



March 1, 2024

CUP-01-23

"Pickathon" Notice of Decision and Final Conditions of Approval

This is official notice of action taken by the City of Happy Valley Planning Commission at a public hearing held on February 27, 2024, regarding an application by Pickathon LLC, for a Conditional Use Permit (File No. CUP-01-23). The subject site is addressed at 16581 SE Hagen Road. Properties include several locations (see maps on reverse side) and are known as Clackamas County Assessor Map Numbers 12E36DA, Tax lots 100, 200, and 300; 13E30A, Tax lots 1001, and 1500; 13E31A, Tax lots 100, 1200, 1300, 1500, and 1600; 13E31B, Tax lots 700, 900, 1000, 1100, and 1200; 13E31C Tax lots 3000, 3100, 3200, 3300, 3400, 3500, 3600, 4500, 4600, and 4700; and 13E32B Tax lot 200.

At the public hearing, the Planning Commission approved the "Pickathon" application, for a Conditional Use Permit (CUP) to allow for the continuation of an annual, four-day festival known as the Pickathon Experiential Music Festival for ten additional years from 2024 until 2033 within the City of Happy Valley, based upon the submitted information, public testimony, and compliance with the applicable criteria.

This action of the Planning Commission is subject to an appeal to the City Council per the provisions of Section 16.61.040 of Title 16 (Land Development Code) of the City of Happy Valley Municipal Code. An appeal, by anyone entitled to Notice of Decision or with Standing, of this decision must be filed within 14 days of the mailing of this Notice of Decision. Staff from the City's Planning Division (planninginfo@happyvalleyor.gov) can provide information regarding forms, fees, and the appeal process. Issues which may provide the basis for an appeal to the City Council shall be submitted in writing, accompanied by a filing fee of \$1,068 plus attorney's fees (\$2,500 deposit required), prior to the expiration of the appeal period. Issues shall be raised with sufficient specificity to enable the Planning Official or designee to respond to the issue. If no appeal is filed by **Thursday, March 15, 2024, at 5:00 p.m.**, this decision shall be deemed final.

Chris Alfino, AICP Senior Planner (chrisa@happyvalleyor.gov)

Final Conditions of Approval for File number CUP-01-23, "Pickathon"

1. This CUP is specifically granted for the years 2024 to 2033. The event is allowed once yearly, mid to late summer; Thursday through Sunday with patrons arriving on Wednesday. Event Staff is allowed onsite to begin set-up three weeks prior to the event and will be allowed to breakdown and clean-up up to ten days after the event. In addition, limited sound checks will be allowed on Monday, Tuesday, and Wednesday before the event.
2. The maximum number of paid attendees onsite at any given time shall not exceed 8,500. In addition, a total of 3,500 non-paid attendees/volunteers may staff the event.
3. No on-street parking is allowed in conjunction with the festival, unless approved by the City of Happy Valley. At no time shall event goers be sleeping in their cars in the right-of-way.
4. Incidental overnight camping shall be permitted in conjunction with the festival per the following restrictions:
 - a. Paid overnight camping is limited to the Wednesday, Thursday, Friday, Saturday, and Sunday night associated with the Pickathon event each year;
 - b. No fires of any sorts (including candles), fireworks, or firearms are allowed. Campstoves under controlled, supervised circumstances are allowed;
 - c. The number of portable sanitation units ("port-a-potty") and handwashing stations shall comply with Oregon Administrative Rule ADD. All sanitation units shall be pumped daily. The number of units shall be evaluated each year.
5. Noise shall be kept to an acceptable level during the event as addressed in each annual Event Operations Plan at the discretion of the City's Community Services Department. All outdoor amplified scheduled performances can operate no later than 2:15 a.m. on all nights of the event. Amplification shall be reduced at 11:00 pm on Friday and Saturday and at 10:00 PM on Thursday and Sunday.
6. The maximum number of persons allowed by Clackamas Fire District No. 1 (CFD#1) shall be posted in each building.
7. With consumption of food/drink in either building, the installation of fire sprinklers is required unless there are fewer than 100 people at any given time. If no food/drink is consumed in either building, a classification of "A-2 Assembly" would be used for the building, fire sprinklers would not be required, and the maximum number of persons listed in Condition No. 6 shall apply.
8. The main door of each building shall be staffed by a security person that shall count and limit the maximum number of people that are allowed in each building.
9. Compliance with the fire code is required for tents erected not more than 180 days. CFD#1 shall inspect and approve all of the tent(s) prior to the first event of each year. In addition, the applicant shall be responsible for addressing and satisfying the following requirements from CFD#1:
 - a. Provide a 10-foot buffer zone around portable generators from any combustibles. This is regarding the inside perimeter of the protected area. With the potential of sparks that may be produced from the generators, verify that generators are equipped with spark arrestors;
 - b. Ensure that all propane cylinders are properly secured and are away from open flames;
 - c. Provide portable fire extinguishers throughout event, near campfires, cooking, and any open flame usage;
 - d. Standby of portable water tender for fire suppression if required by CFD#1; and,
 - e. Conformance with all local and state fire code provisions regulating stages and festivals.

10. Dust shall be controlled within the site during the event and shall not be permitted to drift onto adjacent properties. The event parking areas shall assure that dust and dirt are not tracked onto the roadway. If a rain event should occur during the festival and heavy dirt/mud is tracked onto the roadway, the event organizers shall clean the road using a street sweeper or other means acceptable to the Clackamas County Department of Transportation and Development and/or the City of Happy Valley. Water sprayed onto the roadway is not an option for cleaning the roadway of dust, dirt and/or mud.
11. The event site shall be maintained in a clean and sanitary condition. Event debris, including food and drink waste, shall be restricted from leaving the event site except through proper disposal containers. Failure to comply with this condition may result in a warning, citation or order until deficiencies have been corrected to the satisfaction of the Community Services and Public Safety Director.
12. Pickathon and each vendor shall obtain food handler permits from Clackamas County and/or OLCC as needed and provide copies of those permits to the City of Happy Valley Community Services Department.
13. By May 1st of each year, the applicant shall submit a preliminary Event Operations Plan to the City of Happy Valley Community Services Department that, at a minimum, outlines:
 - a. Event details (including sites, dates of the event, dates for setting-up and breakdown/clean-up, hours, activities at each location, limitations, etc);
 - b. An outdoor lighting plan, lighting shall be directed away from, or not impact, neighboring properties or off-site street traffic;
 - c. Site plan;
 - d. Signage (including onsite, offsite and within the right-of-way) and inclusive of signage indicating no event parking in locations determined by the City;
 - e. Site access and parking plan, including:
 - i. Lot assignment
 - ii. Vehicle access and circulation
 - iii. Parking area design and operation
 - iv. Parking occupancy monitoring
 - v. Parking regulations
 - f. Traffic flow routing plan including accommodations for demand of all modes of travel. Recommend incorporating travel demand management including use of alternative modes of travel, shift in arrival and departure times, and increase in vehicle occupancy.
 - g. Accommodations for all modes of travel, traffic control, and connectivity between sites;
 - h. Transportation plans (including signage, traffic control, and any studies required by the City or County);
 - i. Water supply (including potable water, onsite non potable water);
 - j. Toilet facilities;
 - k. Refuse and recycling, including temporary garbage and recycling opportunities located in several locations along proposed bike and pedestrian paths;
 - l. Food service;
 - m. Medical support;
 - n. Fire protection;
 - o. Event Traffic Management Plan providing a safe and efficient environment for those traveling to and from the event while minimizing congestion-related impacts to other motorists. This plan shall include the following:
 - i. Expected travel demand by mode
 - ii. Traffic flow routing plan for all modes of travel and connectivity between sites.
 - iii. Emergency access routes and transit accommodations.
 - iv. Pedestrian control through routing and crossings
 - v. Disabled accessibility
 - p. Traffic Control Plan including:
 - i. Street traffic control – alternative lane operations, route guidance, conditions monitoring
 - ii. Intersection traffic control – traffic flow control and traffic signal operations;
 - q. Safety and security (including an emergency response plan and audience management);
 - r. Neighbor relations (including a neighborhood meeting and neighborhood relations team) to address complaints and ensure compliance with no-parking requirements;
 - s. Nuisance management plan (including mitigation of dust, noise, and other nuisances); and,
 - t. Any studies required by the City or County regarding health and safety associated with the event.

The City may place limitations on the event plan prior to final approval. A pre-event meeting and inspection shall be completed each year. Additional conditions and/or requirements may come from the pre-event meeting/inspection.

- 14. That during the Pickathon annual review with the City of Happy Valley, if it is determined that improvements are needed to the infrastructure to accommodate festival traffic, or limit nuisances caused by the festival, including any additional setbacks, screening, plantings or speaker volume adjustment, these items will be completed prior to the annual Pickathon event.
- 15. Pickathon may use properties owned or controlled by the City of Happy Valley if approved by the City in writing each year.
- 16. Street parking for the event shall be constrained to its approved parking locations and the applicant shall be responsible for paying fees associated with enhanced police and code enforcement patrols during the event.
- 17. Prior to the first event in 2024, the applicant shall install a permanent sign (4' x 8' size) on the Pendarvis Farm property visible from Hagen Road, indicating the general timeframe for the annual event. One month prior to each annual event, the applicant shall install temporary signs reflecting the same information (4'x4' size) at the ancillary sites, signs shall be visible to the public.
- 18. The City of Happy Valley retains the right to write warning letters, impose citations/fines and take legal action against Pickathon LLC in the event these conditions or any other provisions of the City's Municipal Code are not satisfied in any given year. Prior to acting upon said actions, the City of Happy Valley will notify the applicant of its intentions and give the applicant a meaningful opportunity to remedy non-compliance issues. Failure to resolve legal actions may result in the revocation of this CUP per Section 16.61.060 of the City's Land Development Code.

Copies of documents related to the Planning Commission Hearing including the Final Order may be viewed at <https://hv.city/PickathonCUP> or in person at Happy Valley City Hall