

ORDINANCE NO. 92-1027

AN ORDINANCE REPEALING TITLE 17: ZONING, CHAPTER 17.66 MOBILE HOME PARKS OF THE OREGON CITY MUNICIPAL CODE, 1991, AND REENACTING A NEW CHAPTER 17.66 MANUFACTURED DWELLINGS.

OREGON CITY ORDAINS AS FOLLOWS:

Section 1. That Title 17: Zoning, Chapter 17.66 Mobile Home Parks, of the 1991 City Code, be and the same is hereby repealed and a new Title 17: Zoning, Chapter 17.66 Manufactured Dwellings, is hereby enacted to read as follows:

Chapter 17.66

MANUFACTURED DWELLINGS

Sections:

- 17.66.010 Description and purpose.
- 17.66.020 Definitions.
- 17.66.030 Areas for Manufactured Dwellings or Homes.
- 17.66.040 Manufactured Dwelling Parks.
- 17.66.050 License--Required/Manufactured Dwelling Park
- 17.66.060 Criteria for construction, expansion.
- 17.66.070 General conditions and limitations.
- 17.66.080 Site requirements.
- 17.66.090 Manufactured dwelling space requirements.
- 17.66.100 Improvement requirements.
- 17.66.110 Manufactured dwelling parks in annexed areas.
- 17.66.120 Plot plans required.
- 17.66.130 Occupancy.
- 17.66.140 Manufactured Dwelling license fee.
- 17.66.150 Penalty for delinquency.
- 17.66.160 License--Transfer.
- 17.66.170 License--Display
- 17.66.180 License--Revocation.
- 17.66.190 Manufactured Home Subdivision - General Requirements
- 17.66.200 Site requirements.
- 17.66.210 Placement standards.
- 17.66.220 Minimum standards.

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

17.66.020 Definitions. As used in this title, the masculine includes the feminine and the singular includes the plural. Unless the context otherwise requires, the following words and phrases mean:

"Access way" means an unobstructed way of specified width containing a drive or roadway which provides vehicular access within a manufactured dwelling park and connects to a public street.

"Awning" means any stationary structure used in conjunction with a manufactured dwelling, other than a window awning, for the purpose of providing shelter from the sun and rain and having a roof with supports and not more than one wall or storage cabinet substitution for a wall.

"Carport" means a stationary structure consisting of a roof with its supports and not more than one wall, or storage cabinet substituting for a wall, and used for sheltering a motor vehicle.

"City" means the City of Oregon City, Oregon.

"Lot" means any space, area or tract of land, or portion of a manufactured dwelling park or mobile home park, which is designated or used for occupancy by one manufactured dwelling.

"Manufactured dwelling" means:

- (A) Residential trailer, 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 before January 1, 1962.
- (B) Mobile home, a structure constructed for movement on the public highways that has sleeping, cooking 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, 1975, and met the construction requirements of Oregon mobile home law in effect at the time of construction.

(C) Manufactured home:

- (i) For any purpose other than that set forth in subparagraph (ii) of this paragraph, "manufactured home" means 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 in accordance with federal manufactured housing construction and safety standards and regulations in effect at the time of construction; or
- (ii) For purposes of implementing any contract pertaining to manufactured homes between the agency and the Federal Government, "manufactured home" has the meaning given the term in the contract.
- (b) "Manufactured dwelling" does not mean any building or structure subject to the structural specialty code adopted pursuant to ORS 455.100 to 455.450 or any unit identified as a recreational vehicle by the manufacturer.

"Manufactured dwelling park" means any place where four or more manufactured dwellings are located within 500 feet of one another on a lot, tract or parcel of land under the same ownership, the primary purpose of which is to rent or lease space or keep space for rent or lease to any person for a charge or fee paid or to be paid for the rental or lease or use of facilities or to offer space free in connection with securing the trade or patronage of such person. "Manufactured dwelling park" does not include a lot or lots located within a subdivision being rented or leased for occupancy by no more than one manufactured dwelling per lot if the subdivision was approved by the local government unit having jurisdiction under an ordinance adopted pursuant to ORS 92.010 to 92.190.

"Manufactured structure" means a:

- (A) "Recreational vehicle" as set forth in this chapter; or
- (B) "Manufactured dwelling" as set forth in this chapter;
- (C) "Manufactured structure" does not apply to any building or structure regulated under the State of Oregon Structural Specialty Code or the One and Two Family Dwelling Code.

"Manufactured home subdivision" means a parcel of land intended for and designed to accommodate exclusively manufactured dwelling for single-family residential use, which is offered to the public for that use along with any structure, facility, area or equipment permitted and incidental to the residential use development pursuant to the City of Oregon City subdivision and partitioning ordinance and as provided for by the zoning regulations.

"Mobile home park" means any place where four or more manufactured structures are located within 500 feet of one another on a lot, tract or parcel of land under the same ownership, the primary purpose of which is to rent space or keep space for rent to any person for a charge or fee paid or to be paid for the rental or use of facilities or to offer space free in connection with securing the trade or patronage of such person. . "Mobile home park" does not include a lot or lots located within a subdivision being rented or leased for occupancy by no more than one mobile home per lot if the subdivision was approved by the municipality unit having jurisdiction under an ordinance adopted pursuant to ORS92.010 to 92.190.

"Manufactured dwelling space" means a plot of ground within a manufactured dwelling park designed for the accommodation of one manufactured dwelling.

"Park" means a manufactured dwelling park.

"Recreational vehicle" means a vehicle without motive power, which is designed for human occupancy and to be used temporarily for recreational, seasonal or emergency purposes, and has a gross floor area not exceeding 400 square feet, in the set-up mode and as further defined, by rule, by the agency.

"Stand" means that part of a manufactured dwelling space reserved for the placement of a mobile home.

17.66.030     Areas for manufactured dwellings or homes.

- (A) No person shall maintain a manufactured dwelling or home for residential purposes except as provided under the provision of this title. However, manufactured homes may be used for residential quarters for watchmen or caretakers and located on the premises of an industrial establishment in any industrial zone shall be permitted as an exception herein, provided they comply with this title.
- (B) If the use of the property for a manufactured dwelling or home site is discontinued for any reason for more than one (1) year, it shall not be reestablished, subject to the provisions of Chapter 17.58.
- (C) Occupied, abandoned or unoccupied manufactured dwellings or homes may be abated if they constitute a menace to the public health, safety and welfare pursuant to the provisions of Chapter 15.24, of the Oregon City Municipal Code, 1991.

17.66.040     Manufactured Dwelling parks. No building, structure or land within the boundaries of a manufactured dwelling park shall be used for any purpose except for the uses permitted by this Chapter as follows:

- (A) Manufactured dwellings for residential use only, together with the normal accessory uses such as a patio slab, carport and a central storage or wash room building;
- (B) Private and public utilities;
- (C) Community recreation facilities, including swimming pools, for residents of the park and guests only;
- (D) A manufactured dwelling park may have one residence for the use of a caretaker or a manager responsible for maintaining or operating the property.

17.66.050 License--Required/Manufactured Dwelling Park. No person shall maintain or operate a manufactured dwelling park within the city without first obtaining a license from the city. Application for a license to operate a new manufactured dwelling park shall be filed with the city. An enlargement of a manufactured dwelling park or an increase in the number of stands in an existing park shall be subject to the provisions of this title regulating new parks.

17.66.060 Criteria for construction, expansion.

- (A) No building or other permit shall be issued for construction of a new manufactured dwelling park or expansion of an existing manufactured dwelling park in an RD-4 (MR/MDP) district until the location is approved and provisions of Chapter 17.62 are met.

17.66.070 General conditions and limitations.

- (A) Area. The following area requirements shall be deemed to be the minimum land area necessary to establish a manufactured dwelling park:

In an RD-4 (MR/MDP) district, the parcel of land to be used for manufactured dwelling park purposes shall contain not less than four (4) acres.

- (B) Density. The density shall not exceed ten (10) manufactured dwellings per gross acre. Density requirements shall be established as the minimum square footage of gross site area for each manufactured dwelling. If it is determined by the reviewing body that a dedication is necessary for street right-of-way or other public purposes, the amount of land dedicated shall be subtracted from the gross site area when calculating the proposed density.

(C) Yard Regulations.

1. For the purposes of this title the setback required in each instance shall be a line parallel to and measured at right angles from the front, side or rear property line. The front and rear building setback lines shall extend the full width of the property. No building, structure or manufactured dwelling shall be located so that any part thereof extends into the area between the building setback line and the property line. Fences and signs may be placed within the aforementioned area as an exception to this subsection.
2. Manufactured dwelling parks shall be set back at least twenty feet (20') from any interior property line abutting residentially zoned property. The setback shall be at least ten feet (10') from any interior property line abutting commercially or industrially zoned property. The setback from any abutting street shall be at least twenty feet (20') but no closer than fifty feet (50') from the center of the road.

(D) Development of Boundaries. A sight-obscuring fence or wall not less than five feet (5') nor more than six feet (6') in height shall surround the manufactured dwelling park, exclusive of required openings. Such fence or wall may be placed up to the front property line if adequate vision clearance for entrances and exits is maintained as provided by Section 17.52.030.

(E) Signs. See Chapter 15.28 for appropriate regulations.

(F) Parking Requirements. There shall be two (2) vehicle parking spaces at least nine feet by 20 feet (9'x20') in size for each manufactured dwelling space, with clear and unobstructed access to an accessway. One (1) space may be located in the required accessway.

(G) Access to a Public Street. Access drives shall be provided to each space, shall be continuous, shall connect with a public street, and shall have a minimum width of twenty feet (20') for interior circulation. The point of access to the street shall be at least thirty-two feet (32') in width.

(H) Emergency Sanitation Facilities. Each manufactured dwelling park shall be provided, for emergency purposes, with the sanitation facilities as prescribed by the Oregon State Board of Health.

(I) Service buildings. Service buildings housing sanitation facilities shall be permanent structures complying with all applicable city and state ordinances and statutes regulating buildings, electrical installation and plumbing and sanitation systems.

- (J) **Accessory Structures.** Structures located in any manufactured dwelling space shall be limited to a storage building or carport. The storage building or carport may be combined as one (1) structure. No structural additions shall be built onto or become a part of any manufactured dwelling, and no manufactured dwelling shall support any building in any manner. The words "structural additions" shall not be construed to exclude the construction of an awning or patio cover adjacent to a manufactured dwelling.

17.66.080 Site requirements. The following shall be considered the minimum site requirements for a new manufactured dwelling park or the expansion of an existing manufactured dwelling park:

- (A) **Walkways.** Walkways of not less than three feet (3') in width shall be provided for each manufactured dwelling space to the service buildings and recreational area or areas, and from the patio to the accessway. The accessway may be considered as part of the walkway to the service building.
- (B) **Recreation Area.** A minimum of four thousand (4,000) square feet of recreation area shall be provided for each gross area of land in the proposed manufactured dwelling park. The recreation area may be in one or more locations in the park. At least one (1) recreation area shall have a minimum size of ten thousand (10,000) square feet. The recreational site or sites are to be of a size and shape adequate for the intended use, and the locations shall be convenient to all manufactured dwelling sites in the park.
- (C) **Electrical.** Electrical service equipment complying with the city electrical code shall be provided for each manufactured dwelling space and all applicable state statutes shall likewise apply.
- (D) **Sewers.** Each manufactured dwelling space shall be provided with a sewer connection which complies with the city plumbing code and all applicable state statutes.
- (E) **Water Supply.** A continuous supply of pure water for drinking and domestic purposes shall be supplied by underground facilities to all buildings and manufactured dwelling spaces within the park. Water service equipment shall conform to the plumbing code in the city and all applicable state statutes. (See also Section 17.66.210).

17.66.090 Manufactured dwelling space requirements. The minimum manufactured dwelling space requirements for a new manufactured dwelling park or the expansion of an existing manufactured dwelling park are as follows:

- (A) The average size of a manufactured dwelling space in a manufactured dwelling park shall not be less than three thousand five hundred square feet (3,500), and no space shall be smaller than two thousand eight hundred (2,800) square feet. No space shall have a width of less than forty feet (40') at the location where the manufactured dwelling is situated on the space.
- (B) No manufactured dwelling space shall have a stand of less than ten feet (10') in width and less than fifty feet (50') in length.
- (C) Occupied manufactured dwelling shall be parked only on stands provided, shall be set back a minimum of five feet (5') from the edge of all accessways, and shall observe the setbacks as established in Section 17.66.070 (C).
- (D) Each manufactured dwelling space shall be improved with one (1) concrete patio, or rot-resistant wood deck, having a minimum area of one hundred fifty (150) square feet.
- (E) One (1) permanent storage building containing a minimum of thirty-two (32) square feet of floor area may be provided for each manufactured dwelling space. The building height shall not be less than seven feet (7') or more than nine feet (9').
- (F) Minimum space requirements between manufactured dwelling:
  - 1. End to end fifteen feet (15');
  - 2. Temporary or permanent structures or manufactured dwellings situated in one (1) space shall be separated by at least fifteen feet (15') from temporary or permanent structures or manufactured dwellings in an adjoining space. Where carport and storage buildings are use jointly, the fifteen feet (15') requirement may be waived by the Planning Division.
- (G) Manufactured skirting shall be securely placed in those areas around the perimeter of the manufactured dwellings which are not developed with a foundation. Such skirting must allow for adequate ventilation.

17.66.100 Improvement requirements. Improvement requirements for a new manufactured dwellings park or the expansion of an existing park are as follows:



- (A) Roadways within an accessway and walkways shall be paved with a crushed rock base and asphaltic or concrete surfacing according to structural specifications established by the city engineer and applied to all parks.
- (B)
  - 1. The minimum surfaced width of a roadway within an accessway shall be twenty feet (20') if there is no parking allowed, and thirty feet (30') if parking is allowed on one (1) side and forty feet (40') if parking is allowed on both sides.
  - 2. The first fifty feet (50') of the accessway measured from the street line shall be surfaced to a width of thirty feet (30') and shall be connected to an existing street according to plans approved by the city engineer.
- (C) All accessways and walkways within the park shall be lighted at night to provide a minimum of 1.5 foot candles of illumination.
- (D) Wires for service to light poles and manufactured dwelling spaces shall be underground.
- (E) Manufactured dwelling stands shall be paved with asphaltic or concrete surfacing or with crushed rock contained within concrete curbing or pressure treated wooden screens.
- (F) The manufactured dwelling park shall be well drained. Provisions for drainage shall be made in accordance with plans approved by the city engineer.
- (G) Manufactured dwelling parks shall comply with the aforesaid improvement requirements prior to occupancy.

17.66.110 Manufactured Dwelling parks in annexed areas. If the manufactured dwelling park is located in an area subsequently annexed to the city, such manufactured dwelling park shall be treated as a non-conforming use pursuant to Chapter 17.58 if it does not comply with all provisions of this title.

**17.66.120 Plot plans required.** The application for a permit to construct a new manufactured dwelling park or to expand an existing manufactured dwelling park shall be accompanied by fifteen (15) copies of the plot plan of the proposed park. A preapplication conference is required as per Chapter 17.50. The plot plan should show the general layout of the entire manufactured dwelling park, and should be drawn to a scale not smaller than one inch (1") representing forty feet (40'). The drawing shall be placed on substantial tracing paper and shall show the following information:

- (A) Name of the person who prepared the plan;
- (B) Name of the manufactured dwelling park and legal description of the property;
- (C) Scale and north point of the plan;
- (D) Vicinity map showing relationship of manufactured dwelling park to adjacent properties;
- (E) Boundaries and dimensions of the manufactured dwelling park;
- (F) Location and dimensions of each manufactured dwelling space. Designate each space by number, letter or name;
- (G) Location and dimensions of each existing or proposed building;
- (H) Location and width of accessways;
- (I) Location and width of walkways;
- (J) Location of each lighting fixture for lighting the manufactured dwelling spaces and grounds;
- (K) Location of recreation areas and buildings, and area of recreation space in square feet;
- (L) Location and type of landscaping plantings, fence, wall, or combination of any of these or other screening materials;
- (M) Location of point where manufactured dwelling park water and sewer system connects with the public system;
- (N) Location of available fire and irrigation hydrants;
- (O) Location of public telephone service for the park;

- (P) Location of garbage disposal/collection facilities;
- (Q) Enlarged plot plan of a typical manufactured dwelling space, showing location of the stand, patio, storage space, parking, sidewalk, utility connections and landscaping;
- (R) Detailed Plans Required. At the time of application for a permit to construct a new manufactured dwelling park or to expand an existing park, the applicant shall submit the following required detailed plans:
  - 1. New structures;
  - 2. Water and sewer systems;
  - 3. Electrical systems;
  - 4. Accessways, walkways and patio construction;
  - 5. Drainage system;
  - 6. Recreation area improvements.
- (S) Before construction of a swimming pool in a manufactured dwelling park two (2) copies of plans approved by the Oregon State Board of Health shall be filed with the building official.

17.66.130 Occupancy. Occupancy of the manufactured dwelling parks for residential purposes shall not be permitted until completion of the plot plan and final approval by the building official.

17.66.140 Manufactured dwelling license fee. Each person, firm or corporation before operating a manufactured dwelling park shall pay to the city an annual manufactured dwelling license fee for a manufactured dwelling park as listed in Section 16.50.480. The term of the manufactured dwelling license is from January 1st of each year through December 31st of each year, and shall be delinquent by February 1st of each year. If less than six (6) months of the manufactured dwelling license period remains, the license fee is one-half (½) the annual fee. The license must be renewed annually. This license fee is in addition to the trades, shops and professional business license fees.

17.66.150 Penalty for delinquency. Any person failing to pay the manufactured dwelling license fee before engaging in the manufactured dwelling park business or by February 1st of each year shall pay a penalty of twenty percent (20%) of the manufactured dwelling license fee in addition to the fee provided in Section 17.55.140.

17.66.160 License--Transfer.

- (A) If a transfer of license for a manufactured dwelling park under the provisions of this title is desired, an application for transfer shall be filed with the city, accompanied by a fee as listed in Section 17.50.480. The application shall contain the name and address of the present licensee, the applicant and the location of the park. Before the transfer of license is approved, the application shall be signed by the building inspector certifying that the manufactured dwelling park conforms to all city regulations governing manufactured dwelling parks. Upon receipt of approval, the city recorder shall issue a new license to be valid until the following December 31st.
- (B) If the application for transfer is disapproved, the city manager shall set forth in writing the reasons therefor and state the action necessary to receive approval. The applicant may appeal the ruling to the city commission by filing a written notice of appeal with the city recorder within thirty (30) days of the decision.

17.66.170 License--Display. Any required manufactured dwelling park license shall be displayed in a conspicuous place in the manufactured dwelling park premises.

17.66.180 License--Revocation.

- (A) The city manager may revoke any license to maintain and operate a manufactured dwelling park if the park does not conform to the provisions of this title and other ordinances of the city relative thereto.
- (B) Prior to the effective date of revocation of a license to maintain and operate a manufactured dwelling park, the city manager shall give notice in writing setting forth the reasons for revocation. The owner may request a hearing before the city commission at which the revocation will be considered. For the purpose of this notice, the name and address that appears on the application for license or transfer of license shall be used.
- (C) The license may be reissued if the manufactured dwelling is made to conform to the provisions of this title and other ordinances of the city relative thereto.
- (D) Upon revocation of the license all manufactured dwellings shall be removed from the site within thirty (30) days.

17.66.190 Manufactured home subdivision--General requirements.

- (A) Applications for a manufactured home subdivision shall be subject to the submission requirement of the subdivision ordinance.
- (B) Manufactured home subdivisions may be located as provided in Section 17.06. *050,*

17.66.200 Site requirements.

- (A) General. The following requirements shall be the minimum necessary to establish a manufactured home subdivision in the R-6/MH zoning district.
- (B) Density. The density of a manufactured home subdivision shall be subject to the density requirements as outlined in Section 17.13. *040,*
- (C) Off-Street Parking. Off-street parking shall be provided as required in Chapter 17.52.

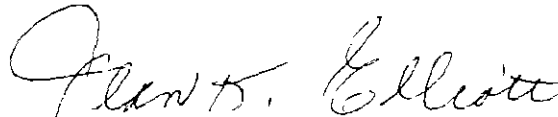
17.66.210 Placement standards. Manufactured homes on individual lots and in manufactured home subdivisions shall be subject to the following placement standards:

- (A) Floor area - The manufactured home shall be multi-sectional (double-wide or wider) and enclosed a floor area of not less than 1,000 square feet. Hitches and tipout are excluded from square footage calculations.
- (B) Roof - The manufactured home shall have a pitched roof with a pitch of at least a nominal. 3/12. The roof shall be covered with shingles, shakes, composition, or tile. Eaves and gutters shall extend from the roof at least six inches (6") from the intersection of the roof and the exterior wall.
- (C) Foundation - The manufactured home shall be placed on an excavated and back filled foundation, enclosed at the perimeter with no more than 12 inches of the enclosing material exposed above grade. Where the building site has a sloped grade, no more than 12 inches of the enclosing material shall be exposed on the uphill side of the home.
- (D) Exterior Siding - The exterior siding shall have the same appearance as materials which are comparable to the predominant materials used on surrounding dwellings within 300 feet. Metal siding shall be painted or anodized.

- (E) Hauling Mechanisms - The transportation mechanisms including the wheels, axles, and hitch shall be removed.
- (F) Accessory Structures - The manufactured home shall have an attached or detached garage or carport constructed of like materials, consistent with the construction of adjacent dwellings within 300 feet. The provisions of ~~16.54.010~~ shall apply as applicable.
- (G) The manufactured home shall be certified by the manufacturer to have 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.

Evidence demonstrating that the manufactured home meets "Super Good Cents" energy efficiency standards is deemed to satisfy the exterior thermal envelope certification requirement. Additional manufacturers certification shall not be required.
- (H) The manufactured home shall not be sited in a conservation, historic district, or abutting to a structure or site listed on the Oregon City Inventory of Historic Resources.
- (I) Any extension or attachment to the manufactured home which is not part of the original factory manufactured home and which is intended for use either as part of the dwelling unit or for storage purposes shall not occur unless indicated as a part of the application and is part of the approval. This application shall include plans for review and approval to insure the extension or attachment proposed is compatible and of like design and character to the existing manufactured home. A city building permit shall be obtained for such extensions or additions to manufactured homes if so required by the appropriate state statutes and regulations.
- (J) An on-site paved parking area shall be provided for each dwelling as per Section 17.52.010.
- (K) The applicant must obtain an installation/set-up permit for the manufactured home from the city.

Read first time at a regular meeting of the City Commission held on the 16th day of September, 1992 and the foregoing ordinance was finally enacted by the City Commission on the 16th day of September, 1992.

  
JEAN K. ELLIOTT, City Recorder

ATTESTED this 16th day of September, 1992.

  
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DANIEL W. FOWLER, Mayor



# CITY OF OREGON CITY

INCORPORATED 1844

## COMMISSION REPORT

TO THE HONORABLE MAYOR AND COMMISSIONERS

FOR AGENDA

DATED

September 16, 1992

Page 1 of 2

Subject: Proposed Ordinances to Implement  
Manufactured Housing Requirements -  
Public Hearings

Report No. 92-203

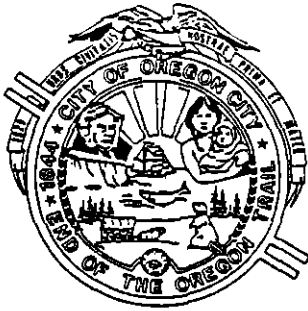
On the September 16, 1992 City Commission agenda are six ordinances which will bring the City's Comprehensive Plan and Zoning Ordinance into compliance with Statewide Planning Goal No. 10.

Statewide Planning Goal No. 10 requires each City and County to provide for the housing needs of citizens of the State. Comprehensive Plans shall contain policies to encourage the availability of adequate numbers of needed housing units at price ranges and rent levels which are commensurate with the financial capabilities of Oregon households. Manufactured housing is now a part of "needed housing types" and must be allowed in sufficient numbers to meet the projected needs through City's ordinances. Thee needs analysis is attached to this report as appendix "A".

The proposed ordinances are as follows:

- a. Proposed Ordinance No. 92-1024: Adds a new zoning district R-6/MH; brings the section concerning annexed areas into compliance with the City/County Urban Growth Management Agreement; amends the land use classification table; creates a new R-6/MH zoning district and adds it to the requirements table; and makes manufactured dwelling parks an outright permitted use in the RD-4 (MR/MDP) areas.
- b. Proposed Ordinance No. 92-1025: Allows for administrative review of zoning for annexed properties where there is a single zone applied to the Comprehensive Plan designation.
- c. Proposed Ordinance No. 92-1026: Deletes mobile home subdivisions from the permitted uses in the R-10, R-8, and R-6 zoning districts. Subdivisions will be permitted in the R-6/MH zoning district.
- d. Proposed Ordinance No. 92-1027: Revises Chapter 17.66 to comply with the new manufactured dwelling/home requirements.
- e. Proposed Ordinance No. 92-1028: Amends the Housing element of the Comprehensive Plan with new goals and policies; and also amends the Growth and Urbanization element to bring it current with the City/County Urban Growth Management Agreement.





# CITY OF OREGON CITY

INCORPORATED 1844

## COMMISSION REPORT

TO THE HONORABLE MAYOR AND COMMISSIONERS

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Page 2 of 2

Subject: Proposed Ordinances to Implement  
Manufactured Housing Requirements -  
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- f. Proposed Ordinance No. 92-1029: Adds the new plan designation of LR/MH to the list of plan designations, and changes the map to specify areas to be designated. The proposal will designate approximately 205 acres for LR/MH.

Work sessions were held with both the Planning Commission and City Commission. In addition, the Manufactured Housing Association was contacted for their input and coordination. All of the proposed standards will comply with State standards.

On August 25, 1992, the Planning Commission held a public hearing on the proposed manufactured housing ordinances. The Planning Commission's recommendation is that the proposed ordinances be approved, based on the needs analysis and State requirements.

Attached for review are the following documents:

1. Planning Commission minutes from August 25, 1992, and
2. The Needs Analysis

Notice of proposed Ordinances No. 92-102<sup>4</sup>~~7~~, 92-1025, 92-102<sup>6</sup>~~7~~, 92-1027, 92-1028, and 92-1029 have been posted at City Hall, Courthouse, and Senior Center. It is recommended that the first and second reading be approved for final enactment.

CHARLES LEESON  
City Manager

attach.

cc - John Block, Development Services Director  
- Planning Division

# EXHIBIT "A"

**CITY OF OREGON CITY**  
**MANUFACTURED HOUSING NEEDS ANALYSIS**  
**AND**  
**BUILDABLE LANDS INVENTORY**

*Prepared for:      The City of Oregon City*

*Prepared by:   David J. Newton, Associates*

August 21, 1991

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## 1 INTRODUCTION

Statewide Planning Goal 10 requires each local government to provide for manufactured dwellings<sup>1</sup> in sufficient numbers to satisfy the "need" for this type of housing.<sup>2</sup>

There are three ways to provide for manufactured dwellings: (1) in subdivisions reserved exclusively for manufactured homes (manufactured home subdivisions); (2) in manufactured dwelling parks (aka mobile home parks); and (3) as "infill," i.e., on individual lots or parcels outside of manufactured home subdivisions and manufactured dwelling parks. Each of these terms have distinct legal and planning meaning in Oregon, and each term is defined in more detail in Chapter II of this report.

Oregon City was "acknowledged" by the Land Conservation and Development Commission in 1981 as complying with Statewide Planning Goal 10 - Housing. More specifically, Oregon City's approach to providing for manufactured dwellings - which relied exclusively on carrying out the provisions of the Clackamas County Comprehensive Plan for the unincorporated urbanizable area outside the 1982 City Limits - was approved by LCDC. Two things have changed since then:

- (1) Oregon City is uncomfortable with Clackamas County's provisions for manufactured dwellings, and would like to examine alternative ways to comply with Goal 10;<sup>3</sup> and

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<sup>1</sup> Definitions are important when discussing "mobile home" issues in Oregon. See Section 3.2 of this report (page 6) for definitions of "manufactured dwelling," "residential trailer," "mobile home" and "manufactured home."

<sup>2</sup> The easiest way for Oregon City, or any community, to meet the State requirement is to allow manufactured homes on par with conventional single family homes. Alternatively, the City could maintain its existing policy of allowing manufactured home subdivisions as of right in Low Density Residential areas with three or more acres, and allocate a relatively small amount of land somewhere in the urban planning area for "manufactured home infill." Based on discussions with Oregon City planning staff, however, these approaches appear to be unacceptable policy choices in Oregon City.

<sup>3</sup> The Clackamas County Plan allows manufactured home subdivisions and manufactured dwelling parks on Low Density Residential land where there is a minimum area of three acres.

- (2) State law (ORS 197.303) has changed such that manufactured homes on individual lots (infill) and manufactured dwelling parks (mobile home parks) are now on the list of "needed housing types," and must be allowed in sufficient numbers to meet need projections, through local zoning.

At present, Oregon City partially meets State requirements for manufactured dwelling parks and subdivisions, but does not meet State requirements for manufactured home infill.

## **2 PURPOSE OF THIS STUDY**

The purpose of this study is to comply with State law in a manner that is sensitive to Oregon City's planning and political environment. This study accomplishes four objectives:

- 2.1 Provides a revised manufactured dwelling needs analysis that is consistent with the Metro Housing Rule (OAR 660-07) and State law (ORS 197), which focuses on the need for:
  - a. Manufactured home infill;
  - b. Manufactured dwelling parks; and
  - c. Manufactured home subdivisions.
- 2.2 Provides a revised buildable lands inventory which determines the amount of buildable land by zoning district and the residual development capacity of buildable lands within Oregon City and its urban planning area, based on existing zoning.
- 2.3 Suggests changes in the applicable Comprehensive Plan and Zoning maps and text that will need to be made to comply with State Law and implement Oregon City's preferred approach.
- 2.4 Suggests adjustments to the housing needs analysis and buildable lands inventory, based on revised zoning and recommendations that result from the third objective.

*Prepared by David J. Newton, Associates*

### 3 STATE PLANNING GOAL AND STATUTORY REQUIREMENTS

#### 3.1 Goal 10 - Housing

Statewide Planning Goal 10 - Housing makes sure that each local government provides its fair share of affordable housing by prohibiting exclusionary zoning practices. Prior to the implementation of Goal 10 through the LCDC acknowledgment process, many local governments in the Portland metropolitan area provided housing opportunities for large-lot single family subdivisions, to the exclusion of more affordable multiple-family and manufactured housing.

Goal 10 - Housing is short and unambiguous in its intent:

*Goal*

*To provide for the housing needs of the citizens of the state.*

*Buildable lands for residential use shall be inventoried and plans shall encourage the availability of adequate numbers of housing units at price ranges and rent levels which are commensurate with the financial capabilities of Oregon households and allow for flexibility of housing location, type and density.*

Goal 10 has several building blocks. First, there must be a *housing needs analysis*, which determines the types and densities of housing that will be affordable to existing and future households. Second, there must be a *buildable lands inventory*, which determines the amount of land, by zoning category, that is suitable and available to accommodate the types and densities of housing determined to be needed. And third, there must be *sufficient suitable and available land in each zoning category to satisfy projected need*. By specifying quantifiable objectives that are implemented through local zoning, Goal 10 places an affirmative obligation on local governments to plan for affordable housing.

When Goal 10 is applied to manufactured dwellings, it is clear that Oregon City must: first, determine how many manufactured dwellings at what densities will be needed by its citizens over during the planning period; second, determine the amount of buildable land in each residential zone within the planning area; and third, determine whether there is enough buildable land zoned to meet the need. If there is insufficient land planned and zoned for manufactured dwellings, then plan amendments and zone changes will be necessary.

### 3.2 Oregon Revised Statutes

**Types of Manufactured Dwellings - ORS 446.003 (20) Definitions.** There are three types of manufactured dwellings defined by Oregon law:

**"Residential Trailer:** 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 before January 1, 1962."

**"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 in effect at the time of construction."

**"Manufactured 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 in accordance with federal manufactured construction and safety regulations in effect at the time of construction."<sup>4</sup>

Manufactured home parks, also known as manufactured dwelling parks, also have a Statutory definition:

**Mobile Dwelling Park - ORS 446.003 (22), ORS 197.295(2) or  
Manufactured Home Park - ORS 197.295(5) definition<sup>5</sup>:**

"Manufactured dwelling [home] park means any place where four or more manufactured dwellings [homes] are located within 500 feet of one another on a lot, tract or parcel of land under the same ownership, the primary purpose of which is to rent space or keep space for rent to any person for a charge or fee paid or to be paid for rental use of the facility or to offer space free in connection with securing the trade or patronage of such person. Manufactured dwelling [home] park does not include a lot or lots located within a subdivision being

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<sup>4</sup> After 1976, HUD began regulating the construction of mobile homes, and mobile homes got a new name - manufactured homes. Today's manufactured homes typically are double-wides with composition roofing and non-reflective siding, and usually resemble ranch-style tract homes in appearance.

<sup>5</sup> Note that the terms "mobile home park" and "manufactured dwelling park" are used interchangeably in Oregon Revised Statutes.

rented or leased for occupancy by no more than one manufactured dwelling per lot if the subdivision<sup>6</sup> was approved by a local government unit having jurisdiction under an ordinance adopted pursuant to ORS 90.010 to 92.190."

### 3.3 ORS 197 - Housing Need and Approval Standards

Through the acknowledgment process and as a result of case law, Goal 10 has been refined and interpreted by LCDC. The Oregon Legislature has codified these refinements in ORS 197.303-313. ORS 197.303 defines "needed housing" as:

" \* \* \* housing types determined to meet the need shown for housing within an urban growth boundary at particular price ranges and rent levels."

ORS 197.307 specifies that once a housing type is on the "needed housing" list, there must be a numerical determination as to the number and density of units that are needed, and sufficient land zoned to meet the specific need.

ORS 197.307(6) prohibits local governments from adopting vague or discretionary zoning regulations or conditions of approval for needed housing types:

"Any approval standards, special conditions and the procedures for approval adopted by a local government shall be clear and objective and shall not have the effect, either in themselves or cumulatively, of discouraging needed housing through unreasonable cost or delay."

These statutory provisions allow Oregon City to determine, objectively, *how and where* needed housing is provided. However, the determination of *whether* a needed housing type is permitted in sufficient numbers to meet projected need is a matter of statewide interest, and is not left to local discretion.

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<sup>6</sup> There is no statutory definition for "manufactured home subdivision" *per se*. A subdivision is a land division resulting in four or more lots. A "manufactured home subdivision" is any subdivision approved by local government in accordance with State subdivision law that allows manufactured homes. In theory, it is possible to have a "residential trailer subdivision" or a "mobile home subdivision." However, it has been the practice of most Oregon cities to allow only manufactured homes that meet HUD standards to locate on lots in "manufactured home subdivisions."



#### **4 MANUFACTURED DWELLING NEED AS DEFINED BY THE STATE OF OREGON**

ORS 197.303 specifically "defines" needed housing types to include "mobile home or manufactured dwelling parks" and "manufactured homes on individual lots." A housing needs analysis is specifically required for these two types of manufactured dwellings.

##### **4.1 Manufactured Dwelling Parks**

ORS 197.480 requires that the need for manufactured dwelling (home) parks be met exclusively on land planned and zoned for a density of 6-12 units per acre. If existing manufactured dwelling parks are located in areas planned for commercial, industrial or high density residential use, then additional land must be planned and zoned at 6-12 units per acre to account for displacement. Local governments cannot discriminate against the placement of manufactured dwellings in manufactured dwelling parks based solely on their age.<sup>7</sup>

##### **4.2 Manufactured Homes on Individual Lots**

ORS 197.303 requires that manufactured home infill must occur on "individual lots planned and zoned for single-family residential use that are in addition to lots within designated manufactured home<sup>8</sup> subdivisions." ORS 197.307(5) specifies design standards that local governments may apply to infill manufactured homes. ORS 197.307(5) also allows local governments to impose additional standards, provided that these standards are applied equally to all single family dwellings in the same zone.

##### **4.3 Manufactured Home Subdivisions**

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<sup>7</sup> However, ORS 197.485 does allow for the local imposition of "reasonable safety and inspection requirements for homes which were not constructed in conformance with the National Manufactured Home Construction and Safety Standards Act of 1974." This means that local governments may require older manufactured dwellings to meet this standard, which most do not. Thus, while age discrimination is not permitted per se, de facto age discrimination appears to be acceptable.

<sup>8</sup> The Statute actually reads "manufactured dwelling subdivision," which is in error, since the clear legislative intent was that the requirement for infill units be limited to manufactured homes. This legislative intent is corroborated in DLCD's Technical Bulletin, entitled Planning for Manufactured Housing on Individual Lots, dated May, 1990.

Ironically, manufactured home subdivisions are not defined by statute as a "needed housing type."<sup>9</sup> The irony lies in the fact that manufactured home subdivisions are frequently the primary means that Oregon cities and urban counties use to meet manufactured dwelling needs. Thus, manufactured home subdivisions are a permissible way to meet the need for manufactured dwellings in general, despite the fact that local governments are not required to provide for this form of manufactured housing. As noted below, Oregon City has chosen manufactured home subdivisions as the principal means of meeting manufactured dwelling need.

## 5 REGIONAL CONTEXT

This section addresses the application of State requirements to the Portland Metropolitan region. OAR 660, Division 7, the "Metropolitan Housing" rule, is the generalized housing needs analysis for cities and counties within the Portland metropolitan urban growth boundary. The Metropolitan Housing rule requires that both urban Clackamas County and Oregon City zone buildable land such that: (a) at least eight (8) dwelling units per net buildable acre, and (b) a 50:50 mix of single-family and multiple-family units, can be achieved through development.

OAR 660-07-035 requires that each jurisdiction consider the need for manufactured housing when arriving at an allocation of housing types. ORS 197 requires that the need for manufactured dwellings be met either on land that is zoned for densities of from 6-12 units per acre (manufactured dwelling parks) or on land zoned for single family use (manufactured home infill). Since manufactured home subdivisions are not distinguishable from a density standpoint from conventional subdivisions, it is reasonable to assume that the need for manufactured home subdivisions will be met on buildable low density residential land.

OAR 660-07-045 requires that each jurisdiction document the amount of buildable land in each residential plan designation to determine the density and mix of housing allowable. The amount of land needed by the region for residential purposes during the planning period has been determined by Metro (the Metropolitan Service District).

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<sup>9</sup>Remember that "needed housing types" are defined generally as "housing types determined [by local governments] to meet the need shown for housing within an urban growth boundary at particular price ranges and rent levels." In theory, the principal responsibility for defining needed housing resides with local governments. In practice, the specific definitions of "needed housing types" included in ORS 197.303 are controlling. It is local government's responsibility, however, to determine where and how these needed housing types are provided for. These definitions resulted from the lobbying efforts of special interest groups, despite long-standing opposition from the League of Oregon Cities.

However, it is each local government's responsibility to ensure that Metro's density and mix assumptions are met through zoning of buildable lands.

The Metropolitan Housing rule does not establish regional standards for manufactured dwellings. This needs determination must be made by local governments, and there must be sufficient land allocated in the Low or Medium Density Residential categories to meet projected need for manufactured dwelling parks, manufactured home infill and manufactured home subdivisions.

## **6 CLACKAMAS COUNTY AND OREGON CITY COMPREHENSIVE PLANS**

Oregon City's Comprehensive Plan was acknowledged by the Land Conservation and Development Commission in 1982, even though the City did not allow for any type of manufactured dwellings within its City Limits. Oregon City was able to meet the need for manufactured dwellings of all types by relying on the provisions of the Clackamas County Comprehensive Plan.<sup>10</sup> Because Clackamas County allows for manufactured dwelling parks and manufactured home subdivisions on unincorporated urbanizable land outside the Oregon City Limits, LCDC reasoned that Oregon City could meet its manufactured dwelling obligations by implementing the Clackamas County plan as land was annexed to the City.

This study focuses on land outside the City Limits of Oregon City as the means of meeting manufactured dwelling need, consistent with the acknowledged Clackamas County Comprehensive Plan. Once Oregon City determines how it is going to provide for manufactured housing needs, the Clackamas County Plan should be amended, consistent with the revised Oregon City housing needs analysis.<sup>11</sup>

The Oregon City Zoning Ordinance (OCZO) includes definitions for "mobile homes," "mobile home park," "mobile home space," and "mobile home subdivision" which need to be changed consistent with Statutory definitions described above.

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<sup>10</sup> Oregon City was required by LCDC to adopt zoning that effectively implements the Clackamas County Urban Low Density Residential plan designation by allowing for manufactured home subdivisions. (See LCDC Acknowledgment Order, dated April 22, 1982, pages 11-12).

<sup>11</sup> In 1990, the Oregon City/Clackamas County Urban Growth Management Agreement was amended such that Oregon City's Comprehensive Plan became the controlling land use document. That is, the City's plan became an "active plan," and Oregon City's plan designations were applied outside the City Limits. Thus, Oregon City may now determine how it will provide for manufactured dwellings, consistent with State law.

The Oregon City Comprehensive Plan, Housing Policy #8, specifies how Oregon City will carry out the CCCP with respect to "mobile home subdivisions:"

"The City shall provide for additional mobile home housing opportunities on lands designated for low-density residential use and which are in ownerships of three acres or larger, within the dual interest area, when such parcels are annexed, by adopting a City-administered planning and zoning designation which continues in effect the Clackamas County Comprehensive Plan Housing Policy #7, related to mobile homes, and Clackamas County Zoning Ordinance. Sections 824 to 826<sup>12</sup>; provided, however, that mobile homes shall be permitted only in a mobile home subdivision."

There are three Oregon City residential designations that apply outside the City Limits: Low Density Residential (LR), Medium Density Residential (MR) and Medium Density Residential/Mobile Home Park (MR/MHP). Upon annexation to the City, implementing City zoning districts are applied.

There are three Single Family Residential zoning districts that implement the LDR designation: R-10 (10,000 square foot minimum lot size, or 4.4 du/acre); R-8 (8,000 square foot minimum lot size, or 5.5 du/acre); and R-6 (6,000 square foot minimum lot size, or 7.3 du/acre). All three districts allow "mobile homes in mobile home subdivisions if permitted under Section 11-2-5." (OCZO, Section 11-3-2, 11-3-3 and 11-3-4) OCZO Section 11-2-5 specifies procedures for zoning of land upon annexation to the City, and reiterates Housing Policy #8, which is quoted above. OCZO Section 11-11-21 requires that mobile home subdivisions have a minimum of three acres and that there be buffering of from 10-15 feet around the perimeter. OCZO Section 11-11-12 establishes minimum design and placement standards for mobile homes.

The RD-4 (Two-Family Dwelling) district implements both the MR and MR/MHP designations, and allows a residential density of up to 10.9 du/acre consistent with the statutory requirement that manufactured dwelling parks be permitted in a zone which allows from 8-12 du/acre. "Mobile home parks" are not listed, either as permitted uses or as conditional uses. (OCZO Section 11-3-6) However, OCZO Section 11-11-6 (B) reads:

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<sup>12</sup> The County's Urban Low Density Residential, which implements the corresponding plan designation, allows for "mobile home subdivisions" as a "primary use" in all ULDR districts, provided that there are at least three acres of vacant land. (CCZO Sections 301.03 and 826) The County's ULDR districts allow for manufactured home parks as conditional uses. (CCZO Sections 301.03, 301.05 and 825) Clackamas County's Urban Medium Density Residential (UMR) designation allows for "mobile home parks" as a "primary use" in the corresponding MR-1 District, provided that there is a minimum of three acres in the park. (CCZO Sections 302.03 and 825)

"The Planning Commission may allow a conditional use for a mobile home park, provided that the applicant demonstrates evidence substantiating that all of the requirements of this Chapter, relative to the proposed use are satisfied, and that the proposed use also satisfies the following criteria:

1. The use is listed as a conditional use in the underlying district.
2. The characteristics of the site are suitable for the proposed use considering size, shape, location, topography, existence of improvements and natural features.
3. The site and the proposed development are timely, considering the adequacy of transportation systems, public facilities and services existing or planned for the area affected by the use.
4. The proposal satisfies the goals and policies of the Oregon City Comprehensive Plan which apply to the proposed use."

The conditional use standards listed in the Oregon City Zoning Code are not "clear and objective" within the meaning of ORS 197.307.

OCZO Section 11-11-6 (E) (F) prohibits mobile home parks from being sited in any Low Density Residential district. OCZO Section 11-11-7 requires mobile home parks to have a minimum of five acres, and a maximum density of 10/du acre.

## 7 DETERMINATION OF MANUFACTURED DWELLING NEED

The housing needs determination has a strong policy element. Once the general "need" for manufactured dwellings has been determined, it is up to local governments to decide how this need will be distributed among types of manufactured dwellings: i.e., the proportion of need allocated to manufactured dwelling parks, manufactured home subdivisions, and manufactured home infill.

There is no "right" method for determining manufactured dwelling need. The Department of Land Conservation and Development, working with the Manufactured Housing Dealers Association, the Oregon Housing Agency, the President of the Oregon Planning Directors Association and the Planning Director from the City of Redmond, has endorsed a method for determining manufactured dwelling need.<sup>13</sup> The primary advantages of DLCD's approach are that it is acceptable to the DLCD and it is unlikely to be challenged by manufactured housing interests. The method is also simple and easily adapted to the special circumstances that apply to the Portland metropolitan area.

This study uses the DLCD-approved method as a starting point, and adapts it to Oregon City's situation in the Portland metropolitan region. The object is to determine the number of acres that must be allocated to meet the needs for manufactured dwelling parks, manufactured home subdivisions and manufactured home infill. The following is a step-by-step description of the method used to determine the amount of buildable land Oregon City will need to meet manufactured dwelling need.

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<sup>13</sup> See Technical Bulletin - Planning for Manufactured Homes on Individual Lots (Oregon Department of Land Conservation and Development, May 1990). The memorandum states, at page 4, that:

"We recognize that this is not the only possible approach. Other more detailed methods, however, may be time consuming and may require data which is difficult to obtain. The advantages of this approach are that it is relatively simple and if you use it, your plan will comply with the requirements of the new statute." (Emphasis theirs)

The title of the document is misleading, inasmuch as the method may be used for determining the need for manufactured home subdivision lots as well as manufactured home infill (page 4):

"\* \* \* manufactured dwellings on individual lots and in manufactured home subdivisions are considered single family housing and the need for these dwellings is considered a part of the overall single family housing need."

This report applies the same method for determining the need for manufactured dwelling parks, which in Oregon City is considered a Medium Density Residential use of less than 10 dwelling units per acre. Since the need for multiple-family development (including manufactured dwelling parks) has already been determined on a regional basis, it must be demonstrated that the proportion of land allocated to manufactured dwellings in the MR designation is at least equal to the proportion of manufactured dwellings that are affordable by Clackamas County households.

*Prepared by David J. Newton, Associates*

**7.1 Step 1 Determine Amount of Vacant, Buildable Land Designated for Low and Medium Density Residential Use Within the Oregon City Planning Area**

The analysis begins with a determination of the amount of buildable land outside the current City Limits of Oregon. The Department of Land Conservation and Development has sanctioned Oregon City's and Clackamas County's decision to meet manufactured housing needs outside the Oregon City Limits. It appears to be Oregon City's policy preference to continue this approach. Given the small amount of undeveloped residential land in the City Limits,<sup>14</sup> the focus of the analysis remains on buildable residential land outside the City.

There are two residential plan designations that apply in the Oregon City planning area that can accommodate manufactured dwellings in accordance with State law.

The Low Density Residential designation (R-10, R-8 and R-6 zoning), which allows from 4.4-7.3 dwelling units per acre, is appropriate for accommodating manufactured homes on individual lots - whether these lots are in approved manufactured home subdivisions or on lots outside manufactured home subdivisions (infill). These two "types" of manufactured dwelling need are considered jointly because their impacts are similar from a density and planning perspective. Both must be placed in low density, single family areas and both require design standards to be acceptable neighbors in conventional single family areas.<sup>15</sup> Most of the vacant land in the Oregon City planning area is planned for Low Density Residential use.

The Medium Density Residential/MH designation (RD-4 zoning), which allows up to 10.9 dwelling units per acre, is appropriate for accommodating manufactured dwelling parks. The need for manufactured dwelling parks cannot be met on land designated for Medium Density Residential use, because there are no MR areas large enough (a minimum of five acres) to meet the need. However, it was recognized at the time of acknowledgment that Oregon City's manufactured dwelling park needs would be met on MR land outside the City Limits. Most of the MR land in the Oregon City planning area is located in the North Maple Road area in Clackamas County. This area has had substantial manufactured dwelling park development since acknowledgment and has a large remaining area of vacant, buildable land.

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<sup>14</sup> Oregon City's 1980 analysis of buildable residential land (Comprehensive Plan, Housing, p. C-10) determined that only 90 acres of Low and Medium Density Residential land existed within the 1980 City Limits.

<sup>15</sup> Although it has not been Oregon City's practice, many communities consider the need for manufactured dwelling parks as a low density residential use, because park densities are typically in the 8 du/acre range.

Table 1 is based on Appendix A, and is a summary of vacant, buildable residential land outside the current Oregon City Limits. The information in this inventory is based on Tax Assessor's data. The results of this inventory, rounded to the nearest 10 acres, are as follows:

**TABLE 1**  
**BUILDABLE RESIDENTIAL ACRES BY PLAN DESIGNATION**

<u>Plan Designation</u>	<u>Planning Subarea</u>	<u>Buildable Acres</u> <sup>16</sup>
Medium Density Residential\MHP		
	Maple Road North	145 Acres
	Beaver Creek South	5 Acres
Medium Density Residential		
	Beaver Creek North	20 Acres
<b>Subtotal Total MR Buildable Land</b>		<b>170 Acres</b>
Low Density Residential		
	Park Place North	180 Acres
	Park Place South	160 Acres
	Beaver Creek North	140 Acres
	Beaver Creek South	220 Acres
	Central South Plateau	380 Acres
	South End Road	290 Acres
<b>Subtotal LR Buildable Land</b>		<b>1,370 Acres</b>
<b>Total LR and MR/MH Buildable Land</b>		<b>1,540 Acres</b>

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<sup>16</sup> Buildable acreages have been rounded to the nearest 10 acres for LR designated areas, and to the nearest five acres for MR designated areas.



**7.2 Step 2 Determine Build-Out Potential for Manufactured Dwellings on MR/MHP and LR Buildable Land**

Build-out potential for LR and MR/MHP buildable land is determined by excluding land that will likely be needed for streets and non-residential uses, and dividing by the probable density of development.

For **Low Density Residential** land, it is assumed that 25 percent will be used for streets and non-residential purposes such as churches, schools and parks. Oregon City has three possible single family residential zoning districts - R-10, R-8 and R-6. It is assumed that LR land will develop at the median density range, yielding an average of 5.5 units per acre which is allowed under R-8 zoning. With 1,370 acres of LR buildable land, the build-out potential is:

$$1,370 \times .75 = 1,028 \text{ Net Acres} \times 5.5 \text{ du/net acre} = 5,654 \text{ SF Units}$$

For **Medium Density Residential** land, it is assumed that all land will be used for residential purposes, and that streets will be internal to the project. Oregon City's RD-4 district allows up to 10.9 dwelling units per net buildable acre. Based on recent development activity in the North Maple Road area, it is assumed that actual build-out will occur at eight dwelling units per net buildable acre. With 170 acres of MR land the build-out potential is:

$$170 \times 8 \text{ du/net acre} = 1,360 \text{ MR Dwelling Units}$$

**TABLE 2**  
**RESIDENTIAL BUILD-OUT POTENTIAL IN OREGON CITY PLANNING AREA**

<u>Plan Designation</u>	<u>Planning Sub-Area</u>	<u>Build-Out<sup>17</sup></u>
Medium Density Residential		
	MR/MHP Maple Road North and Beaver Creek South	1,200 Units
	MR Beaver Creek Road North	160 Units
<b>Subtotal Total MR Buildable Land</b>		<b>1,360 Units</b>
Low Density Residential		
	Park Place North	740 Units
	Park Place South	660 Units
	Beaver Creek Road North	580 Units
	Beaver Creek Road South	910 Units
	Central South Plateau	1,570 Units
	South End Road	1,200 Units
<b>Subtotal LR Buildable Land</b>		<b>5,660 Units</b>
<b>Total LR and MR/MH Buildable Land</b>		<b>7,020 Units</b>

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<sup>17</sup> Build-out potential is rounded to the nearest 10 units.

**7.3 Step 3 Project manufactured dwelling need as a percentage of single family dwelling need.**

Applying the DLCD formula, it is assumed that the need for manufactured dwellings (in manufactured home subdivisions, as manufactured home infill and in manufactured dwelling parks) is directly related to household income distribution in Clackamas County. Manufactured dwellings are viewed as a means of achieving home ownership - or as an alternative rental option - for moderate income households. Accordingly, it is assumed that households in the income range of \$15,000 to \$26,000 are probable manufactured dwelling buyers or renters.<sup>18</sup> Those making less than \$15,000 were assumed to be renters or already own a home. Those making more than \$26,000 annually were assumed to be able to afford a conventional home.

The data used in this analysis is based on 1989 state income tax returns provided by DLCD for Clackamas County. Of those households who filed income tax returns and had annual incomes over \$15,000, 29 percent reported annual incomes of between \$15,000 and \$26,000. This means that 29 percent of Clackamas County households who earn more than \$15,000 each year probably can afford to buy a manufactured home in Oregon City (whether the home is placed in a manufactured dwelling park or on an individual lot), but cannot afford to buy a new conventional home.

This does not mean that 29 percent of the land must be zoned for manufactured housing. In the Portland metropolitan area, each plan was acknowledged based on the assumption that there would be a 50/50 split between single and multiple family housing. In Oregon City, multiple family housing opportunities are found primarily in the City Limits, while opportunities for single family housing (including manufactured homes) and manufactured dwelling parks are found overwhelmingly in the unincorporated urban planning area. As noted above, the two plan designations that allow for manufactured dwelling opportunities are Low and Medium Density Residential.

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<sup>18</sup>There are obvious problems with this method. Manufactured homes are not necessarily purchased by moderate-income households. There are moderately-priced and expensive manufactured homes that are placed on individual lots or on leased space in manufactured dwelling parks. It is recognized that many households in the moderate-income range prefer to rent or buy an older home than to buy or rent a manufactured dwelling. It is also recognized that many households in higher income ranges purchase manufactured homes for reasons other than their cost. For example, many well-healed retired households prefer to live in high rent manufactured dwelling parks, because of security or community reasons. However, on balance, the assumption that manufactured homes will be purchased or rented largely by moderate-income households is valid. It should be kept in mind that the purpose of Goal 10 - Housing, is to assure that local governments provide opportunities, through zoning, for affordable housing choices. Local governments need not zone land exclusively for manufactured homes. If land is zoned to allow the opportunity for manufactured home placement, but is used for more constructing more conventional homes which may be more expensive, then the goal of providing affordable housing opportunities is still met.

The need for manufactured dwellings should be viewed as a percentage of the build-out potential on land planned and zoned for Low and Medium Density Residential use in the Oregon City planning area. To avoid objections from interest groups, and for ease of calculations, a 30 percent target is recommended.

Based on the above analysis, to meet manufactured dwelling need, Oregon City should zone Medium and Low Density Residential land such that there is the more than sufficient opportunity for 30 percent of the potential housing units in the urban planning area to be manufactured dwellings. Thirty percent of the housing unit potential translates to a need for 2,110 manufactured dwelling units.

#### **7.4 Step 4 Allocate Buildable Land to Meet the 30 Percent Objective.**

Oregon City needs to provide the opportunity, through zoning, for 2,110 manufactured dwelling units within the unincorporated urban planning area. There is the potential for 7,020 dwelling units to be constructed on buildable land designated Low or Medium Density Residential in the Oregon City planning area. Local zoning must allow for 30 percent these units - 2,110 - to be manufactured dwellings.

To provide for a balance in manufactured housing opportunities, it is recommended that the need for manufactured dwellings be allocated as follows:

- (1) manufactured dwelling parks - 55 percent; and
- (2) manufactured homes on individual lots, whether in subdivisions or as infill - 45 percent.

##### **7.2.1 Manufactured Dwelling Park Need**

In order to meet the 55 percent objective, Oregon City will have to designate at least 145 acres of buildable land for MR/MHS use in the unincorporated urban planning area. Currently, there are 150 vacant, buildable acres designated MR/MHS in the North Maple Lane and South Beaver Creek Road Sub-Areas.

In the Oregon City planning area, there are about 170 acres of buildable land designated Medium Density Residential. There is the potential for 1,360 dwelling units to be constructed on this buildable land. Most of this buildable land (150 acres) is designated specifically for manufactured dwelling park development; *i.e.*, it has a plan designation of MR/Mobile Home Park. The remaining 20 acres is designated MR, so that it is unlikely that manufactured dwelling parks would develop on this land.

Therefore, there is the potential, under clear and objective standards in Clackamas County, for 1,200 manufactured dwelling units to be placed on land designated MR/MHS. This figure compares favorably with a need projection of approximately 1,160 units. Fifty-seven percent of manufactured dwelling need can be met by new manufactured dwelling park developments, on vacant land designated MR/MHP in the North Maple Lane and Beaver Creek South Sub-Areas of the Oregon City planning area.<sup>19</sup>

#### 7.2.2 Manufactured Home Need - On Subdivision Lots and as Infill

Forty-five percent of the need for manufactured dwellings (950 units) remains to be met on land designated Low Density Residential. To accomplish this objective, Oregon City must zone sufficient buildable land in the LR designation for manufactured homes that can be purchased and placed on an individual lot. The figures cited below are net buildable acres. A net buildable acre excludes land used for street right-of-way and other non-residential purposes.

*Under R-8 zoning, at 5.5 dwelling units per net buildable acre, a minimum 230 acres of vacant, buildable LR land must be redesignated LR/MH (Manufactured Home). Such a designation would allow for conventional single family homes and manufactured homes side-by-side.*

The RL/MH designation would allow for manufactured homes, with design standards allowed under State law, to be placed on any buildable lot. (See Recommendations for Plan and Code amendments). In order to encourage more affordable housing opportunities, areas designated LR/MH could be zoned R-6 (6,000 square foot lots). If Oregon City adopted a policy to apply the R-6 zone to all land designated LR/MH, then the amount of buildable land designated to meet manufactured home needs would significantly decrease.

*Under R-6 zoning, at 7.0 dwelling units per net buildable acre, a minimum of 180 acres of vacant, buildable land must have an LR/MH designation. In order for Oregon City to designate less LR land for manufactured homes, there must be a policy which mandates R-6 zoning for land designated LR/MH.*

The Buildable Lands Inventory (Appendix 1) identifies several areas where LR-designated land could receive an MH suffix. The amount of buildable land in each area is specified. It is beyond the scope of this analysis to suggest which of these areas to allocate

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<sup>19</sup> The County Village Mobile Home Park has developed since 1982, when the Oregon City plan was acknowledged by LCDC. Since that time, 345 manufactured dwelling pads have become available.

for manufactured homes, except to state the these are the minimums necessary to meet State requirements, and to avoid objections from the manufactured housing industry or potential manufactured homeowners.

## **8 RECOMMENDED COMPREHENSIVE PLAN AND ZONING AMENDMENTS**

The following amendments are recommended to implement the manufactured housing program outlined in this report:

### **8.1 City of Oregon City Comprehensive Plan**

#### **Chapter C: Housing.**

- 8.1.1 Include the substance of the revised manufactured housing needs analysis, preferably as an appendix. It is recommended that the existing housing analysis also be relegated to appendix status, because it is dated and so that the housing policies stand out and have more relevance to daily decision-making.
- 8.1.2 Include a new manufactured dwelling policy that encourages manufactured dwelling parks of five acres or greater in areas designated for Medium Density Residential - Manufactured Home Park use.
- 8.1.3 Include a new manufactured housing policy that encourages manufactured homes on small (R-6) individual lots (both in subdivisions and as infill) as a means of encouraging home ownership in areas designated Low Density Residential - Manufactured Home.

- 8.1.4 Include a new general housing policy that commits the City to allocating sufficient buildable land to meet regional and local housing needs.

#### Chapter G: Growth and Urbanization

- 8.1.5 Amend Policy 6 to include specific and objective criteria which determine how Low Density Residential land will be zoned upon annexation to the City. It is recommended that the R-10 zone be used only in those instances where the majority of the property is physically constrained.<sup>20</sup> It is recommended that a new R-6/MH zoning district be applied in areas designated LR/MH.

#### Comprehensive Plan Maps

- 8.1.6 Designate sufficient land to meet manufactured home needs for subdivisions and infill, using new designation which would read something like "Low Density Residential - Manufactured Home."

### 8.2 Clackamas County Comprehensive Plan and Zoning

Clackamas County Comprehensive Plan Policy #7 should be amended consistent with the policy direction taken by Oregon City concerning manufactured housing. Sections 824 and 826 of the Clackamas County Zoning Ordinance also require amendment as they pertain to the Oregon City planning area.

### 8.3 City of Oregon City Zoning Code

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<sup>20</sup>Page G-6 of the Plan reads: "It is the City's policy to encourage small lot single-family development in the low density residential areas \* \* \* " Page G-4 notes that "Clackamas County's Goal 14 Urbanization Report concludes that projected average density per net acre in Oregon City's Urban Growth Boundary area is 8.9 units. This projection combines both single-family and multiple-family housing units that can be developed under the County's Plan." It has been Oregon City's common practice to apply R-10 zoning to LR land upon annexation to the City. It is doubtful whether the projected 8.9 du/acre can be achieved with R-10 zoning.

- 8.3.1 Amend Section 11-2-5 consistent with new policies governing how LR land will be zoned upon annexation.
- 8.3.2 Amend R-6 zone, Section 11-3-4(A) "Permitted Uses" to read something like "Manufactured homes in manufactured home subdivisions or on individual lots outside manufactured home subdivisions if designated LR/MH on Comprehensive Plan map, and as permitted by Section 11-2-5." Alternatively, develop a new R-6/MH zoning district to implement the LR/MH plan designation.
- 8.3.3 Amend RD-4 zone, Section 11-3-6(a) "Permitted Uses" to read something like "9. Manufactured dwelling parks if designated MR/MDP on Comprehensive Plan map, and as permitted by Section 11-2-5."

Amend Chapter 11 "Mobile Home Parks" as follows:

- 8.3.4 Change title to Manufactured Dwellings
- 8.3.5 Change description and purpose to remove "adversely affect" language.
- 8.3.6 Amend Section 11-11-2 and substitute State definitions where appropriate.
- 8.3.7 Amend Section 11-11-6 requiring conditional use approval for manufactured dwelling parks. Standards are not clear and objective, and the conditional use process is unnecessary if the area is designated on the Plan map MR/MDP.



- 8.3.8 Amend Section 11-11-7 requiring a 30-foot setback from "residentially zoned property."<sup>21</sup>
- 8.3.9 Rename Section 11-11-20 "Mobile Home Subdivisions" to "Manufactured Home Subdivisions" if Oregon City elects to continue regulation of manufactured home subdivisions.
- 8.3.10 Amend Section 11-11-21 to delete the three acre and screening requirements for manufactured home subdivisions.<sup>22</sup>
- 8.3.11 Amend Section 11-11-22 to include ORS 197.307(5) standards for placement of manufactured homes on individual lots. It is suggested that these standards apply to any manufactured home placed outside a manufactured dwelling park. As noted in ORS 197.307(5), the City may include additional standards (e.g., bay windows or front porches), provided that the same standards also apply to conventional homes in the same zoning district.<sup>23</sup>

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<sup>21</sup> This requirement arguably violates Goal 10 because it unreasonably discourages manufactured dwelling park development. The provision is overkill because of screening standards found in Section 11-11-7(D).

<sup>22</sup> If areas selected for manufactured home infill are the same as those selected for manufactured home subdivisions - as recommended in this report - then it does not make sense to "screen" manufactured homes on individual lots from manufactured homes in manufactured home subdivisions. In fact, there is no purpose served in separately defining manufactured home subdivisions if such subdivisions are confined to areas designated LR/MH.

<sup>23</sup> The City may wish to develop a new R-6/MH zone to implement the LR/MH plan designation, which specifies design standards for all homes placed in the district. Such a zone would allow for manufactured homes on par with conventional homes, and establish design standards that apply across the board.

**APPENDIX 1**

**RESIDENTIAL BUILDABLE LANDS INVENTORY**

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## Memorandum

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TO: Greg Winterowd, Principal Planner

FROM: Russell Martin, Project Assistant

SUBJECT: Oregon City Residential Lands Inventory Methodology

DATE: July 30, 1991

The attached inventory quantifies buildable residential land that is located outside the city limits, and inside the urban growth boundary of Oregon City. We received 1452 records from the Clackamas County Tax Assessor's database, which included fields such as map and tax lot number, owner, buyer, mail and site address, acreage, land and building values, and land and building codes.

First, we determined three categories of suitable land; vacant parcels, vacant subdivided lots, and undeveloped portions of large developed lots. 1) We identified vacant parcels as database records with an acreage value greater than zero and a building value of zero. 2) Vacant subdivided lots are records with an acreage and building values of zero, with an average acreage of .2 for each lot. 3) Undeveloped portions of large developed lots are records with an acreage greater than one and building value greater than zero, subtracting half an acre for the building. Using these criteria, we queried the database and cross tabulated the resulting lot counts and acreage totals by category and by tax assessor map number.<sup>1</sup>

Next, we determined buildable land, by quantifying physical constraints to development as identified on the Clackamas County Comprehensive Plan, Map IV-5. Following the County in performing their Goal 14 urbanization analysis, we have subtracted one half of the constrained acreage from the suitable acreage to obtain buildable acreage.

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<sup>1</sup>We discovered a number of tax assessor map areas which were inside the UGB and outside the city limits, and were not represented in the database. We estimated the suitable acreage within these tax map areas, based on neighboring areas of similar size. We also discovered and deleted a number tax map areas which were outside the UGB.

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1201 SW 12th Avenue, Suite 400, Portland, OR 97205  
TEL: (503) 228-7718, FAX (503) 228-7781

Finally, we divided the area within the Oregon City UGB and outside the city limits into six areas of roughly equal net buildable acreage, based on the three areas identified in a 1980 City Planning Department report:

- 1) **Park Place North** - northeast of the city center, bounded on the south by South Holcomb Road. (This road divides tax map number 22E28A into two parts.)
- 2) **Park Place South** - northeast of the city center, bounded on the north by South Holcomb Road.
- 3) **Beaver Creek North** - east of the city center, bounded on the south by Loder Road and Clackamas Community College.
- 4) **Beaver Creek South** - southeast of the city center, bounded on the north by South Loder Road and Clackamas Community College.
- 5) **Central South Plateau** - south of the city center, bounded on the east by Clackamas Community College, and on the west by the range line between 1 East and 2 East.
- 6) **South End Road** - southwest of the city center, bounded on the east by the range line between 1 East and 2 East. (This range line separates tax map numbers 31ER12D and 31E13, included in this area from 32E7C, included in the Central South Plateau area.)

# Low Density Residential Buildable Land

Map Number	Undeveloped Portion Of Developed Lots		Vacant Parcels		Vacant Subdivided Lots		Total Suitable		Constraints	Total Buildable
	Lots	Acres	Lots	Acres	Lots	Acres	Lots	Acres	Acres	Acres
<b>Park Place North</b>										
22E21C			1	7.58			1	7.58		7.58
22E21D	3	20.32	1	0.30	2	0.40	6	21.02		21.02
22E22C	2	21.81					2	21.81	4.00	19.81
22E27B	18	78.48	7	37.05			25	115.53		115.53
22E28A								18.00		18.00
Subtotals	23	120.61	9	44.93	2	0.4	34	183.94	4.00	181.94
<b>Park Place South</b>										
22E28A								40.00	8.80	35.60
22E28CC	5	19.12	2	6.01	1	0.20	8	25.33	10.90	19.88
22E28CD	4	12.78	4	22.46			8	35.24	19.30	25.59
22E28D	8	77.35	4	5.11			12	82.46	19.60	72.66
22E29DD	2	2.97	4	3.43			6	6.40	11.00	0.90
22E32AD	1	1.51			1	0.20	2	1.71		1.71
22E32DA					2	0.40	2	0.40		0.40
22E32DB	1	2.20	1	0.25			2	2.45		2.45
22E33B		0.00	1	1.96			1	1.96	1.90	1.01
Subtotals	21	115.93	16	39.22	4	0.8	41	195.95	71.50	160.20
<b>Beaver Creek North</b>										
32E04A	2	49.29	1	15.56			3	64.85		64.85
32E04C	5	12.05	4	2.38	2	0.40	11	14.83		14.83
32E04D	2	13.50	2	2.00			4	15.50		15.50
32E04DB								20.00		20.00
32E04DC								7.00		7.00
32E09AB	4	8.89	1	4.91	1	0.20	6	14.00		14.00
Subtotals	13	83.73	8	24.85	3	0.6	24	136.18	0.00	136.18

# Low Density Residential Buildable Land

Continued

Map Number	Undeveloped Portion Of Developed Lots		Vacant Parcels		Vacant Subdivided Lots		Total Suitable		Constraints	Total Buildable
	Lots	Acres	Lots	Acres	Lots	Acres	Lots	Acres	Acres	Acres
<b>Beaver Creek South</b>										
32E09C	3	9.74	1	22.50			4	32.24		32.24
32E09D	14	62.55	4	16.33			18	40.00 *		40.00
32E10C								20.00 *		20.00
32E15BB	3	2.27			157	31.40	160	33.67		33.67
32E15BD			1	0.22	48	9.60	49	9.82		9.82
32E16A	3	37.58	3	20.62			6	58.20		58.20
32E16B	12	16.83	4	4.57	2	0.40	18	21.80		21.80
32E16BB	1	1.89	1	2.00	4	0.80	6	4.69	2.60	3.39
32E16BD	1	1.09					1	1.09		1.09
Subtotals	37	131.95	14	66.24	211	42.2	262	221.51	2.60	220.21
<b>Central South Plateau</b>										
32E6DA								2.00 *		2.00
32E6DB								1.00 *		1.00
32E06DC	6	11.83					6	11.83		11.83
32E06DD	1	2.86			3	0.60	4	3.46		3.46
32E07A	32	72.50	6	20.48	10	2.00	48	94.98		94.98
32E07AA					1	0.20	1	0.20		0.20
32E07B	17	58.60	8	14.76			25	73.36		73.36
32E07C	5	12.18	1	2.02			6	14.20		14.20
32E07D	4	26.97	5	36.68			9	63.65		63.65
32E08A	6	8.09	1	0.63			7	8.72		8.72
32E08B	1	4.21	1	1.14	2	0.40	4	5.75		5.75
32E08C	7	32.26			1	0.20	8	32.46		32.46
32E08D	1	1.93	3	22.50			4	24.43		24.43
32E08DB	4	2.88	2	1.06			6	3.94		3.94
32E18	4	32.31	2	11.21			6	43.52		43.52
Subtotals	88	266.62	29	110.48	17	3.4	134	383.5	0.00	383.50

# Low Density Residential Buildable Land

Continued

Map Number	Undeveloped Portion Of Developed Lots		Vacant Parcels		Vacant Subdivided Lots		Total Suitable		Constraints	Total Buildable
	Lots	Acres	Lots	Acres	Lots	Acres	Lots	Acres	Acres	Acres
South End Road										
31E01	6	39.11	1	1.84			7	40.95	39.10	21.40
31E01CD								20.00 *	4.90	17.55
31E02	2	5.98					2	5.98		5.98
31E11								5.00 *		5.00
31E11A	1	1.10			4	0.80	5	1.90	3.80	0.00
31E11DD	3	8.47					3	8.47		8.47
31E12A								30.00 *		30.00
31E12AC					5	1.00	5	1.00		1.00
31E12B	10	29.38	7	20.94			17	50.32		50.32
31E12BA					3	0.60	3	0.60		0.60
31E12BB					3	0.60	3	0.60		0.60
31E12C								30.00 *		30.00
31E12D	13	88.93	5	18.65			18	107.58		107.58
31E13								10.00 *		10.00
Subtotals	35	172.97	13	41.43	15	3	63	312.4	47.80	288.50
LDR Totals	217	891.81	89	327.15	252	50.40	558	1433.48	125.90	1370.53

\* Estimated Acreage

# Medium Density Residential Buildable Land


Map Number	Undeveloped Portion Of Developed Lots		Vacant Parcels		Vacant Subdivided Lots		Total Suitable		Constraints	Total Buildable
	Lots	Acres	Lots	Acres	Lots	Acres	Lots	Acres		
22E33			1	83.00			1	83.00	25.70	70.15
32E4A			1	85.00			1	85.00	23.00	73.50
32E4C			3	17.80			3	17.80		17.80
32E16A	1	3.50					1	3.50		3.50
MDR Totals	1	3.50	5	185.80			6	189.30	48.70	164.95
Grand Totals	218	895	94	513	252	50	564	1623	175	1535

and the City Commission has been requested to grant approval at their September 2nd meeting. McGriff asked for Planning Commission approval. Metro provided a 6 month report on Metro South activities. Updates from Metro South and the Household Hazardous Waste facility are expected to occur simultaneously in the future.

Sam Chandler, Solid Waste Facility Manager at Metro South, commented the 6 month report is only for informational purposes. Everything is working fine; no spills have occurred to the present time. Woolsey wondered if any regulations are in place to govern illegal dumping; Chandler responded that Metro has no such regulations, it would be up to the County to create/impose such regulations. Chandler does not know whether illegal dumping regulations are anticipated by Metro, because this is not in his expertise. Boyd inquired about a proposed sign advertising Metro South. Chandler responded that a sign is located in the driveway at Metro South. The public hearing was closed.

It was moved by Bjornsen, seconded by Winklesky, to fully approve CU92-03.

Roll call: Winklesky, Aye; Mattsson, Aye; Woolsey, Aye; Boyd, Aye; Bjornsen, Aye; Powers, Aye.

 **Manufactured Housing Ordinance** - Comprehensive Plan and Zoning Ordinance Amendment adopting standards to allow for infill housing for manufactured homes.

Woolsey noted her inability to attend two discussion meetings on the ordinance; therefore desires to abstain from voting on this matter.

McGriff provided a "refresher" on the six ordinances proposed; noting the current ordinances are outdated and antiquated. The proposed ordinances do not contain the proper identification numbers at this time because they are in draft form. Permanent numbers will be assigned to the ordinances prior to City Commission action. 92-Anex deals with annexed lands; 92-MH/MS deletes "(G): Mobile Homes in mobile home subdivision if permitted under Section 17.06.050"; 92-MH revises Chapter 17.66 to comply with the new manufactured dwelling requirements; 92-CP amends the Housing Element and the Growth and Urbanization Policies of the Comprehensive Plan; 92-MAP provides new density and amends land use classification; and 92-Zone provides for administrative decision-making on rezoning of some annexed properties. McGriff outlined the areas designated for manufactured homes/dwellings on the Comprehensive Plan Map for benefit of Planning Commission members.

Don Minor, Executive Director of the Oregon Manufactured Housing Association, complimented staff on their accomplishment in composing the ordinances. He believes they have done good work; however, he still has a few concerns. He is distressed because manufactured subdivisions will be eliminated within the R-8 and R-10 zones, because he does not want manufactured housing excluded from any zone. It is Minor's belief that



the proposals conflict with the goal of housing units. Mr. Minor commented that the manufactured housing industry will be discouraged because they can produce homes in the \$50,000 to \$70,000 price range, compared to \$90,000 and up prices for site built homes in Oregon City. He would like to provide prospective purchasers with the option to choose between manufactured or site-built dwellings. It is Mr. Minor's opinion that prospective owners can purchase the same house for less money with better construction than a site built home, because the plumbing, electrical, and insulation is higher quality than that used in site built homes. Minor believes that Oregon City regulations for manufactured homes are stricter than for site built homes. The Manufactured Housing Association wishes to place homes that meet a certain appearance; homes that meet lot and set back requirements. Mr. Minor provided a proposed ordinance that the Manufactured Housing Association would like to have the City adopt, with standards that apply equally to all single-family housing. Mr. Minor continued that manufactured homes are being built in a price range of \$30,000 to \$100,000, will provide more house and more square footage at a lower price than site built homes.

Mr. Minor talked about MH areas that are proposed outside the City limits and the need for annexation which in turn, will cause a burden for owners. The 1989 legislation provides that a single lot can be purchased for placement of a manufactured home. He requested that provisions be established concerning the appearance of manufactured homes and that manufactured homes be allowed in any residential zone. He does not believe the City has gone to great lengths to accommodate state law, noting that site built homes are becoming less affordable. Bjornsen commented he is unable to support integration. Shaw is present at 7:55 p.m.

McGriff stated the Manufactured Housing Needs Analysis that proposes 205 acres will be attached to the City Commission report. Winklesky asked if the only subdivision approved for manufactured housing will that be a non-conforming use if this ordinance is approved. Greenfield pointed out that the subdivision was approved under the standards in effect and can develop if in accordance with the conditions of approval.

Paul Mays, 19027 S. Pease Road, stated he agrees with the information discussed. The public hearing was closed. Discussion centered on availability of lots in Oregon City. The proposed 205 acres does not include the 114 lots in the Chiara Terrace subdivision, nor the two mobile home parks, because parks are in another category. Boyd commented "nice job" in creating the ordinances.

It was moved by Boyd, seconded by Winklesky, to recommend approval of the Manufactured Housing ordinances, with modifications, and forward to the City Commission for the September 16 meeting.

Ordinance No. 92-MH - 17.66.030 (B) is to be re-written, or state "subject to the provisions of Chapter 17.058. Ordinance NO. 92-CP, Section 2, Policy 6 to be rewritten be staff.

Roll Call: Woolsey, Abstain; Shaw, Aye; Winklesky, Aye; Mattsson, Abstain; Boyd, Aye; Bjornsen, Aye; Powers, Aye.

This is a recommendation to be forwarded to the City Commission for consideration at their September 16, 1992 meeting.

Boyd asked if Planning Commission members may attend the City Commission meeting to testify, and was assured all Planning Commission members and members of the public may attend the City Commission meeting.

**File TP92-02 - Subdivision** - North of Beaver Creek Road, west of Highway 213 - Newell Creek Homesites. Request for preliminary plat approval for a 59-lot subdivision. (Request for continuance to September 22, 1992 meeting)

**File VR92-05 - Variance** - Northwest of Central Point Road and Partlow Road intersection. Request for approval of variance for setbacks to accommodate manufactured homes in an approved subdivision. (Request for continuance to September 22, 1992 meeting)

It was moved by Woolsey, seconded by Winklesky, to continue TP-92-02 and VR92-05 to the September 22 regular meeting of the Planning Commission.

Roll Call: Woolsey, Aye; Shaw, Aye; Winklesky, Aye; Mattsson, Aye; Boyd, Aye; Bjornsen, Aye; Powers, Aye.

**File CU92-07 - Conditional Use Permit** - 1400 Division Street. Request for approval of a conditional use permit for a day care facility.

Winklesky stated his desire to abstain from voting on this request. Staff stated the applicant has requested continuance to the September 22, 1992 meeting because of the desire to provide employees of the hospital and convalescent homes with day care services.

It was moved by Woolsey, seconded by Bjornsen, to continue CU92-07 to the next regular Planning Commission meeting scheduled for September 22, 1992.

Roll Call: Shaw, Aye; Winklesky, Aye; Mattsson, Aye; Woolsey, Aye; Boyd, Aye; Bjornsen, Aye; Powers, Aye.

**File No. TP92-05 and VR92-06 - Subdivision and Variance** - 18865 S. Leland Road - Hans Estates. Request for preliminary plat approval for a 14-lot subdivision and a variance for lot widths.

ORDINANCE NO. 92-1027

AN ORDINANCE REPEALING TITLE 17: ZONING, CHAPTER 17.66 MOBILE HOME PARKS OF THE OREGON CITY MUNICIPAL CODE, 1991, AND REENACTING A NEW CHAPTER 17.66 MANUFACTURED DWELLINGS.

OREGON CITY ORDAINS AS FOLLOWS:

Section 1 That Title 17: Zoning, Chapter 17.66 Mobile Home Parks, of the 1991 City Code, be and the same is hereby repealed and a new Title 17, Chapter 17.66 Manufactured Dwellings, is hereby re-enacted to read as follows:

Chapter 17.66

MANUFACTURED DWELLINGS

Sections:

- |           |  |
|-----------|--|
| 17.66.010 | Description and purpose.                             |
| 17.66.020 | Definitions.   |
| 17.66.030 | <del>Manufactured Dwellings.</del> <i>Areas etc.</i> |
| 17.66.040 | Manufactured Dwelling Parks.                         |
| 17.66.050 | License--Required <i>/Manufactured Dwelling Park</i> |
| 17.66.060 | Criteria for construction, expansion.                |
| 17.66.070 | General conditions and limitations.                  |
| 17.66.080 | Site requirements.                                   |
| 17.66.090 | Manufactured dwelling space requirements.            |
| 17.66.100 | Improvement requirements.                            |
| 17.66.110 | Manufactured dwelling parks in annexed areas.        |
| 17.66.120 | Plot plans required.                                 |
| 17.66.030 | Occupancy.   |
| 17.66.140 | Manufactured Dwelling license fee.                   |
| 17.66.150 | Penalty for delinquency.                             |
| 17.66.160 | License--Transfer.                                   |
| 17.66.170 | License--Display                                     |
| 17.66.180 | License--Revocation.                                 |
| 17.66.190 | Manufactured Home Subdivision - General Requirements |
| 17.66.200 | Site requirements.                                   |
| 17.66.210 | Placement standards.                                 |
| 17.66.220 | Minimum standards.                                   |

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

~~17.66.020~~ 17.66.020 Definitions. As used in this title, the masculine includes the feminine and the singular includes the plural. Unless the context otherwise requires, the following words and phrases mean:

"Access way" means an unobstructed way of specified width containing a drive or roadway which provides vehicular access within a manufactured dwelling park and connects to a public street.

"Awning" means any stationary structure used in conjunction with a manufactured dwelling, other than a window awning, for the purpose of providing shelter from the sun and rain and having a roof with supports and not more than one wall or storage cabinet substitution for a wall.

"Carport" means a stationary structure consisting of a roof with its supports and not more than one wall, or storage cabinet substituting for a wall, and used for sheltering a motor vehicle.

"City" means the City of Oregon City, Oregon.

"Lot" means any space, area or tract of land, or portion of a manufactured dwelling park or mobile home park, which is designated or used for occupancy by one manufactured dwelling.

"Manufactured dwelling" means:

- (A) Residential trailer, 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 before January 1, 1962.
- (B) Mobile home, a structure constructed for movement on the public highways that has sleeping, cooking 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, 1975, and met the construction requirements of Oregon mobile home law in effect at the time of construction.

"Mobile home park" means any place where four or more manufactured structures are located within 500 feet of one another on a lot, tract or parcel of land under the same ownership, the primary purpose of which is to rent space or keep space for rent to any person for a charge or fee paid or to be paid for the rental or use of facilities or to offer space free in connection with securing the trade or patronage of such person. "Mobile home park" does not include a lot or lots located within a subdivision being rented or leased for occupancy by no more than one mobile home per lot if the subdivision was approved by the municipality unit having jurisdiction under an ordinance adopted pursuant to ORS92.010 to 92.190.

"Manufactured dwelling space" means a plot of ground within a manufactured dwelling park designed for the accommodation of one manufactured dwelling.

"Park" means a manufactured dwelling park.

"Recreational vehicle" means a vehicle without motive power, which is designed for human occupancy and to be used temporarily for recreational, seasonal or emergency purposes, and has a gross floor area not exceeding 400 square feet, in the set-up mode and as further defined, by rule, by the agency.

"Stand" means that part of a manufactured dwelling space reserved for the placement of a mobile home. ~~(Prior code §11.11.2)~~

17.66.030 Areas for manufactured dwellings or homes.

- (A) No person shall maintain a manufactured dwelling or home for residential purposes except as provided under the provision of this title. However, manufactured homes may be used for residential quarters for watchmen or caretakers and located on the premises of an industrial establishment in any industrial zone shall be permitted as an exception herein, provided they comply with this title.
- (B) If the use of the property for a manufactured dwelling or home site is discontinued for any reason for more than one (1) year, it shall not be reestablished, subject to the provisions of Chapter 17.58.
- (C) Occupied, abandoned or unoccupied manufactured dwellings or homes may be abated if they constitute a menace to the public health, safety and welfare pursuant to the provisions of Title IV, Chapter 3 of the 1963 City Code. ~~(Prior code §11.11.5)~~

*Chapter 15.24, of the O.C.M.C. 1991*

17.66.040 Manufactured Dwelling parks. No building, structure or land within the boundaries of a manufactured dwelling park shall be used for any purpose except for the uses permitted by this Chapter as follows:

- (A) Manufactured dwellings for residential use only, together with the normal accessory uses such as a patio slab, carport and a central storage or wash room building;
- (B) Private and public utilities;
- (C) Community recreation facilities, including swimming pools, for residents of the park and guests only;
- (D) A manufactured dwelling park may have one residence for the use of a caretaker ~~of~~ a manager responsible for maintaining or operating the property. *or*

17.66.050 License-Required/Manufactured Dwelling Park. No person shall maintain or operate a manufactured dwelling park within the city without first obtaining a license from the city. Application for a license to operate a new manufactured dwelling park shall be filed with the city. An enlargement of a manufactured dwelling park or an increase in the number of stands in an existing park shall be subject to the provisions of this title regulating new parks.

17.66.060 Criteria for construction, expansion.

- (A) No building or other permit shall be issued for construction of a new manufactured dwelling park or expansion of an existing manufactured dwelling park in an RD-4 (MR/MDP) district until the location is approved and provisions of 17.62 are met.

*Chapter*  
17.66.070 General conditions and limitations.

- (A) Area. The following area requirements shall be deemed to be the minimum land area necessary to establish a manufactured dwelling park:

In an RD-4 (MR/MDP) district, the parcel of land to be used for manufactured dwelling park purposes shall contain not less than four (4) acres.

- (B) Density. The density shall not exceed ten (10) manufactured dwellings per gross acre. Density requirements shall be established as the minimum square footage of gross site area for each manufactured dwelling. If it is determined by the Planning Division that a dedication is necessary pursuant to ~~Chapter 16.24~~ *Chapter 16.24*, the amount of land dedicated shall be subtracted from the gross site area when calculating the proposed density.

*or street R-O-W or other publ  
purpose,*

*Reviewing  
body*

- (J) **Accessory Structures.** Structures located in any manufactured dwelling space shall be limited to a storage building or carport. The storage building or carport may be combined as one (1) structure. No structural additions shall be built onto or become a part of any manufactured dwelling, and no manufactured dwelling shall support any building in any manner. The words "structural additions" shall not be construed to exclude the construction of an awning or patio cover adjacent to a manufactured dwelling. ~~(Prior code §11-11-7)~~

**17.66.080 Site requirements.** The following shall be considered the minimum site requirements for a new manufactured dwelling park or the expansion of an existing manufactured dwelling park:

- (A) **Walkways.** Walkways of not less than three feet (3') in width shall be provided for each manufactured dwelling space to the service buildings and recreational area or areas, and from the patio to the accessway. The accessway may be considered as part of the walkway to the service building.
- (B) **Recreation Area.** A minimum of four thousand (4,000) square feet of recreation area shall be provided for each gross area of land in the proposed manufactured dwelling park. The recreation area may be in one or more locations in the park. At least one (1) recreation area shall have a minimum size of ten thousand (10,000) square feet. The recreational site or sites are to be of a size and shape adequate for the intended use, and the locations shall be convenient to all manufactured dwelling sites in the park.
- (C) **Electrical.** Electrical service equipment complying with the city electrical code shall be provided for each manufactured dwelling space and all applicable state statutes shall likewise apply.
- (D) **Sewers.** Each manufactured dwelling space shall be provided with a sewer connection which complies with the city plumbing code and all applicable state statutes.
- (E) **Water Supply.** A continuous supply of pure water for drinking and domestic purposes shall be supplied by underground facilities to all buildings and manufactured dwelling spaces within the park. Water service equipment shall conform to the plumbing code in the city and all applicable state statutes. (See also Section 17.66.210). ~~(Prior code §11-11-8)~~

**17.66.090 Manufactured dwelling space requirements.** The minimum manufactured dwelling space requirements for a new manufactured dwelling park or the expansion of an existing manufactured dwelling park are as follows:

- (A) The average size of a manufactured dwelling space in a manufactured dwelling park shall not be less than three thousand five hundred square feet (3,500), and no space shall be smaller than two thousand eight hundred (2,800) square feet. No space shall have a width of less than forty feet (40') at the location where the manufactured dwelling is situated on the space.
- (B) No manufactured dwelling space shall have a stand of less than ten feet (10') in width and less than fifty feet (50') in length.
- (C) Occupied manufactured dwelling shall be parked only on stands provided, shall be set back a minimum of five feet (5') from the edge of all accessways, and shall observe the setbacks as established in Section 17.66.070 (C).
- (D) Each manufactured dwelling space shall be improved with one (1) concrete patio, or rot-resistant wood deck, having a minimum area of one hundred fifty (150) square feet.
- (E) One (1) permanent storage building containing a minimum of thirty-two (32) square feet of floor area may be provided for each manufactured dwelling space. The building height shall not be less than seven feet (7') or more than nine feet (9').
- (F) Minimum space requirements between manufactured dwelling:
  - 1. End to end fifteen feet (15');
  - 2. Temporary or permanent structures or manufactured dwellings situated in one (1) space shall be separated by at least fifteen feet (15') from temporary or permanent structures or manufactured dwellings in an adjoining space. Where carport and storage buildings are use jointly, the fifteen feet (15') requirement may be waived by the Planning Division.
- (G) Manufactured skirting shall be securely placed in those areas around the perimeter of the manufactured dwellings which are not developed with a foundation. Such skirting must allow for adequate ventilation. (~~Prior code §11-119~~)

17.66.100 Improvement requirements. Improvement requirements for a new manufactured dwellings park or the expansion of an existing park are as follows:



- (A) Roadways within an accessway and walkways shall be paved with a crushed rock base and asphaltic or concrete surfacing according to structural specifications established by the city engineer and applied to all parks.
- (B)
  - 1. The minimum surfaced width of a roadway within an accessway shall be twenty feet (20') if there is no parking allowed, and thirty feet (30') if parking is allowed on one (1) side and forty feet (40') if parking is allowed on both sides.
  - 2. The first fifty feet (50') of the accessway measured from the street line shall be surfaced to a width of thirty feet (30') and shall be connected to an existing street according to plans approved by the city engineer.
- (C) All accessways and walkways within the park shall be lighted at night to provide a minimum of 1.5 foot candles of illumination.
- (D) Wires for service to light poles and manufactured dwelling spaces shall be underground.
- (E) Manufactured dwelling stands shall be paved with asphaltic or concrete surfacing or with crushed rock contained within concrete curbing or pressure treated wooden screens.
- (F) The manufactured dwelling park shall be well drained. Provisions for drainage shall be made in accordance with plans approved by the city engineer.
- (G) ~~Public telephone service shall be made available for the manufactured dwelling park residents.~~
- (H) ~~Adequate and properly equipped laundry room facilities shall be made available to the residents of the manufactured dwelling park.~~
- (I) Manufactured dwelling parks shall comply with the aforesaid improvement requirements prior to occupancy. ~~(Prior code §11-1-140)~~

17.66.110 Manufactured Dwelling parks in annexed areas. If the manufactured dwelling park is located in an area subsequently annexed to the city, such manufactured dwelling park shall be treated as a non-conforming use pursuant to Chapter 17.58 if it does not comply with all provisions of this title. ~~(Prior code §11-1-11)~~

- (P) Location of garbage disposal/collection facilities;
- (Q) Enlarged plot plan of a typical manufactured dwelling space, showing location of the stand, patio, storage space, parking, sidewalk, utility connections and landscaping;
- (R) Detailed Plans Required. At the time of application for a permit to construct a new manufactured dwelling park or to expand an existing park, the applicant shall submit the following required detailed plans:
1. New structures;
  2. Water and sewer systems;
  3. Electrical systems;
  4. Accessways, walkways and patio construction;
  5. Drainage system;
  6. Recreation area improvements.
- (S) Before construction of a swimming pool in a manufactured dwelling park two (2) copies of plans approved by the Oregon State Board of Health shall be filed with the building official, ~~(Prior code §11-11-12)~~

17.66.130 Occupancy. Occupancy of the manufactured dwelling parks for residential purposes shall not be permitted until completion of the plot plan and final approval by the building official. ~~(Prior code §11-11-13)~~

17.66.140 Manufactured dwelling license fee. Each person, firm or corporation before operating a manufactured dwelling park shall pay to the city an annual manufactured dwelling license fee for a manufactured dwelling park as listed in Section 16.50.480. The term of the manufactured dwelling license is from January 1st of each year through December 31st of each year, and shall be delinquent by February 1st of each year. If less than six (6) months of the manufactured dwelling license period remains, the license fee is one-half (½) the annual fee. The license must be renewed annually. This license fee is in addition to the trades, shops and professional business license fees. ~~(Prior code §11-11-14)~~

17.66.150 Penalty for delinquency. Any person failing to pay the manufactured dwelling license fee before engaging in the manufactured dwelling park business or by February 1st of each year shall pay a penalty of twenty percent (20%) of the manufactured dwelling license fee in addition to the fee provided in Section 17.55.140. ~~(Prior code §11-11-15)~~

17.66.160 License--Transfer.

- (A) If a transfer of license for a manufactured dwelling park under the provisions of this title is desired, an application for transfer shall be filed with the city, accompanied by a fee as listed in Section 17.50.480. The application shall contain the name and address of the present licensee, the applicant and the location of the park. Before the transfer of license is approved, the application shall be signed by the building inspector certifying that the manufactured dwelling park conforms to all city regulations governing manufactured dwelling parks. Upon receipt of approval, the city recorder shall issue a new license to be valid until the following December 31st.
- (B) If the application for transfer is disapproved, the city manager shall set forth in writing the reasons therefor and state the action necessary to receive approval. The applicant may appeal the ruling to the city commission by filing a written notice of appeal with the city recorder within thirty (30) days of the decision. ~~(Prior code §11-11-16)~~

17.66.170 License--Display. Any required manufactured dwelling park license shall be displayed in a conspicuous place in the manufactured dwelling park premises. ~~(Prior code §11-11-17)~~

17.66.180 License--Revocation.

- (A) The city manager may revoke any license to maintain and operate a manufactured dwelling park if the park does not conform to the provisions of this title and other ordinances of the city relative thereto.
- (B) Prior to the effective date of revocation of a license to maintain and operate a manufactured dwelling park, the city manager shall give notice in writing setting forth the reasons for revocation. The owner may request a hearing before the city commission at which the revocation will be considered. For the purpose of this notice, the name and address that appears on the application for license or transfer of license shall be used.
- (C) The license may be reissued if the manufactured dwelling is made to conform to the provisions of this title and other ordinances of the city relative thereto.
- (D) Upon revocation of the license all manufactured dwelling<sup>s</sup> shall be removed from the site within thirty (30) days. ~~(Prior code §11-11-18)~~

17.66.190 Manufactured home subdivision--General requirements.

- (A) Applications for a manufactured home subdivision shall be subject to the submission requirement of the subdivision ordinance.
- (B) Manufactured home subdivisions may be located as provided in Section 17.06.

17.66.200 Site requirements.

- (A) General. The following requirements shall be the minimum necessary to establish a manufactured home subdivision in the R-<sup>6</sup>MH zoning district.
- (B) Density. The density of a manufactured home subdivision shall be subject to the density requirements as outlined in Section 17.13.
- (C) Off-Street Parking. Off-street parking shall be provided as required in ~~title XI, chapter 5~~ (See also Section 17.60.080 of this chapter). (Prior code §11.11.21) *Section 17.52 Chapter*

17.66.210 Placement standards. Manufactured homes on individual lots and in manufactured home subdivisions shall be subject to the following placement standards:

- (A) Floor area - The manufactured home shall be multi-sectional (double-wide or wider) and enclosed a floor area of not less than 1,000 square feet. Hitches and tipout are excluded from square footage calculations.
- (B) Roof - The manufactured home shall have a pitched roof with a pitch of at least a nominal 3/12. The roof shall be covered with shingles, shakes, composition, or tile. Eaves and gutters shall extend from the roof at least six inches (6") from the intersection of the roof and the exterior wall.
- (C) Foundation - The manufactured home shall be placed on an excavated and back filled foundation, enclosed at the perimeter with no more than 12 inches of the enclosing material exposed above grade. Where the building site has a sloped grade, no more than 12 inches of the enclosing material shall be exposed on the uphill side of the home.
- (D) Exterior Siding - The exterior siding shall have the same appearance as materials which are comparable to the predominant materials used on surrounding dwellings within 300 feet. Metal siding shall be painted or anodized.