City of Ontario Planning and Zoning Application Form

444 SW 4th Street, Ontario, OR 97914
Permit Center Annex: 458 SW 3rd Street
Voice (541) 881-3224 / (541) 881-3222
Fax (541) 881-3251

TEMPORARY USE PERMIT

FILE #_____ **Date Received** _____

Fee: $85.00 **Accepted as Complete** _____

Scheduled for hearing(s)
Administrative decision _____ Planning Commission _____
Hearings Officer _____ City Council _____

Applicant(s) – attach additional sheets as necessary

Name_____
Address_____
_____
_____
Telephone_____
email_____
signature_____

Property Owner(s) – attach additional sheets as necessary

_____
_____
_____
_____
_____
_____
_____

Description of proposed action: _____
_____
_____
_____
_____
_____

Some types of temporary uses, such as fireworks stands and food vendors, may be regulated by other agencies and require additional permitting. Approval of a Temporary Use Permit shall not constitute approval of other City of Ontario, Malheur County, State of Oregon or Federal permits.

Property information:
Address _____
Tax Map # _____ Tax Lot #(s) _____
Lot size _____ Zoning _____
Existing use _____

OFFICE USE ONLY

120 day time limit	Accepted as complete_____	Final decision by_____
DLCD 45-day notice required	Y/N____ Date mailed_____	Date of first hearing_____
Notice of Pending Hearings Officer Decision or Hearing		Date mailed_____
Notice to media	Publication date_____	Emailed _____
Notice of Decision	Date mailed_____	Appeal deadline_____
Associated applications	_____	

Ontario Municipal Code - CHAPTER 10B-35 TEMPORARY USE PERMITS

10B-35-05 PURPOSE AND AUTHORITY. By issuing a temporary use permit, the Hearing Officer may, on a temporary basis, allow the placement of a mobile or manufactured structure, not meeting the uniform building code, in a C-1, C-2, C-2-H, C-3, BP, I-1, or I-2 zone for the purpose of conducting a use permitted in said zone. No temporary use permit shall be issued in lieu of a zone change or other appropriate zoning regulation defined under this Title.

10B-35-10 INITIATION OF ACTION. A person may request approval for a Temporary Use Permit by submitting the prescribed application, and including the appropriate fees as required in this Title.

10B-35-15 REVIEW DATE, NOTICE. When advised of a request for a temporary use permit, the Planning Director shall schedule a review before the Hearing Officer as specified in this Title.

10B-35-20 AGENCY COORDINATION. Any proposed temporary use permit shall be submitted to city department heads, Malheur County and state or federal agencies, deemed by the planning official to have an interest in the action. Such departments or agencies shall submit comments, if any to the hearing officer no later than three (3) working days after the submission of the application. If coordination reveals serious problems in need of resolution, the hearing officer may continue the hearing to another time specified.

10B-35-25 HEARING OFFICER, DECISION. The Hearing Officer shall conduct a review on the action and shall approve, deny, modify or attach conditions to the proposed temporary use permit and shall make findings as appropriate to support the decision. The Planning Director shall notify the applicant of the decision and shall notify, by first class mail, all property owners within three hundred (300) feet of the affected parcel.

10B-35-30 REQUIRED CONDITIONS. The following conditions shall apply to all permitted temporary uses:

1. Temporary use permits shall be issued for a specified length of time, not to exceed two (2) years.
2. No temporary use permit shall be transferable to any other owner or occupant, but may extend upon approval of the Hearing Officer
3. A minimum of 150 square feet of open space which is landscaped and continuously maintained shall provided around temporary uses; temporary landscaping in tub-type containers shall be permitted to satisfy this requirement, and a permanent irrigation system shall not be required.
4. Hard surface parking shall be installed as provided in the off-street parking provisions of this Title.
5. Structures shall be removed from the site within 30 days after the expiration date of the temporary use permit, or if the use for which the permit was granted ceases to exist for 30 days.
6. Such other conditions deemed necessary to accomplish the purpose of this Title.

10B-35-35 REVOCATION OF PERMIT. The Planning Commission, after notice to the applicant, and opportunity for hearing, may revoke any temporary use permit on the basis of any one or more of the following grounds:

1. Violation of any of the provisions of the city code.
2. Failure to comply with any prescribed conditions or requirements of the temporary use permit.
3. The use for which the permit was granted has been so exercised as to be detrimental to the public health, safety, or general welfare, or as to constitute a nuisance,

10B-35-40 APPEAL TO LAND USE BOARD OF APPEAL. The action of the Planning Commission, and/or the Hearing Officer may be appealed within the time frame and by those with standing to appeal as set forth in this Title.

PLEASE NOTE:

Some types of temporary uses, such as fireworks stands and food vendors, may be regulated by other agencies and require additional permitting. Approval of a Temporary Use Permit shall not constitute approval of other City of Ontario, Malheur County, State of Oregon or Federal permits.

Staff will evaluate your proposal based on the criteria above, and your answers to the questions below. Please provide a written (Preferably typed) response addressing each question as it relates to your project and the applicable zone.

1. **What is the applicant's long-term interest in the property?**

2. **What are the specific plans for the timely construction of a permanent facility to replace the temporary structure?**

3. **Are there available and suitable alternative vacant structures for the proposed temporary use?**

4. **What is the adequacy of vehicular, pedestrian, and emergency access to and from the temporary use?**

5. **Will the public health and welfare be protected through proper connections of the temporary use to utilities?**

6. **Does the proposed temporary use involve:**

   Fireworks
   Requires an Application for Retail Sales of Fireworks Permit through the State Fire Marshall, due before April 15 of each year.
   Go to http://egov.oregon.gov/OSP/SFM/
   Or call 503-378-3473

   Food vending
   Requires a sidewalk food vending application through the City's Administration Dept.; also requires permitting through the Malheur County Environmental Health Dept.
   Go to www.malheurco.org/environmental
   Or call 541-473-5186

   Circus and/or animal shows, or other types of entertainment
   Requires an entertainment permit through the City's Administration Dept.

   Peddling/canvassing/soliciting
   Requires a peddling/canvassing/soliciting permit through the City's Administration Dept.; some exception apply

   Events on public property, such as streets or parks
   Requires a special events permit through the City's Administration Dept.

PROCEDURE – HEARINGS OFFICER DECISIONS

10B-04-10 DEFERAL TO HEARINGS OFFICER OR PLANNING COMMISSION. The Planning Official or Hearings Officer may defer any matter to the Planning Commission. Such deferral shall be based upon a determination that one or more of the following situations exist:

1. The Official or Hearings Officer has an indirect or direct conflict of interest; or
2. The Official or Hearings Officer determines that he has prejudged the matter under consideration; or
3. The Official or Hearings Officer determines that the matter is, in his opinion, deserving of a public hearing; or
4. The workload of the Planning Department is such that it is more efficient for the applicant to be deferred to the Planning Commission.

The reason(s) for the deferral shall be part of the written record of the matter deferred.

10B-04-15 APPLICATION.

1. Prior to submitting any application for any building permit or land use action, the applicant shall complete at least one Preliminary Design Advisory Committee meeting with the City's Technical Review Committee; otherwise, no application shall be accepted by the City Public Works, Planning, or Building Officials unless this requirement is specifically waived in writing by the applicable named official.
2. An application for a Land Use Decision shall be on forms provided by the City and shall include all information specified by the Planning Official. If, upon receipt of application material the Official determines that the application is incomplete, the Official shall, within 10 days of receipt of the application, transmit to the applicant a written request for the needed information to the applicant. The written request shall include the Statement: "The specified information must be submitted to the Planning Official within 30 days from the date of this letter; if the information is not received within the 30-day period, the matter may be processed "as is". Consistent with State Law and the Ontario Municipal Code, the burden of proof is on the applicant; the applicant bears the sole responsibility to provide the needed information. Failure to provide the specified information will most likely result in denial of the request."

10B-04-20 REVIEW BY HEARINGS OFFICER. A complete application for a Land Use Decision under the Hearings Officer's jurisdiction shall be reviewed and all appeals at the local level be complete within 120 days of the date the application is determined to be complete. Such determination of completeness shall be the date a receipt is issued by the City for the application fee. The Hearings Officer shall make every effort to issue a decision on the application within 30 days of receiving a complete application.

10B-04-25 DECISION. The Hearings Officer Decision shall be a written decision which includes a statement of applicable decision criteria and/or standards relevant to the decision, and the findings of fact and conclusions relied upon as the justification for the decision.

10B-04-30 NOTICE OF DECISION. Notice of the Hearing Officer's decision shall be in writing and communicated via first class mail by the Planning Official to those specified in Section 10B-03-10 of this Code.

10B-04-40 FINAL DECISION. In the absence of an appeal the Hearing Officer's decision shall become the final decision of the City. No argument or further testimony will be taken by the City, and no appeal to any City decision making body shall be approved.

10B-04-45 APPEAL OF A HEARING OFFICER'S DECISION. A person may appeal a Hearings Officer decision provided that such appeal is filed within the guidelines of the appeal procedures as set forth in Section 10B-10-20 through 10B-10-45 of this Title.

10B-10-10 FINAL ACTION, HEARINGS OFFICER, PLANNING COMMISSION, COUNCIL, APPEALABLE. Unless otherwise provided for in this Chapter, where final decision authority is granted by this Title to the Hearings Officer, Planning Commission or City Council, that decision shall be the final action of the City unless an appeal is received pursuant to this Chapter.

TEMPORARY USE PERMIT FILE #_____

Applicant is:

____ The owner of the property
____ The purchaser of the property under a duly executed written consent of the owner to make such application
____ A lessee in possession of the property who has the written consent of the owner to make such authorization
____ The agent of any of the above, who is duly authorized in writing by the principal

AUTHORIZATION:
I hereby consent that I am authorized to make the application for a conditional use permit and the statements within this application are true and correct to the best of my knowledge and belief. I verify that this is a legally created tract, lot or parcel of land. I understand that I have the right to an attorney for verification as to the creation of the subject property. I understand that any action authorized by the City of Ontario may be revoked if it is determined that the authorization was issued on account of false statements or misrepresentation.

_____ _____
Signature of applicant Date

_____ _____
Signature of applicant Date

_____ _____
Signature of property owner Date

_____ _____
Signature of property owner Date

_____ _____
Signature of property owner Date

10B-05-15 BURDEN, CRITERIA OF PROOF.
1. The proponent of proposals shall have the burden of proving the justification of the request. The greater the impact of the request on an area, the greater is the burden upon the proponent.
2. The requested proposal must be supported by proof that it conforms to all applicable standards and criteria of the OMC. The Planning Official may require that proponents submit written evidence, facts and/or written findings substantiating such conformance, as part of the application.

Incomplete applications, or insufficient information, may result in delay or denial of the application.

SUPPLEMENTAL INFORMATION TO SUBMIT WITH APPLICATIONS:

The following additional data may be required at the discretion of the Planning or Public works Official:

1. Any data required by OMC land development regulations.
2. Finished floor elevation related to curb, street, or other established grade or benchmark.
3. Drainage patterns. All lots shall show grading and drainage and finished grades or contours (clearly indicated).
4. The size and location of all existing and proposed public and private utilities, easements, or right of way.
5. The size, setback dimensions, and height of all proposed structures, and all existing structures to be retained on-site, and, the use of each structure. The locations may be indicated by construction site envelopes showing possible legal locations near the spot, building dimensions including height, and building separation.
6. Location, dimensions and names of adjacent streets and proposed internal streets, showing centerline radii and curb return radii.
7. The location and dimensions of existing and future sidewalks shall be shown.
8. The proposed layout of parking lots including the location and dimensions of parking spaces, curbed islands, internal planter strips, maneuvering aisles, and access driveways with indication of direction of travel.
9 The location of all signs, exterior lighting and fencing to be used to divide properties and to screen mechanical equipment and trash containers.
10. Existing physical features including drainage ways and structures with indication as to which are to be retained. Adjacent properties and their physical features within 50 feet of the property line shall be identified, including setback dimensions of adjacent structures.
11. The location of existing trees and scrubs and notation of which are to be retained on the property; location and dimensions of proposed landscaped areas; location and types of all proposed plant material and ground cover; location and type of irrigation systems; and, all other pertinent landscape features.
12. Location of all recreational amenities such as open play areas, swimming pools, tennis courts and recreational equipment.
13. Statement of maintenance responsibility for all improvements shown on the site plan.
14. Site data in tabular form including:
    a. Total area of the property in square feet.
    b. Building coverage in square feet and percent total.
    c. Parking lot in square feet and percent total.
    d. Landscaped area in parking lot in square feet.
    e. All other landscaped areas in square feet.
    f. Number of parking spaces provided.
    g. Number of residential units if appropriate.
    h. Existing and proposed gross floor area in square feet.

If the applicant is not the property owner, the Planning Official may require documentation of consent to represent the owner including:

A. A description of the property and the specific action for which approval is sought
B. Signature of owner
C. Date of consent
D. Party to whom consent is given
E. Notarization of consent

Electronic copies of all materials are appreciated if available.