



Phone (541) 575-0028  
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450 East Main Street  
John Day, Oregon 97845

November 3, 2016

### **CODE INTERPRETATION – CI-16-01**

**Application Number:** CI-16-01

**Applicant:** Chris Fox, Riverside Home Park LLC

**Property Owner(s):** Jean Hayes, Hayes Development LLC

**Subject Property:** 677 W. Main Street, John Day, OR 97845

Map 13-31-22D Tax Lot 100

Map 13-31-22DD Tax Lot 100

Map 13-31-23CB Tax Lots 1408, 1407, and 703

**Requested Action:** Code Interpretation

### **QUESTION**

The Applicant asks for the City’s interpretation of Section 5-5.2 of the John Day Development Code (Non-conforming Uses and Developments) regarding the placement of non-conforming manufactured homes on vacant lots within the Riverside Home Park and whether the non-conforming criterion apply to individual developments within the Park or to the Park itself.

### **PROJECT DESCRIPTION AND BACKGROUND**

Mr. Chris Fox is the property manager for the Riverside Home Park, located at 677 W. Main Street, John Day, OR. The applicant requests a Code Interpretation for John Day Development Code (the “Code”) Section 5-5.2 (Non-Conforming Uses and Development) and applicable sections of Section 5-2.2.100F (Manufactured Homes) and Section 5-2.2.100G (Manufactured/Mobile Home Parks). The property is zoned Residential Limited (RL) District and is located within the 100-year floodplain of the John Day River/Canyon Creek watershed. Subject application attached (Exhibit A).

The Applicant requests interpretation of the Code as it relates to manufactured homes in the Riverside Home Park (the “Park”). The Park lawfully existed prior to the adoption of the Code on November 24, 2005. The 23.08-acre Park contains 158 spaces for manufactured/mobile homes on five tax lots (Exhibit B).

After the adoption of the Code, several singlewide manufactured homes were removed from their spaces and were never replaced. The Applicant wishes to place singlewide manufactured homes on the now vacant spaces.

Spaces were abandoned at various times over the past ten years. Placement of non-conforming developments on non-conforming land creates a non-conforming situation requiring Code interpretation.

Per the Code, non-conforming uses that are discontinued or abandoned for 12 months, and non-conforming developments that are relocated or removed for any reason by any distance, shall thereafter conform to the regulations of the Code. The Applicant believes this provision of the Code should apply to the entire mobile home park and not to individual spaces within the Park. Applicant argues that because the Park itself has not been discontinued or abandoned, all spaces within the Park should continue under the non-conforming situations provision of the Code allowing for future placement of singlewide manufactured homes.

## **REVIEW PROCESS**

The Planning Official referred the request to the Planning Commission for its interpretation, per section 5-4.8.020 of the Code. The Planning Commission's review must focus on the relevant code criteria and follow the public hearing procedures for Type II (Administrative) review under Section 5-4.1.030.

### **Public Notification**

The City of John Day mailed public hearing notices to the applicant and property owners within 100-feet of the subject site 20 days before the hearing date. At least 14 business days before the hearing, notice of the hearing was printed in The Blue Mountain Eagle. Certification of Notice attached (Exhibit C).

No responses were received from the Oregon Department of Transportation (ODOT) or from adjacent property owners following the public notice.

### **Burden of Proof**

The applicant has the burden of demonstrating that the proposal meets all applicable Code requirements. The applicant is also responsible for complying with building code requirements and applicable state or federal requirements. It is the Planning Commission's responsibility to interpret the Code based on findings of fact.

## **CRITERIA**

The approval criteria for this proposal, detailed below, are summarized as follows:

1. Non-Conforming Uses and Developments – Section 5-5.2
2. Manufactured Homes – Section 5-2.2.100F
3. Manufactured/Mobile Home Parks – Section 5-2.2.100G
4. Flood Plain (FP) Overlay – Section 5-2.9
5. Oregon Revised Statutes (ORS) Chapter 446 – Manufactured Dwellings and Structures; Parks

When interpreting code, the staff first considers the text. If the text is unclear or may have more than one meaning, the staff reviews the text in context with other relevant code provisions. If the code is still unclear, the staff reviews the legislative history from when the City adopted the code. If the meaning remains unclear, the staff refers to statutory construction.

The applicable code criteria are provided below in *italics* typeface; staff's findings follow each code provision in regular typeface. The findings, which are based on information submitted by the applicant, are preliminary.

The final decision notice will contain findings addressing the Planning Commission’s deliberation, and any public testimony, including any additional agency comments received by the close of the hearing.

The application and staff report findings may be modified based on factual information entered into the public hearing record. Members of the public who have questions about the proposal or who would like to submit oral or written testimony testify in person at the public hearing or submit written testimony to the City of John Day before the close of the hearing. Testimony should respond directly to the applicable criteria.

#### **5-5.2.020 Non-Conforming Uses**

*Where at the time of adoption of this Code a use of land exists which would not be permitted by the regulations imposed by this Code and was lawful at the time it was established, the use may be continued as long as it remains otherwise lawful, provided:*

- A. **Expansion Prohibited.** *No such nonconforming use is enlarged, increased or extended to occupy a greater area of land or space than was occupied at the effective date of adoption or amendment of this Code. No additional structure, building or sign shall be constructed on the lot in connection with such nonconforming use of land;*

**Findings:** The Applicant wishes to place homes within the existing area of land and does not intend to create additional spaces beyond the 158 that currently exist. Therefore, the Applicant is compliant with this requirement.

- B. **Location.** *No such nonconforming use shall be moved in whole or in part to any portion of the lot other than that occupied by such use at the effective date of adoption or amendment of this Code;*

**Findings:** The Applicant does not propose to relocate the non-conforming use to another lot. Therefore, this criteria is not applicable.

- C. **Discontinuation or Abandonment.** *The nonconforming use of land is not discontinued for any reason for a period of more than twelve (12) months. For purposes of calculating the twelve (12) month period, a use is discontinued or abandoned upon the occurrence of the first of any of the following events: 1. On the date when the use of land is physically vacated; 2. On the date the use ceases to be actively involved in the sale of merchandise or the provision of services; 3. On the date of termination of any lease or contract under which the nonconforming use has occupied the land; or 4. On the date a request for final reading of water and power meters is made to the applicable utility districts.*

**Findings:** The site has operated continuously as a Manufactured / Mobile Home Park since its inception. Though individual spaces within the Park have been physically vacated for more than twelve months, the Park itself has not been discontinued or abandoned. Therefore, the Applicant is compliant with this requirement.

#### **5-5.2.030 Non-Conforming Development**

*Where a development exists at the effective date of adoption or amendment of this Code that could not be built under the terms of this Code by reason of restrictions on lot area, lot coverage, height, yard, equipment, access, parking, landscaping, its location on the lot or other requirements concerning the development; and the development was lawful when constructed, the development may remain on the site so long as it remains otherwise lawful, subject to the following provisions:*

- A. **Alterations.** *No such nonconforming development may be enlarged or altered in a way that increases its nonconformity, but any development or portion thereof may be enlarged or altered in a way that satisfies the current requirements of this Code or will decrease its nonconformity;*

**Findings:** The Applicant is not altering an existing non-conforming development. Therefore this criteria is not applicable.

- B. **Destruction.** *Except as expressly allowed by Section 5-2.3.020 (Single Family Dwelling in Downtown District), should such nonconforming development or nonconforming portion of development be destroyed by any means to an extent more than fifty (50) percent of its current value as assessed by the Grant County Assessor, it shall be reconstructed only in conformity with this Code.*

**Findings:** The Applicant is not rebuilding a destroyed development. Therefore, this criteria is not applicable.

- C. **Roadway Access.** *The owner of a non-conforming access connection (i.e., street or highway access) may be required to bring the non-conforming access into conformance with this Code and other applicable standards as a condition of the City or other roadway authority approving a new access connection permit, or a change in land use.*

**Findings:** The Applicant is not requesting a new access connection or change in land use. Therefore, this criteria is not applicable.

- D. **Relocation or Removal.** *Should such development be moved for any reason and by any distance, it shall thereafter conform to the regulations of this Code.*

**Findings:** The subject developments were both relocated and removed. This criterion contemplates developments like mobile homes and manufactured homes that are capable of being physically relocated, and requires such developments to conform to the regulations of this Code upon relocation.

### **5-2.2.100F Manufactured Homes**

*Manufactured homes are permitted on individual lots, subject to all of the following design standards. Manufactured dwellings relocated into the City of John Day shall conform to City standards. The following standards do not apply to units existing within the City prior to November 24, 2005, provided they were lawfully established.*

**Findings:** The Code defines a “lot” as a legally defined piece of land other than a tract that is the result of a land division. In ORS 446, “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. Because the term lot may have more than one meaning, staff evaluated the criteria of Section 5-5-.2.100F with regard to the proposed developments.

1. **Floor Plan.** *The manufactured home shall be multi-sectional and have an enclosed floor area of not less than 1,000 square feet;*

**Findings:** Based on conversations with the Applicant, staff have determined that the proposed developments are less than 1,000 square feet and do not meet this requirement (see Exhibit D).

2. **Roof.** *The manufactured home shall have a pitched roof with a slope not less than 3 feet in height for each 12 feet in width (14 degrees);*

**Findings:** Based on conversations with the Applicant, staff have determined that the proposed developments do not meet the 3:12 roof pitch requirement (see Exhibit D).

**3. Residential Building Materials.** *The manufactured home shall have exterior siding and roofing which in color, material and appearance are similar or superior to the exterior siding and roof material used on nearby residences (e.g., horizontal wood or wood appearance siding is considered “superior” to metal siding and roofing);*

**Findings:** Given the non-conforming nature of the existing developments in the Park, the exterior siding and roofing are determined to be similar in color, material and appearance.

**4. Garages and Carports.** *If the manufactured home has a garage or carport, the garage or carport shall be constructed of materials like those used on the house;*

**Findings:** The Applicant does not propose to develop garages or carports, therefore this criteria is not applicable at this time.

**5. Thermal Envelope.** *The manufactured home shall be certified by the manufacturer to meet the thermal envelope requirements equivalent to those for a single-family dwelling constructed under the State Building Code. Evidence demonstrating that the manufactured home meets “Super Good Cents” energy efficiency standards is deemed to satisfy the exterior thermal envelope certification requirement. Additional manufacturer certification shall not be required;*

**Findings:** The Applicant has not applied for a building permit with the County Planning Department and the subject developments have not been inspected. Therefore, the developments have not been demonstrated to meet this requirement.

**6. Placement.** *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 16 inches above grade, and complies with the minimum set-up standards of the adopted state Administrative Rules for Manufactured Dwellings, OAR Chapter 918. Where the building site has a sloped grade, no more than 16 inches of the enclosing material shall be exposed on the uphill side of the home;*

**Findings:** The Applicant has not applied for a manufactured home placement permit and the subject developments have not been inspected. Therefore, the developments have not been demonstrated to meet this requirement.

**7. Flood Plain.** *Manufactured homes, when placed in a flood hazard area, pursuant to Chapter 5-2.9, shall comply with the following supplemental standards. a. The stand shall be a minimum of 12 in. above Base Flood Elevation (BFE) unless the foundation wall is opened on one side or end so that floodwater cannot be trapped. [Manufactured Dwelling Specialty Code, 4-3.1(5)] b. The bottom of the longitudinal chassis frame beam in A zones, and the bottom of the lowest horizontal structural member supporting the dwelling in V zones shall be a minimum of 12 inches above BFE. [See definition of Lowest Floor in Manufactured Dwelling Specialty Code] c. The manufactured dwelling shall be anchored to prevent flotation, collapse, or lateral movement during the base flood. Anchoring methods may include, but are not limited to, use of over-the-top or frame ties to ground anchors (Reference FEMA’s “Manufactured Home Installation in Flood Hazard Areas” guidebook for anchoring [44 CFR 60.3(c)(6)]) d. Electrical crossover connections shall be a minimum of 12 inches above BFE. [Manufactured Dwelling Specialty Code 6-4.2(1)]*

**Findings:** The Applicant has not applied for a manufactured home placement permit and the subject developments have not been inspected. Therefore, the developments have not been demonstrated to meet this requirement.

8. **Foundation Skirt.** *The foundation area of the manufactured home shall be fully skirted with concrete, horizontal wood or vinyl siding, or other materials, pursuant to applicable building codes.*

**Findings:** The Applicant has stated his willingness to comply with this requirement, however, the subject developments have not yet been placed on permanent foundations.

9. **Prohibited.** *The manufactured home shall not be located in a designated historic district.*

**Findings:** The proposed location is not a designated historic district. Therefore, this requirement is not applicable.

### 5-2.2.100G **Manufactured/Mobile Home Parks**

*Manufactured/mobile home parks (not including recreational vehicles) are permitted on parcels of one (1) acre or larger, subject to compliance with subsections 1-5, below:*

1. **Permitted uses.** *Single family residences, manufactured home park manager's office, home occupations, and accessory structures that are necessary for the operation and maintenance of the manufactured dwelling park (e.g., landscape maintenance).*

**Findings:** Manufactured Home Parks are a permitted use in the RL zone.

2. **Space.** *The minimum size pad or space for each dwelling is 2,500 square feet, provided that the overall density of the park does not exceed 12 units per acre. Each space shall be at least 30 feet wide and 40 feet long, in accordance with ORS 446.010(c).*

**Findings:** The Park has twelve (12) different types of spaces, each with unique dimensions. All 12 spaces meet the 2,500 square foot minimum as well as the 30' x 40' minimum (Exhibit E).

3. **Setbacks and Building Separation.** *The minimum setback between park structures and abutting properties is 5 feet. The minimum setback between park structures and public street right-of-way is 15 feet. At least a 10-foot separation shall be provided between all dwellings. Dwellings shall be placed a minimum of 14 feet apart where flammable or combustible fuel is stored between units. Park structures shall be placed no closer than 5 feet to a park street or sidewalk/pathway. An accessory structure shall not be located closer than 6 feet to any other structure or dwelling, except that a double carport or garage may be built which serves 2 dwellings. When a double carport/garage is built, the carport/garage shall be separated from all adjacent structures by at least 3 feet.*

**Findings:** The Park meets the minimum requirements for setbacks and building separation.

4. **Perimeter landscaping.** *When manufactured dwellings are oriented with their back or side yards facing a public right-of-way, the City may require installation of fencing and planting of a 10-foot wide landscape buffer between the right-of-way and a manufactured home park for the privacy and security of residents or aesthetics of the streetscape.*

**Findings:** The City has not required perimeter landscaping. Therefore, this criteria is not applicable at this time.

5. **Dwelling design (for parks smaller than 3 acres).** *Manufactured dwellings in parks smaller than 3 acres shall meet the following design standards, consistent with ORS 197.314(6):*

**Findings:** The Park occupies 23.08 acres. Therefore, this criteria is not applicable.

### 5-2.9 Flood Plain (FP) Overlay

*This chapter applies to the 100-Year floodplain and floodway. The 100-year floodplain and floodway are areas of special flood hazard at or below the base flood elevation identified in "The Flood Insurance Study, Grant County, Oregon, and Incorporated Areas," dated February 23, 1982 (or as subsequently amended and approved by the City of John Day), with accompanying Flood Insurance Maps. The Flood Insurance Study is on file at the City of John Day.*

**Findings:** The proposed development is subject to the FP development standards described in the Findings for Section 5-2.2.100F item 7. The Applicant has not applied for a manufactured home placement permit and the subject developments have not been inspected. Therefore, the developments have not been demonstrated to meet this requirement.

### **Oregon Revised Statutes (ORS) Chapter 446 – Manufactured Dwellings and Structures; Parks**

*Mobile home or manufactured dwelling parks are subject to ORS 446.003, 446.055, 446.072 to 446.100, 446.140 and 446.271 and the state building code, as defined in ORS 455.010, and the rules adopted thereunder by the director under ORS chapter 183 (446.062 Rules regarding parks; state building code requirements; approval for new construction or additional lots).*

*The Department of Consumer and Business Services may inspect every mobile home or manufactured dwelling park in order to determine whether it conforms with the provisions of ORS 446.003 to 446.200 and 446.225 to 446.285 and the rules adopted pursuant thereto. Any person operating such facilities shall at all reasonable times, upon request of the department, permit access to all parts of the facilities. [1953 c.490 §14; 1969 c.533 §16; 1973 c.560 §7; 1975 c.793 §9; 1983 c.707 §4; 1989 c.648 §4] (446.066 Inspection of Parks).*

**Findings:** Where the text of the Code is unclear and the legislative history is not available, the staff refer to statutory construction. ORS 446 sets uniform standards for manufactured home parks throughout the state as verified by the Department of Consumer and Business Services. Any changes or additions made in any mobile home or manufactured dwelling park after August 5, 1959, shall conform to ORS 446.095 to 446.105 and the rules issued thereunder. Additionally, ORS 446.155 defines the minimum sanitation and safety requirements for manufactured dwellings manufactured after January 1, 1962, and ORS 446.185 defines the minimum safety standards for equipment, material and installations.

An inspection by a code enforcement official certified by the State of Oregon would be necessary to determine if the alterations made to the proposed developments are in conformance with the ORS.

## **SUMMARY OF FINDINGS**

Exhibit F provides a summary of the findings.

## **ANALYSIS**

The Riverside Home Park meets the conditions for a non-conforming land use. The use of the Park has not been abandoned or significantly altered since it was originally constructed, and the Applicant does not wish to expand the land area under consideration. However, the Code is clear about non-conforming developments. The previous manufactured homes were both relocated and removed, and the Code requires any new developments

to conform to the regulations of the Code upon relocation to the City. Section 5-2 explicitly states that “manufactured dwellings relocated into the City of John Day shall conform to City standards.”

While the text of 5-2.2.100.F does not answer the question of whether the Manufactured Home (MH) standards apply to a MH moving into an existing MH park, subsection F does refer to MHs on individual lots, and the ORS contemplates that lots include individual spaces within a MH park. The Code does not refer to manufactured/mobile home parks, most likely because 5-2.2.100.G applies specifically to parks and contains standards for manufactured homes that are similar to those in subsection F.

Variance requests may be combined with and reviewed concurrently by the City approval body with other land use and development applications (e.g., development review, site design review, subdivision, conditional use, interpretation, etc.)

A Class B variance may be approved per Section 5-5.1.040 of the Code upon finding it meets all of the following criteria:

1. The variance is necessary because the subject Code provision does not account for special or unique physical circumstances of the subject site, existing development patterns, or adjacent land uses.
2. The variance is the minimum necessary to address the special or unique physical circumstances referenced in subsection (1).
3. The variance conforms to the provisions of subsections 5-5.1.040C through 5-5.1.040G, as applicable.
4. The variance does not conflict with other applicable City policies or other applicable regulations.
5. The variance will result in no foreseeable harm to adjacent property owners or the public.

## **CONCLUSION AND STAFF RECOMMENDATION**

Based on the foregoing analysis and findings, staff recommends the following:

- 1) The Commission should find that the Riverside Home Park is a compliant land use, but that any new homes relocated to the Park must comply with the development code, except where a variance is authorized.
- 2) The Commission may choose to authorize a Class B Variance for the Park at no additional cost to the Applicant. If choosing to do so, the following non-conforming factors must be considered for the proposed development:
  - a. Floor Plan. The Commission may authorize single-section developments less than 1,000 square feet within the Park.
  - b. Roof Pitch. The Commission may authorize a roof pitch of less than 14 degrees within the Park.
- 3) If the Commission authorizes the above variances, the City will require the Applicant to furnish the following documentation from the Grant County Planning Department:
  - a. A manufactured home placement permit and building permit prior to placement and renovation of new MH within the Park;
  - b. Proof of inspection that the MH meets thermal envelope and building code requirements as described by ORS 446 prior to allowing the home to be occupied by tenants.

## **PLANNING COMMISSION DECISION**

After hearing the applicant’s presentation and any public testimony, including any rebuttal, the commission will close the hearing and deliberate. The following motion is suggested:



“I move to approve CI-16-01 based on the findings contained in the staff report [with or without a Class B variance for Floor Plan and Roof Pitch].”

*The staff report may be amended during the course of the hearing. The commissioner making the motion should list any additional conditions of approval or changes to staff’s proposed conditions of approval in his/her motion.*

Respectfully submitted this 3<sup>rd</sup> day of November, 2016:



Nicholas Green  
City Manager / City Planner  
City of John Day

Attachments:

- Application form and narrative (Exhibit A)
- Site Map (Exhibit B)
- Certification of Public Notice (Exhibit C)
- Photographs of Proposed Developments (Exhibit D)
- Riverside Home Park Lot Dimensions (Exhibit E)
- Summary of Compliance (Exhibit F)

RECEIVED  
OCT 10 2016  
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City of John Day  
450 East Main Street  
John Day, OR 97845

Phone: 541-575-0028  
Fax: 541-575-3668

Land Use Review

Owner: Hayes Development LLC

I. BACKGROUND INFORMATION

- (A) Applicant/Owner: Chris Fox - Riverside Home Park Phone: (503) 704-7451
- (B) Address: 677 W. MAIN ST., JOHN DAY OR 97845
- (C) Property Address: 2397 NW KINGS BLVD. #241,
- (D) Township; Range; Section; Tax Lot: Multiple (see proposal)  
Zone: Residential Limited (F) Parcel Size: \_\_\_\_\_

(G) Existing Use/Structures: Manufactured Home Park

(H) Application Proposal: Applicant Chris Fox on behalf of Riverside Home Park is requesting a code interpretation of John Day City Planning Code Sections S-2.2.100F and S-2.2.100G related to manufactured homes and manufactured/mobile home parks. Applicant specifically requests interpretation of the applicability of subsection F "manufactured dwellings relocated into the City of John Day shall conform to City standards," and whether this stipulation applies to non-conforming lots within Riverside Home Park lawfully established prior to November 24, 2005 - per S-2.2.100G(5)c.

## Chapter 5-4.8 - Code Interpretations

### Sections:

#### 5-4.8.010 Interpretations - Purpose

#### 5-4.8.020 Code Interpretation Procedure

#### 5-4.8.010 Interpretations - Purpose

Some terms or phrases within the Code may have two or more reasonable meanings. This section provides a process for resolving differences in the interpretation of the Code text.

#### 5-4.8.020 Code Interpretation Procedure

- A. **Requests.** A request for a code interpretation shall be made in writing to the Planning Official.
- B. **Decision to Issue Interpretation.** The Planning Official shall have the authority to interpret the code, or refer the request to the Planning Commission for its interpretation. The Planning Official shall advise the person making the inquiry in writing within fourteen (14) days after the request is made, on whether or not the City will make an interpretation.
- C. **Written Interpretation.** If the City decides to issue an interpretation, it shall be issued in writing and shall be mailed or delivered to the person requesting the interpretation and any other person who specifically requested a copy. The written interpretation shall be issued within fourteen (14) days of the request. The decision shall become effective fourteen (14) days later, unless an appeal is filed in accordance with E-F below.
- E. **Type II Procedure.** Code Interpretations shall be made using a Type II procedure under Section 5-4.1.030. Alternatively, the Planning Official may initiate a code interpretation (i.e., without an application being filed by a property owner) and ask the Planning Commission to ratify the decision, in which case the City shall provide notice of the decision to affected property owner(s), pursuant to Section 5-4.1.040.
- F. **Appeals.** The applicant and any party who received notice or who participated in the proceedings through the submission of written or verbal evidence may appeal a Code Interpretation decision. The appeal must be filed within fourteen (14) days after the interpretation was mailed or delivered to the applicant. Initiating an appeal requires filing a notice of appeal with the City Planning Official pursuant to Section 5-4.1.040.
- G. **Interpretations On File.** The City shall keep on file a record of all code interpretations.

## REVIEW CRITERIA

### 5-4.2.010 Purpose

The purpose of this Chapter is to:

- A. Provide rules, regulations and standards for efficient and effective administration of land use and site development review;
- B. Carry out the development pattern and plan of the City and its comprehensive plan policies;
- C. Promote the public health, safety and general welfare;
- D. Provide adequate light and air, prevent overcrowding of land, and provide for adequate transportation, water supply, sewage, fire protection, pollution control, surface water management, and protection against natural hazards;
- E. Encourage the conservation of energy resources; and
- F. Encourage efficient use of land resources, full utilization of urban services, mixed uses, transportation options, and detailed, human-scaled design.

### 5-4.2.020 Applicability

Land Use Review or Site Design Review shall be required for all new developments and modifications of existing developments described below. Regular maintenance, repair and replacement of materials (e.g., roof, siding, awnings, etc.), parking resurfacing and similar maintenance and repair shall be exempt from review.

- A. **Land Use Review – Exemptions from Site Design Review.** Land Use Review is conducted by the City Planning Official without a public hearing (Type I or II). (See Chapter 5-4.1 for review procedure.) It is intended to ensure compliance with land use regulations when a project proposal does not require a conditional use permit, land division, or site design review approval. Land Use Review ensures compliance with the standards of the land use district, such as lot area, building setbacks and orientation, lot coverage, maximum building height, special use standards, and other provisions of Article 5-2. Land Use Review is required for the types of proposals listed below. Proposals exceeding the thresholds below require Site Design Review, per Section 5-4.2.030.
  - 1. Change in occupancy from one type of land use to a different land use resulting in no increase in vehicular traffic;
  - 2. Single-family detached dwelling (including manufactured home) on its own lot;

3. A single duplex, or up to two single family attached (town home) units not requiring a land division, and accessory parking on the same lot;
  4. Non-residential building addition of up to 500 square feet;
  7. Home occupation, except where Site Design Review is required under Chapter 5-4.9;
  8. Temporary uses, except where Site Design Review is required under Chapter 5-4.9;
  9. Accessory structures and accessory parking;
  10. Development and land uses that are already approved as part of a Site Design Review or Conditional Use Permit application, provided modifications to such plans may be subject to Chapter 5-4.6;
  11. Public improvements required by City standards or as stipulated by a condition of land use approval (e.g., transportation facilities and improvements, parks, trails, utilities, and similar improvements), as determined by the City Planning Official.
- B. Site Design Review.** Site Design Review is a discretionary review conducted by the Planning Official (Type II Review) or by the Planning Commission in a public meeting (Type II Review) or a public hearing (Type III Review). Site Design Review applies to all development in the City, except developments specifically listed under “A” above (Land Use Review). Site Design Review ensures compliance with the land use and development standards in Article 5-2, the design standards and public improvement requirements in Article 5-3, and other applicable regulations.

#### **5-4.2.030 Land Use Review Procedure and Approval Criteria**

When Land Use Review is required, it shall be conducted prior to issuance of building permits, occupancy permit, business license, or public improvement permits, as determined by the City Planning Official. The City shall conduct Land Use Reviews using either a Type I or Type II procedure, as described in Sections 5-4.1.020 and 5-4.1.030. A Type I procedure shall be used when the Planning Official finds that the applicable standards are clear and objective and do not require the exercise of discretion. A Type II procedure shall be used when the decision is discretionary in nature. The City Planning Official shall be responsible for determining the required review procedure. An application for Land Use Review shall be approved only upon meeting all of the following criteria:

- A. The proposed land use or development is permitted by the underlying land use district (Article 5-2);

B. The land use, building/yard setback, lot area, lot dimension, density, lot coverage, building height and other applicable standards of the underlying land use district and any applicable overlay district(s) are met (Article 5-2); and

C. When development is proposed, the applicable sections of Article 5-3, Design Standards apply.

Note: Land Use Reviews do not address a project's compliance with applicable building, fire and life safety regulations. Subsequent review by City officials may be required to determine compliance with applicable regulations.

### SIGNATURES

NOTE: ALL OWNERS MUST SIGN THIS APPLICATION OR SUBMIT A LETTER OF CONSENT AUTHORIZING ANOTHER INDIVIDUAL TO MAKE APPLICATION. INCOMPLETE OR MISSING INFORMATION MAY DELAY THE REVIEW PROCESS.

*Christy / Robert Fox* 10-10-16  
Applicant/Owner Date

Hages Development, LLC 10-19-16  
Applicant/Owner Date

*Jan Bougas, Member* 97317  
8772 Boulder Ridge Ct SE, Salem, OR

### FOR OFFICE USE ONLY

Submittal Date: 10/10/2016 Fee: \$ 310.02 Received by: Mick

Application Type: II Completeness: ✓ 120 Day: 2-10-16

Staff Report: 11/1/16 Commission Hearing: 11/3/16 Council Hearing: \_\_\_\_\_

EXHIBIT A

#	County Ref. #	MAP#	CODE CLS	ACRES
1.	642 -	13S3122D 100	301 207	9.45
2.	650 -	13S3122DD 100	301 207	6.25
3.	9512 -	13S3123CB 1408	301 207	0.90
4.	9514 -	13S3123CB 1407	301 207	6.23
5.	38371 -	13S3123CB 703	301 200	0.25

23.08  
Acres

5. 703

AVIGSING TIONG I AIR  
ew Directions



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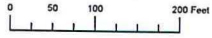
1. 100

2. 100

4. 1407

3. 1408

THIS MAP WAS PREPARED FOR ASSESSMENT PURPOSE ONLY

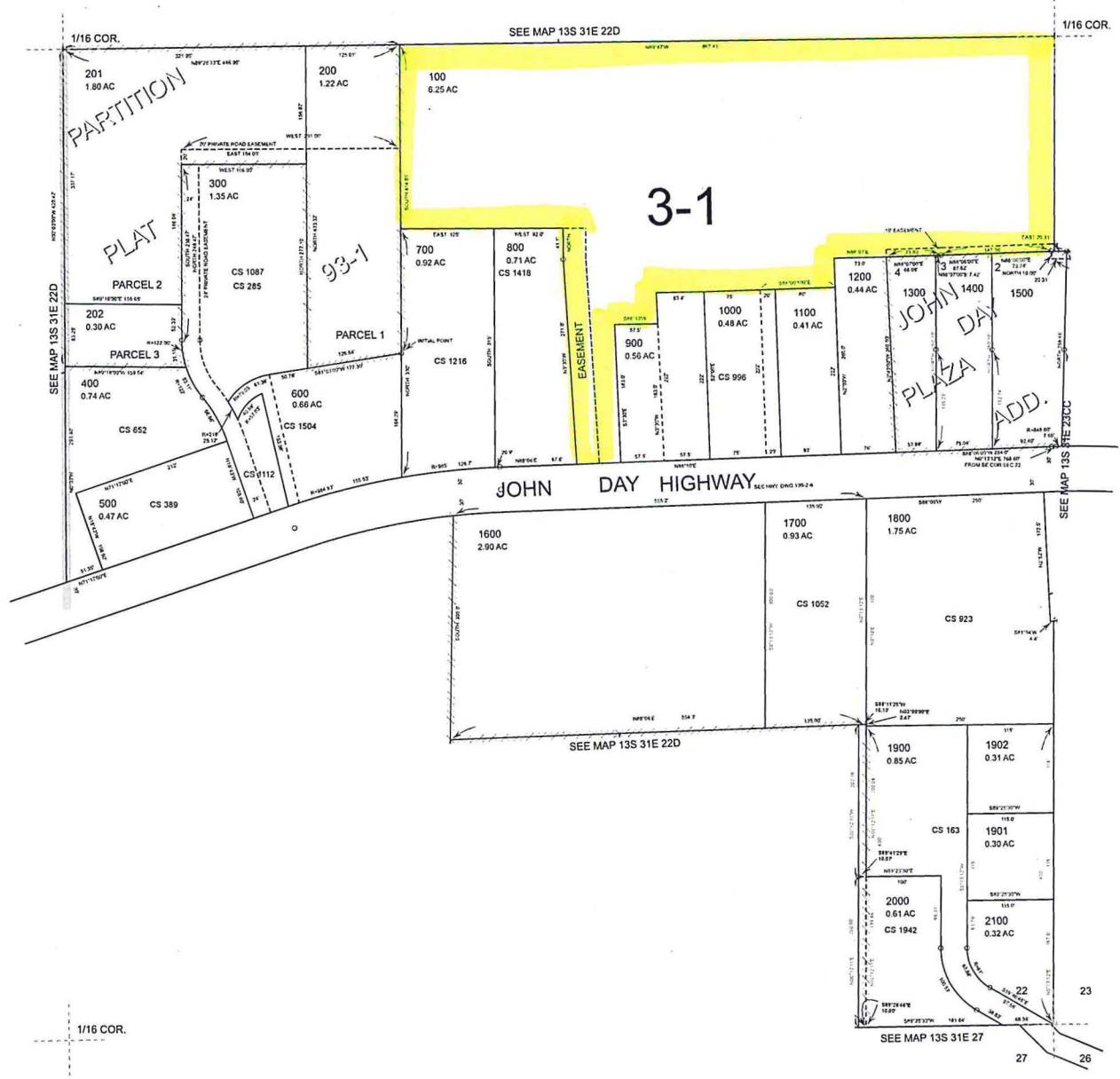


S.E.1/4 S.E.1/4 SEC.22 T.13S. R.31E. W.M.  
GRANT COUNTY  
1" = 100'

13S31E22DD  
JOHN DAY

EXHIBIT B

CANCELLED

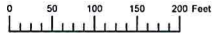


Revised: RAA  
7/25/2012

JOHN DAY  
13S31E22DD

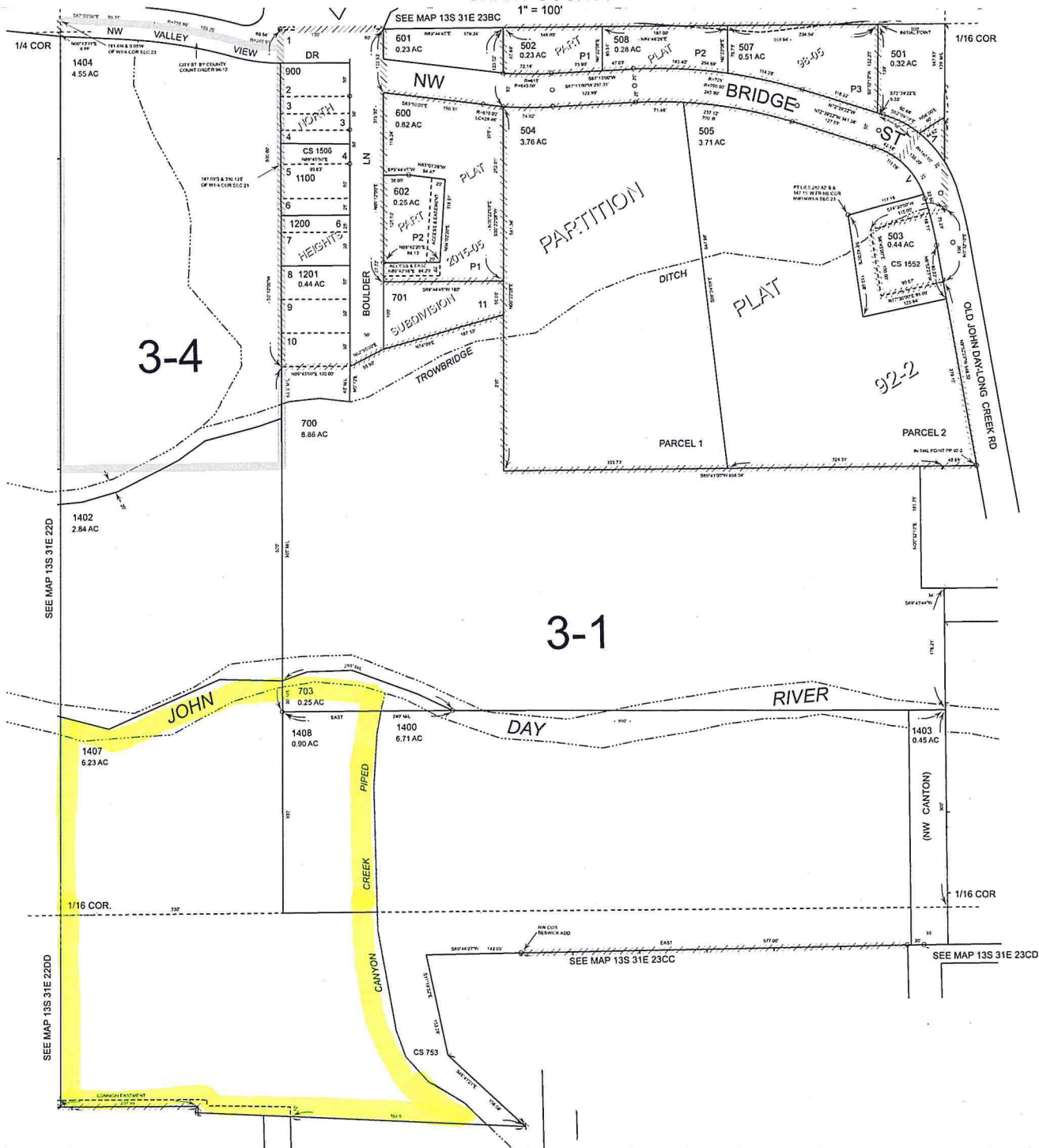


THIS MAP WAS PREPARED FOR ASSESSMENT PURPOSE ONLY



N.W.1/4 S.W.1/4 SEC.23 T.13S. R.31E. W.M.  
GRANT COUNTY

13S31E23CB  
JOHN DAY



- Cancelled
- 100 THRU
- 500
- 506
- 702
- 800
- 1000
- 1300
- 1401
- 1405
- 1406
- 1500 THRU
- 1799

SEE MAP 13S 31E 23CA

SEE MAP 13S 31E 22D

SEE MAP 13S 31E 22DD

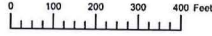
SEE MAP 13S 31E 23CC

SEE MAP 13S 31E 23CD

Revised: SH  
09/08/2015

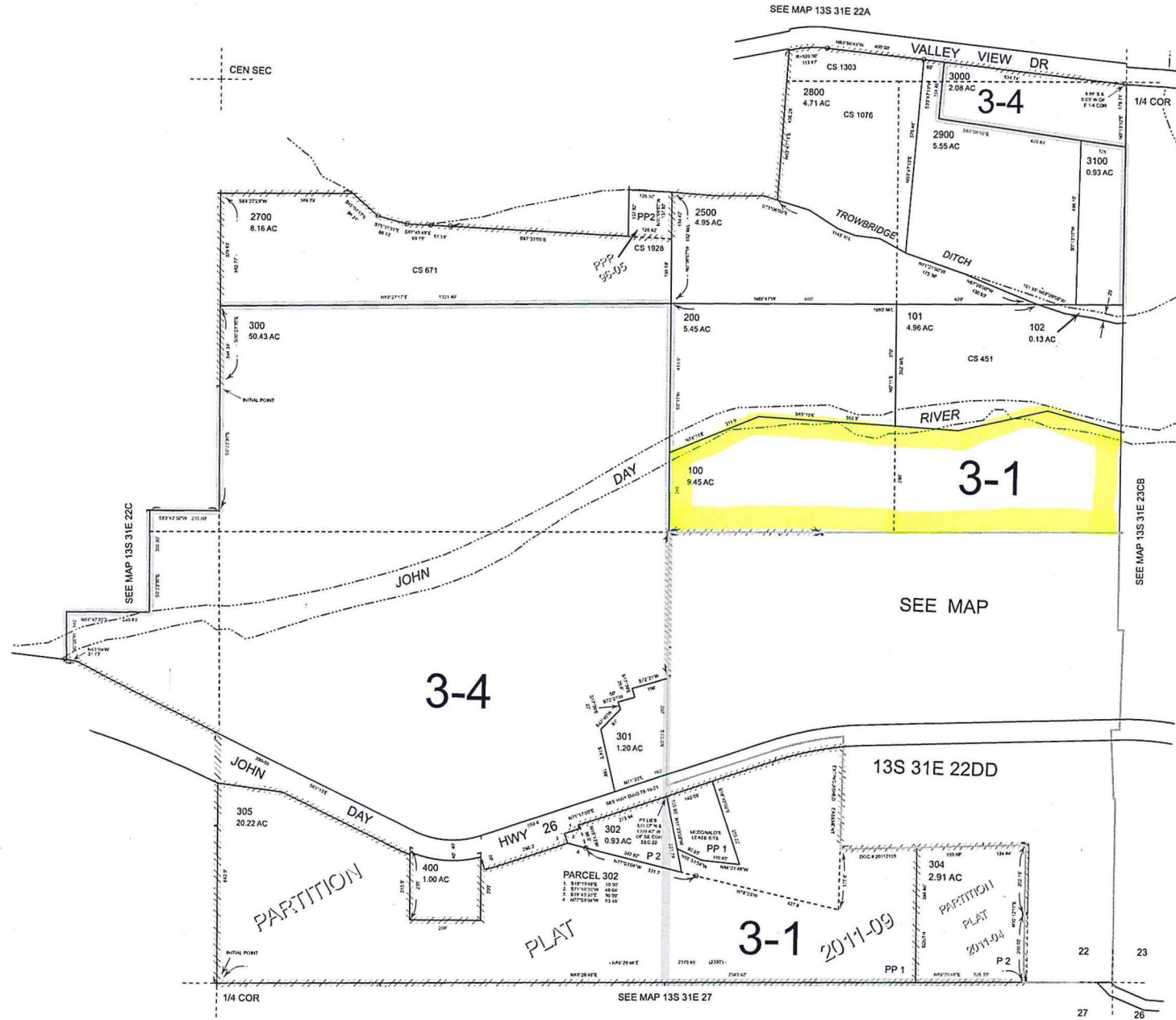
JOHN DAY  
13S31E23CB

THIS MAP WAS PREPARED FOR ASSESSMENT PURPOSE ONLY



S.E. 1/4 SEC. 22 T. 13S. R. 31E. W.M.  
GRANT COUNTY  
1" = 200'

13S31E22D  
JOHN DAY



- Cancelled
- 500
- 600
- 601
- 602
- 603
- 604
- 700
- 800
- 900
- 1000
- 1100
- 1200
- 1300
- 1400
- 1500
- 1600
- 1601
- 1700
- 1800
- 1900
- 1901
- 1902
- 1903
- 2000
- 2001
- 2100
- 2101
- 2102
- 2103
- 2200
- 2300
- 2400
- 2600
- 2801

Revised: SH  
05/09/2013

JOHN DAY  
13S31E22D

# Riverside Home Park

## Approximate Space Sizes

<u>Spaces</u>	<u>Measurement</u>	<u>Total SF</u>	<u># Spcs</u>	<u>Average</u>
1. A-F	68x231=	15,708	6	2,618
2. 1-5	100x231=	23,000	5	4,600
3. 51-61	80x215=	17,200	6	2,867
4. 43-49	50x240=	12,000	4	3,000
5. 32A-60	94x455=	42,770	15	2,851
6. 62-128	94x798=	75,012	22	3,410
7. 63-131	94x836=	78,584	23	3,417
8. 6-42B	100x836=	83,600	19	4,400
9. 1-41	100x836=	83,600	18	4,645
10. 135-145	80x525=	42,000	11	3,819
11. 130	50x100=	5,000	1	5,000
12. V-124	70x1,056=	73,920	28	2,640

# John Day River Sizes

Approx. Sizes

V	130
W	111
X	112
X	114
X	115
X	116
X	117
X	118
X	119
X	120
X	121
X	122
X	123
X	124
Y	109
X	108
X	107
X	106
X	105
X	104
X	103
X	102
X	101
X	100
X	99
X	98
X	97
X	96
X	95
X	94
X	93
X	92
X	91
X	90
X	89
X	88
X	87
X	86
X	85
X	84
X	83
X	82
X	81
X	80
X	79
X	78
X	77
X	76
X	75
X	74
X	73
X	72
X	71
X	70
X	69
X	68
X	67
X	66
X	65
X	64
X	63
X	62
X	61
X	60

# CANYON Creek

135	145	144	143	142	141	140	139	138	137	136	135
-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----

6

138
136
100
98
96
94
92
90
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86
84
82
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76
74
72
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68
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64
62

7

131
129
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5

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34A
36A
38A
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60

4

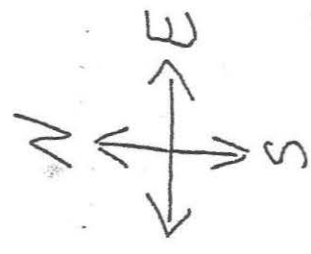
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45
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2

1
2
3
4
5

1

A
B
C
D
E
F

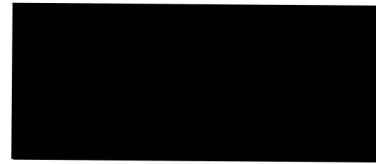


Riverside Home Park

Approx. Space Sizes

10 Thriftway

Bowlings



**CASH RECEIPT** Date 10-17-2016 018810

Received From Riverside Home Park

Address three hundred ten 00/100 Dollars \$ 310.00

For Planning Application

ACCOUNT		HOW PAID	
AMT. OF ACCOUNT		CASH	
AMT. PAID	<u>310.00</u>	CHECK	<u>#4108</u>
BALANCE DUE		MONEY ORDER <input type="checkbox"/>	
		CREDIT CARD <input type="checkbox"/>	

By [Signature]

City of John Day  
450 East Main Street  
John Day, OR 97845  
541-575-0028

CRB 119-3

**RIVERSIDE HOME PARK LLC**  
2397 NW KINGS BLVD #241  
CORVALLIS, OR 97330

**RECEIVED** 4108

OCT 17 2016 DATE 10-14-16 24-22/1230

PAY TO THE ORDER OF City of John Day **CITY OF JOHN DAY** \$ 310

Three hundred ten and 00/100 DOLLARS

FOR Application for R.H.P.

**usbank.** All of us serving you\*

Security Features

# EXHIBIT B - SITE MAP

## Riverside Home Park

23 Acres  
158 Spaces

- Legend**
- Chester's Thriftway
  - Feature 1
  - Grant County Self Sufficiency
  - John Day
  - Les Schwab Tire Center
  - Phase I - Pump Track
  - Riverside Home Park



EXHIBIT C - CERTIFICATION OF PUBLIC NOTICE

**CITY OF JOHN DAY  
GRANT COUNTY, OREGON**

**CERTIFICATION OF PUBLIC NOTICE**

IN THE MATTER OF AN APPLICATION FOR CODE INTERPRETATION NO. CI-16-01,  
BY: RIVERSIDE HOME PARK. I, Nicholas A. Green, City Planning Official, do hereby certify  
that a Public Notice in the matter of the subject land use application was sent first class mail or  
hand delivered on this 18th day of October 2016, to the person, parties and agencies listed below.  
A copy of said notice is attached hereto.

<b>Tax Lot</b>	<b>Map</b>	<b>Name</b>	<b>Address</b>
200, 201	13S3122DD	Ron D & Sherri Lundbom	620 Hillcrest Rd, John Day, OR 97845
300	13S3122DD	3S JOHN DAY MAIN STREET LLC	412 NW COUCH STREET, SUITE 201, Portland, OR 97209
700	13S3122DD	SHREE YOGESHWAR, INC	711 W. Main Street, John Day, OR 97845
800	13S3122DD	NEWTON, JULIA L	11 WOOD HOLLOW RD, LOOKOUT MTN., CA 30750
900	13S3122DD	NEIGHBORHOOD FOOD MART INC.	671 W MAIN STREET, John Day, OR 97845
1000	13S3122DD	Kite, Thelma	661 W. Main Street, John Day, OR 97845
1100	13S3122DD	RYDER, ERIC S ETAL	12675 SW WHEATGRASS, CRKED RVR RANCH, OR 97760
1200	13S3122DD	OLD WEST FEDERAL CREDIT UNION	650 W. Main Street, John Day, OR 97845
1300	13S3122DD	MUZZY, WALLACE D & DARLENE A	311 NW 4TH AVE, John Day, OR 97845
1400	13S3122DD	NYDAM, JOHN W & JANIS M CO TTEES	635 WEST MAIN STREET, John Day, OR 97845
1500	13S3122DD	SMITH, ROBERT D	633 West Main Street, John Day, OR 97845
101, 200	13S3122D	City of John Day	Hand delivered
300	13S3122D	D R JOHNSON LUMBER COMPANY	P O BOX 66, Riddle, OR 97469
1400	13S3123CB	HILL, CHARLES LAMAR TTEE-ETUX	1000 VEY WAY #158, The Dalles, OR 97058
600	13S3123CC	BEIL, CHRISTOPHER T & ERIN E	590 NW BRENT, John Day, OR 97845
601	13S3123CC	NODINE, DEAN & JOYCE M	313 NW 4TH STREET, John Day, OR 97845
4800	13S3123CC	LES SCHWAB TIRE CENTERS, INC	P O BOX 5350, Bend, OR 97708
5000	13S3123CC	SMITH, ROBERT D	429 West Main Street, John Day, OR 97845
		Chris Fox, Applicant	677 W. Main Street, John Day, OR 97845
		Hayes Development LLC, Property Owner	8772 Boulder Ridge Court SE, Salem, OR 97317 (emailed to applicant)
		John Eden, ODOT District 14 Access/Utility Permits	1390 SE 1 <sup>st</sup> Ave., Ontario, OR 97914-2945
		Dave Fields, Deputy State Fire Marshal	Emailed
		JD Fire Chief Ron Smith	Hand Delivered
		JD Police Chief Richard Gray	Hand Delivered
		JD Public Works Director Monte Legg	Hand Delivered

So certified this 18th day of October 2016.



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Nicholas A. Green, Planning Official



EXHIBIT D - PHOTOGRAPHS OF  
PROPOSED DEVELOPMENTS



Space 131 -  
Marked as Vacant



Sec #2  
lot #5

**EXHIBIT E - RIVERSIDE HOME PARK LOT DIMENSIONS**

Map Location	Spaces	Measurement	Sq. Feet	# of Spaces	Avg. Sq. Ft./Space
1 A-F		68' x 231'	15,708	6	2,618
2 1-5		100' x 231'	23,100	5	4,620
3 51-61		80' x 215'	17,200	6	2,867
4 43-49		50' x 240'	12,000	4	3,000
5 32A-60		94' x 455'	42,770	15	2,851
6 62-128		94' x 798'	75,012	22	3,410
7 63-131		94' x 836'	78,584	23	3,417
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9 1-41		100' x 836'	83,600	18	4,644
10 135-145		80' x 525'	42,000	11	3,818
11 130		50' x 100'	5,000	1	5,000
12 V-124		70' x 1,056'	73,920	28	2,640
<b>Total</b>			<b>552,494</b>	<b>158</b>	<b>3,497</b>

ID#	Tax Lot	Acres	43 vacant
13-31-22DD	100	6.25	115 active
13-31-23CB	703	0.25	158 total
13-31-23CB	1407	6.23	
13-31-23CB	1408	0.9	
12-31-22D	100	9.45	
Total		23.08	

**EXHIBIT F - SUMMARY OF COMPLIANCE**

<b>Development Code</b>	<b>Compliant</b>	<b>Non-compliant</b>
<b>5-5.2 – Non-Conforming Uses and Developments</b>		
5-5.2.020A Expansion Prohibited	X	
5-5.2.020B Location	X	
5-5.2.020C Discontinuation or Abandonment	X	
5-5.2.030A Alterations	N/A	
5-5.2.030B Destruction	N/A	
5-5.2.030C Roadway Access	N/A	
5-5.2.030D Relocation or Removal		X
<b>5-2.2100F – Manufactured Homes</b>		
5-5.2.100F.1 Floor Plan		X
5-5.2.100F.2 Roof		X
5-5.2.100F.3 Residential Building Materials	X	
5-5.2.100F.4 Garages and Carports	N/A	
5-5.2.100F.5 Thermal Envelope		TBD
5-5.2.100F.6 Placement		TBD
5-5.2.100F.7 Floodplain		TBD
5-5.2.100F.8 Foundation Skirt		TBD
5-5.2.100F.9 Prohibited	N/A	
<b>5-2.2.100G – Manufactured/Mobile Home Parks</b>		
5-2.2.100G.1 Permitted Uses	X	
5-2.2.100G.2 Space	X	
5-2.2.100G.3 Setbacks and Building Separation	X	
5-2.2.100G.4 Perimeter Landscaping	N/A	
5-2.2.100G.5 Dwelling Design	N/A	
<b>Oregon Revised Statutes (ORS) Chapter 446 – Manufactured Dwellings and Structures; Parks</b>		
ORS 446.095 – Park construction and facilities.		TBD
ORS 446.155 – Sanitation and safety requirements; exceptions		TBD
ORS 446.185 – Minimum safety standards for equipment, material and installations; rules		TBD