

ORDINANCE NO. 5098

TITLE: AN ORDINANCE AMENDING THE ALBANY MUNICIPAL CODE, TITLE 20, KNOWN AS THE "CITY OF ALBANY DEVELOPMENT CODE," RELATIVE TO ARTICLE 10, MANUFACTURED HOME DEVELOPMENT STANDARDS, ADOPTING FINDINGS, AND DECLARING AN EMERGENCY.

WHEREAS, the Albany Planning Commission, following a public hearing on December 20, 1993, recommended approval of the proposed revisions to the Development Code (File No. DC-02-93), relative to Article 10, Sections 10.000 - 10.610; and

WHEREAS, notice of the City Council public hearing has been published and posted and announcements of the public hearings have been sent to individuals and organizations on the Planning Division mailing list; and

WHEREAS, the Albany City Council held a public hearing on January 12, 1994 and members of the public were given an opportunity to be heard;

NOW, THEREFORE, THE PEOPLE OF THE CITY OF ALBANY DO ORDAIN AS FOLLOWS:

Section 1: The Albany Municipal Code, Title 20, known as the "City of Albany Development Code," Article 10, Sections 10.100 - 10.610 are revised as shown on attached Exhibit "A."

Section 2: The Findings attached as Exhibit "B" are hereby adopted in support of this decision.

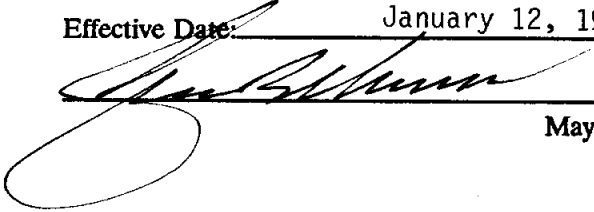
Section 3: A copy of this ordinance will be forwarded to the Department of Land Conservation and Development.

Section 4: Inasmuch as this ordinance is necessary for the immediate preservation of the peace, health, and safety of the citizens of this city of Albany, Oregon, an emergency is hereby declared to exist; and this ordinance shall be in full force and effect immediately upon its passage by the Council.

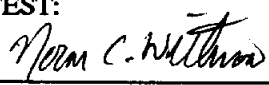
Passed by the Council: January 12, 1994

Approved by the Mayor: January 12, 1994

Effective Date: January 12, 1994



Mayor

ATTEST:


City Recorder - Deputy

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ARTICLE 10 MANUFACTURED HOME DEVELOPMENT STANDARDS

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

- General Provisions
- Classification of Manufactured Homes
- Placement on Individual Lots
- ~~Manufactured Home Subdivisions~~
- Manufactured Home Parks
- Temporary Placements
- Recreational Vehicle Parks

Comment: The Manufactured Home Subdivision section will be deleted. Standards for subdivisions intended for manufactured homes will be the same as those for subdivisions intended for site-built homes. See page 6.

GENERAL PROVISIONS

10.010 Definitions. For purposes of this article, the definitions of terms used and not defined in Article ~~22~~ 14 of this Code are as defined in ORS Chapter 446 or Oregon Administrative Rules Chapter 333, Division 31 as amended.

Comment: The Development Code Glossary is now Article 14 instead of 22.

10.020 Relationship to Other Regulations. Standards for manufactured home developments established by state law or state administrative rule are in addition to the provisions of this article.

10.030 Relationship to Deed Restrictions. Nothing in these provisions shall be interpreted as superseding deed covenants or restrictions.

10.040 Manufactured Housing Construction & Safety Standards Code. All Class "A", "B", and "C" manufactured homes must comply with the minimum construction standards of Title IV of the 1974 Housing and Community Development Act as amended (effective June 15, 1976), and all associated rules, regulations and interpretations of both federal and state authorities.

10.050 Foundations/Enclosures/Support Systems. All load bearing foundations, supports, and enclosures shall be installed in conformance with the state regulations and with the manufacturer's installation specifications. Where required, all perimeter foundations shall be constructed in accordance with the Council of American Building Officials (CABO) One and Two Family Dwelling Code. Permitted enclosure materials are concrete, concrete block, or other materials approved by the Building Official.

10.060 Attached Structures. All attached structures must be constructed to the Oregon State One and Two Family Dwelling Code.

10.070 Utilities. All manufactured home subdivisions and parks must provide each lot or space with storm drainage, public sanitary sewer, electric, telephone, and public water, with easements dedicated where necessary to provide such services. All such utilities shall be located underground unless waived by the Director where underground service would require an exception to local prevalent conditions.

Comment: References to manufactured home subdivisions will be deleted, because the standards will be the same as those for subdivisions intended for site-built homes.

CLASSIFICATION OF MANUFACTURED HOMES

10.080 Manufactured Home Classes. For purposes of these regulations, manufactured homes are divided into four types, "A," "B," "C," and "D." These classes are segregated by the size, age, and condition and construction standards under which the home was of the manufactured home manufactured. All manufactured homes placed within the city after the effective date of this Code must comply with the placement standards in the Sections that follow.

Comment: References to the age and condition of the manufactured home will be deleted. See comments under 10.090 (5) below.

CLASS "A"

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

- (1) It is multi-sectional and encloses a space of not less than 1,000 square feet.
- (2) It will be placed onto a permanent foundation as specified in Section ~~10.190~~ 10.050 or 10.310.

Comment: Section 10.190 has been included as one of the approval criteria for placement of manufactured homes on individual lots. Section 10.050 specifies building code standards.

- (3) Wheels, axles, and hitch mechanisms will be removed prior to occupancy.
- (4) Utilities will be connected in accordance with state requirements and the manufacturer's specifications.
- (5) It bears an insignia of compliance with the Manufactured Housing Construction and Safety Standards Code and, at the time of placement meets applicable building codes. ~~is either:~~
 - ~~(a) a new, not previously occupied unit, or~~
 - ~~(b) found upon inspection to be in excellent condition and free of structural, electrical, mechanical, and plumbing defects.~~

Comment: A determination of whether the home is in "excellent" condition is not a clear and objective standard, and could be appealed as a land use decision. Applicable building codes are clear and objective standards against which the home's condition (and the condition of decks, garages, etc.) can be measured.

10.100 Class "A" Placement. Class "A" manufactured homes are permitted on individual lots in all Residential Districts, except RM-H, ~~by conditional use approval~~ **if they meet the approval criteria listed in Section 10.180.** Class "A" homes are permitted outright in manufactured home subdivisions and parks, and as replacements to existing non-conforming manufactured homes. They are not allowed in any National Register Historic District. ~~The review criteria for placement on individual lots are the design compatibility criteria listed in Section 10.180.~~

Comment: Placement of a Class "A" manufactured home will no longer require Conditional Use review. A review for "compatibility," with clear and objective standards (10.180) will be done at the time a person applies for a building permit to place the manufactured home on a lot.

CLASS "B"

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

- (1) It contains 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);
- (2) It will be placed onto a permanent foundation as specified in Section ~~10.190~~ **10.050** or 10.310.

Comment: Section 10.190 has been included as one of the approval criteria for placement of manufactured homes on individual lots. Section 10.050 specifies building code standards.

- (3) Wheels, axles, and hitch mechanisms will be removed.
- (4) Utilities will be connected in accordance with manufacturer's specifications and state requirements.
- (5) It bears an insignia of compliance with the Manufactured Housing Construction and Safety Standards Code as of June 15, 1976, and at the time of placement meets applicable building codes. ~~is either:~~
- ~~(6) It has composition, shake, shingle, or tile roofing materials and a minimum pitch of 2/12.~~
- ~~(7) It has non-reflective siding materials and trim typical of newer conventional built homes within the community.~~
- ~~(8) It will have a carport or garage of like materials and color.~~

Comment: These are approval standards under Section 10.180 that will be applied at the time of Building Permit application.

- ~~(9) It is in good repair and free of structural, electrical, mechanical, and plumbing defects.~~

Comment: A determination of whether the home is in "good repair," if not based on clear and objective standards is subject to appeal as a land use decision. Applicable building codes are clear and objective standards against which the home's condition (and the condition of decks, garages, etc.) can be measured.

10.120 Class "B" Placement. Class B manufactured homes are permitted on individual lots in the RS-5, RM-5, and RM-3 districts ~~by conditional use approval if they meet the approval criteria listed in Section 10.180.~~ Class "B" homes are permitted outright in all ~~manufactured home subdivisions and~~ manufactured home parks. In addition, they are permitted as replacements to existing non-conforming manufactured homes classified as Class B, C, or D. They are not allowed in any National Register Historic District. ~~The review criteria for placement on individual lots are the design compatibility criteria listed in Section 10.180.~~

Comment: Placement of a Class "B" manufactured home will no longer require Conditional Use review. A review for "compatibility," with clear and objective standards (10.180) will be done at the time a person applies for a building permit to place the manufactured home on a lot.

CLASS "C"

10.130 Class "C" Definition. A Class "C" manufactured home is one which meets the following standards:

- (1) It has more than three hundred twenty (320) square feet of occupied space in a single, double, expando or multi-section unit (including those with add-a-room units).
- (2) It will be placed onto a support system in accordance with approved installation standards as specified in Section 10.310.
- (3) It will be enclosed with foundation siding/skirting in accordance with approved installation standards as specified in Section ~~10.050~~ 10.310.

Comment: Class C homes are not required to have the permanent foundation described in 10.050, the relevant standard is found in 10.310.

- (4) Utilities will be connected in accordance with a manufacturer's specifications and state requirements.
- (5) It bears an insignia of compliance with the Manufactured Housing Construction and Safety Standards Code as of June 15, 1976, and at the time of placement meets applicable building codes.
- ~~(6) It is in good repair and free of structural, electrical, mechanical, and plumbing defects.~~

Comment: A determination of whether the home is in "good repair," if not based on clear and objective standards is subject to appeal as a land use decision. Applicable building codes are clear and objective standards against which the home's condition (and the condition of decks, garages, etc.) can be measured.

10.140 Class "C" Placement. Class "C" manufactured homes are permitted in all manufactured home parks. These units are also allowed as replacements to existing non-conforming manufactured

homes ~~in a manufactured home subdivision or~~ on an individual lot for units classified as Class C or D.

CLASS "D"

10.150 Class "D" Definition. A Class "D" manufactured home is any residential trailer or mobile home built prior to June 15, 1976, and under ORS Chapter 446 is not defined as a recreational vehicle. It meets the following standards:

- (1) It has more than three hundred twenty (320) square feet of occupied space.
- (2) It will be placed onto a support system in accordance with approved installation standards as specified in Section 10.310.
- (3) It will be enclosed with foundation siding/skirting in accordance with approved installation standards as specified in Section 10.310.
- (4) Utilities will be connected in accordance with a manufacturer's specifications and Oregon Department of Commerce requirements.
- (5) ~~It is in good repair and free of structural, electrical, mechanical, and plumbing defects.~~ The home, at the time of placement, meets applicable building codes.

Comment: A determination of whether the home is in "good repair," if not based on clear and objective standards is subject to appeal as a land use decision. Applicable building codes are clear and objective standards against which the home's condition (and the condition of decks, garages, etc.) can be measured.

10.160 Class "D" Placement. Class "D" manufactured homes are permitted only in manufactured home parks as replacements to exiting Class D units.

PLACEMENT ON INDIVIDUAL LOTS

10.170 Manufactured Home Placements. Manufactured homes are permitted on individual parcels or lots outside of manufactured home ~~subdivisions or~~ parks in accordance with the placement standards set forth in Sections 10.100 and 10.120 and all other provisions of the Development Code for ~~conventional~~ site-built dwellings.

Comment: Standards for subdivisions intended for manufactured homes will be the same as those for subdivisions intended for site-built homes. See page 6 and 7.

10.180 Review Criteria. ~~Conditional use approval is required for placement of a manufactured home on an individual lot.~~ In order to be approved, the ~~unit~~ manufactured home must be found to have design compatibility with other dwellings in the "review area," which is the area within 300 feet of the subject lot or parcel or the nearest five dwellings. ~~When said dwellings are in excess of 300 feet from the subject property, the owners of those properties shall also receive notice.~~ The criteria for determining acceptable compatibility shall be based upon a review of the following design elements:

Comment: These revisions delete the requirement for Conditional Use review/approval and notification of surrounding property owners.

- (1) Roofing materials shall be similar in color, material, and appearance to the roofing material commonly used on residential dwellings within the community or comparable to the predominant materials used on dwellings within most predominant type in the review area. The roof pitch shall be a minimum of nominal 3/12. Manufactured homes placed in RM-5 or RM-3 districts may have a roof pitch of nominal 2/12.

Comment: This language makes it more clear what characteristics of the roof we will look at, and that materials found elsewhere in the community are acceptable. The revisions incorporate language directly from ORS 197.307 (5). The word nominal has been added to describe required roof pitches, a change recommended by the Oregon Manufactured Housing Association, and included in ORS 197.307 (5).

- (2) Exterior siding materials and trim shall be similar in appearance or complementary to other homes in color, material, and appearance to the exterior siding material commonly used on residential dwellings within the community or comparable to the predominant materials used on dwellings within the review area. including the type, color, and horizontal or vertical placement of materials.

Comment: These revisions incorporate language directly from ORS 197.37 (5).

- (3) A garage of like materials and color of the attached dwelling is required where similar features are predominant in the review area. A carport may be allowed if other dwellings in the review area also have carports or if there is a mixture of dwellings with or without garages or carports. The garage or carport may be required to be attached if other dwellings in the review area have attached garages.

~~(4) The placement of the manufactured home and accessory structures upon the lot shall be consistent 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.~~

Comment: These standards are not allowed under ORS 197.307 (5).

~~10.190(4) Perimeter Enclosures. All Class A and Class B manufactured homes outside of manufactured home parks shall be set onto an excavated area placed on an excavated and back-filled foundation and enclosed with a perimeter enclosure, which must be similar in appearance to foundations or enclosures in the area. The excavated area shall be backfilled.~~

Comment: There is no need to have this as a separate section, it is one of the review criteria allowed by ORS 197.307 (5). Revisions incorporate language directly from ORS 197.307 (5).

~~MANUFACTURED HOME SUBDIVISIONS~~

~~10.200 Where Permitted. Manufactured home subdivisions are permitted with Site Plan Review~~

~~approval in the RS 6.5, RS 5, RM 5 and RM 3 Districts in accordance with the standards of this Article and the standards for site plan review approval, Article 8. In addition, manufactured home subdivisions may be planned under the provisions for Planned Developments (Article 11) which may be used to provide for individual ownership of manufactured homes and sites and common ownership and maintenance of other lands and facilities. Manufactured home subdivisions and planned unit developments for manufactured homes are not allowed in the RR, RS-10 and RM H districts.~~

~~10.210 Same Standards Apply as for Conventional Development. Except as specified otherwise by this article, the standards for subdividing and developing land within manufactured home subdivisions are the same as for all other developments in accordance with the provisions of this Code.~~

~~10.220 Minimum Area Required. Any existing subdivision which is to be converted into a manufactured home subdivision must contain a minimum area of 5 acres. Any proposed conversion will be reviewed through the Conditional Use process. The review will encompass all lots which are proposed to be converted within the existing subdivision.~~

~~10.230 Lot Size and Dimension Requirements. Lots within a manufactured home subdivision must comply with the minimum requirement for lot sizes and dimensions of the base zone.~~

~~10.240 Coverage. The combined total of the manufactured home, any accessory structures, and all parking areas may occupy not more than 40% of a lot in a manufactured home subdivision.~~

Comment: This section should be deleted. The same standards that apply to subdivisions intended for site-built homes should apply to subdivisions intended for manufactured homes. This section was previously included to allow a declaration by the developer that the subdivision was intended for manufactured homes, and incorporate the conditional use approval criteria as covenants with the lots, thus avoiding a conditional use application for each home as it was placed on an individual lot.

MANUFACTURED HOME PARKS

GENERAL

10.250 Where Permitted. Manufactured home parks are permitted with Site Plan Review approval in the RS-6.5, RS-5, RM-5 and RM-3 Districts in accordance with the standards of this Article and the standards for site plan approval, Article 8. In addition, manufactured home parks may be planned under the provisions for Planned Developments (Article 11) which may be used to provide for individual ownership of manufactured homes and sites and common ownership and maintenance of other lands and facilities. Manufactured home parks are not permitted in the RR, RS-10 and RM-H districts.

10.260 Same Standards Apply as for Conventional Development. Except as specified otherwise by this article, the standards for subdividing and developing land within manufactured home parks are the same as for all other developments in accordance with the provisions of this Code.

10.270 Minimum Area Required. All manufactured home parks shall consist of a minimum area of 5 acres. Smaller parks may be considered through the conditional use process.

10.280 Density. The maximum number of manufactured homes allowed within a 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 may also be applied. However, total density shall not exceed 10 units per acre.

~~10.290 Lot Coverage. The combined total of manufactured homes, accessory structures, and parking areas may occupy not more than 40% of the total land area, excluding streets, in a manufactured home park.~~

Comment: This standard seems to have been inadvertently retained from a time when a 20-foot setback was required from property lines. Our current 10-foot standard makes this requirement overly-restrictive.

10.300290 Access. Manufactured Home Park accesses shall be located on public streets improved to a minimum width of 36 feet to a point intersecting a collector or arterial street.

10.340300 Perimeter Enclosures. 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 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 must be installed in accordance with the manufacturer's recommendations or approved equal standards.

Comment: It is unclear what standard is "specified above." The rest of the sentence and paragraph makes clear what is required.

10.320310 Permitted Uses. Manufactured Home Parks may contain manufactured homes and accessory structures permitted in Section 10.060, community laundry and recreation facilities and other common buildings for use by park residents only, and one residence other than a manufactured home for the use of a caretaker or a manager responsible for maintaining or operating the property.

**FINDINGS IN SUPPORT OF ADOPTION OF REVISIONS TO
TITLE 20, CITY OF ALBANY DEVELOPMENT CODE,
ARTICLE 10, SECTIONS 10.000 - 10.160**

The approval standards relevant to review of the Development Code revisions are found in Section 2.290 of the Development Code. Section 2.290 lists the two review criteria which must be met for Development Code amendments to be approved. The following analysis supports a finding that the proposed revisions to the Development Code meet the approval criteria found in Section 2.290.

[CODE CRITERIA WILL BE WRITTEN IN BOLD ITALIC PRINT FOLLOWED BY FINDINGS]

- (I) *The proposed amendments better achieve the goals and policies of the Comprehensive Plan than the existing regulatory language.*

Findings of Fact:

The following Comprehensive Plan goals, policies, and implementation methods have been found to be relevant in considering the proposed revisions.

- 1A. Goal 10: Provide a variety of development and program opportunities that meet the housing needs of all Albany's citizens.
- 1B. Policies:
4. Encourage innovation in housing types, densities, and design to promote a variety of housing alternatives and prices such as:
 - a. Manufactured homes sited on individual lots.
 - b. The adaptive reuse of the upper floors of structures within the Downtown Business District for residential purposes.
 - c. Other actions direct at reducing housing costs which conform with the Comprehensive Plan, including innovative Development Code regulations.
 11. Encourage residential development on already serviced and vacant residential lots or in areas within which services are available or can be economically provided.
- 1C. Implementation Methods:
2. Utilize a variety of techniques to reduce housing costs including:
 - a. Timely processing of development permits...
 5. Monitor the impact of placing manufactured homes within existing single family residential developments or on individual, residentially zoned lots to ensure that maximum compatibility is achieved.

Conclusions:

This criterion is met. The proposed revisions have been found to better achieve the goals and policies of the Comprehensive Plan than the existing regulatory language because:

- 1A. Elimination of Conditional Use review results in a reduction of the cost of placing a manufactured home on an individual lot or parcel, and therefore, provides the opportunity for more citizens at lower income levels to have their housing needs met.
 - 1B. The revisions promote a variety of housing alternatives and prices such as manufactured homes sited on individual lots, because there is a reduction in the cost of placing the home, and an decrease in the time required to process an application for the required permits.
 - 1C. The revisions will encourage residential development on already serviced and vacant residential lots by reducing the cost and the time needed to process permit applications.
 - 1D. The revisions allow permit applications to be processed as part of the Building Permit review process, reducing the time needed for processing, and lowering housing costs.
 - 1E. The Community Development Department will continue to monitor the impact of placing manufactured homes within existing single family residential developments and on individual, residentially zoned lots to ensure that maximum compatibility is achieved by applying approval standards as part of the Building Permit review process.
- (2) *The proposed amendments are consistent with Development Code policies on purpose and with the purpose statement for the base zone, special purpose district, or development regulation where the amendment is proposed.*

Findings of Fact:

- 2A. Article I, Administration and Procedures, of the Development Code lists the following relevant purposes:
 - (2) Satisfy relevant requirements of federal law, state law, statewide goals, and administrative rules.
 - (3) Facilitate prompt review of development proposals and the application of clear and specific standards.
- 2B. Article 3, Residential Zoning Districts, is intended to preserve land for housing, and preserve the character of neighborhoods by providing seven zones with different density standards. Site development standards allow for flexibility of development while maintaining compatibility within the City's various neighborhoods.
- 2C. The standards contained in Article 10, Manufactured Home Development Standards, of the Development Code are intended to provide a suitable living environment for residents of manufactured homes and establish development standards that will increase compatibility with adjacent land uses.

Conclusions:

This criterion is met. The proposed amendments are consistent with Development Code policies on purpose, with the intent of residential zoning districts, and with the standards in Article 10 because:

- 2A. The proposed revisions bring the Development Code into compliance with ORS Sections 197.295 - 197.313, thereby satisfying relevant requirements of state law.**

- 2B. The proposed revisions do not affect the amount of land zoned for housing, they do not affect the allowable density in any residential zone, and provide no exception to the site development standards of Article 3.**

- 2C. The proposed revisions help provide a suitable living environment for residents of manufactured homes by establishing approval criteria that require quality development, and establish development standards that increase compatibility with adjacent land uses.**