

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

DATE: May 13, 2021

FILE NO.: 21-023 TEMP

APPLICANT: TNT Fireworks

OWNER: Safeway, Inc.

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, 2021 through July 6, 2021, 8 a.m. – 11 p.m.
3. The applicant has been approved by the Oregon State Fire Marshal (OSFM), Department of Oregon State Police (Permit No. RS-0463-21) to use an 8-foot by 16-foot wooden stand with no cover. The permit is valid June 23, 2021 to July 6, 2021.
4. The applicant provided a Certificate of Liability Insurance dated April 23, 2021 naming C & C Dreams and the City of Sandy as the Certificate Holder. The Certificate expires on November 1, 2021.
5. The applicant provided an agreement dated March 12, 2021 from Albertsons Companies, Inc. and TNT Fireworks granting the stand at 37601 Hwy 26 (Safeway parking lot).
6. The applicant provided a site diagram indicating the 8-foot by 16-foot wooden fireworks stand location.
7. 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 through July 6, 2021.

8. There will be no change in location of utilities, easements, or streets.
9. 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 at 37601 Hwy 26 for an 8-foot by 16-foot wooden stand display to sell fireworks from June 23, 2021 through July 6, 2021. The expiration of this permit is July 7, 2021.
2. Two (2) fire extinguishers shall be onsite. No smoking signs shall be posted.
3. The applicant shall remove the 8-foot by 16-foot wooden stand display by July 7, 2021 unless an extension to this permit is granted.
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 and as stated in the applicant's submitted response plan.
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. 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.

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.