

**FINDINGS OF FACT and FINAL ORDER
TYPE II TEMPORARY STRUCTURE PERMIT**

DATE:	April 22, 2024
FILE NO.:	24-021 TEMP
APPLICATION:	Type II – Temporary Structure
NAME OF PROJECT:	Tickle Creek Village Condos Temp Job Trailer
APPLICANT:	Gerry Engler
OWNER:	Dubarko Development Corp.
LOCATION:	37101 Dubarko Road
TAX MAP & LOT:	24E14 03100
ZONING:	R-3 (High Density Residential)
STAFF CONTACT:	Patrick Depa, Senior Planner

EXHIBITS:

Applicant's Submission

- A. Land Use Application
- B. Narrative
- C. Site Plan

FINDINGS OF FACT

1. The applicant applied for a renewal for a temporary construction site trailer which is associated with Tickle Creek Village Condominiums (File No. 19-038 DR/FSH/VAR/TREE). The applicant is asking for the placement of two temporary construction trailers.
2. This temporary structure request was reviewed under a Type II application as required by Section 17.74.60(B). Section 17.74.60(B) requires that any Type I approval for a temporary structure be reviewed as a Type II if the original approval is renewed. The applicant's Type I approval, File# 21-055 TEMP was approved on August 23, 2021, and expired May 30, 2022.
3. According to Section 17.74.60(B), temporary structures in connection with construction may be permitted for a period not to exceed one (1) year.
4. The temporary job site trailers are proposed to be placed between Building A and Dubarko Road on the northside of the entrance road. The trailers are already on site and have been at the locations represented on the site plan for an undetermined time.
5. The applicant is proposing the trailers will be a minimum of twenty (20) feet from the designated buffer area which will be verified. There are no replacement trees in the vicinity of the proposed trailer locations.
6. The larger of the two portable construction trailers is 272 sq. ft and 34 feet in length by 8 feet in width. The smaller construction trailer is 224 sq. ft and 28 feet in length by 8 feet in width.

7. Typical residential developments of this size usually have only one construction trailer and often use their first building for additional storage and occasionally a model for sales. The development has had multiple trailers on it in the past which have been reported as not being well maintained.
8. The City is only willing to approve one trailer at this time to stay consistent with other development projects.
9. The Sandy Development Code does not permit overnight accommodation (i.e., sleeping) in a recreational vehicle. Therefore, **no one shall sleep in the job site trailer.**
10. The applicant proposes to use a temporary onsite portable restroom facility.
11. The applicant is currently using a portable generator to power the temporary job site trailer. **The temporary job site trailer shall comply with Section 8.20 of the Municipal Code regarding noise.**
12. Signage shall not be allowed without first obtaining a sign permit. **The applicant is responsible for complying with Chapter 15.32 for all signage.**
13. The city received two responses from surrounding residents who are both in support of the trailers and the project starting back up again.

DECISION

For the reasons described above, the request by Dubarko Development Corp. to locate one temporary job site trailer at 37101 Dubarko Road (Tickle Creek Village), retroactively beginning on March 13, 2024, through March 12, 2025, is hereby **approved** as modified by the conditions listed below, including the requirement that one of the temporary job site trailers shall be removed within 30 days of this decision.

Staff has **denied** a second temporary job site trailer as other projects of similar size and scope have only been permitted one temporary job site trailer.

CONDITIONS OF APPROVAL

1. The applicant is permitted to locate one temporary job site trailer per the submitted site plan at 37101 Dubarko Road (Tickle Creek Village), retroactively beginning on March 13, 2024, through March 12, 2025.
2. The second trailer presented in the application shall be removed within 30 days of this decision. No other structures are allowed with approval of this temporary use permit.
3. The temporary job site trailer approved with this decision shall be removed by the applicant no later than Wednesday March 12, 2025, unless an application extending this timeline has been applied for and approved prior to this date.
4. An additional extension of the temporary structure permit shall require a Type II process as specified by Section 17.74.60 (B) of the Sandy Development Code.

5. The temporary job site trailer and generator shall comply with Section 8.20 of the Municipal Code regarding noise.
6. No one shall sleep or stay overnight in the job site trailer.
7. The applicant is proposing the trailers will be a minimum of twenty (20) feet from the designated buffer area which will be verified.
8. This Temporary Structure Permit may be revoked by the City if the conditions of approval in this decision are not met. Approval of this Temporary Structure does not grant authority for the unrestricted use of the site.
9. Any other conditions or regulations required by Clackamas County and Fire District No. 72, are hereby made a part of this permit and any violation of the conditions of this approval will result in the review of this permit and/or revocation.
10. The applicant shall contact the Public Works Department for approval prior to connecting to the City's sanitary sewer infrastructure.
11. All signage requires a separate sign permit per Chapter 15.32.
12. The applicant shall apply for a building permit and install all improvements as required by the Sandy Building Official including adhering to all ADA standards.



Patrick Depa
Senior Planner

RIGHT OF APPEAL

A decision on a land use proposal or permit may be appealed to the Planning Commission by an affected party by filing an appeal with the Director within twelve (12) days of notice of the decision. The notice of appeal shall indicate the nature of the interpretation that is being appealed and the matter at issue will be a determination of the appropriateness of the interpretation of the requirements of the Code.

An application for an appeal shall contain:

1. An identification of the decision sought to be reviewed, including the date of the decision;
2. A statement of the interest of the person seeking review and that he/she was a party to the initial proceedings;
3. The specific grounds relied upon for review;

4. If de novo review or review by additional testimony and other evidence is requested, a statement relating the request to the factors listed in Section 17.28.50;
5. *Payment of required filing fees.* Payment of required filing fees is jurisdictional and must accompany an appeal at the time it is filed;
6. The name and mailing address of the person or entity appealing the decision; and
7. List and two sets of mailing labels for property owners within 300 feet of the subject property (for appeal of a Type I decision), 500 feet of the subject property for appeal of a Type II, III, or IV decision, or 1,000 feet for appeal of an annexation request. The property owner list and labels shall be obtained from a Title Company no more than seven days prior to submitting the appeal.