

**Chapter 18.68**  
**TEMPORARY ACTIVITIES USES**

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~~**18.68.010 Temporary activity application and decision.**~~

~~All temporary activities require a temporary activity permit granted under the provisions of SMC 20.01.080 for a Type A-1 application and decision. (Ord. 2013-003 § 1 (Exh. A); Ord. 2003-008; Ord. 97-019 § 4, Exh. B)~~

~~**18.68.020 Temporary activity permit fees.**~~

~~Temporary activity permit fees are as established by resolution. (Ord. 2013-003 § . A); Ord. 2011-017 §§ 1, 2; Ord. 2005-029 § 2; Ord. 2003-008; Ord. 97-019 § 4, Exh. B)~~

~~**18.68.030 Classification of temporary activity.**~~

~~A. Temporary activities are classified into five groups for the purposes of permit administration and assessment of fees. The classification is determined by the relative operational impact on the community and demand on city resources associated with the temporary activity. The five groups and types of temporary activities within each are as presented in Figure 18.68.030— Classification of Activities.~~

**Figure 18.68.030— Classification of Activities**

<b>Group Classification</b>	<b>Activities<sup>2</sup></b>
Group A1	political march/gathering; charity event/fundraiser; “drive” (food, blood, book, etc.); temporary stall (fireworks stand, Christmas tree lot, fall harvest stand); indoor show (dog, quilt, doll, hobby, home, sportsman)
Group A2+	store sales events/grand openings/tent sales; car show;

<b>Group Classification</b>	<b>Activities<sup>2</sup></b>
	customer appreciation day(s); family/kids fairs (nonprofit)
Group B	commercial auctions; community-wide runs/walks; carnival; fireworks sales; outdoor dog show
Group C	community displays (fireworks); markets/bazaars; major sport events/tournaments
Group D	outdoor music festival/concert; parade; street dance; off-site assembly; festival <sup>3</sup>

**Notes on Fig. 18.68.030**

<sup>1</sup>—A Group A2 activity may be reclassified by the director as a Group B activity as determined by the classification worksheet specified in subsection B of this section.

<sup>2</sup>—Activities that are exempt from this chapter include: funeral procession, government meeting in normal places of assembly, conference/convention held in facilities designed for that purpose, and any other activity of limited nature and short-term duration that is conducted customarily as an incidental aspect of a primary use.

<sup>3</sup>—A festival is an application that combines two or more temporary activities and generates the highest level of community impact and draws on city resources due to the great number of tourists attracted to the event.

**B.—Classification Worksheet.**

1.—A completed classification worksheet provided by the department is required to accompany a Group A2 activity application and may be submitted with any application to request reclassification of an activity.

2.—The classification worksheet assesses the proposed temporary activity’s relative operational impact on the community and its demand on the city’s services. The assessment criteria include: (a) number of participants/attendees, (b) effect on traffic and available parking, (c) generation of high noise or sound levels including loud music, (d) duration of the activity, (e) display of signs and other community-wide promotions, (f) need to confirm or monitor for public health or safety, (g) generation of light and glare not customary in the zone, and (h) need to monitor the availability and consumption of alcohol.

3.—The worksheet is completed by the applicant and submitted to the director for a determination.

**C.—The group classification for activities not listed in Figure 18.68.030—Classification of Activities, shall be as determined by the director as provided in subsection B of this section.**

**D.—The director may initiate a classification worksheet for any application to confirm or reclassify any temporary activity. (Ord. 2013-003 § 1 (Exh. A); Ord. 2011-017 § 1; Ord. 2003-008; Ord. 97-019 § 4, Exh. B)**

#### **18.68.040 General permit conditions.**

~~Temporary activities may be located within all zones when consistent with the conditions set forth herein below and attached to a permit.~~

- ~~A. All temporary structures approved with a temporary activity permit shall be removed within 24 hours of the conclusion of the activity or as specified in conditions attached to the permit, leaving the site in the same condition as it was prior to the placement of the temporary use.~~
- ~~B. Setbacks. Temporary activities and structures shall be set back consistent with the zoning district in which the activity or structure is located unless another setback is specified as a condition of the permit.~~
- ~~C. Noise. Noise levels generated shall not be in excess of levels allowable in the zone that the temporary activity is located, consistent with Chapter 173-60 WAC, as may be amended, which is incorporated by reference herein.~~
- ~~D. Fumes, Odors, and Dust. Temporary activities that create noxious fumes, offensive odors, or excessive amounts of airborne dust shall not be permitted or shall be required to meet applicable state standards regarding the control of such nuisances.~~
- ~~E. Other Permit Requirements. The city may require proper insurance, indemnification and hold harmless agreements, proof of possession of any federal, state, county or local required permits or licenses, damage deposits, deposits for payment for cleanup, traffic control, security and other similar requirements, including any applicable provisions for business licenses and collection and reporting of sales tax; which shall be identified in the permit. (Ord. 2013-003 § 1 (Exh. A); Ord. 2012-005 § 1 (Exh. A); Ord. 2003-008; Ord. 97-019 § 4, Exh. B)~~

#### **18.68.010 Purpose.**

Temporary use permit is a mechanism by which the city may permit a use to locate within the city on an interim basis without requiring full compliance with the development standards of the land use district or by which the city may permit seasonal or transient uses not otherwise permitted.

#### **18.68.020 Applicability.**

Upon approval, temporary permits may be issued for the following uses or structures:

- A. A mobile home, recreation vehicle or other temporary structure for a residential purpose during the construction period of a new residence on the same lot. Appropriate building permit is required.
- B. Use of an existing legally established dwelling unit during the construction period of a new residence on the same lot.
- C. Temporary sales office and/or model home in an approved subdivision during development.
- D. Temporary structures in the downtown district, commercial, and business and employment zoning districts associated with the primary use on the property.
- E. Temporary housing for personnel such as watchmen, labor crews, engineering, and management.

- F. Use of equipment essential to and only in conjunction with the construction or building of a road, bridge, ramp, dock, and/or jetty located in proximity to the temporary site; provided, that the applicant shall provide a construction contract or other evidence of the time period required to complete the project; and provided further, that the following equipment shall be considered essential to and in conjunction with such construction projects:
  - a. Portable asphaltic concrete-mixing plants;
  - b. Portable concrete-batching plants;
  - c. Portable rock-crushing plants;
  - d. Accessory equipment essential to the use of the aforementioned plants.
- G. Temporary uses and structures otherwise permitted within the zone which will remain up to one year on an existing lot or parcel where compliance with site plan review and landscaping requirements are impractical.
- H. Temporary uses and structures not permitted within the zone but have a demonstrated public benefit may be approved by the review authority for a period no greater than six months. In approving the permit, the review authority shall find that the use is compatible with the surrounding land uses; the use will have minimal impact on city services and traffic; and granting the use is consistent with the public health, safety and welfare.
- I. A temporary use or structure for a purpose not anticipated by this chapter, but not in conflict with it, or a unique situation as determined by the DCD director, for a period of less than ninety days in a calendar year.
- J. Temporary transitory accommodations.
- K. Food/beverage and retail mobile vending carts. Food trucks are permitted in conformance Chapter 18.65; Mobile Food Service Vendor.

#### **18.68.030 Exemptions.**

The following activities are exempt from the requirements of temporary permits:

- A. Temporary office, storage sheds, equipment, housing and staging areas in relation to current construction projects with approved land use and building permits, and may be allowed for the duration of the construction project.
- B. Seasonal temporary uses, such as and Christmas tree lots. Other applicable city permits remain required.
- C. Community-wide special events, festivals, celebrations that have received a special event permit/license.

- D. Special events, concerts or festivals located on city owned parks or public facilities that are not subject to a special event permit.
- E. Garage sales conducted in private homes; provided, that the sales last no longer than three days, are conducted on the owner's property, and held no more than six times in a calendar year. (Multifamily sales are permitted when held on the property of one of the participants.)
- F. Temporary fundraising and other civic activities in the downtown district, commercial, and business and employment zoning districts that are otherwise exempt from a Special Event Permit (see SMC 8.38).

**18.68.040 Review authority.**

Temporary use permit applications are processed under a Type I application according to the provisions of Chapter 20.01.

**18.68.050 Time limitation.**

- A. The review authority may approve temporary permits, with conditions to mitigate negative impacts, valid for one year, or as otherwise regulated in this section.
- B. Upon request in writing no less than thirty days prior to the permit expiration, temporary permits may be granted one additional one-year extension by the DCD director with demonstrated good cause.
- C. If, after the one-year initial TUP permit and if a one-year extension was approved, the temporary use owner requests the use to continue, the city will consider it a permanent use; a Design Review application and building permit application shall be submitted and processed subject to the provisions of SMC Chapter 18.24.and Title 15.
- D. The temporary use permit may be revoked if the conditions of approval are not met at any time.

**18.68.060 Decision criteria.**

The review authority may approve or modify and approve an application for a temporary use permit if:

- A. The temporary use will not be materially detrimental to the public health, safety, or welfare, nor injurious to property or improvements in the immediate vicinity of the temporary use.
- B. The temporary use is not incompatible in intensity and appearance with existing land uses in the immediate vicinity of the temporary use.
- C. Adequate parking is provided to serve the temporary use, and if applicable the temporary use does not create a parking shortage for other existing uses on the site.
- D. Hours of operation of the temporary use are specified.

E. The temporary use will not cause noise, light, or glare which adversely impacts surrounding uses.

**18.68.070 Removal of temporary use.**

A. The DCD director shall establish, as a condition of approval for each temporary use permit, a time within which the use and all physical evidence of the use must be removed.

B. Prior to granting a temporary permit under this chapter, the review authority may require that the applicant provide a cash or surety bond of not less than one thousand dollars, nor more than two thousand five hundred dollars, to ensure timely removal of the temporary use. If the temporary use or structure is not removed or discontinued at the end of its designated time, said cash or surety bond shall be forfeited.