



Attachment J – Medical Hardship Code Update

BACKGROUND & OVERVIEW

Under state law, a county may allow a temporary residence, in addition to an existing residence, for the term of the hardship suffered by the existing resident or relative. Deschutes County implements this locally in DCC 18.116.090 for all zones and DCC 18.16.050(H) for the farm zone, and DCC 18.36 and 18.40 for the forest zones.

There are some important differences between the resource zone (farm and forest) state implementation and the local rules that apply to these uses. For example:

- Temporary residences can include existing structures in state code, in addition to recreational vehicles and manufactured homes. Locally, existing structures are currently only allowed to be used as hardship dwellings in resource zones.
- Under state code, a “hardship” includes “hardship for the care of an aged or infirm person or persons”, which is not expressly allowed locally.
- Local code recognizes hardships suffered by a property owner or relative off the property owner. State code more broadly recognizes hardships suffered by residents or their relatives.
- Local code required that a “medical condition exists”. State code specifies that there must be a “medical hardship”.
- Local code requires annual review. State code allowed review of these approvals to occur every two years.
- State code specifies, “A manufactured dwelling shall use the same subsurface sewage disposal system used by the existing dwelling, if that disposal system is adequate to accommodate the additional dwelling.”

Staff notes that these differences are allowed under the state code and that any changes to synchronize state and local codes is not compelled and would be a local choice.

CURRENT PROCESS & CHANGES

Under Board direction and with public outreach and input, Staff would explore updating the Medical Hardship Code.

Key Amendment Concerns

Staff Effort/Resources	Low
Legal Complexity	Low
Implementation Urgency	Medium