

1 BEFORE THE BOARD OF COUNTY COMMISSIONERS

2 FOR MULTNOMAH COUNTY, OREGON

3 ORDINANCE NO. 783

4
5 An Ordinance amending the Multnomah County Code Chapter 11.15 by allowing, in
6 some circumstances, for a non-relative to be the care provider in the approval of a health
7 hardship mobile home placement and extend the subsequent review period of a health hardship
8 permit from one year to two years, and declaring an emergency.

9 (Language in brackets [] is to be deleted; underlined language is new.)

10 Multnomah County Ordains as follows:

11
12 Section I. Findings.

13 (A). Multnomah County Code subsection MCC 11.15.8710 allows for the temporary
14 placement of a mobile home on a property with an existing single family residence upon a
15 finding that a resident of one of the dwellings has a demonstrated health hardship and that
16 needed care can be provided by a relative living in the other dwelling. The mobile home
17 placement is permitted only as long as the hardship exists.

18 (B). Recent public inquires to the Division of Planning and Land Development have
19 brought about the recognition that there are some situations where residents of Multnomah
20 County could otherwise qualify for the temporary placement of a hardship mobile home on
21 their property, but there is no relative that can provide the needed care. Amending the Code to
22 allow for a non-relative to be the care provider for a property owner with a health hardship
23 affords the property owners without available relative assistance the same opportunity.

24 (C). It is the Division's recent experience with health hardship permits that the present
25 yearly review is not necessary and continuing review of the permits can be adequately made in
26 two year increments. The two year time frame is the maximum time between reviews allowed

1 in the Exclusive Farm Use district under Oregon Administrative Rule (OAR) 660-33-130(10),
2 (adopted December 3, 1992) and the Commercial Forest Use district under OAR 660-06-
3 25(4)(s), (amended December 3, 1992).

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5 Section II. Amendments.

6 Multnomah County Code Chapter 11.15 is amended to read as follows:

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8 **11.15.8710 [Annual] Temporary Health Hardship Permit**

9 The purpose of the [Annual] Temporary Health Hardship Permit is to allow the convenient
10 provision of daily health care needs to a person [relatives] with a demonstrated health
11 hardship by allowing the placement of a mobile home on a lot with an existing single family
12 residence. The permit is temporary in nature and not intended to encourage an increase in
13 the residential density beyond that envisioned by the Comprehensive Plan and its
14 implementing ordinances.

15 (A) The Planning Director may grant a [an Annual] Temporary Health Hardship Permit to
16 allow occupancy of a mobile home on a lot with a single family residence based on the
17 following findings:

18 (1) The person with the health hardship is either one of the property owners or is a
19 relative of one of the property owners [a relative of the person identified in
20 subsection (2) below as being capable of providing the necessary health care].

21 (a) If the person with the health hardship is one of the property owners, then the
22 care provider in the other residence is not required to be a relative.

23 (b) If the person with the health hardship is a relative of one of the property
24 owners, then the care provider must be a relative.

25 (c) For the purposes of this section, a relative is defined as a grandparent, parent,
26 child, brother or sister, either by blood or legal relationship.

- 1 (2) The person [relative] with the health hardship is unable to adequately provide
2 daily self-care needs because of a physical and/or medical impairment based upon
3 a statement from a licensed physician describing the nature of the impairment and
4 its resultant limitations. The physician shall indicate that those limitations are
5 severe enough to warrant daily assistance, and that at least one of the residents of
6 the property is capable of providing that assistance.
- 7 (3) There is a demonstrated lack of appropriate alternative accommodations within the
8 area entitled to notice, including, but not limited to, rental housing or space within
9 the existing residence.
- 10 (4) The following locational criteria are satisfied:
- 11 (a) The proposed siting of the mobile home will satisfy the applicable setback and
12 lot coverage standards of the zoning district without variance.
- 13 (b) The mobile home shall be located in a manner which satisfies the locational
14 requirements of a second residence on properties capable of being divided
15 under the existing zoning within those areas designated as urban by the
16 Comprehensive Framework Plan.
- 17 (c) The mobile home will not require any new main connections to public
18 facilities or services (e.g., sewer, water or power mains, curb cuts, etc.) unless
19 sited in the manner allowed in subsection (b) above, in which case those
20 services may be extended to the area on the property which satisfies the
21 locational requirements of a second residence.
- 22 (d) The mobile home will not require any attached or detached accessory
23 structures other than wheelchair ramps to accommodate the health care needs
24 of the proposed occupant.
- 25 (5) A penal bond in the amount of \$1,000 is posted to insure removal of the mobile
26 home within six months after the health hardship ceases to exist.

1 (6) As a condition of approval, every two years from the approval date the applicant
2 shall submit:

3 (a) A recent (within 6 months prior to the two year deadline) physician's statement
4 verifying that the situation described in (2) above still exists; and

5 (b) A letter from the care provider describing the continuing assistance being
6 given.

7 (B) [The Planning Director shall make findings and a tentative decision within ten business
8 days of the application filing.] Notice of the Planning Director's findings and decision,
9 and information describing the appeals process, shall be mailed by first class mail to the
10 applicant and the record owners of all property within :

11 (1) 100 feet of the subject property if the property is within the Urban Growth
12 Boundary, or [proposed for use]

13 (2) 250 feet of the subject property if the property is outside the Urban Growth
14 Boundary and not within the EFU or CFU districts, or

15 (3) 500 feet of the subject property if the property is within the EFU or CFU districts.

16 (C) The tentative decision shall be final at the close of business on the tenth calendar day
17 after notice is mailed, unless the applicant or a person entitled to mailed notice or a
18 person substantially affected by the application files a written Notice of Appeal. Such
19 Notice of Appeal and the decision shall be subject to the applicable provisions of MCC
20 .8290 and .8295, except that subsection MCC .8290(C) shall apply only to a Notice of
21 Appeal filed by the applicant. The persons entitled to notice under subsection (B) of
22 this Section shall be given the same notice of appeal hearing as is given the applicant.

(D) [Annual t] Temporary health hardship permits approved prior to (the effective date of this Ordinance) [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 every two years from the original approval date based upon a Finding that the hardship [found by the Hearing Authority] still exists and that the conditions imposed are being satisfied.

Section III. Adoption.

This Ordinance being necessary for the health, safety, and general welfare of the people of Multnomah County, an emergency is declared and the Ordinance shall take effect upon its execution by the County Chair, pursuant to section 5.50 of the Charter of Multnomah County.

ADOPTED THIS 11th day of January, 1994, being the date of its 2nd reading before the Board of County Commissioners of Multnomah County.



By

Beverly Stein
Beverly Stein
Multnomah County Chair

REVIEWED:

JOHN DUBAY, CHIEF ASSISTANT COUNTY COUNSEL
for MULTNOMAH COUNTY, OREGON

By

John L. DuBay