



City of Stevenson

Planning Department

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TO: Planning Commission
FROM: Ben Shumaker
DATE: February 14th, 2022
SUBJECT: Zoning Interpretation – Temporary Medical Hardship Residence in the R2 Two-Family Zone

Introduction

The Stevenson Planning Commission is asked to interpret the Zoning Code based on the request in Attachment 1. In conducting this interpretation, the Planning Commission is constrained by the process and standards of [SMC 17.12.020](#). The Planning Commission’s interpretation can a) prohibit, b) allow staff review/approval as an accessory use, or c) allow Planning Commission review/approval via a conditional use permit.

This memo deals with the interpretation of Temporary Medical Hardship Residence as an unlisted use in the Zoning Code, generally and in the R2 Two-Family Residential District, specifically. A companion memo will address the interpretation of “Travel Trailer” as an unlisted use in the in R2 Two-Family Residential District.

Recommendation

Consider the information below and suggest parameters to guide a draft description of the “Temporary Hardship Residence use category. Delay a decision on the use category’s interpretation until a clear description is available.

Guidance

Stevenson Municipal Code [Table 17.13.010-1](#) contains two use categories (c. Travel Trailer and f. Temporary Emergency, Construction or Repair Residence) clearly related to the request. The abridged table is below.

Table 17.13.010-1: Residence or Accommodation Uses		
Use	Description	Reference
1. Dwelling	Any building that contains one or more dwelling units [SMC 17.10.275] used, intended, or designed to be built, used, rented, let or hired out to be occupied, or that are occupied for living purposes.	SMC 17.10.275
...		
c. Travel Trailer	A trailer built on a single chassis transportable upon the public streets and highways that is designed to be used as a temporary dwelling without a permanent foundation and may be used without being connected to utilities.	
...		
f. Temporary Emergency, Construction or Repair Residence	A residence (which may be a mobile home or travel trailer) that is: (1) located on the same lot as a residence made uninhabitable by fire, flood or other natural disaster and occupied by the persons displaced by such disaster; or (2) located on the same lot as a residence that is under construction or undergoing substantial repairs or reconstruction and occupied by the persons intending to live in such permanent residence when the work is completed; or (3) located on a nonresidential construction site and occupied by persons having construction or security responsibilities over such construction site. However, no such temporary emergency, construction or repair residence shall be inhabited for more than 6 months, unless authorized by the Planning Commission.	
...		

The above uses appear in the Zoning Code’s Use Tables at [SMC 17.15.040](#) and [SMC 17.25.040](#) but not [SMC 17.35.040](#). The Use Tables are reproduced below. These districts are organized based on their restrictiveness established in [SMC 17.12.050](#) with the most restrictive district on the left and continuing to the least restrictive district on the right.

Use	R1	R2	R3	MHR	SR	PR	ED	CR	C1	M1
Travel Trailer	--	--	--	--	X	--	--	--	--	--
Temporary Emergency, Construction or Repair Residence	C*	C*	C*	--	C*	--	--	--	C*	--

* A conditional use permit is only required for a temporary emergency, construction or repair residence after the expiration of the initial 6-month grace period.

P = Permitted, C = Conditional, A = Accessory, X = Prohibited, -- = Unlisted

The purpose of the R2 Two-Family Residential District is articulated at SMC 17.15.010(B) and quoted below:

R2 Two-Family Residential District. The two-family residential district (R2) is intended to provide minimum development standards for higher-density residential uses where complete community services are available and where residential uses are separated from uses characteristic of more urban and more rural areas.

Description Parameters

The Temporary Medical Hardship Residence use is not described or listed in the Zoning Code. The parameters below are parsed from the description of the Temporary Emergency, Construction or Repair Residence (TECRR) use and intended as a guide for Planning Commission consideration of the new use.

Structure

The TECRR use description identifies mobile homes and travel trailers as structures which may be inhabited under that use category.

Accessory Nature

The TECRR use description includes 3 specific instances when the use may occur. All involve a different long-term principal use.

Duration

The TECRR use description provides a specific timeframe when the use is allowed before Planning Commission.

The City’s administrative practices related to TECRR uses can also be considered by the Planning Commission as it considers this use.

Initial Date of Occupancy

All three of the instances when TECRRs are allowed involve an action for which the City has knowledge.

- (1) In cases where a fire renders a home uninhabitable, the City Fire Department response date can be accessed as to assess the start of the 6-month grace period. Similarly, the wide-scale effect of flooding or other natural disasters allows for independently City-verification and establishment of a start date.
- (2) In cases where a home is under construction or substantial repair or reconstruction, the start date of the 6-month grace period is tied to the date of permit issuance for the construction.
- (3) Similarly, the 6-month grace period at a nonresidential construction site would also begin at permit issuance.

If similar parameters are applied to the new “Temporary Medical Hardship Residence” use category, the description could resemble the following:

A residence (which may be a mobile home or travel trailer) that is: (1) located on the same lot as a residence that is occupied by a person afflicted by a medical condition which prevents

independent living; or (2) occupied by an individual with a medical condition which prevents said person from occupying another category of dwelling units. However, no such Temporary Medical Hardship Residence shall be inhabited for more than 6 months, unless authorized by the Planning Commission.

This description resembles and deviates from TECRRs in the following ways.

Structure

The draft description above provides for inhabitation of the same types of structures as TECRRs.

Accessory Nature

The draft description includes 2 specific instances when the use may occur. The first resembles the description of TECRR and clearly establishes the use as accessory to another long-term principal use on the site. The second is unassociated with any other use of the property and deviates from the TECRR use description.

Duration

The draft description provides for the same duration as TECRR uses.

Initial Date of Occupancy

When medical hardships arise, a call to City Hall is unlikely a priority. The personal nature of medical needs impairs City knowledge and federal laws protecting the privacy of personal medical information prevent independent verification of medical needs. Furthermore, the same privacy protections would apply to the City if submittal of medical information became a permit requirement. These factors greatly complicate determining a start date for the 6-month grace period. While the protection of medical information can be accommodated through a well-designed permit program, the Planning Commission should consider public willingness to provide this information to City Hall, especially if such information could be involved in the public hearing necessary for a Conditional Use Permit to exceed the 6-month grace period.

Next Steps

After considering the draft description above, the Planning Commission should ask staff to prepare a final version so that a Zoning Interpretation can be made on a more specific question.

Prepared by,

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Attachment

- Written Request