

BEFORE THE BOARD OF COUNTY COMMISSIONERS

FOR MULTNOMAH COUNTY, OREGON

ORDINANCE NO. 502

An ordinance amending the Zoning Code by amending the Administrative Processing of Annual Temporary Health Hardship Applications.

Multnomah County ordains as follows:

Section 1. Findings.

1. Mobile homes on a Health Hardship basis are temporary uses that do not impact the long-term development pattern of a community;
2. Ordinance No. 451 (effective February 15, 1985) established additional criteria to be met by a health hardship application and also authorized an administrative approval process. Changes to the Health Hardship Section of the Zoning Code enacted by Ordinance No. 451 included the following new requirements:
 - A. A more specific definition of a "health hardship" was added which listed the requirement that the person's medical and/or physical impairments be such that the person is unable to adequately provide daily self-care needs and that this condition be verified by a physician. Prior to Ordinance No. 451, the Zoning Code authorized the Hearings Officer to grant a health hardship permit where "... a finding of a health hardship is made." Although the Planning staff made recommendations to the Hearing Authority based upon their own interpretation that a health hardship meant that the person was "physically impaired and needed full-time care", many of the previously approved health hardship cases cannot meet the daily care criteria.

- B. Ordinance No. 451 further required that the person with the health hardship and the person providing the care be closely related by blood or legal relationship, which is not the situation for a few of the present permits.
 - C. In addition, it now must be demonstrated that there is a lack of appropriate alternative accommodations on the subject site or nearby.
 - D. There are, for the first time, on-site locational standards for the mobile home and slightly different service hook-up requirements.
 - E. To insure the removal of the mobile home, a \$1,000 penal bond must be posted where there was no bond required previously.
- 3. Prior to Ordinance No. 451, there were 49 health hardship cases approved which currently have mobile homes on the respective properties;
 - 4. Ordinance No. 451 required that health hardship permits approved prior to the enactment date of February 15, 1985 (which were approved in five-year periods), would be considered a new application at the end of the five-year period and be subject to all provisions of the new Ordinance;
 - 5. Persons granted a health hardship permit prior to Ordinance No. 451 have incurred the expense of purchasing, moving and setting up a mobile home on their property. Many of these mobile homes are located on the properties such that the mobile home, sewage and water lines and electrical service must be moved to meet the new yard setback requirements;
 - 6. In addition to the expense already experienced by those persons presently living in mobile homes with health hardship permits, there are living and care arrangements in place which are of considerable value to the people involved;
 - 7. During the recent history of the health hardship permit process, the permits, once initially approved, have in practice, always been renewed as long as the person with the health hardship lived on the property;
 - 8. In consideration of the above Findings, it is appropriate to amend the Health Hardship provisions of the Zoning Code to recognize that all health hardship permits granted prior to February 15, 1985 have certain "pre-existing use" rights and should not be subject to the added requirements of Ordinance No. 451. With the exception of the original expiration date, these cases would, however, still be subject to the conditions of approval required by the Planning Commission or Hearings Officer. Therefore, these health hardship permit holders would continue to apply for a land use permit each year. The land use permit ap-

plication would be accompanied by a current doctor's letter verifying that the person's health condition is at least as severe as it was at the time of the original approval.

Section 2. Amendment.

MCC 11.15.8710 (D) is amended to read as follows:

- (D) Annual temporary health hardship permits approved prior to February 15, 1985, which were renewable for a five-year period, shall not be subject to the original expiration date and shall be permitted to be renewed by the Planning Director based upon a Finding that the hardship found by the Hearing Authority [Planning Commission] still exists and that the conditions imposed are being satisfied. [Renewal of those permits after the expiration of the five-year period shall be considered a new application and be subject to the provisions of Subsection (A) through (C) of this Section].

Section 3. Adoption.

This Ordinance being necessary for the health, safety and general welfare of the people of Multnomah County, shall take effect on the thirtieth (30th) day after its adoption, pursuant to Section 5.50 of the Charter of Multnomah County.

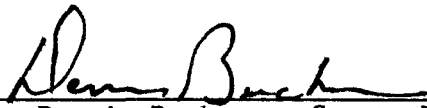
Adopted this 25th day of February, 1986, being the date of its second reading before the Board of County Commissioners of Multnomah County, Oregon.

BOARD OF COUNTY COMMISSIONERS
OF MULTNOMAH COUNTY, OREGON

By 
Presiding Officer

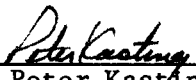
[SEAL]

Authenticated by the County Executive on the 26th day of February,
1986.


Dennis Buchanan, County Executive

APPROVED AS TO FORM

John B. Leahy
County Counsel for
Multnomah County, Oregon

By 
Peter Kastig
Assistant County Counsel

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