

**PLANNING COMMISSION STAFF REPORT  
TYPE III HARDSHIP TRAILER**

**DATE:** July 26, 2021

**FILE NO.:** 21-020 HRD/VAR

**PROJECT NAME:** 37359 Olson St. Hardship Trailer

**APPLICANT/OWNER:** Elaine Collinson

**LEGAL DESCRIPTION:** 24E 11AC Tax Lot 2000

**SITUS ADDRESS:** 37359 SE Olson St.

The above-referenced proposal was reviewed as a Type III Hardship Trailer with a Special Variance. The following exhibits, findings of fact, and recommended conditions of approval (bold text) explain the proposal.

**EXHIBITS:**

**Applicant's Submittals**

- A. Land Use Application
- B. Site Plan
- C. Physician's Letter

**Agency Comments**

- D. Sandy Fire District No. 72 (June 17, 2021)

**Public Comments**

- E. David Barney (June 20, 2021)

**FINDINGS OF FACT**

**General**

1. These findings are based on the applicant's submittal materials received on May 5, 2021. The application was deemed complete on May 26, 2021. The 120-day deadline is September 23, 2021.
2. The subject site is at 37359 SE Olson Street. The site has a comprehensive plan map designation of Low Density Residential and a zoning map designation of Single Family Residential.

3. Elaine Collinson, property owner, submitted an application to place a trailer on the subject site under a Type III hardship permit process.
4. This application includes a Type III Special Variance due to the property setbacks of the proposed siting of the trailer.
5. Notification of the proposal was mailed to property owners within 500 feet of the subject property and affected agencies on June 15, 2021 notifying them of the hearing. One clarifying question was received (Exhibit E).
6. A legal notice about the public hearing was published in the Sandy Post on July 14, 2021.
7. One agency comment was received from the Sandy Fire District Fire Marshal (Exhibit D) which states that current fire apparatus access and water supply requirements comply with the Oregon Fire Code, and that the Fire District has no opposition for this temporary dwelling for care.

#### 17.34 – Single Family Residential (SFR)

8. A permitted hardship trailer is required to follow the setback requirements of the underlying zoning district. In this case, it must be setback at least 10 feet from the front yard, 20 feet from the rear yard, and 7.5 feet from an interior side yard. According to the site plan, the proposed siting of the trailer will meet the front yard setback. It is unclear if the rear setback requirement can be met. **The applicant shall resubmit the site plan with the rear setback noted.**
9. The trailer is proposed to sit on a designated RV pad. Because of the placement of this pad, the applicant can not meet the required side yard setback. Rather, the trailer would be separated from the adjacent property by a fence. Because of this, staff is processing a Type III Special Variance to the interior yard setback requirement. Although the applicant did not formally request this variance, it is the only procedure by which the decreased setback can be allowed.

#### 17.66 – Adjustments and Variances

10. The applicant is requesting one Type III Special Variance to the requirement that the interior yard setback be at least 7.5 feet.
11. The Planning Commission may grant a special variance waiving a specified provision under the Type III procedure if it finds that the provision is unreasonable and unwarranted due to the specific nature of the proposed development according to Section 17.66.80.
12. There are three criteria to be applied in determining if a Type III Special Variance is warranted. Only one criterion needs to be met. Staff finds that the criterion found in Section 17.66.80(A) has been met.
13. 17.66.80(A) states that a Type III Special Variance may be granted if the unique nature of the proposed development is such that the intent and purpose of the regulations and of the provisions to be waived will not be violated, and authorization of the special variance will not be materially detrimental to the public welfare and will not be injurious to other property in the area when compared with the effects of development otherwise permitted.

14. Staff has no reason to believe that the proposed siting of the trailer violates the intent of the development code. Because the RV pad is located in a fenced in area, it is intended to provide a location for a trailer, boat, or recreational vehicle. Additionally, staff did not find through the public notice process any affected property owners whose property will be negatively affected by this variance.

#### 17.70 – Hardship Permit: Manufactured Home and Trailer Occupancy Permits

15. Chapter 17.70 contains requirements and criteria for approval of a hardship permit.
16. Application requirements found in Section 17.70.10 include a written letter from a physician verifying that health care or maintenance is required, a signed application form, a site plan, and a list of affected property owners. The applicant met these requirements.
17. According to Section 17.70.30, there are two criteria for approval. The first criterion states that the trailer must be necessary for health care or maintenance of the person. The physician's letter (Exhibit C) explains that the applicant's sister has medical conditions which warrant the siting of a hardship trailer on the applicant's property. The second criterion states that the trailer must be connected to an approved water and sewer system OR be completely self-contained for water and sewage. **The applicant shall submit plans to show that one of these requirements will be met.**
18. Section 17.70.60 states that a hardship permit is valid for a period of not more than 24 months or until the termination of the condition of hardship or emergency for which the permit was issued whichever occurs first.
19. Section 17.70.70 states that an application for renewal, with a renewal fee, shall be filed at least 90 days prior to expiration of the hardship permit. The renewal shall be a Type II procedure. A renewal application must be accompanied by an updated written statement from a physician that the need for health care or maintenance still exists.
20. Section 17.70.80 states that the hardship permit becomes null and void upon the vacation or demise of the person requiring health care or maintenance. The dwelling unit must be removed within 90 days of termination of the permit. If the dwelling unit is not removed within 90 days, the City Council may order removal of the dwelling and place a lien on the property to recover the costs of removal.

#### **RECOMMENDATION**

Staff recommends the Planning Commission **approve** the Type III Hardship Permit and Type III Special Variance subject to the conditions of approval below.

#### **CONDITIONS OF APPROVAL**

1. The applicant shall resubmit the site plan with the rear setback noted.
2. The applicant shall submit plans to show that the trailer will be connected to an approved water and sewer system OR will be completely self-contained for water and sewage. If connection to

the water and sanitary sewer system are utilized, then the applicant shall apply for a plumbing permit.

3. Approval of this application is only for the trailer shown in the submitted site plan (Exhibit B).
4. The City may revoke this Type III Hardship permit if conditions of approval are not met. Approval does not grant authority for the unrestricted use of the structure or site.
5. Approval for the hardship permit shall be effective for a 2-year period from the date of the final order or until the termination of the condition of hardship for which the permit was issued, whichever comes first.
6. An application for renewal, with a renewal fee, shall be filed at least 90 days prior to expiration of the hardship permit.
7. A renewal application must be accompanied by an updated written statement from a physician indicating that the need for health care or maintenance still exists.
8. The hardship trailer shall be removed within 90 days of the vacation or death of the person requiring care.
9. If the dwelling unit is not removed within 90 days, the City Council may order removal of the dwelling and place a lien on the property to recover the costs of removal.
10. Compliance with any additional conditions or regulations required by Clackamas County, Fire District No. 72, or state and federal agencies are hereby made a part of this approval and any violations of these conditions and/or regulations may result in the review of this approval and/or revocation of approval.