

1204 TEMPORARY PERMITS

1204.01 PURPOSE AND APPLICABILITY

Section 1204 is adopted to provide standards, criteria, and procedures under which a temporary permit may be approved. Temporary permits may be approved in any zoning district, except that temporary permits for uses otherwise prohibited are not permitted in the EFU, TBR, and AG/F Districts.

1204.02 TEMPORARY USE OTHERWISE PROHIBITED

- A. A temporary permit for a use otherwise prohibited requires review as a Type II application pursuant to Section 1307, *Procedures*, and shall be subject to the following standards and criteria:
1. The use for which a temporary permit is requested is not listed as a primary, accessory, limited, or conditional use in the applicable zoning district;
 2. There is no reasonable alternative to the temporary use;
 3. The permit will be necessary for a limited time;
 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 temporary permit for a use otherwise prohibited may be approved for a period not to exceed one year. The permit may be renewed, subject to review as a Type II application pursuant to Section 1307, 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.

1204.03 TEMPORARY DWELLING WHILE BUILDING

- A. A temporary permit for a dwelling while building shall require review as a Type I application pursuant to Section 1307, *Procedures*, and shall be subject to the following standards and criteria:
1. The temporary dwelling will be a manufactured dwelling that does not comply with all applicable requirements for a permanent dwelling, a residential trailer, or a recreational vehicle.

2. A building permit to construct a permanent dwelling has been issued for the lot of record or tract on which the temporary dwelling will be located; and
 3. The temporary dwelling will be occupied by the owner of the subject lot of record or tract.
- B. If a valid building permit for a permanent dwelling on the subject lot of record or tract is not maintained, the temporary permit shall become void on the day the building permit lapses.
- C. A temporary permit for a dwelling while building 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 wastewater treatment system approved by the County.
 2. The temporary dwelling shall comply with the minimum yard depth standards for primary buildings in the applicable zoning district.
 3. If the temporary dwelling is a manufactured dwelling or residential trailer, it shall be removed from the subject property when the permit expires or the permanent dwelling is occupied, whichever first occurs. If the temporary dwelling is a recreational vehicle, it shall be removed from the subject property or placed in a stored condition when the permit expires or the permanent dwelling is occupied, whichever first occurs. 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 wastewater treatment 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.
- D. A temporary permit for a dwelling while building may be approved for a period not to exceed two years. The permit may not be renewed. A renewal shall be the same or any substantially similar application filed within two years of the date a previous temporary permit for a dwelling while building expired.

1204.04 TEMPORARY DWELLING FOR CARE

- A. A temporary permit for a dwelling for care requires review as a Type II application pursuant to Section 1307, *Procedures*, and shall be subject to the following standards and criteria:
1. The temporary dwelling will be a manufactured dwelling, residential trailer, or recreational vehicle.

2. 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 1204.04.
3. The temporary dwelling will be located on the same lot of record or tract as a lawfully 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 1204.04.
4. 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 1204.04(B).
5. There exists no reasonable housing alternative in the form of adequate housing on the subject lot of record or tract. A determination regarding the reasonableness of the care recipient and the care provider occupying the permanent dwelling together, and the reasonableness of either residing in an existing accessory dwelling unit or an existing accessory historic dwelling on the subject lot of record or tract, shall be made based on the size and floor plan of the permanent dwelling, and of any accessory dwelling unit(s) or accessory historic dwellings(s) on the lot of record or tract, with consideration for maintaining a degree of privacy and independence for both the care recipient and the care provider; and
6. There exists no reasonable alternative care provider. Alternative care providers who 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 of record or tract; and
7. There is no other temporary dwelling for care on the subject lot of record or tract.

- B. As used in Subsection 1204.04, care means assistance, required as a result of age 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, or care means daily supervision of a specific person when such supervision is required due to cognitive impairment. As used in Subsection 1204.04, 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 temporary permit for a dwelling for care 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 wastewater treatment system approved by the County. The temporary dwelling shall use the same on-site wastewater treatment system used by the permanent dwelling, if that system is adequate to accommodate the additional dwelling. An exception may also be granted if more than one lawfully established on-site wastewater treatment system exists on the subject lot of record or tract.
 2. The temporary dwelling shall comply with the minimum yard depth standards for primary buildings in the applicable zoning district.
 3. 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 lawfully established service exists on the subject lot of record or tract.
 4. 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 lawfully established driveway entrance to the subject lot of record or tract exists.

5. 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, lawfully established temporary dwelling for care.
 6. A written statement shall be recorded in the County deed records recognizing that a dwelling approved pursuant to Subsection 1204.04 is temporary and that the temporary permit is not transferable when the property is conveyed to another party.
 7. The temporary dwelling shall not be a source of rental income.
 8. If the temporary dwelling is a manufactured dwelling or residential trailer, it shall be removed from the subject property 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 be allowed only if the temporary dwelling complies with all applicable standards of this Ordinance for a permanent dwelling, including any that limit the number of dwelling units permitted on the subject property. If the temporary dwelling is a recreational vehicle, it shall be removed from the subject property or placed in a stored condition when the permit expires or the need for care ceases, whichever first occurs. 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 wastewater treatment 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.
- D. A temporary permit for a dwelling for care may be approved for a period not to exceed two years in the EFU, TBR, and AG/F Districts and for a period not to exceed three years in any other zoning district. The permit may be renewed, subject to review as a Type II application pursuant to Section 1307, for a period not to exceed two years in the EFU, TBR, and AG/F Districts and three years in any other zoning district. A temporary permit for a dwelling for care may be renewed an unlimited number of times.
- E. In lieu of Subsections 1204.04(A) and (B), a renewal application shall be subject to the following standards and criteria:

1. The circumstances that provided the basis on which the previous permit was granted remain substantially similar.
 2. 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.
- F. An application shall be evaluated as a renewal application rather than a new application if the permit is requested for the same lot of record or tract and the same care recipient as the previous permit.

1204.05 TEMPORARY EMERGENCY SHELTER

- A. A temporary permit for emergency shelter requires review as a Type I application pursuant to Section 1307, *Procedures*, and shall be subject to the following standards and criteria:
1. A lawfully established dwelling or business located on the subject lot of record or tract has been destroyed, substantially damaged, or rendered unsafe to occupy due to fire or natural disaster.
 2. The temporary shelter will be a manufactured dwelling that does not comply with all applicable requirements for a permanent dwelling, a residential trailer, or a recreational vehicle for residential purposes, or a commercial office trailer for business purposes.
- B. A temporary permit for emergency shelter 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. Lawfully commenced means the filing of a complete application for a land use, building, on-site wastewater treatment, grading, manufactured dwelling, 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 temporary permit for emergency shelter shall be subject to the following conditions of approval:
1. The temporary shelter shall be connected to a sanitary sewer system or to an on-site wastewater treatment system approved by the County.

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2. The temporary shelter shall comply with the minimum yard depth standards for primary buildings in the applicable zoning district.
 3. If the temporary shelter is a manufactured dwelling, residential trailer, or commercial office trailer, it shall be removed from the subject property when the permit expires or the permanent building is occupied, whichever first occurs. If the temporary shelter is a recreational vehicle, it shall be removed from the subject property or placed in a stored condition when the permit expires or the permanent building is occupied, whichever first occurs. 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 wastewater treatment 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.
- D. A temporary permit for emergency shelter may not be renewed. A renewal shall be the same or any substantially similar application filed within two years of the date a previous temporary permit for emergency shelter expired.

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