



Staff Report

To: Planning Commission

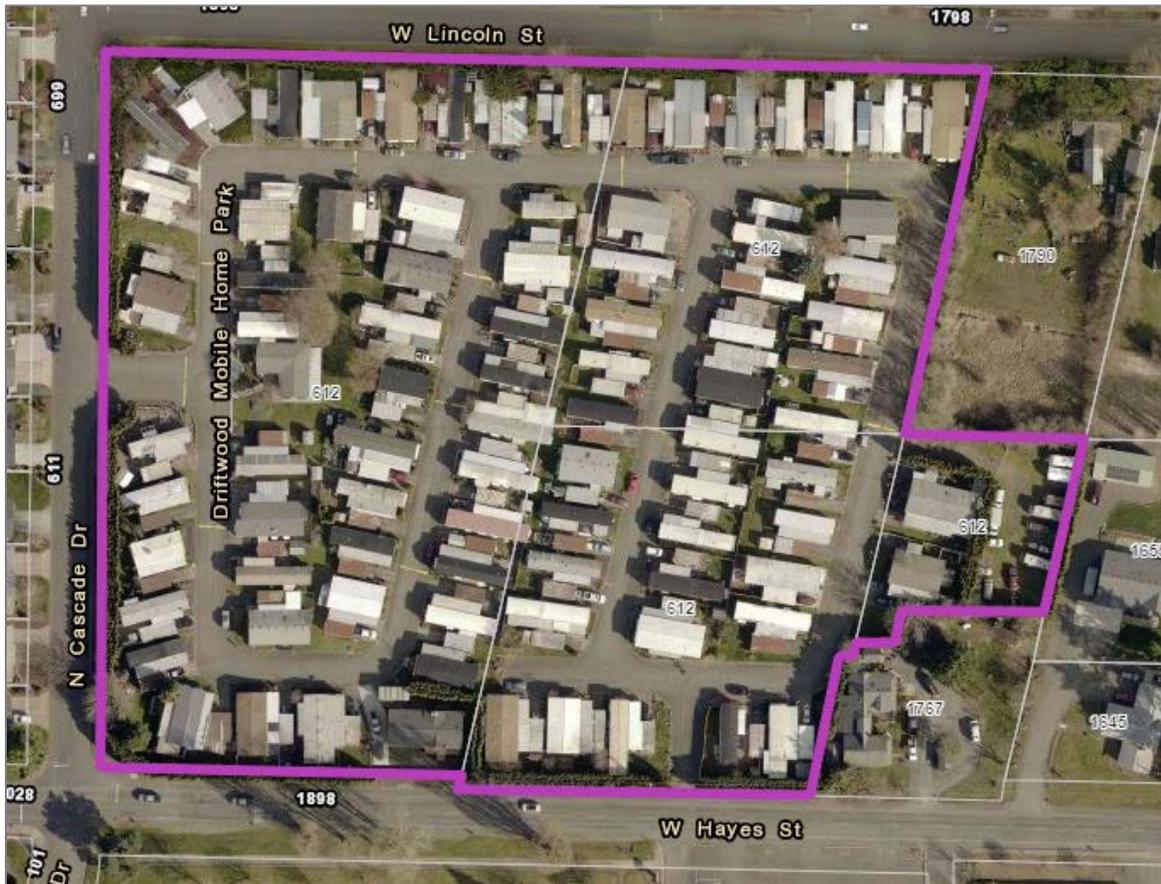
Through: Chris Kerr, Community Development Director *C.K.*

From: Dan Handel, AICP, Associate Planner

Meeting Date: October 8, 2020 (Prepared October 1, 2020)

Item: 612 N. Cascade Drive "Driftwood Mobile Home Park Perimeter Setbacks"
(VAR 2020-06)

Tax Lots: 052W12DD00200, 400, 500, & 600



Aerial View of 612 N. Cascade Drive (2019 aerial imagery via Marion County Assessor Property Records map)

Issue before the Planning Commission

Action on a land use application, Variance VAR 2020-06 (Type III), requesting to modify the perimeter property line setback requirements for Manufactured Dwelling Parks.

Executive Summary

The majority of the site, 612 N. Cascade Drive, is within the Medium Density Residential (RM) zoning district however a small portion is within the Single-Family Residential (RS) district. Existing improvements include the “Driftwood Mobile Home Park” manufactured dwelling park. The applicant is requesting a Variance from Woodburn Development Ordinance (WDO) 2.07.13B.2. and Table 2.07A relating to perimeter property line setbacks.

Recommendation

Approval with conditions: Staff recommends that the Planning Commission consider the staff report and its attachments and approve the application with the conditions recommended by staff below. The conditions can also be found towards the end of the Analyses & Findings (Attachment 101).

Recommended Conditions of Approval

VAR 2020-06

VAR-1. The applicant shall plant landscape shrubbery to fill in any gaps in the shrubbery screening around the perimeter of the site, except where City-approved driveway approaches exist. See Exhibit VAR-1 for an example of a gap to fill.

- a. The new landscape shrubbery shall be the same species of the existing shrubbery screening and shall meet the required minimum size at planting for Large Shrubs per WDO Table 3.06B, and shall be planted every 5 feet on-center.
- b. For new landscaping along the south property line abutting W. Hayes Street right-of-way, the applicant shall coordinate any planting with the Community Development Director so as not to disrupt or interfere with the W. Hayes Street reconstruction capital improvement project.
- c. This is due prior to building permit issuance for any new manufactured dwelling on site.



Exhibit VAR-1 showing a gap in perimeter landscape screening along the south property line.

Actions

The Planning Commission may instead act on the land use application to:

1. Approve per staff recommendations,
2. Approve with modified conditions, or
3. Deny, based on WDO criteria or other City provisions.

If the Planning Commission were to act upon the recommendation, staff would prepare a final decision for approval with the conditions that staff recommends.

Attachments:

101. Analyses & Findings
102. Assessor Tax Map, marked
103. Applicant's narrative letter
104. Table 11-2.3 (Oregon Manufactured Dwelling Installation Specialty Code, 2010 Edition)

Analyses & Findings

This final decision analyzes the application materials and finds through statements how the application materials relate to and meet applicable provisions such as criteria, requirements, and standards. They confirm that a given standard is met or if not met, they call attention to it, suggest a remedy, and have a corresponding recommended condition of approval. Symbols aid locating and understanding categories of findings:

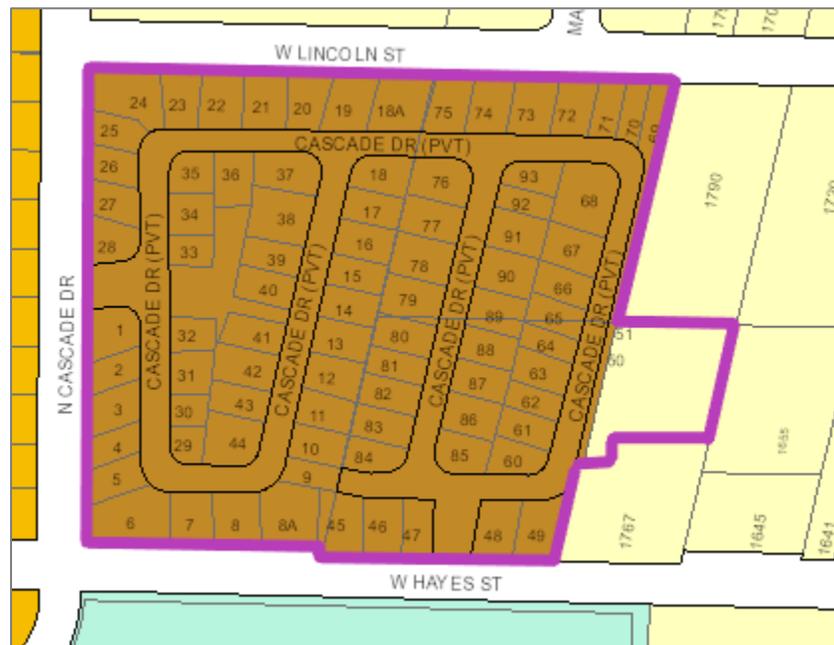
<i>Symbol</i>	<i>Category</i>	<i>Indication</i>
✓	Requirement (or guideline) met	No action needed
✗	Requirement (or guideline) not met	Correction needed
⊖	Requirement (or guideline) not applicable	No action needed
▲	<ul style="list-style-type: none"> • Requirement (or guideline) met, but might become unmet because of condition applied to meet separate and related requirement that is not met • Plan sheets and/or narrative inconsistent • Other special circumstance benefitting from attention 	Revision needed for clear and consistent records
■	Street Exception or Variance	Request to vary from requirement

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Land Use & Zoning

<i>Comprehensive Plan Land Use Designation</i>	Medium Density Residential & Low Density Residential
<i>Zoning District(s)</i>	Medium Density Residential (RM) & Single-Family Residential (RS)
<i>Overlay District(s)</i>	none
<i>Existing Use(s)</i>	Manufactured Dwelling Park



An excerpt from the City zoning map with the subject properties outlined in purple.

<i>Cardinal Direction</i>	<i>Adjacent Zoning</i>
North	RS
East	RS
South	Public / Semi-Public (P/SP)
West	Retirement Community Single-Family Residential (R1S)

The majority of the site is within the Medium Density Residential (RM) zoning district however a small portion is within the Single-Family Residential (RS) district. Marion County Assessor Records indicate the site includes four Tax Lots (052W12DD00200, 400, 500, & 600) totaling roughly 9.25 acres. Assessor records also note many of the manufactured dwellings were placed on the site throughout the 1970s and 80s, some as early as 1967. The applicant's narrative indicates the site within City limits beginning approximately 1969. Staff surmises the lots are legal lots of record.

The applicable [Woodburn Development Ordinance \(WDO\)](#) provisions appear in bold on the following pages.

Variance Provisions

5.03.12 Variance

A. Purpose: The purpose of this Type III Variance is to allow use of a property in a way that would otherwise be prohibited by this Ordinance. Uses not allowed in a particular zone are not subject to the variance process. Standards set by statute relating to siting of manufactured homes on individual lots; siding and roof of manufactured homes; and manufactured home and dwelling park improvements are non-variable.

B. Criteria: A variance may be granted to allow a deviation from development standard of this ordinance where the following criteria are met:

1. Strict adherence to the standards of this ordinance is not possible or imposes an excessive burden on the property owner, and
2. Variance to the standards will not unreasonably impact existing or potential uses or development on the subject property or adjacent properties.

C. Factors to Consider: A determination of whether the criteria are satisfied involves balancing competing and conflicting interests. The factors that are listed below are not criteria and are not intended to be an exclusive list and are used as a guide in determining whether the criteria are met.

1. The variance is necessary to prevent unnecessary hardship relating to the land or structure, which would cause the property to be unbuildable by application of this Ordinance. Factors to consider in determining whether hardship exists, include:

- a. Physical circumstances over which the applicant has no control related to the piece of property involved that distinguish it from other land in the zone, including but not limited to, lot size, shape, and topography.
- b. Whether reasonable use similar to other properties can be made of the property without the variance.
- c. Whether the hardship was created by the person requesting the variance.

2. Development consistent with the request will not be materially injurious to adjacent properties.

Factors to be considered in determining whether development consistent with the variance materially injurious include, but are not limited to:

- a. Physical impacts such development will have because of the variance, such as visual, noise, traffic and drainage, erosion and landslide hazards.
- b. Incremental impacts occurring as a result of the proposed variance.
3. Existing physical and natural systems, such as but not limited to traffic, drainage, dramatic land forms or parks will not be adversely affected because of the variance.

4. Whether the variance is the minimum deviation necessary to make reasonable economic use of the property;

5. Whether the variance conflicts with the Woodburn Comprehensive Plan.

2.07.13 Manufactured Dwelling Park (MDP)

B. Design and Improvement Standards

2. The required setback from a perimeter property line shall be 20 feet.

MDP Separation Matrix Table 2.07A			
	Manufactured Dwelling	Accessory Building	Accessory Structure
Perimeter property line	20 feet	20 feet	20 feet
1. The Building Official may approve reduced setbacks and clearances that are different than the dimensions in this table with the use of fire-resistant construction, according to the prescriptive requirements in the Oregon Residential Specialty Code. 2. Additional requirements in OAR 918-500-0530 may be applicable.			
Note: This table is adapted from Table 11-2.3, Minimum Setbacks and Fire Separation Inside Parks, from the Oregon Manufactured Dwelling Installation Specialty Code, 2010 edition.			

The subject of this variance request is the park perimeter property line setback requirement for manufactured dwellings and accessory buildings and structures. The applicant’s narrative letter states:

“Our objective with these variance requests is an effort to reduce the setback codes for current and future mobile homes that may need replacement due to deterioration and/or loss due to fire.

[...]

The request for approval of reduction from 20 feet set back code from the property lines(current ordinance) to reduce it to 5 (five) feet from the property line will allow us the most efficient way to provide housing to Low-income seniors, replace homes in the future and allow Lot #27(building permit# to move forward in accumulating the required occupancy permit.”

To summarize, the applicant requests Variance approval to modify 2.07.13B.2. and Table 2.07A to reduce the perimeter property line setback from 20 feet down to 5 feet. The narrative goes on to address the Variance criteria and factors:

“The existing city ordinance WOO 2.07.13 MOP separation Matrix Table 2.07A requiring a 20 ft setback from property line has caused "unnecessary hardship."

Existing set back code restrictions have prevented us from realizing a reasonable return on filling current empty mobile home lots inside the mobile home park and any future mobile homes that may need replacement. We are asking the City of Woodburn to exempt our property from local zoning ordinances that are negatively impacting our ability to make effective use of the property or land. We assure that the requested use variance will not alter the essential character of the surrounding neighborhood.

[...]

The peculiar and exceptional practical difficulties of this property (land) that has been established here since 1969 first belonging to Marion county then became city of Woodburn land, is affected by special circumstances or unusual conditions (current existing mobile homes in close proximity to the property line) that result in an

uncommon hardship and unequal treatment under the strict application of the adopted set back codes and has caused undue hardship upon this property for current and future homes coming in.

We are asking the city of Woodburn to authorize a deviation from the zoning regulations that govern improvement of the property (future homes coming in) and the current property line setback codes. We are ensuring Minimal or no Impact on Environment including factors like drainage, noise, and traffic congestion.”

Generally, staff concurs with the applicant.

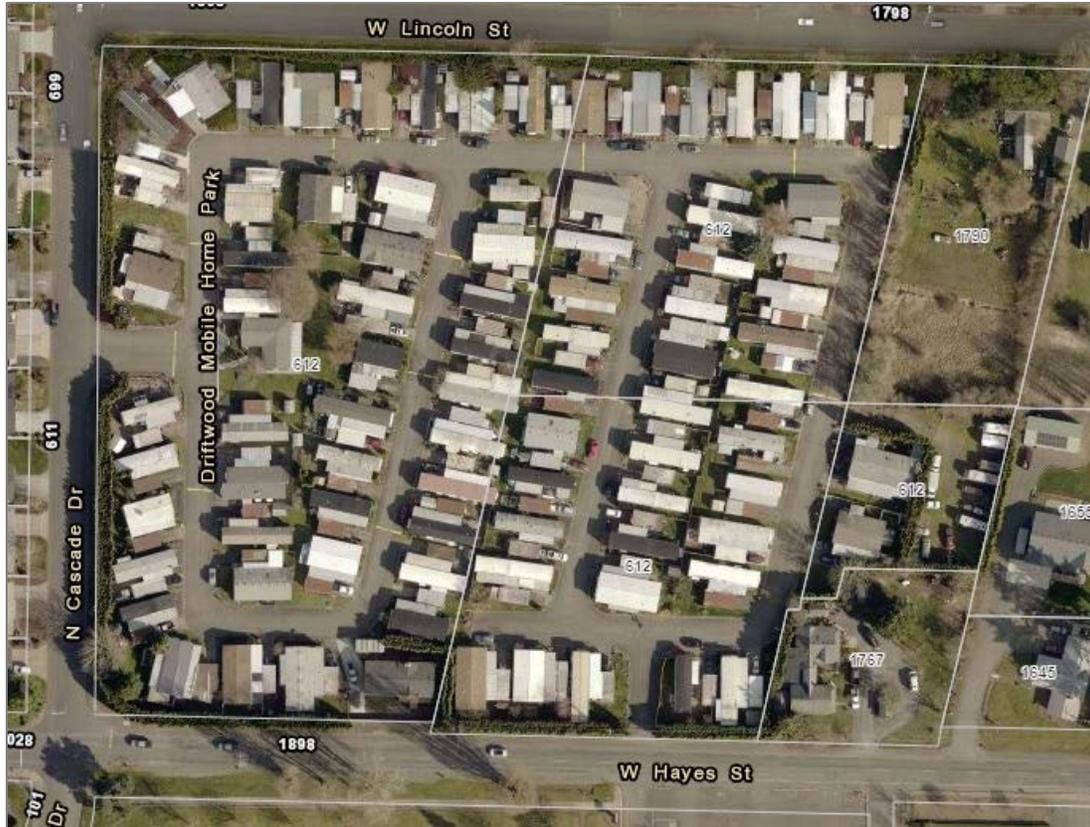
The manufactured dwelling park appears to have been developed when the site was under Marion County jurisdiction and later annexed into City limits in 1969.

Manufactured dwellings have specific federal and state regulations to comply with along with any local regulations. The 1973 Woodburn Zoning Ordinance did not include a park perimeter setback requirement, this 20-foot setback was introduced with the adoption of the 2002 Woodburn Development Ordinance. Table 2.07A of the current WDO is stated as being “adapted from Table 11-2.3, Minimum Setbacks and Fire Separation Inside Parks, from the Oregon Manufactured Dwelling Installation Specialty Code, 2010 edition.” The referenced Table 11-2.3 (Attachment 104) notes a minimum property line setback of 5 feet. Thus, the WDO goes above and beyond the applicable building code in terms of this particular setback requirement.

Marion County Assessor Records indicate many of the dwellings within the park were placed on the site throughout the 1970s and 80s, some as early as 1967. As can be seen in the aerial image of the site on the following page, the vast majority of existing dwellings on spaces abutting the perimeter property line are encroaching into this 20-foot setback meaning they are legally non-conforming to today’s local zoning standards. In fact, this Variance application originated because a replacement manufactured dwelling was proposed on one such space but the setback requirement prevented issuance of the building permit. The images below show the replacement dwelling to be located in roughly the same footprint as the previous dwelling.



The proposed new manufactured dwelling next to the perimeter screening (taken by staff 9/30/2020)



2019 aerial image of Driftwood Mobile Home Park

The layout of the park streets and dwelling spaces is such that siting a new dwelling in a park space abutting the perimeter property line and meeting the 20-foot setback becomes almost impossible without either eliminating the spaces along the perimeter or completely reconfiguring the layout of park streets and dwelling spaces. Staff considers this an excessive burden and an unnecessary hardship.

The applicant seeks the ability to site new dwellings in a way that matches how existing dwellings have been sited well before the adoption of the WDO in 2002. Visual and noise impacts to adjacent properties around the park are minimized by the existing hedge wall of arborvitae shrubs along the perimeter that screen the park from view. Staff adds *Condition of Approval VAR-1* to fill in any gaps in this perimeter shrubbery screening with matching plants. One such gap is shown in the photo on the following page.



A gap in the landscape screening along the south property line (taken by staff 9/30/2020)

Traffic, drainage, and erosion control impacts are minimal to non-existent because the site is already developed as a manufactured dwelling park.

The requested modification is the minimum deviation necessary to maintain the use of a manufactured dwelling park without undergoing significant changes to the layout of the site.

The requested modification does not conflict with the Comprehensive Plan, which does not delve into this level of detail regarding site development.

For the reasons outlined above, staff supports approval of the Variance request to modify 2.07.13B.2. and Table 2.07A to reduce the perimeter property line setback from 20 feet down to 5 feet.

▲ Considering the Variance criteria and factors, as well as the applicant's Variance Request Narrative, staff supports approval of the variance request with *Condition VAR-1*.

Recommended Conditions of Approval

Staff recommends approval of the application based on the findings in the staff report and attachments, which are incorporated by this reference, as well as applying the following conditions of approval:

VAR 2020-06

VAR-1. The applicant shall plant landscape shrubbery to fill in any gaps in the shrubbery screening around the perimeter of the site, except where City-approved driveway approaches exist. See Exhibit VAR-1 for an example of a gap to fill.

- a. The new landscape shrubbery shall be the same species of the existing shrubbery screening and shall meet the required minimum size at planting for Large Shrubs per WDO Table 3.06B, and shall be planted every 5 feet on-center.
- b. For new landscaping along the south property line abutting W. Hayes Street right-of-way, the applicant shall coordinate any planting with the Community Development Director so as not to disrupt or interfere with the W. Hayes Street reconstruction capital improvement project.
- c. This is due prior to building permit issuance for any new manufactured dwelling on site.



Exhibit VAR-1 showing a gap in perimeter landscape screening along the south property line.

Applicant Identity

<i>Applicant</i>	Maureena Hilton, Property Manager, Western Sage Management LLC
<i>Applicant's Representative</i>	n/a
<i>Landowner(s)</i>	Michael Huarte, Owner, Western Sage Management LLC

Notes to the Applicant

The following are not planning / land use / zoning conditions of approval, but are notes for the applicant to be aware of and follow:

1. Records: Staff recommends that the applicant retain a copy of the subject approval.
2. Land Use Decision Time Limit: WDO 4.02.04B. specifies that, "A final decision on any application shall expire within three years of the date of the final decision unless: 1. a building permit to exercise the right granted by the decision has been issued; 2. the activity approved in the decision has commenced; or 3. a time extension, Section 4.02.05, has been approved."

Driftwood MHP From the desk of Maureena Hilton/Property Manager



612 N Cascade Drive #8A
Woodburn, Oregon 97071
503-989-5691
propertys@live.com

Date: August 1,2020

Variance Request Letter/Narrative

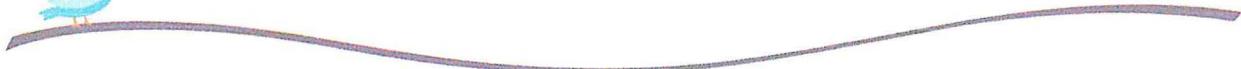
To: City of Woodburn – Planning & Zoning City of Woodburn – City Council From:
Maureena Hilton – Owners Representative Driftwood Mobile Home Park/Western
Sage Management LLC

CC: Owners of Properties Michael Huarte

Driftwood Mobile Home Park is a long running established Mobile Home Community that has been in the City of Woodburn, Oregon since approximately 1969. The Owners – Michael Huarte/Western Sage Management have been operating in a business to provide affordable housing for senior residents.

Our objective with these variance requests is an effort to reduce the setback codes for current and future mobile homes that may need replacement due to deterioration and/or loss due to fire. We intend to keep an aesthetically” pleasing to the eyes” Mobile Home Park that the City of Woodburn can be proud they approved of and would be equally proud to participate in its success .The existing city ordinance WDO 2.07.13 MDP separation Matrix Table 2.07A requiring a 20 ft setback from property line has caused “unnecessary hardship.”

ATTACHMENT 103



Existing set back code restrictions have prevented us from realizing a reasonable return on filling current empty mobile home lots inside the mobile home park and any future mobile homes that may need replacement. We are asking the City of Woodburn to exempt our property from local zoning ordinances that are negatively impacting our ability to make effective use of the property or land. We assure that the requested use variance will not alter the essential character of the surrounding neighborhood.

In our effort to remain uniform, we do not feel that we are jeopardizing the intent of the Building codes as adopted by the City of Woodburn referred to Woodburn Development Ordinance (WDO) specifically 2.07.13 MDP Separation Matrix Table 2.07A (attached) [Exhibit "A"](#)

Our Requests are as Follows:

Ordinance section 2.07.13 Building Design Standards, our request will differ from the established ordinance mentioned above as follows:

The request for approval of reduction from 20 feet set back code from the property lines(current ordinance) to reduce it to 5 (five) feet from the property line will allow us the most efficient way to provide housing to Low-income seniors, replace homes in the future and allow Lot #27(building permit # to move forward in accumulating the required occupancy permit.

The peculiar and exceptional practical difficulties of this property (land) that has been established here since 1969 first belonging to Marion county then became city of Woodburn land , is affected by special circumstances or unusual conditions (current existing mobile homes in close proximity to the property line) that result in an uncommon hardship and unequal treatment under the strict application of the adopted set back codes and has caused undue hardship upon this property for current and future homes coming in.



We are asking the city of Woodburn to authorize a deviation from the zoning regulations that govern improvement of the property (future homes coming in) and the current property line setback codes. We are ensuring Minimal or no Impact on Environment including factors like drainage, noise, and traffic congestion.



2.07.13 Manufactured Dwelling Park (MDP) A. Applicability of Design and Improvement Standards 1. The design and improvement standards of this Section are applicable to all Manufactured Dwelling Parks. 2. All standards established by state statute (ORS 197.307 and ORS Chapter 446) and/or state administrative rule OAR 918-600). Deviation from these state standards is governed by these statutes and rules. 3. All Manufactured Dwelling Parks, and manufactured dwellings in those parks, established prior to the adoption of the Woodburn Development Ordinance (WDO), have nonconforming status under the WDO. B. Design and Improvement Standards 1. The minimum site area for a manufactured dwelling park shall be 1.0 acres. 2. The required setback from a perimeter property line shall be 20 feet. 3. The minimum area for each manufactured dwelling space shall be 3,600 square feet. 4. Dimensions of a Park Space a. Minimum Width: 30 feet. b. Minimum Length: 40 feet. 5. Each manufactured dwelling space shall have direct unobstructed access to a street. 6. Parking a. One parallel parking space on an abutting private street may be counted toward the required off-street parking for a manufactured dwelling. b. Parking spaces shall comply with this Ordinance (Table 3.05C, Parking Space and Drive Aisle Dimensions). c. Driveways shall comply with this Ordinance (Table 3.04A, Access Requirements). d. Parking spaces and driveways shall be improved to the standards of this Ordinance (Section 3.04.04). 7. Storage of boats and recreational vehicles is prohibited, except in a Boat and Recreational Vehicle Storage Area. 8. Play Area a. Area Ratio: 100 square feet per manufactured dwelling space, but not less than 2,500 square feet Woodburn Development Ordinance Section 2.07 Page 87 b. A play area shall not be required for manufactured dwelling parks established prior to March 13, 1989 as an all-adult park. 9. Park Streets a. Ownership: Private b. Connectivity: The park street system shall connect to a public street. c. Paved Width 1. Without on-street parking, 20 feet. 2. With on-street parking, 30 feet. d. Sidewalks, Curbs and Drainage: Sidewalks, curbs and drainage for park streets shall be designed to the local street standards of Section 3.301. e. Block Length: The block length and the length of cul-de-sac streets shall comply with the standards of Section 3.301. 10. Manufactured Dwelling Design Standards a. Roof Pitch: Each manufactured dwelling shall have a pitched roof with a slope no less than a nominal 3 feet in height for each 12 feet in width. b. Siding and Roofing: Each manufactured dwelling shall have exterior siding and roofing which in color, material and appearance is similar to the exterior siding and roofing material commonly used on residential dwellings within the community or which is comparable to the "predominant materials used in surrounding dwellings". 11. Each manufactured dwelling space shall be addressed off a park street. Woodburn Development Ordinance Section 2.07 Page 88 2.07.14 Manufactured Dwelling on a Lot A manufactured dwelling located on an individual lot outside of a Manufactured Dwelling Park shall comply with Architectural and Design Standards (Section 3.07.02 or 3.07.03) with the following exceptions: A. The manufactured dwelling shall have been manufactured after June 15, 1976, and exhibit the Oregon Department of Commerce "Insignia of Compliance" that indicates conformance with Housing and Urban Development (HUD) standards. B. The manufactured dwelling shall be multi-sectional and enclose a space of not less than 1,000 square feet. C. The manufactured dwelling shall be placed on an excavated and back-filled foundation and enclosed at the perimeter such that the manufactured dwelling is located not more than 12 inches above grade. D. The manufactured dwelling shall be certified by the manufacturer to have an exterior thermal envelope meeting performance standards equivalent to the performance standards MDP Separation Matrix Table 2.07A Manufactured Dwelling Accessory Building A

MDP Separation Matrix			
Table 2.07A			
	Manufactured Dwelling	Accessory Building	Accessory Structure
Perimeter property line	20 feet	20 feet	20 feet
Interior property line	5 feet	5 feet	5 feet
Park street	5 feet	5 feet	5 feet
Park sidewalk	2 feet	2 feet	none
Manufactured dwelling on the same lot	10 feet ^{1,2}	3 feet	none
Manufactured dwelling on an adjacent lot	10 feet	6 feet	6 feet
Buildings on the same property	10 feet	6 feet	6 feet
Accessory buildings on the same lot	3 feet	3 feet	none
Accessory building on an adjacent lot	6 feet	6 feet	6 feet
Accessory structures on the same lot	none	none	none
Accessory structures on an adjacent lot	6 feet	6 feet	6 feet

1. The Building Official may approve reduced setbacks and clearances that are different than the dimensions in this table with the use of fire-resistant construction, according to the prescriptive requirements in the Oregon Residential Specialty Code.

2. Additional requirements in OAR 918-500-0530 may be applicable.

Note: This table is adapted from Table 11-2.3, Minimum Setbacks and Fire Separation Inside Parks, from the Oregon Manufactured Dwelling Installation Specialty Code, 2010 edition.

2.07.14 Manufactured Dwelling on a Lot

A manufactured dwelling located on an individual lot outside of a Manufactured Dwelling Park shall comply with Architectural and Design Standards (Section 3.07.02 or 3.07.03) with the following exceptions:

- A. The manufactured dwelling shall have been manufactured after June 15, 1976, and exhibit the Oregon Department of Commerce “Insignia of Compliance” that indicates conformance with Housing and Urban Development (HUD) standards.
- B. The manufactured dwelling shall be multi-sectional and enclose a space of not less than 1,000 square feet.
- C. The manufactured dwelling shall be placed on an excavated and back-filled foundation and enclosed at the perimeter such that the manufactured dwelling is located not more than 12 inches above grade.
- D. The manufactured dwelling shall be certified by the manufacturer to have an exterior thermal envelope meeting performance standards equivalent to the performance standards

Table 11-2.3 Minimum Setbacks and Fire Separation Inside Parks

	Manufactured Dwellings	Accessory Buildings	Accessory Structures
Property Line	5 ft.	5 ft.	5 ft.
Park Street	5 ft.	5 ft.	5 ft.
Park Sidewalk	2 ft.	2 ft.	0 ft.
Manufactured Dwelling on Same Lot	See Note (1) & (2)	3 ft.	0 ft.
Manufactured Dwelling on Adjacent Lot	10 ft.	6 ft.	6 ft.
Buildings on the Same Property	10 ft.	6 ft.	6 ft.
Accessory Buildings on Same Lot	3 ft.	3 ft.	0 ft.
Accessory Building on Adjacent Lot	6 ft.	6 ft.	6 ft.
Accessory Structures on Same Lot	0 ft.	0 ft.	0 ft.
Accessory Structures on Adjacent Lot	6 ft.	6 ft.	6 ft.

NOTES:

- (1) The building official may approve reduced setbacks and clearances than those dimensions in this table with the use of fire resistive construction according to the prescriptive requirements in the **Oregon Residential Specialty Code**.
- (2) Additional requirements in OAR 918-500-0530 may be applicable.
- (3) Setbacks from perimeter property lines and public streets may be greater than those dimensions shown in this table if the municipality adopted local amendments by ordinance.
- (4) Setbacks and clearances addressed in this table shall be measured to the exterior wall of the structure and shall not include the eave overhangs except for awnings and carports.