



**Clackamas County Planning and Zoning Division
Department of Transportation and Development**

Development Services Building
150 Beavercreek Road | Oregon City, OR 97045

503-742-4500 | zoninginfo@clackamas.us
www.clackamas.us/planning

NOTICE OF LAND USE APPLICATION IN YOUR AREA

Date of Mailing of this Notice: 08/23/2022

Notice Mailed To: Property owners within 500 feet of the subject property
Community Planning Organizations (CPO)
Interested Agencies

File Number: Z0401-22

Application Type: Temporary Permit/Care

Proposal: TEMPORARY DWELLING FOR CARE -application is to allow a manufactured home to be placed on the property for a temporary dwelling for care. If approved, the care recipient who is also a family member, Patricia Dunn, due to age or medical reason will reside in the temporary manufactured home and Dwayne and Janet Banks, care providers, will reside in the primary residence.

Applicable Zoning and Development Ordinance (ZDO) Criteria: In order to be approved, this proposal must comply with ZDO Sections 202, 316, 1204, 1307. The ZDO criteria for evaluating this application can be viewed at <https://www.clackamas.us/planning/zdo.html>

Applicant: BANKS, DWAYNE

Property Owner: BANKS DWAYNE E & JANET M

Site Address: 18675 S GRASLE RD
OREGON CITY, OR 97045

Location: located on S. Grasle Rd and close proximity north of South End Rd

Assessor's Map and Tax Lot: 32E01CA00600 **Approximate Property Size:**

Zoning: RA2-RURAL AREA

Staff Contact: Roman Sierra 503-742-4516

E-mail: rsierra@clackamas.us

Community Planning Organization: The following recognized Community Planning Organization (CPO) has been notified of this application. This organization may develop a recommendation. You are welcome to contact the CPO and attend their meeting on this matter, if one is planned.

REDLAND-VIOLA-FISCHER'S CPO
WARD LANCE 503-631-2550
LANCECWARD@AOL.COM

If this CPO is currently inactive and you are interested in becoming involved in land use planning in your area, please contact Clackamas County Community Engagement at [503-655-8751](tel:503-655-8751). In some cases where there is an inactive CPO, a nearby active CPO may review the application. To determine if that applies to this application, call or email the staff contact.

How to Review this Application: A copy of the application, all documents and evidence submitted by or on behalf of the applicant, and applicable criteria are available for inspection at no cost. Copies may be purchased at the rate of \$2.00 per page for 8 1/2" x 11" or 11" x 14" documents, \$2.50 per page for 11" x 17" documents, \$3.50 per page for 18" x 24" documents and \$0.75 per sq ft with a \$5.00 minimum for large format documents. You may view or obtain these materials:

- Online at <https://accela.clackamas.us/citizenaccess/>. After selecting the Planning tab enter the file number to search. Select File Number and then select Attachments from the dropdown list, where you will find the submitted application; or
- By emailing or calling the staff contact.

Decision Process: Following the closing of the comment period, a written decision on this application will be made and a copy will be mailed to you. If you disagree with the decision, you may appeal to the Land Use Hearings Officer, who will conduct a public hearing. There is a \$250 appeal fee.

How to Comment on this Application:

To ensure your comments are considered prior to issuance of the decision, they must be received within 20 days of the date of this notice. Comments may be submitted by email to the staff contact or by regular mail to the address at the top of this notice. Please include the file number on all correspondence, and focus your comments on the approval criteria identified above or other criteria that you believe apply to the decision.

Comments:

Your Name/Organization

Telephone Number

Clackamas County is committed to providing meaningful access and will make reasonable accommodations, modifications, or provide translation, interpretation or other services upon request. Please contact us at least three (3) business days before the meeting at 503-742-4545 or DRenhard@clackamas.us.

¿Traducción e interpretación? | Требуется ли вам устный или письменный перевод? | 翻译或口译? | Cán Biên dịch hoặc Phiên dịch? | 번역 또는 통역?



**Clackamas County Planning and Zoning Division
Department of Transportation and Development**

Development Services Building
150 Beaver Creek Road | Oregon City, OR 97045
503-742-4500 | zoninginfo@clackamas.us
www.clackamas.us/planning

LAND USE APPLICATION

DEEMED COMPLETE

ORIGINAL DATE SUBMITTED:

FILE NUMBER:

APPLICATION TYPE:

The Planning and Zoning Division staff deemed this application complete for the purposes of Oregon Revised Statutes (ORS) 215.427 on:

Staff Name

Title

Comments:

Check one:

The subject property is located inside an urban growth boundary. The 120-day deadline for final action on the application pursuant to ORS 215.427(1) is:

The subject property is not located inside an urban growth boundary. The 150-day deadline for final action on the application pursuant to ORS 215.427(1) is:



Planning and Zoning
Department of Transportation and Development
 Development Services Building
 150 Beaver Creek Road | Oregon City, OR 97045
 503-742-4500 | zoninginfo@clackamas.us
 www.clackamas.us/planning

STAFF USE ONLY

AUG 18 2022

Clackamas County
 Planning & Zoning Division

Z0401-22

Staff Initials: AA File Number: _____

Land use application for:

TEMPORARY DWELLING FOR CARE

Application Fee: \$835

APPLICANT INFORMATION			
Applicant name: <u>Dwayne Banks</u>	Applicant email: <u>dwaynebanks@mac.com</u>	Applicant phone: <u>503-706-5328</u>	
Applicant mailing address: <u>18675 S. GRASLE Rd.</u>	City: <u>OREGON CITY</u>	State: <u>OR</u>	ZIP: <u>97045</u>
Contact person name (if other than applicant): <u>SAME AS ABOVE</u>	Contact person email:	Contact person phone:	
Contact person mailing address:	City:	State:	ZIP:

PROPOSAL
Brief description of proposal: <u>would like to put a mobile home on my property for my Mom because of her health. she needs help.</u>

SITE INFORMATION		
Site address: <u>18675 S. GRASLE Rd. oregon city 97045</u>	Comprehensive Plan designation: <u>RURAL</u>	Zoning district:
Map and tax lot #: Township: <u>3</u> Range: <u>2E</u> Section: <u>01CA</u> Tax Lot: <u>00600</u>	Land area:	
Adjacent properties under same ownership: Township: _____ Range: _____ Section: _____ Tax Lot: _____ Township: _____ Range: _____ Section: _____ Tax Lot: _____		

Printed names of all property owners: <u>Dwayne Banks</u> <u>Janet Banks</u>	Signatures of all property owners: <u>Dwayne Banks</u> <u>Janet M. Banks</u>	Date(s): <u>8-11-22</u> <u>8-11-2022</u>
I hereby certify that the statements contained herein, along with the evidence submitted, are in all respects true and correct to the best of my knowledge.		
Applicant signature: <u>Dwayne Banks Janet M. Banks</u>		Date: <u>8-11-22</u>

A. Review applicable land use rules:

This application is subject to the provisions of [Section 1204, Temporary Permits](#) of the [Clackamas County Zoning and Development Ordinance](#) (ZDO).

It is also subject to the ZDO's definitions, procedures, and other general provisions, as well as to the specific rules of the subject property's zoning district and applicable development standards, as outlined in the ZDO.

B. Turn in all of the following:

- Complete application form:** Respond to all the questions and requests in this application, and make sure all owners of the subject property sign the first page of this application. Applications without the signatures of *all* property owners are incomplete.
- Application fee:** The cost of this application is \$835. Payment can be made by cash, by check payable to "Clackamas County", or by credit/debit card with an additional card processing fee using the [Credit Card Authorization Form](#) available from the Planning and Zoning website. Payment is due when the application is submitted. Refer to the FAQs at the end of this form and to the adopted [Fee Schedule](#) for refund policies.
- Site plan:** Provide a site plan (also called a plot plan). A [Site Plan Sample](#) is available from the Planning and Zoning website. The site plan must be accurate and drawn to-scale on paper measuring no larger than 11 inches x 17 inches. The site plan must illustrate all of the following (when applicable):
 - Lot lines, lot/parcel numbers, acreage/square footage of lots, and contiguous properties under the same ownership;
 - All existing and proposed structures, fences, roads, driveways, parking areas, and easements, each with identifying labels and dimensions;
 - Setbacks of all structures from lot lines and easements;
 - Significant natural features (rivers, streams, wetlands, slopes of 20% or greater, geologic hazards, mature trees or forested areas, drainage areas, etc.); and
 - Location of utilities, wells, and all onsite wastewater treatment facilities (e.g., septic tanks, septic drainfield areas, replacement drainfield areas, drywells).
- Floor plans:** Attach detailed, accurate, and to-scale floor plans for the primary dwelling. Also include floor plans of any existing accessory dwelling on the property. Label all rooms, show all of their dimensions, include their square footage, and identify all doors and partition walls.
- Licensed healthcare provider's signed statement(s):** Have a licensed healthcare provider complete, sign, and date the statement page at the end of this application form, or another written statement that includes all of the same information, for each proposed care recipient. The signed statement(s) must be dated within 90 days preceding the date this permit application is submitted.
- Evidence for separate on-site wastewater treatment system (if applicable):** If you are requesting that the proposed temporary dwelling use a *separate* on-site wastewater treatment system than the primary dwelling, you must include evidence that the system serving the primary dwelling is not adequate to serve the temporary dwelling, unless you provide evidence that more than one lawfully established on-site wastewater treatment system exists on the subject lot of record or tract.
- Utility provider's statement for separate service (if applicable):** If you are requesting that the proposed temporary dwelling have *separate* water, electricity, natural gas, or sanitary sewer service than those of the primary dwelling, or have any separate utility meter, you must include a written statement from the utility provider substantiating that separate service is *required*, unless you provide evidence that more than one lawfully established service exists on the subject lot of record or tract.

C. Answer the following questions:

Accurately answer the following questions in the spaces provided. Attach additional pages, if necessary.

1. Is this an application to renew a previously approved *Temporary Dwelling for Care* permit?

NO, this is an application for a new permit.

YES, and the file number for the most recent approval is: Z_____.

2. Identify the type of temporary dwelling proposed (see ZDO Section 202 for complete definitions of these dwelling types):

Manufactured home (Constructed on or after June 15, 1976, in accordance with federal manufactured housing construction and safety standards/regulations)

Mobile home (Constructed between January 1, 1962, and June 15, 1976, in accordance with the construction requirements of Oregon mobile home law)

Residential trailer (Greater than 400 square feet, less than 700 square feet, and constructed, for movement on the public highways, before January 1, 1962, in accordance with federal manufactured housing construction and safety standards /regulations)

Recreational vehicle (Not exceeding 400 square feet in gross floor area in the set-up mode and licensed by the State of Oregon as a vehicle, with or without motive power, that is designed for human occupancy and to be used temporarily for recreational, seasonal, or emergency purposes)

3. What are the names of all proposed care recipients?

Care recipient name(s): PATRICIA DUNN

4. What are the names of all proposed care providers?

Care provider name(s): Dwayne AND Jaded Banks

5. Will the proposed temporary dwelling be located on the same lot of record or tract as a lawfully established permanent dwelling? (A "tract" is one or more contiguous lots of record under the same ownership.)

NO

YES

6. If the temporary dwelling would be in the Ag/Forest (AG/F), Exclusive Farm Use (EFU), or Timber (TBR) zoning districts, is every proposed care recipient a resident of an existing dwelling located on the subject lot of record or tract, or the relative of such a resident?

- NO, the proposed care recipient does not currently reside at the subject property and is not the relative of a current resident.
- YES, the proposed care recipient currently resides at the subject property or is the relative of a current resident.
- The temporary dwelling would not be in the AG/F, EFU, or TBR Districts.

7. Identify everyone who will occupy each dwelling on the subject lot of record or tract:

<i>Occupant name</i>	<i>Age</i>	<i>Relationship to care recipient(s)</i>
PERMANENT PRIMARY DWELLING		
DWAYNE BANKS	57	SON
JANET BANKS	57	DAUGHTER IN LAW
TEMPORARY DWELLING		
PATRICIA DUNN	77	(she is Recipient)
ANY OTHER DWELLING (e.g. ADU, accessory historic dwelling, or other permanent dwelling)		

8. In the box below, explain why the use of any existing housing on the subject lot of record or tract, including rented or vacant housing, is not a reasonable alternative to the proposed temporary dwelling.

Also explain why the care recipient and care provider cannot reasonably be expected to reside in an existing permanent dwelling on the subject lot of record or tract.

If the reasoning is based on insufficient space in an existing dwelling or the need for privacy, you must include supporting details (such as the size of the existing housing and the number of bedrooms and bathrooms in the existing housing) in a detailed floor plan.

PAT PUNN HAS A HARD TIME BREATHING BECAUSE OF ASTHMA AND HYPERTENSION. ALL BEDROOMS AT THE MAIN HOUSE ARE UPSTAIRS. SHE CAN NOT CLIMB THE STAIRS AT ALL. THATS WHY WE NEED A SMALL SINGLE LEVEL MANUFACTURED HOME FOR THE TEMP DWELLING.

9. Would another adult live with the care recipient(s) if this permit is approved?

NO

YES, but that/those other adult(s) cannot provide the care for the following reasons:

N/A

10. Does any proposed care recipient *currently* reside on the subject lot of record or tract?

NO

YES, and no relative of the care recipient lives nearby.

YES, but other nearby relatives cannot provide care because (explain in the box below):

11. Is there another temporary dwelling for care already on the subject lot of record or tract?

NO

YES

D. Understand the following conditions:

The temporary permit, if approved, will be subject to these conditions, unless an exception is specifically requested in your application and approved:

1. The temporary dwelling shall be connected to a sanitary sewer system or to an on-site wastewater treatment system approved by the County. The temporary dwelling shall use the same on-site wastewater treatment system used by the permanent dwelling, if that system is adequate to accommodate the additional dwelling. An exception may also be granted if more than one lawfully established on-site wastewater treatment system exists on the subject lot of record or tract.
2. The temporary dwelling shall comply with the minimum yard depth standards for primary buildings in the applicable zoning district.
3. All water, electricity, natural gas, and sanitary sewer service for the temporary dwelling shall be extended from the permanent dwelling services. No separate meters for the temporary dwelling shall be allowed. An exception may be granted if the utility provider substantiates that separate service is required or if more than one lawfully established service exists on the subject lot of record or tract.
4. The temporary dwelling shall use the same driveway entrance as the permanent dwelling, although the driveway may be extended. An exception may be granted if more than one lawfully established driveway entrance to the subject lot of record or tract exists.
5. The temporary dwelling shall be located within 100 feet of the permanent dwelling. This distance shall be measured from the closest portion of each structure. This distance may be increased if the applicant provides evidence substantiating that steep slopes, significant natural features, significant existing landscaping, existing structures, other physical improvements, or other similar constraints prevent compliance with the separation distance standard. The increase shall be the minimum necessary to avoid the constraint. An exception may also be granted if the temporary dwelling will be sited in the same or substantially similar location as a previous, lawfully established temporary dwelling for care.
6. A written statement shall be recorded in the County deed records recognizing that a dwelling approved pursuant to ZDO Subsection 1204.04 is temporary and that the temporary permit is not transferable when the property is conveyed to another party.
7. The temporary dwelling shall not be a source of rental income.
8. If the temporary dwelling is a manufactured dwelling or residential trailer, it shall be removed from the subject property when the permit expires or the need for care ceases, whichever first occurs. An exception to this provision may be granted if a temporary manufactured dwelling is converted to a permanent dwelling. Such a conversion shall be allowed only if the temporary dwelling complies with all applicable standards of the Zoning and Development Ordinance for a permanent dwelling, including any that limit the number of dwelling units permitted on the subject property. If the temporary dwelling is a recreational vehicle, it shall be removed from the subject property or placed in a stored condition when the permit expires or the need for care ceases, whichever first occurs. A recreational vehicle shall be deemed to

be placed in a stored condition when it ceases to be used for residential purposes and is disconnected from any on-site wastewater treatment system and all utilities other than temporary electrical connections for heating necessary to avoid physical deterioration. Storage of a recreational vehicle shall comply with all other applicable requirements of the Zoning and Development Ordinance.

FAQs

When is a Temporary Dwelling for Care permit required?

The County's Zoning and Development Ordinance (ZDO) allows the use of a manufactured dwelling, residential trailer, or recreational vehicle as a dwelling to provide care to one or more persons due to an age-related or medical condition. This type of temporary use requires a Temporary Dwelling for Care permit land use permit.

What is the permit application process?

Temporary Dwelling for Care permits are subject to a "Type II" land use application process, as provided for in [Section 1307](#) of the ZDO. Type II decisions include notice to owners of nearby land, the Community Planning Organization (if active), service providers (sewer, water, fire, etc.), and affected government agencies. If the application is approved, the applicant must comply with any conditions of approval identified in the decision. The Planning Director's decision can be appealed to the County Land Use Hearings Officer.

What is needed for the County to approve a land use permit?

Temporary dwellings for care *may* be permitted after an evaluation by the County of applicable standards of the ZDO. The applicant is responsible for providing evidence that their proposal does or can meet those standards. In order to address the standards, the information requested in this application should be as thorough and complete as possible. A permit will only be approved or denied after a complete application is received and reviewed. The County approves an application only if it finds that the proposal meets the standards or can meet the standards with conditions.

If approved, how long would the temporary permit be valid?

A Temporary Dwelling for Care permit may be approved for a period not to exceed two years in the AG/F, EFU, and TBR Districts and for a period not to exceed three years in any other zoning district. The permit may be renewed for a period not to exceed two years in the AG/F, EFU, and TBR Districts and three years in any other zoning district. A temporary permit for a dwelling for care *may* be renewed an unlimited number of times.

How long will it take the County to make a decision about an application?

The County makes every effort to issue a decision on a Type II land use application within 45 days of when we deem the application to be complete. State law generally requires a final County decision on a land use permit application in an urban area within 120 days of the application being deemed complete, and within 150 days for a land use permit in a rural area, although there are some exceptions.

How expensive is it to set up a new Temporary Dwelling for Care?

The land use application for a new or renewed Temporary Dwelling for Care costs **\$835**. The temporary dwelling must connect to a piped sanitary sewer system or on-site wastewater treatment system approved by the County, which may require additional costs; contact the sewer service provider, or the County's Septic and Onsite Wastewater Program (503-742-4740 or soilsconcern@clackamas.us), for more information. The temporary dwelling may also require a placement permit from the County's Building Codes Division; contact Building Codes at 503-742-4240 or bldservice@clackamas.us for more information about those additional costs. The Transportation Engineering Division (503-742-4691, engineering@clackamas.us) assesses System Development Charges (SDCs) for temporary dwellings.

FAQs continued

If an application is submitted and then withdrawn, will a refund be given?

If a submitted Type II application is withdrawn before it is publicly noticed, 75% of the application fee paid, or the fee paid minus \$250, whichever is less, will be refunded. If a submitted application is withdrawn after it is publicly noticed, but before a decision is issued, 50% of the application fee paid, or the fee paid minus \$500, whichever is less, will be refunded. No refund will be given after a decision is issued.

I need help operating my farm or improving or maintaining my property, or have a financial hardship. Do one or more of these needs alone qualify me for a *Temporary Dwelling for Care*?

No, not in the absence of a documented need for assistance with personal activities (bathing, grooming, eating, etc.) or a need for personal supervision due to cognitive impairment.

I want to use a recreational vehicle (RV) as a *Temporary Dwelling for Care* and can have the on-board wastewater tank dumped regularly. Is that OK?

No. A *Temporary Dwelling for Care*, even an RV, must connect to a piped sanitary sewer system or on-site wastewater treatment system approved by the County.

Why do I have to keep renewing an approved *Temporary Dwelling for Care* permit?

State and County law limit the *Temporary Dwelling for Care* permit's period of validity, so it must be renewed before it expires. A renewal application must substantiate that the care provider and care recipient continue to live on the subject property and that a similar or greater level of assistance continues to be required.

Who can help answer additional questions?

For questions about the County's land use permit requirements and this application form, contact Planning and Zoning at 503-742-4500 or zoninginfo@clackamas.us. You can also find information online at the Planning and Zoning website: www.clackamas.us/planning.

Clackamas County is committed to providing meaningful access and will make reasonable accommodations, modifications, or provide translation, interpretation or other services upon request. Please contact us at 503-742-4545 or drenhard@clackamas.us.

503-742-4545: ¿Traducción e interpretación? | Требуется ли вам устный или письменный перевод?
翻译或口译? | Cán Biên dịch hoặc Phiên dịch? | 번역 또는 통역?



Planning and Zoning
 Department of Transportation and Development
 Development Services Building
 150 Beavercreek Road | Oregon City, OR 97045
 503-742-4500 | zoninginfo@clackamas.us

Licensed Healthcare Provider's Statement

For an application for a Temporary Dwelling for Care Permit

PATIENT INFORMATION	
Patient's name: <i>Patricia Dunn</i>	Patient's age: <i>77</i>
Patient's address: <i>15238 S. Quiet Glen Ct Oregon City OR 97045</i>	

This section must be fully completed only by the signed licensed healthcare provider.

1. The patient suffers from at least one of the following:

<input type="checkbox"/> Age-related condition(s) generally described as: _____ _____ _____	<input checked="" type="checkbox"/> Medical condition(s) generally described as: <i>Asthma</i> <i>Hyper tension</i> _____ _____
--	---

2. The condition(s) require assistance with the following daily activities (check all that apply):

<input type="checkbox"/> Bathing/grooming <input type="checkbox"/> Dressing <input type="checkbox"/> Eating <input checked="" type="checkbox"/> Property maintenance or improvement <input checked="" type="checkbox"/> Ambulation/transferring <input checked="" type="checkbox"/> Transportation <input type="checkbox"/> Supervision due to cognitive impairment	<input type="checkbox"/> Food preparation <input type="checkbox"/> Laundry <input type="checkbox"/> Income generation due to financial hardship <input checked="" type="checkbox"/> Routine shopping <input type="checkbox"/> Toileting <input type="checkbox"/> Medication management <input type="checkbox"/> Other daily activity: _____
---	--

3. Assistance with these activities will be provided by the following people:
 Name(s): *Dwayne Banks*

I, the undersigned, do certify that I have completed this form and that the above information is true. I have marked _____ boxes in Question 1 and _____ boxes in Question 2.

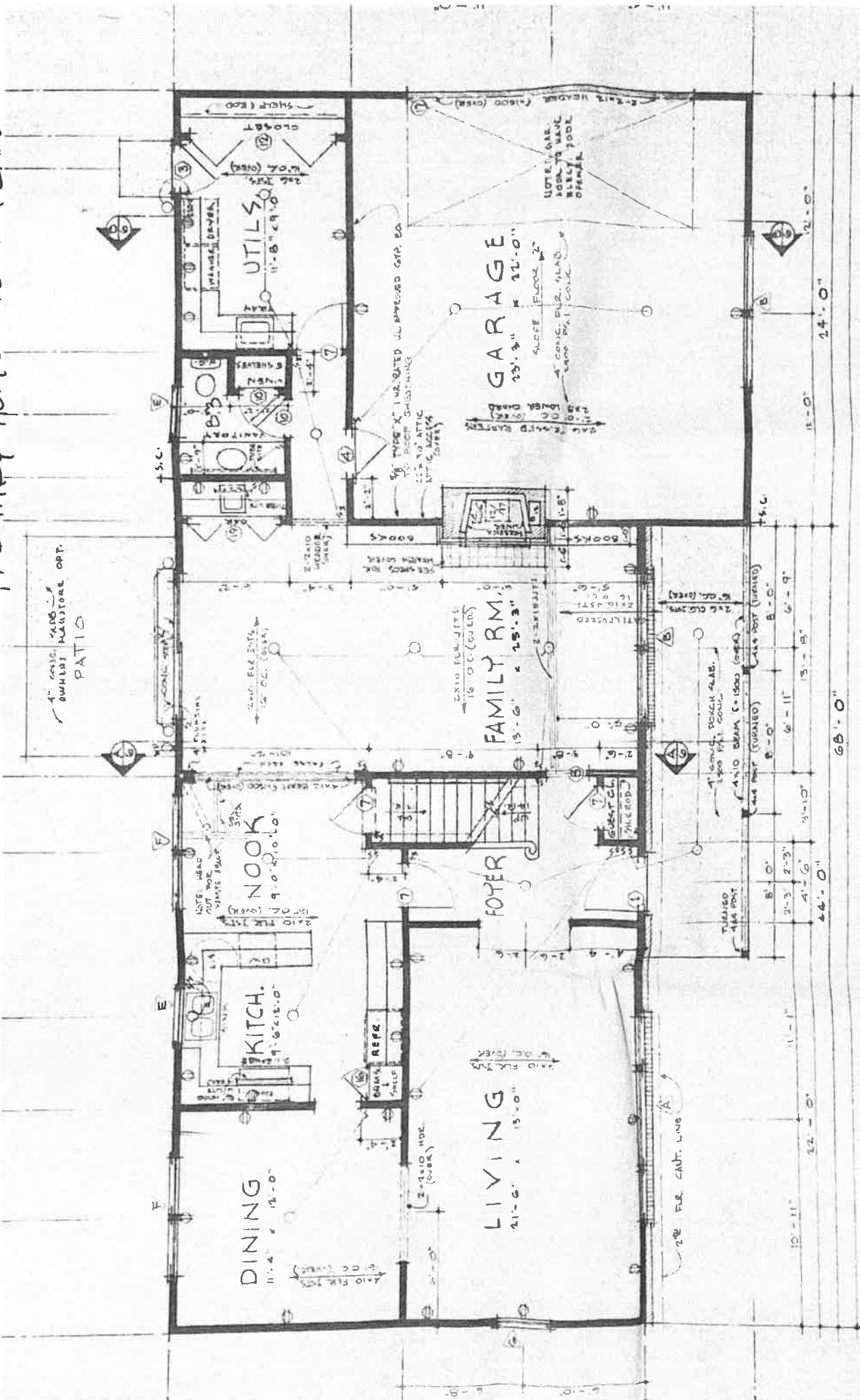
Healthcare provider's name: <i>David Shenson</i>	License number: <i>MD20702</i>	Name of healthcare practice: <i>Kaiser</i>
Address of healthcare practice: Mt. Scott Medical Office	Phone: <i>503-813-2000</i>	
Healthcare provider's signature: <i>[Signature]</i>	9800 SE Sunnyside Rd. Clackamas, OR 97015	Date: <i>8-3-2022</i>

DISCLAIMER: This document will be held as a public record.

We are requesting a Hardship Waiver to allow Patricia "Pat" Dunn to live in a manufactured home on our Grasley Road property. Pat has lived independently and alone for a number of years. The last few years, Pat and her family have noticed an increase in breathing, mobility and stamina issues. Some notable events in Pat's history include a fall which resulted in a broken ankle and live-in care while it healed; diagnosis of asthma and COPD which led to a need to evacuate her residence during wildfires in 2020; degenerative changes in her spine that cause pain and decreased mobility and stamina; and hypertension. Historically, she has done all the yard maintenance on her "junior acre" property but has needed to ask for help in the last year because she is unable to walk on the uneven surface of her yard without experiencing back and hip pain; her emphysema is often exacerbated by allergies while mowing the lawn and she is unable to continue the yard work.

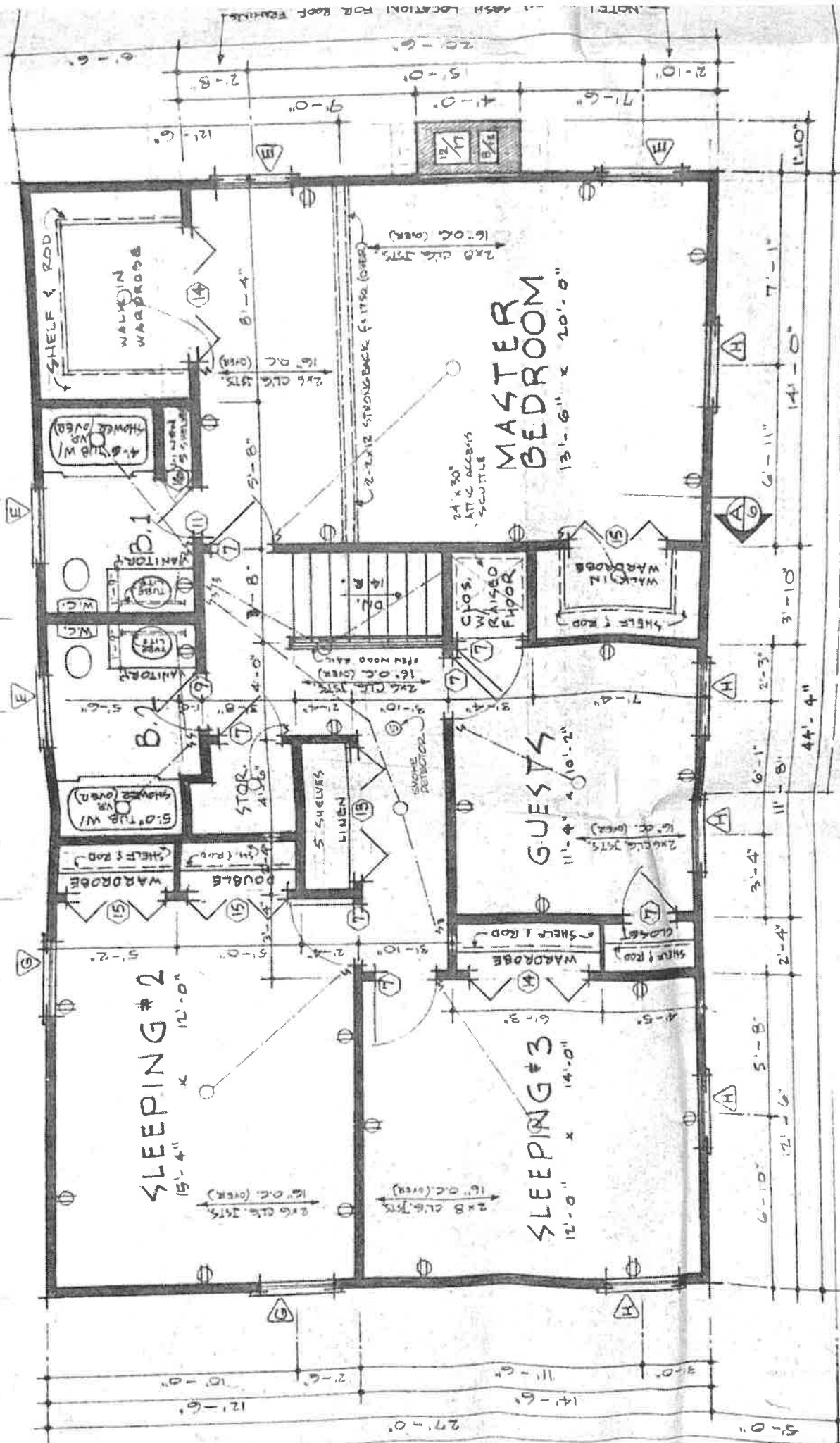
Having Pat reside on our Grasley Road property would eliminate the need for her to do yard work, alleviating the asthma and COPD exacerbations as well as pain and mobility issues related to arthritis. Pat would have daily assistance with shopping, transportation to appointments and other family events, and assistance with care as her needs change over time. Pat's daughter-in-law Janet Banks is a registered nurse and able to provide increased levels of care as Pat's needs change.

PRIMARY HOME FLOOR PLAN



FIRST FLOOR PLAN SCALE: 1/4" = 1'-0"

PRIMARY HOME FLOOR PLAN



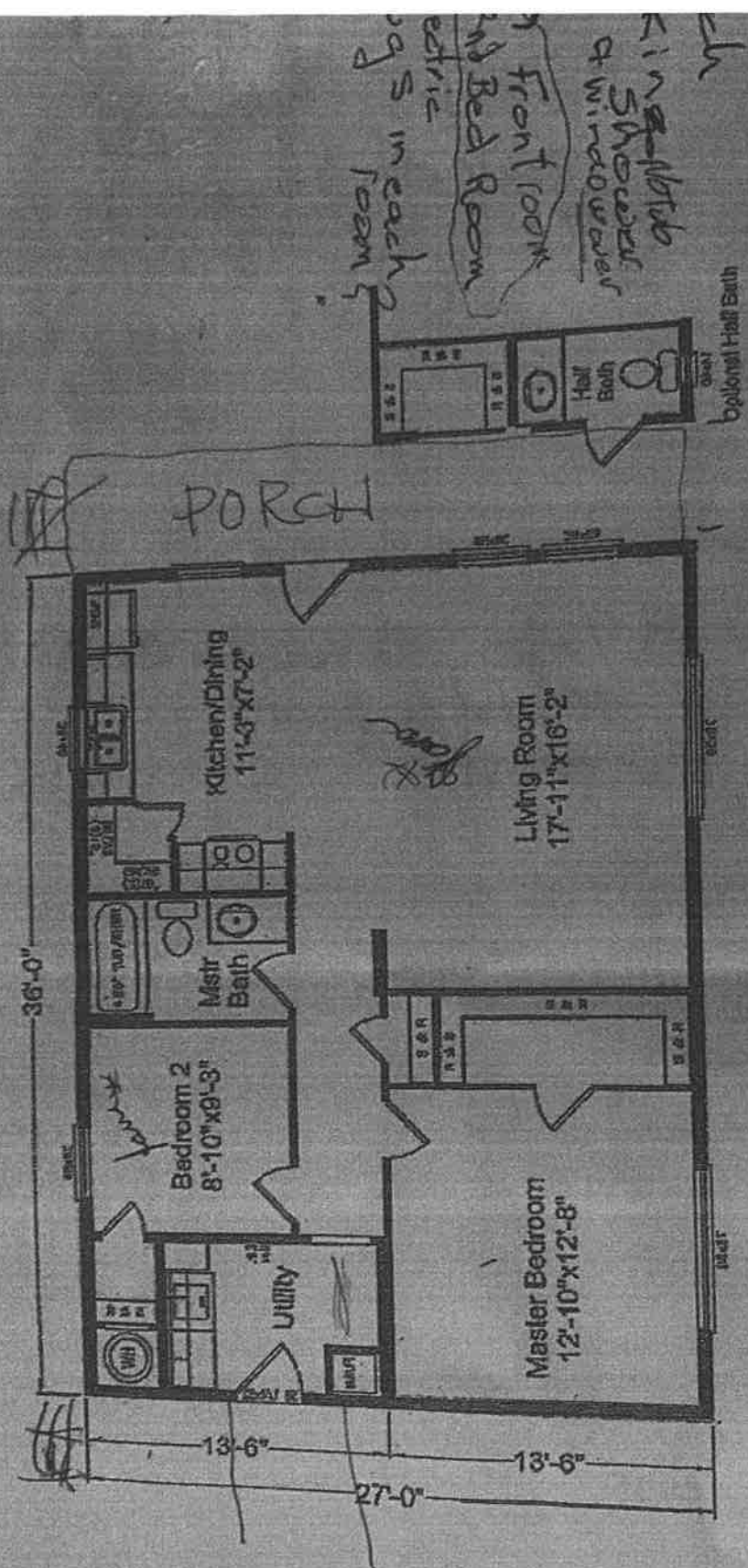
68'-0"

SECOND FLOOR PLAN

TEMP CARE DWELLING

w/ Janet Hinkle

RIVER'S EDGE



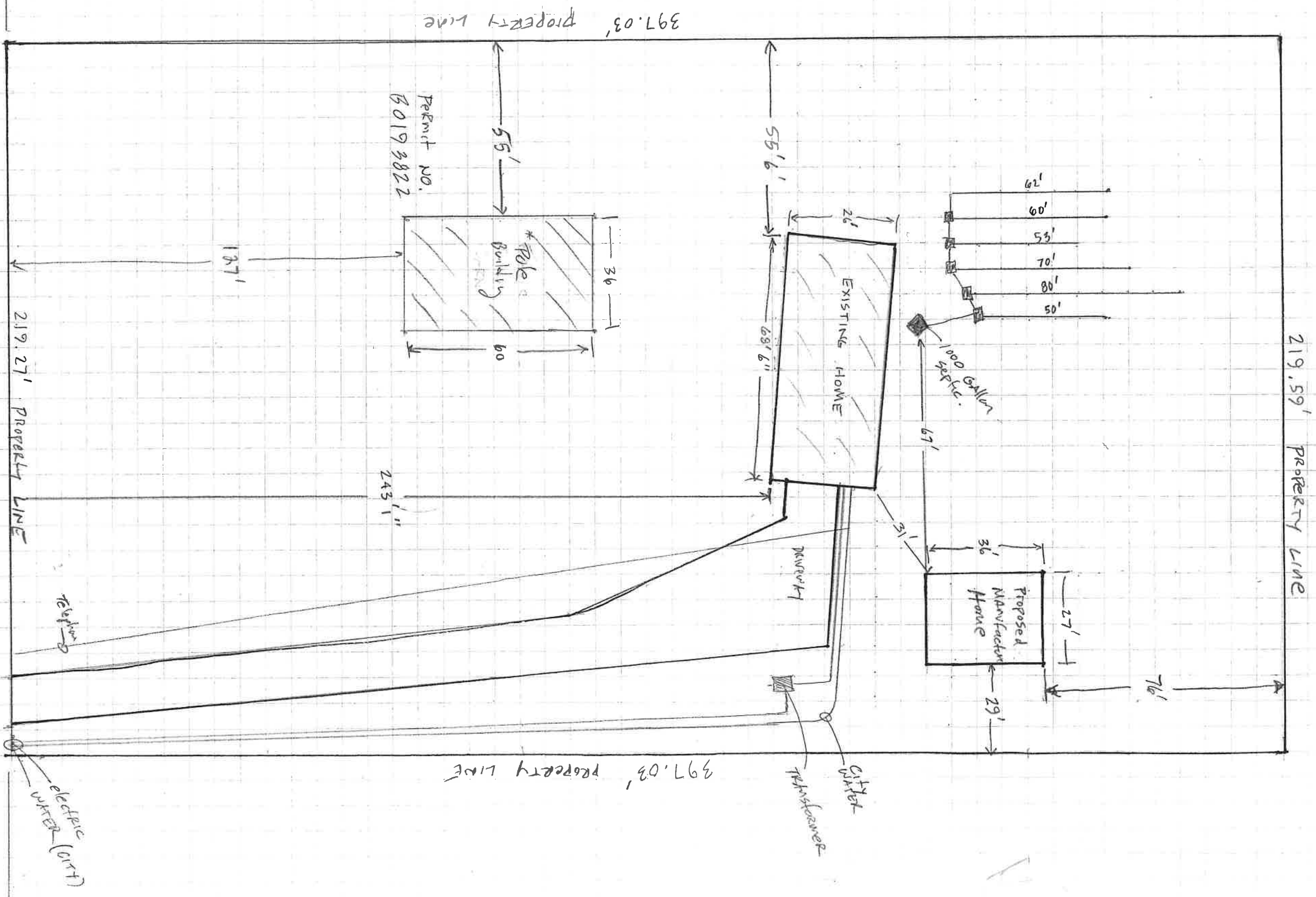
Very tight out

Model: 4P36S66
972 Sq. Ft.
Revised: 12-13-17

© 2017 BY PALM HARBOR HOMES, INC.
Rights Reserved

SITE PLAN: 18675 S. GRASLE RD.,
 OREGON CITY, OR 97045
 TAX LOT: 32E01CA00600

2 ACRES.



.25" square = 8 feet

GRASLE ROAD

