

# Temporary-use permits have been a bone of contention

By Sue Stafford  
Correspondent

An ongoing sticky wicket for the Sisters City Council has been the subject of ordinances regulating temporary businesses, transient merchants, and public events here in Sisters.

There is a contentious history surrounding this issue, starting with Wild Mountain food stand's owner Ky Karnecki, whose year-and-a-half-long battle with the City resulted in an ongoing lawsuit. The application by Celia Hung in 2014 for a temporary-use permit to stage events on the vacant lot located on the corner of Oak and Cascade created another boiling point in City politics and another threatened lawsuit. The approval of food carts at Eurosports, after staff determined food carts to be the same as restaurants, created controversy at the close of Mayor Brad Boyd's term last year. Boyd threatened to sue if the approval was overturned.

The result of all these controversies has been an ongoing effort to hone the City's code in an attempt to eliminate loopholes, lawsuits, and the need for constant interpretation to meet special circumstances.

The person charged by the Sisters City Council with leading this effort in crafting a serviceable document is Lynne Fujita-Conrads, City

financial officer, working in concert with City attorney Steve Bryant. She takes the decisions made by Council and turns them into carefully crafted draft documents that are then returned to Council for review, modification, and, hopefully soon, approval.

The updates to these particular ordinances are being proposed to accomplish several Council goals: close loopholes in existing ordinances regarding business licenses; simplify and clarify code language; and preserve the appearance of remodeled Cascade Avenue.

During the draft review at the August 6 Council workshop, Mayor Chris Frye proposed another goal of promoting the vibrancy of local businesses and the economy of Sisters.

Up to this point in time, the business license ordinance made no provision for a temporary business license. Under the proposed modifications, any business in operation over 45 days shall apply for a regular business license. The recommended temporary business license would be allowed for a minimum of four and a maximum of 45 consecutive days, issued for a single period per year, with no renewals and extensions. The business would be required to comply with the city's 1880s theme. There

would be a \$100 application fee with a \$10-per-day charge. Nonprofits would simply pay a \$10 application fee. An example of this type of business would be a seasonal Christmas tree lot.

The transient merchant license seems to provide the greatest consternation for the Council. As outlined in the draft modifications, a transient merchant would be able to apply for a license for a three-consecutive-day period, six times per calendar year, on the same property. The fee would be \$100 a day, with nonprofits paying \$25 a day. An example of this type of business would be a vendor who sets up four times during the summer for a weekend in the same location to sell their handmade crafts.

Still undecided is where these transient merchants can be located and how many can be on any one property at the same time. Based on the experience of other tourist "theme" towns like Leavenworth, Washington, Jackson Hole, Wyoming, and Ashland, Oregon, the stricter the ordinances, the easier to enforce, and generally fewer merchants are able to conform to the requirements. In those towns, all transient merchants are limited to locating in one specified area of town.

The public event permit is required for events in

City parks, streets, and public rights-of-way. Fees have been revised to account for staff time, public safety, and impact on city infrastructure. Public events are not allowed during citywide events such as the Folk Festival and Quilt Show. Application and park fees are based on the number of people attending the event, with individual vendor fees of \$10 a day, and \$5 a day for nonprofits. An example of this type of event would be the Doggie Dash being held at the Village Green this Saturday.

The old temporary-use permit (TUP) — the object of many of the past controversies for the City — will be eliminated and will be replaced with the temporary business license.

of contention is between the year-round brick-and-mortar businesses that pay property tax, contribute to the community, and provide employment opportunities, and the low-overhead businesses that operate out of tents, stands, and mobile carts. Local businesses see transient merchants as taking advantage of the business climate created by existing businesses without the long-term commitment and expense incurred by downtown merchants.

Some see the alternative vendors as providing a vibrancy and activity that is appealing. Others think they detract from the overall ambiance of the newly refurbished downtown. It is all subjective and difficult to quantify.

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**City Council, after hearing from the residents and business people, are responsible for making the decision as to what the overall vision is for Sisters.**

The debates about the food carts, large groups of vendors in one location, and in the past, allowing extensions on temporary-use permits, are really about the types of businesses that should be allowed and encouraged in Sisters.

One of the main points

City Council, after hearing from the residents and business people, are responsible for making the decision as to what the overall vision is for Sisters. And out of that vision will come the appropriate ordinances to support the vision.

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