



Community Development Department

Planning Division Building Safety Division Environmental Soils Division

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MEMORANDUM

To: Planning Commission

From: Peter Russell, Senior Transportation Planner

Date: September 8, 2016

Re: Work session on a text amendment to allow an existing building in the Exclusive Farm Use (EFU) Zone to be used as a temporary dwelling in the case of a medical hardship

Background

On May 12 and May 26, 2016, the Planning Commission accepted public testimony during the hearings on the FY 2016-17 Planning Division work plan. A citizen proposed amending Deschutes County Code to allow existing buildings on EFU lands of more than 80 acres to be used as temporary residences in cases of medical hardship.

The citizen pointed out that state law already allows this to occur and discussed how requiring the placement of a manufactured home on the property represented a financial burden on those already experiencing hardship. Additionally, whether the temporary dwelling is a manufactured home, an RV, or stick-built home, both state law and County code require the dwelling to be either demolished, removed, vacated, or be returned to a non-residential use once the hardship has ended.

The Planning Commission accepted the proposal and recommended to the Board of County Commissioners that a text amendment be added to the Planning Division work plan to accomplish the task. The Board at its June 22, 2016, public hearing on the work program approved adding the task to the Planning Division's FY 2016-17 tasks. The Board did not specify any acreage size, but rather referred to just the EFU zone.

Proposal

Staff initiated the text amendment on August 26, 2016, under File 247-16-000511-TA. The application would amend Deschutes County Code (DCC) 18.116.090 to allow an existing building in the EFU zone to be used as a temporary residence in a case of medical hardship. This is already allowed under both state statute and administrative rule. Deschutes County chose to be more restrictive and will continue to do so in the non-EFU zones.

The proposed specific language is shown with new language in underline:

DCC 18.116.090(A) would be revised as follows:

“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. In the Exclusive Farm Use zone only, an existing building may be used as a temporary dwelling.”

DCC 18.116.090(F) would be revised as follows:

“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. In the Exclusive Farm Use zone the existing building will be returned to a permitted non-residential use within 90 days following the date the medical condition requiring the temporary use permit ceases to exist.”

Next Steps

The Planning Commission will hold a public hearing at 5:30 p.m., October 13, 2016, regarding File 247-16-000511-TA. After receiving public testimony and deliberations, the Planning Commission will make a recommendation to the Board of County Commissioners. The Board will then hold a public hearing at a date yet to be determined.