

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

**DATE:** June 4, 2020

**FILE NO.:** 20-018 TEMP – Fireworks Stand

**APPLICANT:** TNT Fireworks

**OWNER:** Safeway

**LOCATION:** 37601 Hwy 26 (Safeway Parking Lot)

**LEGAL DESCRIPTION:** 24E131400300

**FINDINGS OF FACT**

1. The applicant requests a Temporary Use Permit to use a section of the parking lot at 37601 Hwy 26, Safeway Parking Lot, for the location of an 8 foot by 16 foot wooden stand display to sell fireworks.
2. The activity is proposed to take place daily from June 23, 2020 through July 6, 2020, 8 a.m. – 11 p.m.
3. 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-0312-20) that is valid June 23, 2020 to July 6, 2020.
4. The applicant provided a Certificate of Liability Insurance dated March 13, 2020 naming the City of Sandy as the Certificate Holder.
5. The applicant has proposed and been approved by the Oregon State Fire Marshal (OSFM) to use an 8 foot by 16 foot wooden stand with no cover.
6. The applicant provided an agreement dated February 3, 2020 from Safeway Store #782 and TNT Fireworks permitting the stand at 37601 Hwy 26.
7. The applicant provided a site diagram indicating the fireworks stand location.
8. TNT Fireworks submitted a COVID-19 operating plan that includes curbside ordering only. This ordering process will require customers to wait in their vehicle, fill out a form and TNT will deliver the products directly to the customer in their vehicle. The applicant's plan also includes a response kit for each stand that includes the following:
  - a. Caution Tape
  - b. Curbside Orders "Park Here" Signs
  - c. Entrance Banner
  - d. Portable Curbside Order Signs
  - e. Tent Planograms
  - f. Bundle/Assortment Order Forms
  - g. CDC Social Distancing Signs

h. CDC Cleaning Facility Signs

i. Tape

j. Masks

k. Rubber Gloves

l. Hand Sanitizer

9. According to 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.
10. There will be no change in location of utilities, easements, or streets.
11. Vehicle access to the site will be taken from Hwy 26. No change of access is proposed.

### **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 the Safeway parking lot for a stand to sell fireworks from June 23 through July 6, 2020. The expiration of this permit is July 7, 2020.
2. The applicant shall remove the 8 foot by 16 foot wooden stand display by July 7, 2020 unless an extension to this permit is granted.
3. The proposed activity shall not disrupt through traffic to adjacent businesses.
4. The applicant shall follow all COVID-19 guidelines as outlined by Governor Brown and as stated in the applicant's submitted response plan.
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. 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.
7. 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.
8. 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.

9. 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.



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Kelly O'Neill Jr.  
Development Services Director

June 4, 2020  
Date

### **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.