

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

DATE: June 23, 2023

FILE NO.: 23-019 TEMP – Smoky Hearth Anniversary Celebration

APPLICANT: Kevin Nilson, Smoky Hearth

OWNER: Mark Gritsch

LOCATION: 16607 Champion Way, #100

LEGAL DESCRIPTION: 24E15A00215

FINDINGS OF FACT

1. On June 16, 2023, the applicant submitted payment, a Temporary Use Permit application, site plan, narrative, and signed letters of approval from neighboring businesses requesting temporary use approval to hold a one-day event for their one-year anniversary celebration at Smoky Hearth located at 16607 Champion Way, Suite 100. The event is proposed for Saturday July 1, 2023, from 11 am to 5 pm. The application was signed by the property owner Mark Gritsch.
2. The application is reviewed as a Type I Temporary Use Permit. Notice of the proposal is not required. 16607 Champion Way is located on the north side of Champion Way, west of Industrial Way, and south of Hwy 26. The site is zoned I-1, Industrial Park.
3. Chapter 17.10 defines a temporary use as, “a use, intended for limited duration, to be located in a zoning district not permitting such use and not constituting or continuing a nonconforming use or building.” The proposed use is determined to be a temporary use as defined. Parking lots are not designated to hold events on a year-round basis.
4. The applicant indicates the event will include an outdoor barbecue, bouncy house, face painting booth, live music, and games. The 14-foot by 16-foot bouncy house and 4-feet by 8-feet face painting booth are both proposed to take place in three parking spaces just south of the applicant’s outdoor patio and covered structure as indicated on the site plan. The applicant plans to rope or hang banners to secure those parking spaces from cars.
5. Part of the proposed event takes place in a shared parking lot. The applicant submitted signed letters of approval from business owners at Bellissimo Salon, Nya’s Bakery, Island Oasis, and Sportscare Physical Therapy acknowledging the proposed date, time, and use of the parking spaces during the applicant’s event on July 1, 2023.

DECISION

The proposed Temporary Use Permit is in general conformance with the standards of the Sandy Development Code, Chapter 17.74.60, and is therefore **approved**, subject to the conditions of approval below.

CONDITIONS OF APPROVAL

1. The applicant is permitted to use the subject property at 16607 Champion Way, Suite 100 (Smoky Hearth) for their one-day, one-year anniversary event from 11 am to 5 pm Saturday July 1, 2023.
2. The bouncy house 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 Sandy Fire Marshall upon request. The securing system used shall not penetrate into the parking lot surface.
3. The applicant shall remove the bouncy house, face painting booth, and any other impediments from the parking lot by 9 pm on Saturday July 1, 2023.
4. All existing drive aisles in the parking lot shall be kept clear to allow vehicular movement.
5. The applicant shall maintain the striping of the parking area and maintain the designation of at least one van accessible ADA compliant parking space, including required striping and signage.
6. Parking of vehicles is not allowed on unimproved surfaces, such as grass.
7. The proposed use shall be monitored to ensure there is no disruption of traffic or adverse impacts to adjoining properties, and that it is in compliance with sanitation requirements.
8. An extension of this temporary use permit shall require a Type II process as specified by Section 17.74.60 (A) of the Sandy Development Code.
9. The event shall comply with Section 8.20 of the Municipal Code regarding noise and amplified music.
10. The applicant is responsible for complying with Chapter 15.32 for all signage. No signage shall be installed without first obtaining a sign permit.
11. 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.

12. Any other conditions or regulations required by Clackamas County, Fire District No. 72, the 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 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.