

FINDINGS OF FACT AND FINAL ORDER TYPE I TEMPORARY USE PERMIT

DATE:	March 20, 2026
FILE NO.:	26-005 TEMP
APPLICATION:	Type I – Procedure
NAME OF PROJECT:	Sandy Mountain Festival Carnival
LOCATION:	Carnival - 38600 Proctor and 17455 Scales Avenue Laydown Lot - 38922 Pioneer Blvd.
APPLICANT:	Sandy Mountain Festival - Contact: Kelly French
PROPERTY OWNER(S):	Leathers Fuel (carnival site) Shan Hill (lay down site)
APPLICABLE CRITERIA:	Section 17.74.60 – Temporary uses or structures
MAP/TAX LOT:	24E13CB, tax lots 700, 900, and 901 - 24E13CA05400
ZONING:	Central Business District (C-1)
STAFF CONTACT:	Patrick Depa, Senior Planner

BACKGROUND/PROPOSAL

The Sandy Mountain Festival is proposing a carnival with rides, games, and food during the annual Sandy Mountain Festival. The last time the carnival was in Sandy was in 2022. The temporary use permit request is for both the carnival location and for a laydown lot that will be used for temporary tractor trailer storage and workers quarters, which will be in RVs, for the duration of the carnival.

The carnival is proposed to operate on the property at 38600 Proctor Blvd. and 17455 Scales Avenue during the festival events in Meinig Park. The carnival plans to set up on 07/06/2026, and open 07/09/2026 from 5pm-10pm. The carnival will be open from 10am-10pm on 07/10/2026 and 07/11/2026. The carnival will close on 07/12/2026 after being open from 10am-5pm and tear down will be complete by 07/13/2026 (see Exhibit A).

Due to the nature of the carnival layout, the Sandy Mountain Festival Coordinator made a request to City Council to approve both the closure of Scales Avenue between Proctor Blvd. and Pioneer Blvd. and a noise exception until 10:00 pm each night. The carnival’s food and game alley is proposed to occupy Scales Avenue. On March 16, 2026, the applicant received approval from the City Council for both the noise exemption and the temporary closure of Scales Avenue during the dates stated above.

The laydown lot will be at 38922 Pioneer Blvd. and is a designated, non-public area used for the storage, setup, and maintenance of equipment. It serves as the logistics hub where ride components, game stalls, food stands, vehicles, and trailers are stored when not in use. The laydown lot will also act as workers’ quarters, which will be in RVs, for the duration of the carnival.

EXHIBITS

Exhibit A. Land Use Application/Narrative

Exhibit B. Road Closure Map

Exhibit C. Carnival Site Plan

Exhibit D. Laydown Lot Map

FINDINGS OF FACT

Finding 1. The carnival is proposed to occupy 38600 Proctor Blvd. and 17455 Scales Avenue. Both addresses are located on the south side of Proctor Boulevard and have frontage on both Proctor Blvd. and Pioneer Blvd. (Highway 26 couplet). The site also has frontage on Scales Avenue.

Finding 2. The proposed carnival location is zoned (C-1) Central Business District. The properties to the north, south, east, and west are also zoned C-1.

Finding 3. The laydown lot is proposed to be located at 38922 Pioneer Blvd. The proposed laydown lot location is zoned Central Business District (C-1). The properties to the north, east, and west are also zoned C-1. The property to the south is zoned High Density Residential (R-3).

Finding 4. AntFarm Youth and Family Services are currently leasing the property that will host the carnival from the Leathers Fuel Company. The Leathers Fuel Company provided an authorization letter approving the sub-lease of the property to the Sandy Mountain Festival and Brass Ring Carnivals.

Finding 5. Shan Hill is the current owner of 38922 Pioneer Blvd. and has agreed to temporarily lease his property for the carnival's laydown lot. Shan Hill provided a letter granting permission for the duration of the carnival. **The applicant shall submit their certificate of liability insurance that covers the carnival event and laydown lot. The certificate includes riders that "Hold Harmless" AntFarm, the Leathers family, Shan Hill, and the City of Sandy.**

Finding 6. The applicant applied for a City of Sandy right-of-way permit for the closure of Scales Avenue from Pioneer Blvd. to Proctor Blvd. (see Exhibit B). Because the request overlaps into Proctor Blvd. and Pioneer Blvd. right-of-way, an Oregon Department of Transportation (ODOT) permit to temporarily occupy or perform operations upon a State Highway is also necessary.

Finding 7. After approval of the right-of-way permit by the City of Sandy, the Mountain Festival Coordinator applied for an – "Application And Permit To Occupy Or Perform Operations Upon A State Highway" with the City's consent to ODOT for

review. On February 27, 2026, ODOT approved the closure of Scales Avenue for the duration of the carnival.

Finding 8. Scales Avenue will have a “Type III Barricade” placed at both of the intersections with Proctor Blvd. and Pioneer Blvd. from July 6, 2026, through July 13, 2026. In addition, “Road Closed Ahead” and “No Left Turn” signs will be placed in close proximity to each intersection.

Finding 9. The carnival provided a site plan (see Exhibit C) showing a tentative layout of the vendor tents and booths that will occupy Scales Avenue. **The applicant shall secure all tents at all corners to prevent being blown by the wind. The securing system used shall not penetrate into any street or parking lot surface.**

Finding 10. Limited parking will be provided on the AntFarm property for the carnival use. **The applicant shall ensure that at least one van accessible ADA compliant parking space in the AntFarm’s parking area is provided, including the required striping and signage.**

Finding 11. Parking for the carnival is available along Pioneer Blvd. and Proctor Blvd. and multiple City parking lots in downtown Sandy.

Finding 12. Water supply will be provided to the carnival via a fire hydrant located at the SW corner of Proctor Blvd. and Scales Avenue. The Public Works Department will attach a meter to the fire hydrant to monitor the amount of water used. **The applicant shall contact the Public Works Department to arrange use of the fire hydrant.**

Finding 13. Portable restrooms will be provided on both the carnival site (4 regular, one ADA), and at the laydown lot (2 regular). **The applicant shall include at least one ADA portable restroom at the laydown lot.** Temporary hand-washing stations and clean water will be provided by Sandy Action Center at the laydown lot and by AntFarm at the carnival site. **The proposed RVs, portable toilets, and the hand-washing stations shall not connect to the City of Sandy sanitary sewer system due to the existing moratorium and consent decree.**

Finding 14. Clackamas Fire District Fire Marshal Mike Boumann reviewed and approved the proposed event with the conditions below. The following requirements from the Oregon Fire Code, Chapter 31, shall be met:

Conditions for the Mountain Festival Carnival:

- **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 cords, 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 the Sandy Mountain Festival Carnival at the following locations: **Carnival** at 38600 Proctor Blvd. and 17455 Scales Avenue; and, **Laydown Lot** at 38922 Pioneer Blvd. The following conditions of approval are required in order to ensure compliance with all applicable regulations of the Sandy Municipal Code and Oregon Fire 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 carnival between 07/06/2026 and end of day 07/13/2026 from 10am-10pm for a carnival associated with the Sandy Mountain Festival. The temporary use also covers the laydown lot located on 38922 Pioneer Blvd. during the same duration of time.
2. The applicant shall secure all tents at all corners to prevent being blown by the wind. The securing system used shall not penetrate into any street or parking lot surface.
3. The applicant shall submit their certificate of liability insurance that covers the carnival event and laydown lot. The certificate includes riders that “Hold Harmless” AntFarm, the Leathers family, Shan Hill, and the City of Sandy.
4. The applicant shall maintain the AntFarm’s parking area not being used by the carnival and maintain the designation of at least one van accessible ADA compliant parking space, including required striping and signage.
5. The applicant shall include at least one ADA portable restroom at the laydown lot.
6. The proposed RVs, portable toilets, and the hand-washing stations shall not connect to the City of Sandy sanitary sewer system due to the existing moratorium and consent decree.
7. The proposed use shall be monitored to ensure there is no disruption of traffic or adverse impacts on adjoining properties, and that it is in compliance with sanitation requirements.
8. The applicant shall contact the Public Works Department to arrange use of the fire hydrant.
9. The applicant is responsible for complying with the City for all signage.
10. The following requirements from the Oregon Fire Code, Chapter 31, shall be met:

Conditions for the Mountain Festival Carnival:

- **3103.7 Inspections.** Periodic inspections are 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. 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 cords, shall serve only one portable appliance.

11. This Temporary Use Permit may be revoked by the City if conditions of approval are not met. Approval of this Temporary Use Permit does not grant authority for the unrestricted use of either 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 a party with appeal standings by filing an appeal with the Director within twelve (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 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) or 500 feet of the subject property for appeal of a Type II or Type III decision. The property owner list and labels shall be obtained from a Title Company no more than seven days prior to submitting the appeal. Note that a Type IV decision may be appealed to the Land Use Board of Appeals (LUBA) or to other tribunals in accordance with Oregon law.