

FINDINGS OF FACT AND FINAL ORDER TYPE I TEMPORARY USE PERMIT

DATE:	May 8, 2024
FILE NO.:	24-024 TEMP
APPLICATION:	Type I – Procedure
NAME OF PROJECT:	Mount Hood Farmer’s Market
APPLICANT:	AntFarm Inc. - Contact: Jennifer Rippey
PROPERTY OWNER:	Leathers Fuel
LOCATION:	38600 Proctor Blvd. and 17455 Scales Avenue
APPLICABLE CRITERIA:	Section 17.74.60 – Temporary uses or structures
MAP/TAX LOT:	24E13CB, tax lots 700, 900, and 901
ZONING:	Central Business District (C-1)
STAFF CONTACT:	Patrick Depa, Senior Planner

FINDINGS OF FACT

1. The applicant submitted a Temporary Use Permit application (Exhibit A) on April 9, 2024, requesting approval to hold a weekly farmer’s market with music at 17455 Scales Avenue and 38600 Proctor Blvd. The site is in the center of the city’s downtown.
2. This Mount Hood Farmer’s Market (Market) has been occurring at the subject site since 2013.
3. The market is proposed to be held every Friday from 2:00 pm to 7:00 pm on May 17, 2024, through October 18, 2024. The only exception will be on Friday July 12 during the Sandy Mountain Festival.
4. AntFarm submitted a narrative discussing the growth of the Market over the last few years as well as the new times, music schedule, and desire to close Scales Avenue to accommodate more vendors (Exhibit B).
5. AntFarm submitted a letter to the City with the request to temporarily close Scales Avenue during the time the Market is open. On May 6, 2024, the applicant received approval from the City Council for the temporary road closure of Scales Avenue during the times stated above and only on the Fridays that fall between May 17, 2024, through October 18, 2024.
6. The applicant is still required to file for a City of Sandy right-of-way permit and an Oregon Department of Transportation (ODOT) permit to occupy or perform operations upon a State Highway.

7. The site plan submitted shows Scales Avenue closed and tents and vendors occupying space in the right-of-way (Exhibit C).
8. 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 Central Business District (C-1).
9. The owner of Leathers Fuel, Brent Leathers, still stands behind the authorization letter attached with every Farmer's Market application since August of 2016. The letter confirms that AntFarm can continue to hold their events on the Proctor Blvd. property and has authorization to apply under both their business name and Brent Leathers name (Exhibit B).
10. Parking will be provided on the lot located west of the market as well along Pioneer Blvd. and Proctor Blvd., except during the sale of fireworks.
11. 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.
12. The proposed parking areas contain a combination of paved and gravel surfaces. No parking of vehicles is allowed on unimproved surfaces, such as grass.
13. In 2018, the 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.
14. Clackamas Fire District Fire Marshal Mike Boumann reviewed and approved the proposed event on all three parcels. Staff received an agency comment from the Clackamas County Fire District Fire Marshal, Mike Boumann on both April 23rd and May 1st, 2024.

Conditions for the Mount Hood Farmer's Market:

- **3103.7 Inspections.** Periodic inspections to be conducted by the owner or owner's 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 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 of one 2A-10BC fire extinguisher to be located within 75 feet travel distance of the Mount Hood Farmer's Market tent. Portable fire extinguisher(s) to be placed conspicuously so its location is visible and accessible in the event of an emergency.
- **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.
- **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.

EXHIBITS:

- Exhibit A. Land Use Application
- Exhibit B. Narrative
- Exhibit C. Site Plan
- Exhibit D. Certificate of Liability Insurance

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 the Mount Hood Farmers Market for 2024. 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 property with addresses of 38600 Proctor Boulevard and 17455 Scales Avenue for a weekly farmer’s market event every week from 2:00 pm to 7:00 pm on Fridays, May 17, 2024, through October 18, 2024, except during the Sandy Mountain Festival.
2. The applicant shall submit a City of Sandy Right-of-Way permit application to the Public Works Department as well as an ODOT permit to occupy or perform operations upon a state

highway. The applicant shall follow all direction from ODOT and the Public Works Department pertaining to barricades including size, height, and placement.

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 applicant submitted their certificate of liability insurance (Exhibit D) that covers the event. The certificate includes riders that “Hold Harmless” AntFarm, Leathers family, and the City of Sandy.
7. The following requirements from the Oregon Fire Code, Chapter 31 shall be met:

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- **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.
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 - **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.
8. The existing drive aisle in the parking lot shall be kept clear to allow vehicular movement.
 9. 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.
 10. The event shall comply with Section 8.20 of the Municipal Code regarding noise and amplified music.
 11. The applicant is responsible for complying with the City for all market signage.
 12. 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.



Patrick Depa
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 at least the following:

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.