

IN THE COUNTY COURT OF THE STATE OF OREGON

IN AND FOR THE COUNTY OF WASCO

FILED WASCO COUNTY
THE COURT
JAN 21 4 16 PM '93
KAREN R. [unclear]
COUNTY CLERK

IN THE MATTER OF THE PROPOSAL FOR POST-ACKNOWLEDGEMENT AMENDMENTS TO THE CITY OF THE DALLES ZONING ORDINANCE FOR LANDS WITHIN THE URBAN GROWTH BOUNDARY, TO ALLOW MANUFACTURED HOMES WITHIN IDENTIFIED RESIDENTIAL DISTRICTS. THIS AMENDMENT IS UNDER THE AUTHORITY OF THE CITY OF THE DALLES/WASCO COUNTY JOINT MANAGEMENT AGREEMENT (JMA).

ORDINANCE

NOW ON THIS DAY, the above-entitled matter having come on regularly for consideration, said day being one duly set in term for the transaction of public business and a majority of the Court being present; and

IT APPEARING TO THE COURT: That on June 26, 1983, Wasco County adopted by ordinance the City of The Dalles Zoning Ordinance for land lying within the urban growth area, and has previously entered into an (amended) urban growth area joint management agreement with the City, which requires that plans and implementing ordinances be coordinated within the urban growth area (outside city limits and inside the urban growth boundary); and

IT APPEARING TO THE COURT: That on November 2, 1992, the City of The Dalles Planning Commission made a motion to adopt an amendment to the City of The Dalles Zoning Ordinance to allow manufactured homes within identified residential districts; and

IT FURTHER APPEARING TO THE COURT: That on Monday, December 7, 1992, the Wasco County Planning Commission held a public hearing on the matter, received

P93-0057 (11)

testimony, deliberated and offered to the Wasco County a recommendation for approval with one amendment; and

IT FURTHER APPEARING TO THE COURT: That on December 16, 1992, the Court undertook a review of the above recommendation for proposed amendment to the City of The Dalles Zoning Ordinance to allow manufactured homes within identified residential districts; and

IT FURTHER APPEARING TO THE COURT: That the Court took notice of the record, heard the staff report and received all testimony and evidence from the parties and then closed the hearing for further input. The Court then announced it would continue its deliberation period until January 20, 1993; and

IT FURTHER APPEARING TO THE COURT: The Court met on January 20, 1993, and based upon the evidence and testimony presented the Court, on a 3-0 vote, approved the proposal, as presented in General Ordinance #93-1158, to amend certain portions of the City of The Dalles Zoning Ordinance to allow manufactured homes within identified residential districts within the Urban Growth Boundary; and

NOW THEREFORE: Based upon the adopted findings of fact and substantial evidence in the record, and the Court being fully advised in the premises;

IT IS HEREBY ORDERED: That the proposal to adopt amendments to the City of The Dalles Zoning Ordinance to allow manufactured homes within identified residential districts within the Urban Growth Boundary is approved.


EMERGENCY CLAUSE: Inasmuch as this ordinance amendment is necessary for the immediate preservation of health, peace and safety, an emergency is hereby declared to exist and this ordinance amendment shall be in full force and effect immediately upon the filing of this order and General Ordinance #93-1158 with the Wasco County Clerk.

{PAGE 2 of 3}

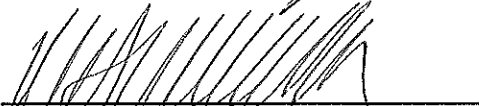
P93-0057 (11)

SIGNED this 20th day of January, 1993.

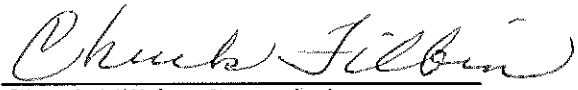
WASCO COUNTY COURT



John Mabrey, Judge




Scott McKay, Commissioner



Chuck Filbin, Commissioner

Approved as to Form:



Bernard L. Smith
Wasco County District Attorney

dlt
<5B:\leg-jma.cc>

993-0057 (11)

GENERAL ORDINANCE NO 93-1158

APPROVING TEXT AMENDMENTS TO ZONING ORDINANCE NO 80-986
ALLOWING MANUFACTURED HOME PLACEMENT ON INDIVIDUAL
LOTS IN RESIDENTIAL ZONES WITHIN THE DALLES

I. RECITALS:

A. The Planning Commission of the City of The Dalles has initiated the procedure for a Zoning Ordinance Text Amendment concerning the placement of manufactured homes through Resolution No. PC 221-92 on September 17, 1992.

B. The Planning Commission held public hearings on October 1, October 16, and November 5, 1992 to consider new language proposed by staff to allow manufactured homes on individual lots in all residential zones.

C. The following persons either testified at the hearings or wrote a letter in support of the proposed amendments:

Lester Alford, Kenneth Brown, Lucille Torgerson, Wayne Cordrey, Vicki Ellett, Gary Robinson, Howard Stinson, Julie Mosser, Bill Maley, Jim Wilcox, Ralph Bentley, Peggy Gardner, Mary Cross, Ken Twidwell, Reva Christopherson, Judy Biede, Mr. Valdez, Oregon Manufactured Housing Assn, Bert Hodges.

No persons testified in opposition.

D. The following facts were adduced at the public hearings held before the Planning Commission.

1. In 1989, the Oregon State Legislature enacted the "Infill Law" (ORS 197.295 through 197.313) requiring that all cities plan and zone adequate land for the placement of manufactured homes on individual lots.
2. The Oregon Land Conservation and Development Commission (LCDC) has granted The Dalles an extension to complete its Periodic Review, including compliance with the Infill Law.
3. The city staff has completed the requisite housing needs analysis that indicates a need for either 25 acres of additional "RMH" Residential and Mobile Home Zoning or revisions to allow manufactured homes in all residential zones subject to siting standards.
4. There is a definite shortage of available lots zoned for manufactured homes, as attested by realtors and those seeking such lots whom spoke at the hearing(s).

5. There is a need to protect existing residential neighborhoods and historic districts by requiring certain standards be met in placing new manufactured homes and to apply said standards equally to site built homes.
6. A "tiering" method is preferred, so that the number of architectural features required will increase as densities decrease. This will afford the greatest protection for the "R-1" Single Family Residential zone.
7. Requiring less features in the multi family district and applying no new standards in the "RMH" zone will increase affordability in those zones.
8. While allowing manufactured homes in the R-1, R-2, and R-3 zones will meet the intent of the law according to an ICDC Technical Bulletin, dated May, 1990, the Commission also wishes to pursue an additional 25 acres of RMH zoning to increase housing affordability for low income persons. This second process will be referred to the Comprehensive Plan Steering Committee.
9. Section 37 (E)(1) and (2) of the Zoning Ordinance requires the following findings.

a. "The proposed amendment conforms to the Comprehensive Plan or substantive changes have occurred which render the Comprehensive Plan inapplicable to the requested change and the plan should be amended as proposed by the proponent of the change."

Goal #10, "Housing", Implementing Measure #1 states:

1. "Mobile Home Residential":

a). "Areas shall be zoned for residential mobile homes to be located on individual lots....."

b). "Residential mobile homes must not be located in areas of active geologic hazard or on lots with slopes exceeding 20%".

c). "The area between: [describes existing "RMH" zone area] shall be designated for mobile home residences."

d). The Planning Commission may consider an amendment to the Comprehensive Plan to allow mobile home residences in other areas following the procedures set forth in Goal #2.

e). Mobile home residences shall be subject to site design standards set forth in City Ordinances addressing the same.

FINDING: It is important to note that the proposed amendment affects "manufactured home" placement and in no way affect "mobile homes". Therefore, the change is consistent with the Comprehensive Plan. Any substantive changes that may have occurred will be assessed during the current Comprehensive Plan revision process. No change in the Comprehensive Plan is required at this time.

b."If residential zoning is involved, the proposed residential zone or zones best satisfies the objectives of the Comprehensive Plan and does not exclude opportunities for adequate provision of low and moderate income housing within the subject neighborhood area."

FINDING: Concerning the placement of manufactured homes in the R-1, R-2, and R-3 zones, there is no objection within Goal #10 to said placement. In terms of affordability for low and moderate income households, the record clearly indicates that this housing option will increase affordability within these zones.

E. On November 19, 1992, the Planning Commission adopted the above findings as set forth in Resolution No PC 224-92.

F. On December 7, 1992, the Wasco County Planning Commission held a public hearing on the matter and voted to recommend that the County Court accept the proposed changes with minor modifications. Concurrent county review is required under the City/County Joint Management Agreement (JMA) because the JMA adopts the substantive portions of the City's Zoning Ordinance so that the changes will effect lands within the Urban Growth Boundary.

G. On December 21, 1992, The Dalles City Council voted to review the Planning Commission's decision and scheduled a hearing for January 4, 1993.

The following facts were adduced at the hearing held before The Dalles City Council:

1. The Department of Land Conservation and Development had submitted an objection to the number of design standards proposed. From the list of 16 optional features, the minimum to be met per zone were 8 in "R-1", 6 in "R-2", and 5 in "R-3". The department was concerned that the design features might unreasonably increase housing costs and disqualify homes from state and federal

housing programs.

2. The City contacted Don Miner of the Oregon Manufactured Home Association to request comment. Mr Miner submitted a statement of no objection to the list of design features and a preference for a required minimum of 5 features as opposed to 8. Mr Miner submitted retail cost figures for seven of the 16 features from four primary manufactured home builders. The cost range was from a minimum of \$100 for shutters (Guerdon Homes) to a maximum of \$800 for a bay window (Redman Homes). The letter indicated that some features are standard and he gave an example of two "deluxe exterior packages" that would meet four to five features for \$750 or \$1,000.

3. The City contacted Mr. David Foster of the Oregon Housing and Community Services Department by telephone. Mr. Foster indicated that he was familiar with the proposal and did not know of any state housing programs that would disqualify a home with these design features. Mr. Foster was aware of federal HUD and FHA programs that are more strict with regard to added design features, yet because the list includes 16 options he felt that there would be no conflict in meeting federal limitations.

4. The City Council agreed that based on the new information presented, the requisite number of design features should be set at 5 (five) for all zones ("R-1" "R-2" "R-3") and that there are sufficient options among the 16 features to ensure that undue costs and/or ineligibility for state and federal programs would not become factors tending to discourage affordable housing.

II. AMENDMENTS In all respects as set forth in Section I above, the City Council of The City of The Dalles hereby approves amendments to the text of Zoning Ordinance No. 80-986 as follows.

Section 3(b), Definitions:

(ADD)

Manufactured Dwelling. A residential trailer, mobile home, or manufactured home, as each is defined within this Section.

(ADD)

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.

(AMEND)

Mobile Home (Residential). 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.

(ADD)

Manufactured Home. A structure constructed for movement on the public highway 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.

(ADD)

Federal Manufactured Housing Construction and Safety Standard. A standard for construction, design and performance of a manufactured dwelling promulgated by the Secretary of Housing and Urban Development pursuant to the federal National Manufactured Housing Construction and Safety Standards Act of 1974 (Public Law 93-383).

(ADD)

Insignia of Compliance.

- 1). For a manufactured dwelling built to HUD standards for such dwellings, the HUD label; or
- 2). For all other manufactured structures, the insignia issued by the state indicating compliance with state law.

(AMEND)

Modular Unit. A fabricated, transportable building unit constructed on a portable chassis, other than a manufactured dwelling, designed to be incorporated at a building site into a structure to be used for residential, commercial, or industrial purposes, with all of the following characteristics:

- 1) Having an electrical meter base permanently attached to the structure;
- 2) Designed and built to the specification of the Uniform Building Code in effect at the time of its construction;
- 3) Having a permanent foundation.

(AMEND)

Mobile Home Park. "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 manufactured dwelling per lot if the subdivision was approved by the municipality unit having jurisdiction under an ordinance adopted pursuant to ORS 92.010 to 92.190, as now constituted.

(ADD)

Manufactured Dwelling Park. "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, as now constituted.

(AMEND)

Dwelling, Single Family. A detached residential dwelling unit designed for and occupied by one family only.

(AMEND)

Section 7.2 (A)(1), Uses Permitted. (R-1)

1. Single Family Dwellings, including manufactured homes subject to the provision of this Section and Section 26.1.

Section 8.2 (A)(1), Uses Permitted. (R-2)

1. Single Family, two family and multi-family dwellings, including manufactured homes subject to the provision of this section and Section 26.1, and according to the dwelling unit density control.

(DELETE) Sections 2, 3, and 4. (housekeeping)

(AMEND)

Section 9.2 (A)(1), Uses Permitted. (R-3)

1. Single Family, two family and multi-family dwellings, including manufactured homes subject to the provision of this Section and Section 26.1, and according to the dwelling unit density control.

(AMEND)

Section 9.2 (B)(9), Conditional Uses (R-3)

9. Manufactured home parks, conditioned upon submission of a conceptual plan that complies with the City Ordinance governing manufactured dwelling park development.

Chapter VII. Manufactured Dwellings

(RETAIN)

Section 26, Siting of Mobile Homes.

(ADD)

Section 26.1, Siting of Manufactured Homes.

All manufactured homes on individual lots in the city shall:

A. Be multi-sectional (double wide or wider) and enclose a space of not less than 1,000 square feet in the "R-1" zone, 900 square feet in the "R-2" zone, and 800 square feet in the "R-3" zone. The minimum square footage per unit for multi-family dwellings shall comply with the Oregon State Building Codes in effect at the time of home placement. Single-wide manufactured homes including expandable units, pop-outs and tilt-outs shall be allowed in the "RMH" zone only.

B. Be placed on an excavated and back-filled foundation and enclosed at the perimeter such that no more than 16 inches of the enclosing material is exposed above grade. The enclosing material used shall be in compliance with the Oregon State Building Codes in effect at the time of home placement. Where the building site has a sloped grade, no more than 16 inches of the enclosing material shall be exposed on the uphill side of the home. If the manufactured home is placed on a basement, the 16 inch limitation shall not apply.

C. Have a roof with a nominal pitch of 3 feet in height for each 12 feet in width.

D. Have exterior siding and roofing which in color, material, and appearance, is similar to the exterior siding and roofing material commonly used in new site built dwellings within the community. Manufactured homes shall not have bare metal siding or roofing.

E. Be certified by the manufacturer to have an exterior thermal envelope meeting performance standards that will reduce heat loss to levels equivalent to the heat loss performance standards required of single family dwellings constructed under the State Building Code in effect at the time of home construction. A certified "Super Good Cents" home will satisfy this requirement.

F. Not be sited adjacent to any structure listed as a locally designated historic landmark or national register property, and shall not be sited within or adjacent to a local or national historic district.

(ADD)

Section 7.3(I), 8.3(H), 9.3(I) (Property Development Standards, R-1, R-2, and R-3 zones, respectively).

All single family units shall utilize at least five (5) of the following design features to provide visual relief along the front of the home. Features must be visible from the street, or from the drive approach to the home where a home is not visible from the street.

1. dormers
2. gables in addition to the primary roof pitch
3. recessed entries
4. covered porch entries
5. cupolas
6. pillars or posts
7. bay or bow windows
8. eaves (minimum 6" projection)
9. attached garage or carport
10. window shutters
11. tile or shake roof
12. horizontal siding
13. a roof pitch greater than 3/12
14. off-sets on building face or roof (minimum 12")
15. masonry perimeter enclosure at base
16. exterior window sills

Plans indicating the requisite number of architectural features will be required upon application. No Certificate of Occupancy will be issued until compliance is confirmed.

PASSED AND ADOPTED THIS 18TH DAY OF JANUARY, 1993.

Voting Yes, Councilmembers: _____
 Voting No, Councilmembers: _____
 Absent, Councilmembers: _____
 Abstaining, Councilmembers: _____

AND APPROVED BY THE MAYOR THIS 18TH DAY OF JANUARY, 1993.
Attest:

Julie Krueger, City Clerk

L. D. (Les) Cochenour, Mayor

P93-0057 (11)