



Oregon

Theodore R. Kulongoski, Governor

Department of Land Conservation and Development

635 Capitol Street, Suite 150

Salem, OR 97301-2540

(503) 373-0050

Fax (503) 378-5518

www.lcd.state.or.us

NOTICE OF ADOPTED AMENDMENT

June 19, 2007



TO: Subscribers to Notice of Adopted Plan
or Land Use Regulation Amendments

FROM: Mara Ulloa, Plan Amendment Program Specialist

SUBJECT: City of Scappoose Plan Amendment
DLCD File Number 001-07

The Department of Land Conservation and Development (DLCD) received the attached notice of adoption. Copies of the adopted plan amendment are available for review at DLCD offices in Salem, the applicable field office, and at the local government office.

Appeal Procedures*

DLCD ACKNOWLEDGMENT OR DEADLINE TO APPEAL: July 2, 2007

This amendment was not submitted to DLCD for review prior to adoption. Pursuant to OAR 660-18-060, the Director or any person is eligible to appeal this action to LUBA under ORS 197.830 to 197.845.

If you wish to appeal, you must file a notice of intent to appeal with the Land Use Board of Appeals (LUBA) no later than 21 days from the date the decision was mailed to you by the local government. If you have questions, check with the local government to determine the appeal deadline. Copies of the notice of intent to appeal must be served upon the local government and others who received written notice of the final decision from the local government. The notice of intent to appeal must be served and filed in the form and manner prescribed by LUBA, (OAR Chapter 661, Division 10). Please call LUBA at 503-373-1265, if you have questions about appeal procedures.

***NOTE: THE APPEAL DEADLINE IS BASED UPON THE DATE THE DECISION WAS MAILED BY LOCAL GOVERNMENT. A DECISION MAY HAVE BEEN MAILED TO YOU ON A DIFFERENT DATE THAN IT WAS MAILED TO DLCD. AS A RESULT YOUR APPEAL DEADLINE MAY BE EARLIER THAN THE DATE SPECIFIED ABOVE.**

Cc: Gloria Gardiner, DLCD Urban Planning Specialist
Gary Fish, DLCD Regional Representative
Brian Varricchione, City of Scappoose

<paa>

2007

2 Notice of Adoption

THIS FORM MUST BE MAILED TO DLCD
WITHIN 5 WORKING DAYS AFTER THE FINAL DECISION
PER ORS 197.610, OAR CHAPTER 660 - DIVISION 18

DATE STAMP	DEPT OF
	JUN 12 2007
	LAND CONSERVATION AND DEVELOPMENT
	For DLCD Use Only

Jurisdiction: City of Scappoose Local file number: DCTA 2-07
 Date of Adoption: 6/4/07 Date Mailed: 6/11/07
 Date original Notice of Proposed Amendment was mailed to DLCD: N/A

- | | |
|---|---|
| <input type="checkbox"/> Comprehensive Plan Text Amendment | <input type="checkbox"/> Comprehensive Plan Map Amendment |
| <input checked="" type="checkbox"/> Land Use Regulation Amendment | <input type="checkbox"/> Zoning Map Amendment |
| <input type="checkbox"/> New Land Use Regulation | <input type="checkbox"/> Other: |

Summarize the adopted amendment. Do not use technical terms. Do not write "See Attached".

The City amended the Development Code to extend the time limit for special events from 14 days to 21 days, and to clarify that Council may waive land use fees for nonprofit organizations.

Describe how the adopted amendment differs from the proposed amendment. If it is the same, write "SAME". If you did not give Notice for the Proposed Amendment, write "N/A".

N/A

Plan Map Changed from: N/A to: _____

Zone Map Changed from: N/A to: _____

Location: City-wide Acres Involved: _____

Specify Density: Previous: N/A New: _____

Applicable Statewide Planning Goals: _____

Was an Exception Adopted? YES NO

DLCD File No.: 001-07 (NOA)

Did the Department of Land Conservation and Development receive a Notice of Proposed Amendment.....

Forty-five (45) days prior to first evidentiary hearing? Yes No

If no, do the statewide planning goals apply? Yes No

If no, did Emergency Circumstances require immediate adoption? Yes No

Affected State or Federal Agencies, Local Governments or Special Districts:

None.

Local Contact: **Brian Varricchione** Phone: **(503) 543-7184** Extension: _____
Address: **33568 E. Columbia Ave.** City: **Scappoose**
Zip Code + 4: **97056-** Email Address: **brianvarricchione@ci.scappoose.or.us**

ADOPTION SUBMITTAL REQUIREMENTS

This form **must be mailed** to DLCD **within 5 working days after the final decision**
per ORS 197.610, OAR Chapter 660 - Division 18.

1. Send this Form and **TWO (2) Copies** of the Adopted Amendment to:

ATTENTION: PLAN AMENDMENT SPECIALIST
DEPARTMENT OF LAND CONSERVATION AND DEVELOPMENT
635 CAPITOL STREET NE, SUITE 150
SALEM, OREGON 97301-2540
2. Submit **TWO (2) copies** the adopted material, if copies are bounded please submit **TWO (2) complete copies** of documents and maps.
3. Please Note: Adopted materials must be sent to DLCD not later than **FIVE (5) working days** following the date of the final decision on the amendment.
4. Submittal of this Notice of Adoption must include the text of the amendment plus adopted findings and supplementary information.
5. The deadline to appeal will not be extended if you submit this notice of adoption within five working days of the final decision. Appeals to LUBA may be filed within **TWENTY-ONE (21) days** of the date, the Notice of Adoption is sent to DLCD.
6. In addition to sending the Notice of Adoption to DLCD, you must notify persons who participated in the local hearing and requested notice of the final decision.
7. **Need More Copies?** You can copy this form on to 8-1/2x11 green paper only; or call the DLCD Office at (503) 373-0050; or Fax your request to:(503) 378-5518; or Email your request to **mara.ulloa@state.or.us** - ATTENTION: PLAN AMENDMENT SPECIALIST.

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.

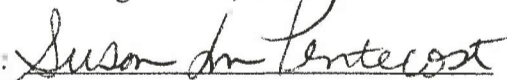
PASSED AND ADOPTED by the City Council this 4th day of June, 2007, and signed by me in authentication of its passage.

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

33568 EAST COLUMBIA AVENUE
SCAPPOOSE, OREGON 97056
(503) 543-7146
FAX: (503) 543-7182

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.

Our goal is to provide courteous, efficient service with team leadership and community involvement, in order to enhance the livability and well being of our citizens.

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.