

Chapter 17.01

INTRODUCTION

Sections:

- 17.01.010 Title.
- 17.01.020 Purpose.
- 17.01.030 Severability.
- 17.01.040 Pre-existing approvals.
- 17.01.050 Interpretation.
- 17.01.060 Right-of-way dedications and improvements.
- 17.01.070 Fees.

17.01.010 Title. The ordinances codified in this title shall be known as the "Scappoose Land Use and Development Code" and shall be referred to as this title. (Ord. 634 §1 Exh. A (part), 1995)

17.01.020 Purpose. As a means of promoting the general health, safety and welfare of the public, this title is designed to set forth the standards and procedures governing the development and use of land in Scappoose and to implement the Scappoose comprehensive plan. (Ord. 634 §1 Exh. A (part), 1995)

17.01.030 Severability. The provisions of this title are severable. If any chapter, section, sentence, clause or phrase of this title is adjudged to be invalid by a court of competent jurisdiction, that decision shall not affect the validity of the remaining portions of this title. (Ord. 634 §1 Exh. A (part), 1995)

17.01.040 Pre-existing approvals. All development applications approved more than one year prior to the adoption of this title shall be considered void, unless the planner determines that the conditions of approval are substantially completed or unless an extension has been granted by the planning commission. All development applications approved less than one year prior to the adoption of this title may occur according to such approvals. All development applications received by the planner after the adoption of this title shall be subject to review for conformance with the standards under this title or as otherwise provided by state law. (Ord. 634 §1 Exh. A (part), 1995)

17.01.050 Interpretation. A. Each development and use application and other procedure initiated under this title shall be consistent with the adopted comprehensive plan of the city as implemented by this title and applicable state and federal laws and regulations. All provisions of this title shall be construed in conformity with the adopted comprehensive plan.

B. Where the conditions imposed by any provision of this title are less restrictive than comparable conditions imposed by any other provision of this title or of any other ordinance, or resolution, the most restrictive or that imposing the higher standard shall govern.

C. The planner shall have the initial authority and responsibility to interpret all terms, provisions and requirements of this title. Requests for interpretations shall be in writing. The planner's interpretation may be appealed to the planning commission under the quasi-judicial process.

1. An interpretation is a decision which is made under land use standards that require an exercise of policy or legal judgment.

2. By definition, an interpretation does not include approving or denying a building permit issued under clear and objective land use standards or a limited land use decision.

D. When an interpretation is discretionary, notice shall be provided and the interpretation processed in accordance with the quasi-judicial process if specific property is involved or the legislative process if no specific property is involved.

E. The planner may develop administrative guidelines to aid in the implementation and interpretation of the provisions of this title.

F. The planner shall keep a written record of all interpretations and shall make the record available for review on written request.

G. The city council may exempt special events sponsored by nonprofit organizations and public agencies from the provisions of this title. A special event is an activity sponsored by a nonprofit organization or public agency lasting twenty-one calendar days or less and approved by the city council. (Ord. 791 §1, 2007; Ord. 634 §1 Exh. A (part), 1995)

17.01.060 Right-of-way dedications and improvements. Upon approval of any development permit or any land use approval of any property which abuts or is served by an existing substandard street or roadway, the applicant shall make the necessary right-of-way dedications for the entire frontage of the property to provide for minimum right-of-way widths according to the city's public works design standards and shall improve the abutting portion of the street or roadway providing access to the property in accordance with the standards in Chapter 17.154. (Ord. 634 §1 Exh. A (part), 1995)

17.01.070 Fees. The city council shall, by resolution, establish fees to be paid by applicants for permits or approvals required in this title. Fees shall be paid at time of application or permit request, and failure to pay required fees shall cause any application to be deemed incomplete. (Ord. 634 §1 Exh. A (part), 1995)