Temporary Use

What is a temporary use permit?

A temporary use means a use of land that has a limited duration of time. A temporary structure means a structure that does not have a permanent foundation, that involves no grading or site improvements, and that when removed, results in no physical alteration of the site. A permit may be required for some temporary uses and structures.

Note: Only those uses permitted outright in the respective zone may be allow under a temporary use provisions below.

If I live in a residential district, are there temporary uses or structures that don't need a permit?

Yes. The following temporary uses and structures do not require a temporary use permits.

- Placement of tents, canopies, membrane structures or storage containers within the setbacks of the district for two weeks or less per year.
- Placement of tents, canopies, or membrane structures that meet the setbacks of the district.
- Temporary construction trailers, construction materials, and equipment storage areas, and construction offices accessory to a residential construction site.

If I live in a residential district, what temporary uses or structures do require a temporary permit?

Under our **Type I Review** process (see explanation below), the following temporary uses and structures may be approved:

- Temporary modular sales and leasing offices for on-site residential development properties
- Placement of tents, canopies, or membrane structures for more than two weeks per year that do not meet setbacks of the underlying zone
- Placement of storage containers for more than two weeks per year

If I have property within a non-residential district, what temporary uses or structures do or do not require a permit?

A temporary permit is **not** needed for the following uses and structures within non-residential zones. Note, however, that registration with Permit Services is required for the forth bulleted item below. Also, building and fire code requirements still apply.

- Temporary construction trailers, construction materials, and equipment storage areas, and construction offices accessory to a construction site.
- Fireworks stands, subject to the provisions of Clark County Code, Chapter 5.28
- Holiday-related seasonal sales lots during the month of December, along with their associated temporary structures
- Temporary changes in uses and associated temporary structures for a total of two weeks or less per year per site. The property owner must register the use with the Permit Center before

Community Development
1300 Franklin Street, Vancouver, Washington
Phone: (360) 397-2375 Fax: (360) 397-2011
www.clark.wa.gov/development

For an alternate format, contact the Clark County ADA Compliance Office.
Phone: (360)397-2322
Relay: 711 or (800) 833-6384
E-mail: ADA@clark.wa.gov

the structure(s) or uses are placed or the change of use begun.
- Placement of tents, canopies, or membrane structures which do not result in a change of use for 180 calendar days or less per year per site as allowed by the fire marshal.

Note: A **change of use** means a change in the use of a portion or all of a site, including, but not limited to, the use of an existing parking lot for sales or storage. Change of use does not include the erection of a temporary structure over an existing permitted use, such as, but not limited to, tents which cover a portion of an existing car sales lot, or tents to cover existing play equipment.

Under our **Type I Review** process (see explanation below), the following temporary uses and structures may be approved:
- Temporary sales and leasing offices for on-site commercial or industrial development properties; and,
- Temporary changes of uses and associated temporary structures for more than two weeks per year.

Under our **Type II Review** process (see explanation below), the following uses and structures may be approved:
- Temporary use of the following equipment essential to and only in conjunction with the construction or building of a road, bridge, ramp, dock, and/or jetty in proximity to the approved construction site:
  - Portable asphalt or concrete mixing plants
  - Portable concrete batching plants
  - Portable rock crushing plants
  - Accessory equipment essential to the use of the aforementioned plants
- Outdoor public amusements, entertainment or assemblies, including circuses, carnivals or amusement rides shall be subject to the provisions of Chapter 5.32 of this code. However, if a circus, carnival or amusement ride is proposed in a commercial or industrial district and will not occur within 200 feet of a residential district, it may be reviewed as a Type I

Are there other performance standards that I need to know about before I begin my temporary use?

Yes. There are a number of other regulations that apply to a temporary use to include:
- Temporary uses shall comply with all state and county regulations governing nuisance effects, including Chapter 9.24, Nuisances, and with the following standards:
  - Noise. Temporary uses shall comply with state maximum environmental noise levels as defined in Chapter 173-60 WAC.
  - Temporary uses shall not cause external effects such as offensive odors, increased lighting or glare, dust, smoke, or vibration detectable to normal sensory perception at the property line.
  - Any use of equipment that creates visible or audible interference in radio or television receivers or fluctuations in line voltage at or beyond the property line is prohibited.
- Any use of hazardous material or disposal of hazardous waste shall comply with all applicable federal, state and local regulations.
- Temporary uses shall not generate life safety hazards. Specific mitigating conditions may be required by the responsible official.
- A temporary use permit shall be revoked pursuant to Chapter 32.12 should the county find that the use has failed to comply with the general provisions and standards, including the nuisance standards of Section 40.260.220(D)(1),

or other performance standards required by the permit.

How long is a temporary use permit valid?

The responsible official may approve permits for temporary uses and structures, with conditions to mitigate negative impacts for up to 18 months.

Temporary permits may be renewed by a hearing examiner approval through a Conditional Use, Type III public hearing process. A fully complete conditional use application must be submitted within 30 days of the expiration of the original permit. Proof of additional time needed for the use or structure shall be provided by the applicant with the application.

Additional temporary use permits for the same site within three years of the original temporary use permit issuance shall require a conditional use permit prior to the issuance of a second permit.

What kind of guarantee does the county require in order to help ensure the permit holder abides by all the regulations?

Prior to granting a temporary permit under this section, other than subsection 40.260.220.C.2(c), the responsible official shall require that the applicant provide a cash or surety bond of not less than $2,500, payable to the County Treasurer.

Upon the expiration of the temporary use permit, the applicant shall immediately discontinue the temporary use. Within 30 days of the expiration of the temporary permit the applicant shall remove any temporary structures associated with the temporary use. If at the end of this time period such temporary use or structure is not removed or discontinued, said cash or surety bond shall be forfeited.

What is the application process?

For a **Type I** Temporary Use Permit, the applicant is required to submit the following:

- Completed and signed Temporary Use Permit Agreement and Decision form (see attached),
- Site plan
- Permit fee
- $2,500 cash or surety bond

The site plan must include the lot size, dimensions and setback measurements for any existing and proposed new structures. The vehicle access points and parking areas shall also be shown with distances from the lot boundaries.

The application packet will be reviewed by staff located at the Permit Center, 1300 Franklin Street, first floor, Vancouver, Washington, to determine if the applicant has satisfied all the applicable conditions. The application may be completed over the counter, provided the proposed temporary use does not present possible safety issues such as dangerous site access points or lack of safe parking areas, etc. If additional review is required, a decision on a Type I permit will be issued within 21 calendar days.

There is no public notice required for a Type I review.

For a **Type II** Temporary Use Permit, the applicant is required to submit the following:

- Completed and signed Temporary Use Permit Agreement and Decision form (see attached),
- SEPA checklist, if required
- Site plan
- Permit fee
- $2,500 cash or surety bond

A State Environmental Policy Act (SEPA) environmental checklist may be required depending upon the proposed uses and

possible environmental issues. The Permit Center staff, located at 1300 Franklin Street, first floor, Vancouver, Washington, will assist the applicant in determining if a SEPA checklist is required with the application. The SEPA Review Application Form and Environmental Checklist are also available at the Permit Center.

The site plan must include the lot size, dimensions and setback measurements for any existing and proposed new structures. The vehicle access points and parking areas shall also be shown with distances from the lot boundaries.

For a Type II application, public notice of the proposed development is provided to all property owners within 500 feet (rural)/300 feet (urban) of the development site, and the respective neighborhood association.

A decision on a Type II application will be made within 78 days from the date your application is deemed complete.

What is a SEPA determination?

The State Environmental Policy Act (SEPA) requires that a review of the potential environmental impacts of the temporary use be conducted. County staff and interested agencies will review the temporary use proposal to determine its compliance with applicable federal, state and county code. Through this process a determination will be made as to whether the impacts will be considered non-significance (DNS), mitigated non-significance (MDNS), or significance (DS).

For a DNS or MDNS determination, an analysis will be incorporated within a Staff Report. If a DS determination is made, the applicant is required to prepare an Environmental Impact Statement prior to the county considering the proposed temporary use.

Can the decision be appealed?

The Responsible Official's decision may be appealed to the County Hearings Examiner by the applicant or any person or group. An appellant must submit an appeal application and fee within 14 calendar days after the written notice of the decision is mailed.

Note: This handout is not a substitute for county code. For more detailed information, please refer to Clark County Code 40.260.220 Temporary Permits.

Submittal Requirements

The following checklist identifies information to be included with the application.

All items with an underlined space (i.e., ___) must be submitted before the application will be considered **Counter Complete**.

All items with a check box must be submitted before the application will be determined **Fully Complete**. All bulleted items must be submitted, as applicable, but are not a Fully Complete requirement. The Pre-Application Conference Report will indicate any additional/exempted submittal requirements.

At the time of application, only one copy of the main submittal with original signatures, shall be submitted and bound by a jumbo clip or rubber band. One copy of any special studies, such as wetland, floodplain, etc., shall also be submitted but bound separately.

Once the original application contains all the required information, the applicant will be contacted to submit additional copies of the main submittal and any special studies with revisions.

1. __ Cover sheet and table of contents

Each submittal packet shall contain a cover sheet that contains the project name and applicant's name, address, email address, and phone number. A table of contents, tabs and/or dividers to provide assistance in locating the various requirements shall follow the cover sheet.

2. __ Application form

The application form shall be completed and original signed in ink by the applicant.

3. __ Application fee

The required fee shall accompany the application. The check is to be made payable to Clark County Community Development.

4. __ Developer's GIS packet

A copy of the Developer's GIS Packet shall be submitted with the application. Applicants can order a GIS Developer's Packet with a credit card online at https://gis.clark.wa.gov/gishome/. For more information, contact GIS at 564.397.4082 or themapstore@clark.wa.gov.

The packet includes the following:

- General Location Map
- Property Information Fact Sheet
- Arterial Roadway, C-Tran Bus Routes, Parks and Trails Map
- Elevation Contours Map
- Photography Map
- Photography Map with Contours
- Zoning Map
- Comprehensive Plan Map
- Water, Sewer and Storm Systems Map
- Soil Type Map
- Environmental Constraints Map
- Quarter Section Map

5. __ Narrative

A written narrative shall be submitted that addresses the following:

- ❒ How the application meets or exceeds each of the applicable approval criteria and standards
- ❒ How the proposed plan provides for safe parking
- ❒ The proposed hours of operation

6. __ Proposed development plan

- ❒ The proposed plan shall be drawn to a minimum engineer's scale of 1" = 200' on a sheet no larger than 24" x 36", and

The following information shall be clearly depicted on the proposed development plan:

General information

- ❒ Applicant's name, mailing address and phone number
- ❒ Owner's name and mailing address;
- ❒ Contact person's name, mailing address, and phone number
- ❒ North arrow oriented to the top, left or right of page, scale and date
- ❒ Proposed name of project or business
- ❒ Vicinity map covering ¼ mile radius from the development site (not required for rural area plans)
- ❒ Area of the site in acres or square feet

Existing conditions plan

- ❒ Layout, square footage and dimensions of all parcels
- ❒ Location(s) of any existing building(s) on the site and use
- ❒ Name, location, width and surfacing materials (e.g., gravel, asphalt or concrete) of roadways
- ❒ Location and width of existing pedestrian and bicycle facilities on and within 100 feet of the site
- ❒ Location of environmental constraints on the site, see Developer's GIS Packet

Proposed site plan

- ❒ Proposed site plan identifying proposed uses and structures with setback dimensions from property lines
- ❒ Proposed parking areas
- ❒ Proposed protected areas (if applicable, due to environmental constraints) and methods of protection

7. __ Submittal copies

One copy of the main submittal, bound by a jumbo clip or rubber band, with original signatures.

Fee schedule

The following fees are required to be paid when the application is submitted.

Temporary Use	$1,584
Issuance	$53

Type 1
Temporary Use Agreement and Decision

Applicant Name/Address/Phone
_____
_____

Homeowner/Address/Phone (if different)
_____
_____

Parcel number
_____

Description of use
_____
_____

The following is a list of the required conditions for a temporary use or structure. Please read and initial each item and sign the certification agreeing to comply with these conditions.

_____ I have attached a completed application package that includes all the required information listed on the Temporary Use/Structure Submittal Requirements form.

_____ Temporary uses shall comply with all state and county regulations governing nuisance effects, including Chapter 9.24, Nuisances, and with the following standards:

-Noise. Temporary uses shall comply with state maximum environmental noise levels as defined in Chapter 173-60 WAC.

-Temporary uses shall not cause external effects such as offensive odors, increased lighting or glare, dust, smoke, or vibration detectable to normal sensory perception at the property line.

_____ Any use of equipment that creates visible or audible interference in radio or television receivers or fluctuations in line voltage at or beyond the property line is prohibited.

_____ Any use of hazardous material or disposal of hazardous waste shall comply with all applicable federal, state and local regulations.

_____ A temporary use permit shall be revoked pursuant to Chapter 32.12 should the county find that the use has failed to comply with the general provisions and standards, including the nuisance standards above, or other performance standards required by the permit.

_____ The temporary use/structure permit is valid for a period of not more than one year after issuance.

_____ The temporary use/structure will be removed within 30 days of expiration of the permit.

_____ If at the end of the temporary use/structure is not removed or discontinued, the cash or surety bond will be forfeited.

I have read and understand the above statements and conditions for obtaining a temporary use permit and agree to abide by these conditions. False statements, errors, and/or omissions may void this request.

Applicant Signature Date
Letter of authorization required if other than property owner.

Decision

Findings

1. The subject parcel is zoned _____; and the proposed temporary use(s) **is/ is not** a permitted use within this zone;
2. All structures used in the home business are/are not legally permitted;
3. The site access points do not appear to present safety problems;
4. Adequate parking is provide with safe entrance and exit provisions; and,
5. The **proposed use(s)/structures** do not appear to present any environmental problems.

Based on the information submitted in the application packet, the above certification, and other information in county records, county staff has reviewed this request against the applicable standards and criteria in Clark County Code Section 40.260.220 summarized above, and have determined that permit application is:

❒ **DENIED**
Reason:
_____
_____

❒ **APPROVED**, subject to the conditions identified above and the following conditions:

1._____
_____
2._____
_____
3._____
_____

Staff signature Date

Manager signature Date