



PLANNING COMMISSION WORK SESSION AGENDA

Monday, December 10, 2018 - 6:00 PM


City hall, conference room a, 169 sw coast hwy, newport, or 97365

The meeting location is accessible to persons with disabilities. A request for an interpreter for the DEAF AND HARD OF HEARING, 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 at 541.574.0613.

The agenda may be amended during the meeting to add or delete items, change the order of agenda items, or discuss any other business deemed necessary at the time of the meeting.

1. CALL TO ORDER
2. UNFINISHED BUSINESS
3. NEW BUSINESS
 - 3.A Status of Proposed Revisions to Flood Insurance Rate Maps.
[Status of FIRM Revisions.pdf](#)
 - 3.B Review Standards for Manufactured Dwellings and Tiny Homes on Residential Lots.
[Standards for Manufactured Homes and Tiny Homes.pdf](#)
4. ADJOURNMENT

Memorandum

To: Planning Commission/Commission Advisory Committee
From: Derrick I. Tokos, AICP, Community Development Director 
Date: December 6, 2018
Re: Status of Proposed Revisions to Flood Insurance Rate Maps

At the end of 2016, the Federal Emergency Management Agency (FEMA) issued an updated set of Flood Insurance Rate (FIRM) Maps used to establish whether or not a property is likely to be impacted by a 100-year flood event. This was followed by a public open house, on May 18, 2017, at which representatives from FEMA were in attendance to explain the methodology behind the changes, and the steps that would need to be followed before they became official. The City provided notice to land owners potentially impacted by the changes, encouraging them to attend the open house. A total of 621 notices were mailed.

One of the first steps in the adoption process following the open house, was a period within which affected owners could appeal the map determination. Appeals of this nature are involved as the appellants must provide technical evidence establishing that the proposed mapping was in error. An appeal was filed by a group of Southshore residents and, after much back and forth, FEMA determined that the appeal was valid. On September 24, 2018, the City was informed that the appeal was approved and on September 28, 2018 FEMA issued a revised map for that area (Panel 0504E) and updated Flood Insurance Studies containing the technical data to support the changes. Enclosed are copies of the revised portion of Panel 0504E showing where the change occurred. No other revisions were made to the maps and studies presented at the 2017 open house.

The updated flood insurance study and maps were subject to a 30-day comment period. I don't believe that any comments were submitted, meaning the next step will be for FEMA to issue final drafts of the study and maps. The City will then have 7 to 10 months to adopt the maps and make related amendments to its flood hazard regulations.

A copy of the updated maps and study can be found on the City of Newport website at:
<http://newportoregon.gov/dept/cdd/FEMAFIRMmaps.asp>

Attachments

CITY OF NEWPORT

OCT 02 2018

RECEIVED



U.S. Department of Homeland Security
FEMA Region 10
130 – 228th Street, SW
Bothell, Washington 98021

FEMA

September 28, 2018

REVISED PRELIM-EAP

Mr. Spencer Nebel
City Manager
City of Newport
169 SW Coast Highway
Newport, Oregon 97365

Community Name: City of Newport,
Lincoln County, Oregon
Community No.: 410131

Re: Revised Preliminary Flood Insurance Study (FIS) and Flood Insurance Rate Map (FIRM) for Lincoln County, Oregon and Incorporated Areas, FIRM panel 0504E

Dear Mr. Nebel:

We are pleased to present your community with revised Preliminary copies of the Flood Insurance Rate Map (FIRM) and Flood Insurance Study (FIS) report for Lincoln County, Oregon and Incorporated Areas for your review and comment. This revised preliminary version of the FIRM and FIS report incorporates updated coastal flood hazard information in Newport's Southshore Development neighborhood/Arbor Drive. We have revised only those FIRM panel(s) and FIS volume(s) with updated flood hazard information: panel 0504E at coastal transect 139.

We are sending the revised Preliminary copies at this time to give your community an opportunity to review them. Additionally, in an effort to assist you in circulating the information, FEMA has posted digital copies of the revised FIRM and FIS report materials to the following Website: www.fema.gov/preliminaryfloodhazarddata. We encourage you to circulate the enclosed copies as widely as possible among elected officials, staff, and other individuals or organizations in the community that would have an interest in the FIRM and FIS report so that they will have the opportunity to review them. The review period provides community officials and citizens in the affected communities with an opportunity to confirm non-technical information, such as corporate limits, road names, and stream names on the FIRM or in the FIS report. Questions or concerns may be sent within 30 days from the date of this letter to Carmen Burducea at carmen.burducea@stantec.com, or by telephone at (301) 575-3153.

To assist your community in maintaining the FIRM, we have enclosed a Summary of Map Actions (SOMA) to document previous Letters of Map Change (LOMCs) (i.e., Letters of Map Amendment [LOMAs], Letters of Map Revision [LOMRs]) that will be superseded when the FIRM becomes effective. Information on LOMCs is presented in the following four categories: (1) LOMCs for which results have been included on the FIRM; (2) LOMCs for which results could not be shown on the FIRM because of scale limitations or because the LOMC issued had determined that the lots or structures involved were outside the Special Flood Hazard Area (SFHA) as shown on the FIRM; (3) LOMCs for which results have not been included on the FIRM because the flood hazard information on which the original determinations were based is being superseded by new flood hazard

information; and (4) LOMCs issued for multiple lots or structures where the determination for one or more of the lots or structures cannot be revalidated through an administrative process like the LOMCs in Category 2 above.

LOMCs in Category 2 will be revalidated through a single letter that reaffirms the validity of a previously issued LOMC; the letter will be sent to your community shortly before the effective date of the FIRM and will become effective one day after the FIRM becomes effective.

For the LOMCs listed in Category 4, we will review the data previously submitted for the LOMA or LOMR request and issue a new determination for the affected properties after the FIRM becomes effective upon request.

After the 30-day review period has ended and we have addressed all comments, we will initiate final preparation of the FIRM and FIS report. The new FIRM and FIS report for your community will become effective approximately 7 to 10 months later. Before the effective date, you will be notified in writing of the official FIRM and FIS report effective date and asked to adopt floodplain ordinances or modify existing ordinances as necessary that correspond with the new FIRM or FIS report. If you or other community officials have any questions regarding floodplain ordinances, you may raise them with our FEMA Regional Office or you may discuss those issues with your State National Flood Insurance Program Coordinator. Several months before the effective date, we will mail one set of printed copies of the finalized FIRM and FIS report and digital copies of the map and report products.

Your community's comments on the revised Preliminary FIRM panels and FIS report are an important part of our review process, and we will consider them carefully before we publish the FIRM and FIS report in their final form.

If you have any questions regarding the revised Preliminary copies of the FIRM and FIS report, please contact David M. Ratté, FEMA Region 10 Engineer. Mr. Ratté can be reached by telephone at (425) 487-4657 or by email at David.Ratte@fema.dhs.gov. If you have general questions about mapping issues, please call our FEMA Map Information eXchange (FMIX), toll free, at (877) 336-2627 (877-FEMA MAP) or e-mail our FMIX staff at FEMAMapSpecialist@riskmapcds.com.

Sincerely,



Tamra Biasco
Chief, Risk Analysis Branch
Mitigation Division
FEMA Region 10

Enclosures:

Revised Preliminary FIS
Revised Preliminary FIRM: 41041C0504E
Revised Preliminary SOMA

cc: Derrick I Tokos, Community Development Director, City of Newport
David Lentzner, Oregon State RiskMap Coordinator
Celinda Adair, Oregon State NFIP Coordinator

PRELIMINARY SUMMARY OF MAP ACTIONS

PRELIMINARY

9/28/2018

Community: NEWPORT, CITY OF

Community No: 410131

To assist your community in maintaining the Flood Insurance Rate Map (FIRM), we have summarized below the effect of the enclosed revised FIRM panel(s) on previously issued Letter of Map Change (LOMC) actions (i.e., Letters of Map Revision (LOMRs), Letter of Map Revision based on Fill (LOMR-Fs), and Letters of Map Amendment (LOMAs)).

1. LOMCs Incorporated

The modifications effected by the LOMCs listed below have been reflected on the Preliminary copies of the revised FIRM panels. In addition, these LOMCs will remain in effect until the revised FIRM becomes effective.

LOMC	Case No.	Date Issued	Project Identifier	Original Panel	Current Panel
			NO CASES RECORDED		

2. LOMCs Not Incorporated

The modifications effected by the LOMCs listed below are either not located on revised FIRM panels, or have not been reflected on the Preliminary copies of the revised FIRM panels because of scale limitations or because the LOMC issued had determined that the lot(s) or structure(s) involved were outside the Special Flood Hazard Area, as shown on the FIRM. These LOMCs will be revalidated free of charge 1 day after the revised FIRM becomes effective through a single revalidation letter that reaffirms the validity of the previous LOMCs.

2A. LOMCs on Revised Panels

LOMC	Case No.	Date Issued	Project Identifier	Original Panel	Current Panel
LOMA	05-10-0206A	02/25/2005	345 SOUTH WEST BAY BLVD	4101310002C	41041C0368E
LOMA	11-10-1511A	08/16/2011	NEW BIG CREEK ADDITION, BLOCK 1, LOT 2 -- 2840 NORTHEAST HARNEY DRIVE	41041C0366D	41041C0366E
LOMA	12-10-1294A	09/18/2012	LAKWOOD HILLS PHASE I, BLOCK 5, LOT 1 -- 2710 NORTHEAST ILER STREET	41041C0368D	41041C0368E
LOMA	13-10-0812A	05/07/2013	EMBARCADERO PHASES I, II, & III, BUILDINGS B, E, F, G, H -- 1000 SOUTHEAST BAY BOULEVARD	41041C0368D	41041C0368E

2B. LOMCs on Unrevised Panels

LOMC	Case No.	Date Issued	Project Identifier	Original Panel	Current Panel
			NO CASES RECORDED		

PRELIMINARY SUMMARY OF MAP ACTIONS

Community: NEWPORT, CITY OF

Community No: 410131

3. LOMCs Superseded

The modifications effected by the LOMCs listed below have not been reflected on the Preliminary copies of the revised FIRM panels because they are being superseded by new or revised flood hazard information or the information available was not sufficient to make a determination. The reason each is being superseded is noted below. These LOMCs will no longer be in effect when the revised FIRM becomes effective.

LOMC	Case No.	Date Issued	Project Identifier	Reason Determination Will be Superseded
LOMA	97-10-097A	01/14/1997	123 SW 66TH STREET -- PORTION OF SECTION 30, T11S, R11W, W.M.	1
102	00-10-271P	08/11/2000	SCHOONER CREEK PROPERTY	4

1. Insufficient information available to make a determination.
2. Lowest Adjacent Grade and Lowest Finished Floor are below the proposed Base Flood Elevation.
3. Lowest Ground Elevation is below the proposed Base Flood Elevation.
4. Revised hydrologic and hydraulic analyses.
5. Revised topographic information.
6. Superseded by another LOMC.

4. LOMCs To Be Redetermined

The LOMCs in Category 2 above will be revalidated through a single revalidation letter that reaffirms the validity of the determination in the previously issued LOMC. For LOMCs issued for multiple lots or structures where the determination for one or more of the lots or structures is no longer valid, the LOMC cannot be revalidated through this administrative process. Therefore, we will review the data previously submitted for the LOMC requests listed below and issue a new determination for the affected properties after the effective date of the revised FIRM.

LOMC	Case No.	Date Issued	Project Identifier	Original Panel	Current Panel
			NO CASES RECORDED		

U.S. Department of Homeland Security
FEMA Region 10
130 – 228th Street, SW
Bothell, Washington 98021



FEMA

September 24, 2018

Mr. Spencer Nebel
City Manager
City of Newport
169 SW Coast Highway
Newport, Oregon 97365

RECEIVED
SEP 28 2018
CITY OF NEWPORT

Re: Community: City of Newport,
Lincoln County, Oregon
Community No.: 410131

IN REPLY REFER TO: APPEAL RESOLUTION

Dear Mr. Nebel:

This is in response to a letter dated October 26, 2017 from Derrick Tokos, City of Newport Community Development Director, on behalf of property owners in Newport’s Southshore Development neighborhood, appealing the proposed Special Flood Hazard Area (SFHA) boundaries in the Arbor Drive area of the Southshore Development, as presented on the Preliminary Flood Insurance Rate Map (FIRM) and in the Preliminary Flood Insurance Study (FIS) report for Lincoln County, Oregon and Incorporated Areas, dated August 5, 2016.

Please note that your request is considered an appeal because it satisfied the data requirements defined in Title 44, Chapter I, Part 67 of the Code of Federal Regulations (44 CFR Part 67), and was submitted during the 90-day appeal period for the aforementioned Preliminary FIRM and FIS report.

The following scientific and/or technical data were submitted in support of this request:

- Technical report and technical data as part of an appeal package drafted by Mott MacDonald, dated October 27, 2018
- Technical data and clarifications provided in response to Request for Information (1), dated January 12, 2018
- Technical data and clarifications provided in response to Request for Information (2), dated April 18, 2018

We received all data necessary to resolve this appeal by June 15, 2018.

We have resolved this appeal in accordance with the requirements of 44 CFR Part 67. We have determined that the proposed coastal SFHA boundary for the Arbor Drive area of the Southshore Development, as shown on the Preliminary FIRM and in the Preliminary FIS report dated August 5,

Mr. Nebel
September 24, 2018
Page 2

2016, should be revised based on the submitted data. FEMA will revise and reissue the Preliminary FIRM and FIS report to include these changes. After Revised Preliminary products are issued on September 28, 2018, you will have a 30-day comment period to comment on the revisions.

If you feel that the technical issues originally raised have not been adequately addressed by this resolution letter and that an acceptable resolution will not be feasible through the submittal of additional comments as outlined above, please note that FEMA makes Scientific Resolution Panels (SRPs) available to support the appeal resolution process. SRPs are independent panels of experts in hydrology, hydraulics, and other pertinent sciences established to review conflicting scientific and technical data and provide recommendations for resolution. An SRP is an option after FEMA and a local community have been engaged in a collaborative consultation process without a mutually acceptable resolution.

Your community may contact David Ratté at 425-487-4657 for additional information on the specific eligibility requirements for the SRP, or refer to the enclosed SRP Fact Sheet. To request that an SRP review your scientific or technical data, your community must complete the enclosed SRP Request Form and submit it to the address above within 30 days of the date of this letter.

If we do not receive any comments or the completed SRP Request Form from your community during the 30-day review period associated with this resolution, we will finalize the FIRM and FIS report by issuing a Letter of Final Determination (LFD). The LFD will explain the adoption/compliance process and will state the date when the FIRM and FIS report will become effective.

We appreciate your community's comments and commitment to having the most accurate flood hazard information available reflected on the FIRM and in the FIS report.

If you have any questions regarding this matter, please contact David Ratté of our FEMA staff in Bothell, Washington, either by telephone at 425-487-4657 or by e-mail at David.Ratte@fema.dhs.gov.

Sincerely,



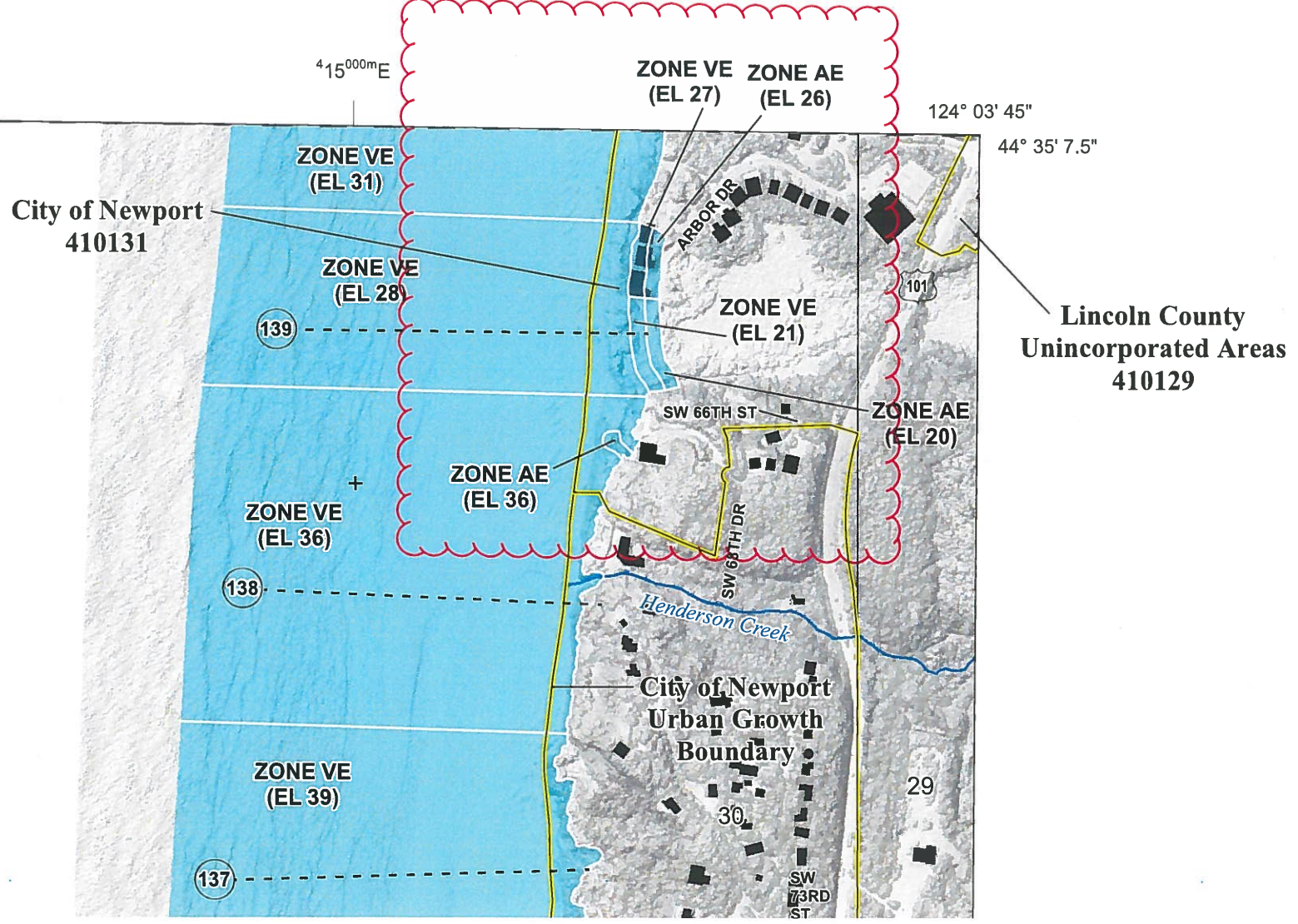
for Tamra Biasco
Chief, Risk Analysis Branch
Mitigation Division
FEMA Region 10

Enclosures:
SRP Fact Sheet
SRP Request Form

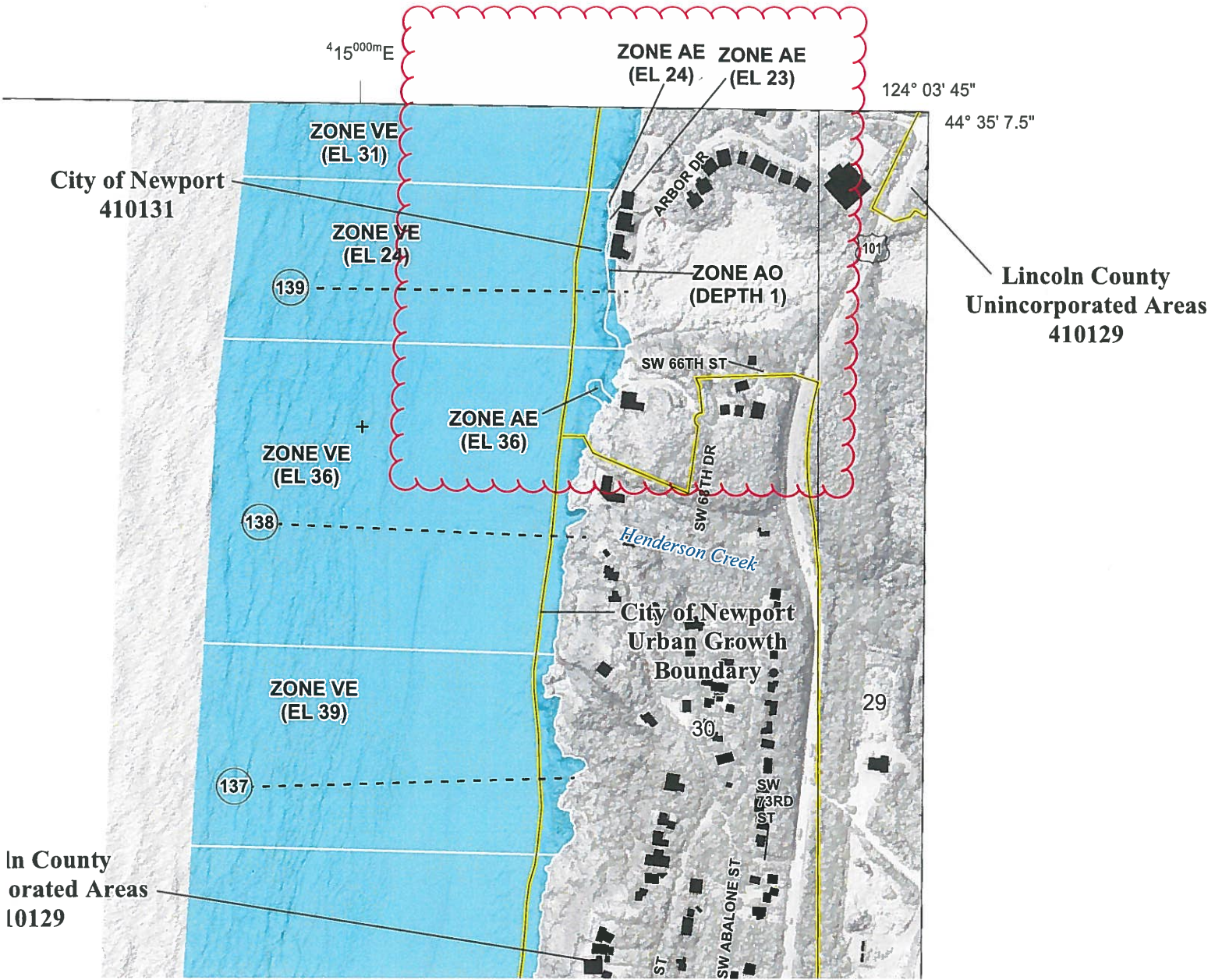
Mr. Nebel
September 24, 2018
Page 3

cc: Derrick I Tokos, Community Development Director, City of Newport
Robert R. Glenn, Authorized representative of all appellants
Jed Roberts, Oregon Department of Geology and Mineral Industries
Christopher Day, Mott MacDonald, LLC
Shane Phillips, Mott MacDonald, LLC
David Lentzner, Oregon State RiskMap Coordinator
Celinda Adair, Oregon State NFIP Coordinator

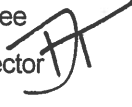
Area Subject to Appeal



Changes Made as a Result of Appeal



Memorandum

To: Planning Commission/Commission Advisory Committee
 From: Derrick I. Tokos, AICP, Community Development Director 
 Date: December 6, 2018
 Re: Standards for Manufactured Dwellings and Tiny Homes on Residential Lots

In 2010, with Ordinance No. 2008, the City of Newport amended its land use regulations to comply with provisions of ORS 197.307 and ORS 197.314 related to the siting of manufactured dwellings outside of mobile home parks. The statutes require City's apply clear and objective standards and list the specific provisions that are permissible, including a requirement that manufactured dwellings be multi-sectional and enclose a space of not less than 1,000 square feet.


These laws were put in place to prevent jurisdictions from imposing onerous land use regulations on manufactured dwellings in order to prevent them from locating in single family zoned areas. The standards also reflect an effort by the legislature to allow cities and counties to adopt rules that require manufactured dwellings blend into the neighborhood where they are located. The requirement that a new manufactured dwelling have a garage or carport if a dwelling on an adjacent lot has a garage or carport, or that the exterior materials on a manufactured dwelling be similar to what is commonly used on residential dwellings in the community are examples of the "compatibility standards."

Tiny homes hadn't really blossomed as a housing concept at the time Ordinance 2008 was adopted. Most were not built to any kind of building safety code. That is still an issue. Further, they are clearly not manufactured dwellings, which by definition must be built to federal manufactured housing construction and safety standards. Newport, like many cities, has limited tiny homes to manufactured dwelling parks, viewing them as being akin to a "park model" recreational vehicle. They haven't been permitted outside parks because those building tiny homes have not been able to come up with a way of accomplishing it in a manner that both complies with the Oregon Residential Specialty Code and is cost effective. This may be changing now that the Oregon Building Codes Division amended the Oregon Reach Code, effective September 20, 2018, to include an alternate set of safety standards for the construction of tiny homes and the placement of tiny homes towed to a property "i.e. tiny homes on wheels" onto a permanent foundation.

City staff is receiving inquiries about rules that apply to the placement of tiny homes on lots outside of parks and needs guidance from the Planning Commission about whether or not the existing land use regulations are adequate. If the Commission believes that no land use regulations are needed for the siting of tiny homes then it should consider amending and/or eliminating the siting standards for manufactured dwellings (now NMC 14.06.020), as it would be hard to justify keeping them in place. On the other hand, if the Commission believes that siting standards should apply to tiny homes then staff can research the issue and bring option back for discussion at a future work session. A third option would be to only allow tiny homes as accessory dwelling units (i.e. for each tiny home there would have to be a primary dwelling).

Attachments

- Ordinance No. 2008, adopted 11/2/10, with exhibits A & B
- ORS Chapter 197.307 and 197.314 relating to manufactured dwellings
- 2018 Oregon Reach Code amendments, effective 9/20/18

WITH EXHIBITS 14
A B ONLY


CITY OF NEWPORT

ORDINANCE NO. 2008

**AN ORDINANCE AMENDING THE NEWPORT ZONING ORDINANCE
(ORDINANCE NO. 1308, AS AMENDED) AND NEWPORT MUNICIPAL CODE
RELATING TO MANUFACTURED DWELLINGS, RECREATIONAL VEHICLES AND
THE CONSTRUCTION OF MANUFACTURED DWELLING
AND RECREATIONAL VEHICLE PARKS**

Findings:

1. The City of Newport Zoning Ordinance (No. 1308, as amended) and Newport Municipal Code contain criteria that regulate the placement of manufactured dwellings, mobile homes, and recreational vehicles on individual lots and within parks inside the corporate limits of the City. These criteria are found in Section 2-2-26 ("Manufactured Homes, Mobile Homes, and Recreational Vehicle Parks"), Section 2-2-27 ("Recreational Vehicles"), Section 2-2-28 ("Trailer Coaches and Trailer Parks"), and Section 2-2-1.101 ("Definitions") of the Ordinance.
2. The City of Newport Planning Commission and its Citizens Advisory Committee completed a comprehensive review of the above Zoning Ordinance sections and determined that amendments are needed to address discrepancies with state law, consolidate language, and eliminate redundant and outdated provisions. They also determined that the City should amend Chapters 6.25 and 13.05 of the Municipal Code to include statutory rules for subdividing preexisting manufactured dwelling parks, and to clarify and improve the enforceability of requirements relating to the parking of recreational vehicles within the City.
3. The Newport Planning Commission and Planning Commission Citizens Advisory Committee reviewed changes to the Zoning Ordinance and Municipal Code (Newport File No. 2-Z-10) at work sessions on June 28, 2010, July 12, 2010 and July 26, 2010. Following public hearings on September 13, 2010 and October 11, 2010 the Planning Commission voted to recommend adoption of the proposed amendments.
4. The City Council held a public hearing on November 1, 2010 regarding the question of the proposed revisions, and voted in favor of their adoption after considering the recommendation of the Planning Commission and evidence and argument in the record.
5. Information in the record, including affidavits of mailing and publication, demonstrate that appropriate public notification was provided for both the Planning Commission and City Council public hearings.

Based on these findings,

THE CITY OF NEWPORT ORDAINS AS FOLLOWS:

Section 1. Section 2-2-26 of Ordinance No. 1308 (as amended), Manufactured Homes, Mobile Homes, and Recreational Vehicle Parks, is repealed in its entirety and replaced with a new Section as shown in Exhibit "A".

Section 2. Section 2-1-1.101 of Ordinance No. 1308 (as amended), Definitions, is amended as shown in Exhibit "B".

Section 3. Section 2-2-27 of Ordinance No. 1308 (as amended), Recreational Vehicles, is repealed in its entirety.

Section 4. Section 2-2-28 of Ordinance No. 1308 (as amended), Trailer Coaches and Trailer Parks, is repealed in its entirety.

Section 5. Chapter 6.25 of the Newport Municipal Code is repealed in its entirety and replaced with a new Chapter as shown in Exhibit "C".

Section 6. Chapter 13.05 of the Newport Municipal Code, Subdivision and Partition, is amended to include the following:

“13.05.110 Land Divisions of Manufactured Dwelling Parks

Manufactured Dwelling Parks that existed on or before July 1, 2001 may be divided in accordance with the provisions of ORS 92.830 to 92.845. Such applications will be subject only to the procedural provisions of this Chapter.”

Section 6. This ordinance shall take effect 30 days after passage.

Date adopted: November 1, 2010

Signed by the Mayor on November 2, 2010.

William D. Bain
William D. Bain, Mayor

ATTEST:
Margaret M. Hawker
Margaret M. Hawker, City Recorder

Exhibit A to Ordinance No. 2008, Amending Section 2-2-26 of the Newport Zoning Ordinance (Ordinance No. 1308, as Amended) Relating to Manufactured Dwellings and Recreational Vehicles

Section 2-2-26. MANUFACTURED DWELLINGS AND RECREATIONAL VEHICLES.*

2-2-26.005. 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.

2-2-26.010. 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.

Exhibit A to Ordinance No. 2008, Amending Section 2-2-26 of the Newport Zoning Ordinance (Ordinance No. 1308, as Amended) Relating to Manufactured Dwellings and Recreational Vehicles

- 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.

2-2-26.015. 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.

2-2-26.020. 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.
- D. Each space for a manufactured dwelling shall contain at least 5,000 square feet.
- E. Any manufactured dwelling park authorized under this section shall have a contiguous area of not less than one (1) acre.*
- 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.

Section 2-2-26.025. Recreational Vehicles: General Provisions

Exhibit A to Ordinance No. 2008, Amending Section 2-2-26 of the Newport Zoning Ordinance (Ordinance No. 1308, as Amended) Relating to Manufactured Dwellings and Recreational Vehicles

- 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.
- 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.

Section 2-2-26.030. 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

Exhibit A to Ordinance No. 2008, Amending Section 2-2-26 of the Newport Zoning Ordinance (Ordinance No. 1308, as Amended) Relating to Manufactured Dwellings and Recreational Vehicles

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

Exhibit A to Ordinance No. 2008, Amending Section 2-2-26 of the Newport Zoning Ordinance (Ordinance No. 1308, as Amended) Relating to Manufactured Dwellings and Recreational Vehicles

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.

Exhibit B to Ordinance No. 2008, Amending Section 2-1-1.101 of the Newport Zoning Ordinance (Ordinance No. 1308, as Amended) for Definitions Related to Manufactured Dwellings and Recreational Vehicles

(New language is shown with a double underline. Deleted language is shown in ~~strikeout~~.)

Section 2-1-1.101. DEFINITIONS. As used in this Ordinance, the masculine includes the feminine and neuter, and the singular includes the plural. The following words and phrases, unless the context otherwise requires, shall mean:

Manufactured Dwelling. A manufactured home, mobile home, or residential trailer.

Manufactured Dwelling Park. Any place where four or more manufactured dwellings are located on a lot or parcel of land the primary purpose of which is to rent space and related facilities for a charge or fee or to offer space for free in connection with securing the trade or patronage of a person.

Manufactured Dwelling Home.* A structure constructed after June 15, 1976, for movement on the public highways that has sleeping, cooking, and plumbing facilities; that is intended for human occupancy; that is being used for residential purposes; and that was constructed in accordance with federal manufactured housing construction and safety standards and regulations in effect at the time of construction.

Mobile Home.** A structure constructed for movement on the public highways that has sleeping, cooking, and plumbing facilities; that is intended for human occupancy; that is being used for residential purposes; and that was constructed between January 1, 1962, and June 15, 1976, and met the construction requirements of Oregon mobile home law at the time of construction.

Recreational Vehicle (RV).** A vehicle with or without ~~moving~~ motive power, that is designed for human occupancy and to be used temporarily for recreational, seasonal, or emergency purposes and has a gross floor space of not more than 400 square feet in the setup mode. ~~Recreational vehicles include:~~

A. ~~"Camping trailer" means a vehicular unit mounted on wheels and constructed with collapsible partial side walls which fold when the unit is towed by another vehicle and unfold at the campsite to provide temporary living quarters for recreational, camping, or travel use, and has a floor area of less than 220 square feet, excluding built-in equipment such as wardrobes, closets, cabinets, kitchen units or fixtures, and bath or toilet rooms.~~

B. ~~"Motor home" means a vehicular unit built on or permanently attached to a self-propelled motor vehicle chassis or on a chassis cab or van which is an integral part of the complete vehicle, and has a floor area of less than 200 square feet, excluding built-in equipment such as wardrobes, closets, cabinets, kitchen units or fixtures, and bath or toilet rooms.~~

Exhibit B to Ordinance No. 2008, Amending Section 2-1-1.101 of the Newport Zoning Ordinance (Ordinance No. 1308, as Amended) for Definitions Related to Manufactured Dwellings and Recreational Vehicles

~~C. "Park trailer" means a vehicle built on a single chassis, mounted on wheels designed to provide seasonal or temporary living quarters which may be connected to utilities for operation of installed fixtures and appliances, of such a construction as to permit set-up by persons without special skills using only hand tools which may include lifting, pulling, and supporting devices, and with a gross trailer area not exceeding 400 square feet when in the set-up model.~~

~~D. "Travel trailer" means a vehicular unit which has a roof, floor, and sides, and is mounted on wheels, but which is not of such size or weight as to require special highway movement permits when towed by a motorized vehicle, and has a floor area of less than 220 square feet, excluding built-in equipment such as wardrobes,~~

~~E. "Truck camper" means a portable unit which has a roof, floor, and sides, which is designed to be loaded on and off the bed of a truck or pickup truck, and which has a floor area of less than 220 square feet, excluding built-in equipment such as wardrobes, closets, cabinets, kitchen units or fixtures, and bath or toilet rooms.~~

~~Recreational Vehicle Park. A lot of land upon which place where two or more recreational vehicles sites are located on a lot or parcel of land, the primary purpose of which is to rent space and related facilities for a charge or fee or to offer space for free in connection with securing the trade or patronage of a person, established, or maintained for occupancy by recreational vehicles as temporary living quarters for recreation or vacation purposes (not more than 30 days out of any 60 day period).~~

~~Residential Trailer.** A structure constructed after June 15, 1976, for movement on the public highways that has sleeping, cooking, and plumbing facilities; that is intended for human occupancy; that is being used for residential purposes; and that was constructed in accordance with federal manufactured housing construction and safety standards and regulations in effect at the time of construction. before January 1, 1962.~~

~~Trailer Coach. A portable vehicle designed and constructed for permanent year-round residential occupancy that does not meet the standards for mobile homes as defined in this ordinance. A trailer coach is not a dwelling unit.~~

~~Trailer Park. An area upon which one or more trailer coaches or recreational vehicles are parked which are occupied for residential use. These parks may allow occupancy for longer than 30 continuous days.~~

197.307 Effect of need for certain housing in urban growth areas; approval standards for residential development; placement standards for approval of manufactured dwellings. (1) The availability of affordable, decent, safe and sanitary housing opportunities for persons of lower, middle and fixed income, including housing for farmworkers, is a matter of statewide concern.

(2) Many persons of lower, middle and fixed income depend on government assisted housing as a source of affordable, decent, safe and sanitary housing.

(3) When a need has been shown for housing within an urban growth boundary at particular price ranges and rent levels, needed housing shall be permitted in one or more zoning districts or in zones described by some comprehensive plans as overlay zones with sufficient buildable land to satisfy that need.

(4) Except as provided in subsection (6) of this section, a local government may adopt and apply only clear and objective standards, conditions and procedures regulating the development of housing, including needed housing. The standards, conditions and procedures:

(a) May include, but are not limited to, one or more provisions regulating the density or height of a development.

(b) May not have the effect, either in themselves or cumulatively, of discouraging needed housing through unreasonable cost or delay.

(5) The provisions of subsection (4) of this section do not apply to:

(a) An application or permit for residential development in an area identified in a formally adopted central city plan, or a regional center as defined by Metro, in a city with a population of 500,000 or more.

(b) An application or permit for residential development in historic areas designated for protection under a land use planning goal protecting historic areas.

(6) In addition to an approval process for needed housing based on clear and objective standards, conditions and procedures as provided in subsection (4) of this section, a local government may adopt and apply an alternative approval process for applications and permits for residential development based on approval criteria regulating, in whole or in part, appearance or aesthetics that are not clear and objective if:

(a) The applicant retains the option of proceeding under the approval process that meets the requirements of subsection (4) of this section;

(b) The approval criteria for the alternative approval process comply with applicable statewide land use planning goals and rules; and

(c) The approval criteria for the alternative approval process authorize a density at or above the density level authorized in the zone under the approval process provided in subsection (4) of this section.

(7) Subject to subsection (4) of this section, this section does not infringe on a local government's prerogative to:

(a) Set approval standards under which a particular housing type is permitted outright;

(b) Impose special conditions upon approval of a specific development proposal; or

(c) Establish approval procedures.

(8) In accordance with subsection (4) of this section and ORS 197.314, a jurisdiction may adopt any or all of the following placement standards, or any less restrictive standard, for the approval of manufactured homes located outside mobile home parks:

(a) The manufactured home shall be multisectional and enclose a space of not less than 1,000 square feet.

(b) The manufactured home shall be placed on an excavated and back-filled foundation and enclosed at the perimeter such that the manufactured home is located not more than 12 inches above grade.

(c) The manufactured home shall have a pitched roof, except that no standard shall require a slope of greater than a nominal three feet in height for each 12 feet in width.

(d) The manufactured home shall 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 surrounding dwellings as determined by the local permit approval authority.

(e) The manufactured home 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 state building code as defined in ORS 455.010.

(f) The manufactured home shall have a garage or carport constructed of like materials. A jurisdiction may require an attached or detached garage in lieu of a carport where such is consistent with the predominant construction of immediately surrounding dwellings.

(g) In addition to the provisions in paragraphs (a) to (f) of this subsection, a city or county may subject a manufactured home and the lot upon which it is sited to any development standard, architectural requirement and minimum size requirement to which a conventional single-family residential dwelling on the same lot would be subject. [1981 c.884 §5; 1983 c.795 §3; 1989 c.380 §2; 1989 c.964 §6; 1993 c.184 §3; 1997 c.733 §2; 1999 c.357 §1; 2001 c.613 §2; 2011 c.354 §3; 2017 c.745 §5]

197.314 Required siting of manufactured homes; minimum lot size; approval standards. (1)

Notwithstanding ORS 197.296, 197.298, 197.299, 197.301, 197.302, 197.303, 197.307, 197.312 and 197.313, within urban growth boundaries each city and county shall amend its comprehensive plan and land use regulations for all land zoned for single-family residential uses to allow for siting of manufactured homes as defined in ORS 446.003. **A local government may only subject the siting of a manufactured home allowed under this section to regulation as set forth in ORS 197.307 (8).**

(2) Cities and counties shall adopt and amend comprehensive plans and land use regulations under subsection (1) of this section according to the provisions of ORS 197.610 to 197.651.

(3) Subsection (1) of this section does not apply to any area designated in an acknowledged comprehensive plan or land use regulation as a historic district or residential land immediately adjacent to a historic landmark.

(4) Manufactured homes on individual lots zoned for single-family residential use in subsection (1) of this section shall be in addition to manufactured homes on lots within designated manufactured dwelling subdivisions.

(5) Within any residential zone inside an urban growth boundary where a manufactured dwelling park is otherwise allowed, a city or county shall not adopt, by charter or ordinance, a minimum lot size for a manufactured dwelling park that is larger than one acre.

(6) A city or county may adopt the following standards for the approval of manufactured homes located in manufactured dwelling parks that are smaller than three acres:

(a) The manufactured home shall have a pitched roof, except that no standard shall require a slope of greater than a nominal three feet in height for each 12 feet in width.

(b) The manufactured home shall have exterior siding and roofing that, in color, material and appearance, is similar to the exterior siding and roofing material commonly used on residential dwellings within the community or that is comparable to the predominant materials used on surrounding dwellings as determined by the local permit approval authority.

(7) This section shall not be construed as abrogating a recorded restrictive covenant. [1993 c.184 §2; 1997 c.295 §1; 1999 c.348 §7; 2005 c.22 §139; 2011 c.354 §5]



Effective: Sept. 20, 2018

(Ref.: ORS 455.500)

2018 Oregon Reach Code

Under Oregon Revised Statute (ORS) 455.500, the division, after consultation with the appropriate advisory board, shall establish a Reach Code. The Oregon Reach Code is an optional set of standards providing a choice for builders, consumers, contractors, and others. Customers can choose to build to the codes adopted as the State Building Code or to build to this optional Reach Code.

When adopting this code, the division considers economic and technical feasibility, and any published codes that are newly developed for construction. The Oregon Reach Code is not limited to energy provisions and may include other subject matters. This code is an optional tool for local builders and local government and is not applicable in areas of state of administration.

The 2018 Oregon Reach Code consists of two parts. Part I includes optional energy standards for commercial and residential buildings. Part II includes optional provisions for tiny houses, 400 square feet or less in floor area, not including loft areas.

Part I—Commercial Energy provisions

Adopted code: *2018 International Energy Conservation Code (IECC) with Oregon Reach Code modifications*

Commentary: For structures covered under the *Oregon Structural Specialty Code (OSSC)*, the 2018 IECC represents an improvement to the 2014 OSSC/2014 OEESC. The 2018 IECC is a contemporary code that advances energy efficiency through a timely evaluation and recognition of the latest advancements in construction techniques, emerging technologies and science related to the built environment. The 2018 IECC is recognized by the U.S. Department of Energy as the most current national energy efficiency construction code.

Part I—Residential Energy Provisions

Adopted code: *2017 Oregon Residential Specialty Code (ORSC)*, including Chapter 11, with *Oregon Reach Code* modifications

Commentary: For residential structures covered under the ORSC, the 2017 ORSC exceeds national standards that are technically and economically feasible for residential structures.

Part II—Tiny Houses

Adopted code: 2018 International Residential Code (IRC), including Appendix Q for Tiny Houses, with Oregon Reach Code modifications

Commentary: The 2018 IRC, including Appendix Q, provides minimum standards for the construction of tiny houses, 400 square feet or less in floor area, not including loft areas.

In addition to an energy provision modification (requiring all LED lighting), this code establishes a new occupancy classification for the tiny house on wheels product.

Many wheeled-type structures are constructed using recreational vehicle-type products that are not typically allowed for permanent dwelling use. The exemption of product certification requirements under the electrical and plumbing statutes allows the Oregon Reach Code to provide a solution for contractors wanting to incorporate these products. This code:

- Provides another tool for tiny house builders.
- Provides flexibility for local government to address housing needs.
- Includes standards for both tiny houses on wheels and permanent tiny houses.

2018 Oregon Reach Code, Part II

TINY HOUSES

The *2018 Oregon Reach Code, Part II, Tiny House Provisions*, consists of:

- The *2018 International Residential Code (IRC)*, including Appendix Q for Tiny Houses
- *Oregon Reach Code* modifications.

Chapter 1 of the 2018 IRC is deleted in its entirety and replaced with the *2017 Oregon Residential Specialty Code (ORSC)* Chapter 1 with the following modifications:

SECTION R101 GENERAL

- Replace Section R101 with the following:

R101.1 Title. Chapter 1 of these regulations shall be known as the *Oregon Reach Code, Part II—Tiny House Provisions* and shall be cited as such and will be referred to herein as “this code.”

R101.2 Scope. The provisions of this code shall apply to the construction, *alteration*, enlargement, replacement, *repair*, equipment, use and occupancy of the following:

1. *Tiny houses* classified as a Group R-3 occupancy, one-family *dwelling unit* as defined in the *Oregon Residential Specialty Code* intended for permanent living.
2. *Tiny houses* on wheels classified as a Group R-5 occupancy intended for temporary or emergency use or as allowed by the *building official*.

This code shall not apply:

1. Where an owner or the owner’s authorized agent has not voluntarily opted to build under this code.
2. To any residential Group R occupancy constructed under the *Oregon Residential Specialty Code* or the *Oregon Structural Specialty Code*.
3. Any structure over 400 square feet in *building area* as defined by the *Oregon Structural Specialty Code*.

R101.2.1 Appendices. Provisions in Appendix Q of the *2018 International Residential Code* are adopted as a part of this code, all other appendices of the *2018 International Residential Code* shall not apply.

R101.3 Intent. This code shall be an optional set of construction standards and methods that are economically and technically feasible, to establish minimum standards for the design and construction of *tiny houses* incorporating effective use of energy while accommodating both *tiny houses on wheels* (THOW) and permanent (dwelling) uses.

R101.4 Local Acceptance. A local building inspection program (municipality) must recognize and accept a permit application for the construction, reconstruction, alteration, or repair of a building or structure in conformance with this code. (see ORS 455.500).

Exception: A local *building official* is not required to accept a permit application for a *tiny house* under this code if the local municipality has adopted an ordinance prohibiting *tiny house* structures, their use, installation, set-up, or any other matter consistent with planning and zoning standards adopted for that community. A local *building official* is also not required to accept a permit application for a *tiny house* under this code if the local municipality has adopted an ordinance requesting an alternate regulatory option under the provisions of ORS 455.065. These exceptions may include Group R-3 and/or R-5 *tiny houses* built under this code, consistent with the municipal ordinance. *Building officials* in the process of adopting a local ordinance or seeking rules under ORS 455.065 applicable to Group R-5 structures are not required to accept an application for an R-5 structure under this code during the period that the *building official* is seeking an ordinance to create an exception, up to six months.

SECTION R102 APPLICABILITY

- Replace Section R102.1 with the following:

R102.1 General. The use of this code is at the discretion of the permit applicant and must be accepted by the local municipality.

R102.1.1 Code conflicts. Where there is a conflict between a general requirement and a specific requirement of this code, the specific requirement shall be applicable. Where, in any specific case, different sections of the code specify different materials, methods of construction or other requirements, the most practical and effective requirement to meet the intent of the code shall govern.

R102.1.2 Innovative approaches. It is intended that the provisions of this code provide flexibility to allow and encourage the use of innovative approaches, techniques and technology to achieve compliance with the intent of the code.

R102.1.3 Separate compliance path. The use of this code constitutes a separate compliance path from the *Oregon Residential Specialty Code* in that designs must comply with this code in its entirety. Mixing of standards or cross-over applications with other codes is not allowed.

- Replace Section R102.4 with the following:

R102.4 Referenced codes and standards. The codes and standards referenced in this code shall be considered part of the requirements of this code to the prescribed extent of each such reference and as further regulated in Sections R102.4.1 and R102.4.2.

Exception: Where enforcement of a code provision would violate the conditions of the listing of the equipment or appliance, the conditions of the listing and manufacturer's instructions shall apply.

References to the *International Building Code* or the *Building Code* shall mean the *Oregon Structural Specialty Code* as adopted by OAR 918-460-0100.

References to the *International Electrical Code*, the *NFPA 70*, or the *Electrical Code* shall mean the *Oregon Electrical Specialty Code* as adopted by OAR 918-400-0455.

References to the *International Fuel Gas Code* shall mean the *Oregon Mechanical Specialty Code, Appendix C* as adopted by OAR 918-440-0010.

References to the *International Mechanical Code* or the *Mechanical Code* shall mean the *Oregon Mechanical Specialty Code* as adopted by OAR 918-440-0010.

References to the *International Plumbing Code* or the *Plumbing Code* shall mean the *Oregon Plumbing Specialty Code* as adopted by OAR 918-750-0110.

(Remainder of R102.4 is unchanged)

SECTION R104 DUTIES AND POWERS OF THE BUILDING OFFICIAL

- Section R104.1 is replaced with the following:

R104.1 General. Consistent with the discretionary decision making powers granted to *building officials*, a *certified building official* may take any action, including but not limited to, waiving a requirement of this code, modifying a requirement of this code and/or accepting an alternate method to a requirement in this code for residential type structures 400 square feet or less. When waiving or accepting a modification to this code, a *building official* shall not allow a provision that would create an imminent threat to public health or safety, and may not enforce requirements that are in addition to this code when built under this code by the permit applicant.

- The following is added after Section R104.10.1:

R104.10.2 (Modifications) Subsequent placement. Modifications granted by the municipality of record shall not be binding upon a receiving municipality. The applicant must include any such modifications with the *construction documents* when applying to the receiving municipality for review.

SECTION R106 CONSTRUCTION DOCUMENTS

- Section R106.2 is replaced with the following:

R106.2 Site plan or plot plan. The *construction documents* submitted with the application for permit shall be accompanied by a site plan showing the size and location of new construction and existing structures on the site and distances from lot lines. The *building official* is authorized to waive or modify the requirements for a site plan where the application for permit is for *alteration* or repair or where otherwise warranted.

Exception: Site plans for Group R-5 *tiny houses* or park model type recreational structures are only

required at the time of application for placement in a municipality.

SECTION R107 TEMPORARY STRUCTURES AND USES

- Section R107.3 is replaced with the following:

R107.3 Temporary power. Temporary power for *tiny houses built to this code are allowed. Tiny houses* intended for temporary use, temporary “Recreation Vehicle” type electrical connections (cord and plug) complying with Article 551 of the *Electrical Code* are permissible when temporary uses are allowed by the *building official*.

R107.3.1 Temporary plumbing connections. *Tiny houses* intended for temporary use may utilize plumbing systems, fixtures, methods and materials listed for recreational vehicle-use when temporary uses are allowed by the *building official*.

SECTION R119 TINY HOUSE OCCUPANCY CLASSIFICATION

- Section R119 is replaced with the following:

R119.1 Occupancy classification. Occupancy classifications shall be determined by the *building official* as requested by the applicant in accordance with Section R119.1.1 or R119.1.2. and may be converted in accordance with Section R110.2.

R119.1.1 Group R-3 permanent one-family dwellings. Permit applicants seeking a Group R-3 occupancy classification under this code must include in their permit application submittal to the local municipality adequate information demonstrating how the structure meets minimum requirements of this code, including how it will be permanently anchored to the ground to meet minimum standards for resisting seismic and wind forces such as, construction details, calculations and other information necessary to make a determination.

Where the frame of the chassis is a structural component of the floor system, the applicant must include adequate information demonstrating that the minimum floor loads are met and that the frame is capable of providing the necessary support to carry the load of the structure including connections. No temporary type cord and hose connections as allowed in R107.3 and R107.3.1 are allowed for a Group R-3 occupancy under this code.

R119.1.2 Group R-5 wheeled residential structures, 400 sq. ft. or less. (May be referred to as a Park Model, Tiny House, or Tiny House on Wheels) Permit applicants seeking a Group R-5 occupancy classification must include in their permit application submittal to the local municipality adequate information demonstrating how the structure meets this code.

Where the frame of the chassis is a structural component of the floor system, the *building official* is not required to review this equipment for approval as a Group R-5 structure.

Group R-5 structures are structures on wheels approved by the *building official* under this code. A Group R-5 structure must be built on a chassis with cord and hose utility connections in accordance with R107.3 and R107.3.2. A Group R-5 structure is limited to: temporary living quarters for seasonal or emergency use or as allowed by the *building official*. The duration of stay may be determined by local ordinance or local administrative rule.

Exception: Group R-5 structures located in approved recreational vehicle, manufactured housing, or transitional housing parks may not be subject to limitation on use and period of stay, unless addressed through land use and planning by the local municipality. See Oregon Revised Statute (ORS) 197.493.

R119.2 Occupancy classification conversion. Group R-5 wheeled residential structures constructed in accordance with this code may be converted to a Group R-3 permanent one-family dwelling provided that upon application to the local municipality for a change of occupancy, the applicant provides adequate information demonstrating how the structure will meet the minimum requirements for connection of electrical and plumbing systems and be permanently anchored to the ground to meet minimum requirements for resisting seismic and wind forces such as, construction details, design drawings, calculations and other information necessary, including how the chassis and floor system is anchored to the proposed foundation system, and any products or equipment that may not meet the minimum requirements of the *2018 International Residential Code* including Appendix Q.

R119.2.1 Applicant responsibility. Applicants must keep all permit, inspection, certificate of occupancy and *certificate of completion* records for the life of the structure. Such records shall be presented to the *building official* upon request. The *building official* is

authorized to require any inspection necessary to assist in the conversion of a Group R-5 to a Group R-3 occupancy classification. The applicant must meet all Construction Contractor's Board, Building Codes Division, and local licensing requirements.

R119.2.2 Building Official Right of Refusal. A *building official* may refuse to accept a request for occupancy classification, conversion, *alteration* or installation where permit, inspection, certificate of occupancy and certificate of completion records and/or other documentation fail to clearly demonstrate that all applicable laws have been followed or when the local municipality has opted out of the this code pursuant to R101.4.

SECTION R120 CERTIFICATE OF COMPLETION / UNIT IDENTIFICATION

- The following section is added:

R120.1 Certificate of completion issued. Where *tiny houses* are constructed off-site, the applicant may request a "Certificate of Completion." After the *building official* inspects the *tiny house* and does not find violations of the provisions of this code, the *building official* shall, at the applicant's request, issue a certificate of completion containing the following:

1. The building permit number.
2. The name and address of the owner or the owner's authorized agent.
3. A description of that portion of the structure for which the certificate is issued.
4. A statement that the described portion of the structure has been inspected for compliance with the requirements of this code.
5. The name of the *building official*.

6. The edition of this code under which the permit was issued.
7. If an *automatic sprinkler system* is provided and whether the sprinkler system is required.
8. Unit identification serial number.
9. Any special stipulations and conditions of the building permit.

R120.2 Revocation. The *building official* is authorized to, in writing, suspend or revoke a *certificate of completion* issued under the provisions of this code wherever the certificate is issued in error, or on the basis of incorrect information supplied, or where it is determined that the *tiny house* or portion thereof is in violation of any of the provisions of this code.

R120.3 Unit Identification. Each *tiny house* shall have a specific identification serial number to assure continuity of regulation. The identification number shall be embossed on the chassis or other readily accessible permanent component of the tiny home.

R120.2.1 Summary Label Information. Each *tiny house* shall be provided with a summary label. The summary label shall be provided by the builder and shall include the following information:

1. Unit Identification Serial Number.
2. The year the tiny home was constructed.
3. Builder/manufacturer.
4. Jurisdiction providing approval.
5. Any special stipulations and conditions of the building approval.

R120.2.2 Summary Label - Physical Requirements. All summary labels must:

1. Be imprinted, not handwritten.
2. Be permanently affixed to the inside of the electrical panel door or other location adjacent to the electrical panel.

Chapter 11 of the 2018 IRC is deleted in its entirety and replaced with Chapter 11 of the 2017 ORSC modified by the following:

N1107.2 High-efficacy lamps. All permanently installed lighting fixtures shall contain high-efficacy **LED** lamps. ~~Screw-in compact fluorescent and LED lamps comply with this requirement.~~

The *building official* shall be notified in writing at the final inspection that the permanently installed lighting fixtures have met this requirement.

~~**Exception:** Two permanently installed lighting fixtures are not required to have high-efficacy lamps.~~

N1107.3 High-efficacy exterior lighting. All exterior lighting fixtures affixed to the exterior of the building shall contain high-efficacy **LED** lamps.

~~**Exception:** Two permanently installed lighting fixtures are not required to have high-efficacy lamps.~~

2018 INTERNATIONAL RESIDENTIAL CODE FOR ONE- AND TWO-FAMILY DWELLINGS

APPENDIX Q TINY HOUSES

The provisions contained in this appendix are not mandatory unless specifically referenced in the adopting ordinance.

User Note:

About this appendix: *Appendix Q relaxes various requirements in the body of the code as they apply to houses that are 400 square feet in area or less. Attention is specifically paid to features such as compact stairs, including stair handrails and headroom, ladders, reduced ceiling heights in lofts and guard and emergency escape and rescue opening requirements at lofts.*

SECTION AQ101 GENERAL

AQ101. Scope.

This appendix shall be applicable to *tiny houses* used as single *dwelling units*. *Tiny houses* shall comply with this code except as otherwise stated in this appendix.

SECTION AQ102 DEFINITIONS

AQ102.1 General.

The following words and terms shall for the purposes of this appendix have the meanings shown herein. Refer to Chapter 2 of this code for general definitions.

Egress Roof Access Window. *A skylight or roof window designed and installed to satisfy the emergency escape and rescue opening requirements of Section R310.2.*

Landing Platform. *A landing provided as the top step of a stairway accessing a loft.*

Loft. *A floor level located more than 30 inches (762 mm) above the main floor, open to the main floor on one or more sides with a ceiling height of less than 6 feet 8 inches (2032 mm) and used as a living or sleeping space.*

Tiny House. *A dwelling that is 400 square feet (37 m²) or less in floor area excluding lofts.*

SECTION AQ103 CEILING HEIGHT

AQ103.1 Minimum ceiling height.

Habitable space and hallways in tiny houses shall have a ceiling height of not less than 6 feet 8 inches (2032 mm). Bathrooms, toilet rooms and kitchens shall have a ceiling height

of not less than 6 feet 4 inches (1930 mm). Obstructions including, but not limited to beams, girders, ducts and lighting, shall not extend below these minimum ceiling heights.

Exception: Ceiling heights in *lofts* are permitted to be less than 6 feet 8 inches (2032 mm).

SECTION AQ104 LOFTS

AQ104.1 Minimum loft area and dimensions.

Lofts used as a sleeping or living space shall meet the minimum area and dimension requirements of Sections AQ104.1.1. through AQ104.1.3.

AQ104.1.1 Minimum area.

Lofts shall have a floor area of not less than 35 square feet (3.25 m²).

AQ104.1.2 Minimum dimensions.

Lofts shall be not less than 5 feet (1524 mm) in any horizontal dimension.

AQ104.1.3 Height effect on loft area.

Portions of a *loft* with a sloped ceiling measuring less than 3 feet (914 mm) from the finished floor to the finished ceiling shall not be considered as contributing to the minimum required area for the loft.

Exception: Under gable roofs with a minimum slope of 6 units vertical in 12 units horizontal (50-percent slope), portions of a *loft* with a sloped ceiling measuring less than 16 inches (406 mm) from the finished floor to the finished ceiling shall not be considered as contributing to the minimum required area for the *loft*.

AQ104.2 Loft access.

The access to and primary egress from *lofts* shall be of any type described in Section AQ104.2.1 through AQ104.2.4.

AQ104.2.1 Stairways.

Stairways accessing *lofts* shall comply with this code or with Sections AQ104.2.1.1 through AQ104.2.1.5.

AQ104.2.1.1 Width.

Stairways accessing a *loft* shall not be less than 17 inches (432 mm) in clear width at or above the handrail. The width below the handrail shall be not less than 20 inches (508 mm).

AQ104.2.1.2 Headroom.

The headroom in stairways accessing a *loft* shall not be less than 6 feet 2 inches (1880 mm), as measured vertically, from a sloped line connecting the tread or landing platform nosings in the middle of their width.

AQ104.2.1.3 Treads and risers.

Risers for stairs accessing a *loft* shall not be less than 7 inches (178 mm) and not more than 12 inches (305 mm) in height. Tread depth and riser height shall be calculated in accordance with one of the following formulas:

1. The tread depth shall be 20 inches (508 mm) minus four-thirds of the riser height.
2. The riser height shall be 15 inches (381 mm) minus three-fourths of the tread depth.

AQ104.2.1.4 Landing platforms.

The top tread and riser of stairways accessing *lofts* shall be constructed as a *landing platform* where the *loft* ceiling height is less than 6 feet 2 inches (1880 mm) where the stairway meets the *loft*. The *landing platform* shall be 18 inches to 22 inches (457 to 559 mm) in depth measured from the nosing of the *landing platform* to the edge of the *loft* and 16 to 18 inches (406 to 457 mm) in height measured from the *landing platform* to the *loft* floor.

AQ104.2.1.5 Handrails.

Handrails shall comply with Section R311.7.8.

AQ104.2.1.6 Stairway guards.

Guards at open sides of stairways shall comply with Section R312.1.

AQ104.2.2 Ladders.

Ladders accessing *lofts* shall comply with Sections AQ104.2.1 and AQ104.2.2.

AQ104.2.2.1 Size and capacity.

Ladders accessing *lofts* shall have a rung width of not less than 12 inches (305 mm), and 10-inch (254 mm) to 14-inch (356 mm) spacing between rungs. Ladders shall be capable of supporting a 200-pound (75 kg) load on any rung. Rung spacing shall be uniform with 3/8 inch (9.5 mm).

AQ104.2.2.2 Incline.

Ladders shall be installed at 70 to 80 degrees from horizontal.

AQ104.2.3 Alternating tread devices.

Alternating tread devices accessing *lofts* shall comply with Sections R311.7.11.1 and R311.7.11.2. The clear width at and below the handrails shall be not less than 20 inches (508 mm).

AQ104.2.4 Ships ladders.

Ships ladders accessing *lofts* shall comply with Sections R311.7.12.1 and R311.7.12.2. The clear width at and below handrails shall be not less than 20 inches (508 mm)

AQ104.2.5 Loft Guards.

Loft guards shall be located along the open side of *lofts*. *Loft* guards shall be not less than 36 inches (914 mm) in height or one-half of the clear height to the ceiling, whichever is less.

SECTION AQ105 EMERGENCY ESCAPE AND RESCUE OPENINGS

AQ105.1 General.

Tiny houses shall meet the requirements of Section R310 for emergency escape and rescue openings.

Exception: *Egress roof access windows* in *lofts* used as sleeping rooms shall be deemed to meet the requirements of Section R310 where installed such that the bottom of the opening is not more than 44 inches (1118 mm) above the *loft* floor, provided the egress roof access window complies with the minimum opening area requirements of Section R310.2.1.