

May 30, 2024

Fundz 4 Kidz
PO Box 72345
Springfield, OR 97475

Re: Fundz 4 Kidz Fireworks – Temporary Use Permit Renewal
Assessor's Map No: 17-06-36-11
Tax Lots 00400 & 00500
File No. TUP-24-4(R)

To whom it may concern:

Enclosed, please find the approved temporary use permit renewal, File No. TUP-24-4(R). This approval is subject to the conditions of approval contained in the original site plan and staff report, File No. TUP-6-24.

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. Additionally, you must mow all vegetation within 30 feet of the structure and fully mow any walkways to parking areas prior to beginning operations.

The abovementioned conditions of approval are listed below.

1. The fireworks tent shall be placed at least 20 feet away from combustibles including vegetation.
2. 'No Smoking' signs shall be displayed in prominent locations both inside and outside of the 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. No parking of vehicles shall be allowed on grass or any other vegetation.
5. No access of parking shall be allowed off of Territorial Highway.
6. Fire extinguishers shall be displayed in visible locations inside the booth.
7. Removal of all garbage at the end of every day shall be required to ensure that there is no storage of combustibles outside of the stand.
8. Any generator on site shall be placed a minimum of 20 feet from the structure and have a 40BC extinguisher on site.
9. Any generator fuel is stored in a U.L. listed fuel container and stored at least 20 feet of the stand.
10. All exits shall be clearly marked and unobstructed.
11. Any other site requirements as required by Lane County Fire District #1.
12. 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.
13. 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.

14. Temporary signs shall follow the standards laid out in Section 5.15 of the Veneta Land Development Ordinance No. 493. Portable and temporary signs are not permitted within the public right-of-way.
15. Prior to conducting business, contact the Lane County Fire District #1 at 541-935-2191 for site inspections.
16. When the temporary use ceases, all materials shall be removed and the site cleaned.

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

Sincerely,



Daniel Findlay
Associate Planner
City of Veneta

Enclosure:

CC: Property Owner: Polen Futures LLC
Planning File

VENETA



oregon

Inc 1962

CITY OF VENETA

APR 24 2024

Temporary Use Application

PO Box 458 * Veneta, OR 97487 * 541-935-2191 * Fax 541-935-1838 * www.venetaoregon.gov

Planning Authorization: DF

Renewal (if applicable): ✓

Submission Date: 4-24-2024

Previous File #: TUP-6-23

Planning File #: TUP-24-4(R)

Temporary Use Permits 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 privilege not shared by other property in the same zone. RETAIL SALES are permitted only in Commercial or Industrial/Commercial zones.

Garage Sales are permitted only in residential zones in accordance with Veneta Municipal Code Chapter 5.15 and do not need a permit.

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.

Application..... \$350 (non-refundable)

Technical Review/Public Notice..... \$350 (deposit)

Renewal

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

Applicant Name: Fundz 4 Kidz

Mailing Address: PO Box 72345

City/State/Zip: Springfield OR 97475

Applicant Phone: 541-870-7210 Applicant Email: bookkeeping@Fundz4Kidz.com

Property Owner Name: Polen Development

Mailing Address: PO Box 71751

City/State/Zip: Springfield OR 97475

Property Owner Phone: 541-554-2285 Property Owner Email: polendevelopment@hotmail.com

Assessor's Map Number (Township, Range, Section, Quarter-Section)	Tax Lots(s)	Site Address	Zone
<u>17-06-36-11</u>	<u>400, 500</u>		<u>1C</u>

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 and the Veneta Zoning and Development Code. Ordinances are available on the City website, www.venetaoregon.gov

Renewal Report

PLANNING DEPARTMENT USE

Application Information:

Previous Staff Report Date: 6-21-2023

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 Zoning and Development Code, 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 no conditions of approval for this application. *new*

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

David Gosselin
Veneta Building & Planning Official

Veneta Building & Planning Official

5-30-2024

Date

Grantor: Polen Development, LLC
Grantee: Fundz 4 Kidz, Inc.
Project: Fireworks Sales
Parcel: 88330 Territorial Hwy, Veneta, OR 97487

Lease Agreement

This Agreement is entered into by and between Polen Development, LLC, herein after referred to as "Grantor", and Fundz 4 Kidz, Inc., hereinafter referred to as "Grantee".

Whereas, Grantor desires to grant unto Grantee, its agents and assigns, the exclusive right to use the land it owns at the location referenced above in Eugene, Oregon (the "property"), for the purpose of fireworks sales and staging and for no other purpose whatsoever; and

Whereas, Grantee desires to use the Property for such purposes;

In consideration of the mutual covenants contained herein, the parties agree as follows:

Premises: Vacant lot located on the west side of the grocery outlet building
at 88315 Territorial Rd, Veneta, OR 97487

Term and Termination: This Lease Agreement is valid from June 10, 2024, to, and including, July 15, 2024. Grantor may terminate this Lease Agreement upon written notice of material violation of the terms contained herein. Grantee may terminate this Lease Agreement in the event of government orders that prevent the continuation of fireworks sales or public gatherings.

Usage Fee: The fee for this Lease Agreement is [REDACTED]

Insurance: Grantee shall procure and maintain, at Grantee's sole expense during the term of this Lease, a policy or policies of comprehensive public liability insurance, insuring against liability for damages to persons or property resulting directly or indirectly from a condition created by Grantee thereon or from use thereof by Grantee and its agents, employees, contractors and invitees. The amount of insurance shall not be less than [REDACTED] per claim, and not less than [REDACTED] in the aggregate. All insurance required to be maintained by Grantee shall be effected by valid and enforceable policies issued by insurance companies authorized to do business in the State of Oregon, shall name Grantor as Additional Insured. Grantee shall provide Grantor with certificates evidencing such insurance policies upon execution of this Agreement.

Indemnification: Grantee agrees to indemnify and hold Grantor harmless for claims or demands for loss or damage arising out of or in connection with the Grantee's use and occupancy of the Property as stated herein, to the extent permitted by law.

Power/Electricity/Generator: Grantor agrees to allow Grantee to run power to the fireworks tent in accordance with State Fire Marshall requirements. All power run is subject to State Fire Marshall inspection and approval.

Grantor:



Grantee:



It is understood by both parties that the scope of use is not to exceed the Property limits. The Property shall be used by Grantee in such a manner that will minimize the impact of use. Grantee shall conform to all applicable laws and regulations of any public authority now in force, or which may hereafter be in force, affecting the Property and the use, and correct at Grantee's own expense any failure of compliance created through Grantee's fault or by reason of Grantee's use.

Note: Grantee agrees to fill with compacted sand and rubber and seal with asphalt topping any holes created in asphalt by the driving of tent stakes by July 30, 2024.

Signature Authority: The individuals executing this Lease represent and warrant that they are competent and capable of entering into a binding contract, and that they are authorized to execute this Lease on behalf of the parties hereto.

The parties hereto have executed this Lease in duplicate original on this 9 day of May, 2024

GRANTOR:

Polen Development, LLC
PO Box 71751
Springfield, OR 97475

By: Susie Polen

Title: Member Polen D. LLC

Date: 5/9/24

GRANTEE:

Fundz 4 Kidz, Inc.
PO Box 72345
Springfield, OR 97475

By: _____

Title: _____

Date: _____

Grantor Contact Information:

Susie Polen: 541-554-2285
Polendevlopment@hotmail.com

Grantee Contact Information:

Aaron Taylor: 541-870-7201 or 541-525-0238

88315 Territorial Rd, Veneta, OR 97487

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