

**Use of existing buildings  
in the Exclusive Farm Use zone  
as temporary dwellings  
in cases of medical hardship  
(File 247-16-000511-TA)**

Planning Commission Public Hearing  
October 13, 2016

# OPENING STATEMENT

- This is a legislative hearing before the Deschutes County Planning Commission on File 247-16-000511-TA
- The County seeks to modify County code at DCC 18.116.090 to allow in the Exclusive Farm Use zone only the use of an existing building as a temporary dwelling in the case of a medical hardship
- Staff and the Chair of the Planning Commission will now present the rest of the opening statement and hearing procedures

# HEARING PROCEDURE

- Planning Commission's recommendation to the Board of County Commissioners on this application will be based upon the record, the staff report, and the testimony and evidence presented at this hearing.
  
- Hearing will be conducted in the following order:
  1. Staff will provide a brief report
  2. Applicant will present testimony and evidence
  3. Opponents and proponents will testify and present evidence
  4. Other interested persons will then present testimony or evidence
  5. Applicant presents rebuttal testimony
  6. Staff will be afforded an opportunity to make any closing comments
  7. Planning Commission can close or continue hearing

# STATE LAW AND RULES VS. COUNTY CODE

- ORS 215.283(2)(L) (EFU), OARs 660-006-0025(4)(t) (Forest Lands) and 660-033-0130(10) (Agricultural Lands) all let existing buildings to be used in cases of medical hardship
- Currently, Deschutes County Code (DCC) is more restrictive as DCC 18.116.090(A) only allows manufactured homes and Recreational Vehicles to be used as temporary dwellings for medical hardship
- Proposal to allow existing buildings to be used in cases of medical hardship would only apply to EFU properties
- Concept originated from a citizen during public testimony on the Planning Division's 2016-17 work plan

# POTENTIAL LOTS AFFECTED

- Total rural parcels in Deschutes County: 43,689 (100%)
- Total of rural parcels zoned EFU: 8,312 (19%)
- Total of EFU parcels > 80 acres 795 (2%)

# PROPOSED TEXT TO BE ADDED

- DCC 18.116.090(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 conditions. In the Exclusive Farm Use zone only, an existing building may be used as a temporary dwelling.

- DCC 18.116.090(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 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.

# WHAT HAPPENS AFTER TESTIMONY ENDS

- Planning Commission decides on one of the following:
  - Continue the hearing to a date certain
  - Close the oral record, leave the written record open to a date certain
  - Close the record and set a date certain for deliberations
  - Close the record and deliberate now
  
- Planning Commission recommends to Board
  - Approve text amendment as proposed
  - Modify text amendment, then propose approval
  - Deny the text amendment