

ORDINANCE NO. 791

AN ORDINANCE RELATING TO LAND USE AND AMENDING MUNICIPAL CODE CHAPTERS 17.01 (INTRODUCTION), 17.160 (PROCEDURES FOR DECISION MAKING--LEGISLATIVE), 17.162 (PROCEDURES FOR DECISION MAKING--QUASI-JUDICIAL), AND 17.164 (PROCEDURES FOR DECISION MAKING--LIMITED LAND USE DECISIONS) REGARDING COUNCIL AUTHORITY TO PERMIT SPECIAL EVENTS AND WAIVE LAND USE FEES FOR NONPROFIT ORGANIZATIONS.

THE CITY OF SCAPPOOSE ORDAINS AS FOLLOWS:

(Language to be omitted is ~~strikethrough~~, proposed language additions are in *bold italics*)

Section 1. Section 17.01.050(G) of the Scappoose Municipal Code is amended to read as follows:

- 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 ~~fourteen~~ *twenty-one* calendar days or less and approved by the city council.

Section 2. Section 17.160.020(D)(3)(c) of the Scappoose Municipal Code is amended to read as follows:

- c. Council may, on its own motion, ~~and by voice vote,~~ waive the *land use application fee or* appeal fee for other Scappoose based nonprofit organizations.

Section 3. Section 17.162.330(B) of the Scappoose Municipal Code is amended to read as follows:

- B. Council may, on its own motion, ~~and by voice vote,~~ waive the *land use application fee or* appeal fee for other nonprofit organizations.

Section 4. Chapter 17.164 of the Scappoose Municipal Code is amended by addition of the following Section 17.164.210:

17.164.210 Fee waivers. A. Fees for land use applications and appeals of a land use decision shall be waived for a recognized neighborhood planning organization (NPO) if all of the following conditions are met:

- 1. The appeal or land use application must have been supported by a majority vote of NPO members at a public meeting where a quorum of NPO members was present;

2. A copy of the minutes of the NPO meeting where the appeal or land use application was initiated must be submitted with the appeal or land use application;
 3. The appeal or application will be considered valid when conditions (1) and (2) of this section are met and all other filing requirements are met; and
 4. The NPO chairperson or designated representative shall appear at the next available city council meeting after the application or appeal is filed to request a waiver. The NPO shall work through the Planning Division to schedule the item on a council agenda.
- B. Council may, on its own motion, waive the land use application fee or appeal fee for other nonprofit organizations.

Section 5. In support of this ordinance, the City Council adopts the recommendation of the Scappoose Planning Commission and the findings of fact in the Staff Report dated May 11, 2007.

PASSED AND ADOPTED by the City Council this 4th day of June, 2007, and signed by me in authentication of its passage.

CITY OF SCAPPOOSE, OREGON

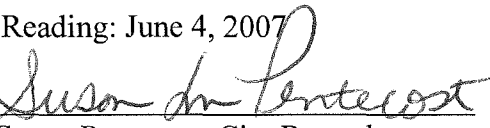


Scott Burge, Mayor

First Reading: May 21, 2007

Second Reading: June 4, 2007

Attest:



Susan Pentecost, City Recorder

CITY OF SCAPPOOSE

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DCTA 2-07

May 11, 2007

Amendments to Special Event Regulations and Nonprofit Organization Land Use Fees

CITY OF SCAPPOOSE STAFF REPORT

Request: Approval of amendments to the Development Code to expand the Council's authority to permit special events for nonprofit organizations and to exempt nonprofit organizations from land use application fees.

Applicant: City of Scappoose

PROPOSAL

The Scappoose Municipal Code grants the authority to City Council to exempt special events sponsored by nonprofit organizations and public agencies from the provisions of the Land Use and Development regulation for periods of fourteen days or less. This amendment would allow the Council to grant exemptions for twenty-one days rather than fourteen days. The change would afford the Council more flexibility in granting exemptions for special events.

The Municipal Code also provides for City Council to waive land use appeal fees for nonprofit organizations. The proposed changes would clarify that Council may also waive application fees for nonprofit groups, not merely the fees for appeal hearings.

PUBLIC NOTICE

Notice of the proposed amendments to the Development Code was published in the newspaper on April 25, May 2, and May 9, 2007. Staff has received no written comments from the public regarding this application.

RECOMMENDATION

This proposal would enact administrative changes to codify that the City Council has the authority to grant Development Code exemptions or waive land use fees for nonprofit organizations. Such a change would have the beneficial effect of allowing the Council to support nonprofit organizations by reducing their financial outlays for land use projects. Based on the applicable statutes, rules, comprehensive plan provisions and implementing ordinances, staff and the Planning Commission recommend adoption of the proposed amendments.

FINDINGS OF FACT

1. Amending the Development Code to expand the length of time for special events and allow the option to waive certain land use fees grants the City Council increased flexibility in assisting nonprofit organizations that contribute to the community.

Amendments to Special Event Regulations and Nonprofit Organization Land Use Fees

2. The following Statewide Planning Goals have been considered by the City of Scappoose in the formation of the language contained within this request:

Citizen Involvement (Goal 1)

Objective: To develop a citizen involvement program that insures the opportunity for citizens to be involved in all phases of the planning process.

Finding:

This application complies with the citizen involvement processes included in the City's acknowledged Comprehensive Plan and Development Code, which is consistent with Statewide Planning Goal 1. The Planning Commission and City Council hold public hearings on the proposal prior to adopting any amendments to the Scappoose Municipal Code. Notice of the proposal and hearings was published in the local newspaper on April 25, May 2, and May 9, 2007. Citizens may submit written or verbal testimony regarding the proposed amendments.

Statewide Planning Goals 2-19 are not applicable to this application.

3. The following Comprehensive Plan Provisions and Implementing Ordinances have been considered by the City of Scappoose in the formation of the language contained within this request:

Goals and Policies from the Scappoose Comprehensive Plan:***GOAL FOR ECONOMICS***

It is the goal of the City of Scappoose to:

- 1) *Maintain conditions favorable for a growing, healthy, stable, and diversified business and industrial climate.*

POLICIES FOR ECONOMICS

It is the policy of the City of Scappoose to:

- 6) *Cooperate with other agencies, interest groups and businesses in efforts to develop program strategies for improving the local economy.*

Finding:

Amending the Development Code to allow Council to approve longer special events than currently allowed and to waive land use fees for nonprofit organizations increases Council's ability to cooperate with the nonprofit sector in ways that may stimulate economic development.

The applicable GOAL FOR ECONOMICS and the POLICIES FOR ECONOMICS are satisfied.

Ordinance language from Title 17 of the Scappoose Municipal Code (Land Development Code):*Chapter 17.160 PROCEDURES FOR DECISION MAKING—LEGISLATIVE*

17.160.120 The standards for the decision. A. The recommendation by the planning commission and the decision by the council shall be based on consideration of the following factors:

- 1. Any applicable statewide planning goals and guidelines adopted under Oregon Revised Statutes Chapter 197;*
- 2. Any federal or state statutes or rules found applicable;*
- 3. The applicable comprehensive plan policies and map; and*
- 4. The applicable provisions of the implementing ordinances.*

B. Consideration may also be given to:

Proof of a substantial change in circumstances, a mistake, or inconsistency in the comprehensive plan or implementing ordinance which is the subject of the application.

Finding:

The Planning Commission's recommendations and the City Council's decisions are based on applicable statewide planning goals and guidelines, federal and state statutes and rules, Comprehensive Plan policies, and provisions of the Scappoose Municipal Code, as detailed in the findings. Section 17.160.120 is satisfied.

