



City of Lyons

Phone: 503 859 2167
Fax: 503 859 5167
97358

PO Box 10
449 5th Street
Lyons, Oregon

STAFF REPORT June 12, 2012

TO: Lyons Planning Commission
Mary Mitchell, Lyons City Manager

FROM: Audrey McNerney, Assistant City Manager

RE: Medical Hardship Application –
Lowell Butler – Dorothy Grossnicklaus
248 Cedar Street, Lyons, OR 97358
Township 9 South, Range 2 East, Section 19BB, Tax Lot 429

Lowell Butler has submitted an Application requesting permission to place a temporary residence on the property owned by him and Dorothy Grossnicklaus which will be occupied by his daughter Jean Thompson. This will allow his daughter to assist in the care of Mrs. Grossnicklaus since she is suffering from Alzheimer's disease.

The standards and requirements for temporary hardship manufactured dwellings are set forth in Lyons Municipal Code §18.30.130 C. 6. They are as follows:

(a) A licensed Oregon physician has certified that a medical hardship exists and the afflicted person requires daily supervision and care; or, the person to be cared for has provided documentation of being 70 years of age or older

See attached certification (Exhibit A) from Dr. Thomas Van Veen M.D. stating that Mrs. Grossnicklaus is suffering from Alzheimer's disease and is demented.

(b) The temporary hardship manufactured dwelling is placed on the same lot as the principal dwelling.

See attached site plan (Exhibit B) which shows the placement of a travel trailer on the property behind the main dwelling.

(c) The person with the hardship will occupy the temporary hardship manufactured dwelling and the person(s) providing the care and assistance will occupy the principal dwelling on the lot.

See attached Medical Hardship Application which states that the temporary residence is being placed for the use of Mr. Butler's daughter. In this case the daughter will live in the travel trailer. The intent of the Ordinance is to allow caregivers access to the parties needing the care and assistance. Since Mrs. Grossnicklaus lives in the main residence it is appropriate that the caregiver live in the travel trailer.

(d) The person(s) providing care for the person(s) with the hardship agree in writing to remove the temporary hardship manufactured dwelling within 90 days after the hardship condition no longer applies to the manufactured dwelling.

See attached Medical Hardship Application Exhibit C which is signed by Mr. Butler and which states thereon that he understands that when the hardship no longer exists he will have 90 days to remove the manufactured dwelling from the lot and that should he fail to do so he will face a \$300 penalty.

(e) The manufactured dwelling placement complies with all applicable zoning ordinance provisions or the appropriate variances have been obtained.

The manufactured dwelling placement complies with all applicable zoning ordinance provisions.

(f) An additional plumbing hookup to the existing sewage disposal system on the property shall be required. The hookup shall comply with the Oregon State Plumbing Code.

Mr. Butler has filed an On- Site Sewage Disposal System Application with the Linn County Department of Health Services. A Land Use Compatibility Statement has been completed by City Staff and inspection and approval of an existing septic system hookup is pending.

CONDITIONS OF APPROVAL OF MEDICAL HARDSHIP APPLICATION.

All required documentation for proof of existence of Medical Hardship has been provided. However, the approval should be conditioned upon the inspection and final approval by the Linn County Department of Health Services of the septic system hookup. Mr. Butler has requested that an inspection take place on June 13, 2012.