

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

DATE: May 13, 2021

FILE NO.: 21-022 TEMP

APPLICANT: TNT Fireworks

PROPERTY OWNER: Fred Meyer

LOCATION: 16625 362nd Avenue (Fred Meyer Parking Lot)

LEGAL DESCRIPTION: 24E15A00100

FINDINGS OF FACT

1. The applicant requests a Temporary Use Permit to use a section of the parking lot at 16625 362nd Avenue, Fred Meyer Parking Lot, for the location of a 20-foot by 40-foot framed tent display to sell fireworks from June 23, 2021 to July 6, 2021.
2. The applicant provided the following information on the framed tent display along with their Certificate of Flame Resistance ~ Permit No. RS-0453-21. The Certificate is valid from 6/23/21 – 7/6/21:
 - a. Tent Size = 20 foot by 40 foot;
 - b. Entrances/Exits = Each tent will have two entrances/exits;
 - c. Fire Extinguishers = Two (2) Extinguishers will be onsite;
 - d. Aisles = Aisle ways of at least 4 foot will be maintained;
 - e. Signs = Exit and No Smoking signs will be posted at every exit;
 - f. Product = Will be displayed on 8 foot tables and free standing pallet displays; and
 - g. Security = 24 hour security will be provided at the proposed site.
3. The activity is proposed to take place daily from June 23, 2021 through July 6, 2021, 8 a.m. – 11 p.m.
4. 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-0453-21) that is valid June 23, 2021 to July 6, 2021.
5. The applicant provided a Certificate of Liability Insurance dated November 2, 2020 naming C&C Dreams and the City of Sandy as the Certificate Holder. The Certificate expires on November 1, 2021.
6. The applicant has proposed and been approved by the Oregon State Fire Marshal (OSFM) to use a 20-foot by 40-foot framed tent display.

7. The applicant provided a letter dated January 26, 2021 from Fred Meyer permitting the stand at 16625 362nd Avenue.
8. The applicant provided a site diagram indicating the fireworks stand location along with the layout of the sales tent.
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, 2021 through July 6, 2021). 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, 2021 through July 6, 2021.
10. The Fred Meyer parking lot is located on the south side of Hwy 26 between 362nd Avenue and Champion Way. The site is zoned C-2, General Commercial.
11. There will be no change in location of utilities, easements, or streets.
12. Vehicle access to the site will be taken from 362nd Avenue. 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 Fred Meyer parking lot for a stand to sell fireworks from June 23, 2021 through July 6, 2021. The expiration of this permit is July 7, 2021.
2. The applicant shall remove the 20-foot by 40-foot framed tent by July 7, 2021 unless an extension to this permit is granted.
3. Two (2) fire extinguishers shall be onsite. No smoking signs shall be posted.
4. The proposed activity shall not disrupt through traffic to adjacent businesses.
5. The applicant shall follow all COVID-19 guidelines as outlined by Governor Brown.

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. 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.
8. 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.
9. 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.
10. 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.
11. 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.