

**FINDINGS OF FACT and FINAL ORDER  
TYPE I LAND USE DECISION**

**DATE:** August 3, 2022

**FILE NO.:** 22-030 TEMP

**PROJECT NAME:** Sandy Funeral Home ~ Temporary Refrigeration Storage Trailer

**APPLICANT:** Sandy Funeral Home

**PROPERTY OWNER:** Paula Niska

**PROPERTY ADDRESS:** 39551 Pleasant Street

**LEGAL DESCRIPTION:** T2S R4E Section 13AC Tax Lot 04501

**DECISION:** Approved subject to conditions of approval

**EXHIBITS:**

**Applicant's Submission**

- A. Land Use Application (*received 7/26/22*)
- B. Site Plan (*received 7/26/22*)
- C. Emails with additional information

**FINDINGS OF FACT**

**General**

1. The applicant submitted a Temporary Structure Permit application on July 27, 2022, requesting approval to set up a temporary refrigeration trailer at the Sandy Funeral Home, located at 39551 Pleasant Street starting Wednesday August 10, 2022.
2. The applicant's temporary refrigeration trailer is for the storage of human remains. It will also be available for other local funeral homes.
3. The temporary refrigeration trailer will be placed in the NW corner parking lot behind their existing building and east of Revenue Avenue per the submitted site plan (Exhibit A).
4. The temporary refrigeration trailer is 24 feet in length and has a noise decibel level at 68db.

5. The refrigeration trailer is on wheels but will be “choked” and have a lock on the tongue of the trailer per the applicant’s email dated July 26, 2022 (Exhibit C).
6. Per the applicant, the trailer has a “shore power” connection as well as a generator. The “shore power” will be the main power source and the generator will be the backup.
7. The site is located east of Revenue Avenue and north of Pleasant Street. It has a Plan Map designation of Central Business District, C-1. Section 17.42.30 identifies setback requirements associated with the C-1 zoning district. The submitted site plan does not identify proposed setbacks; however, the size of the site is conducive to being able to meet the requirements.
8. The temporary refrigeration trailer will not impact any parking or handicap parking on the site and there will be no change in location of utilities, easements, or streets.

### **DECISION**

For the reasons described above, the request by Sandy Funeral Home and owner Paula Niska to place one temporary refrigeration trailer at 39551 Pleasant Street, starting August 11, 2022, through August 11, 2023, is hereby **approved** as modified by the conditions listed below.

### **CONDITIONS OF APPROVAL**

1. The applicant is permitted to place one temporary refrigeration trailer at 39551 Pleasant Street, per the submitted site plan, starting on August 11, 2022, through August 11, 2023.
2. The temporary refrigeration trailer shall be removed by the applicant by August 11, 2023, unless an application extending this timeline has been applied for and approved prior to this date.
3. The temporary refrigeration trailer shall be monitored to ensure there is no disruption of traffic and does not have adverse impacts to adjoining properties.
4. The temporary refrigeration trailer shall not be located in fire lanes or drive aisles.
5. The temporary refrigeration trailer shall comply with Section 8.20 of the Municipal Code regarding noise.
6. The applicant is responsible for complying with signage regulations and applying for sign permits. Obtain a sign permit for any requested signage in compliance with the requirements of Chapter 15.32, Sign Code. Per Section 15.32.080 roof signs are prohibited.
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, and 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.
9. Approval of this structure may be revoked if conditions of approval are not met. Approval does not grant authority for the unrestricted use of the structure or site. Any use of the site may be prohibited until such time as all required improvements are completed.

Rebecca Casey

August 3, 2022

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 12 calendar days of notice of the decision. Any person interested in filing an appeal should contact the city to obtain the form, "Notice of Appeal", and Chapter 17.28 of the Sandy Development Code regulating appeals. All applications for an 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.