

Resolution No. 21-02

A RESOLUTION APPROVING THE ESTABLISHMENT OF A TEMPORARY PERMIT TO ALLOW OUTDOOR SEATING/DISPLAYS FOR BUSINESSES AFFECTED BY THE COVID-19 EMERGENCY

WHEREAS, the City of Scappoose received a request by a local restaurant owner to establish an outdoor tented seating area during the Covid-19 emergency; and

WHEREAS, the City's development code currently lists "outdoor dining" as a conditional use in the General Commercial and Expanded Commercial zones, but the City desires to respond immediately to the restaurant owner's request by establishment of a temporary permit program to allow the temporary use of outdoor seating areas with tents without going through the conditional use permit approval process to allow businesses to remain open while indoor seating is prohibited or limited by the Governor's orders; and

WHEREAS, on February 1, 2021 the Council, by motion, stayed enforcement of the required conditional use permit approval for outdoor dining areas while staff drafted a temporary permit to allow for this use while the City's Covid-19 emergency declaration is in force; and

WHEREAS, the City, as time allows, will draft an amendment to the development code to remove the requirement for conditional use permit approval for outdoor dining in recognition of this use being accessory to the drinking and eating establishment use, which is permitted outright in the General Commercial and Expanded Commercial zones.

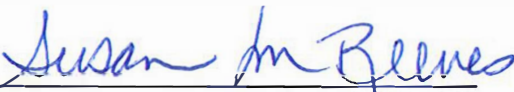
NOW THEREFORE, BE IT RESOLVED:

- Section 1:** The Temporary Outdoor Dining/Display Permit, attached as **Exhibit 1**, is hereby established to permit businesses to operate in a safe capacity during the Covid-19 pandemic.
- Section 2:** The Temporary Outdoor Dining/Display Permit shall be in effect so long as the City's emergency declaration related to the Covid-19 pandemic is in force.
- Section 3:** This resolution is effective immediately upon passage.

PASSED AND ADOPTED by the City Council this 1st day of March 2021 and signed by the Mayor and City Recorder in authentication of its passage.

CITY OF SCAPPOOSE, OREGON

Attest:


Susan M Reeves, MMC, City Recorder


Scott Burge, Mayor



TEMPORARY OUTDOOR DINING/DISPLAY PERMIT

The City of Scappoose has created temporary outdoor dining/display requirements to allow restaurants/ businesses to operate in outdoor areas on private property used by the business. The intent of this program is to allow for businesses to open or expand operations to allow greater physical distancing and safety for patrons while the City of Scappoose Emergency Declaration related to Covid is in effect. Businesses must submit this form to the City of Scappoose Community Development Center prior to commencing outdoor operations. There is no fee to submit this form.

Business name: _____

Address: _____

Contact Name (print): _____

Phone: _____

Email: _____

Requirements

- Outdoor areas established under this program can only be used for sit-down dining or customer pick-up and carry-out service or merchandise display and sales. They cannot be used for activities that would promote or result in conditions where individuals cannot maintain appropriate physical distancing.
- Outdoor areas established under this program must be on private property and not in the City right of way unless separate City Council permission is granted.
- Tables, displays, and tents must not block entrances, exits, fire lanes, hydrants, sprinkler connection points, drive aisles and back-up areas that continue to be used by vehicles or pedestrians, and must be located outside of required visual clearance areas (SMC 12.10).
- Tents must meet Section 3103 – Temporary Structures, of the Oregon Structural Specialty Code and must be weighted/secured to prevent them from moving from their intended position.
- Building and fire access requirements must be maintained.
- Applicant must contact the Fire Department and receive a permit and inspection of any proposed temporary tent prior to use.
- ADA routes and dedicated ADA parking must be maintained.

- Property Owner/Tenant is responsible for employee and customer compliance with all COVID-19 Reopening Guidance documents for the applicable Sector(s) provided by the Oregon Health Authority, the Governor, and local health officials.
- Property Owner/Tenant must continue to comply with all other city codes and regulations, including SMC 9.12.020 – Offenses Related to Noise.
- Property Owner/Tenant will take all reasonable efforts to avoid undue adverse impacts to adjacent properties from the temporary additional use.

Prohibited Uses

- Permanent structures
- Any other uses or conditions where individuals cannot maintain appropriate physical distancing

Right to Revoke

The City has the right to revoke this Agreement and all associated permissions for any violation of the requirements of the Agreement. The City may also revoke this Agreement if the City determines, in its sole discretion, that the Agreement and its associated permissions are inconsistent with changing circumstances, including but not limited to changes related to public health considerations, data, guidance, or requirements from federal, state, or county authorities, and changes in policy direction from the Scappoose City Council.

Permit Expiration

This permit will expire when the City of Scappoose Emergency Declaration related to Covid is no longer in effect. Once that has occurred, the City will notify all businesses who have been approved under this permit, at which point all temporary outdoor dining/display areas must be returned to their original condition within 5 days.

Contact for Assistance

Community Development Center
 Phone: (503) 543-7184
 Email: loliver@cityofscappoose.org

Applicant has received approval from the Scappoose Rural Fire District for use of all proposed tents:

Yes No*

***(Fire District approval and inspection of all tents is required prior to City issuance of permit)**

Property Owner Authorization

As the owner(s) of the subject property, I (we) have read and agree to abide by these requirements. I (we) further agree to release the City of Scappoose from any liability, losses, claims, damages, settlement and attorney’s fees of any kind from or in connection with the outdoor dining and/or uses, and to indemnify and defend the City as to liability for allowing the activity. Property Owner agrees to provide appropriate insurance for the outdoor use.

Signature: _____

Date: _____

Print Name: _____

Tenant/Business Owner Authorization

As the tenants (s) of the subject property, I (we) have read and agree to abide by these requirements. I (we) further agree to release the City of Scappoose from any liability, losses, claims, damages, settlement and attorney's fees of any kind from or in connection with the outdoor dining and/or uses, and to indemnify and defend the City as to liability for allowing the activity. Property Owner agrees to provide appropriate insurance for the outdoor use.

Signature: _____

Date: _____

Print Name: _____

After signing this form please scan and email it to loliver@cityofscappoose.org, or mail this form to:

City of Scappoose, Attn. Planning Department
33568 E. Columbia Ave.
Scappoose, OR 97056

This completed form can also be returned to the drop box in the City Hall lobby.