

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

DATE: September 24, 2021

FILE NO.: 21-055 TEMP ~ Tickle Creek Village – Job Site RV

APPLICANT: Dan Riehl Excavating

OWNER: Dubarko Development Corporation (Gerry Engler)

LOCATION: 37101 Dubarko Road

LEGAL DESCRIPTION: 24E14 03100

EXHIBITS:

Applicant's Submission

- A. Land Use Application
- B. Site Plan

FINDINGS OF FACT

1. Dan Riehl Excavating is a sub-contractor for Dubarko Development Corporation who is constructing a multi-family condominium building called Tickle Creek Village (File No. 19-038 DR/FSH/VAR/TREE). The applicant requests a temporary structure permit to locate one temporary job site trailer (recreational vehicle) at 37101 Dubarko Road.
2. The temporary job site trailer is stationed east of Dubarko Road and south of Ruben Lane.
3. The applicant's temporary job site trailer will accommodate one to five employees. 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.**
4. This temporary use permit was applied for on September 15, 2021, after the RV was already installed on August 23, 2021. The anticipated removal date is May 30, 2022.
5. The applicant proposes to use a temporary onsite portable restroom facility.
6. The portable RV trailer is 192 sq. ft and 24 feet in length by 8 feet in width.
7. 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.**

8. According to Section 17.74.60(B), temporary structures in connection with construction may be permitted, for a period not to exceed 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 temporary job site trailer by May 30, 2022.**
9. The property is zoned Medium (R-2) and High (R-3) Density Residential and Sections 17.38.30 and 17.40.30 identifies setback requirements associated with the R-2 and R-3 zoning districts. The submitted site plan does not identify proposed setbacks but since the job site trailer is temporary there are no concerns with its location so long as it does not impede traffic on Ruben Lane or Dubarko Road and is located entirely on the applicant's property.
10. 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 Dan Riehl Excavating to locate one temporary job site trailer at 37101 Dubarko Road (Tickle Creek Village), retroactively beginning on August 23, 2021, through May 30, 2022 is hereby **approved** as modified by the conditions listed below.

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 August 23, 2021, through May 30, 2022.
2. The temporary job site **trailer shall be removed by the applicant no later than Monday May 30, 2022**, unless an application extending this timeline has been applied for and approved prior to this date.
3. The temporary job site trailer and generator shall comply with Section 8.20 of the Municipal Code regarding noise.
4. No one shall sleep in the job site trailer.
5. 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.
6. 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.
7. 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.

Rebecca Casey
Rebecca Casey
Administrative Assistant

9.24.21
Date

(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.