

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

DATE: August 9, 2023

FILE NO.: 23-024 TEMP

APPLICANT: Trajectory, Austin Ernst

OWNER: Leathers (AntFarm leases the property)

DESCRIPTION: Sandy Invitational Chainsaw Carving Event

LOCATION: 38600 Proctor Blvd.

TAX MAP and LOT: 24E13CB0090

EXHIBITS

Applicant's Submittals:

- A. Exhibit A. Land Use Application
- B. Exhibit C. Narrative
- C. Exhibit D. Site Plan
- D. Exhibit E. Information flyer
- E. Exhibit F. Clackamas Fire District No.1, Fire Marshal approval
- F. Exhibit G. Approval from property owner
- G. Exhibit H. Insurance coverage
- H. Exhibit I. Additional details email

FINDINGS OF FACT

General

1. These findings are based on the applicant's original submittal received on July 14, 2023, with additional items received on July 20, 2023, and August 7, 2023. The applicant submitted a Temporary Use Permit application, narrative, site plan, proof of insurance, property owner approval, and Fire Marshal approval, requesting temporary use permit approval to hold a one-day event hosting independent wood carving artists with chainsaws. The event will take place behind the AntFarm building at 38600 Proctor Blvd. and span three lots where the Sandy Farmers Market usually takes place.
2. This report is based upon the exhibits listed in this document, including the applicant's submittals, agency comments, and City Council approval.
3. The event is proposed for Saturday, August 26, 2023, from 8:00 a.m. to 7:00 p.m. In addition to the twelve (12) proposed wood carvers, the applicant is also proposing educational booths,

traveling tree tours by certified arborists, practical demonstrations with public participation and a silent auction of the wood carvers' main pieces.

4. Staff asked City Council for a “noise exception” to Chapter 8.20.020, due to the “loud, disturbing, and unnecessary noises” from the twelve (12) chainsaws running throughout the day in downtown Sandy. **On August 7, 2023, the City Council approved the noise exception to Chapter 8.20.020 with a vote of 6:0.**

17.74.60– Temporary Uses

5. Temporary uses, as defined in Chapter 17.10—Definitions, not located within a structure, may be permitted for a period not to exceed 90 days. The applicant proposes a one-day event; therefore, staff finds the applicant meets the 90-day maximum time period requirement.
6. The applicant provided a site plan (Exhibit C) showing twelve divided spaces of 15 feet by 30 feet for each wood carver and stated that each space will be blocked off from the public by screening or fencing for protection.
7. The applicant plans on providing demonstrations in the “Timber Sports Demonstration Area” as marked out on the submitted site plan. The applicant will require waivers from any public participation. Other safety precautions are also noted in the narrative (Exhibit B).
8. The applicant provided an email (Exhibit F) from property owner Brent Leathers who gave AntFarm owner Nunpa the authority to approve this event on their behalf.
9. Clackamas Fire District No.1, Fire Marshal Shawn Olson provided comment on August 1, 2023 (Exhibit E) that their approval was not needed. Regardless, the applicant did request an apparatus on site in case of emergencies. The applicant expects the fire apparatus from Clackamas Fire to set up on Scales Avenue.
10. The applicant provided commercial liability insurance (Exhibit G) that covers Trajectory from May 19, 2023, to May 19, 2024. They also signed a “Hold Harmless” agreement provided by the City of Sandy, dated August 7, 2023.
11. The applicant plans on using the temporary restrooms already in place from the Farmers Market for restrooms. There is an ADA accessible restroom in the existing building at 38600 Proctor Blvd.
12. 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.**

DECISION

On August 7, 2023, the City Council approved with a vote of 6:0 the noise exception to Chapter 8.20.020. The proposed Temporary Use Permit is in general conformance with the standards of the Sandy Development Code, Chapter 17.74.60, and is therefore **approved**, subject to the

conditions of approval below.

CONDITIONS OF APPROVAL

1. The applicant is permitted to use the subject property at 38600 Proctor Blvd. for the Temporary one-day “Sandy Invitational Chainsaw Cutting” event on Saturday, August 26, 2023, from 8:00 a.m. to 7:00 p.m. **The subject property shall be returned to pre-event condition by Sunday August 27, 2023.**
2. The proposed activity shall not disrupt through traffic to adjacent businesses.
3. All existing drive aisles in the parking lot shall be kept clear to allow vehicular movement.
4. Parking of vehicles is not permitted on unimproved surfaces, such as grass.
5. The proposed use shall be monitored to ensure there is no disruption of traffic on Pioneer Blvd., Proctor Blvd., and Scales Avenue, or in the parking lots of the adjoining businesses.
6. Tents, canopies, or membrane structures and their appurtenances shall be adequately roped, braced, and anchored to withstand the elements of weather and prevent against collapse. Documentation of structural stability shall be furnished to the Sandy Fire Marshal upon request.
7. This event received a noise exception to Chapter 8.20.020 but shall otherwise comply with Section 8.20 of the Municipal Code regarding noise and amplified music. **Any noise associated with this event shall be turned off by 7:00 p.m.**
8. The applicant is responsible for complying with Chapter 15.32 for all signage. No signage shall be allowed without first obtaining a sign permit.
9. 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.
10. Any other conditions or regulations required by Clackamas Fire District No.1, 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 City Council by an affected party by filing an appeal with the Director within 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), 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.