

NOTICE OF DECISION ON A TYPE II LAND USE PERMIT

Decision: Approved with Conditions

Permit Type: Temporary Dwelling for Care

File No. Z0280-26

Applicant's Proposal: Temporary placement of a Recreational Vehicle for the purpose of providing care to an occupant of the permanent dwelling

Decision Date: 9/8/2026

Deadline for Filing Appeal: 9/21/2026 at 4:00 pm.

Issued By: Max del Hierro, Planner 1

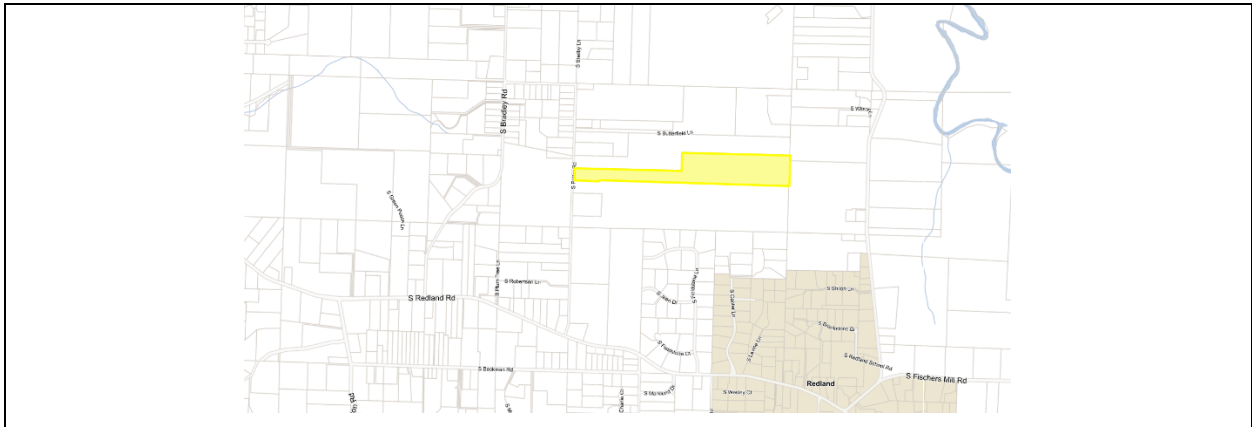
Applicant: Joy Blattner

Owner of Property: Joy Ann Blattner

Zoning: TBR

Assessor's Map & Tax Lot(s): T2S, R2, Section 36 Tax Lot(s) 00500

Site Address: 17380 S Potter Rd



Community Planning Organization (CPO) for Area:

Redland – Viola – Fischer's Mill; Land Ward Reland-CPO@ccgmail.com

Community Planning Organizations (CPOs) are part of the county's community involvement program. They are advisory to the Board of County Commissioners, Planning Commission and Planning and Zoning Division on land use matters affecting their communities. CPOs are notified of proposed land use actions and decisions on land within their boundaries and may review these applications, provide recommendations or file appeals. If this CPO currently is 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.

Opportunity to Review the Record and Decision: The complete decision, including findings and conditions of approval, and the submitted application are available for review online at <https://aca-prod.accela.com/CLACKAMAS>. Select the **Planning** tab and enter the file number to search. Select **Record Info** and then select **Attachments** from the dropdown list, where you will find the submitted application. A copy of the decision, application, all documents and evidence submitted by or on behalf of the applicant, and applicable criteria are available for inspection at no cost by contacting the Planner listed above. Copies of all documents may be purchased at a cost established by the County fee schedule.

Appeal Rights: This decision will not become final or effective until the period for filing an appeal with the County has expired without the filing of an appeal. Any person who is adversely affected or aggrieved or who is entitled to written notice of the decision pursuant to Subsection 1307.09(C) of the Clackamas County Zoning and Development Ordinance may appeal this decision to the Clackamas County Land Use Hearings Officer by filing a written appeal. An appeal must include a completed Appeal Form available at www.clackamas.us/planning/supplemental.html and a \$250.00 filing fee and must be **received** by the Planning and Zoning Division by the appeal deadline identified above.

Appeals may be submitted in person during office hours (8:00 am to 4:00 pm Monday through Thursday, closed Friday and holidays). Appeals may also be submitted by email or US mail.

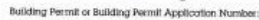
A person who is mailed written notice of this decision cannot appeal this decision directly to the Land Use Board of Appeals under ORS 197.830.

NOTICE TO MORTGAGEE, LIENHOLDER, VENDOR OR SELLER: ORS CHAPTER 215 REQUIRES THAT IF YOU RECEIVE THIS NOTICE, IT MUST PROMPTLY BE FORWARDED TO THE PURCHASER.

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 email DRenhard@clackamas.us.

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

Township _____ Range _____ Section 36 Tax lot 00500
Address: 17380 S. Pottaw Rd. Oregon City OR
97044



PERMIT EXPIRATION

APPROVAL PERIOD:

Pursuant to ZDO Subsection 1105.09, approval of a partition is valid for four years from the date of the final decision. Unless an appeal is filed, the date of the final decision is the “decision date” listed above. **During this four-year period, the final plat shall be recorded with the County Clerk, or the approval will become void.**

CONDITIONS OF APPROVAL

The conditions listed are necessary to ensure that approval criteria for this land use permit are satisfied. Where a condition relates to a specific approval criterion, the code citation for that criterion follows in parentheses. At all times, the use shall be sited and conducted in compliance with these conditions of approval. Noncompliance may result in code enforcement action or revocation of this permit.

1. General: Approval of this land use permit is based on the submitted written narrative and plan(s) filed with the County on July 20, 2026. No work shall occur under this permit other than those specified within these documents, unless otherwise required or specified in the conditions below. It shall be the responsibility of the property owner(s) to comply with these documents and the limitation of any approval resulting from the decision described herein.
2. Deed Statement: The landowner shall sign and record in the deed records for the County a document binding the landowner, and the landowner’s successor in interest, prohibiting them from pursuing a claim for relief or cause of action alleging injury from farming or forest practices for which no action or claim is allowed under Oregon Revised Statutes (ORS) 30.936 or 30.937. **A copy of the recorded document shall be submitted to Planning and Zoning.** (ZDO 401.05.A.3)
3. Occupancy: The temporary dwelling shall be occupied by Julia Blattner, the care provider. The permanent dwelling shall be occupied by Jo Ward, the care recipient. (ZDO 1204.04.A.2 and 3)
4. Wastewater: The temporary dwelling shall be connected to a sanitary sewer system or to an onsite wastewater treatment system approved by the County. The temporary dwelling shall continue to use the same onsite wastewater treatment system used by the permanent dwelling. (ZDO 1204.04.C.1)
5. Setbacks: The temporary dwelling shall continue to comply with the minimum setback standards for primary buildings in the Timber zoning district. (ZDO 1204.04.C.2)
6. Utilities / Services: All water, electricity, natural gas, and sanitary sewer service for the temporary dwelling shall continue to be extended from the permanent dwelling services. No separate meters for the temporary dwelling shall be allowed. (ZDO 1204.04.C.3)
7. Driveway Access: The temporary dwelling shall continue to use the same driveway entrance as the permanent dwelling. (ZDO 1204.04.C.4)

8. Separation Distance: The temporary dwelling shall continue to be located within 100 feet of the permanent dwelling (measured from the closest portion of each structure). (ZDO 1204.04.C.5)
9. Deed Statement: **Prior to Planning and Zoning approval of an onsite wastewater treatment or manufactured dwelling placement permit**, a written statement shall be recorded in the County deed records recognizing that the temporary dwelling approved by this permit is temporary and that the temporary permit is not transferable when the property is conveyed to another party. **A copy of the recorded document shall be submitted to Planning and Zoning**. (ZDO 1204.04.C.6)
10. Rental Income: The temporary dwelling shall not be a source of rental income. (ZDO 1204.04.C.7)
11. Removal / Storage: 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 only be allowed if the temporary dwelling complies with all applicable requirements 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 onsite 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 this Ordinance. (ZDO 1204.04.C.8)

APPLICABLE APPROVAL CRITERIA

This application is subject to Clackamas County Zoning and Development Ordinance (ZDO) Section(s) 202, 406, 1204 and 1307.

PUBLIC AND AGENCY COMMENTS

Notice was sent to applicable agencies and owners of property within 750 feet. Comments received relating to the applicable approval criteria listed above are addressed in the FINDINGS section. No comments from the public were received.

FINDINGS

The findings below identify the standards and criteria that are relevant to this decision, state the facts relied upon in rendering the decision, and explain the justification for the decision.

1. **Background/Overview of Applicant's Proposal**: The applicant is proposing a Temporary Dwelling for Care to authorize the temporary placement of a recreational vehicle, in addition to the primary dwelling, for the provision of care. The care recipient, Jo Ward, will reside in the Permanent Dwelling. The care provider, Julia Blattner, will reside in the Temporary Dwelling.
2. **ZDO Section 406, Timber District**:

Section 406 regulates the TBR zone, which is the zone applicable to the subject property. Table 406-1 identifies a Temporary Dwelling for Care as allowed subject to Subsections 406.05(A)(1), (2) & (D)(6).

406.05(A)(1): The use may be allowed provided that:

- a. The proposed use will not force a significant change in, or significantly increase the cost of, accepted farming or forest practices on agriculture or forest lands; and*
- b. The proposed use will not significantly increase fire hazard or significantly increase fire suppression costs or significantly increase risks to fire suppression personnel.*

Finding: The temporary dwelling is proposed to be placed in a section of the lot already cleared and maintained for residential use. The remainder of the property is forested and will remain so. The subject property is located adjacent to cleared and maintained residential areas on neighboring Timber zoned lots. Across S Potter Rd is a rural residential zoning district with several developed properties along S Potter Rd. Additional trip counts seen from this proposed use will be negligible from current traffic patterns along this road. The proposed temporary dwelling will be situated near the road along a cluster of developed Timber lots which will not significantly increase the fire hazard or fire suppression costs.

This criterion is met.

406.05(A)(2): A written statement recorded with the deed or written contract with the County or its equivalent is obtained from the land owner that recognizes the rights of the adjacent and nearby land owners to conduct forest operations consistent with the Oregon Forest Practices Act and Rules.

Finding: A condition of approval requires the applicant to record the deed statement.

As conditioned, this criterion is met.

406.05(D)(6): One manufactured dwelling, residential trailer, or recreational vehicle may be used for care in conjunction with an existing dwelling for the term of a health hardship experienced by the existing resident or a relative of the resident. "Relative" means a child, parent, stepparent, grandchild, grandparent, step grandparent, sibling, stepsibling, niece, nephew or first cousin. Within three months of the end of the hardship, the manufactured dwelling, residential trailer, or recreational vehicle shall be removed or demolished. Department of Environmental Quality review and removal requirements also apply. A temporary residence approved under Subsection 406.05(D)(6) is not eligible for replacement under Subsection 406.05(D)(1).

Finding: The type of dwelling and need for care are addressed in the findings below. As demonstrated by the healthcare provider's statement and discussed in more detail below, the

health hardship is experienced by Jo Ward, an existing resident of the permanent dwelling on the subject property.

Section 1204, discussed below, contains a more restrictive requirement for removal or conversion of the temporary dwelling when the hardship ends. The remainder of this criterion is informational, and no findings are required.

This criterion is met.

406.08 Development Standards

A. Fire-Siting Standards for New Structures: Fuel-free break standards shall be provided surrounding any new structure approved after April 28, 1992, pursuant to a land use application, as follows:

- 1. A primary fuel-free break area shall be maintained surrounding any new structure, including any new dwelling.*
 - a. The primary safety zone is a fire fuel break extending a minimum distance around structures. The minimum distance is established by Table 406-2 and Figure 406-1. The goal within the primary safety zone is to remove fuels that will produce flame lengths in excess of one foot. Vegetation within the primary safety zone may include green lawns and shrubs less than 24 inches in height. Trees shall be spaced with greater than 15 feet between the crowns and pruned to remove dead and low (less than eight feet) branches. Accumulated leaves, needles, limbs and other dead vegetation shall be removed from beneath trees. Nonflammable materials (i.e., rock) instead of flammable materials (i.e., bark mulch) shall be placed next to the structure. As slope increases, the primary safety zone shall increase away from the structure and down the slope at a 45-degree angle from the structure, in accordance with Table 406-02 and Figure 406-1.*

Finding: As demonstrated by the submitted site plan, the proposed temporary dwelling site can comply with the primary safety zone fire fuel break distance around the structure. A condition of approval requires compliance. The condition of approval also requires the applicant to submit a signed and notarized form acknowledging compliance with the fuel-free fire break standards prior to Planning and Zoning approval of development permits for the temporary dwelling.

As conditioned, this criterion is met.

- 2. For any new dwelling, a secondary fuel-free break area shall be cleared and maintained on land surrounding the dwelling that is owned or controlled by the owner.*
 - a. The secondary fuel-free break extends around the primary safety zone required pursuant to Subsection 406.08(A)(1). The goal of the secondary fuel-free break shall be to reduce fuels so that the overall intensity of any*

wildfire would be lessened and the likelihood of crown fires and crowning is reduced. Vegetation within the secondary fuel –free break shall be pruned and spaced so that fire will not spread between crowns of trees. Small trees and brush growing underneath larger trees shall be removed to prevent spread of fire up into the crowns of the larger trees. Dead fuels shall be removed. The minimum width of the secondary fuel-free break shall be the lesser of:

i. 100 feet; or

ii. The distance from the dwelling to the edge of land surrounding the dwelling that is owned or controlled by the owner.

Finding: As demonstrated by the submitted site plan, the proposed temporary dwelling can comply with the secondary fuel-free break around the primary safety zone. A condition of approval requires compliance. The condition of approval also requires the applicant to submit a signed and notarized form acknowledging compliance with the fuel-free fire break standards prior to Planning and Zoning approval of development permits for the temporary dwelling.

As conditioned, this criterion is met.

- 3. Structures within a River and Stream Conservation Area or the Willamette River Greenway shall be sited consistent with the requirements of Sections 704 and 705, respectively. Structures shall be sited so that a primary safety zone can be completed around the structure outside of the river or stream corridor setback/buffer area. The area within the river or stream setback/buffer area shall be exempt from the secondary fuel-free break area requirements.*

Finding: The subject property is not located within a River and Stream Conservation Area. The subject property is not located within the Willamette River Greenway.

This criterion is met.

- 4. The fuel-free break standards shall be completed and approved prior to issuance of any septic, building, or manufactured dwelling permits. Maintenance of the fuel-free breaks shall be the continuing responsibility of the property owner.*

Finding: A condition of approval requires compliance. The condition of approval also requires the applicant to submit a signed and notarized form acknowledging compliance with the fuel-free fire break standards prior to Planning and Zoning approval of development permits for the temporary dwelling.

As conditioned, this criterion is met.

- B. Additional Fire-Siting Standards for New Dwellings: The following fire-siting standards shall apply to any new dwelling approved pursuant to a land use application based on standards in effect on or after February 5, 1990:*

1. *The dwelling shall be located upon a parcel within a fire protection district or shall be provided with residential fire protection by contract. If the dwelling is not within a fire protection district, the applicant shall provide evidence that the applicant has asked to be included within the nearest such district. If inclusion within a fire protection district or contracting for residential fire protection is impracticable, an alternative means for protecting the dwelling from fire hazards shall be provided. The means selected may include a fire sprinkling system, onsite equipment and water storage or other methods that are reasonable, given the site conditions. If a water supply is required for fire protection, it shall be a swimming pool, pond, lake, or similar body of water that at all times contains at least 4,000 gallons or a stream that has a continuous year round flow of at least one cubic foot per second. The applicant shall provide verification from the Oregon Water Resources Department that any permits or registrations required for water diversion or storage have been obtained or that permits or registrations are not required for the use. Road access shall be provided to within 15 feet of the water's edge for firefighting pumping units. The road access shall accommodate the turnaround of firefighting equipment during the fires season. Permanent signs shall be posted along the access route to indicate the location of the emergency water source.*

Finding: The subject property is located within the fire protection district of Clackamas County Fire District #1. No comments on this land use application from a representative of the fire protection district have been submitted. A condition of approval requires compliance with the standards of the fire protection district. The condition of approval also requires the applicant to submit written documentation from the fire district acknowledging compliance with district development standards prior to Planning and Zoning approval of development permits for the new dwelling.

As conditioned, this criterion is met.

2. *The dwelling shall have a fire retardant roof.*

Finding: A condition of approval requires compliance.

As conditioned, this criterion is met.

3. *The dwelling shall not be sited on a slope greater than 40 percent.*

Finding: As demonstrated by the submitted site plan and a review of County Geographic Information Systems elevation contour data, the proposed home site is on an area with less than a 10-percent slope. Portions of the property contain slopes that exceed 30 percent. To ensure compliance with this criterion, a condition of approval prohibits the siting of the dwelling on a slope greater than 40 percent.

As conditioned, this criterion is met.

4. *If the dwelling has a chimney, or chimneys, each chimney shall have a spark arrester.*

Finding: A condition of approval requires compliance.

As conditioned, this criterion is met.

C. Compatibility Siting Standards: The following compatibility siting standards shall apply to any new structure, including any new dwelling, approved pursuant to a land use application based on standards in effect on or after April 28, 1994:

- 1. Structures shall be sited on the subject property so that:*
 - a. They have the least impact on nearby or adjoining forest or agricultural lands;*
 - b. The siting ensures that adverse impacts on forest operations and accepted farming practices on the tract will be minimized;*
 - c. The amount of forest lands used to site access roads, service corridors, and structures is minimized; and*
 - d. The risks associated with wildfire are minimized.*
- 2. Siting criteria satisfying Subsection 406.08(C)(1) may include setbacks from adjoining properties, clustering near or among existing structures, siting close to existing roads, and siting on that portion of the subject property least suited for growing trees.*

Finding: The temporary dwelling will be located approximately the same distance from the north and south property lines, thereby minimizing the impact on nearby and adjoining forest and agricultural lands. The proposal includes clustering the temporary dwelling within 100 feet of the primary home and existing accessory structures and sharing the existing driveway and septic system, thereby minimizing the amount of forest lands used for the siting of the temporary dwelling. The risks associated with wildfire will be minimized through the upkeep of fuel-free fire breaks and the temporary dwelling's proximity to S Potter Rd, which will act as a fire break and provide direct access for firefighters in the event of a fire. The subject property is not in farm use. Approximately 75% of the property is planted in commercial timber, but the proposed temporary dwelling site is in an open grassy area approximately 850 feet from the timbered area. Based on the soil types mapped on the site by the Natural Resources Conservation Service Internet Soils Survey, the land area with the poorest soil is located approximately 1000 feet from S Potter Road. Development on this section of soil would significantly increase the risks associated with wild fire and increase the costs to fight wild fires on this property.

Other considerations for suitability for growing trees may include previous development, compacted soils, proximity to existing water and septic infrastructure.

This criterion is met.

D. The applicant shall provide evidence that the domestic water supply is from a source authorized in accordance with the Oregon Water Resources

Department's (OWRD) administrative rules for the appropriation of ground water or surface water and not from a Class II stream as defined in the Oregon Forest Practices Rules (OAR Chapter 629). Evidence of a domestic water supply means:

- a. Verification from a water purveyor that the use described in the application will be served by the purveyor under the purveyor's rights to appropriate water;*
- b. A water use permit issued by the OWRD for the use described in the application; or*
- c. Verification from the OWRD that a water use permit is not required for the use described in the application. If the proposed water supply is from a well and is exempt from permitting requirements under ORS 537.545, the applicant shall submit the well constructor's report to the County upon completion of the well.*

Finding: The property is not served by a domestic water purveyor. The proposed water supply, a domestic well not exceeding 15,000 gallons a day, is exempt from OWRD water use permitting requirements under ORS 537.545. A condition of approval requires that prior to Planning and Zoning approval of development permits for the proposed dwelling, the applicant shall submit a well constructor's report and well log for a completed well, or a "water availability letter" from a well constructor prior to drilling a well. The drilling of the well must be completed prior to final plumbing inspection for the new dwelling. Upon completion of the well, the owner shall submit the well constructor's report and well log to Planning and Zoning.

As conditioned, this criterion is met.

3. **ZDO Section 1204, Temporary Permits:**

1204.04 TEMPORARY DWELLING FOR CARE

- A. A temporary permit for a dwelling for care requires review as a Type II application pursuant to Section 1307, Procedures, and shall be subject to the following standards and criteria:*
 - 1. The temporary dwelling will be a manufactured dwelling, residential trailer, or recreational vehicle.*

Finding: The applicant states that the temporary dwelling will be a recreational vehicle.

This criterion is met.

- 2. The temporary dwelling will be occupied by a person or persons who require(s) care or who will provide care. This provision shall not prevent persons in addition to the care recipient(s) or the care provider(s) from occupying the temporary dwelling provided such occupancy is consistent with the remaining provisions of Subsection 1204.04.*

Finding: The applicant states that Julia Blattner, the care provider, will reside in the temporary dwelling.

This criterion is met.

3. *The temporary dwelling will be located on the same lot of record or tract as a lawfully established permanent dwelling. The permanent dwelling will be occupied by the person(s) receiving care from the occupant(s) of the temporary dwelling or by the person(s) providing care to the occupant(s) of the temporary dwelling. This provision shall not prevent persons in addition to the care recipient(s) or the care provider(s) from occupying the permanent dwelling, provided such occupancy is consistent with the remaining provisions of Subsection 1204.04.*

Finding: As demonstrated on the applicant's site plan, the temporary dwelling will be located on the same tax lot as the permanent dwelling. However, not all tax lots are lots of record.

ZDO Section 202 defines a lot of record as:

1. *A lot or parcel created by a subdivision or partition plat, as defined in ORS chapter 92, filed with the Clackamas County Surveyor and recorded with the Clackamas County Clerk;*
2. *A unit of land created by a recorded deed or recorded land sales contract and in compliance with all applicable planning, zoning, and subdivision or partition ordinances and regulations, if any, in effect on the date the deed or land sales contract was signed by the parties to the deed or contract; or*
3. *A unit of land created solely to establish a separate tax account or for mortgage purposes; that did not conform to all planning, zoning, or subdivision or partition ordinances or regulations in effect on the date it was created; and that was sold prior to September 5, 2023, under the foreclosure provisions of ORS chapter 88.*

The tax lot on which both dwellings will be located, described as T2S, R2E, Section 36, Tax Lot 500, is a lot of record because this property was one of the lots included in Clackamas County Land Use file Z0510-16 which is a property line adjustment. It is assumed that the required analysis to determine that this property meets the definition of legal lot of record was completed during the review process of the previously mentioned property line adjustment.

The permanent dwelling was lawfully established as demonstrated by replacement dwelling permit under Clackamas County file number MH006306.

The applicant states that Jo Ward, the care recipient, will reside in the permanent dwelling.

This criterion is met.

4. *There exists a need for care. The need shall be documented by a signed statement from a licensed healthcare provider. The statement shall be dated within 90 days preceding the date the application is submitted and shall identify the care recipient, generally indicate that an age-related and/or medical condition results in a need for care, and substantiate that the type of assistance required by the patient is consistent with the type of assistance identified in the definition of care in Subsection 1204.04(B).*

Finding: The applicant has provided a signed statement from DR Jennifer Herber , a licensed healthcare provider. The statement is dated 7/2/2026, which is within 90 days preceding the date this application for a temporary dwelling for care was submitted on 7/20/2026. The statement identifies the care recipient as Jo Ward The statement indicates that Jo Ward suffers from a combination of age related and medical conditions which require care.

Subsection 1204.04(B) states, *“As used in Subsection 1204.04, care means assistance, required as a result of age or poor health, that is given to a specific person in the activities of daily living, which may include, but are not necessarily limited to, bathing, grooming, eating, medication management, ambulation, and transportation, or care means daily supervision of a specific person when such supervision is required due to cognitive impairment. As used in Subsection 1204.04, care does not include assistance with improvement or maintenance of property in the absence of a documented need for assistance with personal activities or a need for personal supervision due to cognitive impairment. Care does not include financial hardship alone.”*

The statement from the healthcare provider substantiates that the care recipient requires assistance with bathing, transportation, supervision, food preparation, laundry and medication management, which is consistent with the definition of care.

This criterion is met.

5. *There exists no reasonable housing alternative in the form of adequate housing on the subject lot of record or tract. A determination regarding the reasonableness of the care recipient and the care provider occupying the permanent dwelling together, and the reasonableness of either residing in an existing accessory dwelling unit or an existing accessory historic dwelling on the subject lot of record or tract, shall be made based on the size and floor plan of the permanent dwelling, and of any accessory dwelling unit(s) or accessory historic dwellings(s) on the lot of record or tract, with consideration for maintaining a degree of privacy and independence for both the care recipient and the care provider; and*

Finding: The permanent dwelling has 3 bedroom which are occupied by the care recipient and two adult children who are disabled and unable to provide care. The family of the care provider is too large to live inside the permanent dwelling with the care recipient.

This criterion is met.

6. *There exists no reasonable alternative care provider. Alternative care providers who shall be considered include:*
 - a. *Other adults who live with the care recipient; and*
 - b. *Other relatives of the care recipient who live nearby. This alternative shall only be considered in cases where the care recipient currently resides on the subject lot of record or tract; and*

Finding: The care recipient has another daughter who lives too far away and works a full time job and is unable to provide care on a 24/7 basis. **This criterion is met.**

7. *There is no other temporary dwelling for care on the subject lot of record or tract.*

Finding: The applicant states that there is no other temporary dwelling for care on the subject property, and the applicant's site plan is consistent with this statement. A review of County records, including aerial photographs, tax assessment data, and permitting records, demonstrate that there are no other temporary dwellings for care on the subject property. **This criterion is met.**

B. As used in Subsection 1204.04, care means assistance, required as a result of age or poor health, that is given to a specific person in the activities of daily living, which may include, but are not necessarily limited to, bathing, grooming, eating, medication management, ambulation, and transportation, or care means daily supervision of a specific person when such supervision is required due to cognitive impairment. As used in Subsection 1204.04, care does not include assistance with improvement or maintenance of property in the absence of a documented need for assistance with personal activities or a need for personal supervision due to cognitive impairment. Care does not include financial hardship alone.

Finding: This provision is addressed above under 1204.04(A)(4).

C. A temporary permit for a dwelling for care shall be subject to the following conditions of approval:

- 1. The temporary dwelling shall be connected to a sanitary sewer system or to an onsite wastewater treatment system approved by the County. The temporary dwelling shall use the same onsite 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 onsite wastewater treatment system exists on the subject lot of record or tract.*

Finding: As indicated in the submitted site plan, the temporary dwelling will be connected to the existing onsite waste water treatment system. The applicant has already begun the process for a septic authorization under Clackamas County septic permit number SE030826.

This criterion is met.

- 2. The temporary dwelling shall comply with the minimum yard depth standards for primary buildings in the applicable zoning district.*

Finding: As demonstrated on the applicant's site plan, the temporary dwelling complies with the minimum yard depth standards of the TBR zone, which require a minimum front yard setback of 30 feet, a minimum side yard setback of 10 feet, and a minimum rear yard setback of 30 feet.

This criterion is met.

- 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.*

Finding: As indicated in the submitted site plan, the temporary dwelling will be connected to the existing water, and electrical distribution located on this site and will not be separately metered.

This criterion is met.

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.*

Finding: As demonstrated on the applicant's site plan and required by a condition of approval, the temporary dwelling will use the same driveway entrance as the permanent dwelling.

This criterion is met.

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.*

Finding: As demonstrated on the applicant's site plan and required by a condition of approval, the temporary dwelling will be located within 100 feet of the permanent dwelling, as measured from the closest portion of each structure.

This criterion is met.

6. *A written statement shall be recorded in the County deed records recognizing that a dwelling approved pursuant to Subsection 1204.04 is temporary and that the temporary permit is not transferable when the property is conveyed to another party.*

Finding: A condition of approval requires the applicant to record the deed statement.

As conditioned, this criterion is met.

7. *The temporary dwelling shall not be a source of rental income.*

Finding: A condition of approval requires compliance with this limitation.

As conditioned, this criterion is met.

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 this 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 this Ordinance.

Finding: A condition of approval requires compliance with these standards.

As conditioned, this criterion is met.

D. A temporary permit for a dwelling for care may be approved for a period not to exceed two years in the EFU, TBR, and AG/F Districts and for a period not to exceed three years in any other zoning district. The permit may be renewed, subject to review as a Type II application pursuant to Section 1307, for a period not to exceed two years in the EFU, TBR, and AG/F 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.

Finding: The subject property is located in the TBR District. A condition of approval limits the renewal permit approval period to a maximum of 2 years.

This criterion is met.