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LEGAL COUNSEL

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BEFORE THE BOARD OF COUNTY COMMISSIONERS OF DESCHUTES COUNTY, OREGON

An Ordinance Amending Ordinance No. PL-15, the Deschutes County Zoning Ordinance, to Amend Provisions Relating to the Placement of Manufactured Homes, and Declaring an Emergency.

ORDINANCE NO. 91-005

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

Section 1. Section 1.030(30) and (68), Definitions, is amended to read as follows:

"30. Dwelling, Single-Family. A detached building containing one dwelling unit and designed for occupancy by one family only, not including manufactured homes, and such temporary structures as tents, teepees, travel trailers and other similar uses."

"68. Manufactured Home. A structure constructed for movement on the public highways that has sleeping, cooking and plumbing facilities, that is intended for human occupancy, and that is being used for residential purposes. It does not include 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."

Section 2. Section 1.030(69), (69A) and (70) are hereby deleted.

Section 3. Section 3.050, Selected Residential Areas for Single-wide Mobile Homes, is hereby deleted.

Section 4. Section 4.010(2)(D), EFU-320 Zone, is amended to read as follows:

"D. Dwellings, manufactured homes in accordance with Section 5.135 and other buildings customarily provided in conjunction with farm use as defined in ORS 215.203(2)(a)."

Section 5. Section 4.010(3)(D), EFU-320 Zone, is amended to read as follows:

"D. Manufactured home as a secondary accessory farm dwelling, subject to Section 5.135."

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COUNTY CLERK

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Section 6. Section 4.010(3)(P), EFU-320, is amended to read as follows:

"P. A single-family dwelling or a manufactured home in accordance with Section 5.135 customarily provided in conjunction with farm use, on pre-existing nonconforming lot as defined in Sections 1.030 and 6.020 of this Ordinance, subject to the following criteria:

- a. The lot is currently employed for farm use where the day-to-day activities are principally directed to the farm use of the land.
- b. The lot is of sufficient size to demonstrate commercial production of food, fiber or livestock using innovative and/or intensive farming practices, during at least two of the previous three years.
- c. The soil, growing season, water and energy are adequate and available for the farm use.
- d. The markets for the farm product are demonstrable.
- e. The proposed dwelling on the lot will not adversely affect adjacent and surrounding commercial agricultural operations.
- f. The proposed dwelling on the lot will not force a significant change in or significantly increase the cost of accepted farming practices on nearby agricultural land.
- g. The lot and the farm use on it are appropriate for the continuation of the existing commercial agricultural operations in the area."

Section 7. Section 4.020(2)(D), EFU-80 Zone, is amended to read as follows:

"D. Dwellings, manufactured homes in accordance with Section 5.135 and other buildings customarily provided in conjunction with farm use as defined in ORS 215.203(2)(a)."

Section 8. Section 4.020(3)(D), EFU-80 Zone, is amended to read as follows:

"D. Manufactured home as a secondary accessory farm dwelling, subject to Section 5.135."

Section 9. Section 4.020(3)(P), EFU-80 Zone, is amended to read as follows:

"P. A single-family dwelling or a manufactured home in accordance with Section 5.135 customarily provided in conjunction with farm use, on a pre-existing nonconforming lot as defined in Sections 1.030 and 6.020 of this Ordinance, subject to the following criteria:

- a. The lot is currently employed for farm use where the day-to-day activities are principally directed to the farm use of the land.
- b. The lot is of sufficient size to demonstrate commercial production of food, fiber or livestock using innovative and/or intensive farming practices, during at least two of the previous three years.
- c. The soil, growing season, water and energy are adequate and available for the farm use.
- d. The markets for the farm product are demonstrable.
- e. The proposed dwelling on the lot will not adversely affect adjacent and surrounding commercial agricultural operations.
- f. The proposed dwelling on the lot will not force a significant change in or significantly increase the cost of accepted farming practices on nearby agricultural land.
- g. The lot and the farm use on it are appropriate for the continuation of the existing commercial agricultural operations in the area."

Section 10. Section 4.030(2)(D), EFU-40 Zone, is amended to read as follows:

"D. Dwellings, manufactured homes in accordance with Section 5.135 and other buildings customarily provided in conjunction with farm use as defined in ORS 215.203(2)(a)."

Section 11. Section 4.030(3)(H), EFU-40 Zone, is amended to read as follows:

"H. Manufactured home as a secondary accessory farm dwelling, subject to the requirement set forth in Section 5.135 of this Ordinance."

Section 12. Section 4.030(3)(M), EFU-40 Zone, is amended to read as follows:

"M. Single-family dwelling or a manufactured home in accordance with Section 5.135 not provided in conjunction with farm use."

Section 13. Section 4.030(3)(P), EFU-40 Zone, is amended to read as follows:

"P. A single-family dwelling or a manufactured home in accordance with Section 5.135 customarily provided in conjunction with farm use, on a pre-existing nonconforming lot as defined in Sections 1.030 and 6.020 of this Ordinance, subject to the following criteria:

- a. The lot is currently employed for farm use where the day-to-day activities are principally directed to the farm use of the land.
- b. The lot is of sufficient size to demonstrate commercial production of food, fiber or livestock using innovative and/or intensive farming practices, during at least two of the previous three years.
- c. The soil, growing season, water and energy are adequate and available for the farm use.
- d. The markets for the farm product are demonstrable.
- e. The proposed dwelling on the lot will not adversely affect adjacent and surrounding commercial agricultural operations.
- f. The proposed dwelling on the lot will not force a significant change in or significantly increase the cost of accepted farming practices on nearby agricultural land.

- g. The lot and the farm use on it are appropriate for the continuation of the existing commercial agricultural operations in the area."

Section 14. Section 4.040(2)(D), EFU-20 Zone, is amended to read as follows:

- "D. Dwellings, manufactured homes in accordance with Section 5.135 and other buildings customarily provided in conjunction with farm use as defined in ORS 215.203(2)(a)."

Section 15. Section 4.040(3)(C), EFU-20 Zone, is amended to read as follows:

- "C. Manufactured home as a secondary accessory farm dwelling, subject to Section 5.135 of this Ordinance."

Section 16. Section 4.040(3)(M), EFU-20 Zone, is amended to read as follows:

- "M. A single-family dwelling or a manufactured home in accordance with Section 5.135 not provided in conjunction with farm use."

Section 17. Section 4.040(3)(Q), EFU-20 Zone, is amended to read as follows:

- "Q. A single-family dwelling or a manufactured home in accordance with Section 5.135, customarily provided in conjunction with farm use, on a pre-existing nonconforming lot as defined in Sections 1.030 and 6.020 of this Ordinance, subject to the following criteria:

- a. The lot is currently employed for farm use where the day-to-day activities are principally directed to the farm use of the land.
- b. The lot is of sufficient size to demonstrate commercial production of food, fiber or livestock using innovative and/or intensive farming practices, during at least two of the previous three years.
- c. The soil, growing season, water and energy are adequate and available for the planned farm use.

- d. The markets for the farm product are demonstrable.
- e. The proposed dwelling on the lot will not adversely affect adjacent and surrounding commercial agricultural operations.
- f. The proposed dwelling on the lot will not force a significant change in or significantly increase the cost of accepted farming practices on nearby agricultural land.
- g. The lot and the farm use on it are appropriate for the continuation of the existing commercial agricultural operations in the area."

Section 18. Section 4.060(2)(C), MUA Zone, is amended to read as follows:

- "C. Manufactured home in accordance with Section 5.135."

Section 19. Section 4.060(3)(G), MUA Zone, is amended to read as follows:

- "G. Manufactured home as a secondary accessory farm dwelling, subject to the requirements set forth in Section 5.135 of this Ordinance."

Section 20. Section 4.060(3)(N), MUA Zone, is hereby deleted, and the remaining subsections of Section 4.060(3) are renumbered accordingly.

Section 21. Section 4.080(2)(D), Forest - 2 Zone, is amended to read as follows:

- "D. Dwellings and other buildings, including manufactured homes in accordance with Section 5.135 of the Ordinance, customarily provided in conjunction with forest uses set forth in paragraph (B) of this subsection upon approval by the Planning Director of a forest management plan."

Section 22. Section 4.080(3)(A), Forest - 2 Zone, is amended to read as follows:

- "A. Manufactured home as a secondary accessory farm or forest dwelling, subject to the provisions set forth in Section 5.135 of this Ordinance."

Section 23. Section 4.080(3)(J), Forest - 2 Zone, is amended to read as follows:

"J. Single-family dwelling or a manufactured home in accordance with Section 5.135, not provided in conjunction with forest or farm use; partitions, planned developments and subdivisions in accordance with the terms of this Ordinance and County Ordinance 81-043 and policies set forth by the Comprehensive Plan."

Section 24. Section 4.080(3)(M), Forest - 2 Zone, is hereby deleted, and the remaining subsection of Section 4.080(3) are renumbered accordingly.

Section 25. Section 4.080(5)(M), Forest - 2 Zone, is hereby deleted.

Section 26. Section 4.085(2)(D), Forest - 3 zone, is amended to read as follows:

"D. Dwellings and other buildings, including manufactured homes in accordance with Section 5.135 of the Ordinance, customarily provided in conjunction with forest uses set forth in paragraph (B) of this subsection upon approval by the Planning Director of a forest management plan."

Section 27. Section 4.085(3)(A), Forest - 3 Zone, are amended to read as follows:

"A. Manufactured home as a secondary accessory farm or forest use dwelling, subject to the provisions of Section 5.135 of this Ordinance."

Section 28. Section 4.085(3)(J), Forest - 3 Zone, are amended to read as follows:

"J. Single-family dwelling or manufactured home in accordance with Section 5.135, not provided in conjunction with forest or farm use; partitions, planned developments and subdivisions in accordance with the terms of this Ordinance and County Ordinance PL-14, and policies set forth by the Comprehensive Plan."

Section 29. Section 4.085(5)(M), Forest - 3 Zone, is hereby deleted.

Section 30. Section 4.120(2)(A), RR-10 Zone, is amended to read as follows:

"A. A single-family dwelling, or a manufactured home in accordance with Section 5.135."

Section 31. Section 4.120(2)(B), RR-10 Zone, is hereby deleted, and the remaining subsections of Section 4.120(2) are renumbered accordingly.

Section 32. Section 4.120(3)(A), RR-10 Zone, is amended to delete subsections (A) and (B) and to renumber the remaining subsections accordingly.

Section 33. Section 4.130(2)(B), RSC Zone, is amended to read as follows:

"B. Single-family dwelling, or a manufactured home in accordance with Section 5.135."

Section 34. Section 4.130(3)(D), RSC Zone, is amended to read as follows:

"D. Manufactured home park and travel trailer park."

Section 35. Section 4.140(2)(C), RSR-M Zone, is amended to read as follows:

"C. Single-family dwelling, or a manufactured home in accordance with Section 5.135."

Section 36. Section 4.140(3)(C), RSR-M Zone, is hereby deleted, and the remaining subsections are renumbered accordingly.

Section 37. Section 4.210(4)(C), FP Zone, is amended to read as follows:

"C. Single-family dwelling, or a manufactured home in accordance with Section 5.135, on an individual lot."

Section 38. Section 5.095, Manufactured Home Design Criteria, is amended to read as follows:

"Section 5.095. MANUFACTURED HOMES.

1. Manufactured Home Classes. For purposes of these regulations, manufactured homes are divided into the following types:

A. A Class A manufactured home shall:

- a. Have more than one thousand (1000) square feet of occupied space in a double section or larger multi-section unit;
- b. Be placed on a permanent foundation or support skirting system as described in Section 5.115 of this Ordinance;
- c. Have wheels, axles and hitch mechanisms removed;
- d. Have utilities connected in accordance with the requirements of the Building Codes Agency and manufacturer's specifications;
- e. Bear an insignia of compliance with the Manufactured Housing and Construction and Safety Standards Code;
- f. Have shake, shingle, composition or tile roofing materials. The roof pitch shall be a minimum of 2/12;
- g. Have siding materials of a type customarily used on site-constructed residences such as clapboard, horizontal vinyl or aluminum lap-siding, cedar or other wood siding, brick or stone, and not including high-gloss finished material, corrugated metal or fiberglass, or metal or plastic panels.

B. A Class B manufactured home shall:

- a. Have at least seven hundred and fifty (750) square feet of occupied space in a single, double, expando or multi-section unit;
- b. Be placed on a permanent foundation as described in Section 5.115 of this Ordinance;
- c. Have wheels, axles and hitch mechanisms removed;
- d. Have utilities connected in accordance with the requirements of the Building Codes Agency and manufacturer's specifications;
- e. Bear an insignia of compliance with the Manufactured Housing and Construction and Safety Standards Code as of June 15, 1976;

- f. Have shake, shingle, composition or tile roofing materials. The roof pitch shall be a minimum of 2/12;
 - g. Have non-reflective siding materials and trim typical of site-constructed residences.
- C. A Class C manufactured home shall:
- a. Have more than three hundred and twenty (320) square feet of occupied space, excluding tipouts and hitches;
 - b. Be placed on a permanent foundation or support system with skirting, as described in Section 5.115 of this Ordinance;
 - c. Bear an insignia of compliance with the Manufactured Housing and Construction and Safety Standards Code as of June 15, 1976;
 - d. Have utilities connected in accordance with the requirements of the Building Codes Agency and manufacturer's specifications.
- D. A Class D manufactured home shall:
- a. Have more than three hundred and twenty (320) square feet of occupied space;
 - b. Be placed on a permanent foundation or support system with skirting, as described in Section 5.115 of this Ordinance;
 - c. Have utilities connected in accordance with requirements of the Building Codes Agency and manufacturer's specifications."

Section 39. Section 5.105, Mobile Home Design Criteria, is hereby deleted.

Section 40. Section 5.115(1), Manufactured Home Installation Standards, is amended to read as follows:

- "1. Permanent Foundation With Enclosed Perimeter. If a manufactured home is to be placed on a permanent foundation with perimeter enclosure, it must be set onto an excavated area, with foundations, footings and crawl space or basement walls constructed in accordance with the Building Codes Agency standards. The space between the floor joists of the home and the excavated underfloor

grade shall be completely enclosed with the permanent perimeter enclosure, except for required openings."

Section 41. Section 5.125, Mobile Home Installation Standards, is hereby deleted.

Section 42. Section 5.135, Placement Standards for Manufactured Homes and Certain Double-Wide Mobile Homes, is amended to read as follows:

"Section 5.135. PLACEMENT STANDARDS FOR MANUFACTURED HOMES.

1. As defined in Section 5.095, Class A and B manufactured homes shall be permitted as follows, subject to the requirements of the underlying zone:
 - A. In the following zones, except where there is a Conventional Housing Overlay Zone (CH): EFU-320, EFU-80, EFU-40, EFU-20, MUA-10, F-2, F-3, RR-10, RSC, RSR-M, RSR-5, FP as the primary dwelling, and R-I as a caretaker's residence.
 - B. In manufactured home parks and subdivisions.
 - C. As permitted in Sections 5.150 and 5.155 of this Ordinance.
 - D. Class A and B manufactured homes are not permitted in any historic district or on any historic site.
2. Class C manufactured homes shall be permitted as follows:
 - A. Except as otherwise allowed in this subsection, on parcels ten (10) acres in size or larger.
 - B. As a secondary accessory farm dwelling.
 - C. In manufactured home parks and manufactured home subdivisions.
 - D. As permitted in Sections 5.150 and 5.155 of this Ordinance.
 - E. As a replacement to an existing nonconforming manufactured home destroyed by fire or other

natural act, or as an upgrade to an existing manufactured home.

- F. In the following subdivisions: Rockview II, Tetherow Crossing, Chaparral Estates, Crystal Acres, Hidden Valley Mobile Estates, Johnson Acres, Seven Peaks, Sun Mountain Ranches, River Homesites, Happy Acres, Rancho El Sereno, Whispering Pines, Bend Cascade View Estates, Raintree, Holmes Acres, LaPine Meadows North, Pine Crest Ranchettes, Dora's Acres, Pierce Tracts, Roan Park, South Forty, Tomes, Crooked River Ranch, Dale Acres, Replat/Hillman, Lake Park Estates, Mary K. Falls Estates.
 - G. Class C manufactured homes are not permitted in any historic district or on any historic site.
3. An exception may be granted by the Planning Director to allow a Class C manufactured home to be placed in a subdivision which is not listed in Section 5.135(2)(F) where all of the following conditions exist:
- A. The manufactured home is specifically designed or has been substantially modified for wheelchair or handicapped access (handicapped accessible manufactured home).
 - B. There are Class C manufactured homes in the subdivision located within one-quarter mile of the lot upon which the manufactured home will be placed.
 - C. The handicapped-accessible manufactured home and lot upon which the manufactured home is to be placed were purchased by the applicant prior to February 22, 1989.
4. Class D manufactured homes shall be permitted as follows:
- A. In manufactured home parks and subdivisions.
 - B. As permitted in Sections 5.150 and 5.155 of this Ordinance.
 - C. Class D manufactured homes are not permitted in any historic district or on any historic site."

Section 43. Section 5.145, Placement Standards for Single-Wide and Certain Double-Wide Mobile Homes, is hereby deleted.

Section 44. Section 5.150, A Mobile Home or Manufactured Home as a Temporary Residence on an Individual Lot, is amended to read as follows:

"Section 5.150. A MANUFACTURED HOME OR A RECREATIONAL VEHICLE AS A TEMPORARY RESIDENCE ON AN INDIVIDUAL LOT. A manufactured home of any class or a recreational vehicle may be authorized as a temporary residence on an individual lot and shall comply with the following additional provisions:

1. The manufactured home or recreational vehicle shall be placed upon a lot for which a building permit for a housing unit has been obtained.
2. The manufactured home or recreational vehicle shall be occupied only during a period in which satisfactory progress is being made toward the completion of the housing unit on the same site.
3. Electric, water and sewer utility connections shall be made to the manufactured home or recreational vehicle.
4. The manufactured home shall be removed from the lot not later than eighteen months following the date on which the building permit for the housing unit is issued or not later than two months following the date of final building inspection of the housing unit, whichever occurs first. The habitation of the recreational vehicle must cease, and its connection to all utilities other than electric must be discontinued not later than eighteen months following the date on which the building permit for the housing unit is issued or not later than two months following the completion of the housing unit, whichever occurs first.
5. All evidence that the manufactured home has been on the lot shall be removed within the thirty (30) days following the removal of the manufactured home."

Section 45. Section 5.155, A Mobile Home or Manufactured Home as a Temporary Residence for Medical Condition, is amended to read as follows:

"Section 5.155. A MANUFACTURED HOME AS A TEMPORARY RESIDENCE FOR MEDICAL CONDITION.

1. A temporary use permit for a manufactured home of any class in a residential area may be granted when a medical condition exists which requires the temporary location of a manufactured home on the property in order to provide necessary care for a member of the principal occupant's family. Such medical condition must be verified by a doctor's written statement, which shall accompany the permit application.
2. The temporary use permit shall be reviewed annually for compliance with the terms of this section.
3. The manufactured home shall be removed not later than ninety (90) days following the date the medical condition requiring the temporary use permit ceases to exist."

Section 46. Section 8.050(10.1), Special Use Standards, is hereby deleted.

Section 47. Section 8.050(11), Special Use Standards, is amended to read as follows:

- "11. Manufactured home park. A manufactured home park shall be built to state standards in effect at the time of construction and the following provisions:
- A. Evidence that the park will be eligible for a certificate of sanitation as required by state law.
 - B. The space provided for each manufactured home shall be provided with piped potable water and electrical sewerage connections.
 - C. The number of spaces for manufactured homes shall not exceed 12 for each acre of the total are in the manufactured home park. The Hearings Officer may vary this density as follows:
 - a. If dedicated open space equals 50% or more of the total area of the park, a maximum 10% increase in units per acre may be granted.

- b. If in addition to the requirements in subsection (11)(C)(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 5%.
- c. If in addition to the requirements in subsections (11)(C)(a) and (b) of this section, approved recreation/community building is provided an additional 10% increase of units/acre may be allowed. (Maximum total increase possible through application of subsection (11)(C) of this section = 25%.)
- D. A manufactured home pad shall occupy not more than 40% 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.
- E. 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.
- F. 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.
- G. 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.

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- H. 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.
 - I. 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.
 - J. 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 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 a 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.
 - K. 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.
 - L. All manufactured home parks over 10 acres in area shall be located so as to have access on a street designated as a collector street.
 - M. 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.

- N. 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.
- O. 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.
- P. All manufactured home parks shall have a minimum lot size of one acre."

Section 48. EMERGENCY. This Ordinance being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist, and this Ordinance takes effect on its passage.

DATED this 4th day of March, 1991.

BOARD OF COUNTY COMMISSIONERS
OF DESCHUTES COUNTY, OREGON

Tom Throop
TOM THROOP, Commissioner

Nancy Pope Schlanger
NANCY POPE SCHLANGEN, Commissioner

Bick Mauldin
BICK MAUDLIN, Chairman

ATTEST

Andrew A. Gump
Recording Secretary