

**ORDINANCE NO. 1060**

**AN ORDINANCE AMENDING THE STANDARDS FOR MANUFACTURED DWELLINGS IN STAYTON MUNICIPAL CODE TITLE 17 TO COMPLY WITH STATE LAW**

WHEREAS, Oregon Revised Statutes, Chapter 197 requires municipalities to adopt and implement a comprehensive land use planning program in accordance with statewide planning goals established by the Legislature and the Oregon Land Conservation and Development Commission;

WHEREAS, the City of Stayton has adopted Title 17 of the Stayton Municipal Code (SMC) as the Land Use and Development Code;

WHEREAS, SMC Title 17, Chapter 16, Section 17.04.070 contains different standards for site built housing and manufactured housing;

WHEREAS, SMC Title 17, Chapter 20, Section 17.20.130 of the Land Use and Development Code, includes standards for mobile home parks, among which is a minimum lot size of 5 acres;

WHEREAS, ORS 197.314 was amended in 2022 to require local governments to apply the same standards to manufactured housing as applied to site-built housing;

WHEREAS, ORS 197.314 further prohibits a local government from applying a minimum lot size for a mobile home park of greater than one acre;

WHEREAS, the Planning Commission has initiated the amendment of the Code;

WHEREAS, notice of the proposed amendment was sent to the Department of Land Conservation and Development more than 35 days in advance of the Planning Commission's public hearing;

WHEREAS, following a public hearing, the Planning Commission has recommended that the City Council enact the amendments; and

WHEREAS, the Stayton City Council, following a public hearing, does find that the amendments proposed by the Planning Commission are appropriate and are consistent with the housing goals and policies of Chapter 6 of the Stayton Comprehensive Plan and with Statewide Planning Goal 10. The City's Comprehensive Plan projected a need for 1,281 housing units during the planning period, of which 25 would be manufactured housing units. These amendments reduce development barriers to a lower-cost form of housing, which will help the City meet that need.

NOW, THEREFORE, the City of Stayton ordains:

**Section 1.** Stayton Municipal Code, Title 17, Chapter 16, Section 17.16.070 and Title 17, Chapter 20, Section 17.20.130 are hereby amended as shown on Exhibit A attached hereto and incorporated herein.

**Section 2.** This Ordinance shall not become effective until the 30<sup>th</sup> day after adoption by the Stayton City Council and execution by the Mayor, or a representative of the Mayor. In the event of a timely appeal to LUBA, this Ordinance shall not become effective until the LUBA appeal is

finally resolved, including any appeals from the decision of LUBA.

**Section 3.** A copy of this Ordinance shall be furnished to the State of Oregon, Department of Land Conservation and Development, as required by OAR 660-018-0040.

ADOPTED BY THE STAYTON CITY COUNCIL this 17th day of April, 2023.

CITY OF STAYTON

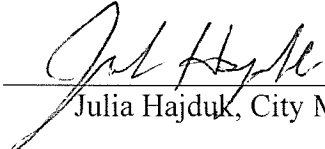
Signed: 4-17, 2023

BY:

  
\_\_\_\_\_  
Brian Quigley, Mayor

Signed: 4-19, 2023

ATTEST:

  
\_\_\_\_\_  
Julia Hajduk, City Manager

## EXHIBIT A

Additions are underlined; Deletions are ~~crossed out~~

### 17.16.070 DISTRICT REGULATIONS

#### 4. ADDITIONAL REGULATIONS FOR SINGLE FAMILY DETACHED DWELLINGS AND MANUFACTURED HOMES ON INDIVIDUAL LOTS.

- a. Within the Low Density and Medium Density Residential Districts, all new single-family detached dwellings, including manufactured homes not in a mobile home park, are subject to the following development and design standards:
  - 1) Floor Area. A ~~conventional~~ dwelling shall have a minimum floor area of 1,000 square feet. The dwelling must have a minimum horizontal dimension of at least 24 feet.
  - 2) (Repealed Ord. 898, August 20, 2007)
  - 3) Design Features. All new ~~single family~~ dwellings, ~~including manufactured homes,~~ shall contain the following design feature requirements:
    - a) The site must include an A attached or detached garage with exterior materials that are the same exterior materials as the primary home.
    - b) ~~Gutters~~ The building shall be provided with gutters and downspouts.
    - c) The dwelling must have a composition asphalt, fiberglass, shake, or tile roof with a minimum pitch of 3 feet in height for each 12 feet in length.
    - d) The dwelling must have horizontally applied wood siding, horizontally applied fiber-cement siding, brick or stone masonry siding, or textured plywood siding with vertical grooves.
    - e) The base of the new dwelling must be enclosed continuously at the perimeter with either concrete, concrete block, brick, stone, or combination thereof. Unless the home is placed on a basement, the home shall sit so that no more than 12 inches of the enclosing material is exposed above grade. Where the building site has a grade with a slope of more than 10%, no more than 12 inches of the enclosing material shall be exposed on the uphill side of the home.
    - b)f) If a manufactured home, the transportation mechanisms, including wheels, axles, and hitch, shall be removed.
  - 4) In addition, to provide architectural relief, new ~~single family~~ dwellings, ~~including manufactured homes,~~ shall contain at least 4~~3~~ of the following design elements on the side(s) of the home which fronts on a street ~~to provide architectural relief:~~
    - a) Dormers or gables.
    - b) Cupolas.
    - c) Bay or bow windows.
    - d) Exterior shutters.

- e) Recessed entries.
- f) Front porch of at least 100 square feet, which may extend into the required front yard.
- g) Covered porch entries.
- h) Pillars or posts in the front entry area.
- ~~i) Roof with pitch greater than 3 feet in height per each 12 feet in length.~~
- ji) Front-side exterior brickwork or masonry.

5) BUILDING ORIENTATION. If the lot ~~fronts~~ has frontage on a public street and is not a flag lot, the architectural front of the single family homedwelling shall face the street.

~~b. In the Low Density and Medium Density Districts, manufactured homes on individual lots shall meet the following development standards:~~

- ~~1) Floor Area. The manufactured home shall have a minimum floor area of 1,000 square feet.~~
- ~~2) Width. The manufactured home must be at least 24 feet in width.~~
- ~~3) Roof. The manufactured home must have a composition asphalt, fiberglass, shake, or tile roof with a nominal pitch of 3 feet in height for each 12 feet in length.~~
- ~~4) Exterior Siding. The manufactured home must have horizontally applied wood siding, horizontally applied fiber cement siding, or textured plywood siding with vertical grooves.~~
- ~~5) Garage. The manufactured home must have a garage with exterior materials that are the same exterior materials as the manufactured home. The garage shall be placed on the property prior to occupancy of the manufactured home.~~
- ~~6) Masonry Perimeter. The base of the manufactured home must be enclosed continuously at the perimeter with either concrete, concrete block, brick, stone, or combination thereof. The home shall sit so that no more than 12 inches of the enclosing material is exposed above grade. Where the building site has a grade with a slope of more than 10%, no more than 12 inches of the enclosing material shall be exposed on the uphill side of the home.~~
- ~~7) If the manufactured home is placed on a basement, the 12-inch limitation will not apply.~~
- ~~8) Performance Standards. The exterior thermal envelope must meet the energy performance standards specified by state law for single family dwellings.~~
- ~~9) Hauling Mechanisms. The transportation mechanisms, including wheels, axles, and hitch, shall be removed.~~
- ~~10) Design Features. All manufactured homes shall comply with the design feature requirements in Section 17.16.070.4.a.~~
- ~~11) Development Requirements. In addition to the above requirements, the manufactured home shall comply with the development requirements, including lot~~

areas, setbacks, height limitations, and other standards, for single family dwellings in the underlying zone.

**17.20.130****MOBILE HOME PARKS**

1. PURPOSE. The regulations contained herein are intended to provide a suitable living environment for the residents of mobile home parks within the City of Stayton and set forth standards of development that will be compatible with adjacent land uses. The requirements and standards set forth in this ordinance are the minimum standards to which a mobile home park must conform before approval.
2. METHOD OF ADOPTION. Mobile home parks are subject to site plan review and shall be approved pursuant to the requirements of Sections 17.12.070 through 17.12.100.
3. SUBMITTAL REQUIREMENTS. All applications submitted for approval of a mobile home park development shall consist of ~~3 copies of~~ a preliminary development plan drawn to a scale of 1 inch equals not more than 50 feet. ~~In addition, a reduced copy of the plan sized as 11 inches x 17 inches.~~ The application shall contain, but not be limited to, the following information in addition to the requirements of Section 17.12.220.
  - a. Name(s) of person owning and/or controlling the land proposed for the park.
  - b. Name of the mobile home park and address.
  - c. Boundaries and dimensions of the manufactured home park.
  - d. Facility map showing relationship of manufactured home park to adjacent properties and surrounding zoning.
  - e. Location and dimensions of each manufactured home site with each site designated by number, letter, or name.
  - f. Location and dimensions of each existing or proposed building.
  - g. Location and width of park streets and pedestrian ways.
  - h. Location of recreational areas and buildings and common area.
  - i. Location of available fire hydrants.
  - j. Enlarged plot plan of a typical manufactured home space showing location of stand, storage space, parking and sidewalks, utility connections, and landscaping.
  - k. The plan shall indicate positions of the manufactured homes on their stands so that the decision maker may determine entrances, setbacks, etc.
  - l. Access features shall conform to the requirements set forth in Section 17.26.020. Section 17.26.020 also specifies submittal requirements for requesting an access permit and approval.
  - m. A survey plat of the property.
  - n. Schematic design drawings of all new structures.
  - o. A water system plan prepared by a registered civil engineer meeting the requirements for approval of the State of Oregon Health Division.
  - p. A sewerage system plan prepared in accordance with City standards.

- q. A drainage system plan showing all drainage system improvements on site including storm water runoff calculations showing that the system is sufficient to handle the runoff from a 5-year storm.
  - r. Method of garbage disposal.
  - s. Park rules and regulations that will be recorded as deed covenants on the property.
4. DESIGN STANDARDS. The following standards and requirements shall govern the design of a mobile home park. The City may require that specific standards be included within covenants and restrictions to be recorded on the land.
- a. A mobile home park shall not be less than ~~5-aeresone acre~~ one acre in area.
  - b. Lots or spaces within the park shall contain a minimum of 3,500 square feet with a width of no less than 35 feet.
  - c. Only 1 manufactured home shall be permitted on a lot or space.
  - d. No building, structure, or land within the boundaries of a mobile home park shall be used for any purpose except for the uses permitted as follows:
    - 1) Manufactured homes for residential uses only, together with the normal accessory uses such as cabana, patio slab, ramada, carport or garage, and storage and washroom building.
    - 2) Private and public utilities and services as permitted by City approval.
    - 3) Community recreation facilities, including swimming pool, for the residents of the park and guests only.
    - 4) One residence for the use of a manager or a caretaker responsible for maintaining or operating the property.
  - e. All manufactured homes shall be located at least 20 feet from the property boundary line abutting upon a public street, 100 feet from the center line of a state highway and at least 10 feet from other boundary lines, except that when a sound deadening fireproof barrier, such as an earthen berm or brick wall is provided, the Planning Commission may allow the 10-foot setback to be reduced to 5 feet, but not the 20-foot setback or the 100-foot setback.
  - f. Manufactured homes shall not be located closer than 15 feet from any other manufactured home or permanent building within the manufactured home park nor closer than 10 feet to any park or private roadway. Manufactured home accessory buildings, when not attached to the manufactured home, shall not be closer than 3 feet from any manufactured home or structure.
  - g. Ramadas, cabanas, awnings, carports, and other attached structures shall be considered part of the manufactured home for setback purposes.
  - h. All manufactured homes not having a concrete perimeter foundation shall be provided with a foundation stand which shall be improved to provide adequate support for the placement of the manufactured home. The stand shall be all-weather surfaced with asphalt, concrete, or crushed rock and must be at least as large as the manufactured home placed upon it. The stand shall be constructed so that it will not

- heave, shift, or settle unevenly under the weight of the manufactured home due to frost action, inadequate drainage, vibration, wind, or other forces acting on the structure.
- i. All manufactured homes shall be required to provide foundation, minimum exterior finishing, and construction of accessories in compliance with the standards of the zoning district in which they are located. All awnings, carports, cabanas, etc., constructed shall be of material, size, and color and pattern so as to be compatible with the manufactured home and shall comply with applicable codes.
  - j. A mobile home park shall have a minimum 40-foot wide property line frontage to either a collector or arterial street.
  - k. The mobile home park entrance shall be designed to provide a clearly defined main entry and exit point to the park. Secondary entry points may be required to provide ingress and egress for emergency vehicles. The main entry shall include street lighting and a sign(s) identifying the name of the park and providing direction to the manager's office or residence. Controlled ingress and egress may be installed subject to decision authority approval of design.
  - l. Two off street parking spaces shall be provided at each manufactured home space. Also, additional parking space shall be provided in parking areas distributed around the park (not part of the common area) not to be less than 1 parking space per 10 units. All off street parking spaces shall meet City standards.
  - m. Adequate street lighting shall be provided within the park in accordance with a plan approved by the Planning Commission.
  - n. All utilities shall be installed underground unless otherwise approved by the Planning Commission.
  - o. Approved fire hydrants shall be installed so that all manufactured homes, recreational vehicles, and other structures are within 300 feet down the center line of a street of an approved fire hydrant.
  - p. The owner or operator of a manufactured home park shall provide individual mail boxes or distribution facilities for incoming mail, and at least 1 collection box for outgoing mail which shall be located in coordination with the post office.
  - q. Buffering or screening shall be installed along park boundaries in accordance with a landscaping plan approved by the Planning Commission. All buffering or screening shall be in the form of a sight obscuring fence, wall, evergreen or other suitable planting, at least 6 feet high.
  - r. Fences or windbreaks exceeding 42 inches high shall be no closer than 3 feet to any structure or manufactured house. Maximum height of all fences, except swimming pool fences and perimeter barriers, shall be 6 feet.
  - s. Swimming pools shall be set back at least 50 feet from the nearest residential area and will have a fence surrounding it 8 feet high which does not obscure vision into the pool area. The swimming pool shall be operated and maintained pursuant to the standards and requirements of the Oregon State Board of Health regulations.



- t. There shall be landscaping within the front and side areas of each manufactured home lot setback and in all open areas of the manufactured home park not otherwise used for park purposes. Landscaping shall be installed in accordance with a landscaping plan approved by the decision authority. The maintenance of the open spaces shall be necessary to continue renewals of the park license.
- u. In the mobile home park, all refuse shall be stored in insect proof, animal proof, water tight containers which should be provided in sufficient numbers and capacity to accommodate all refuse in the park. Refuse containers shall be enclosed by sight obscuring fence or screening and situated on a concrete pad. Refuse shall be collected and disposed of on a regular basis in accordance with City garbage franchise regulations.
- v. If storage yards for recreational vehicles, boats, or trailers are provided, it should be provided at the rate of up to 100 square feet per manufactured home space depending on the clientele served. An 8-foot high sight obscuring fence with a lockable gate should be erected around the perimeter of the storage yard. If no storage space for recreational vehicles is provided, storage shall not be permitted within the park boundaries.
- w. Pedestrian walkways shall be separated from vehicular traffic ways and maintained to provide safe and convenient movement to all parts of the park and connect to ways leading to destinations outside the park. Sidewalks shall be at least 3 feet wide and be composed of concrete or bituminous concrete at least 3 inches thick.
- x. Although it will not be necessary for vehicular ways to be improved and maintained to City standards, all vehicular ways shall be based, graded, and paved with asphalt or concrete and shall be continuously maintained by the owner.
- y. Minimum park street improvement width for shall be 14 feet for a one-way local street and 20 feet for a two-way local street.

5. OPERATIONAL STANDARDS.

- a. Alterations and Additions. The owner and management shall be held responsible for all alterations and additions to a mobile home park, and shall make certain that all permits and inspections are obtained from the proper authorities.
  - 1) Prior to the placement of any unit in a mobile home park a building permit shall be obtained from Marion County through the City of Stayton Public Works Department.
  - 2) All units shall be installed in accordance with the Oregon Manufactured Dwelling Installation Specialty Code.
  - 3) All units shall bear an Oregon insignia of compliance or a Housing and Urban Development Certification Label.
- b. Electrical Connections. All electrical connections shall comply with the State of Oregon electrical code and be duly inspected.

- c. Fire Extinguishers. Portable fire extinguishers rated for classes A, B and C shall be kept in service buildings and at other locations conveniently and readily accessible for use by all occupants and be maintained in good operating conditions.
- d. Fire Hazards. The owner of the park shall be responsible for maintaining the park free of any brush, leaves, and weeds which might facilitate the spread of fires between manufactured homes and other buildings in the park. The owner shall also be responsible to insure that no combustible materials are stowed in, around, or under any manufactured home occupying a manufactured home space.
- e. Inspections. The building official may check each park a minimum of once a year and submit to the park owner and manager a written report stating whether or not the park is in compliance with these standards. If not in compliance, the owner must make repairs as are required or will be considered to be in violation of this code and subject to enforcement action. An extension of no more than 1 year to make repairs may be made by the decision maker, if it can be shown that risk to public health, safety, or welfare will not be created by this extension.
- f. Management Responsibilities. The owner, operator, resident manager, or similar supervisor or representative of the owner shall be available and responsible for direct management of the manufactured home park while it is in use.
- g. Refuse Burning. Burning of refuse will not be permitted.
- h. Refuse and Debris Control. All manufactured home parks shall be maintained free of accumulations of refuse or debris which may provide rodent harborage or breeding places for flies, mosquitoes, or other pests. All units shall have an adequate garbage container as determined by the Marion County Health Officer.
- i. Storage of Materials. Storage of decomposing combustible or other unhealthy or unsafe materials inside or beneath any manufactured home is not permitted, but may be allowed in an outside accessory building if such installation is approved.
- j. Water and Sewer Connections. All manufactured homes, service buildings, etc., shall be connected to an approved water and sewer system.
- k. Ownership and Maintenance of Water, Sewer and Storm Drainage Facilities. All water and sewer lines within the manufactured home park shall be privately owned, unless the City requests that the lines and public utility easements be granted to the City. Unless the City requires that they be made public, all sewer, water, and storm sewer lines and drainage ways shall be continuously maintained to City standards at the sole obligation and expense of the park owners.
- l. Park Administration.
  - 1) It shall be the responsibility of the park owner(s) and manager to see that the provisions of this ordinance are observed and maintained within their park, and for failure to do so the owner and manager shall be subject to the penalties provided for violation of this ordinance.
  - 2) Manufactured home park spaces shall be rented or leased only.

- 3) A minimum of  $\frac{1}{3}$  of the spaces must be available for occupancy before first occupancy is permitted.