

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

DATE:	May 28, 2024
FILE NO.:	24-029 TEMP - Big Bang Fireworks
APPLICANT:	Cindy L Pack (Big Bang Fireworks)
PROPERTY LEASEE:	Antfarm (Two Foxes Singing)
PROPERTY OWNER:	Leathers Fuel
LOCATION:	38600 Proctor Boulevard
MAP/TAX LOT:	24E13CB00901

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 southeast of the Big Apple Market), for the location of a 30-foot by 30-foot tent that will display fireworks.
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 20, 2024, through July 5, 2024, 9 a.m. to 9 p.m. The tent will be installed on June 19, 2024 and removed by July 6, 2024.
4. The applicant has proposed fencing around the fireworks tent display for security.
5. The applicant has been approved by the Oregon State Fire Marshal (OSFM) (Permit No. RS-24-0004), and received approval from the Clackamas County Fire Marshal, Mike Boumann, to use a 30-foot by 30-foot tent for display of fireworks. The permit is valid from June 19, 2024, to July 6, 2024.
6. The applicant provided a Certificate of Flame Resistance from the manufacturer (Central Tent Manufacturer), registered application number F419.01.
7. The applicant provided a Certificate of Liability Insurance dated February 19, 2024, naming Big Bang Fireworks and Cindy Anderson as the certificate holder.
8. The applicant provided an agreement dated February 19, 2024, from AntFarm (Two Foxes Singing) permitting the fireworks stand at 38600 Proctor Boulevard.
9. The applicant provided a site diagram indicating the fireworks tent location. The subject site, 38600 Proctor Boulevard, is located on the south side of Proctor Boulevard between Scales Avenue and Beers Avenue within the C-1, Central Business District zoning district.

10. The applicant also proposed a recreational vehicle to stay on site with the fireworks tent as a form of security. Temporary vehicle living is prohibited throughout the City of Sandy and a temporary use permit cannot authorize a prohibited use. The only remedy would be a Type III variance request which cannot be processed prior to July 6, 2024.
11. 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 fifteen (15) day activity (June 20, 2024, through July 5, 2024). Because the applicant proposes a fifteen (15) 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 20, 2024, through July 5, 2024.

DECISION

The proposed Temporary Use Permit is in general conformance with the standards of the Sandy Development Code, Chapter 17.74.60(A), and is hereby **approved** subject to the following conditions of approval. The use of a recreational vehicle to stay on site is **denied**.

CONDITIONS OF APPROVAL

1. The applicant is permitted to use a section of the property located at 38600 Proctor Boulevard (to the southeast of the Big Apple Market) for a tent display to sell fireworks from June 20, 2024, through July 5, 2024. The expiration of this permit is July 6, 2024.
2. The applicant shall remove the 30-foot by 30-foot tent display by July 6, 2024, unless an extension to this permit is granted.
3. Two (2) fire extinguishers shall be onsite, and “No smoking” signs shall be posted.
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 any 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 installed 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 collapse. Documentation of structural stability shall be furnished to the Clackamas Fire Marshall upon request.
8. All temporary lodging in a recreational vehicle is prohibited and a temporary use permit cannot authorize a prohibited use.
9. 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.

10. 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.
11. Any other conditions or regulations required by Clackamas County, Clackamas Fire District, 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.



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) 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 at least the following:

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.