternative for lower income households. The City should consider strategies to mitigate the conversion of mobile home parks into other uses including working with park owners or managers.

Implementation Measure 8.2: The City of Newport shall review the zoning code to allow and encourage "park model" RVs as a viable housing type. This review should include establishing appropriate definitions for Park Model RVs, establishing appropriate development standards, reviewing minimum lot sizes, and establishing a set of pre-approved Park Model plans.

MOBILE HOME, MANUFACTURED DWELLING AND RECREATIONAL VEHICLE PARKS

197.475 Policy. The Legislative Assembly declares that it is the policy of this state to provide for mobile home or manufactured dwelling parks within all urban growth boundaries to allow persons and families a choice of residential settings. [1987 c.785 §3; 1989 c.648 §53]

197.480 Planning for parks; procedures; inventory. (1) Each city and county governing body shall provide, in accordance with urban growth management agreements, for mobile home or manufactured dwelling parks as an allowed use, by July 1, 1990, or by the next periodic review after January 1, 1988, whichever comes first:

(a) By zoning ordinance and by comprehensive plan designation on buildable lands within urban growth boundaries; and

(b) In areas planned and zoned for a residential density of six to 12 units per acre sufficient to accommodate the need established pursuant to subsections (2) and (3) of this section.

(2) A city or county shall establish a projection of need for mobile home or manufactured dwelling parks based on:

(a) Population projections;

(b) Household income levels;

(c) Housing market trends of the region; and

(d) An inventory of mobile home or manufactured dwelling parks sited in areas planned and zoned or generally used for commercial, industrial or high density residential development.

(3) The inventory required by subsection (2)(d) and subsection (4) of this section shall establish the need for areas to be planned and zoned to accommodate the potential displacement of the inventoried mobile home or manufactured dwelling parks.

(4) Notwithstanding the provisions of subsection (1) of this section, a city or county within a metropolitan service district, established pursuant to ORS chapter 268, shall inventory the mobile home or manufactured dwelling parks sited in areas planned and zoned or generally used for commercial, industrial or high density residential development no later than two years from September 27, 1987.

(5)(a) A city or county may establish clear and objective criteria and standards for the placement and design of mobile home or manufactured dwelling parks.

(b) If a city or county requires a hearing before approval of a mobile home or manufactured dwelling park, application of the criteria and standards adopted pursuant to paragraph (a) of this subsection shall be the sole issue to be determined at the hearing.

(c) No criteria or standards established under paragraph (a) of this subsection shall be adopted which would preclude the development of mobile home or manufactured dwelling parks within the intent of ORS 197.295 and 197.475 to 197.490. [1987 c.785 §4; 1989 c.648 §54]

197.485 Prohibition on restrictions of manufactured dwelling. (1) A jurisdiction may not prohibit placement of a manufactured dwelling, due solely to its age, in a mobile home or manufactured dwelling park in a zone with a residential density of eight to 12 units per acre.

(2) A jurisdiction may not prohibit placement of a manufactured dwelling, due solely to its age, on a buildable lot or parcel located outside urban growth boundaries or on a space in a mobile home or manufactured dwelling park, if the manufactured dwelling is being relocated due to the closure of a mobile home or manufactured dwelling park or a portion of a mobile home or manufactured dwelling park.

(3) A jurisdiction may impose reasonable safety and inspection requirements for homes that were not constructed in conformance with the National Manufactured Housing Construction and Safety Standards Act of 1974 (42 U.S.C. 5403). [1987 c.785 §5; 1989 c.648 §55; 2005 c.22 §143; 2005 c.826 §12; 2007 c.906 §10]

197.490 Restriction on establishment of park. (1) Except as provided by ORS 446.105, a mobile

home or manufactured dwelling park shall not be established on land, within an urban growth boundary, which is planned or zoned for commercial or industrial use.

(2) Notwithstanding the provisions of subsection (1) of this section, if no other access is available, access to a mobile home or manufactured dwelling park may be provided through a commercial or industrial zone. [1987 c.785 §6; 1989 c.648 §56]

197.492 Definitions for ORS 197.492 and 197.493. As used in this section and ORS 197.493:

(1) "Manufactured dwelling park," "mobile home park" and "recreational vehicle" have the meaning given those terms in ORS 446.003.

(2) "Recreational vehicle park":

(a) Means a place where two or more recreational vehicles are located within 500 feet of one another on a lot, tract 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.

CHAPTER 33.251

MANUFACTURED HOMES AND MANUFACTURED DWELLING PARKS

(Amended by: Ord. No. 165376, effective 5/29/92; Ord. No. 166702, effective 7/30/93; Ord. No. 167054, effective 10/25/93; Ord. No. 177028, effective 12/14/02; Ord. No. 177422, effective 6/7/03; Ord. No. 182429, effective 1/16/09.)

Sections:

- 33.251.010 Purpose
- 33.251.020 Manufactured Homes on Individual Lots
- 33.251.025 More Than One Manufactured Home on a Site
- 33.251.030 Manufactured Dwelling Park Regulations

33.251.010 Purpose

This chapter provides standards which will allow the placement of manufactured homes, mobile homes and manufactured dwelling parks in residential areas without changing the character of existing neighborhoods. These regulations promote additional housing options and provide locational opportunities for manufactured dwellings.

33.251.020 Manufactured Homes on Individual Lots

- A. Purpose.** The purpose of this section is to allow affordable housing opportunities in structures whose appearance is similar to housing built to the Oregon Structural Speciality Code (the Uniform Building Code as amended by the State.)
- B. Zones and types of manufactured homes allowed.** Manufactured homes are allowed on individual lots as follows:
 - 1. In all zones where houses are an allowed housing type, except in Historic Districts where they are prohibited;
 - 2. In zones where multi-dwelling development is allowed, two to six manufactured homes may be allowed if they meet the provisions of this chapter; and
 - 3. On individual lots in manufactured dwelling parks that were created under the provisions of Chapter 33.642.
- C. Development standards.** Manufactured homes must meet the development standards of the base zone, except on individual lots in manufactured dwelling parks that were created under the provisions of Chapter 33.642.
- D. Other regulations.** Manufactured homes must meet the following standards:
 - 1. Floor area. The manufactured home must be at least 1,000 square feet in floor area.
 - 2. Roof. The manufactured home must have a pitched roof with a pitch of at least a nominal 3/12. The roof must be covered with shingles, shakes, or tile. Eaves from the roof must extend at least 1 foot from the intersection of the roof and the exterior walls.
 - 3. Foundation. The manufactured home must be set on an excavated, back-filled foundation and enclosed at the perimeter.

4. Exterior siding. The exterior siding of the manufactured home must have the same appearance as materials commonly used on residential dwellings. Metal siding must be painted or anodized.
5. Hauling mechanisms. The transportation mechanisms including the wheels, axles and hitch must be removed.

33.251.025 More Than One Manufactured Home on a Site

The following standards apply when more than one manufactured home is located on a site:

- A. Two or three manufactured homes.** Two or three manufactured homes on a site are regulated as multi-dwelling development in zones that allow multi-dwelling development. They are subject to the density and development standards that would apply to multi-dwelling development on the site. The manufactured homes may be detached or may share common walls or ceilings with other manufactured homes on the site. The manufactured homes must also meet the standards of 33.251.020.D, above.
- B. Four to six manufactured homes.** Four to six manufactured homes on a site must meet one of the following standards:
 1. Four to six manufactured homes on a site may be regulated as multi-dwelling development in zones that allow multi-dwelling development. They are subject to the density and development standards that would apply to multi-dwelling development on the site. The manufactured homes may be detached or may share common walls or ceilings with other manufactured homes on the site. The manufactured homes must also meet the standards of 33.251.020.D, above; or
 2. Four to six manufactured homes on a site must meet the regulations of Section 33.251.030, Manufactured Dwelling Park Regulations.
- C. Seven or more manufactured homes.** Seven or more manufactured homes on a site must meet the regulations of Section 33.251.030, Manufactured Dwelling Park Regulations.
- D. Historic Districts and Conservations Districts.** Manufactured homes are prohibited in Historic Districts. More than one manufactured home on a site is prohibited in Conservation Districts.

33.251.030 Manufactured Dwelling Park Regulations

- A. Purpose.** Manufactured dwelling parks are allowed in certain high-density residential zones to provide locational opportunities for manufactured dwellings. The manufactured dwelling park requirements provide standards for orderly development, adequate vehicle circulation, parking, pedestrian circulation, open areas, and landscaping.
- B. Where these regulations apply.** These regulations apply to all manufactured dwelling parks. For sites with four to six manufactured homes, an applicant may choose to meet the regulations of this section or the regulations of 33.251.025.B, above.

- C. Zones allowed.** Manufactured dwelling parks are allowed only in the R3 and R2 zones. An exception is Historic Districts and Conservation Districts, where they are prohibited.
- D. Uses allowed.** In manufactured dwelling parks that have been divided under the provisions of Chapter 33.642, Household Living is an allowed use. All other uses are prohibited.
- E. Density.** The maximum density allowed in a manufactured dwelling park is that allowed by the base zone. In calculating density, the area of the whole park is included except public or private streets or driveways which serve four or more manufactured dwelling spaces.
- F. Types of structures allowed.**
1. All types of manufactured dwellings are allowed in manufactured dwelling parks. Recreational vehicles, if owned by a manufactured dwelling park resident, may be parked on the required parking space but may not be used for residential purposes.
 2. In manufactured dwelling parks that have been divided under the provisions of Chapter 33.642, Land divisions of Manufactured Dwelling Parks, residential structure types other than manufactured dwellings are prohibited.
- G. General park requirements.**
1. Perimeter landscape area. A 10-foot deep area landscaped to at least the L1 standard must be provided around the perimeter of the manufactured dwelling park. Vehicle areas, including driveways and parking areas, must meet the perimeter landscaping requirements in Section 33.266.130.G.
 2. Individual outdoor areas. An individual area landscaped to at least the L1 standard or surfaced with pavers or decking is required for each manufactured dwelling space. The minimum size is 48 square feet. The minimum dimension is 6 feet. The individual outdoor area must be placed on or adjacent to each manufactured dwelling space. Common outdoor areas, as required by Paragraph 3, below, may not be counted towards meeting this requirement.
 3. Common outdoor areas.
 - a. Generally. A common outdoor area of 2,500 square feet in area or 100 square feet per unit, whichever is greater, is required. There may be more than one outdoor area and each must be at least 2,500 square feet. Required common open areas must be available for the use of all park residents. The open area(s) must be landscaped to at least the L1 standard or be developed as a playground for children, or a combination of both options.
 - b. Exemption. A manufactured dwelling park that does not accommodate children who are under 14 years of age does not have to meet this requirement if the property owner executes a covenant with the City of Portland specifying that the manufactured dwellings will not accommodate children under 14 years of age. The covenant must comply with the requirements of 33.700.060, Covenants with the City.

4. Trees. The City Forester may require trees along all public or private streets and driveways which serve two or more manufactured dwelling spaces, within a manufactured dwelling park as provided in 20.40, Street Tree and Other Public Tree Regulations.
5. Other structures. Other structures within the manufactured dwelling park for uses accessory to the operation of the manufactured dwelling park, such as laundries, storage, garages, park offices, and recreational facilities are allowed and are subject to the site development regulations of the base zone. Any accessory use that draws its trade from outside the park is prohibited. These structures may not be located within common outdoor areas.

H. Vehicle and pedestrian circulation and parking.

1. Vehicle areas, access, and circulation.
 - a. Access and circulation within the manufactured dwelling park may be provided by streets, public or private, or driveways. All public streets must be approved by the City Engineer. All private streets, private alleys, and driveways must meet the standards of the Oregon Manufactured Dwelling and Park Specialty Code for Manufactured Dwelling Parks, which supersede the requirements of this Title. Circulation plans for manufactured dwelling parks must be approved by the Fire Bureau and Office of Transportation.
 - b. Vehicle areas. Where the site abuts a street that is not part of the site, the standard of 33.266.130.C.3.a must be met.
2. Pedestrian circulation.
 - a. A pedestrian circulation system must connect each space with the internal street or driveway system, to other areas of the site, such as parking areas, recreational areas, and to adjacent streets.
 - b. The pedestrian circulation system must be at least 4 feet wide and hard-surfaced. Where the pedestrian system crosses driveways or parking areas, it must be clearly identifiable through the use of elevation changes, speed bumps, a different paving material, or other similar method. Striping does not meet this requirement. Elevation changes and speed bumps must be at least 4 inches high.
 - c. Where the system is parallel and adjacent to an auto travel lane, the system must be a raised path or be separated from the auto travel lane by a raised curb, bollards, landscaping or other physical barrier. If a raised path is used, it must be at least 4 inches high and the ends of the raised portions must be equipped with curb ramps. Bollard spacing must be no further apart than 5 feet on center.
 - d. The on-site pedestrian circulation system must be lighted to a level where the system can be used at night by residents.
3. Parking. Parking must be provided in conformance with the parking regulations of the Oregon Manufactured Dwelling and Park Specialty Code for Manufactured Dwelling Parks, which supersede the requirements of this Title.

I. Individual manufactured dwelling space requirements.

1. **Minimum size.** Spaces for manufactured dwellings must be a minimum of 30 feet in width and a minimum of 40 feet in depth.
2. **Access.** Each space must have access to a street or driveway that meets the standards of the Oregon Manufactured Dwelling and Park Specialty Code for Manufactured Dwelling Parks.
3. **Other regulations.** All manufactured dwelling parks must meet all building, sanitation, lighting, plumbing, and fire protection standards.

J. Nonconforming manufactured dwelling parks. Existing manufactured dwelling parks may be subject to the regulations of Chapter 33.258, Nonconforming Uses and Development. Listed below are situations where the manufactured dwelling park is given nonconforming status.

1. Existing manufactured dwelling parks in E and I zones, except the EX zone, are nonconforming uses because residential uses are not allowed.
2. Existing manufactured dwelling parks in RF, R20, R10, R7, R5, R2.5, R1, RH, RX, C, and IR zones are nonconforming developments, because residential uses are allowed but manufactured dwelling parks are not an allowed type of development.
3. Existing manufactured dwelling parks may have nonconforming densities and development depending on the standards of the base zone.
4. Existing manufactured dwelling parks in the R2 and R3 zones may have nonconforming densities and/or development depending on individual situations.