

MINUTES
City Council Meeting
Monday, March 4, 2019 City Hall- Council Chambers, 39250
Pioneer Blvd., Sandy, Oregon 97055 6:00 PM

COUNCIL PRESENT: Jeremy Pietzold, Council President, Laurie Smallwood, Councilor, John Hamblin, Councilor, Jan Lee, Councilor, Carl Exner, Councilor, Bethany Shultz, Councilor, and Stan Pulliam, Mayor

COUNCIL ABSENT:

STAFF PRESENT: Karey Milne, Recorder Clerk, Jordan Wheeler, City Manager, David Snider, Economic Development Manager, Tyler Deems, Finance Director, Mike Walker, Public Works Director, and Thomas Fisher, Engineering Technician

MEDIA PRESENT:

1. Work Session PM

2. Roll Call

3. Work Session Items

3.1. Agenda Review

Mayor Reviewed the items on the upcoming agenda.
Councilor Shultz on the consent agenda, the minutes still show her as a board member not a council member.
Review of LID, Public Works Director Mike Walker, all the remonstrances except two came back and 94% rejected the LID. He attended a public meeting the neighborhood put together. There was confusion and miscommunication with in the neighborhood. He also feels our current Ordinance could use some updating and changes to how things are done and the process from our end.
Council had a few questions for Director Walker, that he answered.
Council reviewed the Economic Development Committee Resolution, they worked through some questions and had some discussion.
Review of the PGE under-grounding requirement and proposals for Utility Rate Model and Wastewater SDC's update.

3.2. Public Comment

Kathleen Walker, 15920 Bluff Rd. Sandy, OR,
Asked about the Economic Development Committee Resolution and who will be on the committee, she feels council should take into account people that live here as well to be involved not just people who own or run a business.

3.3. Budget Direction and Priorities

Staff Report - 0114

City Manager, Jordan Wheeler, asked council for some budget direction on their priorities. Staff is currently working on preparing the budget for the next biennium, he is unable to go into specifics until the budget message is presented to the committee, however he would like to discuss some policy issues and major drivers to the budget. He started with the Police Department Funding and staffing issues.

Council had several questions and discussed some of the police issues with City Manager, Jordan Wheeler and Chief Ernie Roberts, via phone.

They talked a little bit about the public safety or public services fee, but due to time constraints were not able to review topics 2-4.

4. Adjourn Work Session

5. Regular Meeting 7PM

6. Pledge of Allegiance

7. Roll Call

8. Changes to the Agenda

9. Public Comment

9.1.

Lea Topliff, 18015 Davis St., Sandy, OR, addressed the council and gave out information to each councilor regarding allowing mobile homes on residential lots, for more affordable housing.

[Handouts](#)

10. Consent Agenda

8 - 35

- 10.1. City Council Minutes
- 10.2. ODOT Intergovernmental Agreement and Fund Exchange Agreement for US 26 Vista Loop to Ten Eyck Pedestrian Improvements Project

Staff Report - 0113

Moved by Jeremy Pietzold, seconded by Jan Lee

Motion to Approve the Consent Agenda that includes the City Council Work Session and Regular Meeting Minutes and the ODOT Intergovernmental Agreement and Fund Exchange Agreement.

CARRIED.

11. Public Hearing for Local Improvement District

Opened 7:09PM Closed at 7:14PM

- 11.1. Bluff / Jonsrud Local Improvement District Public Hearing

Staff Report - 0112

Mayor Pulliam, Opened up the public hearing at 7:09PM,
Call for any conflict of interest from the hearing body – do any Councilors own property within the boundaries of the proposed LID?
Mayor Pulliam, recapped how this came to Council today.

Call for the Staff Report; Engineering Technician, Thomas Fisher, recapped the LID process, and some of the bumps along the way, staff will look at revising the Ordinance around a Local Improvement District to help better the process. There is a total of 416,864 Square Feet of property and of that 394,512 Square feet came in as a no vote, 94.6%. more than 2/3 so the proposed district is abandoned and cannot be reconsidered for a minimum of three months.

Call for any public testimony - None

Call for a staff recap and recommendation, is not to move forward with the LID due to the majority of no votes.

Call for a motion to close the public hearing

Moved by Jan Lee, seconded by John Hamblin

Motion to Close the Public Hearing, and not move forward with the LID at 7:14 PM

CARRIED.

12. New Business

12.1. Draft of Economic Development Committee Resolution

Staff Report - 0115

Economic Development Manager, David Snider, At the Council work session on February 4th, 2019, City Council addressed their desire to see the creation of an Economic Development Committee and provided some specific preferences as to some of the structural elements of this committee. As a result of the work session discussion and direction, staff put together a first draft of the resolution establishing a City of Sandy Economic Development Committee. We have incorporated the feedback received at the February 4th meeting into this initial draft including elements such as the membership requirements and scope of the Committee. He reviewed the outline for the resolution, the mission, members, etc.

Council had some questions about appointment vs application, interview and then appointment.

Staff clarified.

Council would like staff to define the urban services boundary, is that the urban growth boundary?

Council would like us to be flexible but build parameters around the recruitment. Discussed the mission and duties and how that flows with the day to day operations of our economic development manager.

Council asked staff to please research and bring back to council as an ad-hoc committee.

12.2. Request for Exemption From Undergrounding Requirement in Section 17.84.80(E)

Staff Report - 0099

Public Works Director, Mike Walker, The City recently received a right-of-way permit application from PGE for installation of an overhead neutral conductor (wire) on Proctor Blvd. between Ten Eyck/Wolf Dr. and the PGE substation at Bluff Rd. Section 17.84.80(E) of the Municipal Code requires that "all franchise

utility distribution facilities installed to serve new development shall be placed underground". Staff asked PGE to provide more information on the proposed line. PGE replied that the new neutral is required to serve the increased electrical demand in Sandy resulting from new development. With the recent improvements made at the Sandy substation PGE needs to install an additional neutral line along Proctor Blvd. to connect to the local substation. Given the amount of money and effort expended on placing much of the overhead lines underground in this section of Proctor Blvd. Staff advised PGE that any new overhead conductors would require an exemption from the City Council. Additional conduits were installed with the utility under grounding project to accommodate future expansion of PGE's facilities but PGE has indicated that the spare conduits are not suitable for a neutral line installation. Council had some discussion with staff and believe they need more information from PGE in order to make a decision on whether to approve or not approve their request.

Moved by John Hamblin, seconded by Laurie Smallwood

Motion to table until more information is given to council from PGE on why the neutral can not be put underground.

CARRIED.

12.3. Proposals for Utility Rate Model and Wastewater SDCs Update

Staff Report - 0111

Public Works Director, Mike Walker, On January 25th staff requested proposals to update or replace our existing utility (water and sewer) rate model and our wastewater System Development Charges (SDCs). Proposals were due by February 19th and we received four proposals. Our existing rate model has not been updated for a number of years, requires a great deal of data entry, is very cumbersome to operate and has been altered by various users over the years such that the results from it are not reliable. A more streamlined rate model will allow us to set rates annually (or more frequently) and provide a long range rate forecast of future rates. He reviewed the proposals that came in.

Council had a few questions for staff and some discussion.

Moved by Jeremy Pietzold, seconded by John Hamblin

Motion to accept the proposal from FCS Group and authorize the City Manager to negotiate a scope of work and fee not to exceed \$50,000 and enter into an agreement with FCS Group for updating the utility rate model and wastewater System Development Charges

CARRIED.

13. Report from the City Manager

City Manager, Jordan Wheeler, Veolia took over the WWTP from CH2M on March 1st and things seem to be going just fine there. We did receive the office notice of fines on the permit violations for 2017-18 it was about \$24,000 in fines, so we are glad to have Veolia on board and that we are working on our WWTP facilities plan. Staff is deep in the budget process working on their projections. We are looking at early May for the budget committee meetings. The Transportation System Plan has a kick off meeting this week internally with ODOT.

Joe Knapp officially submitted his resignation and will be terribly missed.

14. Committee/Council Reports

Councilor Shultz, she has not had another Library Board meeting since the last one, she would like give appreciation on the collaboration with the Parks Board work session we had. She attended the Anna William constituent breakfast, she appreciates the work Mayor Pulliam has done in keeping her on our radar, it is very obvious that we are.

Councilor Exner, got a call regarding a pump station that was having some issues, and it took 5-6 minutes from a response back from the message machine. Would like some updates to the website as far as the changes to the councilors responsibilities. Forestry Code committee had their first meeting, things went well, there are some good people in that group, the committee would like some direction from council on putting the sideboards on that committee. Arts Commission met, they are heavy into looking at what is currently out there, inventorying what is there, the shape that art is in etc. Discussion on what to do with the Art Murals on City Hall when it goes under some upgrades.

Councilor Lee, was at the Anna Williams event, there was a great turn out, she was very responsive to peoples questions. A plastic bag ban is being brought forward to the senate so she will keep you up to date there. C4 will be meeting Thursday this week. The City dinner at Happy Valley was a great event that several of us attended. Councilor Smallwood, no Parks Board meetings, would like to extend a thank you for the energy and effort the Parks Board put in to the workshop, and thank you to all involved in putting the effort in for the grant on the upgrades for Jonsrud View Point. Timberline Lodge has its first stage of it's downhill Mountain Bike Trail System almost ready and will open up in August 1st. It would be really cool if in our master plan we

could work in mountain bike trails here in Sandy.

Councilor Pietzold, Thank you to the Parks Board for the effort put forth in the work session. The Happy Valley dinner was great, and would love more of our council and even staff to attend some of those meetings. He attended the Anna Williams meeting, there were a lot of kids there and there was a great turn out and questions by our community, it says a lot that 4 of our Council members attended as well.

Mayor Pulliam, C4 is this Thursday, the did vote and pass the increase of the vehicle registration fee of 30.00 per year per vehicle, there is a potential for repeal. Has an upcoming meeting with the Mountain Festival and City Staff. The League of Oregon Cities featured the updated Sandy Fire Department and how Urban Renewal Districts are formed and how the dollars can be used. A few councilors had a lunch with Congressman Bluemenour , it went really well, we will help champion our efforts on the WWTP, also met with Rae Armatage with Senator Wydan's office, it was very encouraging, could be some opportunities that could help our WWTP. Also met with the Sandy Water Shed Council regarding the WWTP.

Question on end school zone sign by the football field, is there a reason why it is before the crosswalk?

Director Walker, let them know the reasoning and what would need to be done in order to get changes made if it would allow for the changes. Morning Perk will be hosted at City Hall this Wednesday 7:30am.

The Mayor reviewed some other upcoming events happening around the area.

15. Staff updates

15.1. Monthly Reports

16. Adjourn



Mayor, Stan Pulliam



City Recorder, Karey Milne

It appears that not only does Oregon law allow siting of manufactured homes on private land, but encourages it according to 2017 ORS 197.314¹, copies of which I have provided along with 2017 ORS 197.312¹, 2017 ORS 197.303¹, 2017 ORS 446.003¹. I have also included a copy of the zoning codes from Albany and St. Helens as examples of how this can be done.

My argument for allowing manufactured housing on city lots is that there is a shortage of truly affordable housing in the city. Manufactured homes, built to very strict codes as determined by HUD, could meet the need for housing for low to mid-income people in particular. The drawbacks for those seeking such shelter by living in manufactured home parks are substantial. The largest two of which are the constant rent increases and the lack of rights as regards the land the home you own sits on. At any time the owner of the land chooses, they can sell the property for development or go out of business and the home owner is left with few options. According to one lawyer I consulted, the manufactured home park resident has very few, if any, rights.

Many Oregon cities, including Albany, Oregon City, Sweet Home, Lebanon, Lincoln City, and Salem among others, have already recognized the need to allow these more affordable homes to be located on lots within their cities. Most also tax them as permanent dwellings, evaluating them as any other housing unit so the city does not lose tax income, as they do on homes in manufactured home parks which are taxed at the much lower rate of personal property. These homes often generate only a few hundred dollars in tax money though they use the same amount of city services as a home on a real estate lot that pays substantially more.

My personal reasons for asking for a consideration of this issue is that as my husband and I age, we need to downsize financially and physically from the tri-level home we now occupy, to something smaller, perhaps on a smaller lot with less yard work, more affordable, and with less of a tax burden. For us, apartment renting is not an option as our income is fixed and rental rates are not. Unfortunately, we have found, along with many other retired people, that there is a shortage of single level affordable housing in Sandy. Many of our friends, some of whom are descendants of founders and pioneers of Sandy, have left the area to seek more affordable options. This is a of citizens who were actively involved in our social and cultural value including being passionate volunteers for local issues. In addition to losing their roots, they lose the support system they need as they age, leaving behind friends, families, churches, and social activities they have long been involve in and that enriched their life as well.

I have lived in both stick-built and manufactured housing and I honestly found the manufactured home met my needs better. I found the quality especially of the "Smart Cents" homes with their eye on conservation of energy consumption, to be especially attractive. I would like very much to be among the first to be able to occupy such a home if the city codes will allow it.

Submitted by Lea Caren Topliff
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2017 ORS 446.003¹

Definitions for ORS 446.003 to 446.200 and 446.225 to 446.285 and ORS chapters 195, 196, 197, 215 and 227

- [Text](#)
- [News](#)
- [Annotations](#)
- [Related Statutes](#)

As used in ORS [446.003](#) (Definitions for ORS 446.003 to 446.200 and 446.225 to 446.285 and ORS chapters 195, 196, 197, 215 and 227) to [446.200](#) (When noncompliance with city or county regulations authorized) and [446.225](#) (Administration and enforcement of federal manufactured housing safety and construction standards) to [446.285](#) (Advisory board training and education programs), and for the purposes of ORS chapters 195, 196, 197, 215 and 227, the following definitions apply, unless the context requires otherwise, or unless administration and enforcement by the State of Oregon under the existing or revised National Manufactured Housing Construction and Safety Standards Act would be adversely affected, and except as provided in ORS [446.265](#) (Transitional housing accommodations):

(1) “Accessory building or structure” means any portable, demountable or permanent structure established for use of the occupant of the manufactured structure and as further defined by rule by the Director of the Department of Consumer and Business Services.

(2)(a) “Alteration” means any change, addition, repair, conversion, replacement, modification or removal of any equipment or installation that may affect the operation, construction or occupancy of a manufactured structure.

(b) “Alteration” does not include:

(A) Minor repairs with approved component parts;

(B) Conversion of listed fuel-burning appliances in accordance with the terms of their listing;

(C) Adjustment and maintenance of equipment; or

(D) Replacement of equipment or accessories in kind.

(3) “Approved” means approved, licensed or certified by the Department of Consumer and Business Services or its designee.

(17) “Inspecting authority” or “inspector” means the Director of the Department of Consumer and Business Services or representatives as appointed or authorized to administer and enforce provisions of ORS 446.111 (Regulation of structures in parks), 446.160 (Inspection), 446.176 (Fees), 446.225 (Administration and enforcement of federal manufactured housing safety and construction standards) to 446.285 (Advisory board training and education programs), 446.310 (Definitions for ORS 446.310 to 446.350) to 446.350 (Tourist Facility Account), 446.990 (Penalties) and this section.

(18) “Installation” in relation to:

(a) Construction means the arrangements and methods of construction, fire and life safety, electrical, plumbing and mechanical equipment and systems within a manufactured structure.

(b) Siting means the manufactured structure and cabana foundation support and tiedown, the structural, fire and life safety, electrical, plumbing and mechanical equipment and material connections and the installation of skirting and temporary steps.

(19) “Installer” means any individual licensed by the director to install, set up, connect, hook up, block, tie down, secure, support, install temporary steps for, install skirting for or make electrical, plumbing or mechanical connections to manufactured dwellings or cabanas or who provides consultation or supervision for any of these activities, except architects registered under ORS 671.010 (Definitions for ORS 671.010 to 671.220) to 671.220 (Civil penalties) or engineers registered under ORS 672.002 (Definitions for ORS 672.002 to 672.325) to 672.325 (Civil penalties).

(20) “Listed” means equipment or materials included in a list, published by an organization concerned with product evaluation acceptable to the department that maintains periodic inspection of production of listed equipment or materials, and whose listing states either that the equipment or materials meets appropriate standards or has been tested and found suitable in a specified manner.

(21) “Lot” means any space, area or tract of land, or portion of a manufactured dwelling park, mobile home park or recreation park that is designated or used for occupancy by one manufactured structure.

(22)(a) “Manufactured dwelling” means a residential trailer, mobile home or manufactured home.

(b) “Manufactured dwelling” does not include any building or structure constructed to conform to the State of Oregon Structural Specialty Code or the Low-Rise Residential Dwelling Code adopted pursuant to ORS 455.100 (Duties of director) to 455.450 (Prohibited acts) and 455.610 (Low-Rise Residential Dwelling Code) to 455.630 (Enforcement) or any unit identified as a recreational vehicle by the manufacturer.

(23) “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

- (4) "Board" means the Residential and Manufactured Structures Board.
- (5) "Cabana" means a stationary, lightweight structure that may be prefabricated, or demountable, with two or more walls, used adjacent to and in conjunction with a manufactured structure to provide additional living space.
- (6) "Certification" means an evaluation process by which the department verifies a manufacturer's ability to produce manufactured structures to the department rules and to the department approved quality control manual.
- (7) "Conversion" or "to convert" means the process of changing a manufactured structure in whole or in part from one type of vehicle or structure to another.
- (8) "Dealer" means any person engaged in the business of selling, leasing or distributing manufactured structures or equipment, or both, primarily to persons who in good faith purchase or lease manufactured structures or equipment, or both, for purposes other than resale.
- (9) "Department" means the Department of Consumer and Business Services.
- (10) "Director" means the Director of the Department of Consumer and Business Services.
- (11) "Distributor" means any person engaged in selling and distributing manufactured structures or equipment for resale.
- (12) "Equipment" means materials, appliances, subassembly, devices, fixtures, fittings and apparatuses used in the construction, plumbing, mechanical and electrical systems of a manufactured structure.
- (13) "Federal manufactured housing construction and safety standard" means 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).
- (14) "Fire Marshal" means the State Fire Marshal.
- (15) "Imminent safety hazard" means an imminent and unreasonable risk of death or severe personal injury.
- (16) "Insignia of compliance" means:
- (a) For a manufactured dwelling built to HUD standards for such dwellings, the HUD label; or
 - (b) For all other manufactured structures, the insignia issued by this state indicating compliance with state law.

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 (Definitions for ORS 92.010 to 92.192) to 92.192 (Property line adjustment).

(24)(a) “Manufactured home,” except as provided in paragraph (b) of this subsection, 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.

(b) For purposes of implementing any contract pertaining to manufactured homes between the department and the federal government, “manufactured home” has the meaning given the term in the contract.

(25)(a) “Manufactured structure” means a recreational vehicle, manufactured dwelling or recreational structure.

(b) “Manufactured structure” does not include any building or structure regulated under the State of Oregon Structural Specialty Code or the Low-Rise Residential Dwelling Code.

(26) “Manufacturer” means any person engaged in manufacturing, building, rebuilding, altering, converting or assembling manufactured structures or equipment.

(27) “Manufacturing” means the building, rebuilding, altering or converting of manufactured structures that bear or are required to bear an Oregon insignia of compliance.

(28) “Minimum safety standards” means the plumbing, mechanical, electrical, thermal, fire and life safety, structural and transportation standards prescribed by rules adopted by the director.

(29) “Mobile 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 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.

(30) “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 (Definitions for ORS 92.010 to 92.192) to 92.192 (Property line adjustment).

(31) “Municipality” means a city, county or other unit of local government otherwise authorized by law to enact codes.

(32) “Recreational structure” means a campground structure with or without plumbing, heating or cooking facilities intended to be used by any particular occupant on a limited-time basis for recreational, seasonal, emergency or transitional housing purposes and may include yurts, cabins, fabric structures or similar structures as further defined, by rule, by the director.

(33) “Recreational vehicle” means a vehicle with or without motive power, that is designed for human occupancy and to be used temporarily for recreational, seasonal or emergency purposes and as further defined, by rule, by the director.

(34) “Residential trailer” 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 before January 1, 1962.

(35) “Sale” means rent, lease, sale or exchange.

(36) “Skirting” means a weather resistant material used to enclose the space below the manufactured structure.

(37) “Tiedown” means any device designed to anchor a manufactured structure securely to the ground.

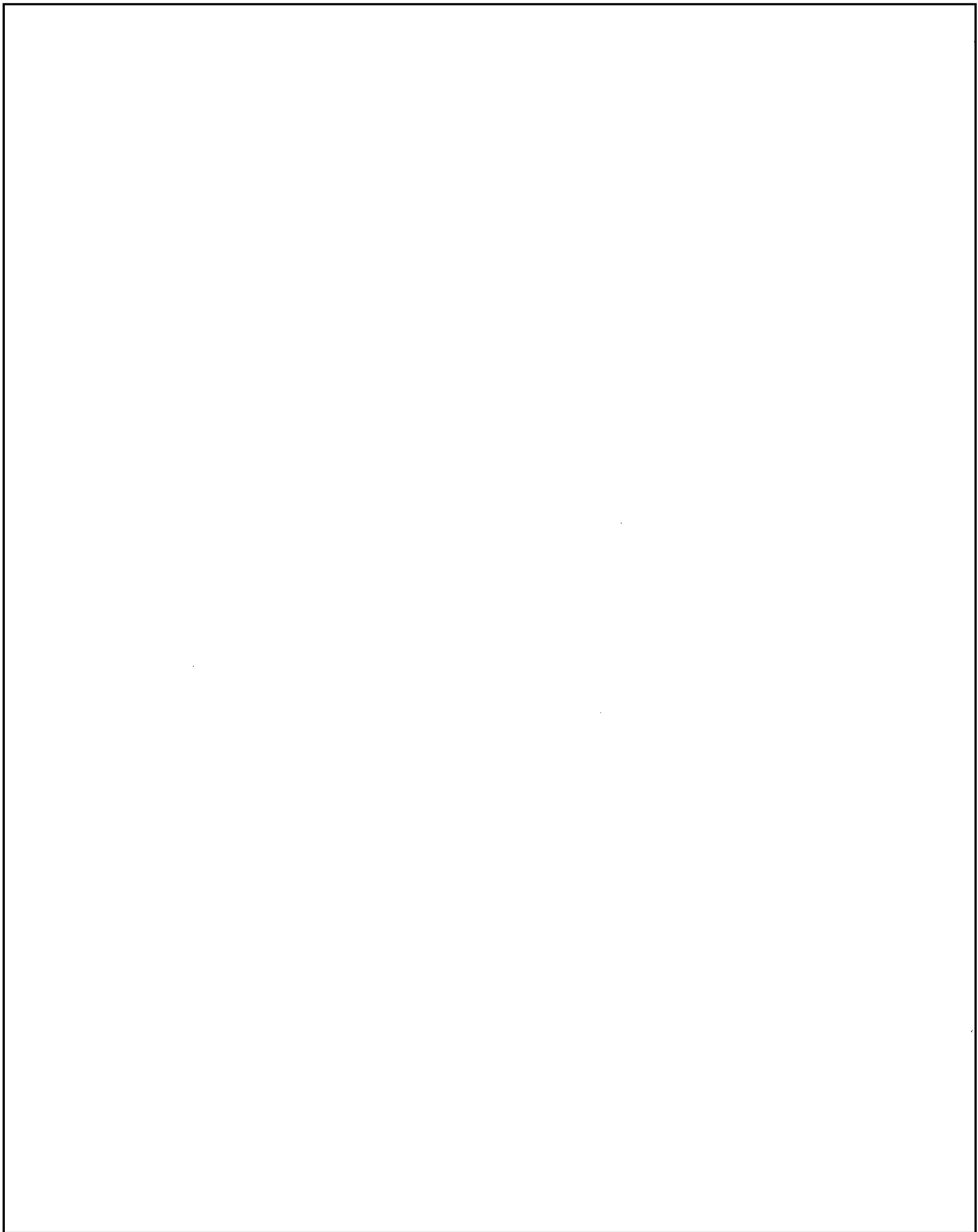
(38) “Transitional housing accommodations” means accommodations described under ORS 446.265 (Transitional housing accommodations).

(39) “Utilities” means the water, sewer, gas or electric services provided on a lot for a manufactured structure. [1975 c.546 §10 (enacted in lieu of 446.002 and 446.004); 1979 c.884 §1; 1983 c.707 §1; 1987 c.274 §1; 1987 c.414 §21; 1989 c.527 §1; 1989 c.648 §§1,1a; 1989 c.683 §1; 1989 c.919 §6b; 1991 c.226 §1; 1991 c.844 §21; 1993 c.744 §47; 1995 c.251 §1; 1997 c.205 §1; 1999 c.758 §7; 2003 c.675 §6; 2005 c.22 §313; 2009 c.259 §25; 2009 c.567 §28; 2013 c.161 §2; 2013 c.196 §21]

¹ Legislative Counsel Committee, *CHAPTER 446—Manufactured Dwellings and Structures; Parks; Tourist Facilities; Ownership Records; Dealers and Dealerships*, https://www.oregonlegislature.gov/bills_laws/ors/ors446.html (2017) (last accessed Mar. 30, 2018).

² Legislative Counsel Committee, *Annotations to the Oregon Revised Statutes, Cumulative Supplement - 2017, Chapter 446*, https://www.oregonlegislature.gov/bills_laws/ors/ano446.html (2017) (last accessed Mar. 30, 2018).

³ OregonLaws.org assembles these lists by analyzing references between Sections. Each listed item refers back to the current Section in its own text. The result reveals relationships in the code that may not have otherwise been apparent.



2017 ORS 197.303¹

“Needed housing” defined

- [Text](#)
- [News](#)
- [Annotations](#)
- [Related Statutes](#)

(1) As used in ORS [197.307 \(Effect of need for certain housing in urban growth areas\)](#), “needed housing” means all housing on land zoned for residential use or mixed residential and commercial use that is determined to meet the need shown for housing within an urban growth boundary at price ranges and rent levels that are affordable to households within the county with a variety of incomes, including but not limited to households with low incomes, very low incomes and extremely low incomes, as those terms are defined by the United States Department of Housing and Urban Development under 42 U.S.C. 1437a. “Needed housing” includes the following housing types:

(a) Attached and detached single-family housing and multiple family housing for both owner and renter occupancy;

(b) Government assisted housing;

(c) Mobile home or manufactured dwelling parks as provided in ORS [197.475 \(Policy\)](#) to [197.490 \(Restriction on establishment of park\)](#);

(d) Manufactured homes on individual lots planned and zoned for single-family residential use that are in addition to lots within designated manufactured dwelling subdivisions; and

(e) Housing for farmworkers.

(2) Subsection (1)(a) and (d) of this section does not apply to:

(a) A city with a population of less than 2,500.

(b) A county with a population of less than 15,000.

(3) A local government may take an exception under ORS [197.732 \(Goal exceptions\)](#) to the definition of “needed housing” in subsection (1) of this section in the same manner that an exception may be taken under the goals. [1981 c.884 §6; 1983 c.795 §2; 1989 c.380 §1; 2011 c.354 §2; 2017 c.745 §4] ¹ Legislative Counsel Committee, *CHAPTER 197—Comprehensive Land Use Planning*, https://www.oregonlegislature.gov/bills_laws/ors/ors197.html (2017) (last accessed Mar. 30, 2018).

² Legislative Counsel Committee, *Annotations to the Oregon Revised Statutes, Cumulative Supplement - 2017, Chapter 197*, https://www.oregonlegislature.gov/bills_laws/ors/ano197.html (2017) (last accessed Mar. 30, 2018).

³ OregonLaws.org assembles these lists by analyzing references between Sections. Each listed item refers back to the current Section in its own text. The result reveals relationships in the code that may not have otherwise been apparent.

2017 ORS 197.307¹

Effect of need for certain housing in urban growth areas

- **approval standards for residential development**
- **placement standards for approval of manufactured dwellings**

- [Text](#)
- [News](#)
- [Annotations](#)
- [Related Statutes](#)

(1) The availability of affordable, decent, safe and sanitary housing opportunities for persons of lower, middle and fixed income, including housing for farmworkers, is a matter of statewide concern.

(2) Many persons of lower, middle and fixed income depend on government assisted housing as a source of affordable, decent, safe and sanitary housing.

(3) When a need has been shown for housing within an urban growth boundary at particular price ranges and rent levels, needed housing shall be permitted in one or more zoning districts or in zones described by some comprehensive plans as overlay zones with sufficient buildable land to satisfy that need.

(4) Except as provided in subsection (6) of this section, a local government may adopt and apply only clear and objective standards, conditions and procedures regulating the development of housing, including needed housing. The standards, conditions and procedures:

(a) May include, but are not limited to, one or more provisions regulating the density or height of a development.

(b) May not have the effect, either in themselves or cumulatively, of discouraging needed housing through unreasonable cost or delay.

(5) The provisions of subsection (4) of this section do not apply to:

(a) An application or permit for residential development in an area identified in a formally adopted central city plan, or a regional center as defined by Metro, in a city with a population of 500,000 or more.

(b) An application or permit for residential development in historic areas designated for protection under a land use planning goal protecting historic areas.

(6) In addition to an approval process for needed housing based on clear and objective standards, conditions and procedures as provided in subsection (4) of this section, a local government may adopt and apply an alternative approval process for applications and permits for residential development based on approval criteria regulating, in whole or in part, appearance or aesthetics that are not clear and objective if:

(a) The applicant retains the option of proceeding under the approval process that meets the requirements of subsection (4) of this section;

(b) The approval criteria for the alternative approval process comply with applicable statewide land use planning goals and rules; and

(c) The approval criteria for the alternative approval process authorize a density at or above the density level authorized in the zone under the approval process provided in subsection (4) of this section.

(7) Subject to subsection (4) of this section, this section does not infringe on a local government's prerogative to:

(a) Set approval standards under which a particular housing type is permitted outright;

(b) Impose special conditions upon approval of a specific development proposal; or

(c) Establish approval procedures.

(8) In accordance with subsection (4) of this section and ORS 197.314 (Required siting of manufactured homes), a jurisdiction may adopt any or all of the following placement standards, or any less restrictive standard, for the approval of manufactured homes located outside mobile home parks:

(a) The manufactured home shall be multisectional and enclose a space of not less than 1,000 square feet.

(b) The manufactured home shall be placed on an excavated and back-filled foundation and enclosed at the perimeter such that the manufactured home is located not more than 12 inches above grade.

(c) The manufactured home shall have a pitched roof, except that no standard shall require a slope of greater than a nominal three feet in height for each 12 feet in width.

(d) The manufactured home shall have exterior siding and roofing which in color, material and appearance is similar to the exterior siding and roofing material commonly used on residential dwellings within the community or which is comparable to the predominant materials used on surrounding dwellings as determined by the local permit approval authority.

(e) The manufactured home shall be certified by the manufacturer to have an exterior thermal envelope meeting performance standards which reduce levels equivalent to the performance standards required of single-family dwellings constructed under the state building code as defined in ORS 455.010 (Definitions for ORS chapter 455).

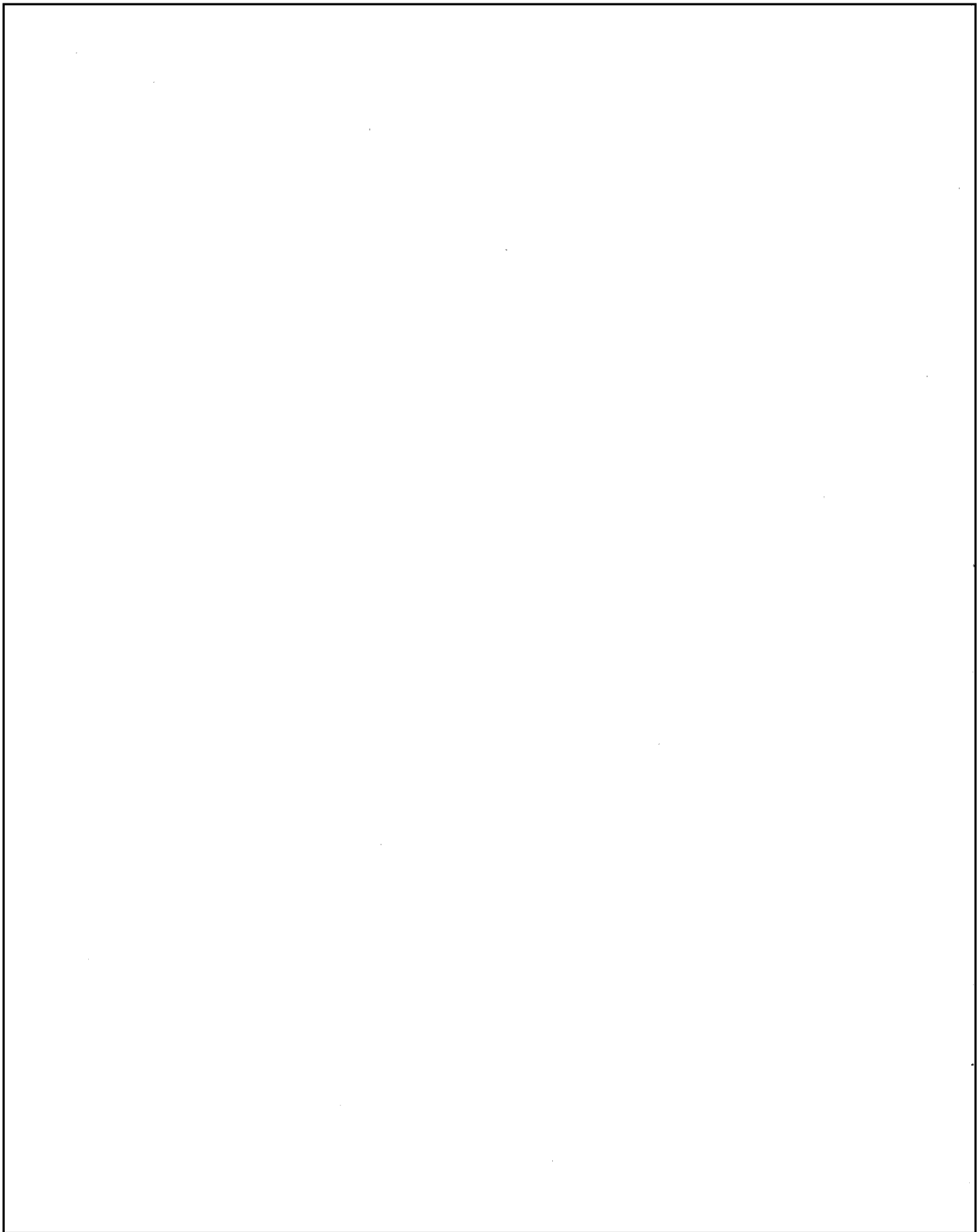
(f) The manufactured home shall have a garage or carport constructed of like materials. A jurisdiction may require an attached or detached garage in lieu of a carport where such is consistent with the predominant construction of immediately surrounding dwellings.

(g) In addition to the provisions in paragraphs (a) to (f) of this subsection, a city or county may subject a manufactured home and the lot upon which it is sited to any development standard, architectural requirement and minimum size requirement to which a conventional single-family residential dwelling on the same lot would be subject. [1981 c.884 §5; 1983 c.795 §3; 1989 c.380 §2; 1989 c.964 §6; 1993 c.184 §3; 1997 c.733 §2; 1999 c.357 §1; 2001 c.613 §2; 2011 c.354 §3; 2017 c.745 §5]

¹ Legislative Counsel Committee, *CHAPTER 197—Comprehensive Land Use Planning*, https://www.oregonlegislature.gov/bills_laws/ors/ors197.html (2017) (last accessed Mar. 30, 2018).

² Legislative Counsel Committee, *Annotations to the Oregon Revised Statutes, Cumulative Supplement - 2017, Chapter 197*, https://www.oregonlegislature.gov/bills_laws/ors/ano197.html (2017) (last accessed Mar. 30, 2018).

³ OregonLaws.org assembles these lists by analyzing references between Sections. Each listed item refers back to the current Section in its own text. The result reveals relationships in the code that may not have otherwise been apparent.



2017 ORS 197.314¹

Required siting of manufactured homes

- **minimum lot size**
- **approval standards**
- [Text](#)
- [News](#)
- [Annotations](#)
- [Related Statutes](#)

(1) Notwithstanding ORS 197.296 (Factors to establish sufficiency of buildable lands within urban growth boundary), 197.298 (Priority of land to be included within urban growth boundary), 197.299 (Metropolitan service district analysis of buildable land supply), 197.301 (Metropolitan service district report of performance measures), 197.302 (Metropolitan service district determination of buildable land supply), 197.303 ("Needed housing" defined), 197.307 (Effect of need for certain housing in urban growth areas), 197.312 (Limitation on city and county authority to prohibit certain kinds of housing) and 197.313 (Interpretation of ORS 197.312), within urban growth boundaries each city and county shall amend its comprehensive plan and land use regulations for all land zoned for single-family residential uses to allow for siting of manufactured homes as defined in ORS 446.003 (Definitions for ORS 446.003 to 446.200 and 446.225 to 446.285 and ORS chapters 195, 196, 197, 215 and 227). A local government may only subject the siting of a manufactured home allowed under this section to regulation as set forth in ORS 197.307 (Effect of need for certain housing in urban growth areas) (8).

(2) **Cities and counties shall adopt and amend comprehensive plans and land use regulations under subsection (1) of this section according to the provisions of ORS 197.610 (Submission of proposed comprehensive plan or land use regulation changes to Department of Land Conservation and Development) to 197.651 (Appeal to Court of Appeals for judicial review of final order of Land Conservation and Development Commission).**

(3) **Subsection (1) of this section does not apply to any area designated in an acknowledged comprehensive plan or land use regulation as a historic district or residential land immediately adjacent to a historic landmark.**

(4) **Manufactured homes on individual lots zoned for single-family residential use in subsection (1) of this section shall be in addition to manufactured homes on lots within designated manufactured dwelling subdivisions.**

(5) Within any residential zone inside an urban growth boundary where a manufactured dwelling park is otherwise allowed, a city or county shall not adopt, by charter or ordinance, a minimum lot size for a manufactured dwelling park that is larger than one acre.

(6) A city or county may adopt the following standards for the approval of manufactured homes located in manufactured dwelling parks that are smaller than three acres:

(a) The manufactured home shall have a pitched roof, except that no standard shall require a slope of greater than a nominal three feet in height for each 12 feet in width.

(b) The manufactured home shall have exterior siding and roofing that, in color, material and appearance, is similar to the exterior siding and roofing material commonly used on residential dwellings within the community or that is comparable to the predominant materials used on surrounding dwellings as determined by the local permit approval authority.

(7) This section shall not be construed as abrogating a recorded restrictive covenant. [1993 c.184 §2; 1997 c.295 §1; 1999 c.348 §7; 2005 c.22 §139; 2011 c.354 §5]

¹ Legislative Counsel Committee, *CHAPTER 197—Comprehensive Land Use Planning*, https://www.oregonlegislature.gov/bills_laws/ors/ors197.html (2017) (last accessed Mar. 30, 2018).

² Legislative Counsel Committee, *Annotations to the Oregon Revised Statutes, Cumulative Supplement - 2017, Chapter 197*, https://www.oregonlegislature.gov/bills_laws/ors/ano197.html (2017) (last accessed Mar. 30, 2018).

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Chapter 17.60
MANUFACTURED/MOBILE HOME REGULATIONS

Sections:

17.60.010 Purpose.

17.60.020 Manufactured/mobile home park standards.

17.60.030 Manufactured homes on individual building lots.

17.60.040 Nonconforming mobile homes.

17.60.010 Purpose.  SHARE 

The purpose of this chapter is to establish criteria for the placement of manufactured/mobile homes in mobile home park developments and manufactured homes on individual building lots within the city of St. Helens. (Ord. 2875 § 1.102.010, 2003)

17.60.030 Manufactured homes on individual building lots.  SHARE 

The establishment, location, and use of manufactured homes as scattered site residences shall be permitted in any zone permitting installation of a dwelling unit subject to requirements and limitations applying generally to such residential uses in the district, and provided such homes shall meet the following requirements and limitations:

- (1) The manufactured home shall be multisectional and enclose a space of not less than 1,000 square feet;
- (2) The manufactured home shall be placed on an excavated and backfilled foundation and enclosed at the perimeter such that the finished first floor of the manufactured home is located not more than 12 inches above grade (except on sloped lots);
- (3) The manufactured home shall be securely anchored to the foundation system in accordance with the requirements of the State Building Codes Agency for Manufactured Structures;
- (4) The manufactured home shall have a pitched roof with a slope of at least three feet in height for each 12 feet in width;
- (5) The manufactured home shall have exterior siding and roofing which in material and appearance is similar to the exterior siding and roofing material commonly used on residential dwellings within the city as determined by the Building Division. This requirement shall not be interpreted to mean that the city is responsible for enforcing codes, covenants, and restrictions of any homeowners or other association;

(6) The manufactured home shall have an exterior thermal envelope in substantial compliance with performance standards equivalent to the performance standards required of single-family dwellings constructed under the State Building Code as defined in ORS 455.010, as determined by the Building Division; and

(7) Have minimum of two on-site parking spaces. (Ord. 2875 § 1.102.030, 2003)

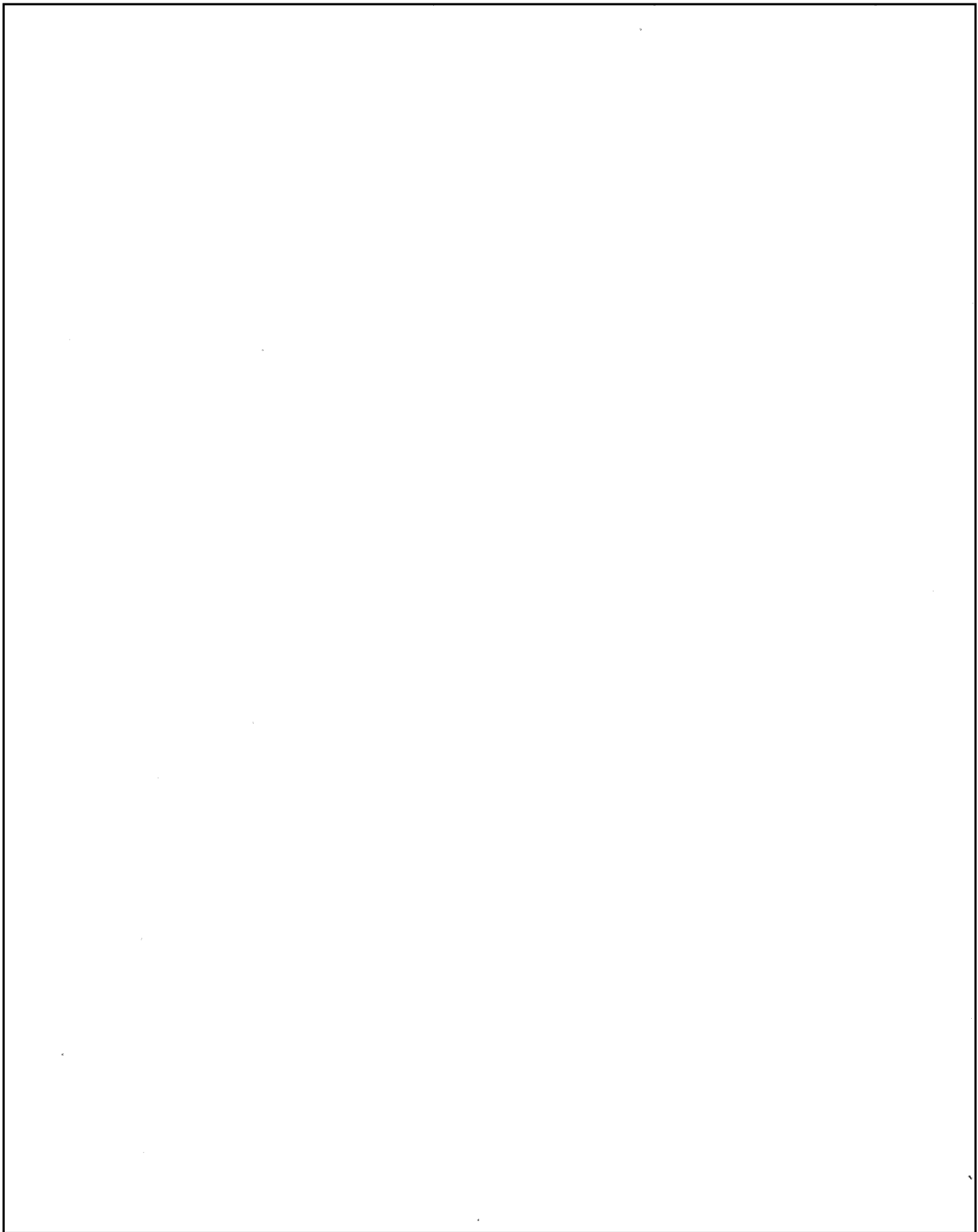
ARTICLE 10
MANUFACTURED HOME DEVELOPMENT STANDARDS

10.000 Overview. This article contains the standards of development for manufactured housing placed on individual lots and in manufactured home parks within the City. Manufactured homes provide a wide choice of housing types suitable for a variety of households, lifestyles and income levels. The standards contained in this article are intended to provide a suitable living environment for residents of manufactured homes and establish development standards that will increase compatibility with adjacent land uses. The following is a list of the main headings in this article.

- 10.010 General Provisions
- 10.020 Classification of Manufactured Homes
- 10.030 Placement on Individual Lots
- 10.040 Manufactured Home Parks
- 10.050 Temporary Placements
- 10.060 Recreational Vehicle Parks

GENERAL PROVISIONS

- 10.010 Definitions. For purposes of this article, the definitions of terms used and not defined in Article 22 of this Code are as defined in ORS Chapter 446, Oregon Administrative Rules Chapter 918, Division 600, or Oregon Administrative Rules Chapter 333, Division 31 as amended. [Ord. 5445, 4/12/00]
- 10.020 Relationship to Other Regulations. Standards for manufactured home developments established by state law or state administrative rule are in addition to the provisions of this article.
- 10.030 Relationship to Deed Restrictions. Nothing in these provisions shall be interpreted as superseding deed covenants or restrictions.
- 10.040 Manufactured Housing Construction & Safety Standards Code. All Class “A,” “B,” and “C” manufactured homes must comply with the minimum construction standards of Title IV of the 1974 Housing and Community Development Act as amended (effective June 15, 1976), and all associated rules, regulations and interpretations of both federal and state authorities.
- 10.050 Foundations/Enclosures/Support Systems. All load bearing foundations, supports, and enclosures shall be installed in conformance with the state regulations and with the manufacturer’s installation specifications. Permitted enclosure materials are concrete, concrete block, or other materials approved by the Building Official. [Ord. 5445, 4/12/00]
- 10.060 Attached Structures. All attached structures must be constructed in compliance with building codes adopted by the state of Oregon. [Ord. 5445, 4/12/00]



CLASSIFICATION OF MANUFACTURED HOMES

10.080 Manufactured Home Classes. For purposes of these regulations, manufactured homes are divided into three types, "A," "B," and "C." These classes are segregated by the size and construction standards under which the home was manufactured. All manufactured homes placed within the City after the effective date of this Code must comply with the placement standards in the Sections that follow.
[Ord. 5445, 4/12/00]

CLASS "A"

10.090 Class "A" Definition. A Class "A" manufactured home is one that meets the following standards:

- (1) It is multi-sectional and encloses a space of at least 1,000 square feet.
- (2) It will be placed on a permanent foundation as specified in Section 10.050.
- (3) Wheels, axles, and hitch mechanisms will be removed prior to occupancy.
- (4) Utilities will be connected in accordance with state requirements and the manufacturer's specifications.
- (5) It bears an insignia of compliance with the Manufactured Housing Construction and Safety Standards Code and, at the time of placement meets applicable building codes.

[Ord. 5445, 4/12/00]

10.100 Class "A" Placement. Class "A" manufactured homes are permitted on individual lots in all Residential Districts, except RMA, if they meet the approval criteria listed in Section 10.180. Class "A" homes are permitted outright in manufactured home parks, and as replacements to existing nonconforming manufactured homes. They are not allowed in any National Register Historic District.

CLASS "B"

10.110 Class "B" Definition. A Class "B" manufactured home is one that meets the following standards:

- (1) It contains at least 750 square feet of occupied space in a single, double, expando, or multi-section unit (including those with add-a-room units);
- (2) It will be placed on a permanent foundation as specified in Section 10.050.
- (3) Wheels, axles, and hitch mechanisms will be removed.
- (4) Utilities will be connected in accordance with manufacturer's specifications and state requirements.
- (5) It bears an insignia of compliance with the Manufactured Housing Construction and Safety Standards Code as of June 15, 1976, and at the time of placement meets applicable building codes.

[Ord. 5445, 4/12/00]

10.120 Class "B" Placement. Class B manufactured homes are permitted on individual lots in the RS-5 and RM, districts if they meet the approval criteria listed in Section 10.180. Class "B" homes are permitted outright in all manufactured home parks. In addition, they are permitted as replacements to existing nonconforming manufactured homes classified as Class B or C. They are not allowed in any National Register Historic District.
[Ord. 5445, 4/12/00]

CLASS “C”

10.130 Class “C” Definition. A Class “C” manufactured home is one that meets the following standards:

- (1) It has at least 320 square feet of occupied space in a single, double, expando or multi-section unit (including those with add-a-room units).
- (2) It will be placed on a support system in accordance with approved installation standards as specified in Section 10.050.
- (3) It will be enclosed with foundation siding/skirting in accordance with approved installation standards as specified in Section 10.180(4).
- (4) Utilities will be connected in accordance with a manufacturer’s specifications and state requirements.
- (5) It bears an insignia of compliance with the Manufactured Housing Construction and Safety Standards Code as of June 15, 1976, and at the time of placement meets applicable building codes.
[Ord. 5445, 4/12/00]

10.140 Class “C” Placement. Class “C” manufactured homes are permitted in all manufactured home parks. These units are also allowed as replacements to existing nonconforming manufactured homes on an individual lot for units classified as Class C.
[Ord. 5445, 4/12/00]

10.150 *Repealed by Ord. 5445, 4/12/00*

10.160 *Repealed by Ord. 5445, 4/12/00*

PLACEMENT ON INDIVIDUAL LOTS

10.170 Manufactured Home Placements. Manufactured homes are permitted on individual parcels or lots outside of manufactured home parks in accordance with the placement standards set forth in Sections 10.100 and 10.120 and all other provisions of the Development Code for site-built dwellings. They are not allowed within the National Register Historic Districts or on residential land immediately adjacent to a historic landmark.
[Ord. 5446, 5/10/00]

10.180 Review Criteria. In order to be approved, the manufactured home must be found to have design compatibility with other single-family dwellings in the “review area,” which is the area within 150 feet of the subject lot or parcel or the nearest five dwellings. The criteria for determining acceptable compatibility shall be based upon a review of the following design elements:

- (1) Roofing shall be similar in color, material, and appearance to the roofing material commonly used on residential dwellings within the community or comparable to the predominant materials used on dwellings within the review area. The roof pitch shall be a minimum of nominal 3/12. Manufactured homes placed in RM or RMA districts may have a roof pitch of nominal 2/12.
- (2) Exterior siding shall be similar in color, material, and appearance to the exterior siding material commonly used on residential dwellings within the community or comparable to the predominant materials used on dwellings within the review area.

- (3) A garage is required if more than 50% of the homes in the review area have a garage. If more than 50% of the homes in the review area have a carport, then a carport or garage is required. If there is a mixture of garages or carports for more than 50% of the homes in the review area, then a carport or garage is required. The garage or carport shall be of like materials and color as the home. The garage or carport may be required to be attached if other dwellings in the review area have attached garages.
- (4) All Class A and Class B manufactured homes outside of manufactured home parks shall be placed on an excavated and back-filled foundation (e.g. pit set) and enclosed with a perimeter enclosure that is similar in appearance to foundations or enclosures in the area.
- (5) The manufactured home shall comply with the standards of Article 8 for single-family homes and infill and redevelopment.

MANUFACTURED HOME PARKS

GENERAL

10.190 *Repealed by Ord. 5445, 4/12/00*

10.200 Definitions. A manufactured home park is a land-lease residential community. The land is under the same ownership; home sites within the community are leased to individual homeowners.
[Ord. 5445, 4/12/00]

10.205 Applicability. The following standards apply to the design of new manufactured home parks and to the expansion of existing manufactured home parks. These standards are not intended to apply to existing manufactured home parks or to render unlawful any existing manufactured home park.

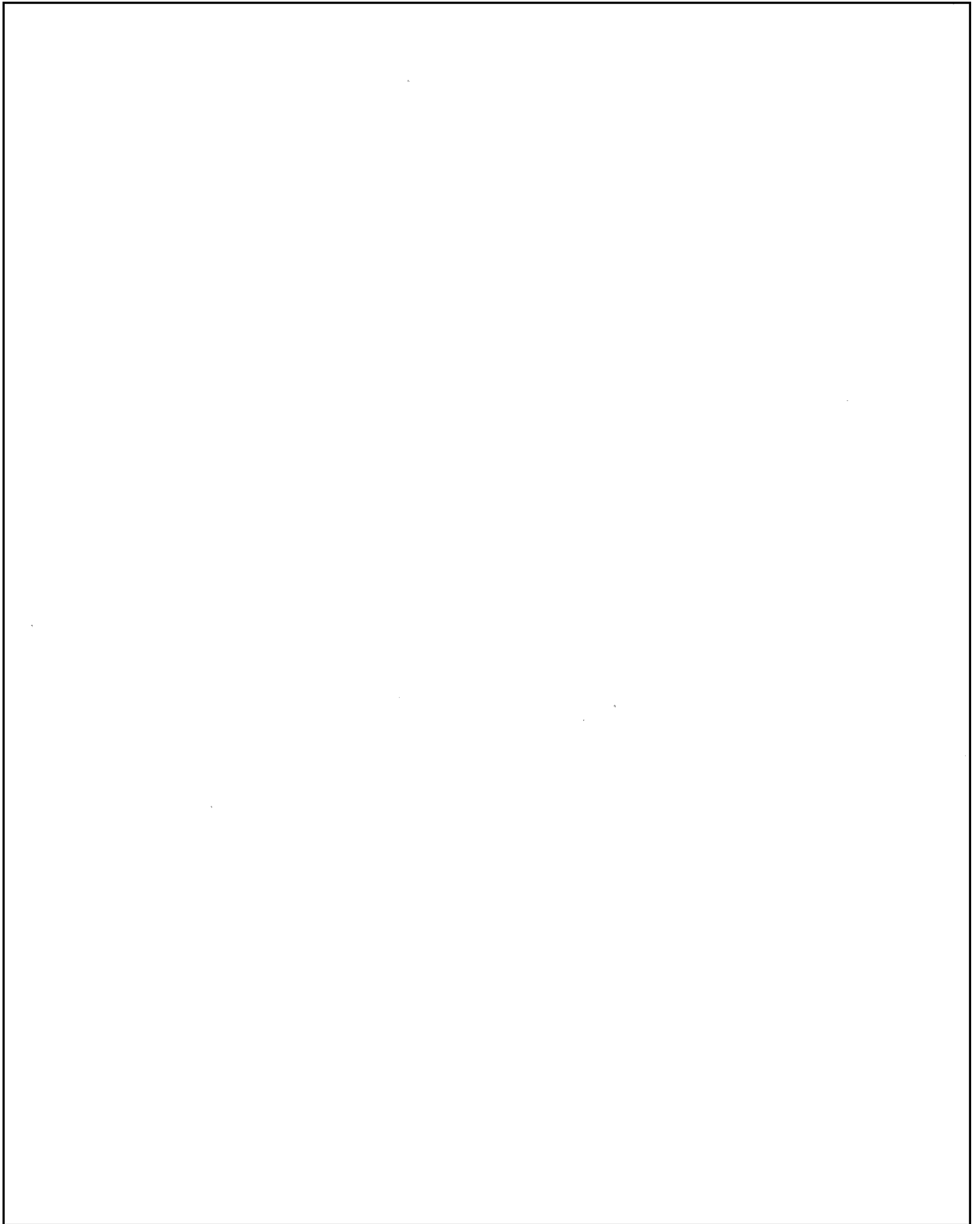
However, there may be spaces in existing manufactured home parks that were constructed under previous standards where a replacement manufactured home could not now be placed in conformance with these standards. It is not the purpose of these standards to prohibit continued use of those spaces. The applicant may either select a home that could be placed in such a space in full compliance with these standards, or the applicant could seek relief as allowed by other provisions of this Code.
[Ord. 5445, 4/12/00]

10.210 Where Permitted. Manufactured home parks are permitted with Site Plan Review approval in the RS-6.5, RS-5, RM and RMA Districts in accordance with the standards of this Article and the standards for site plan approval, Article 2. In addition, manufactured home parks may be planned under the provisions for Planned Developments (Article 11), which may be used to provide for individual ownership of manufactured homes and sites and common ownership and maintenance of other lands and facilities. Manufactured home parks are not permitted in other zoning districts.
[Ord. 5445, 4/12/00]

10.220 Same Standards Apply as for Conventional Development. Except as specified otherwise by this article, the standards for developing land within manufactured home parks are the same as for all other developments in accordance with the provisions of this Code.
[Ord. 5445, 4/12/00]

10.230 Improvement Standards. The improvement of driveways, walkways, streets, drainage and other utilities shall conform to adopted State standards for such or shall conform to the City's Standard Construction Specifications Manual, whichever is more restrictive.
[Ord. 5445, 4/12/00]

10.240 Minimum Park Size. The minimum area of the park shall be at least one acre.
[Ord. 5338, 1/28/98; Ord. 5445, 4/12/00]



2017 ORS 197.312¹

Limitation on city and county authority to prohibit certain kinds of housing

- zoning requirements for farmworker housing
- real estate sales office

- [Text](#)
- [News](#)
- [Annotations](#)
- [Related Statutes](#)

(1) A city or county may not by charter prohibit from all residential zones attached or detached single-family housing, multifamily housing for both owner and renter occupancy or manufactured homes. A city or county may not by charter prohibit government assisted housing or impose additional approval standards on government assisted housing that are not applied to similar but unassisted housing.

(2)(a) A single-family dwelling for a farmworker and the farmworker's immediate family is a permitted use in any residential or commercial zone that allows single-family dwellings as a permitted use.

(b) A city or county may not impose a zoning requirement on the establishment and maintenance of a single-family dwelling for a farmworker and the farmworker's immediate family in a residential or commercial zone described in paragraph (a) of this subsection that is more restrictive than a zoning requirement imposed on other single-family dwellings in the same zone.

(3)(a) Multifamily housing for farmworkers and farmworkers' immediate families is a permitted use in any residential or commercial zone that allows multifamily housing generally as a permitted use.

(b) A city or county may not impose a zoning requirement on the establishment and maintenance of multifamily housing for farmworkers and farmworkers' immediate families in a residential or commercial zone described in paragraph (a) of this subsection that is more restrictive than a zoning requirement imposed on other multifamily housing in the same zone.

(4) A city or county may not prohibit a property owner or developer from maintaining a real estate sales office in a subdivision or planned community containing more than 50 lots or dwelling units for the sale of lots or dwelling units that remain available for sale to the public.

(5)(a) A city with a population greater than 2,500 or a county with a population greater than 15,000 shall allow in areas zoned for detached single-family dwellings the development of at least one accessory dwelling unit for each detached single-family dwelling, subject to reasonable local regulations relating to siting and design.

(b) As used in this subsection, “accessory dwelling unit” means an interior, attached or detached residential structure that is used in connection with or that is accessory to a single-family dwelling. [1983 c.795 §5; 1989 c.964 §7; 2001 c.437 §1; 2001 c.613 §3; 2011 c.354 §4; 2017 c.745 §6]

Note: The amendments to 197.312 (Limitation on city and county authority to prohibit certain kinds of housing) by section 6, chapter 745, Oregon Laws 2017, become operative July 1, 2018. See section 12, chapter 745, Oregon Laws 2017. The text that is operative until July 1, 2018, is set forth for the user’s convenience.

197.312 (Limitation on city and county authority to prohibit certain kinds of housing). (1) A city or county may not by charter prohibit from all residential zones attached or detached single-family housing, multifamily housing for both owner and renter occupancy or manufactured homes. A city or county may not by charter prohibit government assisted housing or impose additional approval standards on government assisted housing that are not applied to similar but unassisted housing.

(2)(a) A single-family dwelling for a farmworker and the farmworker’s immediate family is a permitted use in any residential or commercial zone that allows single-family dwellings as a permitted use.

(b) A city or county may not impose a zoning requirement on the establishment and maintenance of a single-family dwelling for a farmworker and the farmworker’s immediate family in a residential or commercial zone described in paragraph (a) of this subsection that is more restrictive than a zoning requirement imposed on other single-family dwellings in the same zone.

(3)(a) Multifamily housing for farmworkers and farmworkers’ immediate families is a permitted use in any residential or commercial zone that allows multifamily housing generally as a permitted use.

(b) A city or county may not impose a zoning requirement on the establishment and maintenance of multifamily housing for farmworkers and farmworkers’ immediate families in a residential or commercial zone described in paragraph (a) of this subsection that is more restrictive than a zoning requirement imposed on other multifamily housing in the same zone.

(4) A city or county may not prohibit a property owner or developer from maintaining a real estate sales office in a subdivision or planned community containing more than 50 lots or dwelling units for the sale of lots or dwelling units that remain available for sale to the public.

¹ Legislative Counsel Committee, *CHAPTER 197—Comprehensive Land Use Planning*, https://www.oregonlegislature.gov/bills_laws/ors/ors197.html (2017) (last accessed Mar. 30, 2018).

² Legislative Counsel Committee, *Annotations to the Oregon Revised Statutes, Cumulative Supplement - 2017, Chapter 197*, https://www.oregonlegislature.gov/bills_laws/ors/ano197.html (2017) (last accessed Mar. 30, 2018).

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