

0154-2446

96-22031

REVIEWED
BWW
LEGAL COUNSEL

BEFORE THE BOARD OF COUNTY COMMISSIONERS OF DESCHUTES COUNTY, OREGON

An Ordinance Amending Title 18, the *
Deschutes County Zoning Ordinance to *
Allow for Permitting of Certain *
Manufactured Home Parks as Conditional *
Uses in MUA-10 and RR-10 Zones and *
Declaring An Emergency. *

95 JUN 13 AM 10:26
MARY SUE PENHOLLOW
COUNTY CLERK

ORDINANCE NO. 96-038

WHEREAS, the creation of new manufactured home parks and the expansion of existing manufactured home parks is not allowed in the RR-10 and MUA-10 zones in the County; and

WHEREAS, pre-existing manufactured home parks can legally continue operating in MUA-10 and RR-10 zones only as valid nonconforming uses, and expansion of nonconforming uses is not allowed under the County's ordinances; and

WHEREAS, the passage of time and the fluctuating occupation rates of manufactured home parks makes it difficult to determine at what level manufactured home parks predating current zoning may continue to operate in MUA-10 and RR-10 zones; and

WHEREAS, James and Jackie Elliot proposed a text amendment to allow for the expansion of lawfully established manufactured home parks in MUA-10 and RR-10 zones and to allow for validation of spaces in manufactured home parks for which verification is difficult; and

WHEREAS, the Board of County Commissioners recognizes a need for affordable housing in the County and recognizes that allowing for permitting of and/or expansion of certain previously existing manufactured home parks through a conditional use process would help satisfy that need; and

WHEREAS, a review of existing manufactured home parks in MUA-10 and RR-10 zones indicates they would not generally pose neighborhood compatibility problems; and

WHEREAS, allowing for existing manufactured home parks in MUA-10 and RR-10 zones is consistent with the comprehensive plan; now therefore,

THE BOARD OF COUNTY COMMISSIONERS OF DESCHUTES COUNTY, OREGON, ORDAINS as follows:

Section 1. Adoption of Amendment to Chapter 18.32. That Section 18.32.030, "MUA - 10 Conditional Uses," is amended to read as set forth in Exhibit A, attached hereto and by this reference incorporated herein, with added text in bold.

Section 2. Adoption of Amendment to Chapter 18.60. That Section

MICROFILMED
JUN 27 1996

KEYPUNCHED
JUN 21 1996

18.60.030, "RR - 10 Conditional Uses," is amended to read as set forth in Exhibit B, attached hereto and by this reference incorporated herein, with added text in bold.

Section 3. Adoption of Amendment to Chapter 18.128. That Section 18.128.040, "Conditional Use, Specific Use Standards," is amended to read as set forth in Exhibit C, attached hereto and by this reference incorporated herein, with added text in bold.

Section 4. Findings. In support of this ordinance, the Board adopts the findings set forth in the recitals set forth above.


Section 5. Severability. The provisions of this ordinance are severable. If any section, sentence, clause or phrase of this ordinance or any line or area on any map is adjudged to be invalid by a court of competent jurisdiction, that decision shall not affect the validity of the remaining portions of this ordinance.

Section 6. Codification. County Legal Counsel shall have the authority to format the provisions contained herein in a manner that will integrate them into the County Code consistent with the Deschutes County Form and Style Manual for Board Documents. Such codification shall include the authority to make such changes, to make changes in numbering systems and to make such numbering changes consistent with interrelated code sections. In addition, as part of codification of these ordinances, County Legal Counsel may insert appropriate legislative history reference. Any legislative history references included herein are not adopted as part of the substance of this ordinance, but are included for administrative convenience and as a reference. They may be changed to correct errors and to conform to proper style without action of the Board of County Commissioners.

Section 7. Emergency. This ordinance being necessary for the preservation of the public peace, health and safety, an emergency is declared to exist, and this ordinance takes effect on passage.

DATED this 12 day of June, 1996.

BOARD OF COUNTY COMMISSIONERS
OF DESCHUTES COUNTY, OREGON


NANCY POPE SCHLANGEN, Chair


BARRY H. SLAUGHTER, Commissioner


ROBERT L. NIPPER, Commissioner

ATTEST:

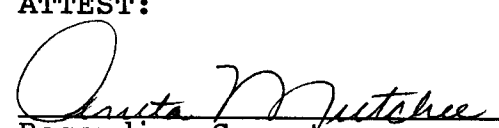

Anita M. Nitcher
Recording Secretary

Exhibit A
to Ordinance 96-038

18.32.030. Conditional uses permitted.

The following uses may be allowed subject to chapter 18.128 of this title:

- A. Public use.
- B. Semipublic use.
- C. Commercial activities in conjunction with farm use. The commercial activity shall be associated with a farm use occurring on the parcel where the commercial use is proposed. The commercial activity may use, process, store or market farm products produced in Deschutes County or an adjoining county.
- D. Dude Ranch.
- E. Kennel and/or veterinary clinic.
- F. Guest house.
- G. Manufactured home as a secondary accessory farm dwelling, subject to the requirements set forth in section 18.116.070.
- H. Exploration for minerals.
- I. Private parks, playgrounds, hunting and fishing preserves, campgrounds, motorcycle tracks and other recreational uses.
- J. Personal use landing strip for airplanes and helicopter pads, including associated hangar, maintenance and service facilities. No aircraft may be based on a personal-use landing strip other than those owned or controlled by the owner of the airstrip. Exceptions to the activities permitted under this definition may be granted through waiver action by the Aeronautics Division in specific instances. A personal use landing strip lawfully existing as of September 1, 1975, shall continue to be permitted subject to any applicable regulations of the Aeronautics Division.
- K. Golf courses.
- L. Home occupations.
- M. A facility for primary processing of forest products, provided that such facility is found to not seriously interfere with accepted farming practices and is compatible with farm uses described in Oregon Revised Statutes 215.203(2). Such a facility may be approved for a one-year period which is renewable. These facilities are intended to be only portable or temporary in nature. The primary processing of a forest product, as used in this section, means the use of a portable chipper or stud mill or other similar method of initial treatment of a forest product in order to enable its shipment to market. Forest products, as used in this section, means timber grown upon a parcel of land or contiguous land where the primary processing facility is located.
- N. Destination resorts.
- O. Planned developments.
- P. Cluster developments.
- Q. Landfills when a written tentative approval by the

Department of Environmental Quality (DEQ) of the site is submitted with the conditional use application.

R. Time-share unit or the creation thereof.

S. Hydroelectric facility, subject to sections 18.116.130 and 18.128.040(V).

T. Storage, crushing and processing of minerals, including the processing of aggregate into asphaltic concrete or portland cement concrete, when such uses are in conjunction with the maintenance or construction of public roads or highways.

U. Bed and breakfast inn.

V. Excavation, grading and fill and removal within the bed and banks of a stream or river or in a wetland subject to sections 18.120.050 and 18.128.040(W).

W. Churches, subject to chapter 18.124 and section 18.128.040(D) of this code.

X. Private or public schools, including all buildings essential to the operation of such a school.

Y. Utility facility necessary to serve the area subject to the provisions of chapter 18.124 of this code.

Z. Cemetery, mausoleum or crematorium.

AA. Commercial horse stables.

BB. Horse events, including associated structures, not allowed as a permitted use in this zone.

CC. Manufactured home park on a parcel in use as a manufactured home park prior to the adoption of PL-15 in 1979 and being operated as of June 12, 1996 as a manufactured home park, including any expansion of such uses on the same parcel, as configured on June 12, 1996."

(Ord. 94-053 § 2, 1994; Ord. 94-008 § 11, 1994; Ord. 93-043 § 4B, 1993; Ord. 93-043 § 4A, 1993; Ord. 92-055 § 2, 1992; Ord. 91-038 § 1, 1991; Ord. 91-020 § 1, 1991; Ord. 90-014 §§ 27 and 35, 1990; Ord. 91-005 §§ 19 and 20, 1991; Ord. 91-002 § 7, 1991; Ord. 86-018 § 7, 1986; Ord. 83-033 § 2, 1983; Ord. 80-206 § 3, 1980)

Exhibit B
to Ordinance 96-038

"18.60.030. Conditional uses permitted.

The following uses may be allowed subject to chapter 18.128 of this title:

A. Public park, playground, recreation facility or community center owned and operated by a government agency or nonprofit community organization.

B. Dude ranch.

C. Home occupation.

D. Personal use landing strip for airplanes and helicopter pads, including associated hangar, maintenance and service facilities. A personal use landing strip as used in this section means an airstrip restricted, except for aircraft emergencies, to use by the owner and, on an infrequent and occasional basis, by invited guests. No aircraft may be based on a personal-use landing strip other than those owned or controlled by the owner of the airstrip. Exceptions to the activities permitted under this definition may be granted through waiver action by the Aeronautics Division in specific instances. A personal-use landing strip lawfully existing as of September 1, 1975, shall continue to be permitted subject to any applicable regulations of the Aeronautics Division.

E. Planned development.

F. Cluster development.

G. Recreation-oriented facility requiring large acreage such as off-road vehicle track or race track, but not including a rodeo grounds.

H. Landfill when a written tentative approval by Department of Environmental Quality (DEQ) of the site is submitted with the application.

I. Cemetery.

J. Time-share unit or the creation thereof.

K. Hydroelectric facility, subject to sections 18.116.130 and 18.128.040(V).

L. Bed and breakfast inn.

M. Golf course.

N. Excavation, grading and fill and removal within the bed and banks of a stream or river or in a wetland subject to sections 18.120.050 and 18.128.040(W).

O. Church.

P. Public Uses.

Q. Semipublic Uses.

R. Commercial horse stables.

S. Private or public school, including all buildings essential to the operation of such a school.

T. Manufactured home park on a parcel in use as a manufactured home park prior to the adoption of PL-15 in 1979 and being operated as of June 12, 1996 as a manufactured home park, including expansion of such uses on the same parcel, as configured on June 12, 1996."

Exhibit C to Ordinance 96-038

"18.128.040. Specific Use Standards

* * *

K. Manufactured home park. A manufactured home park shall be built to state standards in effect at the time of construction, or in the case of pre-existing parks in MUA-10 and RR-10 zones, at the time of permitting under this section, and the following provisions:

1. Evidence that the park will be eligible for a certificate of sanitation as required by state law.

2. The space provided for each manufactured home shall be provided with piped potable water and electrical sewerage connections.

3. The number of spaces for manufactured homes shall not exceed 12 for each acre of the total acres in the manufactured home park. The Planning Director or Hearings Body may vary this density as follows:

a. If dedicated open space equals 50 percent or more of the total area of the park, a maximum 10 percent increase in units per acre may be granted.

b. If in addition to the requirements in subsection (K)(3)(a) of this section a maintained playground area with approved equipment such as goalposts, swings, slides, etc., is provided, the maximum increase in units per acre may be increased an additional five percent.

c. If in addition to the requirements in subsections (K)(3)(a) and (b) of this section, approved recreation/community building is provided an additional 10 percent increase of units/acre may be allowed. (Maximum total increase possible through application of subsection (K)(3) of this section = 25 percent.)

4. A manufactured home pad shall occupy not more than 40 percent of the contiguous space provided for the exclusive use of the occupants of the home, exclusive of space provided for the common use of tenants, such as roadways, general use structure, parking spaces, walkways and areas for recreation and landscaping.

5. No manufactured home pad in the park shall be located closer than 15 feet from another manufactured home pad or from a general use building in the park. No manufactured home accessory building or other building or structure on a manufactured home space shall be closer than 10 feet from a manufactured home accessory building or other building or structure on another manufactured home space. No manufactured home pad or other building or structure shall be within 25 feet of a public street property boundary or 10 feet or another property boundary.

6. Facilities shall be provided to assure that there will be no outdoor storage of furniture, tools, equipment, building materials or supplies belonging to the management of the park.

7. The land which is used for park purposes shall be surrounded, except at entry and exit places, by a sight-obscuring fence or hedge not less than six feet in height.

8. If the park provides spaces for 50 or more manufactured

home units, each vehicular way in the park shall be named and marked with signs which are similar in appearance to those used to identify public streets. A map of the named vehicular ways shall be provided to the fire department.

9. The park shall have water supply mains designed to serve fire hydrants and hydrants shall be provided within 500 feet of such space or structure. Each hydrant within the park shall be located on a vehicular way.

10. A minimum of at least 2,500 square feet plus 100 square feet per manufactured home space shall be provided for recreational play area, group or community activities. The Planning Director or Hearings Body may require this area to be protected from streets, parking areas or the like by a fence or the equivalent that conforms to fence regulations, but is at least 30 inches in height where allowed by fence ordinances. Unless otherwise approved, no required open space area shall contain less than 2,500 square feet. Recreation areas shall be improved with grass, plantings, surfacings or buildings suitable for recreational use. No recreation facility created within a manufactured home park only to satisfy the requirements of this section shall be open to the general public.

11. A parking space shall be provided for each manufactured home space on the site. Additional guest parking spaces shall be provided in every manufactured home park within 200 feet of the manufactured home spaces served, at a ratio of one parking space for each two manufactured home spaces. Parking spaces shall have durable and dustless surfaces adequately maintained for all-weather use and shall be properly drained.

12. All manufactured home parks over 10 acres in area shall be located with access on a street designated as a collector street.

13. All manufactured home parks containing a total site area of five acres or more shall provide a secondary access to the trailer park. Such secondary access shall enter the public street system at least 150 feet from the primary access.

14. Lighting shall be installed along the access ways of the manufactured home park and the recreation area with lights of 100 watts or better not over 100 feet apart. Wires for service to light poles and manufactured home spaces shall be underground.

15. Roadways within the park shall be improved with an all-weather dustless surface and shall be not less than 30 feet in width if parking is permitted on the margin of the roadway, or less than 20 feet in width if parking is not permitted on the edge of the roadway and an adequate designated area is provided and improved for guest parking and tenant recreational vehicles.

16. All manufactured home parks shall have a minimum lot size of one acre.

17. When expanding an existing manufactured home park in MUA-10 or RR-10 zones, the park shall satisfy all of the criteria of this section as to the existing developed areas as well as in the expansion area.

*

*

* "