31.3.16 Permits – Particular Uses – Manufactured Homes. Where a county's code defines "recreational vehicle" (RVs) as a temporary dwelling unit intended for vacation, emergency or recreational use, but that cannot be used for permanent residential use, the county errs in interpreting the provisions of a forest zone, which allows as a conditional use "recreational vehicles" without any express durational limits, to allow an RV to be used as a permanent residence, because that interpretation gives no effect to the categorical exclusions in the code definition of "recreational vehicle." *Oregon Coast Alliance v. Tillamook County*, 77 Or LUBA 192 (2018).

31.3.16 Permits – Particular Uses – Manufactured Homes. That county staff have in the past approved recreational vehicles as permanent residential dwellings does not provide a basis to interpret the county code to allow recreational vehicles to be used as permanent residential dwellings, where the county code definition of "recreational vehicle" prohibits their use as permanent residential dwellings. *Oregon Coast Alliance v. Tillamook County*, 77 Or LUBA 192 (2018).

31.3.16 Permits – Particular Uses – Manufactured Homes. A condition that purports to impose system development charges as a condition of approving conversion of a mobile home park to a manufactured dwelling subdivision is prohibited by ORS 92.845(1)(b), unless it falls within some exception to that statute. *D & B Home Investments v. City of Donald*, 51 Or LUBA 1 (2006).

31.3.16 Permits – Particular Uses – Manufactured Homes. ORS 92.845(1)(c) allows local governments to impose system development charges on conversion of a mobile home park to a manufactured dwelling subdivision only when such charges are "based on the prior approval" of the park. Where the prior park approval did not impose system development charges, ORS 92.845(1)(c) does not apply. *D & B Home Investments v. City of Donald*, 51 Or LUBA 1 (2006).

31.3.16 Permits – Particular Uses – Manufactured Homes. Pursuant to ORS 197.480(5), a local government can apply clear and objective criteria for the placement and design of manufactured home parks. A local provision requiring that each home in manufactured home parks be within 500 feet of a fire hydrant capable of providing a defined minimum flow is a clear and objective criterion. *Doob v. Josephine County*, 39 Or LUBA 276 (2001).

31.3.16 Permits – Particular Uses – Manufactured Homes. That a local government has neither conducted the inventory and needs analysis required by ORS 197.480 nor made a determination of needed housing with respect to manufactured home parks does not prohibit the local government from approving a manufactured home park, or waive the local government's obligation to comply with ORS 197.480. *Doob v. Josephine County*, 39 Or LUBA 276 (2001).

31.3.16 Permits – Particular Uses – Manufactured Homes. Subjective conditional use criteria designed to balance or mitigate the impacts of development on property or the adjoining community are not "clear and objective criteria and standards" that can be applied to approve or deny manufactured dwelling parks under ORS 197.480(5). *Multi/Tech Engineering v. Josephine County*, 37 Or LUBA 314 (1999).

31.3.16 Permits – Particular Uses – Manufactured Homes. Where a county fails to implement ORS 197.480 to designate residential areas in which manufactured dwelling parks can be located as allowed uses subject only to clear and objective criteria, and the county's ordinance subjects all manufactured dwelling parks to subjective conditional use criteria, the county cannot apply those criteria to approve or deny a manufactured dwelling park. *Multi/Tech Engineering v. Josephine County,* 37 Or LUBA 314 (1999).

31.3.16 Permits – Particular Uses – Manufactured Homes. Petitioners fail to establish compliance with all mandatory approval criteria for a special medical hardship permit allowing a temporary mobile home on their property in a forest zone where they fail to present any evidence indicating that no reasonable housing alternatives exist that could meet one petitioner's needs for special medical attention. *Lopatin v. Clackamas County*, 32 Or LUBA 158 (1996).

31.3.16 Permits – Particular Uses – Manufactured Homes. Where a local code requires a "recreation/open space area" as part of a mobile home park, it is reasonable for the local government to interpret "recreation/open space area" to include wetlands. *Burghardt v. City of Molalla*, 29 Or LUBA 223 (1995).

31.3.16 Permits – Particular Uses – Manufactured Homes. Where the code regulates mobile home parks and RV facilities as separate and distinct uses, any nonconforming use determination that the subject property was used as both a mobile home park and an RV facility at the time restrictive zoning was applied must include determinations regarding the extent the property was used for each use. *Tylka v. Clackamas County*, 28 Or LUBA 417 (1994).

31.3.16 Permits – Particular Uses – Manufactured Homes. It is unreasonable for a local hearings officer to interpret a code provision prohibiting "unit enlargements or expansions" of existing mobile home parks unless they are "made to conform substantially with all requirements for new construction" as inherently inapplicable to any proposed alteration of a nonconforming mobile home park, because such an interpretation would make this code provision a nullity. *Tylka v. Clackamas County*, 28 Or LUBA 417 (1994).

31.3.16 Permits – Particular Uses – Manufactured Homes. A hearings officer's interpretation of a conditional use permit for a "tourist park" as not allowing placement of mobile homes within the approved "tourist park," as that term is defined by the local code, is reasonable and correct. *Jones v. Lane County,* 28 Or LUBA 193 (1994).

31.3.16 Permits – Particular Uses – Manufactured Homes. That state agencies may recognize and regulate "combination parks" which include both recreational vehicles and mobile homes occupied on a long-term basis does not mean a local government must adopt comprehensive plan and zoning provisions allowing such combination parks. *Jones v. Lane County,* 28 Or LUBA 193 (1994).

31.3.16 Permits – Particular Uses – Manufactured Homes. ORS 197.307(5)(d) expresses an alternative standard that is satisfied if the exterior materials of a manufactured home *either* (1) are similar those commonly used on dwellings in the community, *or* (2) are comparable to those used on surrounding dwellings. Because local governments cannot adopt standards more restrictive than those set out in ORS 197.307(5), a city cannot interpret a local regulation implementing ORS

197.307(5)(d) as allowing it to require, in a particular instance, that a manufactured home *must* satisfy the second alternative. *Brewster v. City of Keizer*, 27 Or LUBA 432 (1994).