

Chapter 4.9 - Miscellaneous Permits

Sections:

- 4.9.100 Temporary Use Permits
- 4.9.200 Home Occupation Permits
- 4.9.300 Mobile Vending Units

4.9.100 Temporary Use Permits. Temporary uses are characterized by their short term or seasonal nature and by the fact that permanent improvements are not made to the site. Temporary uses include, but are not limited to: construction trailers, leasing offices, temporary carnivals and fairs, parking lot sales, retail warehouse sales, and seasonal sales such as Christmas tree sales and vegetable stands. Temporary Use applications shall be processed using a Type I procedure, except that the Planning Official may chose, at his or her discretion, to process a request under a Type II procedure. Four types of temporary uses require permit approval (See A, B, C and D):

- A. Seasonal and Special Events.** These types of uses occur only once in a calendar year and for no longer a period than 30 days. Using a Type I procedure under Section 4.1.200, the City shall approve, approve with conditions or deny a temporary use permit based on findings that all of the following criteria are satisfied:
1. The use is permitted in the underlying land use zone and does not violate any conditions of approval for the property (e.g., prior development permit approval);
 2. The applicant has proof of the property-owner's permission to place the use on his/her property;
 3. No parking will be utilized by customers and employees of the temporary use which is needed by the property owner to meet their minimum parking requirement under Chapter 3.3 - Vehicle and Bicycle Parking;
 4. The use provides adequate vision clearance, as required by Section 3.1.200, and shall not obstruct pedestrian access on public streets;
 5. Ingress and egress are safe and adequate when combined with the other uses of the property; as required by Section 3.1.200 - Vehicular Access and Circulation;
 6. The use does not create adverse off-site impacts including vehicle traffic, noise, odors, vibrations, glare or lights that affect an adjoining use in a manner in which other uses in the zone do not affect the adjoining use; and
 7. The use is adequately served by sewer or septic system and water, if applicable. (The applicant shall be responsible for obtaining any related permits.)

B. Temporary Sales Office or Model Home. Using a Type I procedure under Section 4.1.200, the City may approve, approve with conditions or deny an application for the use of any real property within the City as a temporary sales office, offices for the purpose of facilitating the sale of real property, or model home in any subdivision or tract of land within the City, but for no other purpose, based on the following criteria:

1. Temporary sales office:

- a. The temporary sales office shall be located within the boundaries of the subdivision or tract of land in which the real property is to be sold;
- b. The property to be used for a temporary sales office shall not be permanently improved for that purpose;
- c. Conditions may be imposed regarding temporary utility connections, and as necessary to protect public health, safety, or welfare.

2. Model house:

- a. The model house shall be located within the boundaries of the subdivision or tract of land where the real property to be sold is situated; and
- b. The model house shall be designed as a permanent structure that meets all relevant requirements of this Code and other applicable codes and permit requirements.

C. Temporary Building, Kiosk, or Structure. Temporary or permanent placement of a building, kiosk, or structure, including but not limited to prefabricated building(s), for use on any real commercial or industrial property within the City shall require a development permit. Using a Type I procedure, as governed by Section 4.1.200, the City may approve, approve with conditions or deny an application for a placement of a building, kiosk, or structure for temporary use, or temporary placement, such as a temporary commercial or industrial use or space associated with the primary use on the property, based on following criteria:

1. The temporary building shall be located within the specified property line setbacks of the parcel of land on which it is located;
2. Ingress and egress are safe and adequate as demonstrated by an approach permit approved by the road authority, as applicable. See also, Section 3.1.200 – Vehicular Access and Circulation;
3. There is adequate parking for the customers or users of the temporary use as required by Chapter 3.3 - Bicycle and Vehicle Parking;
4. The use will not result in vehicular congestion on streets;

5. The use will pose no impediment or hazard to pedestrians in the area of the use;
6. The use does not create adverse off-site impacts including vehicle traffic, noise, odors, vibrations, glare or lights that affect an adjoining use in a manner which other uses in the zone do not affect the adjoining use;
7. The building complies with applicable building codes;
8. The use can be adequately served by sewer or septic system and water, if applicable. (The applicant shall be responsible for obtaining any related permits); and
9. The length of time that the temporary building will be used does not exceed 6 months. When a temporary building exceeds this time frame, the applicant shall be required to remove the building, or renew the temporary use permit; and

Conditions may be imposed regarding temporary utility connections, and as necessary to protect public health, safety, or welfare.

D. Temporary Occupancy of Motor Homes and Travel Trailers in Residential Zones.

1. The temporary occupancy of motor homes and travel trailers in residential zones may be approved, approved with conditions, or denied, following the criteria, procedures and conditions listed below:
 - a. Short-term stays, defined as 28 or fewer consecutive days, are exempt.
 - b. Manufactured homes (mobile homes) are not eligible for temporary use permits.
 - c. Per ORS 197.493, residing in a travel trailer for an unlimited period of time is allowed if it is located in a mobile home park and lawfully connected to water, sewer, and electrical systems.
 - d. This permit requirement does not waive any permit requirements of the City or State of Oregon, including the City requirements for connection to water or sewer services.
2. Using a Type I procedure, motor homes and travel trailers, regardless of location in a residential zone or other standards imposed by this ordinance, may be allowed temporary occupancy in the circumstances described in sections (a) or (b) below, if the following criteria are met:
 - a. The motor home or travel trailer is being used to provide shelter while a dwelling is under construction or for temporary housing subsequent to disaster (i.e., fire, earthquake, landslide, flood, or other similar disaster) for a specified period not to exceed one (1) year and is subject to the following requirements:

- i. An application shall include a description of the dwelling being constructed or the disaster, and an estimate of the amount of time the motor home or travel trailer will need to be occupied.
 - ii. The criteria in section (c) below shall be met.
- b. A “hardship” is suffered by the resident that necessitates the use of the motor home or travel trailer in order to provide or receive care. As used in this section, “hardship” means a condition created when a person is aged, infirm or suffers from a medical condition, or when an individual is providing care of such a person. A permit approval for “hardship” is permitted for a period of six (6) months and is subject to the following requirements:
- i. An application shall include written verification of the hardship and the need for assistance from a medical professional. Specific information regarding medical conditions shall not be requested nor required as part of the application.
 - ii. Within 30 days of the hardship ceasing to exist, the temporary occupancy of the motor home or travel trailer shall cease.
- c. In addition, the following standards shall be met:
- i. All application requirements set forth in Chapter 4.1.200 have been met.
 - ii. All property line setback requirements set forth in the applicable underlying zone are met, as well as other specific siting requirements deemed necessary by the Planning Official.
 - iii. The unit is not to be parked in, or in any way obstructing, a public right-of-way and is sited a minimum of five (5) feet from any structure.
 - iv. Any previously granted temporary use permit may be revoked by the Planning Commission, following a hearing, upon the following grounds:
 - A. the applicant or property owner is cited by the Baker City Police Department for any reason relating to the property or activities conducted thereon
 - B. violation of the Baker City Development Code
 - C. violation of any of the conditions of approval required by the temporary use permit

4.9.200 Home Occupation Permits

- A. Purpose.** The purpose of this Section is to encourage those who are engaged in small commercial ventures that do not conform to the Special Standards for Certain Uses in Section 2.2.200.F. Home Occupation. The standards referenced above allow home occupations to be permitted via a Type I procedure, which does not require Development Review or Site Design Review.
- B. Approval Process and Criteria.** Section 4.9.200 provides a process for more intense home occupations to be allowed with Site Design Review by the Planning Commission and notice to surrounding property owners. These home occupations may be permitted, with conditions of approval when appropriate, in order to increase the benefits of people working and living in the same place, while protecting neighboring residents from adverse impacts of home occupation activities. These benefits to the business owner and to the general public include: reduced number of commute-to-work trips, day-time “eyes on the street” at the residence, and a neighborhood-scale version of mixed residential and commercial uses.
1. Home Occupation Permit. Applications for proposals that cannot meet all of the standards in Section 2.2.200.F. shall be processed using a Type III procedure, as governed by Chapter 4.1.400, using the approval criteria in subsection 2, below. In addition to the application requirements contained in Section 4.1.400.B., the applicant shall provide:
 - a. A written narrative or letter:
 - i. describing the proposed home occupation;
 - ii. demonstrating compliance with those standards in subsection 2.2.200.F that can be met, and explaining why the other standards in subsection 2.2.200.F cannot be met, and
 - iii. demonstrating compliance with the criteria in subsection 2 below.
 - b. A site plan, not necessarily to scale, of the lot proposed for the home occupation, including:
 - i. the property lines and their dimensions;
 - ii. outlines of the foundations of all buildings proposed for home occupation use with dimensions for each wall, and the distances from each wall to the nearest property line;
 - iii. boundaries and dimensions of driveways and parking areas, indicating areas for use by home occupation employees and customers;
 - iv. outlines of the foundations of abutting residences, and the distances from the shared property line to the nearest wall of each neighboring residence; and
 - v. identifying the buildings and areas of those buildings in which home occupation

activities will take place, and identifying which activities will take place in which buildings and areas.

2. The City shall approve, approve with conditions, or deny an application for a Type III home occupation based on all of the following criteria:
 - a. The proposed use will not be materially detrimental to the stated purposes of applicable Code requirements and to other properties within a radius of 100 feet of the subject property;
 - b. Impacts to surrounding properties may exist but can be mitigated; and
 - c. Existing physical and natural systems, such as, but not limited to drainage, natural resources, and parks, will not be adversely affected any more than would occur if the development occurred in compliance with Section 2.2.200.F.

4.9.300 Mobile Vending Units

- A. **Purpose.** The purpose of this section is to allow for mobile vending units to be sited within Baker City. As with temporary uses, permanent site improvements may not be required; however, the standards and permit processes of this section are intended to ensure that mobile vending units are conducted as lawful uses and in a manner that is not detrimental or disruptive in terms of appearance or operation to neighboring properties and residents.
- B. **Exemptions.** The following are exempt from provisions of this section. Additional fire/life safety requirements may apply.
 1. Locations where mobile vending units stop for less than two hours in any twenty-four (24) hour period.
 2. Locations where mobile vending units are stored when not in operation are exempt from the provisions of this section; however, the storage of commercial vehicles may be subject to other requirements of the Baker City Development and Municipal Codes.
 3. Mobile vending units that are operated as part of an approved farmer's market or event that has received approval from the City.
- C. **Types of Mobile Vending Units.**
 1. Temporary Mobile Vending Units. Mobile vending units which will be sited for less than 60 days are considered temporary.

2. Permanently-Sited Mobile Vending Units. Mobile vending units which will be sited for more than 60 days are considered permanent.

D. Permit Procedures. Mobile vending unit permits will be processed as follows:

1. Type I. The following uses shall be reviewed as a Type I procedure in accordance with Section 4.1.200:
 - a. A temporary mobile vending unit, including ancillary trashcans and portable accessory items (such as picnic tables).
 - b. A permanently-sited mobile vending unit, including ancillary trashcans and portable accessory items (such as picnic tables).
 - c. Accessory structures ancillary to a permanently-sited mobile vending unit, in accordance with Section 4.9.300(E)(3) below.
2. Type II. The following uses shall be reviewed as a Type II procedure in accordance with Section 4.1.300:
 - a. Three or more permanently-sited mobile vending units on one site, including ancillary trashcans and portable accessory items (such as picnic tables), and any necessary accessory structures.

E. Mobile Vending Unit Standards. The following standards apply to all mobile vending units unless stated otherwise:

1. Consent. The applicant has proof of the property-owner's permission to place the mobile vending unit on his/her property;
2. Zoning. Mobile vending units are permitted within commercial and industrial zones as set forth in Table 2.3.110 and Table 2.4.110, respectively.
3. Density. Mobile vending units shall be permitted at a density not to exceed one (1) unit per 1,200 square feet of site area.
4. Accessory Items and Structures. Portable accessory items, such as picnic tables and storage buildings, may be permitted with all mobile vending units. New accessory structures may be constructed only in conjunction with permanently-sited mobile vending units through a Type I procedure, as follows:
 - a. A maximum of two restroom structures, provided that the combined square footage does not exceed two hundred (200) square feet;

- b. One storage building that does not exceed two hundred (200) square feet;
 - c. One trash enclosure sited no more than ten (10) feet from the mobile vending unit; and
 - d. Covered, outdoor seating areas are permitted, provided that the combined square footage does not exceed ± 200 square feet per mobile vending unit, or a maximum of $\pm 2,000$ square feet for a grouping of mobile vending units on one site, whichever is less.
5. Signs. Signs attached to the body of the mobile vending unit and which do not extend beyond the roof or wall of the mobile vending unit are permitted. All other signs must receive a permit in accordance with Chapter 3.5 – *Signs*, unless exempt.
 6. Minimum Setbacks and Separation Distance. All mobile vending units on the site shall be located a minimum of:
 - a. Five feet from any structure or other mobile vending unit;
 - b. Ten feet from any front lot line; and
 - c. Five feet from any side or rear lot line, except if such lot line abuts a residential zone the minimum setback shall be 20 feet.
 - d. Within 600 feet of a fire hydrant.
 7. Screening. Temporary mobile vending units are exempt from screening requirements. All permanently-sited mobile vending unit sites abutting a residential zone shall be screened from the residential property. This shall include the mobile vending unit and associated seating, as well as queuing or parking areas which abut the residential zone. Screening shall meet standards set forth in Chapter 3.2 – *Landscaping, Street Trees, Fences & Walls*.
 8. Setback from Vehicular and Pedestrian Use Areas. Windows and doors used for service to customers shall be located a minimum of ten (10) feet from loading areas, driveways, on-site circulation drives, and parking lot aisles, and a minimum of five feet from bicycle parking spaces and walkways.
 9. Vision Clearance. Mobile vending units shall provide adequate vision clearance, as required by Section 3.1.200, and shall not obstruct pedestrian access on public streets.
 10. Vehicular Access and Circulation. Ingress and egress for the mobile vending unit shall be safe and adequate when combined with the other uses of the property, and conform to standards set forth in Section 3.1.200 - *Vehicular Access and Circulation*.
 11. Surfacing. Permanently-sited mobile vending units shall be placed on a hard-surfaced area, and any associated parking, loading, and maneuvering areas for vehicles shall be on existing hard-

surfaced areas, unless a permeable parking, loading, or maneuvering area surface was authorized as part of a previously approved use on the site, or has been reviewed and approved by the Baker City Public Works Department. Temporary mobile vending units are exempt from the above hard-surface requirements but shall provide dust abatement to the site and any associated parking, loading, and maneuvering areas for vehicles. The selected dust abatement method shall be approved by the Baker City Public Works Department prior to application.

12. Driveway Access. All mobile vending units shall utilize driveway access which conforms with the standards of Section 3.1.200 – *Access and Circulation* and which are permitted by the Baker City Public Works Department.
13. Off-Site Impacts. The mobile vending unit shall not create adverse off-site impacts including vehicle traffic, noise, odors, vibrations, glare or lights that affect an adjoining use in a manner in which is greater than other uses allowed in the zone.
14. Public Facilities. All permanently-sited mobile vending units shall be adequately served by City sewer and water. The applicant shall be responsible for obtaining any related permits. Temporary mobile vending units requiring public facilities shall obtain all required permits.
15. Utilities. To the extent that utilities are desired by the applicant or are required by applicable regulations, mobile vending units shall have self-contained utilities. If on-site utility connections are proposed, such utilities shall be installed underground, except where prohibited by the City or utility company.
16. Parking. A minimum of two parking spaces shall be provided for customers of any mobile vending unit. Parking spaces shall conform to standards set forth in Chapter 3.3 - *Vehicle and Bicycle Parking*. No parking shall be utilized by customers and employees of the mobile vending unit which is needed by the property owner to meet minimum parking requirements for previously-permitted uses.
17. Fuel Tanks. Fuels tanks which are permanently attached to the mobile vending unit are permitted, or shall measure less than 10 gallons if sited upon the ground. These fuel tanks shall be setback 5 feet from any public right-of-way and 10 feet from any structure. Permanently-sited mobile vending units may site one (1) fuel tank measuring more than 120 gallons upon the ground if said fuel tank meets the required setback distances of 50 feet from any public right-of-way or structure. All fuel tanks must be secured to prevent tipping and tampering. Skirting of fuel tanks or mobile vending units with fuel tanks is not permitted.
18. Attachments. Temporary attachments to mobile vending units, such as awnings or canopies, are permitted. Building permits may be required. Neither the mobile vending unit nor any item relating to the unit shall lean against or hang from any structure or utility pole. No structures shall be attached to the mobile vending unit.

19. Accessory Storage. Except as specifically allowed by Section 4.9.300(E)(3), items relating to the mobile vending unit shall be stored in, on, or under the unit.
 20. Interior Seating or Vending. Customer seating or vending inside any mobile vending unit is prohibited.
 21. Other Licenses Required. In addition to the requirements of this section, the operator of a mobile vending unit must obtain all necessary local, state and/or federal permits, including those required by the Oregon Health Authority.
- F. Approval Period and Time Extension.** An approved mobile vending unit must be established within one year of the date of the final written decision. Extension requests are permitted and must be made to the Planning Director in writing.
- G. Grounds for Revocation.** The Planning Official or designee may revoke a mobile vending unit permit approval if the standards within this chapter have not been or are not being complied with and the mobile vending unit is otherwise being conducted in a manner contrary to this chapter. The Planning Official or designee shall approve the use as it exists, revoke the mobile vending unit permit, or compel measures to be taken to ensure compatibility with the neighborhood and conformance with this section after reviewing a complaint. A fire code official or building official also has the ability to inspect, and temporarily close if necessary, a mobile vending unit for violations of State Fire Code or State Building Code, respectively.