

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

**DATE:** September 08, 2021

**FILE NO.:** 21-053 TEMP Five Star Electric - Temporary Construction Trailer (Sandy Health Clinic)

**APPLICANT:** Five Star Electric

**OWNER:** Tom Orth

**LOCATION:** No Address (Future home of Ten Eyck Rim Subdivision) - North of 39740 Pleasant Street

**LEGAL DESCRIPTION:** 24E13AD00900

**EXHIBITS:**

**Applicant's Submission**

- A. Land Use Application
- B. Site Plan
- C. Email approval from property owner Tom Orth

**FINDINGS OF FACT**

1. Five Star Electric is a sub-contractor for Banlin Construction who is the general contractor constructing the Sandy Health Clinic, a 9,381 sq. ft building between Pleasant Street and Highway 26. The applicant requests a temporary structure permit to locate one portable construction trailer just north of 39740 Pleasant Street (Tax Lot 24E13AD00900). The proposed location is the future home of the Ten Eyck Rim subdivision and owned by Tom Orth.
2. Tom Orth, the owner of the property, approved in an email the proposed application and location of the temporary construction trailer. Mr. Orth also indicated he received an insurance waiver from the applicant, Five Star Electric.
3. The applicant's portable construction trailer will house the equipment and tools for two to three employees. The applicant is using Pleasant Street for parking.
4. This temporary use permit was applied for on September 7, 2021. This proposal is to use the temporary construction trailer starting on September 10, 2021, through September 10, 2022 (one year as projected by the applicant).
5. The portable construction trailer is 200 sq. ft and 25 feet in length by 8 feet in width.

6. The applicant does not propose a portable restroom as there is already one onsite for Banlin Construction. This was approved through File No. 21-052 TEMP.
7. The application did not indicate what the portable office trailer will look like or if skirting will be installed. **The applicant shall install skirting around the base of the portable office trailer to make the trailer more attractive and screen utility service lines from the public view.**
8. The applicant is not proposing any generators as the trailer will only be used for storage of equipment and tools. **The temporary portable office trailer shall comply with Section 8.20 of the Municipal Code regarding noise.**
9. According to Section 17.74.60(B), temporary structures in connection with construction of industrial or commercial facilities may be permitted, for a period not to exceed one (1) year. Renewal of a temporary permit shall be processed under the Type II procedure and may require a public hearing. **The applicant shall remove the portable office trailer by September 11, 2022.**
10. The property is zoned Medium Density Residential (R-2), and Section 17.38.30 identifies setback requirements associated with the R-2 zoning district. The submitted site plan does not identify proposed setbacks but since the trailer is temporary, there are no concerns with its location so long as it does not impede traffic on Pleasant Street or for the Sandy Police Department.
11. Signage shall not be allowed without first obtaining a sign permit. **The applicant is responsible for complying with Chapter 15.32 for all signage.**

## **SUMMARY**

For the reasons described above, the request by Five Star Electric to locate one portable construction trailer on the lot north of 39740 Pleasant Street (Tax Lot 24E13AD00900), beginning on September 10, 2021, through September 10, 2022, is hereby **approved** as modified by the conditions listed below.

## **CONDITIONS OF APPROVAL**

1. The applicant is permitted to locate one portable office trailer per the submitted site plan on the lot just north of 39740 Pleasant Street (Tax Lot 24E13AD00900) starting September 10, 2021, through September 10, 2022.
2. The portable office trailer shall be removed by the applicant no later than Sunday September 11, 2022, unless an application extending this timeline has been applied for and approved prior to this date.
3. Install skirting around the base of the trailer to make the trailer more attractive and screen utility lines from the public right-of-way.
4. The temporary trailer shall comply with Section 8.20 of the Municipal Code regarding noise.
5. The applicant shall install reflective devices on the container at locations capable of being struck by vehicles no later than September 30, 2021. The trailer shall not impede traffic on Pleasant Street or for the Sandy Police Department.

6. An 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.
7. This Temporary Structure Permit may be revoked by the City if conditions of approval are not met. Approval of this Temporary Structure does not grant authority for the unrestricted use of the site.
8. Any other conditions or regulations required by Clackamas County, Fire District No. 72, the Oregon Department of Transportation, or County, State or Federal agencies 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.

<u>Rebecca Casey</u>	<u>9.8.21</u>
Rebecca Casey	Date
Administrative Assistant	

*(Signed on behalf of Kelly O’Neill Jr., Development Services Director)*

### **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 Chapter 17.28.50; and
5. Payment of required filing fees.