16.08.070: TEMPORARY USE PERMITS:

A temporary use permit is for the placement of temporary living quarters for a use listed below. It is unlawful to reside in a recreational vehicle outside a manufactured/mobile home park or recreational vehicle park for longer than ninety (90) consecutive days within a three hundred sixty five (365) day period except as provided below.

A. Authority: The commission shall have the discretionary authority to approve, conditionally approve, continue within allowed time frames, or deny a temporary use permit.

B. Criteria:

1. Temporary living quarters for farm labor is only permitted in conjunction with a bona fide functioning farming or ranching operation. Evidence of an active farming or ranching operation and demonstration of need will be required. Demonstrated need must include:
   a. Evidence that the amount, type and/or frequency of the labor needed in the farm or ranch operation is greater than what could be reasonably expected of the property owner to accomplish without his additional help; and
   b. Evidence that farm help is an employee of the farm; and/or
   c. Other circumstances that demonstrate the need of a temporary use permit for farm labor. The planning commission shall determine if these circumstances meet the intent of this temporary use.

   The planning commission will use all available information to judge if the operation is a bona fide farming or ranching operation and the labor needed on the farm or ranch justifies a dwelling for the individual(s) providing the labor.
2. Temporary living quarters for watchman's quarters is only permitted in conjunction with a commercial or industrial operation, and is to be used for security purposes only. These security purposes must be proven, established, justified, or demonstrated. Watchman's quarters shall not be used solely as a primary single-family dwelling.
3. Temporary living quarters on a lot or parcel which has a residence thereon, and the temporary living quarters is to be used to alleviate hardship, as follows:
   a. A residence for an aged, invalid, or physically or mentally disabled person who requires care;
   b. A residence used by an attendant caring for an aged, invalid, or physically or mentally disabled person;
   c. A residence for a person or persons for a purpose that is similar to and not more obnoxious or detrimental to uses listed in this subsection B3. Evidence must be provided that demonstrates need and demonstrates attempts to find an alternative accommodation.
4. On a lot or parcel when parked on the same parcel of land and utilized as a temporary residence during the construction or placement of an on site permanent dwelling. A building permit as required by the county ordinances and state law must be issued prior to issuance of a temporary use permit. The temporary use permit shall terminate upon expiration of the building permit or within thirty (30) days of the issuance of a certificate of occupancy.
5. On a lot or parcel in any land use district when a commercial coach is to be used as a temporary office, in conjunction with the issuance of a building permit for construction of permanent nonresidential facilities or uses. The temporary use permit shall run concurrently with the building permit and upon completion of the construction of the permanent facility the use permit shall terminate.

C. Application Requirements: Before a temporary use permit may be considered for approval:

1. The applicant shall file with the planning department plans showing the applicant's intent to meet the temporary use permit application and site plan requirements, including a signature of at least one owner of record of the subject property. Any manufactured/mobile home or commercial coach must be inspected by the Nevada manufactured housing division and a proper safety certificate issued prior to being occupied. Any RV being used for temporary living quarters under a TUP must meet the setback requirements of an accessory structure.
2. The proposed use shall be listed as a temporary use in the land use district.

3. All sections of the temporary use permit application must be complete and accurate or the application may be delayed to allow all the necessary information to be obtained. Applicants are strongly advised to discuss the applications and procedure with planning department staff prior to completing the application.
4. Once the application is complete (but prior to signing and making copies) a meeting should be set with the planning department staff to review the application to check for accuracy.
5. Evidence demonstrating need, including, but not limited to, letters from a medical practitioner, size and workload of a farming operation, or specifics of a commercial operation will be required.

D. Application Review: The director shall review each application to ensure that the proposal is consistent with the requirements of this title.

E. Hearing:
1. The commission shall hold a public hearing no more than sixty five (65) days after the filing of an application, and shall give notice of time and place and purpose thereof by mailing a notice, pursuant to this title.
2. The commission shall hear and consider evidence and facts from any person at the public hearing, or shall consider written communication from any person relative to the proposed temporary use permit.

F. Findings: Findings from a preponderance of evidence must indicate that the proposed use meets at least one of the five (5) criteria listed in subsection B of this section. The applicant for a temporary use permit shall have the burden of proof by a preponderance of the evidence to provide facts supporting the proposed temporary use permit.

G. Decision:
1. Following the public hearing, the commission shall determine if there is a preponderance of evidence in the record to support the criteria established for temporary use permits and shall approve, modify, continue within allowed time frames, or deny the temporary use permit request.
2. The applicant may request a continuance of any application for a temporary use permit to a future meeting. A continuance suspends the time lines established in this title.

H. Conditions Of Approval: The commission, in approving any temporary use permit, may require certain conditions under which the lot or parcel may be used, if, in such commission's opinion, the use will otherwise be incompatible with other existing uses within the same general area or will constitute a nuisance or will overburden improvements or facilities.

I. Renewal Requirements:
1. A temporary use permit issued for farm labor must be renewed annually by providing the planning department with an annual renewal fee and evidence that the farming operation is active.
2. A temporary use permit issued for watchman's quarters must be renewed annually by providing the planning department with an annual renewal fee and evidence that the commercial or industrial operation is active. The absence of an active business license for commercial or industrial operations that are required to hold a business license will automatically terminate the temporary use permit.
3. Temporary use permits issued for hardship cases must renew their temporary use permit annually by presenting information including, but not limited to, letters from a medical practitioner, showing the original need for said permit still exists. The commission shall review requests for renewal at a regular meeting prior to the anniversary date of issuance. Requests for renewal must be filed with the planning department at least ten (10) days prior to a regularly scheduled commission meeting and must be accompanied by information showing the original need still exists. Notices regarding this title shall not be required unless the commission, upon review of the renewal request, determines that a rehearing is necessary. An annual renewal fee shall be payable if the commission grants the renewal. The commission may revoke the temporary use permit if any of the conditions represented in the application or attached to the issuance of the permit have been changed. If not renewed in this manner, the temporary use permit terminates.
4. A temporary use permit while constructing a permanent residence: If the building has not been completed within one year, the temporary use permit must be renewed by providing the planning department with a renewal letter submitted for commission review, including an estimated time for

building completion. If it is approved, the applicant must provide the planning department with a renewal fee for the permit within thirty (30) days.

5. A temporary use permit for a commercial coach: If the building has not been completed within a year the temporary use permit renewal letter must be renewed by providing the planning department with a renewal letter submitted for commission review including an estimated time for building completion. If it is approved, the applicant must provide the planning department with a renewal fee for the permit within thirty (30) days.

J. Termination Requirements: Following the termination of a temporary use permit the temporary living quarters or commercial coach must be removed from the property within ninety (90) days of receipt of a notice of termination. In cases where a travel trailer or recreational vehicle has been utilized for the purposes of a temporary use permit, said vehicle may remain on the subject property but must be disconnected from any and all utilities and cease to be used for the purposes outlined in the temporary use permit.

K. Expiration:

1. A use permitted by an approved temporary use permit must be enacted, which includes, without limitation, setup of temporary residence, connections to existing well and sewer, inspection of connections by the building department, etc., within six (6) months from the date of approval. Failure to enact the permit shall invalidate the temporary use permit. Without further action, the temporary use permit shall be null and void and such use shall not be made of the property except upon the granting of a new temporary use permit.
2. A temporary use permit is subject to yearly renewals and will be terminated without further commission action thirty (30) days after the activity granted by such temporary use permit is not renewed or is no longer needed.
3. In the event that circumstances beyond the control of the applicant result in a failure to complete applicable temporary use permit conditions and construct or commence the use prior to the expiration date, the applicant may, in writing, request one single extension of the expiration date for a period of not to exceed six (6) calendar months from the original date of expiration. The written request for an extension shall be received by the planning department thirty (30) days prior to the expiration date. The director may approve a six (6) month extension with the option of commission review.
4. A temporary use permit shall be, upon violation, subject to revocation or termination by the commission.
5. Once the need for which a temporary use permit has been granted no longer exists, the permit is considered void and the temporary use granted must be discontinued. In the case of a manufactured/mobile home, the residence must be removed from the property, and in the case of an RV, the residence must be disconnected from all utilities. (Bill 2010-G, 2010: Bill 2006-G, 2006: Bill 2005-F § 2.2, 2005)