

Section 3. FINDINGS. The Board of Commissioners adopts as its findings in support of this amendment as in Exhibit "C" attached and incorporated by reference herein.


Dated this 30th of July, 2008

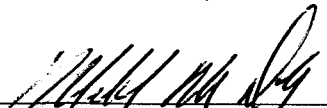
BOARD OF COUNTY COMMISSIONERS
OF DESCHUTES COUNTY, OREGON


DENNIS R. LUKE, CHAIR


TAMMY MELTON, VICE CHAIR

ATTEST:


Recording Secretary


MICHAEL M. DALY, COMMISSIONER

Date of 1st Reading: 30 day of July, 2008.

Date of 2nd Reading: 30 day of July, 2008. 13th August

Record of Adoption Vote

Commissioner	Yes	No	Abstained	Excused
Dennis R. Luke	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Tammy Melton	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Michael Daly	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Effective date: 30 day of July, 2008. 10th November

ATTEST:


Recording Secretary

*** Denotes section of the Code not amended in Ordinance 2008-022

Chapter 18.04. TITLE, PURPOSE AND DEFINITIONS

18.04.010. Title.

18.04.020. Purpose.

18.04.030. Definitions.

| "Manufactured home" shall have the meaning as set forth in ORS 446.003(24)(a).

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*** Denotes section of the Code not amended in Ordinance 2008-022

Chapter 18.116. SUPPLEMENTARY PROVISIONS

- 18.116.010. Authorization of Similar Uses.
- 18.116.020. Clear Vision Areas.
- 18.116.030. Off-Street Parking and Loading.
- 18.116.031. Bicycle Parking.
- 18.116.035. Bicycle Commuter Facilities.
- 18.116.040. Accessory Uses.
- 18.116.050. Manufactured Homes.
- 18.116.070. Placement Standards for Manufactured Homes.
- 18.116.080. Manufactured Home or RV as a Temporary Residence on an Individual Lot.
- 18.116.090. A Manufactured Home or Recreational Vehicle as a Temporary Residence for Medical Condition.
- 18.116.095. Recreational Vehicle as a Temporary Residence on an Individual Lot.
- 18.116.100. Building Projections.
- 18.116.200. Repealed.
- 18.116.120. Fences.
- 18.116.130. Hydroelectric Facilities.
- 18.116.140. Electrical Substations.
- 18.116.150. Endangered Species.
- 18.116.160. Rimrock Setbacks Outside of LM Combining Zone.
- 18.116.170. Solar Height Restrictions.
- 18.116.180. Building Setbacks for the Protection of Solar Access.
- 18.116.190. Solar Access Permit.
- 18.116.200. Repealed.
- 18.116.210. Residential Homes and Residential Facilities.
- 18.116.215. Family Childcare Provider.
- 18.116.220. Conservation Easements on Property Adjacent to Rivers and Streams-Prohibitions.
- 18.116.230. Standards for Class I and II Road Projects.
- 18.116.240. Protection of Historic Sites.
- 18.116.250. Wireless Telecommunications Facilities.
- 18.116.260. Rock Crushing Outside the SM Zone.
- 18.116.270. Conducting Filming Activities in All Zones.
- 18.116.280. Home Occupations.

18.116.090. A Manufactured Home or Recreational Vehicle as a Temporary Residence for Medical Condition.

- A. A temporary use permit for one manufactured home of any class or one recreational vehicle on a lot or parcel in addition to an existing dwelling may be granted when a medical condition exists.
- B. The person with a medical condition must be either one of the property owners or a relative of one of the property owners.
- C. For the purposes of this section, a relative is defined as a grandparent, parent, child, brother or sister, either blood or legal relationship.

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Deleted: in a residential area

Deleted: which requires the temporary location of a manufactured home on the property in order to provide necessary care for a member of the principal occupant's family.

D. Such medical condition must be verified by a doctor's written statement, which shall accompany the permit application.

E. The temporary use permit shall be reviewed annually for compliance with the terms of DCC 18.116.090.

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F. The manufactured home shall be removed or the recreational vehicle shall be vacated, and disconnected from any electric, water or sewer facility connection for which a permit has been issued not later than 90 days following the date the medical condition requiring the temporary use permit ceases to exist.

Deleted: C

G. If a recreational vehicle is used as a medical hardship dwelling, it shall have a bathroom, and shall meet the minimum setbacks for the zone in which it is located.

H. The applicant shall obtain all necessary permits from the County Building and Environmental Health Divisions prior to initiating the use.

(Ord. 2008-022 § 2, 2008; Ord. 91-005 §45, 1991; Ord. 89-004 §5, 1989)

TA-08-2 FINDINGS

The Board of County Commissioners (Board) requested that the Deschutes County Community Development Staff initiate a text amendment to add recreational vehicles as a dwelling to be used as temporary residence for medical conditions to DCC 18.116.090. Currently, only manufactured homes are allowed under the code to be used as such residences.

While drafting the text amendment, staff became aware that statutory references in the definition of manufactured dwelling in DCC 18.04.030 is not longer correct. Therefore, this ordinance will also correct that statutory reference.

The Planning Commission held a public hearing on May 22 and recommended approval of the proposed text amendment with out changes.

The Board held a work session on June 18, 2008 and requested that staff address new language to ensure that the manufactured homes permitted for medical conditions are only temporary dwellings. The Board held a public hearing and first reading on July 21, 2008.

DESCHUTES COUNTY COMPREHENSIVE PLAN:

The Deschutes County Comprehensive Plan, Chapter 23 does not specifically address temporary medical hardship dwellings, however the county polices currently allow manufactured homes as temporary medical hardship dwellings and allowing recreational vehicles would confirm that these dwellings are to be temporary dwellings only and removed when the medical condition ends.

COMPLIANCE WITH STATEWIDE PLANNING GOALS:

Goal 1 – Citizen Involvement. To develop a citizen involvement program that insures the opportunity for citizens to be involved in all phases of the planning process.

Finding: Goal 1 is satisfied through the County text amendment process that includes a Planning Commission work session held on April 24, 2008, followed by a public notice published in the Bend Bulletin on May 4, 2008 for the Planning Commission public hearing to be held on May 22, 2008, completed with a work session and public hearing with the Deschutes County Board Commissioners.

Goal 2 – Land Use Planning. To establish a land use planning process and policy framework as a basis for all decision and actions related to use of land and to assure an adequate factual base for such decisions and actions.

Finding: Deschutes County has established a process and policy framework to assure that decisions rendered by the County on land use applications have an adequate factual basis. No exceptions to the Statewide Planning Goals are requested with this application. No goal exceptions are necessary because the area where this use will be allowed are already zoned for residential uses, the proposed amendment provides for an additional type of temporary dwelling. The staff report and accompanying materials contain the necessary facts for adoption of the proposed text amendments. Therefore, the text amendment is consistent with this goal.

Goal 3 – Agricultural Lands. To preserve and maintain agricultural lands.

Finding: Temporary medical hardship dwellings are a use allowed in the Agricultural (EFU) zones. Therefore, the proposed text amendment is consistent with Goal 3.

Goal 4 – Forest Lands. To conserve forest lands by maintaining the forest land base and to protect the state's forest economy by making possible economically efficient forest practices that assure the continuous growing and harvesting of forest tree species as the leading use on forest land consistent with sound management of soil, air, water, and fish and wildlife resources and to provide for recreational opportunities and agriculture.

Finding: Temporary medical hardship dwellings are a use allowed in the Forest lands. Therefore, the proposed text amendment is consistent with Goal 4.

Goal 5: Natural Resources, Scenic and Historic Areas, and Open Spaces. To protect natural resources and conserve scenic and historic areas and open spaces.

Finding: The proposed amendment is consistent with Goal 5 because temporary medical hardship dwelling will have to be sited to be consistent with regulations adopted to protect Goal 5 resources.

Goal 6: Air, Water and Land Resources Quality. To maintain and improve the quality of the air, water and land resources of the state.

Finding: The proposed text amendment will have little or no effect upon the air, water and land resources quality in Deschutes County because locations of the proposed medical hardship dwellings are already zoned for residential uses. The current county zones allow for the development of residential single family dwellings, therefore the water needs will be consistent with the current anticipated water usage or would only have a temporary increase in water usage.

Goal 7: Areas Subject to Natural Hazards. To protect people and property from natural hazards.

Finding: The identified natural hazards for residential use in Deschutes County are flooding and fire. Any temporary medical hardship dwelling will have to comply with codes designed to prevent damage from natural hazards including flood and fire.

Goal 8: Recreation Needs. To satisfy the recreational needs of the citizens of the state and visitors and, where appropriate, to provide for the siting of necessary recreational facilities including destination resorts.

Finding: The proposed text amendment is not a recreational facility; therefore this Statewide Planning Goal is not applicable to this text amendment.

Goal 9: Economic Development. To provide adequate opportunities throughout the state for a variety of economic activities vital to the health, welfare, and prosperity of Oregon's citizens.

Finding: This text amendment will provide for the ability of the affected property owner to implement a flexible, more cost effective and temporary medical hardship dwelling. This text amendment is not related to economic development.

Goal 10: Housing. To provide for the housing needs of citizens of the state.

Finding: The proposal will encourage flexibility for different types of temporary medical hardship dwellings that are necessary to house citizens in need; therefore it is consistent with Goal 10.

Goal 11: Public Facilities and Services. To plan and develop a timely, orderly and efficient arrangement of public facilities and services to serve as a framework for urban and rural development.

Finding: The temporary medical hardship dwellings are within Deschutes County and will be served by the existing sewer or septic and water or well systems. The proposed text amendment will not affect the existing public facilities and services that currently serve the properties; therefore this Statewide Planning Goal is not applicable to this text amendment.

Goal 12: Transportation. To provide and encourage a safe, convenient and economic transportation system.

Finding: The proposed text amendments will have no effect on the transportation system because there are no new roads being proposed with this amendment. The text amendment would promote the placement of a recreational vehicle as a temporary medical hardship use which would reduce the need for travel to and from the medical hardship properties.

Goal 13: Energy Conservation. To conserve energy.

Finding: The proposed amendments will aid in energy conservation because the property owners and their medical hardship tenants will not be required to travel to and from the property, thereby reducing the amount of energy consumed for transportation.

Goal 14: To provide for an orderly and efficient transition from rural to urban land use, to accommodate urban population and urban employment inside urban growth boundaries, to ensure efficient use of land, and to provide for livable communities.

Finding: The proposed text amendment will only affect rural lands and is not applicable to land in the Urban Growth Boundaries.

Statewide Planning Goals 15 – 19 are related to resources not located in Central Oregon and, therefore are goals that do not apply to Deschutes County