

ORDINANCE NO. 851

AN ORDINANCE OF THE CITY OF SCAPPOOSE RELATING TO ANNEXATION

WHEREAS, the voters of the City of Scappoose passed Measure 5-248 at the November 3, 2015 Special Election, amending the City's Charter such that annexations to the City shall be conducted as provided by state law; and

WHEREAS, consistent with Measure 5-248, the City wishes to remove the requirement in the City's Development Code which requires all annexations be submitted to a City-wide election and instead submit an annexation measure to an election only if required by state law; and

WHEREAS, on December 10, 2015, the Scappoose Planning Commission held a public hearing, which was noticed in accordance with City standards, and recommended approval of this amendment; and

WHEREAS, on January 4, 2016, the Scappoose City Council held a public hearing, which was noticed in accordance with City standards, to consider the Planning Commission's recommendation.

NOW, THEREFORE, THE CITY OF SCAPPOOSE ORDAINS AS FOLLOWS:

Section 1. Chapter 17.136 of the Scappoose Municipal Code shall be amended to read as shown on the attached Exhibit A (additional language underlined and deleted language ~~stricken~~).


Section 2. Severability. If any provision of this ordinance or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are severable. This City Council hereby declares that it would have adopted this ordinance irrespective of the invalidity of any particular portion thereof and intends that the invalid portions should be severed and the balance of the ordinance be enforced.

CITY OF SCAPPOOSE, OREGON



Scott Burge, Mayor

First Reading: January 4, 2016
Second Reading: January 19, 2016

Attest: 

Susan M. Reeves, MMC
City Recorder

Exhibit A

In the text below, language to be omitted is ~~strikethrough~~, and proposed language additions are underlined.

17.136.030 Administration and approval process. A. The approval process for annexations to the city shall be as provided in ORS 222.

~~B. Notwithstanding the statutory provisions regarding whether an election is held as provided by ORS 222.111, 222.120 and 222.170, following approval by the city council, the city shall submit to the electors of the city any proposal for annexation. This paragraph shall not affect statutory provisions regarding submission of annexation proposals to the electors of the territory to be annexed, or the provisions for health hazard annexations pursuant to ORS 222.840 to 222.915.~~

CB. The application for an annexation required by this chapter shall be filed with the city, including required fees, on forms provided by the city. Upon receipt of a completed request for annexation, the planner shall prepare a staff report and recommendation describing compliance with the policies and criteria required by this and other relevant ordinances, and upon a recommendation to the city council pertaining to the annexation request. ~~The planning commission shall hold a public hearing in accordance with the provisions of Chapter 17.162 and shall make a recommendation to the city council. The city council shall hold a public hearing in accordance with the provisions of Chapter 17.162. Following the public hearing, the council shall make a final decision on the annexation request. The final action on a proposed annexation may be approval, approval with modification, or denial. If the council approves an annexation, required by code section 17.136.030 (B), the annexation shall be submitted to the electorate.~~

DC. The city council's decision is the last discretionary decision in the process. If an election is required, certifying the election after votes are counted is not a discretionary decision. The annexation ordinance shall be effective on the date the election is certified.

ED. When an election is required by ~~Section 17.136.030 (B)~~ ORS 222, annexations approved by the council shall be placed on the ballot at the next available primary or general election, whichever occurs first, unless the applicant has submitted a written request for a special election. Special elections shall occur not less than ninety days from the time of council approval.

FE. At the time of request, applicants submitting a written request for a special election shall be required to pay a deposit equivalent to the cost of the election as estimated by the county election clerk. Deposit amounts in excess of actual election costs will be refunded, and deficiencies in deposits must be paid by the applicant within thirty days of the election and prior to issuance of any further permits or approvals. (Ord. 691 §1 (part), 1999; Ord. 634 §1 Exh. A (part), 1995)