

**NOTICE OF DECISION  
TYPE I TEMPORARY USE PERMIT**

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<b>DATE:</b>	December 7, 2023
<b>FILE NO.:</b>	23-051 TEMP
<b>APPLICATION:</b>	Type I – Design Review
<b>APPLICANT:</b>	Holiday Tree Lot - Antfarm
<b>OWNER:</b>	Leathers Limited Partnership
<b>LOCATION:</b>	38600 Proctor Blvd.
<b>TAX MAP &amp; LOT:</b>	24E13AC02200
<b>ZONING:</b>	C1 (Central Business District)
<b>STAFF CONTACT:</b>	Patrick Depa, Senior Planner

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**FINDINGS OF FACT**

1. The applicant submitted a Temporary Use Permit application on December 6, 2023, requesting temporary use approval to sell Christmas trees at 38600 Proctor Blvd. from December 1, 2023, through December 23, 2023.
2. 38600 Proctor Blvd. is located on the south side of Proctor Blvd. and has frontage on both Proctor Blvd. and Pioneer Blvd. The site is zoned C-1, Central Business District.
3. The applicant proposes to sell Christmas trees and wreaths from Thursday thru Saturday between 4pm to 7pm.
4. The lot proposed for the sale of trees is adjacent to a building on site where the group will access for electricity. The only lights being proposed will be three long stands of bulbs strung around the fencing. All bulbs will be non-blinking, twinkling or strobing.
5. Antfarm plans to display the Christmas trees within a cage and have parking closer to the west property line.
6. The group will have a tent on site to wrap the trees for transport and for the processing of sales.
7. The applicant has a formal lease from property owners that allows this activity.
8. According to Section 17.74.60(A), temporary uses are allowed for a period not to exceed 90 days. The applicant proposes to use the site for Christmas tree sales for a little more than 21 days, which is less than the maximum number of days for a temporary use.

**COMMENTS**

Building, Public Works and Sandy Net had no comments for this use.

Clackamas Fire looked at the proposal and had no specific comments. The Planning Division looked back at previous approvals from past years and found some conditions that apply with this type of proposed use. They are as follows:

- A) All means of ingress/egress from to the public right-of-way shall not be obstructed.
- B) Use of unlisted electrical wiring and lighting on or near the natural cut trees shall be prohibited.
- C) Natural cut trees shall be kept a minimum of 8-feet from heat vents and any open flame or heat producing devices.
- D) Access to exits and exit paths from the business shall not be obstructed by the Christmas Trees.
- E) No open flames or other sources of ignition are allowed in the vicinity of the Christmas trees without prior approval from the Fire Marshal.
- F) Two (2) fire extinguishers shall be onsite. “No smoking” signs shall be posted.

## **DECISION**

For the reasons described above, the request by AntFarm to sell Christmas trees at 38600 Proctor Boulevard on a temporary basis is hereby **approved** as modified by the conditions listed below.

## **CONDITIONS OF APPROVAL**

1. The applicant is permitted to use the lot located at 38600 Proctor Blvd. for Christmas tree sales from December 1, 2023, through December 24, 2023. Tear down and removal shall be no later than December 29, 2023.
2. The applicant shall adhere to all safety requirements, including:
  - A) All means of ingress/egress from to the public right-of-way shall not be obstructed.
  - B) Use of unlisted electrical wiring and lighting on or near the natural cut trees shall be prohibited.
  - C) Natural cut trees shall be kept a minimum of 8-feet from heat vents and any open flame or heat producing devices.
  - D) Access to exits and exit paths from the business shall not be obstructed by the Christmas Trees.

E) No open flames or other sources of ignition are allowed in the vicinity of the Christmas trees without prior approval from the Fire Marshal.

F) Two (2) fire extinguishers shall be onsite. “No smoking” signs shall be posted.

3. The proposed activity shall not disrupt through traffic and must be monitored to ensure there is no disruption of traffic, nor adverse impacts to adjoining properties and businesses.
4. The event shall comply with Section 8.20 of the Municipal Code regarding noise and amplified music.
5. The applicant is responsible for complying with Chapter 15.32 for all signage. No signage shall be allowed without first obtaining a sign permit.
6. 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.



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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) 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.