

ORDINANCE NO. 4704

AN ORDINANCE ADOPTING ATTACHED EXHIBIT "A" KNOWN AS "FINDINGS" AND EXHIBIT "B" KNOWN AS "THE ALBANY MANUFACTURED HOME ORDINANCE" AND AMENDING SECTION 20.04.010, ARTICLE 12 OF THE ALBANY MUNICIPAL CODE.

WHEREAS, such hearings as required by law and ordinances of this City have been held and findings have been made concerning the adoption of the proposed Albany Manufactured Home Ordinance, said findings being based upon evidence produced at hearings, and

WHEREAS, the Council of the City of Albany has duly advertised and caused notice to be given as required by law, now, therefore,

THE PEOPLE OF THE CITY OF ALBANY DO ORDAIN AS FOLLOWS:

SECTION 1: Exhibit "A", known as "Findings" is hereby adopted as the Albany City Council's findings in support of the revisions made to the City of Albany Manufactured Home Ordinance as adopted herein and attached to this ordinance.

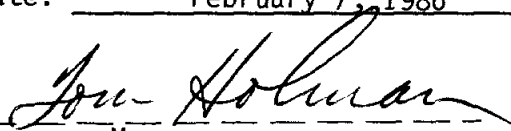
SECTION 2: Section 20.04.010 of the Albany Municipal Code, Article 12, is hereby amended as is shown on attached Exhibit "B".

Passed by the Council: January 8, 1986

Approved by the Mayor: January 10, 1986

Effective Date: February 7, 1986

ATTEST:



Mayor



City Recorder

Findings For The Adoption of The
Albany Mobile Home Revisions - 1985

The following findings are presented to indicate that the revisions to the Mobile Home section of the Albany Development Code are consistent with applicable state goals and the acknowledged Albany Comprehensive Plan.

To reduce the length of this report, major documents are attached or are referred to by section and page number. Major documents are:

State Goals, Exhibit 1 (by reference only)
Albany Comprehensive Plan - Exhibit 2 (by reference only)
Proposed Revision To Mobile Home Section of the Albany
Development Code - Exhibit 3 (by reference only)
Comments from Historic Advisory and Museum Commission - Exhibit 4
1985 Manufactured Housing placements in Oregon - Exhibit 5
Code comparison - Exhibit 6

FINDINGS

CRITERIA

State - Goal 1, Public Involvement (Exhibit 1)
City - Public Involvement Section (Exhibit 2)
Goal, page 115
Policies 5, 6, 7, and 9, page 116

FACTS:

1. Staff prepared a draft of the amendments to Article 12 of the Albany Development Code which would allow placement of certain manufactured homes (mobile homes) by Conditional Use Permit in areas where previously they had not been allowed, staff drew from several model ordinances prepared by the industry as well as ordinances in use by various jurisdictions.
2. The Planning Commission and City Council held a total of three (3) work sessions which were open to the general public.
3. The Planning Commission and City Council received input from representatives of the mobile home industry as well as interested citizens at the work sessions and at the Public Hearings.
4. The Planning Commission held two Public Hearings complying with all City notice requirements. The latest hearing was held on November 4, 1985 at which time the ordinance was recommended to the Council for adoption.
5. Besides legally required notices, the local paper (Albany Democrat-Herald) and local radio stations (KRKT, KLOO, and KFLY) mentioned and/or discussed the proposed amendments.

6. Copies of the proposed ordinance were mailed to numerous parties expressing interest in the issue.
7. Testimony was received from a variety of interest groups and many revisions were made to address issues raised.

Conclusions: By holding three work sessions open to the general public, meeting required public hearing notice requirements, newspaper articles and radio spots, public involvement criteria have been met.

CRITERIA

State Goal 2, Land Use Planning (Exhibit 1).

FACTS:

1. Article 12 of the Albany Development Code (pertaining to the siting of mobile homes) was part of the acknowledgment package approved on November 10, 1982.
2. The amendments to Article 12 were identified as a regulation which required review after numerous requests by the public to place mobile homes on individual lots within the City.
3. The Planning Commission reviewed the existing provisions and determined that amendments should be made to take into account the public's change of attitude towards mobile homes (manufactured homes) and the needs and circumstances of today's home buyer.
4. The Planning Commission, acting as a committee, proposed the amendments only after reviewing alternatives from other cities which allow the placement of certain mobile homes (manufactured homes) in all residential zones on an infill basis to those ordinances which enforced stringent regulations which allowed mobile homes only in mobile home subdivisions or parks.

Conclusion:

As Article 12 is an integral part of development regulations requiring periodic review, and after several alternatives were discussed and Code revisions chosen, the proposed Code revisions to Article 12 of the Albany Development Code does meet proper planning procedures as established in State Goal No. 2.

CRITERIA

State - Goal 5, Historic Areas (Exhibit 1)
City - Special Areas, Historic and Archaeological Resources (Exhibit 2)
Goal - page 35
Policy 1 - page 35

FACTS:

1. Due to extensive testimony from the City's Historic Advisory and Museum Commission, amendments were made to the proposed ordinance such that the ordinance will not allow manufactured homes to be placed on individual lots within the City's three National Register Historic Districts (see Exhibit 4).

Conclusion: Presently, manufactured homes are determined not to be compatible with historic districts due to design limitations during their construction.

CRITERIA

- State - Goal 6 - Air, water, and land resource quality (Exhibit 1)
City - Natural Resources (Exhibit 2)
Goal, page 7 - Policies 3, 4, 7, & 10 , pages 7 & 8
Goal, page 11 - Policies 1 & 2, page 11
Goal, page 13 - Policy 1, page 13 & 14

FACTS:

1. Conventionally-built houses are required to landscape all required front yards. Such landscaping shall include one tree at least 6 feet in height and 4 one-gallon shrubs per 1000 square feet of required landscaping.
2. Manufactured homes sited on individual lots must meet the same landscape requirements as conventional homes.
3. Individually sited manufactured homes will be allowed on individual lots that conventionally-built homes could be constructed upon if compatibility standards are met.
4. Individually sited manufactured homes must meet the density provisions and setback provisions of the zone in which they are placed.

Conclusion: The amendment to the Mobile Home Siting Standards (Article 12) provides for enhancement and protection of the City's natural resources.

CRITERIA

- State - Areas subject to national disasters and hazards - Goal 7 (Exhibit 1)
City - Hazards (Exhibit 2)
Goal, page 26 - Policies 1, 2, 5-15, pages 26-29

FACTS:

1. No new development shall be allowed in floodways.
2. Development in flood fringe area must meet Special Site Plan Review criteria established in Section 11.030 of the Albany Development Code.

Conclusion: Manufactured homes on individual lots shall be subject to the same development standards as conventionally-built homes.

CRITERIA

State - Recreational needs - Goal 8 (Exhibit 1)
City - Social amenities (Exhibit 2)
Goal, page 85
Policies 1, 2, and 7, pages 85 & 86

FACTS:

1. When a manufactured (mobile) home is sited on a lot plotted prior to January 1, 1955 or on an unsubdivided parcel, as required for new conventionally-built homes, a \$25 per bedroom park land acquisition and development fee will be collected.

Conclusion: All manufactured (mobile) homes sited on individual lots will contribute to the park land fee which will provide facilities to meet the needs of the community.

CRITERIA

State - Economy of the state - Goal 9 (Exhibit 1)
City - Economic Development (Exhibit 2)
Goal, page 44
Policies 4 & 5, pages 44 & 45

FACTS:

1. Additional available lands for the siting of manufactured (mobile) homes will encourage the expansion of existing manufactured housing plants within the city of Albany and close proximity to the city.
2. Expansion of existing plants will provide additional employment opportunities to the residents of the City of Albany--not only for the construction of the manufactured homes but for the supporting businesses and services.

Conclusion: By allowing the siting of certain manufactured (mobile) homes on individual lots, additional job opportunities will be created for the residents of the City of Albany.

CRITERIA

State - Housing - Goal 10 (Exhibit 1)
City - Housing (Exhibit 2)
Goal, pages 51
Policies 3, 6, 7, and 12, pages 51 & 52

FACTS:

1. Compatibility standards must be met to allow a mobile home to be sited outside of a manufactured (mobile) home subdivision on an individual lot.
2. Thus far in 1985, 55% of new housing starts(single family) in Linn County have been manufactured homes, statewide 30% have been manufactured homes (Exhibit 5).
3. Present construction Code standards for manufactured homes and conventional dwellings are very nearly equivalent (Exhibit 6).
4. Manufactured (mobile) homes will provide a viable alternative to conventionally-built homes in price and housing type.
5. Conventional housing starts in Albany are at an all-time low.
6. In 1981, for the first time ever, mobile home placements exceeded the total of new residential unit starts (42 to 38) in the City.
7. In 1982, mobile home placements represented 84% of new housing starts in the City (32 out of 37).
8. Since 1980, conventional housing starts have declined by 95%; whereas, mobile home placements have only declined by 36%.
9. Also, since 1980, the City has annexed several areas which contain existing mobile homes mixed in with conventional housing and additional vacant lots. These vacant lots appear to be in greater demand for mobile homes, at the current time, as opposed to other residential uses....for which there is much available and serviced land in other locations.
10. As a result of rising construction and appearance standards for mobile homes and with the availability of many options which make them more compatible with conventional housing, mobile homes have achieved greater public acceptance. In the State of California, mobile homes are permitted on all lots with certain minimum standards applied.
11. The following policies in the housing section of the Comprehensive Plan support additional provisions for mobile homes:

"Consider mobile homes as a viable alternative to conventional housing, particularly for low and moderate income families.

Support action which would reduce housing costs without conflicting with other Plan policies and implementation methods.

Encourage a mix of housing types and residential densities within the Urban Residential Reserve area which conform with the housing needs projections used to determine the size and location of the Urban Growth Boundary."

Conclusion: Although Albany has already been determined to be in compliance with Goal 10, the State Housing Goal, the proposed amendments go beyond minimum requirements by further expanding housing opportunities and choice. Furthermore, the Conditional Use process establishes clear and objective standards which will encourage good design and result in expanded opportunities for manufactured housing as a viable housing choice.

CRITERIA

State - Public Facilities and Services - Goal 11 (Exhibit 1)

City - Public Facilities and Services (Exhibit 2)

Goal, page 65

Policy 4, page 69; Policy 3, page 72

FACTS:

1. There are many vacant lots in the City of Albany which have full public services available to them. The City is already in ownership of many of these lots with many others in the process of foreclosure due to the lagging demand for site-built homes.
2. By utilizing existing vacant lots, the conversion of rural land to an urban use will be forestalled which might otherwise occur if City requirements have the effect of encouraging new parks and manufacturing housing subdivisions versus infill opportunities.

Conclusion: By providing additional housing alternatives for the development of existing vacant lots within the City, existing public facilities will be better utilized, fewer residential lots will require City foreclosure, and greater choice will be afforded to home buyers and renters.

CRITERIA

State - Transportation - Goal 12 (Exhibit 1)

City - Transportation (Exhibit 2)

Goal, page 58

Policies 1, 16, 17, 19, 21

FACTS:

1. The lots which the manufactured (mobile) homes will be sited on will be subject to all of the development standards imposed upon conventionally-built homes.
2. By allowing more opportunities for the infilling of lots within the City, the need for the construction of new streets will be decreased.

Conclusion: A manufactured (mobile) home placed on a permanent foundation will not bring any more traffic to a neighborhood than a conventional home constructed on the same lot.

CRITERIA

State - Energy Conservation - Goal 13 (Exhibit 1)
City - Energy Conservation (Exhibit 2)
Goal, page 106
Policies 8, 9, 13, 14, 16, & 18, pages 107 & 108

FACTS:

1. Manufactured (mobile) homes placed on permanent foundations will be afforded the same opportunities for energy conservation as conventionally-built homes (i.e., solar access, energy efficient construction, passive solar adaptations).
2. Current federal, state and industry construction standards for manufactured homes incorporate energy conservation standards at least equivalent to site-built homes.
3. The proposed ordinance requires energy conservation equivalency for Class A Manufactured Homes.

Conclusion: The placement of a manufactured (mobile) home on an individual lot will not interfere with or hinder energy conservation opportunities and may actually result in improved energy efficiency over minimum standard site-built homes.

CRITERIA

State - Urbanization - Goal 14 (Exhibit 1)
City - Growth Management (Exhibit 2)
Goal, page 95
Policies 1, 2, 6, and 7, page 95

FACT: The siting of certain manufactured (mobile) homes on individual lots within the City will encourage the development of vacant serviced properties and, thus, will discourage fringe development to accommodate manufactured homes.

Conclusion: The amendments to Article 12 (Mobile Homes Siting Standards) will facilitate the applicable policies of the urbanization goal resulting in efficient use of land presently serviced but undeveloped.

CRITERIA

State - Willamette River Greenway - Goal 15 (Exhibit 1)
City - Special Areas (Exhibit 2)
Goal, page 31
Policies 1, 4, 5, 6, pages 31 & 32

FACTS:

1. Manufactured (mobile) homes sited on individual lots will be subject to the same development standards as any conventionally-built home.
2. Manufactured (mobile) homes as well as conventionally-built homes shall not extend in height or setback above a plane of 15 degrees measured at an angle from the floodway line extending south of the Willamette River.

Conclusion: The character of the Willamette River Greenway will be maintained.

5.050 Summary of Open Space and Residential Zoning Districts.

The OS OPEN SPACE DISTRICT allows the establishment continuation and preservation of agricultural uses, parks and recreation areas, and other uses that do not involve the construction of structures other than minor facilities that might be required to conduct the principal use.

The R-1 LOW DENSITY RESIDENTIAL DISTRICT allows low density urban residential development and ~~mobile~~ **manufactured** home parks and subdivisions.

The R-2 LIMITED MULTIPLE FAMILY RESIDENTIAL DISTRICT allows medium density multiple family development and ~~mobile~~ **manufactured** home parks and subdivisions.

The R-3 MULTIPLE FAMILY RESIDENTIAL DISTRICT allows high density multiple family development.

5.060 Schedule of Permitted Uses in Open Space and Residential Zoning Districts. The following specific buildings and uses are permitted in the zones as indicated, subject to the general provisions, additional restrictions and exceptions set forth in this Code:

A. OPEN SPACE AND RESIDENTIAL ZONES	OS	R-1	R-2	R-3
1. Accessory buildings and uses;	A	A	A	A
2. Detached Single Family Dwellings;	*	A	A	A
a. Manufactured Homes--See Article 12	*	C	C	C
3. Two unit dwellings on corner lots within the R-1 District are permitted outright with the following restrictions:				
a. Corner lots are designated for 2 unit dwellings on the recorded plat or all adjacent properties are under the same ownership; and (Ord. 4528; 10/1/82)				
b. 2 unit dwellings shall not be built on contiguous parcels; and,				
c. 2 unit dwellings shall only be allowed on corner lots where each facing street exceeds 200 feet when measured from the corner to the furthest improved portion of the street.	*	A	(not applicable)	
4. Two unit dwellings on all other corner lots	*	C	A	A
5. Two unit dwellings on interior lots	*	PD	A	A
6. Multiple family dwellings exceeding 2 units	*	PD	S	S
7. Conversions of multiple-family units (excluding existing duplexes which may be converted through Site Plan Review) into unit ownership (Ord. 4528; 10/1/82)	*	C	C	C

- Key A: Use Allowed Outright
 C: Use Allowed by Conditional Use Permit
 PD: Use Allowed only Within Planned Unit Developments
 S: Use Requires Site Plan Approval
 *: Use Prohibited in this District

8. Quad-quint apartment dwellings (see definitions)	*	PD	S	S
9. Mobile Manufactured home parks and mobile manufactured home subdivisions (see Article 12) with densities allowed by the overlaying zone; (mobile manufactured homes on individual parcels see Section 12-110 Article 12)	*	S	S	*
10. Agricultural uses, limited to the following: flower gardening, orchards, tree crops, the raising and harvesting of vegetables and fruits for home consumption;	A	A	A	A
11. Orchards, tree crops, commercial flower gardening, berry and bush crops, truck gardening, field crops, nurseries for raising and sales confined to plant materials and other similar enterprises carried on in the general field of horticulture;	A	C	C	*
12. Stands for the display and sale of only those products raised upon the same premises provided it does not exceed an area of 200 square feet;	C	C	*	*
13. Cemeteries;		C	C	C
14. Churches (includes expansion of existing buildings);	*	C	C	C
15. Hospitals;	*	C	C	C
16. Nursing homes;	*	C	C	C
17. Group care homes;	*	C	C	C
18. Day nurseries;	*	C	C	C
19. Off-site parking for commercial uses;	*	*	C	C
20. Private recreation sports clubs, spas;	*	C	C	C
21. Rental storage units (excluding commercial and industrial warehousing) limited to 500 square feet per unit.	*	*	C	C
22. Public or private schools (elementary, junior high, high school and colleges);	*	C	C	C

Key A: Use Allowed Outright
 C: Use Allowed by Conditional Use Permit
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ARTICLE 12

MOBILE MANUFACTURED HOMES

- 12.010 General Provisions
- 12.015** **Manufactured Home Classes**
- 12.020 Mobile **Manufactured** Home Placement Standards
- 12.025** **Placement Permits**
- 12.027** **Certificate of Occupancy**

MOBILE MANUFACTURED HOME SUBDIVISIONS

- 12.030 Minimum Area Required
- 12.040 Lot Size and Dimension Requirements
- 12.050 Screening
- 12.060 Permitted Uses
- 12.070 Setbacks

MOBILE MANUFACTURED HOME PARKS

- 12.080 General Limitations
- 12.090 Minimum Site Requirements
- 12.100 Design and Submission of Mobile **Manufactured** Home Park Plans
- 12.110 Mobile **Manufactured** Homes Outside of Mobile **Manufactured** Home Parks or Subdivisions
- 12.115 Special Use Permits for Mobile **Manufactured** Homes
- 12.120 Recreation Vehicle (RV) Park

ARTICLE 12

MOBILE MANUFACTURED HOMES

12.010 General Provisions.

- (1) As provided in Article 5:
 - a. **Mobile Manufactured** Home Parks and Subdivisions are permitted with Site Plan Review approval in the R-1 and R-2 Districts in accordance with the standards of this Article and the standards for site plan approval, Article 13.
 - b. In addition, **Mobile Manufactured** Home Parks and Subdivisions may be planned under the provisions for Planned Developments (Article 11) which may be used to provide for individual ownership of **mobile manufactured** homes and sites and common ownership and maintenance of other lands and facilities.
 - c. **Manufactured homes** are permitted on individual parcels or lots in accordance with the placement standards set forth in Section 12.020 and all other provisions of the Development Code for conventional built dwellings.
 - d. **Nothing in these provisions shall be interpreted as superseding deed covenants or restrictions.**
- (2) Same Standards Apply as for Conventional Development. Except as specified otherwise by this Article, the standards for subdividing and developing land within **mobile manufactured** home parks and subdivisions shall be the same as for all other developments in accordance with the provisions of this Development Code.
- (3) State Requirements. Where standards for **mobile manufactured** home developments are established by state law or **Department of Commerce** Administrative Rule such requirements shall be in addition to the provisions of this Article.
- (4) Manufactured Housing Construction and Safety Standards Code (also referred to as the HUD Code). Title VI of the 1974 Housing and Community Development Act (42 U.S.C. 5401 et sequentia), as amended (previously known as the federal Mobile Home Construction and Safety Act), rules and regulations adopted thereunder (including information supplied by the home manufacturer, which has been stamped and approved by a Design Approval Primary Inspection Agency, an agent of the U. S. Department of Housing and Urban Development pursuant to HUD rules) and regulations and interpretations of said code by the Oregon Department of Commerce, all of which became effective for **mobile/manufactured** home construction on June 15, 1976, shall be utilized as the minimum construction standard of the City of Albany to which all manufactured home placements shall comply except as may be exempted by this Article.

- (5) Definitions. For purposes of this Article only the definitions of terms used herein and not defined in Article 22 of this Code shall be as defined in ORS Chapter 446 or Oregon Administrative Rules Chapter 814, Division 23 as amended. of Commerce Administrative Rule

12.015

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

(1) A Class A Manufactured Home shall:

- (a) have more than one thousand (1,000) square feet of occupied space in a double-section or larger multi-section unit;
- (b) be placed onto a permanent foundation as specified in Subsection (2) of Section 12.020;
- (c) have wheels, axles, and hitch mechanisms removed;
- (d) have utilities connected, in accordance with Oregon Department of Commerce requirements and manufacturer's specifications;
- (e) bear an insignia of compliance with the Manufactured Housing Construction and Safety Standards Code and is either:
 1. a new, not previously occupied unit, or
 2. the unit is found upon inspection to be in excellent condition and is visibly free of structural, electrical, mechanical, and plumbing defects, any of which must be corrected prior to placement.
- (f) be approved for design compatibility with other dwellings in the "review area" which is the area within 300 feet of the subject lot or parcel or if such area contains more than the nearest five dwellings. the review area may be limited to the five nearest dwellings When said dwellings are in excess of 300 feet from the subject property, the owners thereof shall also receive notice. The criteria for determining acceptable compatibility shall be based upon a review of the following design elements:
 1. Roofing materials shall be similar in appearance to the most predominant type in the review area. The roof pitch shall be a minimum of 3/12;
 2. Siding materials and trim shall be similar in appearance or complementary to other homes in the review area including the type, color, and horizontal or vertical placement of materials;

3. A garage will be required of like materials and color of the attached dwelling where such is predominant in the review area. A carport may be allowed if other homes in the review area also have carports or if there is a mixture of homes with or without garages or carports. Such garage or carport may be required to be attached if a higher degree of compatibility will be achieved;
 4. The placement of the manufactured home and accessory structures upon the lot shall be as consistent as possible with other homes in the review area in terms of setback dimensions, angle to the street, location of garage or carport, and any other special features of the neighborhood or lot;
 5. The location and design of porches, patios, driveways, walkways, and landscaping shall be reflective of and complementary to the features of homes in the review area;
- (g) If new and previously unoccupied, be certified to meet energy efficiency performance standards equivalent to energy efficiency standards required of homes conforming to the Uniform Building Code.
- (2) A Class B Manufactured Home shall:
- (a) have more than seven hundred fifty (750) square feet of occupied space in a single, double, expando, or multi-section unit (including those with add-a-room units);
 - (b) be placed onto a permanent foundation as specified in Subsection (2) of Section 12.020;
 - (c) have wheels, axles, and hitch mechanisms removed;
 - (d) have utilities connected in accordance with manufacturer's specifications and Oregon Department of Commerce requirements;
 - (e) bear an insignia of compliance with the Manufactured Housing Construction and Safety Standards Code as of June 15, 1976;
 - (f) have composition, shake, shingle, or tile roofing materials and a minimum pitch of 2/12;
 - (g) have nonreflective siding materials and trim typical of newer conventional built homes within the community;
 - (h) have a carport or garage of like materials and color.
 - (i) be in good repair and visibly free of structural, electrical, mechanical, and plumbing defects, any of which must be corrected prior to placement.

(j) When a conditional use permit is required for individual placement (see Section 12.020), the design compatibility criteria listed above for Class A units shall also apply to Class B units in place of the conditional use permit criteria of Article 14, Section 14.030.

(3) A Class C Manufactured Home shall:

- (a) have more than three hundred and twenty (320) square feet of occupied space in a single, double, expando, or multi-section unit (including those with add-a-room units);
- (b) be placed onto a support system in accordance with approved installation standards as specified in Subsection (2) of Section 12.020;
- (c) be enclosed with foundation siding/skirting in accordance with approved installation standards as specified in Subsection (2) of Section 12.020;
- (d) have utilities connected in accordance with manufacturer's specifications and Oregon Department of Commerce requirements;
- (e) bear an insignia of compliance with the Manufactured Housing Construction and Safety Standards Code as of June 15, 1976.
- (f) be in good repair and visibly free of structural, electrical, mechanical, and plumbing defects, any of which must be corrected prior to placement.

(4) A Class D Manufactured Home is any such unit built prior to June 15, 1976, and under ORS Chapter 481 is not defined as a recreation vehicle. For purposes of determining appropriateness for placement, Class D Manufactured Homes shall:

- (a) have more than three hundred and twenty (320) square feet of occupied space;
- (b) be placed onto support system in accordance with approved installation standards as specified in Subsection (2) of Section 12.020;
- (c) be enclosed with foundation siding/skirting in accordance with approved installation standards as specified in Subsection (2) of Section 12.020;
- (d) have utilities connected in accordance with manufacturer's specifications and Oregon Department of Commerce requirements.

- (e) be in good repair and visibly free of structural, electrical, mechanical, and plumbing defects, any of which must be corrected prior to placement.

12.020

Mobile Manufactured Home Placement Standards. All mobile manufactured homes placed within the City after the effective date of adoption of this Code shall comply with the following:

- (1) The mobile home shall have an Oregon or HUD insignia of compliance. No reconstruction or equipment installation shall have been made to the mobile home unless it has been state approved as evidenced by an appropriate insignia. The mobile home shall be inspected by the building official and occupancy shall be approved only if the building official determines that the mobile home has a valid State of Oregon insignia of compliance and has not deteriorated beyond an acceptable level of compliance.
- (1) As noted below where individual placement of certain manufactured homes requires a conditional use permit, the design compatibility criteria of Section 12.015(1)(f)(1-5) shall be utilized in place of the conditional use permit criteria of Article 14, Section 14.030.
- (2) As defined in Section 12.015, each manufactured home shall be classified as Class A, B, C, or D and shall be permitted within the following areas:
 - Class A - Permitted in all R-1, R-2, and R-3 Districts by conditional use permit and permitted outright in manufactured home parks, and as replacements to existing nonconforming manufactured homes, except that no manufactured home shall be permitted in any National Register Historic District.
 - Class B - Permitted in all manufactured home subdivisions and manufactured home parks; also, permitted as replacements to existing nonconforming manufactured homes which would classify as Class B, C, or D; also permitted by Conditional Use Permit in any R-2 District, except that no manufactured home shall be permitted in any National Register Historic District.
 - Class C - Permitted in all manufactured home parks. Also allowed as replacements to existing nonconforming manufactured homes in a manufactured home subdivision or park for units which would classify as Class C or D and as replacements to any other Class D unit.
 - Class D - Permitted only in manufactured home parks as replacements to existing Class D units.
- (2) Mobile homes shall contain a minimum of 500 square feet.

- (3) Mobile homes shall be placed upon a permanent foundation, concrete blocks, or concrete pad, with wheels and hitches removed and shall have continuous skirting or backfill leaving no uncovered open areas excepting vents and crawlspaces.
- (4) A garage or carport shall be provided for each mobile home prior to occupancy which shall be separated from a mobile home by not less than 3 feet and any lot line or space boundary by not less than 5 feet. Attached mobile home accessory structures including carports and garages may be permitted if constructed to factory and HUD specifications

(3) Foundations/Skirting/Support Systems.

- (a) All load bearing foundations, supports and enclosures shall be installed in conformance with the Oregon Department of Commerce regulations and with the manufacturer's installation specifications (Reference: OAR, Chapter 814, Division 23). Where required, all perimeter foundations shall be constructed in accordance with the "Oregon State Structural Specialty Code."
- (b) All Class A and Class B Manufactured Homes outside of manufactured home parks shall be set onto an excavated area with perimeter foundation, and the excavated area shall be backfilled.
- (c) Classes A and B Manufactured Homes inside of manufactured home parks and Classes C and D Manufactured Homes must have perimeter foundations as specified above or be installed with an approved foundation siding/skirting enclosing the entire perimeter of the home. Foundation siding/skirting and backup framing shall be weather-resistant, noncombustible, or self-extinguishing materials which blend with the exterior siding of the home. Below-grade level and for a minimum distance of six (6) inches above finish grade, the materials shall be resistant to decay or oxidation. The siding shall be installed in accordance with manufacturer's recommendations or approved equal standards.

- (4) Except for a structure which conforms to the state definition of a mobile home accessory structure, no other extension shall be attached to a mobile manufactured home, except a garage or carport constructed to the Oregon State Structural Specialty Code.
- (5) All mobile manufactured home lots and spaces shall be provided with storm drainage, sanitary sewer, electric, telephone, and potable water utility services with easements dedicated where necessary to provide such services. All such utilities shall be located underground unless waived by the Planning Director where underground service would require an exception to local prevalent conditions.
- (6) The combined total of mobile manufactured homes, accessory structures, and parking areas shall occupy not more than 40% of a lot in a mobile manufactured home subdivision or of the total land area, excluding streets, in a mobile manufactured home park.
- (7) Mobile manufactured homes shall not be used for living purposes unless connected to local water, sewers, and electrical systems.

12.025

Placement Permits.

- (1) Requirements. Prior to the location, relocation, or establishment of any manufactured home, the homeowner or authorized representative shall secure from the Building Official a Placement Permit which states that the building and its location conform with this Code. Each application for a Placement Permit shall be accompanied by:
 - (a) a plot plan as required for all dwelling units but which at a minimum includes elevations or photographs of all sides of the home, exterior dimensions, roof materials, foundation support system and enclosure design;
 - (b) a copy of the manufacturer's approved instructions which will be used for installation purposes, where applicable;
 - (c) such other information as may be required by the Building Official or Planning Director for proper enforcement of this Code;
 - (d) an agreement signed by the homeowner or authorized representative pledging compliance with the terms set by the Building Official in the Placement Permit; and

- (e) for a manufactured home park, these requirements may be consolidated with concurrence of the Building Official for multiple placement in accordance with the approved park plan.
- (2) Issuance of Permit. After receipt of the information required for the Placement Permit, the Building Official shall review the standards set in this ordinance. If the applicant has met all required standards, then within ten (10) working days the Placement Permit shall be issued.
- (3) Additional Action Necessary. If after receipt of the information required for a Placement Permit the Building Official finds that the applicant has not fully met the standards set in this Code and the changes or additional actions needed are deemed by the Building Official to be relatively minor or simple, within ten (10) working days a conditional approval may be issued with the stated conditions which must be met prior to occupancy spelled out and the reasons for change clearly stated in writing. If the applicant agrees in writing to the further conditions, approval is given and the applicant proceeds. If the applicant does not agree, the application is denied with reasons stated in writing.
- (4) Denial of Permit. The Building Official may, in writing, suspend or revoke a Placement Permit issued under the provisions of this Code whenever such permit has been issued in error or on the basis of incorrect information or upon the failure of the applicant to comply with minimum standards of conditions upon which the permit approval was issued.

12.027

Certificate of Completion.

- (1) Occupancy Requirement. Prior to the occupancy of any manufactured home, the homeowner or authorized representative shall secure from the Building Official a Certificate of Completion stating that the building and its use comply with all provisions of the Code applicable to the building or the use in the district in which it is to be located.
- (2) Issuance of Certificate. After request for a Certificate of Completion, the Building Official shall inspect the property and make such referrals to other local officials for technical determinations, as he deems appropriate, for conformance with conditions of the Placement Permit and the standards set in this Code. If the applicant has conformed with all of the required conditions and standards, a Certificate of Completion shall be issued.
- (3) Temporary Certificate. If after request for Certificate of Completion and the examination by the Building Official it is found that the applicant has not fully met the required conditions and standards, a temporary Certificate of Completion, along with a written statement of necessary modifications, may be issued for a period not to exceed thirty (30) days, pending completion of the modifications.

- (4) Denial of Certificate. If any of the major conditions or standards have not been complied with, the Certificate of Completion shall not be issued and the home shall not be occupied until such conditions or standards have been met.

MANUFACTURED HOME SUBDIVISIONS

- 12.030 Minimum Area Required. A mobile manufactured home subdivision shall consist of a minimum area of 5 acres. Mobile Manufactured home subdivisions or expansions thereof less than 2 to 5 acres in size may be considered by Conditional Use Permit application.
- 12.040 Lot Size and Dimension Requirements. The minimum lot area and dimensions within a mobile manufactured home subdivision shall be the same as that allowed within the zoning district.
- 12.050 Screening. Mobile Manufactured Home Subdivisions shall meet exterior buffering and screening requirements of Section 7.050.
- 12.060 Permitted Uses. Mobile Manufactured Home Subdivisions may contain mobile manufactured homes, and related accessory structures.
- 12.070 Setbacks. Setbacks for mobile manufactured homes, modular homes and accessory structures shall be the same as provided in Article 6, except that no mobile manufactured home shall be located within 15 feet of another mobile manufactured home.

MOBILE MANUFACTURED HOME PARKS

12.080 General Limitations

- (1) Minimum Area Required. All mobile manufactured home parks shall consist of a minimum area of 5 acres.
- (2) Density. The maximum number of mobile manufactured homes allowed within a mobile manufactured home park shall be computed by dividing the total land area of the park, including private streets and common areas by the minimum lot area per dwelling unit allowed within the subject zone. In addition, the density bonus provisions of Section 6.040 shall also apply. However, total density shall not exceed 10 units per acre.
- (3) Access. Mobile Manufactured Home Park accesses shall be located on public streets improved to a minimum width of 36 feet and which are improved to a point intersecting a collector or arterial street.
- (4) Permitted Uses. Mobile Manufactured Home Parks may contain mobile manufactured homes and accessory structures permitted in Section 12.020, community laundry and recreation facilities and other common buildings for use by park residents only, and one residence other than a mobile manufactured home for the use of a caretaker or a manager responsible for maintaining or operating the property.

- (5) Conditions. Upon granting site plan approval for a ~~mobile~~ **manufactured** home subdivision or park, the reviewing body may require establishment of deed covenant restrictions **or other conditions** including but not limited to any of the following where such are deemed necessary for the mitigation of adverse impacts on an adjacent area:
- (a) **Limit the type of units to be installed to Class A or Class B or both.** Use of architectural features commonly available for ~~mobile~~ **manufactured** homes such as sloped roofs, composition shingles, or conventional siding material
 - (b) Additional landscaping or screening.
 - (c) Increased setbacks from property boundaries adjacent to other uses.
 - (d) Use of landscaped backfill as opposed to skirting.
 - (e) Require double wide ~~mobile~~ **manufactured** homes in ~~mobile~~ **manufactured** home subdivisions.

12.090

Minimum Site Requirements.

- (1) Park Streets. The minimum surfaced width of the roadway within an accessway shall be 24 feet if there is no parking allowed and 30 feet if parking is allowed on one side only and 36 feet if parking is allowed on both sides. The first 50 feet of the accessway measured from the public street shall be surfaced to a minimum width of 30 feet and shall be connected to the existing public street according to plans approved by the City Engineer.
- (2) 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 Specifications Manual whichever is more restrictive.
- (3) Recreation Area. (a) A minimum of 200 square feet per ~~mobile~~ **manufactured** home space of outdoor or indoor recreation area shall be provided which may be in one or more locations in the park. At least one recreation area shall have minimum dimensions of 50 feet by 100 feet. (b) A separate play area shall be provided in all ~~mobile~~ **manufactured** home parks that accommodate children under 14 years of age. Such play area shall be not less than 2,500 square feet in area with at least 100 square feet of play area provided for each ~~mobile~~ **manufactured** home lot where occupancy by children is permitted.

EXCEPTION: (a) Separate play areas are not required if **mobile manufactured** home parks are restricted as shown on their license to children over the age of 14 years. (b) Separate play areas are not required when **mobile manufactured** home parks accommodate children under the age of 14 years when the **mobile manufactured** home lot areas are at least 4,000 square feet in size.

- (4) Sidewalks. Permanent walkways of not less than three feet in width shall be provided from each **mobile manufactured** home main entrance to the nearest public or private street. A minimum of 4-foot wide walkways shall connect each **mobile manufactured** home space with common areas, public streets, and play areas.
- (5) Lighting. All accessways and walkways within the park shall be lighted at night to provide a minimum of 0.35 foot candles of illumination.
- (6) Placement. **Mobile Manufactured** home stands and placement shall be in accordance with State Department of Commerce (Building Codes Division) requirements.
- (7) Screening. **Mobile Manufactured** Home Parks shall include buffering and screening as required by Section 7.050.
- (8) Signs. One freestanding non-illuminated sign identifying the **mobile manufactured** home park shall be allowed at each entrance to the park. Such signs shall not exceed 32 square feet and shall be subject to the clear vision area requirements of Section 6.160.
- (9) Information Sign. At each entrance to a **mobile manufactured** home park a permanent map layout shall be located on a sign indicating the address or space number of each **mobile manufactured** home.
- (10) Fire Hydrants. If a **mobile manufactured** home space or permanent structure in the park is more than 500 feet from a public fire hydrant, the park shall have water supply mains designed to serve fire hydrants and hydrants shall be provided within 500 feet of such space or structure. Each hydrant within the park shall be located on a vehicular way and shall conform in design and capacity to the public hydrants in the city.
- (11) Storage Areas. **Mobile Manufactured** Home Parks may include outside or covered storage areas for recreational vehicles or other equipment used by park residents provided that such areas are surfaced and drained in accordance with City Standards and include buffering and screening as required in Section 7.050. In addition, except where garages are constructed, each **mobile manufactured** home shall be provided with a permanent storage building (which may be attached or

adjacent to the carport) containing a minimum of 32 square feet of floor area. In lieu of this requirement, a combined storage facility may be provided which contains a minimum of 32 square feet of storage space for each ~~mobile~~ **manufactured** home space. The height of this structure shall not exceed 12 feet.

- (12) Mobile Manufactured Home Spaces. **Mobile Manufactured** home spaces shall be indicated on the development plan and each space clearly identified by number on the site. Such spaces shall not exceed the density and coverage limitations of this Code. In design of a ~~mobile~~ **manufactured** home park it shall be demonstrated that planned spaces can reasonably accommodate a variety of ~~mobile~~ **manufactured** home types with accessory structures and required setbacks.
- (13) Setbacks. The following setbacks shall apply within ~~mobile~~ **manufactured** home parks:
- (a) Distance between ~~mobile~~ **manufactured** homes - 15 feet.
 - (b) Distance from a park building other than an accessory structure - 10 feet.
 - (c) Distance of a ~~mobile~~ **manufactured** home or accessory structure from a space boundary - 3 feet except where a carport, garage, or storage structure is shared by adjoining spaces in which case the shared facilities may be attached at the space dividing line.
 - (d) Distance of a ~~mobile~~ **manufactured** home or accessory structure from an exterior park boundary or public right of way - 20 feet.
 - (e) Distance of a ~~mobile~~ **manufactured** home or accessory structure from a roadway within the park - 10 feet.
 - (f) Distance of an accessory structure other than an approved ~~mobile~~ **manufactured** home accessory structure attachment from a ~~mobile~~ **manufactured** home - 3 feet.
- (14) Landscaping. All common areas within a ~~mobile~~ **manufactured** home park, exclusive of required buffer areas, buildings and roadways, shall be landscaped and maintained in accordance with the following minimum standards per each 1,000 square feet of open area.
- (a) One tree at least six feet in height.
 - (b) Five shrubs or accent plants.
 - (c) The remaining area containing walkways and attractive ground cover at least 50% of which must be living ground cover within one year of planting.

All **mobile manufactured** home spaces shall be similarly landscaped within six months of **mobile manufactured** home placement. Such landscaping shall be the responsibility of the park owner unless under terms of the space rental agreement grading and materials are supplied by the park owner and labor is furnished by the renter.

- (15) Parking. **Mobile Manufactured** home parks shall be designed to include two automobile parking spaces for each **mobile manufactured** home space which may include a garage or carport space and the driveway. In addition, one guest space shall be provided for every 8 **mobile manufactured** home spaces in a park. Office and common buildings shall be provided with one space for each 300 square feet of floor area which may be combined with required guest parking is located within 300 feet of such building.
- (16) Each **mobile manufactured** home shall be provided with a patio adjacent to the **mobile manufactured** home, constructed of permanent material, and containing at least 120 square feet with a minimum width of 8 feet in its least dimension.

12.100

Design and Submission of **Mobile Manufactured** Home Park Plans.

- (1) Professional Design Team. The applicant for a proposed **mobile manufactured** home park shall certify in writing that the talents of a registered architect or professional designer, landscape architect, and registered engineer or land surveyor licensed by the State of Oregon have been utilized in the design and development of the project.
- (2) Plot Plans Required. The application for a new or expansion of an existing **mobile manufactured** home park shall be accompanied by six copies of the plot plan of the proposed park. The plot plan should show the general layout of the entire **mobile manufactured** home park and should be drawn to a scale not smaller than one inch representing 40 feet. The drawing shall include all of the following information:
 - (a) Plot plan of land indicating location of adjacent streets and all private right-of-way existing and proposed within 300 feet of the development site.
 - (b) A legal boundary survey.
 - (c) Boundaries and dimensions of the **mobile manufactured** home park.
 - (d) Location and dimensions of each **mobile manufactured** home space. Number of each space.
 - (e) Name of **mobile manufactured** home park and address.
 - (f) Scale and north point of plan.

- (g) Location and dimensions of each existing or proposed structure, together with the usage and approximate location of all entrances, height and gross floor area.
- (h) Location and width of accessways.
- (i) Location and width of walkways.
- (j) Extent, location, arrangement and proposed improvements of all off-street parking and loading facilities.
- (k) Extent, location, arrangement and proposed improvements of all open space, landscaping, fences and walls, and garbage receptacles.
- (l) Architectural drawings and sketches demonstrating the planning and character of the proposed development.
- (m) Total number of ~~mobile~~ **manufactured** spaces.
- (n) Location of each lighting fixture for lighting ~~mobile~~ **manufactured** home spaces and grounds.
- (o) Location of recreation areas, buildings and area of recreation space in square feet.
- (p) Location and type of landscaping, fence, wall or combination of any of these or other screening material.
- (q) Location or point where ~~mobile~~ **manufactured** home park water and sewer system connects with the public system.
- (r) Location of available fire and irrigation hydrants.
- (s) Enlarged plot plan of a typical ~~mobile~~ **manufactured** home space, showing location of the stand, patio, storage space, parking, sidewalk, utility connections and landscaping.
- (t) Detailed plans required. At the time of application for a permit to construct a new park or to expand an existing ~~mobile~~ **manufactured** home park, the applicant shall submit five copies of the required detailed plans:
 - 1. New structures.
 - 2. Water and sewer systems.
 - 3. Utility easements.
 - 4. Road, sidewalk and patio construction.
 - 5. Drainage system, including existing and proposed finished grades.
 - 6. Recreation area improvements.

(u) Before construction of a swimming pool in a mobile **manu-
factured** home park two copies of plans approved by the Oregon State Board of Health shall be filed with the Building Inspector.

(v) A construction time schedule and development phase plan.

12.110

Mobile Homes Outside of Mobile Home Parks or Subdivisions. No person shall maintain a mobile home for residential purposes in any use district except in an approved mobile home overlay district, mobile home park, or mobile home subdivision, with the following exceptions:

- (1) Mobile homes presently located on individual lots which are being used for residential purposes upon the effective date of this ordinance.
- (2) If the use of the property for a mobile home site is discontinued for any reason for more than one year, it shall not be re-established

12.115

Special Use Permits For Temporary Mobile Manufactured Homes. A special use permit may be issued under a Type II Procedure to an applicant showing an undue hardship. The special use permit shall not exceed one (1) year in length and shall be for a **Class B or C Manufactured Home** for use on a single lot in accordance with the following provisions:

- (1) Medical Hardship. The applicant must demonstrate to the Commission with supporting factual information that nonconformance is necessary to provide adequate and immediate health care for a person or persons who need close attention, but who would otherwise be unable to receive needed attention from the hospital or care facility, provided that the mobile **manufactured** home to be used can meet all city, county and state health and building requirements and is to be used in conjunction with another permanent residential structure on the same lot. The written application for medical hardship special use permit shall be submitted to the Hearings Board at least fifteen (15) days prior to consideration and shall contain:
 - (a) A written medical report from a licensed physician indicating the nature of the medical or disability hardship and the amount and type of care needed by the affected person or persons;
 - (b) A property plan showing in detail the proposed location and site of the mobile **manufactured** home with respect to the surrounding area, setbacks, existing structures and improvements to be made.

- (c) A signed petition indicating approval of all legal property owners within seventy-five (75) feet of the subject property.
- (2) Permit. A permit issued for medical hardship shall include the following:
- (a) There shall be no change in occupancy under the permit.
 - (b) **Mobile Manufactured** homes shall not be expanded or attached to a permanent structure.
 - (c) **Mobile Manufactured** homes shall have approved connections to utility systems and the owners shall be allowed to hook to an existing residential sewer service lateral without paying a sewer hookup charge.
 - (d) The **mobile manufactured** homes shall be required to meet all setback requirements of residential dwellings and shall be situated so as to have the least possible visual exposure to adjoining streets.
- (3) Temporary Uses. A special use permit may be issued under the Type II procedure so as to provide adequate temporary building space for the following uses only:
- (a) Night Watchman.
 - (b) Temporary on site residence for owners whose home has been destroyed by fire, flood, wind, or other act of God. The applicants for such a special use permit shall make written application which shall include the following information:
 - 1. A statement of intended use and length of time for use.
 - 2. A property plan showing in detail the proposed location and size of the **mobile manufactured** home with respect to the surrounding area, setbacks, structures and improvements to be made.
 - 3. Evidence that the **mobile manufactured** home complies with building and health codes.
- The permit as issued shall contain the following restrictions:
- 1. There shall be no change in occupancy under the permit.
 - 2. **Mobile Manufactured** homes shall not be included or sold as a part of any property on which it is located.

3. **Mobile Manufactured** homes shall not be expanded or have attached permanent structures.
 4. **Mobile Manufactured** homes shall have approved connections to utility systems as required by the City.
 5. Use shall be limited to the function as set forth in the application for the permit.
- (c) Temporary offices accessible to the general public for use during construction or remodeling.
 - (d) Temporary building space for education, nonprofit and government agencies.
- (4) Right of Revocation. Hearings Board shall have the right to revoke any special use permit granted under this section within thirty (30) days notice, if upon inspection the use is found to be in non-compliance with the application for which the permit is issued.
 - (5) Renewal. The permit as issued shall not exceed a period of one (1) year from the date of issue at which time it shall expire. The Hearings Board shall notify holders of a permit at least thirty (30) days prior to the date of expiration. Applicants for renewal of the special use permit under this section shall contain the same information as though the application was for an original special use permit.

12.120

Recreation Vehicle (RV) Park. RV parks shall be built to state standards in effect at the time of construction and shall comply with the following additional standards:

- (1) The space provided for each RV shall be not less than 700 square feet exclusive of any space used for common areas, such as roadways, general use structures, walkways, parking spaces for vehicles other than RVs and landscaped areas.
- (2) Roadways shall be not less than 30 feet in width if parking is permitted on the margin of th roadway, or less than 20 feet in width if parking is not permitted on the edge of the roadway, shall be paved with asphalt, concrete or similar impervious surface and designed to permit easy access to each RV space.
- (3) A space provided for an RV shall be covered with crushed gravel or paved with asphalt, concrete or similar material and be designed to provide runoff of surface water. The part of the space which is not occupied by the recreation vehicle, not intended as an access way to the rcreation vehicle or part of an outdoor patio, need not be paved or covered with gravel provided the area is landscaped or otherwise treated to prevent dust or mud.

- (4) An RV space shall be provided with piped potable water and sewage disposal service. An RV staying in the park shall be connected to the water and sewage service provided by the park if the vehicle has equipment needing such service.
- (5) An RV space shall be provided with electrical service.
- (6) Trash receptacles for the disposal of solid waste materials shall be provided in convenient locations for the use of guests of the park and located in such number and be of such capacity that there is no uncovered accumulation of trash at any time.
- (7) No RV shall remain in the park for more than 60 days in any 90 day period.
- (8) The total number of parking spaces in the park, exclusive of parking provided for the exclusive use of the manager or employees of the park, shall be equal to one space per RV space. Parking spaces shall be covered with crushed gravel or paved with asphalt, concrete or similar material.
- (9) The park shall provide toilets, lavatories and showers for each sex in the following ratios: for each 15 recreational vehicle spaces or any fraction thereof: one toilet, one urinal, one lavatory and one shower for men; and one toilet, one lavatory and one shower for women. The toilets and showers shall afford privacy and the showers shall be provided with private dressing rooms. Facilities for each sex shall be located in separate buildings, or, if in the same building shall be separated by a soundproof wall.
- (10) The park shall provide one utility building or room containing one clothes washing machine, one clothes drying machine and 15 square feet of space for clothes drying lines for each 10 recreation vehicle spaces or any fraction thereof.
- (11) Building spaces required by subsections (9) and (10) of this section shall be lighted at all times of night and day, shall be ventilated, shall be provided with heating facilities which shall maintain a room temperature no lower than 65° F, shall have floor of waterproof material, shall have sanitary ceiling, floor and wall surfaces and shall be provided with adequate floor drains to permit easy cleaning.
- (12) Except for the access roadway into the park, the park shall be screened on all sides by a sight-obscuring hedge or fence not less than 6 feet in height.
- (13) The park shall be maintained in a neat appearance at all times. Except for vehicles, there shall be no outside storage of materials or equipment belonging to the park or to any guest of the park.

Family: An individual of two or more persons related by blood or marriage or a group of people (at a density of not more than two people per bedroom) which is established in structure and appearance to resemble a traditional family unit. In cases where a Group Care Home takes on the appearance of a family it shall be considered a Group Care Home and subject to all applicable regulations of this Code.

Findings: Written statements of fact, conclusions and determinations based on the evidence presented in relation to the approval criteria and accepted by the approval authority in support of a decision.

Flood: Any relatively high stream flow which overtops the natural or artificial banks of any part of a stream or river that covers land not usually underwater. The Intermediate Regional or Base Flood (often referred to as the one-hundred year flood) is a flood with a one percent chance of occurrence in any given year. This flood is mapped by the Army Corps of Engineers and is used by the Federal Emergency Management Agency and the City of Albany for purposes of regulating development within flood boundaries.

Flood Fringe: The area bordering the floodway and within the floodplain and which acts a reservoir of flood waters.

Floodplain: The combined area of the floodway and floodfringe as defined herein.

Floodway: The minimum area necessary for the passage of floodwaters including the channel and adjacent land areas which must be reserved in order to discharge the 100-year flood without cumulatively increasing the water surface elevation more than one foot; or any area designated as a floodway on the Comprehensive Plan Map or Zoning Map whichever is more restrictive.

Floor Area: The combined floor area on each level or story of a building exclusive of vent shafts, court yards, stairwells, elevator shafts, restrooms, rooms designed and used for the purpose of storage and operation of maintenance equipment, and enclosed or covered parking area.

Foundation Siding/Skirting: A type of wainscoting constructed of fire and weather resistant material, such as aluminum, asbestos board, treated pressed wood, or other approved materials, enclosing the entire under carriage of a manufactured home.

Frontage: That portion of a property which abuts a street right-of-way.

Future Street Plan: An approved street plan indicating the location of future streets within undeveloped or partially developed portions of the Urban Growth Area.

Lot, Width: The average horizontal distance between the side lot lines, ordinarily measured parallel to the rear lot line (excluding lot "panhandles") at the front and rear setbacks.

Major partition: A partitioning of property into 2 or 3 parcels in a calendar year including the creation of a road or street.

Major Zoning District: The primary zone designation of property within the City such as R-1, C-2, or H-I.

Manager: The City Manager of the City of Albany or his designee or person otherwise appointed by the City Council.

Manufactured Home: A dwelling unit constructed on one or more chassis in an off-site manufacturing facility and designed to be used with a foundation as a dwelling unit on a year around basis with approved connections to water, sewer, and electric utility systems. A commercial coach, motor home, camper or other unit originally designed as a recreation vehicle is not a mobile or manufactured home for purposes of this Code and is not permitted for occupancy purposes outside of approved locations for such units.

Marginal Access (or Frontage Street): A minor street parallel and adjacent to a major arterial street providing access to abutting properties and protection from through traffic.

Minor Partition: A partitioning of property into 2 or 3 parcels in a calendar year that does not include the creation of a road or street.

Minor Street: A street used exclusively for access to abutting properties.

Mobile Home: See "Manufactured Home."

Mobile Home: A modular unit(s) built on a chassis, with a minimum body width of ten feet and minimum area of 500 square feet, designed to be used as a dwelling, with or without permanent foundation, and containing living facilities for year-round occupancy including approved connections to water, sanitary-storm sewers, and electric utility systems

Mobile Manufactured Home Park: A parcel of land under common ownership on which four or more mobile manufactured homes are occupied as residences and which conforms to the regulations of this Code.

Mobile Manufactured Home Space or Lot: A plot of ground within a mobile manufactured home park or subdivision designed for the accommodation of one mobile manufactured home, its accessory structures, parking spaces, and required yard areas.

Mobile Manufactured Home Subdivisions: A subdivision developed under the provisions outlined for Mobile Home Parks in Article 12 in this Code and that meets the standards for conventional

subdivisions as prescribed by State Statutes and **this Code**. ~~the City's Subdivision Ordinance~~ **Mobile Manufactured** home subdivisions are designed for sale of lots for residential occupancy by ~~mobile~~ **manufactured** homes.

Modular Home: A factory fabricated transportable building designed to meet the Uniform Building Code to be used by itself or incorporated with similar structures or units at a building site into a modular structure. The term is intended to apply to major assemblies and does not include buildings constructed at a site from prefabricated panels, trusses and other prefabricated supplements.

Motel or Tourist Court: See Hotel.

Motor Vehicle and Trailer Sales Area: A lot used for display, sale or rental of new or used motor vehicles or trailers where no repair work is done except minor, incidental repairs of motor vehicles or trailers to be displayed, sold or rented for use off the premises.

Non-Conforming Building: Any building which lawfully existing prior to the effective date of this Code but which due to the requirements adopted herein, no longer complies with the height, yard, area, and coverage regulations, off-street parking requirements or other provisions of this Title.

Non-Conforming Lot: A parcel of land which lawfully existed as a lot on the effective date of this Code or which is legally created after the effective date of this Code, but which in either case does not conform to the lot area and lot dimension standards for the zone in which it is located.

Non-Conforming Use: Any use which lawfully existed on the effective date of this Code but which due to the requirements adopted herein, no longer complies with the schedule of permitted uses. Uses allowed in certain use districts by Conditional Use Permit but which were existing on the effective date of this Code without a Conditional Use Permit shall also be considered as non-conforming.

Nursing Home: A home, place or institution which operates and maintains facilities providing convalescent or chronic care, or both, for a period exceeding 24 hours for five or more ill or infirm patients not related to the nursing home administrator by blood or marriage. Convalescent and chronic care may include, but need not be limited to, the procedures commonly employed in nursing and caring for the sick.

Occupied Space: The total living area combined on each level of a structure, excluding accessory structures such as but not limited to garages, patios, and porches.