

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

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<b>DATE:</b>	September 18, 2024
<b>FILE NO.:</b>	24-048 TEMP
<b>PROPOSAL:</b>	Accommodate Five Contractor’s Temporary Structures
<b>APPLICABLE CRITERIA:</b>	Section 17.74.60(B) Temporary Uses or Structures
<b>PROJECT NAME:</b>	Cascade Creek Construction Containers/Trailers
<b>APPLICANT/OWNER:</b>	Sam Nisley on behalf of Zac Baker, DPS LLC
<b>ADDRESS:</b>	38330 Hwy 211
<b>ZONING:</b>	Village Commercial (C-3)/Bornstedt Village Overlay (BVO)
<b>STAFF:</b>	Patrick Depa, Senior Planner

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### **BACKGROUND:**

In June of 2023, the City of Sandy approved File No. 22-039 DR/VAR/MP/TREE, a mixed-use development that includes a total of 78 multi-family residential units and 10 office spaces. The proposal consists of four (4) multi-family residential buildings to the south of Cascadia Village Drive and two (2) mixed-use office/residential buildings to the north of Cascadia Village Drive, as well as associated parking, landscaping, common open space, and roadway improvements.

Now that grading is underway and multiple dead or hazardous trees have been approved to be removed, the general contractor is requesting to place ten (10) containers/trailers on the north portion of the site. The trailers and containers will be used for various storage of construction materials, staging, and space for planning and personnel respites. The north part of the property is not scheduled for development until a later date.

The ten containers/trailers are owned by five (5) separate contractors which will have their individual materials separated from the other staging areas. In addition, the applicant is requesting the placement of two individual portable restrooms.

### **EXHIBITS:**

#### **Applicant’s Submission**

- A. Land Use Application
- B. Site Plan

### **FINDINGS OF FACT:**

1. The goals and policies of the Sandy Comprehensive Plan are not directly applicable to this application because relevant code sections do not cite specific policies as criteria for evaluating the proposal.
2. The site has a Plan Map designation of Village and a Zoning Map designation of Village Commercial (C-3)/Bornstedt Village Overlay (BVO).

3. The temporary construction containers and trailers are requested to be in support of contractors involved in the development of the apartments and offices.
4. The applicant is proposing two portable restrooms and handwashing stations outside of any temporary structure. No trailer will accommodate a restroom facility and there are no requests of any other temporary service utilities, including from PGE. If a power drop is requested by the applicant, they shall contact PGE directly.
5. The sizes and locations of the temporary trailers and containers are detailed on the site plan (Exhibit B). The proposed locations of the containers and trailers meet all the setback requirements of the Village Commercial (C-3)/Bornstedt Village Overlay (BVO) district. The proposed locations of the containers and trailers are all located in the northeast and northwest corners of the property, outside of the construction area.
6. The Sandy Development Code does not permit overnight accommodation (i.e., sleeping) in a temporary structure. Therefore, **no one shall sleep in any job site trailer.**
7. The proposed trailers and containers are proposed outside any designated tree protection fencing.
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 use permit shall be processed under the Type II procedure and may require a public hearing. **The applicant shall remove the temporary job site trailer one year from the date this final decision is issued unless an extension has been approved.**
9. Signage shall not be allowed without first obtaining a sign permit. **The applicant is responsible for complying with Chapter 15.32 for all signage.**

## **DECISION**

For the reasons described above, the request by Sam Nisley of Vaughn Bay Construction to locate multiple construction containers and trailers on 38330 Hwy 211, beginning on September 18, 2024, through September 17, 2025, is hereby **approved** as modified by the conditions listed below. This Temporary Structure Permit may be revoked by the City if conditions of approval are not met.

## **CONDITIONS OF APPROVAL**

1. Only the trailers and containers presented in the application and on the site plan are approved. No other structures are allowed with approval of this temporary use permit.
2. The temporary job site containers and trailer shall be removed by the applicant by September 18, 2025, unless an application extending this timeline has been applied for and approved prior to this date.
3. No overnight stays are permitted in the job site trailers.

4. All signage requires a separate sign permit per Chapter 15.32.
5. The applicant shall apply for a building permit and install all improvements as required by the Sandy Building Official, including adherence to all ADA standards.



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.