

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

---

<b>DATE:</b>	May 8, 2024
<b>FILE NO.:</b>	24-011 TEMP
<b>APPLICATION:</b>	Type I – Procedure
<b>NAME OF PROJECT:</b>	Sandy Invitational Chainsaw Carving (SICC) Event
<b>APPLICANT:</b>	Trajectory, Austin Ernesti
<b>PROPERTY OWNER:</b>	Leathers Fuel
<b>LOCATION:</b>	38600 Proctor Blvd.
<b>APPLICABLE CRITERIA:</b>	Section 17.74.60 – Temporary uses or structures
<b>MAP/TAX LOT:</b>	24E13CB, tax lots 700, 900, and 901
<b>ZONING:</b>	Central Business District (C-1)
<b>STAFF CONTACT:</b>	Patrick Depa, Senior Planner

---

### **BACKGROUND:**

Austin Ernesti, the owner of Trajectory, is proposing for the second year in a row, the Sandy Invitational Chainsaw Carving (SICC) event. This year the event is separated into two locations. The 38600 Proctor Blvd. location is considered the main site and is evaluated in this final order. The second location, 16640 Champion Way is considered the annex and will be reviewed under case file 24-012 TEMP.

The event is divided into five parts with the main event being the active chainsaw carving of 15-20 artists and the selling and auctioning of their art. They are also hosting independent wood carving artists to demonstrate their capabilities and sell art along with other relevant vendors/educational booths with partner organizations. Carvers choose their logs at 8:00 am and saws are required to be put down at 5:30 pm with the judging panel decision announcement. A "Quick Carve" event will also take place from 1:00 to 2:00 pm where carvers are each given a second piece to carve whatever they desire. Silent auction on those pieces is conducted at 5:00 pm. Artists may also display and sell their own pieces.

The applicant applied and received a noise exemption to Chapter 8.20.020 from the City Council on May 6, 2024. The exception was made for the extensive noise output of the chainsaws. Chainsaws are permitted to operate all day between the hours of 8:00 am and 7:00 pm. At the same City Council meeting, the applicant also applied and received approval to temporarily close Scales Avenue. The request was made to accommodate both the event activity as well as food vendors and artists. The road will be closed at both Pioneer and Proctor Boulevard.

Sandy Area Metro (SAM) will be providing a specialty route during the SICC event on June 1st. SAM is putting together a route that will include the SICC Main Site (Proctor Blvd.) and SICC Annex (Champion Way), plus several extra locations around Sandy.

## **FINDINGS OF FACT:**

1. These findings are based on the applicant's original submittal received on February 23, 2024, with additional items received on March 22, 2024, and April 25, 2024. The applicant submitted a "Temporary Use Permit" application, narrative, site plan, proof of insurance, property owner approval, and Fire Marshal approval attached as exhibits and listed below.
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 temporary use permit is to hold a one-day event hosting independent wood carving artists with chainsaws. The event will take place to the east of the AntFarm building at 38600 Proctor Blvd. and span three lots where the Sandy Farmers Market usually takes place.
4. The event is proposed for Saturday, June 1, 2024, from 8:00 a.m. to 7:00 p.m. In addition to the 15-20 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.
5. A staff report was prepared for City Council at the applicant's request to approve the temporary road closure of Scales Avenue and for a "noise exception" to Chapter 8.20.020, due to the "loud and disturbing noises" produced by the twenty (20) chainsaws running throughout the day in downtown Sandy. **On May 6, 2024, the City Council approved both the Scales Avenue road closure and the noise exception to Chapter 8.20.020 with a vote of 7:0.**

### 17.74.60– Temporary Uses

6. 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.
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 before any public participation. Other safety precautions are also noted in the narrative (Exhibit B).
8. 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.
9. The applicant submitted their certificate of liability insurance (Exhibit D) that covers the June 1, 2024, event. The certificate includes riders that "Hold Harmless" AntFarm, Brad Picking, Leathers family, the City of Sandy, Sandy Area Metro (SAM), and Trajectory.

10. The applicant provided an email (Exhibit E) from property owner Brent Leathers who gave AntFarm the authority to approve this event on their behalf.
11. Clackamas Fire District, Fire Marshal Mike Boumann provided comments on May 1, 2024. The applicant requested a fire apparatus vehicle from Clackamas Fire set up on Scales Avenue in case of emergencies. Clackamas Fire agreed. Other conditions are as follows:

**Conditions for SICC event:**

- **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.
  - **3106.4.4 Portable fire extinguishers.** A minimum of one 2A-10BC fire extinguisher to be located within 75 feet travel distance of all carver locations. 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 entrances into the event.
  - **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.
12. The applicant plans on using the temporary restrooms already in place for the Mount Hood Farmers Market. There is an ADA accessible restroom in the existing building at 38600 Proctor Blvd.
  13. 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.**

## **EXHIBITS:**

- Exhibit A. Land Use Application
- Exhibit B. Narrative
- Exhibit C. Site Plan
- Exhibit D. Certificate of Liability Insurance
- Exhibit E. Approval from property owner

## **DECISION:**

On May 6, 2024, the City Council approved with a vote of 7:0 the noise exception to Chapter 8.20.020 and the Scales Avenue Road Closure. 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, June 1, 2024, from 8:00 a.m. to 7:00 p.m. **The subject property shall be returned to pre-event condition by Sunday June 2, 2024.**
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. or Proctor Blvd., 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, the Oregon Department of Transportation (ODOT), 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.
11. 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 directions from ODOT and the Public Works Department pertaining to barricades including size, height, and placement.
12. Conditions for SICC event:
  - **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.
  - **3106.4.4 Portable fire extinguishers.** A minimum of one 2A-10BC fire extinguisher to be located within 75 feet travel distance of all carver locations. 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 entrances into the event.
  - **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.



Patrick Depa  
Senior Planner

**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.