

5.10-100 Emergency Medical Hardship

Subsection:

5.10-105 General

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A. Purpose.

1. The Emergency Medical Hardship allows the placement of temporary living quarters, on a lot/parcel with a habitable primary dwelling, for a person who is determined by a licensed physician, as specified in Subsection D.2.a, below to be either:
 - a. Terminally ill; or
 - b. Recuperating from an illness, surgery or injury; and
 - c. The person is not physically or mentally capable of self maintenance and is dependent upon a care provider being on site for assistance.
2. Temporary means a period of 24 months, unless otherwise permitted in Subsection G., below. The 24-month period includes an approval time line of 12 months with an opportunity to obtain up to 2 6-month time line extensions at the staff level.
3. Temporary living quarters means a road worthy, licensed and insured recreational vehicle (RV) as defined in Chapter 6.

EXCEPTION: Tent trailers shall not be permitted as a temporary living quarters.

4. The temporary living quarters shall be occupied only by the person requiring medical assistance, or the care provider.
 5. The care provider shall be a person who lives on-site, either in the primary dwelling, or the temporary living quarters, and provides necessary medical procedures, monitoring and attention to the person requiring that care on a 24-hour basis.
- B. Applicability.** The Emergency Medical Hardship process is permitted only on lots/parcels designated Low Density Residential (LDR) and zoned R-1 within the city limits or R-1/UF-10 within the City's urban service area.
- C. Review.** The initial application and any time line extensions are reviewed under Type 2 procedure.

D. Submittal Requirements.

- 1.** The application shall include a plot plan, drawn to scale, showing:
 - a.** Existing structures on the lot/parcel and their setbacks from property lines;
 - b.** The proposed location of the temporary living quarters and its setback from property lines and other structures on the lot/parcel;
 - c.** The required utility connections for the temporary living quarters; and
 - d.** The location of proposed fences to screen the temporary living quarters that face public rights-of-way.
 - e.** For those applications within the City's urban service area, the plot plan shall also show the location of any wells, septic tanks and drain fields.

- 2.** The application shall also include:
 - a.** A written medical report from a licensed physician on official letterhead that includes:
 - i.** The nature of the patient's medical condition and whether the patient is terminally ill or recuperating from an illness, surgery or injury;
 - ii.** A statement explaining why the patient is not physically or mentally capable of self-maintenance and is, therefore, dependent upon a care provider being on-site for assistance; and
 - iii.** Additional supporting documentation from other medical practitioners who may be treating the patient, when applicable.
 - b.** A statement from the applicant addressing:
 - i.** Whether the person requiring medical assistance or the care provider will reside in the temporary living quarters;
 - ii.** The type of temporary living quarters proposed, either: a motor home, residential trailer, a travel trailer, truck camper or other RV as defined in Chapter 6 unless exempted in this Section;
 - iii.** Proof that the temporary living quarters is licensed and insured; and
 - iv.** A statement explaining why the circumstances are temporary in nature (estimated at 12 months or less) and what steps are being

undertaken to address the circumstances prior to the elapsing of 12 months, or any extension thereof.

- E. Criteria.** The Director shall grant approval of the emergency medical hardship application if all of the following criteria are met, including any conditions imposed in accordance with Subsection F., below.
- 1.** The licensed physician's written medical report shall address the information required in SDC 5.10-105(D)(2)(a), above.
 - 2.** The temporary living quarters shall house either the person requiring medical assistance or the care provider.
 - 3.** The temporary living quarters shall be located on the same legal lot/parcel as the primary dwelling. Only 1 temporary living structure is allowed on a lot/parcel.
 - 4.** The temporary living quarters shall not be permitted within the front yard or street side yard setback.
 - 5.** All residential trailers and other similar units used as temporary living quarters shall be connected to sewer, water and electrical services as proscribed by the Oregon State Building Code as adopted by the City.
 - 6.** All travel trailers and other similar units used as temporary living quarters shall have utility connections consistent with State law requirements for these units as in RV parks.
- F. Conditions.**
- 1.** The Director shall impose the following conditions of approval for all medical hardship applications:
 - a.** There shall be no change in occupancy of the temporary living quarters under the permit; either the person requiring care or the care provider shall reside within the temporary living quarters.
 - b.** The temporary living quarters use is limited to the use permitted in this Section and is not transferable to other persons or property. Under no circumstance shall temporary living quarters be used as a rental unit.
 - c.** The temporary living quarters use shall cease upon the occurrence of the first of the following events:

- i. The medical hardship no longer exists; in this case, the temporary living quarters shall be removed within 30 calendar days of cessation of the provision of care; or
 - ii. Within 12 months of the date of application approval, unless there is an approved extension as specified in Subsection G., below.
 - 2. The Director may impose additional conditions of approval to the extent necessary to satisfy the criteria of Subsection E., above, to comply with all applicable standards of this Code and to mitigate identified negative impacts to surrounding properties.
- G. Time Line Extensions. A request for an extension will not require a new application; however, a written request shall be submitted to the Director 30 days prior to the expiration of the initial 12-month approval time line. The request shall include written verification from a licensed physician stating that the person requiring care as specified in SDC 5.10-105(D)(2)(a)., above continues to need care. Staff shall review the request to ensure that the applicant remains compliant with the approval criteria specified in Subsection E., above and any conditions of approval required under Subsection F., above. Upon expiration of the initial 12-month approval time line, the temporary living unit may be extended as follows:
 - 1. Staff Approved Time Line Extensions. The applicant may obtain no more than 2 6-month time line extensions from staff.

EXCEPTION: Temporary living quarters approved prior to the date of this amended Section may continue beyond the original approval time line on a yearly basis until the need no longer exists.
 - 2. Criteria of Approval for Time Line Extensions. Staff approval of any time line extension request is based upon:
 - a. The physician's verification of condition that the patient still requires care; and
 - b. Staff's verification that the temporary living quarters is still in compliance with the initial conditions of approval.
- H. Compliance. The temporary living quarters shall maintain compliance with all conditions of approval. Violation of the provisions of this Section, or determination that the need can no longer be verified, is the basis for termination of approval.