

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

DATE: June 10, 2020

FILE NO.: 20-024 TEMP - Fireworks Stand

APPLICANT: Cindy Anderson (Big Bang Fireworks)

OWNER: AntFarm (Two Foxes Singing)

LOCATION: 38600 Proctor Blvd.

LEGAL DESCRIPTION: 23E13CB00700

DECISION: Approve Temporary Use Permit

FINDINGS OF FACT

1. The applicant requests a Temporary Use Permit to use a portion of the property located at 38600 Proctor Boulevard (to the south east of the Big Apple Store), for the location of a 30 foot by 30-foot tent display.
2. The applicant proposes to secure the 30 foot by 30-foot tent display with stakes in the pervious ground.
3. The activity is proposed to take place from June 23, 2020 through July 6, 2020, 10 a.m. to 9 p.m. The tent will be installed on June 22, 2020.
4. The applicant has proposed fencing around the fireworks tent display during non-business hours for security.
5. The applicant has obtained a permit for the proposed activity from the Office of the State Fire Marshal, Department of Oregon State Police (Permit No. RS-0330-20) that is valid June 23, 2020 to July 6, 2020.
6. The applicant has proposed and been approved by the Oregon State Fire Marshal (OSFM) to use a 30 foot by 30-foot tent display and provided a Certificate of Flame Resistance for the tent.
7. The applicant provided a Certificate of Liability Insurance dated March 10, 2020 naming Big Bang Fireworks and Cindy Anderson as the Certificate Holder.
8. The applicant provided an agreement dated March 5, 2020 from Antfarm (Two Foxes Singing) permitting the fireworks stand at 38600 Proctor Blvd.
9. The applicant provided a site diagram indicating the fireworks stand location. Sandy Fire District No. 72 Fire Marshall, Mr. Gary Boyles signed off on this site plan on March 19, 2020.
10. Cindy Anderson with Big Bang Fireworks submitted a COVID-19 operating plan that includes optional curbside pickup along with the following:
 - a. Limiting the number of customers in the tent in order to maintain 6-feet of social distancing between customers and employees;

- b. Signs will be posted listing Covid-19 symptoms and asking those with symptoms to stay home;
 - c. Tape will be posted on the ground to maintain the 6-feet of social distancing;
 - d. Have one entrance and one exit in order to control the flow throughout the tent;
 - e. Clean and sanitize work areas frequently;
 - f. Employees will be wearing masks;
 - g. Hand sanitizer will be available at all times for customers and employees;
 - h. Sanitize shopping baskets after each use; and
 - i. Clear plastic barriers in front of cashiers;
11. The subject site, 38600 Proctor Boulevard, is located on the north side of Pioneer Boulevard between Scales Avenue and Beers Avenue within the C-1, Central Business District zoning district.
 12. In accordance with Section 17.74.60(A), temporary uses not located within a structure may be permitted for a period not to exceed 90 days. The applicant proposes a fourteen (14) day activity (June 23 through July 6, 2020). Because the applicant proposes a fourteen (14) day activity, staff finds the request meets the 90-day maximum time period requirement. Therefore, staff finds the temporary use permit request may be permitted from June 23 through July 6, 2020.

SUMMARY

The proposed Temporary Use Permit is in general conformance with the standards of the Sandy Development Code, Chapter 17.74.60(A), but the following conditions of approval shall be required in order to ensure compliance with all applicable regulations of the Sandy Municipal Code.

CONDITIONS OF APPROVAL

1. The applicant is permitted to use a section of the property located at 38600 Proctor Boulevard (to the south east of the Big Apple Store) for a tent display to sell fireworks from June 23, 2020 through July 6, 2020. The expiration of this permit is July 7, 2020.
2. The applicant shall remove the 30 foot by 30-foot tent display by July 7, 2020 unless an extension to this permit is granted.
3. The applicant shall follow all COVID-19 guidelines as outlined by Governor Brown and as stated in the applicant's submitted response plan.
4. The proposed tent shall be secured at all corners to prevent being blown by the wind. The securing system used shall not penetrate into the parking lot surface.
5. The proposed activity shall not disrupt through traffic to adjacent businesses.
6. The applicant is responsible for complying with Chapter 15.32 for all signage. No signage shall be allowed without first obtaining a sign permit.
7. Tents, canopies or membrane structures and their appurtenances shall be adequately roped, braced and anchored to withstand the elements of weather and prevent against collapsing. Documentation of structural stability shall be furnished to the Sandy Fire Marshall upon request.
8. An extension of the temporary use permit shall require a Type II process as specified by Section 17.74.60 (A) of the Sandy Development Code.
9. 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.

10. Any other conditions or regulations required by Clackamas County, Fire District No. 72, 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 Planning Commission by an affected party by filing an appeal with the Director within 12 days of notice of the decision. The notice of 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 Chapter 17.28.50; and
5. Payment of required filing fees.