

Permits and Certificates

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11.15.8705 Temporary Permits

A. Notwithstanding the limitations of use as established by this Chapter in each of the several districts, the Planning Director may issue temporary permits, valid for a period of not more than one year after issuance, for structures, or uses which are of a temporary nature, such as:

1. Storage of equipment during the building of roads or developments;
2. Real estate office used for the sale of lots or housing in subdivisions;
3. Temporary storage of structures or equipment;
4. Sheds used in conjunction with the building of a structure;
5. Temporary housing; or
6. Other uses of a temporary nature when approved by the Planning Director.

B. The Planning Director may attach reasonable conditions relevant to the proposed use to carry out the intent and purpose of this Chapter.

11.15.8710 Temporary Health Hardship Permit

The purpose of the Temporary Health Hardship Permit is to allow the convenient provision of daily health care needs to a person with a demonstrated health hardship by allowing the placement of a mobile home on a lot with an existing single family residence. The permit is temporary in nature and not intended to encourage an increase in the residential density beyond that envisioned by the Comprehensive Plan and its implementing ordinances. *[Amended 1994, Ord. 783 § 2]*

A. The Planning Director may grant a Temporary Health Hardship Permit to allow occupancy of a mobile home on a lot with a single family residence based on the following findings:

[Amended 1994, Ord. 783 § 2]

1. The person with the health hardship is either one of the property owners or is a relative of one of the property owners.
 - a. If the person with the health hardship is one of the property owners, then the care provider in the other residence is not required to be a relative.
 - b. If the person with the health hardship is a relative of one of the property owners, then the care provider must be a relative.

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- c. For the purposes of this section, a relative is defined as a grandparent, parent, child, brother or sister, either by blood or legal relationship.

[Amended 1994, Ord. 783 § 2]

2. The person with the health hardship is unable to adequately provide daily self-care needs because of a physical and/or medical impairment based upon a statement from a licensed physician describing the nature of the impairment and its resultant limitations. The physician shall indicate that those limitations are severe enough to warrant daily assistance, and that at least one of the residents of the property is capable of providing that assistance.*[Amended 1994, Ord. 783 § 2]*
3. There is a demonstrated lack of appropriate alternative accommodations within the area entitled to notice, including, but not limited to, rental housing or space within the existing residence.
4. The following locational criteria are satisfied:
 - a. The proposed siting of the mobile home will satisfy the applicable setback and lot coverage standards of the zoning district without variance.
 - b. The mobile home shall be located in a manner which satisfies the locational requirements of a second residence on properties capable of being divided under the existing zoning within those areas designated as urban by the Comprehensive Framework Plan.
 - c. The mobile home will not require any new main connections to public facilities or services (e.g., sewer, water or power mains, curb cuts, etc.) unless sited in the manner allowed in subsection (b) above, in which case those services may be extended to the area on the property which satisfies the locational requirements of a second residence.
 - d. The mobile home will not require any attached or detached accessory structures other than wheelchair ramps to accommodate the health care needs of the proposed occupant.
5. A penal bond in the amount of \$1,000 is posted to insure removal of the mobile home within six months after the health hardship ceases to exist.
6. As a condition of approval, every two years from the approval date the applicant shall submit:
 - a. A recent (within 6 months prior to the two year deadline) physician's statement verifying that the situation described in (2) above still exists; and
 - b. A letter from the care provider describing the continuing assistance being given.

[Amended 1994, Ord. 783 § 2]

B. Notice of the Planning Director's findings and decision, and information describing the appeals process, shall be mailed by first class mail to the applicant and the record owners of all property within:

1. 100 feet of the subject property if the property is within the Urban Growth Boundary, or
2. 250 feet of the subject property if the property is outside the Urban Growth Boundary and not within the EFU or CFU districts, or
3. 500 feet of the subject property if the property is within the EFU or CFU districts.

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[Amended 1994, Ord. 783 § 2]

- C. The tentative decision shall be final at the close of business on the tenth calendar day after notice is mailed, unless the applicant or a person entitled to mailed notice or a person substantially affected by the application files a written Notice of Appeal. Such Notice of Appeal and the decision shall be subject to the applicable provisions of MCC .8290 and .8295, except that subsection MCC .8290(C) shall apply only to a Notice of Appeal filed by the applicant. The persons entitled to notice under subsection (B) of this Section shall be given the same notice of appeal hearing as is given the applicant.
- D. Temporary health hardship permits approved prior to January 11, 1994 shall not be subject to the original expiration date and shall be permitted to be renewed by the Planning Director every two years from the original approval date based upon a Finding that the hardship still exists and that the conditions imposed are being satisfied.*[Amended 1986, Ord. 502 § 2; Amended 1994, Ord. 783 § 2]*

[Amended 1985, Ord. 451 § 2]

11.15.8715 Land Use Permits

- A. Before any change in the use of land or a structure is made, the owner or owner's agent shall obtain a land use permit from the Department of Environmental Services. Such permit shall be issued only if the proposed use complies with the provisions of this Chapter and any other applicable statute, ordinance, code, regulation or rule.
- B. In cases where a building permit is required under the Building Code, it shall be deemed to be a Land Use Permit.
- C. The term change in use of land or structure is defined as any change from a specific use, as for example, a grocery store, to any other specific use, as for example, a restaurant, if the uses are subject to different restrictions in whole or in part under this Chapter.

11.15.8720 Historical Structures and Sites Permits

The following requirements and procedures shall apply in addition to the provisions of the State Building Code, to a permit application under MCC 9.10.030, Building Code, concerning any historical landmark as defined in MCC .6512, or any building structure or premises classified HP under MCC .6500 or catalogued as a historic site or structure under the Historic Features Section of the Comprehensive Framework Plan.

- A. In addition to the other applicable provisions of this Chapter, approval of a building permit to enlarge, alter, repair, improve or convert a building or structure described in this Section or to erect, construct, locate or relocate a building or structure on any premises so described, shall also be subject to the applicable design review provisions of MCC .7805 through .7865.
- B. In addition to the final design review criteria listed in MCC .7850 and the standards and exceptions of MCC .7855 and .7860, approval of a final design review plan for a building or structure described in this Section shall be based on the following criteria:
 - 1. The appearance as to the design, scale, proportion, mass, height, structural configuration, materials, architectural details, texture, color, location and similar factors shall relate harmoniously with the historical characteristics of the premises and of any existing building or structure, consistent with Building Code requirements.

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2. The factors listed in subpart (B)(1) which have previously been changed and which significantly depart from the original historical character of the premises, building or structure, shall be restored to the maximum practical degree, within limitations of the scope of the work proposed under the permit.
- C. An application for a permit to remove or demolish a building or structure described in this Section shall be subject to the following:
1. The permit shall not be issued for 120 days following the date of filing, unless otherwise authorized by the Board under subpart (7) of this subsection.
 2. The permit application shall be considered an action initiated by the record owner or the owner's agent, under MCC .8210(B).
 3. Except as otherwise provided in this subsection, the application shall be subject to the provisions of MCC .8205 through .8250 and MCC .8275 through .8285.
 4. A hearing on the application shall be held by the Planning Commission.
 5. The decision of the Planning Commission shall be in the form of a recommendation to the Board.
 - a. The Planning Commission may recommend measures to preserve the building or structure, with or without conditions, including by purchase, trade, relocation or by approval of a change of use notwithstanding the use limitations of the district;
 - b. The Planning Commission may recommend removal or demolition of the building or structure based upon a finding that practical preservation measures are inadequate or unavailable.
 - c. The Planning Commission recommendation shall be based upon findings in relation to the applicable policies of the Comprehensive Plan.
 6. The Planning Commission decision shall be submitted to the Clerk of the Board by the Planning Director not later than ten days after the decision is announced.
 7. The Board shall conduct a de novo hearing on the application under the provisions of MCC .8275 through .8285.
 8. In the event the Board fails to act on the application within the 120-day period specified in subpart (C)(1) of this subsection, the Building Official may issue the permit.
- D. Notwithstanding the provisions of MCC 9.10.090 and MCC .4020 through .4034 of this Chapter, action to abate an unsafe building nuisance or an abandoned drive-in business nuisance, by demolition or removal of a building or structure described in MCC .8720 shall be subject to the provisions of MCC .8720(C).
- E. **Exception.** Abatement of an unsafe building or structure may proceed under MCC 9.10.090, upon a finding by the Director or Environmental Services that the condition of the building or structure is beyond practical repair or restoration or is a continuous threat to the safety of life or property which cannot otherwise be eliminated.

11.15.8725 Certificate of Occupancy

- A. No building or structure, except single family and duplex dwellings, and no land shall be used or occupied, and no change in the existing occupancy of a building, structure or land or portion

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thereof shall be made, until a Certificate of Occupancy has been issued by the Department of Environmental Services.

- B. Changes in the use of a building, structure or of land shall not be made except in compliance with the provisions of the Chapter.
- C. If it is found that the building, structure of land complies with the provision of this Chapter, the Director or Environmental Services or the Director's delegate shall issue a Certificate of Occupancy, which shall contain the following:
 - 1. Building Permit or Land Use Permit Number;
 - 2. The address of the building or premises;
 - 3. The name and address of the owner;
 - 4. A description of the portion of the building or land for which the Certificate is issued;
 - 5. A statement that the described portion of the building or land complies with the requirements of the Chapter;
 - 6. The name of the Building Official; and
 - 7. The date of issuance.
- D. A Certificate of Occupancy as required in this Chapter may be the Certificate of Occupancy required under the Building Code when so indicated thereon.
- E. A temporary Certificate of Occupancy may be issued by the Director of Environmental Services or the Director's delegate for the use of a portion or portions of a building or land prior to the completion or occupation of the entire building or use.
- F. The Certificate of Occupancy shall be posted in a conspicuous place on the premises and shall not be removed except by the Director or Environmental Services or the Director's delegate.