

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

DATE: May 28, 2021

FILE NO.: 21-029 TEMP – Mount Hood Farmers Market

APPLICANT: AntFarm

OWNER: Leathers Fuel

LOCATION: 38600 Proctor Blvd. and 17455 Scales Avenue

LEGAL DESCRIPTION: 24E13CB, tax lots 700, 900, and 901

FINDINGS OF FACT

1. The applicant submitted a Temporary Use Permit application on May 26, 2021 requesting approval to hold a weekly farmer’s market with music at 17455 Scales Avenue and 38600 Proctor Blvd. The market is proposed to be held from 3 pm to 7 pm on Fridays from May 15, 2021 through October 15, 2021.
2. The applicant indicates that vendors will set up their booths for the event on the undeveloped vacant lot located at 17455 Scales Ave. and parking will be provided on the lot located at 38600 Proctor Blvd.
3. This farmers market has been occurring at the subject site since 2013.
4. The applicant had previously submitted a signed letter (December 4, 2013) from the property manager (Steve Reimer) acknowledging submittal of the application for the Farmers Market. Chief Operating Officer of Leathers Fuel Aaron Randels confirmed this in an email dated May 27, 2021.
5. 38600 Proctor Blvd. is located on the south side of Proctor Boulevard/Highway 26 and has frontage on both Proctor Blvd. and Pioneer Blvd. (Highway 26 couplet). The site is zoned C-1, Central Business District.
6. The lot located at 38600 Proctor Blvd. currently contains a structure used by the applicant for storage for their Outdoor Program and parking for the uses on the site. There is an ADA accessible restroom in the existing building at 38600 Proctor Blvd.
7. The proposed parking area located on this lot contains a combination of paved and gravel surfaces. No parking of vehicles is allowed on unimproved surfaces, such as grass.
8. In 2018, City Council declared the Mount Hood Farmers Market a “community-wide event” to allow for enhanced signage and temporary tents each year for the market.

9. Staff received an agency comment from the Sandy Fire District No. 72 Fire Marshall, Gary Boyles dated May 25, 2021. Here are the conditions:

Conditions for Mount Hood Farmer’s Market:

- **3103.7 Inspections.** Inspections. Periodic inspections to be conducted by the owner or his or her agent to make certain that operations continue to comply with all requirements.
- **3103.1 General.** Tents/canopies (no sides allowed) placed side by side are not to exceed an aggregate floor area of 700 square feet without a fire break clearance that is a minimum 12 feet wide and free from guy ropes or other obstructions.
- **3103.12 Means of egress.** Maintain a minimum aisle width of not less than 44 inches under the Mount Hood Farmer’s Market tent.
- **3106.4.4 Portable fire extinguishers.** A minimum 2A-10BC fire extinguisher to be located within 75 feet travel distance of the Mount Hood Farmer’s Market tent.
- **3106.4.5 Smoking.** Smoking shall be permitted only in designated areas. “No smoking” signs are to be conspicuously posted on and near the Mount Hood Farmer’s Market tent area.
- **3106.4.7 Combustible refuse.** Combustible refuse shall be kept in noncombustible containers with tight-fitting or self-closing lids. Combustible refuse shall be removed from the event site at regular intervals to prevent an unsafe accumulation within the event site.
- **3106.5.1 Separation from tents or structures.** Cooking appliances or devices that produce sparks or grease-laden vapors or flying embers (firebrands) shall not be used within 20 feet of a tent or temporary structure. *Exceptions: Designated cooking tents not occupied by the public when approved by the Fire Marshal.*
- **3107.4 Open or exposed flame.** Open flame or other devices emitting flame, fire, or heat or any flammable or combustible liquids, gas, charcoal, or any other unapproved devices shall not be permitted inside or located within 20 feet of any tent/canopy or structures while open to the public unless approved by the Fire Marshal.
- **3107.16 Separation of generators.** Generators and other internal combustion power sources shall be separated from tents/canopies by not less than 20 feet and shall be isolated from contact with the public by fencing, enclosure, or other approved means.
- **604.5 Extension cords.** Extension cords, if used, are to be listed for outdoors and plugged directly into an approved receptacle and except for approved multiplug extension cord, shall serve only one portable appliance.

DECISION

The proposed Temporary Use Permit is in general conformance with the standards of the Sandy Development Code, Chapter 17.74.60, and is hereby **approved** for 2021. The following conditions of approval are required in order to ensure compliance with all applicable regulations of the Sandy Municipal Code.

CONDITIONS OF APPROVAL

1. The applicant is permitted to use the lot located at 38600 Proctor Boulevard and 17455 Scales Avenue for a weekly farmer’s market event every week from 3pm – 7pm on Fridays, May 15, 2021 through October 15, 2021.

2. The applicant shall follow all COVID-19 guidelines as outlined by The State of Oregon.
3. The applicant shall maintain the striping of the parking area and maintain the designation of at least one van accessible ADA compliant parking space, including required striping and signage.
4. Parking of vehicles is not allowed on unimproved surfaces, such as grass.
5. The 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.
6. The following requirements from the Oregon Fire Code Chapter 31 shall be met:

Conditions for Mount Hood Farmer's Market:

- **3103.7 Inspections.** Inspections. Periodic inspections to be conducted by the owner or his or her agent to make certain that operations continue to comply with all requirements.
 - **3103.1 General.** Tents/canopies (no sides allowed) placed side by side are not to exceed an aggregate floor area of 700 square feet without a fire break clearance that is a minimum 12 feet wide and free from guy ropes or other obstructions.
 - **3103.12 Means of egress.** Maintain a minimum aisle width of not less than 44 inches under the Mount Hood Farmer's Market tent.
 - **3106.4.4 Portable fire extinguishers.** A minimum 2A-10BC fire extinguisher to be located within 75 feet travel distance of the Mount Hood Farmer's Market tent.
 - **3106.4.5 Smoking.** Smoking shall be permitted only in designated areas. "No smoking" signs are to be conspicuously posted on and near the Mount Hood Farmer's Market tent area.
 - **3106.4.7 Combustible refuse.** Combustible refuse shall be kept in noncombustible containers with tight-fitting or self-closing lids. Combustible refuse shall be removed from the event site at regular intervals to prevent an unsafe accumulation within the event site.
 - **3106.5.1 Separation from tents or structures.** Cooking appliances or devices that produce sparks or grease-laden vapors or flying embers (firebrands) shall not be used within 20 feet of a tent or temporary structure. *Exceptions: Designated cooking tents not occupied by the public when approved by the Fire Marshal.*
 - **3107.4 Open or exposed flame.** Open flame or other devices emitting flame, fire, or heat or any flammable or combustible liquids, gas, charcoal, or any other unapproved devices shall not be permitted inside or located within 20 feet of any tent/canopy or structures while open to the public unless approved by the Fire Marshal.
 - **3107.16 Separation of generators.** Generators and other internal combustion power sources shall be separated from tents/canopies by not less than 20 feet and shall be isolated from contact with the public by fencing, enclosure, or other approved means.
 - **604.5 Extension cords.** Extension cords, if used, are to be listed for outdoors and plugged directly into an approved receptacle and except for approved multiplug extension cord, shall serve only one portable appliance.
7. The existing drive aisle in the parking lot shall be kept clear to allow vehicular movement.
 8. 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.

9. The event shall comply with Section 8.20 of the Municipal Code regarding noise and amplified music.
10. The applicant is responsible for complying with the City Council approval for all market signage.
11. This Temporary Use Permit may be revoked by the City if conditions of approval are not met. Approval of this Temporary Use 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.