

1204 TEMPORARY PERMITS

1204.01 TEMPORARY USE OTHERWISE PROHIBITED

- A. The Planning Director may approve a temporary permit, pursuant to Subsection 1305.02, for a period not to exceed one year, when the applicant provides evidence substantiating the following:
 - 1. The use for which a temporary permit is requested is not listed as a permitted, accessory, limited, or conditional use in the underlying zoning district; and
 - 2. There is no reasonable alternative to the temporary use; and
 - 3. The permit will be necessary for a limited time; and
 - 4. The temporary use will not include the construction of a substantial structure or require a permanent commitment of the land; and
 - 5. The temporary use will not have a materially adverse effect on the surrounding area.
- B. A permit shall not be approved pursuant to this Subsection in an Exclusive Farm Use, Timber or Ag/Forest zoning district except as provided in Subsections 406.07(A) and (B) and 407.07(A) and (B).
- C. A permit approved pursuant to Subsection 1204.01 may be renewed, subject to Subsection 1305.02, for a period not to exceed one year. A renewal shall be subject to the same approval criteria as an initial permit. A temporary permit for a use otherwise prohibited may be renewed an unlimited number of times.

[Amended by Ord. ZDO-224, 5/31/11]

1204.02 TEMPORARY DWELLING WHILE BUILDING

- A. The Planning Staff may approve a temporary permit in any zoning district, pursuant to Subsection 104.01(A), for a period not to exceed two years for the use of a manufactured dwelling, residential trailer, or recreational vehicle for residential purposes while a permanent dwelling is being constructed, when the applicant provides evidence substantiating the following:
 - 1. A building permit to construct a permanent dwelling has been issued for the lot, parcel, or tract on which the temporary dwelling will be located; and
 - 2. The temporary dwelling will be occupied by the owner of the subject lot, parcel, or tract.

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- B. If a valid building permit for a permanent dwelling on the subject lot, parcel, or tract is not maintained, the temporary permit shall become void on the day the building permit lapses.
- C. A permit approved pursuant to Subsection 1204.02 shall be subject to the following conditions of approval:
 - 1. The temporary dwelling shall be connected to a sanitary sewer system or to an on-site sewage disposal system approved by the Soils Section of the County Department of Water Environment Services.
 - 2. The temporary dwelling shall comply with the primary structure setback standards of the underlying zoning district.
 - 3. A manufactured dwelling or residential trailer approved pursuant to Subsection 1204.02 shall be removed from the subject lot, parcel, or tract when the permit expires or the permanent dwelling is occupied, whichever first occurs. A recreational vehicle approved pursuant to Subsection 1204.02 shall be removed from the subject lot, parcel, or tract or placed in a stored condition when the permit expires or the permanent dwelling is occupied, whichever first occurs. For the purpose of this provision, 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 sewage disposal 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.
 - 4. Other conditions may be applied as authorized by Subsection 1201.03.
- D. A permit approved pursuant to Subsection 1204.02 may not be renewed. For the purpose of this provision, a renewal shall be the same or any substantially similar application filed within two years of the date a previous permit approved pursuant to Subsection 1204.02 expired.
- E. If the proposed temporary dwelling is a manufactured dwelling that complies with all requirements for a permanent dwelling in the underlying zoning district, a temporary permit shall not be required. Instead the manufactured dwelling may be approved as a permanent dwelling to be replaced by the new permanent dwelling upon completion of construction.

[Amended by Ord. ZDO-224, 5/31/11]

1204.03 TEMPORARY DWELLING FOR CARE

- A. The Planning Director may approve a temporary permit, pursuant to Subsection 1305.02, for a period not to exceed two years in an Exclusive Farm Use, Timber, or Ag/Forest zoning district or three years in any other

zoning district, for the use of a manufactured dwelling, residential trailer or recreational vehicle for residential purposes, when the applicant provides evidence substantiating the following:

1. 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 1204.03; and
2. The temporary dwelling will be located on the same lot, parcel, or tract as a legally 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 1204.03; and
3. 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 1204.03(B); and
4. There exists no reasonable housing alternative in the form of adequate housing on the subject lot, parcel, or tract. A determination regarding the reasonableness of the care recipient and the care provider occupying the permanent dwelling together shall be made based on the size and floor plan of the permanent dwelling with consideration for maintaining a degree of privacy and independence for both the care recipient and the care provider; and
5. There exists no reasonable alternative care provider. Alternative care providers that 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, parcel, or tract; and
6. There is no other temporary dwelling for care on the subject lot, parcel, or tract.

- B. As used in Subsection 1204.03, “care” means assistance, required as a result of age and/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, and/or “care” means daily supervision of a specific person when such supervision is required due to cognitive impairment. As used in Subsection 1204.03, “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.
- C. A permit approved pursuant to Subsection 1204.03 shall be subject to the following conditions of approval:
1. Sewage disposal: The temporary dwelling shall be connected to a sanitary sewer system or to an on-site sewage disposal system approved by the Soils Section of the County Department of Water Environment Services. The temporary dwelling shall use the same on-site sewage disposal system used by the permanent dwelling if that disposal system is adequate to accommodate the additional dwelling as determined by the Soils Section of the County Department of Water Environment Services. An exception may also be granted if more than one legally established on-site sewage disposal system exists on the subject lot, parcel, or tract.
 2. Setbacks: The temporary dwelling shall comply with the primary structure setback standards of the underlying zoning district.
 3. Utilities/services: 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 legally established service exists on the subject lot, parcel, or tract.
 4. Driveway entrance: 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 legally established driveway entrance to the subject lot, parcel, or tract exists.
 5. Separation distance: 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, legally established temporary dwelling for care.

6. Deed statement: A written statement shall be recorded in the County deed records recognizing that a dwelling approved pursuant to Subsection 1204.03 is temporary and that the temporary permit is not transferable when the property is conveyed to another party.
 7. Rental income: The temporary dwelling shall not be a source of rental income.
 8. Removal/storage: A manufactured dwelling or residential trailer approved pursuant to Subsection 1204.03 shall be removed from the subject lot, parcel, or tract 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 for a permanent dwelling, and if the conversion will not result in the subject lot, parcel, or tract's violating the density standards of the underlying zoning district. A recreational vehicle approved pursuant to Subsection 1204.03 shall be removed from the subject lot, parcel, or tract or placed in a stored condition when the permit expires or the need for care ceases, whichever first occurs. For the purpose of this provision, 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 sewage disposal 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.
 9. Other: Other conditions may be applied as authorized by Subsection 1201.03.
- D. A permit approved pursuant to Subsection 1204.03 may be renewed, subject to the provisions of Subsection 1305.02, for a period not to exceed two years in an EFU, TBR, or AG/F zoning district or three years in any other zoning district when the applicant provides evidence substantiating the following:
1. The circumstances that provided the basis on which the previous permit was granted remain substantially similar. A renewal application shall be accompanied 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 and substantiate that the level of assistance required is substantially similar to, or greater than, the level required when the previous permit was granted.

- E. An application shall be evaluated under the approval criterion for a renewal application rather than the criteria for a new application if the permit is requested for the same lot, parcel, or tract and the same care recipient as the previous permit. A temporary permit for care may be renewed an unlimited number of times subject to Subsection 1204.03(D). However, an application received after the expiration of the previous permit shall be charged the same fee as a new application.

[Amended by Ord. ZDO-224, 5/31/11]

1204.04 TEMPORARY STRUCTURE FOR EMERGENCY SHELTER

- A. The Planning Director may approve a temporary permit for emergency shelter in any zoning district, pursuant to Subsection 104.01(A), for the use of a manufactured dwelling, residential trailer, or recreational vehicle for residential purposes, or a commercial office trailer for business purposes, when the applicant provides evidence substantiating that a lawfully established dwelling or business located on the subject lot, parcel, or tract has been destroyed, substantially damaged, or rendered unsafe to occupy due to fire or natural disaster.
- B. A permit approved pursuant to Subsection 1204.04 shall be initially approved for 60 days. If replacement or repair of the dwelling or business is lawfully commenced within 60 days of the date the permit is initially approved, the approval shall automatically be extended for two years from the date of initial approval. For the purpose of this provision, “lawfully commenced” shall mean the filing of a complete application for a land use, building, septic, grading, manufactured home placement and installation, plumbing, electrical, or other development permit required by the County or other appropriate permitting agency that is necessary to begin replacement or repair of the destroyed or damaged structure. If replacement or repair is not lawfully commenced within 60 days of the date the temporary permit is initially approved, the temporary permit shall become void on the sixty-first day.
- C. A permit approved pursuant to Subsection 1204.04 shall be subject to the following conditions of approval:
 - 1. The temporary dwelling or commercial structure shall be connected to a sanitary sewer system or to an on-site sewage disposal system approved by the Soils Section of the County Department of Water Environment Services.
 - 2. The temporary dwelling or commercial structure shall comply with the primary structure setback standards of the underlying zoning district.
 - 3. A manufactured dwelling, residential trailer, or commercial office trailer approved pursuant to Subsection 1204.04 shall be removed from the subject lot, parcel, or tract when the permit expires or the permanent

structure is occupied, whichever first occurs. A recreational vehicle approved pursuant to Subsection 1204.04 shall be removed from the subject lot, parcel, or tract or placed in a stored condition when the permit expires or the permanent structure is occupied, whichever first occurs. For the purpose of this provision, 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 sewage disposal 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.

4. Other conditions may be applied as authorized by Subsection 1201.03.

- D. A permit approved pursuant to Subsection 1204.04 may not be renewed. For the purpose of this provision, a renewal shall be the same or any substantially similar application filed within two years of the date a previous permit approved pursuant to Subsection 1204.04 expired.

[Amended by Ord. ZDO-224, 5/31/11]

1204.05 TEMPORARY FARMERS' MARKET

- A. The Planning Director may approve a temporary permit for a Farmers' Market, pursuant to Subsection 1305.02, for a period not to exceed one year, when the applicant provides evidence substantiating the following:
1. The farmers' market will be located:
 - a. On a site in a Neighborhood Commercial, Community Commercial, General Commercial, Rural Tourist Commercial, Rural Commercial, Office Commercial, Retail Commercial, Office Apartment, Village Community Service, Village Office, Village Commercial, Regional Center Office, Regional Center Commercial, Planned Mixed Use, Corridor Commercial, Station Community Mixed Use, Campus Industrial, Light Industrial, General Industrial, Rural Industrial, or Business Park zoning district; or
 - b. At an institutional use in any zoning district, provided that the institutional use has different days and times of operation than the proposed market.
 2. A permit approved pursuant to Subsection 1204.05 shall be subject to the following conditions:
 - a. Parking: If the market is proposed under Subsection 1204.05(A)(1)(a) to operate when regular business operations are being conducted, the applicant must demonstrate that adequate parking is provided pursuant to Section 1015.

- i. Fifty percent of the total area occupied by market stalls shall be calculated as developed area for the purpose of determining minimum required parking spaces.
 - ii. Parking spaces occupied by market stalls shall not be counted as available spaces during market operation.
- b. Hours of Operation:
- i. The market may be conducted on a maximum of two days each week.
 - ii. If the market is to be located in an Urban Low Density Residential, Medium Density Residential, High Density Residential, Special High Density Residential, Recreational Residential, Mountain Recreational Resort, Rural Area Residential 1-Acre, Rural Area Residential 2-Acre, Rural Residential Farm Forest 5-Acre, Farm Forest 10-Acre, Planned Medium Density Residential, Hoodland Residential, Medium High Density Residential, Future Urban 10-Acre, Village Standard Lot Residential, Village Small Lot Residential, Village Townhouse, Village Apartment, or Regional Center High Density Residential zoning district, the market may only be operated (including setup and dismantling) between the hours of 8 a.m. and 8 p.m.
- c. Signage:
- i. The market may display 20 square feet of signage on each street frontage of the site on which the market is held.
 - ii. Each farmers' market stall may display 10 square feet of signage at the stall.
 - iii. Signage shall be subject to Subsection 1010.13(A)(5).
 - iv. Signage may be displayed only during the hours of market operation.

[Added by Ord. ZDO-224, 5/31/11]