

ARTICLE 8.3 – TEMPORARY USE PERMIT

SECTION 8.3.001 - PURPOSE

The purpose of the Temporary Use Permit is to allow the establishment of specified uses on a short-term basis in certain, specified land use zones.

SECTION 8.3.002 - EXPIRATION AND EXTENSIONS

- A. Medical Hardship Residences. Upon approval of a Temporary Use Permit for a residential unit associated with a medical hardship, the approval shall be effective through the end of the current calendar year, or the following calendar year if less than six (6) months remain in the current year. The permit may be renewed by the Community Development Director/Planner if the medical hardship continues to exist.

Temporary Use Permit approval will require the applicant to record with the title of the property a declaration which would state the temporary dwelling unit must be removed prior to any sale of the property. A copy of the recorded document is to be provided to the Community Development Department/Planning Division prior to occupancy of the temporary dwelling unit.

- B. Other Temporary Uses. Upon approval of a Temporary Use Permit for other purposes, the approval shall be effective for six (6) months with provision for a six (6) month extension allowed, at the discretion of the Community Development Director/Planner, at the expiration of the initially permitted time period. The Planning Commission may grant any requests for extension beyond a one (1) year period. Temporary Use Permits shall be limited to a one (1) year term with Planning Commission approval for one (1) additional year and limiting the total Temporary Use Permit use/operation to a period of time not longer than two (2) years.
- C. Bonding. A bond to cover the cost of removal of the Temporary Use must be posted at the time of approval for the duration of the permit. Such bond will be utilized to remove any Temporary Use existing after the permitted time expires, if the applicant fails to remove the Temporary Use. All unused bond will be returned.

SECTION 8.3.003 - USES PERMITTED

Uses to be permitted include medical hardship residences, temporary office structures, trailers used as construction offices, units or trailers used seasonally as locations for food and/or beverage vending, or other uses as determined by the Community Development Director/Planner.

- A. Central Business Zone – The following Temporary Uses may be permitted within the Central Business Zone: Nursery, Produce Market, Auction Gallery, Flea Market, and Art and Craft Fairs.
- B. Temporary Real Estate Office – A property owner or developer may establish and maintain a temporary real estate sales office in a Subdivision or Planned Unit Development containing more than fifty (50) lots or dwelling units for the sale of lots or dwelling units that remain available for sale to the public.

SECTION 8.3.004 - REVIEW PROCEDURE

Application for a Temporary Use Permit shall be subject to the Community Development Department/Planning Division Review Procedure.

SECTION 8.3.005 - REVIEW CRITERIA

A Temporary Use Permit shall be granted if the Community Development Director/Planner or other designated City official finds that it satisfies all applicable requirements of this Code.

SECTION 8.3.006 - PROCESSING

In the processing of Temporary Use Permits, the following procedures shall be followed, in accordance with Chapter 9 of this Code:

- A. Initiation - Application for a Temporary Use Permit shall be initiated by the owner of the property proposed as the site of the temporary use or by the agent of the owner. The authorization of said agent shall be in writing and filed with the application.
- B. Filing - Application for a Temporary Use Permit shall be filed on forms provided by the Community Development Department/Planning Division, shall set forth in detail all of the information requested, shall be accompanied by a Site Plan and any such information as listed on the application submittal checklist. Twenty (20) copies of the site plan drawing shall be submitted to the Community Development Department/Planning Division, for distribution to and review.
- C. Filing Fee - Application for a Temporary Use Permit shall be accompanied by a filing fee set by the City Council, by Resolution, to defray costs incidental to the proceedings.
- D. Review by Appropriate Authority - The Community Development Director/Planner, as provided by Chapter 9 of this Code, shall review the application and render a decision as provided by the review procedure.
- E. Attachment of Conditions - The Community Development Director/Planner may approve the Temporary Use Permit subject to such reasonable conditions as are necessary to ensure compliance with the applicable standards of this Code.
- F. Appeal of Decision - The decision of the Community Development Director/Planner shall be final unless an appeal in writing is filed as provided by Chapter 9, Article 9.7, within ten (10) business days of the date of mailing the notification of decision.
- G. Temporary Permit Conditions - Reasonable, clear, and objective conditions may be imposed by the Community Development Director/Planner in connection with the temporary permit as necessary to meet the purposes of Article 8.3. Guarantees and evidence may be required that such conditions will be or are being complied with. Such clear and objective conditions shall be quantifiable whenever possible, and may include, but are not limited to:
 - 1. Special yards and spaces.
 - 2. Fences and walls.
 - 3. Control of points of vehicular ingress and egress.
 - 4. Special provisions for signs.
 - 5. Landscaping and maintenance of such landscaping.
 - 6. Maintenance of the grounds.

7. Control of noise, vibration, and odors.
 8. Limitation of operation hours for certain activities.
 9. A time period within which the proposed use shall be developed.
- H. In the event the Community Development Director/Planner finds that the application for a permit contains false information or that the use violates the conditions of the permit or any provisions of this Code, the permit may be immediately revoked at the discretion of the Community Development Director/Planner.

SECTION 8.3.007 - SITE PLAN REQUIREMENTS

Site Plans shall be submitted and must include all applicable characteristics outlined in Article 8.2, Section 8.2.005 of this Code for temporary structures.

SECTION 8.3.008 - STANDARD FOR TEMPORARY USES

- A. Mobile Office/Construction Trailer
 1. Time Limitation Exemption - A construction trailer shall be allowed for the duration of the project plus thirty (30) days upon completion.
- B. Medical Hardship Residence
 1. The current principal use of the land must be single family residence, or a vacant lot adjacent to the single family residence under the same ownership.
 2. The temporary residence must be for an immediate family member of the current resident, defined as a grandparent, parent, child, brother or sister, either by blood or legal relationship.
 3. Certification of need by a licensed physician is required with the initial application and each request for renewal.
 4. Setback and height requirements for accessory buildings must be met by the temporary residence, and the front setback of the temporary residence shall be no less than that of the principal residence.
 5. Temporary residences shall not be expanded or have attached permanent structures except to provide access to the temporary residence.
 6. The installation of a temporary manufactured dwelling shall meet the requirements of the Oregon Manufactured Dwelling Standards.
 7. A temporary manufactured dwelling must be equipped with skirting which in design, color and texture appears to be an integral part of the adjacent exterior wall of the manufactured dwelling.
 8. A temporary manufactured dwelling must comply with all applicable federal, state and local special flood hazard area rules and regulations.
 9. The minimum size of a temporary manufactured dwelling shall be three hundred twenty (320) square feet and it shall meet the requirements of a park trailer, mobile home, or manufactured dwelling, not older than ten (10) years of age.

10. The maximum size of a temporary manufactured dwelling shall be 1,080 square feet of enclosed living space with no more than two (2) bedrooms.
11. The temporary residence must connect to City sewer and water services or to an approved septic tank and well system. Billing will be at double rate if connection is via an approved connection through the principal residence.
12. The Temporary Use Permit is nontransferable; no one is to occupy the temporary residence except the person named in the application.
13. No property right to a second dwelling unit is established by the Temporary Use Permit.