

TNT Fireworks Tent

Administrative Decision

City File No. PLNG2022-012

I. Background

On May 12, 2022 Devin Guy, agent for TNT Fireworks, filed a complete Type I application to sell fireworks from a 1,500 sq. ft. temporary fireworks tent on a vacant lot, Parcel No. 0119266002 located on vacant parcel south of City Hall on Civic Drive, DuPont. The property is located in the Mixed Use District (MXD) adjacent to City Hall.

II. Findings

1. A Type I decision is required for the proposed temporary use per DMC 25.155.
2. Temporary uses shall be reviewed to the standards of and may be conditioned as allowed by DMC25.155
3. The proposed project is categorically exempt from SEPA review per WAC 197-11-800{1}(b)(iii): "The construction of an office, school, commercial, recreation, service or storage building with 4,000 square feet of gross floor area".
4. The use of temporary structures for the temporary sale or storage of consumer fireworks regulated by the City Building Official and Fire Marshal.
5. Vehicular access to the site is proposed from Civic Drive, a public street.
6. The temporary tent will not be located more than one hundred fifty feet from a private road, fire department access road, public road, street or highway as measured by an approved route around the exterior of the stand.
7. Onsite parking will be located wholly within the subject lot.
8. The temporary stand will be removed and the site returned to its predevelopment state within 30 days of date, cessation of the temporary use.
9. The use is consistent with the DuPont Comprehensive Plan.
10. The use, retail sales, is consistent with the allowed uses in the district.
11. The use will comply with applicable health and safety requirements if the conditions of approval are fully implemented.
12. The use will comply with all applicable criteria and standards of the DMC if the conditions of approval are fully implemented.
13. The state of Washington is currently under public health restrictions due to the COVID-19 pandemic. All uses and activities are regulated by the Washington State Department of Health.

III. Decision

The Type I application for a temporary fireworks tent, City File Number PLNG2022-012 and is hereby approved subject to the following conditions:

1. The temporary tent shall meet the setback requirements of DMC 25.35. The front yard setback in this case shall be 20-feet from the property line fronting on Civic Drive and Center Drive.
2. Only state legal Consumer fireworks may be sold (RCW 70.77.136}.
3. The applicant shall post a bond in the amount of \$500.00 to cover the cost of removal of the temporary use and restore the property, per DMC 25.155.030(4). Said bond and copy of this decision shall be posted with the DuPont City Clerk prior to start of onsite work.
4. The site shall be returned to its predevelopment state by August 3, 2021 (within 30 days of July 4, 2021) per DMC 25.155.030(3).
5. Parking shall be located a minimum of 20 feet from the temporary tent per WAC 212-17-21509. All parking shall be located wholly within the subject lot.
6. Per site inspection the majority of the site is exposed gravel with sporadic areas of grass. Provisions to control material track-out should be included since parking will be onsite and the site is not completely stabilized. The Applicant shall remove any material track-out from the site onto the Civic Drive right-of-way.
7. Off-site signs are prohibited unless a Temporary Sign Permit has been issued by the City of DuPont.
8. The following onsite signs are prohibited per DMC 25.115.030: signs that may be confused with traffic control signs; beacons directed into the atmosphere; portable signs, including portable reader-boards, light posted-mount signs, sandwich boards, inflatable signs, and signs on vehicles such as "sale today"; signs within any vision clearance triangle, or sign with a message content or borders that blink, flash, or scroll.
9. Operations must adhere to all Department of Health guidelines issued for COVID-19 during operations.
10. SALE DATES AND TIMES (RCW 70.77.395(1))
 "Consumer fireworks" can be sold:
 - June 28th between 12 p.m. (Noon) to 11:00 p.m.
 - June 29th thru July 4th between 9:00 a.m. to 11:00 p.m.
 - July 5th between 9:00 a.m. to 9:00 p.m.
11. DISCHARGE DATES AND TIMES (DMC 9.12.020)
 "Consumer fireworks" can be discharged:
 - July 4 between 6:00 p.m. and 11:59 p.m.
12. Post city flyers on booth or tent stating the discharge date and time.
13. No person shall use or explode any fireworks within the City of DuPont upon any public property, including but not limited to public streets, sidewalks, and public parks.
14. FIREWORKS STANDS – The operation of all Consumer Fireworks Retail Sales Facilities (CFRS) are governed by Washington Administrative Code (WAC) Sections **212-17-21505; 212-17-21509; 212-17-21511; 212-17-21513; 212-17-21515; and 212-17-21519.**

IV. Appeal of Decision

This final decision may be appealed to the DuPont Hearing Examiner by a party of record with standing per DMC 25.175.060(4). Such appeal shall be filed within 14 days of issuance of the decision per DMC 25.175.060(4).

Approved, May 24, 2022

A handwritten signature in black ink, appearing to read "Barbara Kincaid", is written over a horizontal line.

Barbara Kincaid, AICP
Director, Department of Community Development

