



SUPPLEMENTAL APPLICATION
TEMPORARY USE OTHERWISE PROHIBITED
(November - 2008))

APPLICANT INFORMATION

Name _____ File _____

Date _____

WHAT IS A TEMPORARY USE OTHERWISE PROHIBITED?

The County Zoning & Development Ordinance (ZDO) allows a temporary permit for a use not listed as a permitted, accessory, limited or conditional use in the underlying zoning district. This type of temporary permit is not provided for in the EFU zoning district and is only allowed in limited circumstances in the TBR and AG/F zoning districts.

WHAT IS NEEDED FOR APPROVAL?

A Temporary Use Otherwise Prohibited MAY be permitted after evaluation according to criteria in the ZDO. The County must make written findings to support the decision. The applicant is responsible for providing evidence to support the temporary permit request according to the criteria in Section 1204.01 of the ZDO. Please note approval of a County temporary permit generally does not supercede homeowners association's or deed restrictions that may apply to your property.

WHAT ARE CHANCES FOR APPROVAL?

Staff cannot predetermine the decision on this or any application. A decision of approval or denial will only be made after the complete application is processed. This includes review of citizen and agency comments. The decision is based on criteria appropriate to this application as listed in the ZDO. In order to address the necessary criteria, the information requested in this supplemental application should be as thorough and complete as possible.

APPLICATION PROCESS

A Temporary Use Otherwise Prohibited may be approved for a period not to exceed one year. Continued use beyond the initial approval period requires the filing of a renewal application, which MAY be approved after evaluation according to criteria in the ZDO. New and renewal applications are subject to the Administrative Action process and public notice. Public comments received from the Community Planning Organizations (CPO), property owners, agencies and other interested parties may affect the decision on the application. Special conditions may be attached to any approvals. Any decision on this application can be appealed to the County Hearings Officer and to the State Land Use Board of Appeals (LUBA) by the applicant or any other interested person.

STAFF WILL ATTACH THE FOLLOWING PERTINENT INFORMATION:

- | | |
|----------------------------|---------------------------------------|
| _____ Land Use Application | _____ CPO Information |
| _____ Sample Plot Plan | _____ Application Process |
| _____ ZDO Section 1204.01 | _____ ZDO Section for Underlying Zone |

HOW LONG WILL IT TAKE TO GET A FINAL DECISION ON THIS APPLICATION?

It takes approximately 6 to 8 weeks for administrative action applications, or 150 days if the initial decision is appealed.

COMPLETE APPLICATIONS REQUIRE THE FOLLOWING:

1. **Land Use Application Form:** Information on applicant and land involved in the application.
2. **Application Fee:** _____ (*Fee is nonrefundable upon decision or staff report; partial refund if withdrawn after notice; full refund if withdrawn prior to notice.*)
3. **Plot Plan** drawn to scale on 8.5" x 11" or 8.5" x 14" paper, showing the property and your proposal (buildings, setbacks, driveways, etc.).
4. **Complete responses to the following:**

A. **Is the proposed use listed as a permitted, accessory, limited or conditional use in the underlying zoning district?**

B. **Why is there no reasonable alternative to the temporary use?**

C. **Why will the permit be necessary for only a limited time?**

D. **Why will the temporary use not include the construction of a substantial structure or require a permanent commitment of the land?**

E. **Why will the temporary use not have a materially adverse effect on the surrounding area?**

QUESTIONS? Call **Sandy Ingalls** at (503) 742-4532 or SandyIng@co.clackamas.or.us

1204.01 TEMPORARY USE OTHERWISE PROHIBITED

- A. The Planning Director, or authorized designee, may approve a temporary permit, subject to the provisions of Subsection 1305.02, for a period not to exceed one (1) 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 EFU, TBR or AG/F zoning district except as provided in Subsections 406.07A and B and 407.07A and B.
- C. A permit approved pursuant to this Subsection may be renewed, subject to the provisions of Subsection 1305.02, for a period not to exceed one (1) 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.