

April 12, 2024

TNT Fireworks
Attn: Shanee Sabater
17655 SE McLoughlin Blvd, Suite B
Milwaukie, OR 97267

Re: TNT Fireworks – Temporary Use Permit Renewal
24985 Highway 126, Veneta OR 97487
Map / Tax Lot: 17-06-36-11-00900
File No. TUP-24-3(R)

To whom it may concern:

Enclosed, please find the approved temporary use permit renewal, File No. TUP-24-3. This approval is subject to the conditions of approval contained in the original site plan and staff report, File No. TEMP-2-08.

Prior to beginning operations, you must obtain an inspection from the Lane Fire Authority. The Fire Inspector is Brian Sayles and can be reached at (541) 935-2226.

If you have any questions or concerns, you may contact me at (541) 935-2191 or dfindlay@ci.veneta.or.us.

Sincerely,

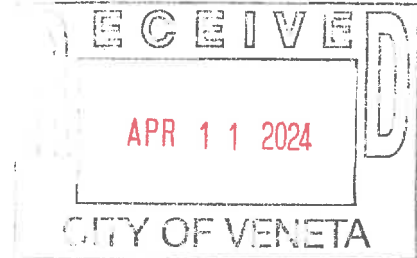


Daniel Findlay
Associate Planner
City of Veneta

Enclosure:

CC: Lulu LLC
Attn: John Hammer

Planning File



April 8, 2024

City of Veneta
Attn: Planning Department
P.O. Box 458
Veneta, OR 97487

RE: Temporary Use Renewal Application

To whom it may concern,

Enclosed please find a completed Temporary Use Renewal Application along with the required documentations. Also, enclosed is a check in the amount of \$200.00 to cover the application fee.

Should you have any questions or concerns, please feel free to contact me at SabaterS@tntfireworks.com or at 503-850-6712.

Sincerely,

Shanee A. Sabater
Administrative Assistant

AMERICAN PROMOTIONAL EVENTS, INC. – WEST DBA TNT FIREWORKS
17655 SE MCLOUGHLIN BLVD, SUITE B, MILWAUKIE, OR 97267
PHONE (503) 653-9655 • FAX (503) 654-0619
www.tntfireworks.com



TEMPORARY USE RENEWAL APPLICATION

Date Received 4-11-2024
 Planning File # TUP-24-3(R)

Previous File # TUP-2-23

Temporary Use Renewal Permits shall be subject to review by the Building & Planning Official one (1) year from the date of approval. Public notice requirements may be waived for renewal of Temporary Use Permits at the discretion of the Building & Planning Official provided that no formal complaints have been filed regarding the temporary use or there have been no changes made to the site plan or activities from the time of initial approval.

x Application Fee.....\$200 annually (non-refundable)

Applicant Name: <u>TNT Fireworks</u>			
Mailing Address: <u>17655 SE McLoughlin Blvd, Suite B</u>			Phone: <u>503-653-9655</u>
City/State/Zip: <u>Milwaukie, OR 97267</u>			
Property Owner Name: <u>John Hammer</u>			
Mailing Address: <u>P.O Box 2266</u>			Phone: <u>541-683-1166</u>
City/State/Zip: <u>Eugene, OR 97402</u>			

Assessor's Map Number (Township, Range, Section, Quarter Section)	Tax Lot(s)	Site Address	Zone
17063611	900	24985 Hwy 126	HC
Subzone (if applicable): _____			

I HEREBY STATE THAT THE FACTS RELATED IN THE ABOVE APPLICATION AND THE PLANS AND DOCUMENTS SUBMITTED HERewith ARE TRUE, COMPLETE, CORRECT, AND ACCURATE TO THE BEST OF MY KNOWLEDGE.

Applicant's Signature: *Shane A. Sabater*
 Property Owner's Signature: see attached lease

PRIOR TO PREPARING AN APPLICATION, applicants should check with City Staff to make sure they have the most updated versions of the Veneta Comprehensive Plan, Land Development Ordinance, and Land Division Ordinance. Ordinances are available on the City website, www.venetaoregon.gov.

UPDATED: March 2015

S:\PLANNING\Forms, Templates, Checklists, Handouts\Forms\Application Forms\Temporary Use Renewal Application.doc

**TEMPORARY USE PERMIT
RENEWAL REPORT**

PLANNING DEPARTMENT USE

Application Information:

Previous Staff Report Date: 3-20-2023

Complaints Received: Yes ☐ No ☒

Changes to Previous Permit: Yes ☐ No ☒

If yes to either, send notice and referral.

Notice Posted: _____

Notice Mailed: _____

Referrals Sent: _____

Referrals & Public Comments:

The Veneta Building & Planning Official has received comments from referral agencies and/or the public regarding this temporary application.

☐ Yes

☒ No

Approval Criteria:

(Veneta Land Development Ordinance, Article 7, Section 7.03) – Check All That Apply

- ☐ The applicant has proposed no changes and all findings of fact in the attached report are consistent with the proposed land use.
- ☐ There have been no new criteria adopted by the City or other regulatory agencies that require new findings of fact.
- ☐ Other regulatory agencies have required the applicant to provide additional information which has required staff to amend the findings of fact in the attached staff report. Amended findings are listed below.
- ☒ The applicant has proposed changes to the temporary use which require amendment to the findings found in the previous report.

Conditions of Approval:

The Veneta Building & Planning Official has reviewed the conditions of approval in the attached staff report and has found:

- ☐ All conditions of approval listed in the attached staff report shall be applied to the land use application submitted for approval.
- ☒ There are ^{new} conditions of approval for this application.
- ☐ Previous conditions of approval are attached and shall be added to the conditions of approval listed in the attached staff report. All previous conditions of approval still apply.
- ☐ The conditions of approval attached shall substitute the conditions previously listed in the attached staff report. All previous conditions are void for the current Temporary Use Permit.

All material relevant to the temporary use renewal, which has been submitted by the applicant, staff, and general public regarding this matter, has been reviewed and the required procedures and standards for taking action on a temporary use permit renewal have been followed.

Based on the findings and conditions of approval, the Veneta Building & Planning Official grants conditional approval of the temporary use renewal. This conditional approval of the plans shall become final on the date this decision is signed below.

An appeal of this decision to the Veneta Planning Commission must be filed in writing within fifteen (15) days of the date below


Veneta Building & Planning Official

4-12-2024
Date



FIREWORKS LEASE AGREEMENT

ORE 3256

ORE3255

This agreement is made between John Hammer/LULU LLC Lessor and AMERICAN PROMOTIONAL EVENTS WEST as Lessee.

1. American Promotional Events -West, will lease a portion of the property located at:(hereafter called the "Location"): West Lane Shopping Center: 24985 HWY 126, Veneta, OR for the sale of approved fireworks from the following premises
2. The lease payment will be _____ per year for the period of June 20th thru July 9th hereafter called the "Season". Payment shall be paid on or before June 1st.
3. Lessor represents that the Location is owned and/or controlled by the Lessor and furthermore that the Lessor agrees to grant the Lessee the exclusive right to operate a fireworks sales structure (hereafter the "Structure") through the year 2024 for the above-mentioned period
4. The Lessor hereby grants Lessee a first right of refusal to match any bona fide offer to lease the Location for fireworks sales during the renewal Seasons.
5. In return, Lessee agrees to the following terms and conditions.
 - a. Provide an A+ rated \$10,000,000.00 certificate of insurance, prior to occupancy, evidencing liability insurance in force covering the erection and operation of the Structure. Insurance shall name Lessor as additional insured, and Lessor shall be held harmless from any claims arising from the maintenance or operation of the Structure.
 - b. Pay any and all costs involved in erection, maintenance, and operation of the Structure, and Lessee shall guarantee that the Location will be returned to its original condition.
 - c. Obtain and pay all necessary permits and licenses required by law, post with local authority any debris or performance bonds as required, and guarantee that all laws and regulations shall be adhered to
6. This agreement is contingent upon Lessee securing necessary permits and licenses. Lessee may cancel this agreement if the sale of fireworks is prohibited at this Location by a public authority or such sale, in the good faith opinion of Lessee, becomes commercially unreasonable. In such an event any deposit shall be refunded to Lessee.

Agreed to and dated this 7 day of June, 2023

Accepted: John Hammer

Lessor: John Hammer
c/o: LULU LLC
Phone: 541-683-1166

Accepted: Kenneth A. Spence

Lessee: Kenneth A. Spence
AMERICAN PROMOTIONAL EVENTS -WEST

AMERICAN PROMOTIONAL EVENTS, INC.
2120 MILWAUKEE WAY • TACOMA, WA 98421
TACOMA (253) 922-0800 • FAX (253) 830-2930
www.tntfireworks.com

SITE DIAGRAM

Location Name: West Lane Shopping Center
Site Address: 24985 Hwy 126
City and State: Veneta, OR 97487
Cross Streets: _____ and _____

Location #: ORE3256
Ordinance: Lane Fire Authority
Structure Type & Size: Tent - 20' x 30'
Structure Faces: _____

Show all setback from structures, gas, fire lanes, public and private roads, property lines, trees and landmarks



Notes

See tent layout for exits

NO PARKING WITHIN 20' OF TENT OR GENERATOR

Sales Rep: Randy CearlEy



Dear Fire Authority,

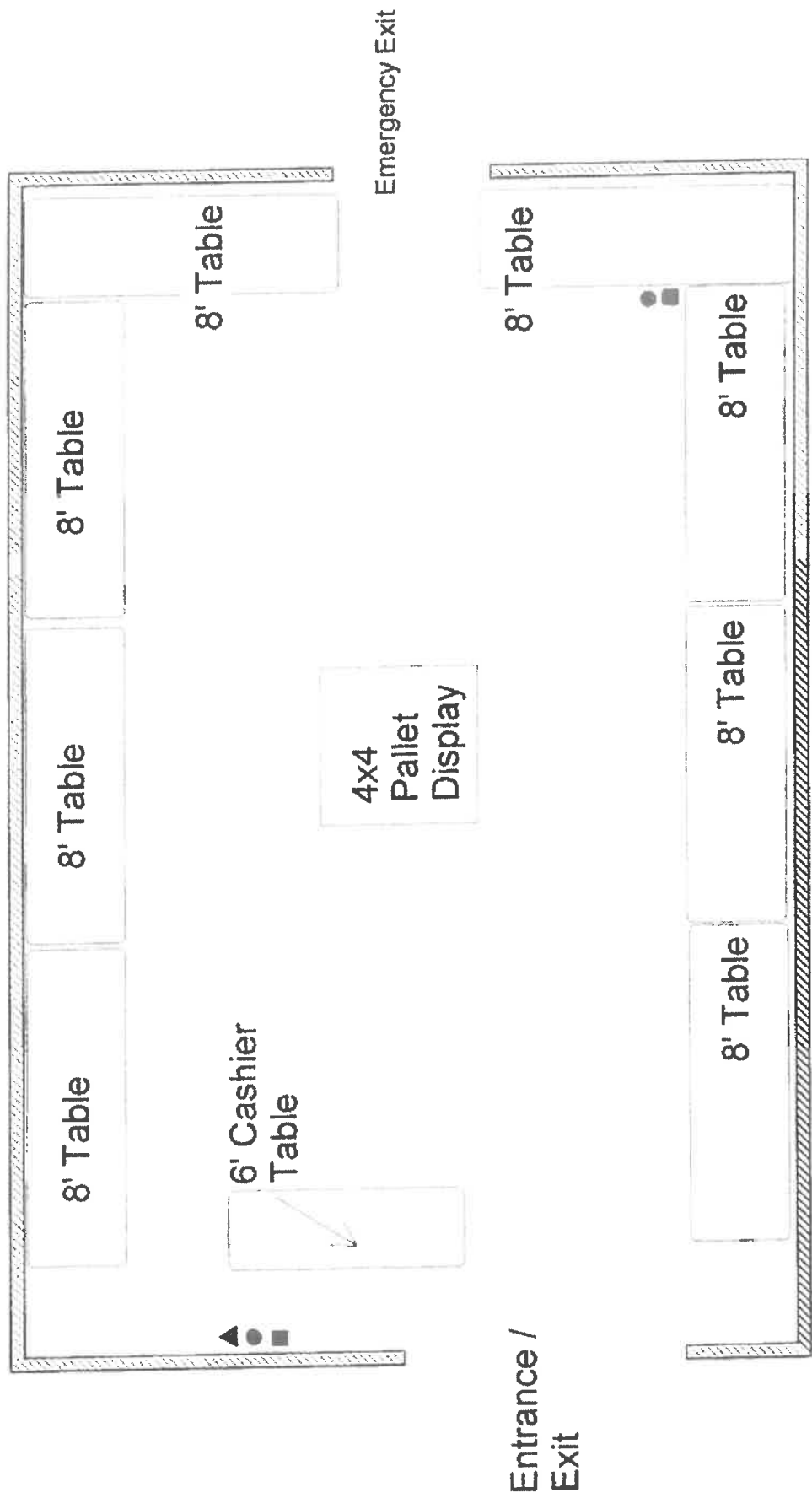
The following is information regarding the Tent operation for your review:

1. Tent size = 20' X 30' framed tent
2. Entrance/Exits = Each tent will have one entrance/exit and one emergency exit.
3. Fire extinguishers = Minimum of 2 ea, 2A: 10BC, 2 ea, type 2A water and 1 ea, 40BC
4. Aisles = Aisle ways of at least 4' will be maintained.
5. Signs = Exit and No Smoking signs will be posted above every exit.
6. Product = Will be displayed on 8' tables and free standing pallet displays.
7. Security = 24 hour security will be provided at each site.

Enclosed is a diagram of the tent layout along with a copy of the certificate of flame resistant and the certificate of insurance.

Please contact us if you have any questions or request for further information.

Enclosure



20' X 30' Fireworks Sales Tent

- 2A:10B:C FIRE EXT.
- 2A-WATER-FIRE EXT.
- ▲ 40B:C FIRE EXT.
(For Generator)

City of Veneta
P.O. Box 458
Veneta, OR 97487

Purposed Use and Information Sheet

Temporary Sales Site:

West Lane Shopping Center
24985 Hwy 126
Veneta, OR 97487
(see attached diagram)

Type of Sales and Product:

Retail sales of 1.4g consumer fireworks

Type of Structure:

20' x 30' framed tent.

Hours and Dates of Operations:

Approximately 8:00 am – 11:00 pm daily
June 23rd thru July 6^h

Operator Name and Phone Number

Amanda Robertson
24hr phone: 541-206-4630

**VENETA PLANNING STAFF REPORT
and FINAL ORDER
Temporary Use Permit - Fireworks Stand Temp-2-08 (R)**

Application Date: May 1, 2008
Notice Posted: May 6, 2008
Notice Mailed: May 6, 2008
Staff Report Date: May 23, 2008
Referrals Sent: Kyle Schauer – Veneta Public Works
Lane County Fire District #1

BASIC DATA

Applicant: Bethan Youth Ministries dba TNT Fireworks
P. O. Box 836
Clackamas, OR 97015

Property Owner: Arlie and Co.

Property Location: 24985 Hwy 126

Assessors map & lot: 17-06-36-11, tax lot 900

Area: 11 acres

Plan Designation: Commercial (C)

Zoning Designation: Highway Commercial (HC)

REQUEST

The request before the Planning staff is for approval of a temporary use permit for the retail sales of common fireworks in the parking lot of the West Lane Center. The sales will be conducted from a 20' x 30' framed temporary structure located on the southern edge of the property along Highway 126.

BACKGROUND

The property has access onto Territorial Hwy on the west and Highway 126 on the south. Territorial Highway is a state highway of district importance classified as a principal arterial. Surrounding properties are also zoned Highway Commercial with Cash Connection to the east, and vacant properties to the north, west, and south.

APPROVAL CRITERIA

Article 7 of the Veneta Land Development Ordinance 461 regulates temporary uses. The purpose of a temporary use is *to allow the establishment of specified uses on a short-term basis in certain, specified land use zoning districts. No temporary use permit can be granted which would have the effect of permanently rezoning or granting a privilege not shared by other property in the same zone.*

SECTION 7.03 of the Land Development Ordinance 461 lists the general approval criteria for temporary uses. Criteria applicable specifically to temporary displays, sales, and/or events are listed as item (1) in Section 7.04. These criteria are listed below in italics. Findings showing compliance with these criteria follow in regular type.

Section 7.03

- (1) *The temporary use is not inconsistent with the Veneta Comprehensive Plan.*

The purpose of the Commercial land use designation is to provide areas suitable and desirable for all types of commercial development intended to meet the business needs of area residents and highway travelers and ensure that sufficient lands are available to encourage commercial development in Veneta.

The temporary retail sale of fireworks from a wooden stand on the above-described property is consistent with Veneta's Comprehensive Plan policy for commercial areas.

- (2) *The temporary use is not inconsistent with the nature of the zoning district in which it is placed.*

The property is zoned Highway Commercial. The purpose of the zoning district is to provide services to accommodate travelers and to provide large scale commercial services needed to serve the Fern Ridge area. The permitted uses include (a) retail stores or shops.

The temporary activity of selling fireworks is an allowed use that provides a useful service for area residents.

- (3) *The temporary use will not have a significant adverse impact on the surrounding neighborhood.*

The proposed use is consistent with the commercial designation. The City has received no comments from the public or neighboring property owners with regard to the request for the proposed use. The Fire District has provided comments. The Fire District comments have been included as conditions of approval to assure the temporary use will not have a significant adverse impact on the surrounding neighborhood. Compliance with the sign code and Veneta noise ordinance will be required. Adequate parking is available.

- (4) *The temporary use shall comply with any applicable criteria listed below.*

The temporary use must meet the criteria listed for temporary displays, sales, and/or events which are listed in Section 7.04, Subsection (1) as follows:

Section 7.04

- (1) *Temporary displays, sales, and events.* Temporary displays, sales and events may be permitted in all commercial and public facilities and park zones. They are also allowed in the rural residential zone for horticulturally-related activities. All activities must meet the following criteria:

- (a) *The temporary activity is located on the same lot for no more than 90 days in any calendar year.*

The fireworks stand will operate no longer than two weeks, beginning June 23, 2008 and ending July 5, 2008 and; therefore, will not exceed 90 days in the calendar year.

- (b) *The proposed temporary activity does not result in vehicular traffic congestion and adequate pedestrian and bicycle access is provided.*

The site plan maintains the same circulation pattern on site. The proposed use will occupy several parking spaces but does not reduce the parking available for the shopping center to the level of noncompliance. Entering or exiting the parking area does not require maneuvering in a public street. Highway 126 currently has a good level of service and can handle additional traffic. There have been no concerns raised regarding vehicular traffic congestion.

Pedestrians and bicycles can access the fireworks stand via sidewalks on Territorial Road and within the parking lot of the shopping center.

- (b) *Adequate parking facilities are available. The temporary activity does not eliminate parking spaces required by the applicable city ordinances unless the business or businesses using such required spaces are closed for business on the day(s) of the temporary activity.*

There are currently 445 parking spaces at the shopping center. Current uses require 300 spaces. The proposed use will occupy several parking spaces but does not reduce the parking available for the shopping center to the level of noncompliance.

- (d) *The temporary activity does not encroach on the required setbacks of the lot.*

The property does not abut a residential zone so no setbacks are required.

- (e) *The temporary activity meets all state and county health rules and regulations and all necessary permits have been obtained from other agencies.*

There have been no concerns raised about this issue. The applicant has submitted a State Fire Marshal permit and land use lease authorizing sales at the above location.

(f) *Annual events require a new permit each year.*

This is the third year that TNT has operated at the West Lane Center.

(g) *Temporary activities involving tents, tarps, or sales out of vehicles will last no more than two (2) consecutive days.*

The proposed use meets this requirement. "Tent" is defined in the dictionary as a collapsible movable shelter consisting of a tough fabric or plastic cover held up by poles and kept in place by ropes and pegs. The proposed use is to be conducted within a framed temporary structure.

CONDITIONS OF APPROVAL:

1. The fireworks tent shall be placed at least 20 feet away from combustibles including vegetation.
2. No Smoking signs need to be displayed in prominent locations both inside and outside of sales area.
3. No parking of vehicles will be allowed within 20 feet of the structure. This area shall be marked in a clear manner.
4. Fire extinguishes needs to be displayed in visible locations inside the booth.
5. Removal of all garbage at the end of everyday, making sure that there is no storage of combustibles outside of the stand.
6. Any generator on site shall be placed minimum of 20 feet from the structure and have a 40BC extinguisher on site.
7. Any generator fuel is stored in a U.L. listed fuel container and stored at least 20 feet of the stand.
8. All exits shall be clearly marked and unobstructed.
9. Any other site requirements as required by Lane County Fire District #1.
10. Post a copy of Oregon laws regarding firework use in a location visible to patrons. Specific laws include ORS 480.110-Definitions for Oregon fireworks laws, 480.120-Prohibited uses for fireworks, 480.158-Liability of parents for the costs incurred in suppressing fires caused by use of fireworks by minors, and 480.165-Civil penalty for fireworks law violations.
11. A certificate of flame resistance shall be on site for the tent in use. The certificate shall show a current application. A copy of the manufacturer's instructions for allocation shall be on site for comparison

12. Obtain a sign permit for a portable sign if it will be displayed more than 30 days in this calendar year. The total sign area for all building signs and portable signs shall not exceed 6% of the building's ground floor footprint. If the sign will be displayed less than or equal to 30 days in this calendar year, then the applicant must notify the Building and Planning Official for tracking purposes. Portable and temporary signs are not permitted within the public right-of-way.
13. Prior to conducting business, call the Lane Country Fire District #1 at 935-2226 for site inspections.
14. When the temporary use is closed on July 5, 2008, all materials shall be removed and the site cleaned.

EXHIBITS

- A. Applicants Submittals
- B. Memorandum from the Lane County Fire District #1

STAFF DECISION

The Veneta Planning Official finds the following:

1. Required notice was provided in accordance with Section 2.13 of the Veneta Land Development Ordinance 461.
2. The Veneta Planning Official reviewed all material relevant to the temporary use which has been submitted by the applicant, staff, and general public regarding this matter.
3. The Planning Official followed the required procedures and standards for taking action on a temporary use permit.

Based on the findings and conditions of approval, the Veneta Planning Official grants conditional approval of the temporary use application (TEMP-2-08). This conditional approval of the plans shall become final on the date this decision is signed, below. A Planning Official's decision may be appealed to the Planning Commission within 15 days after the staff report has been signed and mailed.

Zac Moody,
Veneta Planning Official

Date