

**FINDINGS OF FACT AND FINAL ORDER
TYPE I TEMPORARY USE PERMIT**

DATE: June 06, 2022

FILE NO.: 22-007 TEMP Saturday Market

APPLICANT: Caitlin Taylor

OWNER: Jaime DeMars & Robert and Nancy DeMars (Bright Beginnings Learning Center & Daycare)

LOCATION: 38720 Cascadia Village Drive

LEGAL DESCRIPTION: T2SR4E24BD, Tax lot 3000

APPLICANT'S EXHIBITS:

- A. Land Use Application
- B. Site Plan
- C. Narrative
- D. Mailing Labels

Additional Documents Submitted by Staff:

- E. Public Access Easement Recorded Document

Agency Comments:

- F. Sandy Fire District No. 72 (June 2, 2022)

Public Comments:

- G. Lori Pyles, 19055 Barrington Ave (May 23, 2022)
- H. Keith King, 38814 Cascadia Village Dr (May 26, 2022)
- I. David Snider, 38808 Cascadia Village Dr (May 26, 2022)
- J. Randy Watkins, 38816 Cascadia Village Dr (May 31, 2022)

FINDINGS OF FACT

1. The applicant submitted payment and a Temporary Use Permit application on May 10, 2022, requesting temporary use permit approval to hold a weekly Saturday Market located at 38720 Cascadia Village Drive. The market is proposed to be held from 11:00 am to 3:00 pm every Saturday from June 11, 2022, to September 17, 2022, in the Bright Beginnings Learning Center & Daycare parking lot.
2. The site is zoned C-3, Village Commercial, and is located east of Bornstedt Road and south of Cascadia Village Drive.
3. The applicant has provided signatures from the property owners (Jaime, Robert & Nancy DeMars) who have approved this event to take place at this location.

4. Staff received recorded documents from First American Title showing the two public access easements located between the applicant's property and the private drive and the crossover easement between the applicant's property and Cascadia Village Drive. The applicant has proposed to block both public access easements during the times and dates mentioned in Finding #1.
5. The applicant's submission included a mailing list and labels for property owners within 300 feet of the subject property. Notification of the proposal was mailed to the property owners within 300 feet of the subject property and to affected agencies on May 20, 2022.
6. Staff received the following four public comments:
 - a. **Lori Pyles**, owner of 19055 Barrington Ave. Ms. Pyles voiced concern for parking and congestion, but overall would love to see the Saturday Market.
 - b. **David Snider**, owner of 38808 Cascadia Village Drive. Mr. Snider explained that he is generally supportive of the market but requested that the parking on the east side of the private drive that is privately owned by the townhomes not be used by the patrons or vendors of the market. Mr. Snider also asked that Bright Beginnings Daycare post signs advising participants that there is no parking on the adjacent side (east side) of the street.
 - c. **Keith King**, owner of 38814 Cascadia Village Drive. Mr. King said he "votes No" to the proposed parking at the Bright Beginning's Daycare.
 - d. **Randy Watkins**, owner of 38816 Cascadia Village Drive. Mr. Watkins stated that he worries that the market will create congestion on the private drive causing a safety risk for the kids playing in that area. He also worries the market will eliminate the townhouses existing on street parking.
7. Staff received an agency comment from the Sandy Fire District No. 72 Fire Marshall, Mr. Gary Boyles. Mr. Boyles stated the following requirements are from the Oregon Fire Code Chapters 5, 31, and Appendix B:
 - a. The applicant shall not allow vendors or patrons to use the private parking in the private drive to the east of the subject site. Applicant to consider adding no parking signage during the hours of operation at the entrance to the private drive from Cascadia Village Dr. indicating no Saturday Market parking allowed.
 - b. The aggregate area of multiple canopies placed side by side shall not exceed 700 square feet. A 12-foot fire break shall be provided between canopies when there are more than seven 10x10' canopies clustered together
 - c. At least two portable fire extinguishers, equally distributed and rated a minimum of 2-A:10BC, shall be located in conspicuous locations where they will have ready access and be immediately available for use.
 - d. Canopies shall be adequately roped, braced, and anchored to withstand the elements of weather and prevent against collapsing.
8. The applicant indicates that all 18 vendors will set up their booths for the event in the parking lot located at 38720 Cascadia Village Drive with parking for the community on Cascadia Village Drive and the Private Drive (apart from the parking spaces on the east side of the private drive) located to the east of the Bright Beginnings Learning Center & Daycare. The applicant will put up "no parking" signs on the east side of the private drive to ensure those spaces are not used by patrons or vendors of the market.

9. Chapter 17.10 defines a temporary use as, “a use, intended for limited duration, to be located in a zoning district not permitting such use and not constituting or continuing a nonconforming use or building.” The proposed use is determined to be a temporary use as defined. Parking lots are not designated to hold events on a year-round basis.
10. Section 17.74.60(A) specifies that temporary uses may be permitted for a period not to exceed 90 days. As specified above, the applicant proposes to have this event every Saturday from June 11, 2022, to September 3, 2022, for a total of 13 events. The Sandy Development code does not allow temporary use permits to be issued for more than 90 days.

SUMMARY

The request for the Saturday Market from 11:00 am to 3:00 pm, June 11, 2022, to September 3, 2022, at 38720 Cascadia Village Drive is hereby **approved** as modified by the conditions of approval listed below.

CONDITIONS OF APPROVAL

1. The applicant is permitted to use the lot located at 38720 Cascadia Village Drive for a weekly Saturday market event every Saturday from 11:00 am to 3:00 pm, June 11, 2022, to September 3, 2022. The subject property shall be returned to pre-event condition each Saturday by 4:00 pm and access to the easements shall be open.
2. The applicant shall not allow vendors or patrons to use the private parking on the east side of the private drive. The applicant is also responsible for posting “no parking signs” along the east side of the private drive.
3. Any proposed tents shall be secured at all corners to prevent being blown by the wind. The securing system used shall not penetrate into the parking lot surface.
4. The following requirements are from the Sandy Fire District No. 72 Fire Marshall, Mr. Gary Boyles. Mr. Boyles stated the following requirements are from the Oregon Fire Code Chapters 5, 31, and Appendix B:
 - a. The applicant shall not allow vendors or patrons to use the private parking in the private drive to the east of the subject site. Applicant to consider adding no parking signage during the hours of operation at the entrance to the private drive from Cascadia Village Dr. indicating no Saturday Market parking allowed.
 - b. The aggregate area of multiple canopies placed side by side shall not exceed 700 square feet. A 12-foot fire break shall be provided between canopies when there are more than seven 10x10' canopies clustered together
 - c. At least two portable fire extinguishers, equally distributed and rated a minimum of 2-A:10BC, shall be located in conspicuous locations where they will have ready access and be immediately available for use.
 - d. Canopies shall be adequately roped, braced, and anchored to withstand the elements of weather and prevent against collapsing.

5. No parking of vehicles is allowed on unimproved surfaces, such as grass.
6. The applicant shall maintain the striping of the parking area and maintain the designation of at least one van accessible ADA compliant parking space with an access aisle.
7. The proposed use shall be monitored to ensure there is no disruption of traffic or adverse impacts to adjoining properties, and that it is in compliance with sanitation requirements.
8. The event shall comply with Section 8.20 of the Municipal Code regarding noise and amplified music.
9. The applicant is responsible for complying with Chapter 15.32 for all signage. No signage shall be allowed without first obtaining a sign permit.
10. An extension of the temporary use permit shall require a Type II process as specified by Section 17.74.60 (A) of the Sandy Development Code
11. This Temporary Permit may be revoked by the City if conditions of approval are not met. Approval of this Temporary Permit does not grant authority for the unrestricted use of the site.
12. 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.



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 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.