

MODEL OUTLINE

Tehama County v. Tepee Campground

Jurisdiction - Columbia

Clients – Jane Maya Owner of Tepee Campground

Objective Memorandum

RTP Permanent Structure or a Recreational vehicle

-June 19th Newspaper article

New mobile cabins (RPT) took up 39 feet of each RV slot.

They too are on wheels

Trailers are 12 feet wide, built on a chassis, 39 feet long and measure 395 square feet

Only taking short-term rentals

Everything built into the trailer - Fits the federal government's definition of an RV

Cabins are paneled, has fireplace, hardwood floors, and wireless internet.

Has kitchen with stove, refrigerator, microwave oven and dishwasher. Bathrooms

-June 24th Newspaper article

RPTs like RVs

Conditional Use Permit application staff report

Not regulated by federal regulations. 24CFR section 3282.8(g) RPT has established construction standards for RPTs – limited to 400 square feet built on a single chassis, mounted on wheels, and comply with various requirements for electrical, plumbing and heating systems.

Hook up to sewer system, draw power from the grid and have running water

Memo County Commissioner

No provision on recreational park trailers

Building code does not make a distinction between types of RVs RPTs pose less of risk to public than conventional RV and therefore should not be subject anything we are not willing to require of fifth wheel.

HUD does not regulate RPTs

GOOD

24 CFR Section 3282.8(g)

1. Is built on a single chassis mounted on wheels

2. Has a gross trailer area not exceeding 400 square feet in setup mode, and, if less than 320 square feet in the setup mode, would require a special movement permit for highway transit

3. Is certified by the manufacturer as complying with standards set by the recreational park industry.

Section 222.1

Campgrounds defined as establishments providing overnight or short-term sites for recreational vehicles. Trailers, campers, tent, that have no permanent structures other than management office, laundry...

Tall Timbers v. Oregon Construction Department (2010)

Federal definition of RVs dependent upon its intended use. Designed primarily not for use as a permanent dwelling. Standard objective as a reasonable prudent person would use as a temporary dwelling and that the subjective intent of the user does not control. Court did not need to determine if RPTs are manufactured homes or RVs. Court found RPT are structures and needed to determine if RPTs fall within the Construction code definition of a structure

Construction code provisions must be interpreted liberally to advance its purpose. Purpose of building code to protect public insuring adequate maintenance of buildings and structures.

RPT are an enlargement increasing non-conforming use or change to another non-conforming use that is not material less intense use

541.1 Nonconforming use shall not be enlarged or expanded in areas of structure or land occupied.

Conditional Use Permit application staff report

Tepee camping ground had been in existence since mid 1970's and permitted to grandfather in for nonconforming use

Neighbors complain about enlargement but aerial photo shows current layout identical Replacing 54 RV sites with RPTs

RPT takes less space
Permanently placed on sites

541.2 Nonconforming use shall not be materially increase in intensity

541.3 Nonconforming use shall not be a change to another nonconforming use unless any new use is a materially less intense nonconforming use.

June 19th newspaper article

Less noise from gas-powered generators, less big diesel reducing pollution and gas

June 24th newspaper article

Fast growing trend

541.4 The determination of the level of intensity shall include consideration of traffic generated, perceived level of activity...adverse impacts on neighboring lands

RPTs will reduce vehicle traffic, less RVs on the road
Save 9,500 gallons of fuel, CO2 emissions 363,000 pounds a year

Looks and appearance better

GOOD

Section 540

Nonconforming use means any use of land, building or structure which was established pursuant to the zoning and building laws in effect at time of development, but which use is not permitted by these land development regulations for the zoning district in which it is located.

County of Los Banos v. Leskiewicz (2000)

Recognized law that if before the adoption of the zoning ordinance the defendants established a use as a picnic and camping park they acquire a vested right to continue that it is thereafter as a nonconforming use.

A legal nonconforming use has been defined as authority granted to the owner to use his property in a manner otherwise violative of the zoning regulations. Determination of whether the use challenged is substantially the same kind of use...in deciding whether the activity is within the scope of the established or acquired nonconforming use,

DIVISION 200 Zoning district regulations

The purpose...regulate...promote stability of existing land use and protect from ...harmful intrusions..ensure use enhances their sites...

BAD

Section 541

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