

**DATE OF WORKSESSION/PUBLIC HEARING:** October 17, 2006

**TO:** Springfield Planning Commission **PLANNING COMMISSION  
TRANSMITTAL  
MEMORANDUM**

**FROM:** Gary M. Karp, Planner III

**SUBJECT:** Springfield Development Code Amendment – Section 36.135 Temporary Use –  
Emergency Medical Hardship – Case Number LRP 2006-00026, City of  
Springfield, Applicant

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**ISSUE**

The Planning Commission has directed staff to amend the Springfield Development Code (SDC) regarding the “temporary” status of the Emergency Medical Hardship process.

**DISCUSSION**

In 1991, after several requests from the public, the City Council directed staff to add SDC Section 36.135 allowing temporary emergency living quarters when certain medical hardships are identified. Ordinance 5579 allowed a one-time maximum stay of 12 months. In 1994 after receiving a number of requests for time line extensions, staff amended SDC Section 36.135. Ordinance 5728 allowed staff approved yearly time line extensions without limitation and without public notice, based on a letter from a licensed primary care physician confirming the need for the patient to continue to require care. Since 1991 staff has processed 31 Emergency Medical Hardship applications. Approximately one-third of the applicants have requested time line extensions. Three applications are still active: one was initially approved in 2006, with an expiration date of 2007; two were initially approved in 2002 with yearly time line extensions since then.

On September 19, the Planning Commission held a work session on this issue. The Planning Commission directed staff to maintain the current 12 month initial approval time line and place a limit on time line extensions - allowing up to two 6 month extension opportunities at the staff level. The intent was to define “temporary” as 24 months. However, there may still be requests for an additional time line extension. In this instance, staff has provided a process where the applicant would go directly to the City Council which would then have the option to extend the time line at its discretion. Any Council motion to extend the 24 month “temporary” time line would be considered a policy decision. The proposed amendments also include other text modifications suggested by the Planning Commission at the work session.

Property owners and residents of the three active applications referenced above were mailed notice of the proposed SDC amendment.

**RECOMMENDATION/ACTION REQUESTED**

Advise the City Council, by motion and signature of the attached order and recommendation by the Planning Commission Chairperson, to approve the proposed amending Ordinance at their public hearing on November 20, 2006.

**ATTACHMENTS**

Attachment 1: SDC Amendment Staff Report, Findings and Order  
Attachment 2: Proposed Amendment of SDC Section 36.135

**ATTACHMENT 1  
SDC AMENDMENT  
STAFF REPORT, FINDINGS AND ORDER**

**APPLICANT**

City of Springfield - Jo. No. LRP 2006-0026

**REQUEST**

Amendment of the Springfield Development Code (SDC) – Section 36.135 Temporary Use – Emergency Medical Hardship.

**BACKGROUND**

On September 19, the Planning Commission held a work session regarding the “temporary” status of the Emergency Medical Hardship process. The Planning Commission directed staff to maintain the current 12 month initial approval time line and place a limit on time line extensions - allowing up to two 6 month extension opportunities at the staff level. The intent was to define “temporary” at 24 months. The Planning Commission also directed staff to include additional comments they had that evening and the reorganization of the process proposed by staff.

**SPRINGFIELD DEVELOPMENT CODE CRITERIA FOR SDC AMENDMENTS**

**SDC 8.030** of the Springfield Development Code establishes criteria that must be met in order to approve this request. ***“In reaching a decision on these actions, the Planning Commission and the City Council shall adopt findings which demonstrate conformance to the following: (1) The Metro Plan; (2) Applicable State statutes; and (3) Applicable State-wide Planning Goals and Administrative Rules.”***

***(1) The Metro Plan;”***

***“The Eugene-Springfield Metropolitan Area General Plan [Metro Plan] is the official long-range general plan (public policy document) of metropolitan Lane County and the cities of Eugene and Springfield. Its policies and land use designations apply only within the area under the jurisdiction of the Plan. The Plan sets forth general planning policies and land use allocations and serves as the basis for the coordinated development of programs concerning the use and conservation of physical resources, furtherance of assets, and development or redevelopment of the metropolitan area.”*** P. I-1

**Staff Response and Finding:**

This is an amendment of an existing specific regulation. This amendment defines the “temporary” needs of citizens burdened with emergency medical hardships who require additional on-site housing for either the person requiring medical care or the care provider while ensuring that the neighborhood character is not disrupted. The initial duration of the temporary housing remains 12 months or less. The current unlimited time line extensions are now limited to two 6 month periods at the staff level, for a total time line of 24 months. In cases where additional time line extensions may be requested, the City Council would make that determination. The RV housing permitted is not considered to be permanent housing and thus, the short term nature of the use pre-empts the applicability of density objectives expressed in the residential element of the Metro Plan. This amendment has no effect on, nor is it affected by Metro Plan policies.

***“(2) Applicable State statutes,”***

## **NEEDED HOUSING**

### **ORS 197.307**

***“(1) The availability of affordable, decent, safe and sanitary housing opportunities for persons of lower, middle and fixed income, including housing for farm workers, is a matter of statewide concern.***

***(2) Many persons of lower, middle and fixed income depend on government assisted housing as a source of affordable decent, safe and sanitary housing.***

***(3)(b) A local government shall attach only clear and objective approval standards or special conditions regulating, in whole or in part, appearance or aesthetics to an application for development of needed housing or to a permit, as defined in ORS 215.402 or 227.160, for residential development.***

***The standards or conditions may not be attached in a manner that will deny the application or reduce the proposed housing density provided the proposed density is otherwise allowed in the zone.”***

### **Staff Response and Finding:**

This is an amendment of an existing specific regulation. Even though the primary users of both the current and proposed amended emergency medical hardship regulations tend to be lower and fixed income persons and the reformatting of the approval process is intended to provide clear and objective approval standards and conditions of approval, the “temporary” nature of the emergency hardship process does not affect the housing needs policies of ORS 197.307 cited above.

## **POST ACKNOWLEDGEMENT PROCEDURES**

### **ORS 197.610**

**“197.610 Local government notice of proposed amendment or new regulation; exceptions; report to commission.**

**(1) A proposal to amend a local government acknowledged comprehensive plan or land use regulation or to adopt a new land use regulation shall be forwarded to the Director of the Department of Land Conservation and Development at least 45 days before the first evidentiary hearing on adoption. The proposal forwarded shall contain the text and any supplemental information that the local government believes is necessary to inform the director as to the effect of the proposal. The notice shall include the date set for the first evidentiary hearing. The director shall notify persons who have requested notice that the proposal is pending.**

**(2) When a local government determines that the goals do not apply to a particular proposed amendment or new regulation, notice under subsection (1) of this section is not required. In addition, a local government may submit an amendment or new regulation with less than 45 days’ notice if the local government determines that there are emergency circumstances requiring expedited review. In both cases:**

**(a) The amendment or new regulation shall be submitted after adoption as provided in ORS 197.615 (1) and (2); and**

**(b) Notwithstanding the requirements of ORS 197.830 (2), the director or any other person may appeal the decision to the board under ORS 197.830 to 197.845....”**

**Staff Response and Finding:**

This is amendment of an existing specific regulation. The “temporary” nature of the emergency hardship process is not proposed to change. Except for the public notice requirements of Goal 1 (see Criterion (3), below), there are no State-wide land use goals that apply to this amendment. Therefore, the 45 day notice to Department of Land Conservation and Development (DLCD) prior to the first evidentiary hearing is not required. However, staff will notice DLCD after adoption of the Ordinance as required in (2)(a).

***“(3) Applicable State-wide Planning Goals and Administrative Rules.”***

**GOAL 1: CITIZEN INVOLVEMENT - OAR 660-015-0000(1)**

**GOAL 2: LAND USE PLANNING OAR 660-015-0000(2)**

**GOAL 3: AGRICULTURAL LAND OAR 660-015-0000(3)**

**GOAL 4: FOREST LANDS OAR 660-015-0000(4)**

**GOAL 5: NATURAL RESOURCES, SCENIC AND HISTORIC AREAS, AND OPEN SPACES  
OAR 660-015-0000(5)**

**GOAL 6: AIR, WATER AND LAND RESOURCES QUALITY OAR 660-015-0000(6)**

**GOAL 7: AREAS SUBJECT TO NATURAL HAZARDS**

**GOAL 8: RECREATIONAL NEEDS OAR 660-015-0000(8)**

**GOAL 9: ECONOMIC DEVELOPMENT OAR 660-015-0000(9)**

**GOAL 10: HOUSING OAR 660-015-0000(10)**

**GOAL 11: PUBLIC FACILITIES AND SERVICES OAR 660-015-0000(11)**

**GOAL 12: TRANSPORTATION OAR 660-015-0000(12)**

**GOAL 13: ENERGY CONSERVATION OAR 660-015-0000(13)**

**GOAL 14: URBANIZATION OAR 660-015-0000(14)**

**GOAL 15: WILLAMETTE RIVER GREENWAY OAR 660-015-000(15)**

**GOAL 16: ESTUARINE RESOURCES OAR 660-015-000(16)**

**GOAL 17: COASTAL SHORELANDS OAR 660-015-000(17)**

**GOAL 18: BEACHES AND DUNES OAR 660-015-000(18)**

**GOAL 19: OCEAN RESOURCES OAR 660-015-000(19)**

**Staff Response and Finding:**

Goals 1-15. This amendment does not allow a permanent use, nor is it intended to implement housing objectives directed towards specialized housing needs or affordable housing (Goal 10).

The provisions of this amendment deal with a local need that was first addressed by the City Council to provide temporary relief for emergency medical hardships.

Goals 16-19. These goals do not apply because there are no coastal, ocean, estuarine, or beach and dune resources within the City's jurisdiction.

There are no State-wide Planning Goals or Administrative Rule which apply to this amendment or which this amendment seeks to implement other than compliance with Goal 1, Citizen Involvement, pertaining to public notice. Notice of Planning Commission and City Council work sessions and public hearings were printed in the Springfield News and placed on the City's web site on October 6, 2006. In addition, the owners of property containing the three current emergency medical hardship applications have been notified by mail.

#### **CONCLUSION/RECOMMENDATION/REQUESTED ACTION**

Staff has demonstrated criteria of approval listed in SDC 8.030: (1) Metro Plan policies; (2) State statutes; and (3) State-wide Planning Goals and Administrative Rules either do not apply to, or this proposed SDC amendment minimally impacts, the criteria.

Staff recommends the Planning Commission: approve the attached Order and forward the proposed amendment of SDC 36.135 to the City Council with a recommendation for adoption.

**BEFORE THE PLANNING COMMISSION  
OF THE CITY OF SPRINGFIELD, OREGON**

**ORDER AND RECOMMENDATION FOR ]  
THE AMENDMENT OF SPRINGFIELD ]  
DEVELOPMENT CODE SECTION 36.135 ]**

**JO. NO. LRP 2006-00026**

**RECOMMENDATION TO THE CITY COUNCIL**

**NATURE OF THE APPLICATION**

On September 19, the Planning Commission held a work session regarding the “temporary” status of the Emergency Medical Hardship process. The Planning Commission directed staff to maintain the current 12 month initial approval time line and place a limit on time line extensions - allowing up to two 6 month extension opportunities at the staff level. The intent was to define “temporary” at 24 months. The Planning Commission also directed staff to include additional comments they had that evening and the reorganization of the process proposed by staff.

1. On September 26, 2006 the following application was accepted:

**Jo. No. LRP 2006-00026** – City of Springfield, Applicant – Springfield Development Code Amendments.

2. The application was initiated and submitted in accordance with Section 3.050 of the Springfield Development Code. Timely and sufficient notice of the public hearing, pursuant to Section 14.030 of the Springfield Development Code, has been provided. In addition, property owners and residents of the three active Emergency Medical Hardship applications were mailed notice of the proposed SDC amendment.

3. On October 17, 2006 the Planning Commission held a work session and public hearing on the proposed SDC amendments. The Development Services Department staff notes and recommendation together with the oral testimony and written submittals of the persons testifying at that hearing have been considered and are part of the record of this proceeding.

**CONCLUSION**

On the basis of this record, the proposed SDC amendments are consistent with the criteria of **Section 8.030(1-3) of the Springfield Development Code**. This general finding is supported by the specific findings of fact and conclusion in Attachment 1, Staff Report and Findings.

**ORDER/RECOMMENDATION**

It is **ORDERED** by the Springfield Planning Commission that approval of **JO. NO. LRP 2006-00026**, be **GRANTED** and a **RECOMMENDATION** for approval forwarded to the Springfield City Council.

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Planning Commission Chairperson

**ATTEST**

**AYES:**

**NOES:**

**ABSENT:**

**ABSTAIN:**

**ATTACHMENT 2**  
**PROPOSED AMENDMENT OF SDC SECTION 36.135**

Language proposed to be deleted is shown as: ~~[strike through]~~. Language proposed to be added is shown as: language added.

**36.135 TEMPORARY USE - EMERGENCY MEDICAL HARDSHIP.**

*Commentary: In order to aid the reviewer, the current text is deleted in its entirety and the proposed text is as specified below.*

~~[The intent of this section is to allow temporary emergency quarters when certain medical hardships arise. The following standards shall apply in these circumstances:~~

- ~~(1) — The temporary emergency quarters shall be a residential trailer, a travel trailer or an RV.~~
- ~~(2) — The temporary emergency quarters must be occupied by a person who is terminally ill, by a person who is severely incapacitated from illness or injury, by a person who is recuperating from an illness or injury, or by a person who is providing care for one of the preceding. Maximum stay for any of the preceding is 12 months. However, the stay may be renewed annually. Under no circumstances may emergency quarters be used as a rental unit.~~
- ~~(3) — Timely and accurate verification of a person's condition and need for care must be provided by a licensed medical doctor. Prior to renewal, a new verification of condition will be required.~~
- ~~(4) — The property must be zoned Low Density Residential (LDR).~~
- ~~(5) — The property must be occupied by a primary structure or, if vacant, must be located immediately adjacent to the residence of the care giver or the injured/ill person.~~
- ~~(6) — All temporary emergency quarters shall be located behind the leading edge of the primary structure (side yard) or behind the primary structure (rear yard).~~
- ~~(7) — All manufactured dwellings used as temporary emergency quarters shall be connected to sewer, water and electrical services as prescribed by the Oregon State Building Code, as adopted by the City of Springfield.~~
- ~~(8) — All travel trailers and RVs used as temporary emergency quarters shall have utility connections consistent with State law requirements for such units in RV parks.~~
- ~~(9) — Temporary emergency quarters shall be reviewed under the Type II process. The application shall include a plot plan showing existing structures and their setbacks and the proposed location of the temporary emergency quarters. The application shall~~

include the written verification of medical condition as specified in Subsection (3) of this Section.

~~(10) Appeals of decisions approving or denying temporary emergency quarters shall be to the Planning Commission.~~

~~(11) A request for a time extension beyond the 12 month maximum stay will not require a new Type II application.~~

~~(12) Temporary emergency quarters shall maintain compliance with all conditions of approval. Violation of the provisions of this Section, or determination that need can no longer be verified shall be the basis for termination of this approval.]~~

**NOTE:** Highlighted text is based upon Planning Commission direction to staff at the September 19<sup>th</sup> work session.

*Commentary:* A “purpose” section is added similar to other recent SDC amendments. The intent of Subsection (1) is to better define the use and is based upon current standards (See current Sections 36.135(2) and (3)). The current term “severely incapacitated” has been deleted because it is vague. The proposed “temporary” time line is now specified as 24 months and includes an approval time line of 12 months and up to two 6 month time line extensions at the staff level as directed by the Planning Commission. However, some Planning Commissioners expressed support for a continual renewal process and staff has added a City Council path for additional time line extensions beyond the two 6 month extensions that may be granted by staff (See Subsection (7)).

**(1) Purpose.**

**(a) The Emergency Medical Hardship allows the placement of temporary living quarters, on a lot/parcel with a habitable primary dwelling, for a person who is determined by a licensed primary care physician as specified in Subsection (4)(b)1. of this Section, to be either:**

**1. Terminally ill; or**

**2. Recuperating from an illness, surgery or injury; and**

**3. The person is not physically or mentally capable of self maintenance and is dependent upon a care provider being on site for assistance.**

**(b) Temporary means a period of 24 months, unless otherwise permitted in Subsection (7) of this Section. The 24 month period includes an approval time line of 12 months with an opportunity to obtain up to two 6 month time line extensions at the staff level.**

**Commentary:** *The Planning Commission did not want tent trailers to be allowed to be used as temporary housing for quality of life reasons and asked staff if the SDC definition for RV included the term “tent trailer”. The definition found in SDC Article 2 states:*

**“RECREATIONAL VEHICLE (RV).** *A vacation trailer or other unit, with or without motive power, which is designed for human occupancy and to be used temporarily for recreational, seasonal or emergency purposes and has a gross floor space of less than 400 square feet. The term includes camping trailers, camping vehicles, motor homes, park trailers, bus conversions, van conversions, tent trailers, travel trailers, truck campers and any vehicle converted for use or partial use as a recreational vehicle. The unit shall be identified as a recreational vehicle by the manufacturer or converter.” By definition, the term “RV” includes the term “tent Trailer”. But as directed by the Planning Commission and as specified in Subsection (c) below, “tent trailers” will not be permitted as temporary living quarters.*

*Note: Subsection (1) of the current text includes “residential trailer” and “travel trailer” which are part of the RV definition cited above. These terms are deleted in this Subsection for redundancy reasons and only the term RV is used.*

**(c)** Temporary living quarters means a road worthy, licensed and insured recreational vehicle (RV) as defined in Article 2 of this Code.

**EXCEPTION:** Tent trailers shall not be permitted as a temporary living quarters.

**(d)** The temporary living quarters shall be occupied only by the person requiring medical assistance or the care provider.

**Commentary:** *The term “care provider” is now defined.*

**(e)** The care provider is a person who lives on-site, either in the primary dwelling or the temporary living quarters and provides necessary medical procedures, monitoring and attention to the person requiring that care on a 24-hour basis.

**Commentary:** *An “applicability” section is added similar to other recent SDC amendments. The current text (See current Section 36.135(4)) does not specify that this use may also occur within the City’s urban services area.*

**(2)** Applicability. The Emergency Medical Hardship process shall be permitted only on lots/parcels designated Low Density Residential (LDR) and zoned LDR within the city limits or LDR/UF-10 within the City’s urban services area.

**Commentary:** *There is no change proposed for the level of application review, which is currently a Type II staff review with public notice (See current Section 36.135 (9)).*

**(3)** Review.

- (a) The initial application shall be reviewed under Type II procedure; time line extensions shall be reviewed as specified in Subsection (7) of this Section.
- (b) A complete application together with all required materials shall be accepted by the Director prior to staff review of the application as specified in Section 3.050, Application Submittal.

*Commentary: Submittal requirements are added because the current text (See current Section 36.135(9)) does not clearly address this topic. Subsection (4)(a)1.-4. contain specific plot plan requirements, which are based upon current regulations. Subsection (4)(a)5. is added for those applications outside of the city limits, but within the urban services area. Subsection (4)(b) requires more information relating to the patient's medical condition than is currently required and reflects the Planning Commission's comments on affidavits.*

(4) Submittal Requirements.

- (a) The application shall include a plot plan, drawn to scale, showing:
  - 1. Existing structures on the lot/parcel and their setbacks from property lines;
  - 2. The proposed location of the temporary living quarters and its setback from property lines and other structures on the lot/parcel;
  - 3. The required utility connections for the temporary living quarters; and
  - 4. The location of proposed fences to screen the temporary living quarters that face public rights-of-way.
  - 5. For those applications within the City's urban service area, the plot plan shall also show the location of any wells, septic tanks and drain fields.
- (b) The application shall also include:
  - 1. A written medical report from a licensed primary care physician on official letterhead that includes:
    - a. The nature of the patient's medical condition and whether the patient is terminally ill or recuperating from an illness, surgery or injury;
    - b. A statement explaining why the patient is not physically or mentally capable of self-maintenance and is, therefore, dependent upon a care provider being on-site for assistance;

- c. A statement explaining why the circumstances are temporary in nature (estimated at 12 months or less) and what steps are being undertaken to address the circumstances prior to the elapsing of 12 months.
  - d. Supporting documentation from other medical practitioners who may be treating the patient.
2. A statement from the applicant addressing:
- a. Whether the person requiring medical assistance or the care provider will reside in the temporary living quarters;
  - b. The type of temporary living quarters proposed, either: a motor home, residential trailer, a travel trailer, truck camper or other RV as defined in Article 2 of this Code, unless excepted in this Section; and
  - c. Proof that the temporary living quarters is licensed and insured.

*Commentary: Specific criteria of approval are added. Criterion (5)(a) is new and also reflects the Planning Commission's comments on affidavits. The medical report will stand on its own. It is not staff's intent to second guess a medical diagnosis. Criteria (5)(b) is also new. Criterion (5)(c) is based upon current Section 36.135 (5). Criterion (5)(d) is based upon current Section 36.135(6), but additional language is added to maintain building setbacks, where possible. Criteria (5)(e) and (5)(f) are based upon current Sections 36.135(7) and (8).*

- (5) Criteria. The Director shall grant approval of the emergency medical hardship application if all of the following criteria are met, including any conditions imposed in accordance with Subsection (6) of this Section.
- (a) The licensed primary care physician's written medical report shall address the information required in Subsection (4)(b)1. of this Section.
  - (b) The temporary living quarters shall house either the person requiring medical assistance or the care provider.
  - (c) The temporary living quarters shall be located on the same legal lot/parcel as the primary dwelling. Only one temporary living structure shall be allowed on a lot/parcel.
  - (d) The temporary living quarters shall not extend further than the leading edge of the primary structure (front or side yard) or within the rear yard and have the least possible visual exposure to abutting streets and alleys. Building setbacks shall be maintained to the greatest extent practicable.

- (e) All residential trailers and other similar units used as temporary living quarters shall be connected to sewer, water and electrical services as proscribed by the Oregon State Building Code as adopted by the City.
- (f) All travel trailers and other similar units used as temporary living quarters shall have utility connections consistent with State law requirements for such units as in RV parks.

*Commentary: Specific conditions of approval are added. Condition (6)(a)1. is new. Condition (6)(a)2. is based upon current Section 36.135(2). Condition (6)(a)3. is new – there is now a provision for removal of the temporary living quarters if the medical hardship no longer exists or at the end of the 12 month approval time line, unless an extension is requested (See Subsection(7)). Condition (6)(b) is new, but is based upon current language in other parts of the SDC.*

(6) Conditions of Approval.

- (a) The Director shall impose the following conditions of approval for all medical hardship applications:
  - 1. There shall be no change in occupancy of the temporary living quarters under the permit; either the person requiring care or the care provider shall reside within the temporary living quarters.
  - 2. The temporary living quarters use shall be limited to the use permitted in this Section and is not transferable to other persons or property. Under no circumstance shall temporary living quarters be used as a rental unit.
  - 3. The temporary living quarters use shall cease upon the occurrence of the first of the following events:
    - a. The medical hardship no longer exists; in this case, the temporary living quarters shall be removed within 30 calendar days of cessation of the provision of care; or
    - b. Within 12 months of the date of application approval, unless there is an approved extension as specified in Subsection (7) of this Section.
- (b) The Director may impose additional conditions of approval to the extent necessary to satisfy the criteria of Subsection (5) of this Section, to comply with all applicable standards of this Code and to mitigate identified negative impacts to surrounding properties.

**Commentary:** *The proposed approval time line is 12 months. The Planning Commission directed staff to allow up to two 6 month extensions. Some Planning Commissioners expressed support for a continual renewal process and staff has added a City Council path for additional time line extensions beyond the two 6 month staff level extensions because time line extensions beyond the 24 month "temporary" time line is a policy issue only the Council can decide upon. There is also a provision for time line extensions for the three currently active applications under the current time line extension regulations (a grandfather clause). The criteria for granting any time line extension, either staff's or the City Council's will be based upon the written verification from the licensed primary care physician that the medical hardship still exists and continued compliance with the initial conditions of approval.*

**(7)** Time line extensions. A request for an extension will not require a new application; however, a written request shall be submitted to the Director 30 days prior to each approval time line expiration. The request shall include written verification from a licensed primary care physician stating that the person requiring care as specified in Subsection (4)(b)1. of this Section continues to require care. Upon expiration of the approved time line, the temporary living unit may be extended as follows:

**(a)** Staff approved time line extensions. The applicant may obtain no more than two 6 month time line extensions from staff.

**EXCEPTION:** Temporary living quarters approved prior to the date of this amended Section may continue beyond the original approval time line on a yearly basis until the need no longer exists.

**(b)** City Council approved time line extensions. Notwithstanding the provisions of Subsections (1)(b) and (7)(a) of this Section regarding the time line extension limitations for temporary living quarters, the City Council may extend this time period at its discretion.

**(c)** Criteria of approval for time line extensions. Both staff and City Council approval of any time line extension request shall be based upon:

- 1.** The physician's verification of condition that the patient still requires care; and
- 2.** Staff's verification that the temporary living quarters is still in compliance with the initial conditions of approval.

**Commentary:** *Subsection (8) is based upon current Section 36.135(12).*

**(8)** Compliance. The temporary living quarters shall maintain compliance with all conditions of approval. Violation of the provisions of this Section, or determination that the need can no longer be verified, shall be the basis for termination of approval.