



Conditional Use Permit (Temporary Hardship Dwelling) *(Forest and Primary Forest Zones)*

A temporary hardship dwelling in conjunction with an existing residence may be allowed in the Forest (F-1) or Primary Forest (F-2) zones, subject to the applicable standards from Sections 5.20(T) and 5.25 of the Hood River County Zoning Ordinance and applicable portions of Oregon Administrative Rules (OAR) 660-006-0025(4)(t). For a complete application, a written narrative with supporting documentation should be provided explaining how your proposal complies with all of the following applicable criteria:

1. The dwelling shall be removed when no longer needed for the hardship;
2. The dwelling is for an existing resident or relative with a hardship;
3. The applicant shall submit written confirmation from a medical doctor that care is necessary for an aged or infirm person;
4. The dwelling shall use the same septic system used by the existing dwelling, if that system is adequate;
5. The County shall review the permit every two years. Upon written request, the permit may be extended for two additional years if the conditions with which the application was originally approved have not changed, as confirmed by a new letter from the dependent relative's doctor;
6. Within 3 months of the end of the hardship, the temporary dwelling shall be removed, demolished, or, in the case of an existing building, the building shall be removed, demolished or returned to an allowed nonresidential use;
7. The temporary dwelling shall be a single section manufactured dwelling, recreational vehicle, or existing building, pursuant to OAR 660-006-0025(4)(t); and
8. The temporary dwelling is not eligible for replacement under Section 5.10(P) of the County Zoning Ordinance.

Section 5.25 – Conditional Use Criteria

1. The proposed use will not force a significant change in, or significantly increase the cost of accepted farming or forest practices on agricultural or forest lands; nor significantly increase fire hazard or fire suppression costs, or risks to fire suppression personnel.
2. All new dwellings and structures shall be subject to applicable provisions of Sections 5.40, 5.42, 5.44, and 5.46 of the County Zoning Ordinance, which are listed below.
3. A deed notification statement will be recorded pursuant to Section 5.46 of the County Zoning Ordinance (*below*) for any new dwelling or approved conditional use.

Section 5.40 - Siting Standards: New dwellings and structures shall be subject to the following applicable standards:

1. Dwellings and structures shall be sited on the parcel 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, the dwelling and structures is minimized;
 - d. The risks associated with wildfire are minimized; and
 - e. Consideration is made of proximity to other dwellings, structures and roads; and the use of less productive soils.
2. Compliance with applicable provisions of Article 50 - Buffer Requirements.
 3. The domestic water supply shall be in accordance with the Water Resources Department's rules and not from a Class II stream as defined in OAR Chapter 629. 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.
 4. Proof of a long-term road access use permit or agreement if road access to the dwelling is by a road owned and maintained by a private party, the Department of Forestry, the US Bureau of Land Management or the US Forest Service. The road use permit may require the applicant to agree to accept responsibility for road maintenance.

Section 5.42 - Fire Standards: New dwellings and structures shall be subject to the following applicable standards:

1. Dwellings shall be located upon parcels that are within a rural fire protection district or requested to be within the nearest district.
2. If compliance with 5.42(1) is impracticable, then alternatives such as sprinkler systems, on-site equipment, water storage or other methods may be allowed subject to section 5.42.G. and the following: If a water supply is required, it shall be a swimming pool, pond, lake or similar body of water that at all times is capable of holding 4,000 gallons; or a stream that has a minimum flow of at least one cubic foot per second; with road access to within 15 feet of the water's edge for fire fighting pumping units, and including a turnaround to accommodate fire fighting equipment.
3. A 30' primary fuel break plus a 100' secondary fuel break shall be cleared and maintained surrounding all dwellings and structures. Land owned or controlled by the owner that is too small to accommodate the fuel breaks shall be subject to section 5.42.G. The primary fuel break shall not contain vegetation that will produce flame lengths in excess of one foot. The secondary fuel break shall reduce vegetation so that the intensity and likelihood of crown fires and crowning is reduced. Secondary fuel breaks shall be increased on the downslope side: 50' for 10% slope; 75' for 20% slope; 100' for 25% slope; or 150' for 40% slope. [*Recommended Fire Siting Standards for Dwellings and Fire Safety Design Standards for Roads*"]
4. Dwellings and structures shall have fire retardant roofs.
5. Chimneys shall have spark arresters.
6. Dwellings and structures shall not be sited on a slope of greater than 40 percent.
7. Exceptions to section 5.42 may be approved if equivalent fire protection standards are submitted by a professional forest fire protection expert. Exceptions to 5.42(1) must include the water and road standards of section 5.42(2). Submittals require approval by the Planning Department on a case by case basis.

Section 5.44 - Road Standards: New dwellings and structures shall be subject to the following applicable standards:

1. Roads shall be built and maintained to provide a minimum 20' width of all weather surface and a vertical clearance of 13 feet 6 inches. [*Recommended Fire Siting Standards for Dwellings and Fire Safety Design Standards for Roads*]
2. Driveways shall be built and maintained to provide a minimum 12' width of all weather surface and a vertical clearance of 13 feet 6 inches.
3. The all weather surface, bridges, culverts, and other structures in the road bed shall be constructed and maintained to support gross vehicle weights of 50,000 pounds.
4. Grades shall not exceed an average of 8%, with a maximum of 12% on short pitches. Variance may be granted by the fire service having responsibility for the area when topographic conditions make these standards impractical.
5. Cul-de-sacs, dead-end driveways, and dead-end roads over 150 feet in length shall have turnarounds of not less than 48 feet radius.
6. Driveways in excess of 200 feet shall provide 20-foot wide by 40-foot long turnouts at a maximum spacing of half the driveway length or 400 feet, whichever is less.
7. Driveways shall be marked with the residence's address unless it is clearly visible on the residence from the road. The numbers shall be 4 inches high and of reflective material.

Section 5.46 - Deed Statement:

1. Prior to issuance of a building permit for a dwelling in the Forest or Primary Forest zones, a written statement consistent with ORS 215.293 and Article 50 (*Buffer Requirements*) of the County Zoning Ordinance shall be recorded with the County Department of Records and Assessment; unless noted otherwise.

Section 60.10 – Burden of Proof:

1. Granting the request is in the public interest; the greater departure from present land use patterns, the greater the burden of the applicant.
2. The public interest is best carried out by granting the petition for the proposed action, and that interest is best served by granting the petition at this time.
3. The proposed action is in compliance with the Comprehensive Plan.
4. The factors set forth in applicable Oregon Law were consciously considered. Also, consideration will be given to the following factors:
 - A. The characteristics of the various areas of the County.
 - B. The suitability of the subject area for the type of development in question.
 - C. Trends in land development.
 - D. Density of development.

- E. Property values.
- F. The needs of economic enterprises in the future development of the County.
- G. Access.
- H. Natural resources.
- I. Public need for healthful, safe and aesthetic surroundings and conditions.