

ORDINANCE No.

188933

* Amend Administrative Rule to reflect the 2007 update to Portland City Code Chapter 20 regarding Non- Park Use Permit applicant's right to a review of the denial of a permit (Ordinance; amend PRK-1.02)

The City of Portland ordains:

Section 1. The Council finds:

1. There is ambiguity as to whether any appeal or review right exists. Administrative Rule PRK-1.02, enacted by Council Ordinance in 1997, outlines the policies and procedures governing NPUP's. The last line of PRK-1.02 states, "Subject to the authority granted to the Commissioner in Charge under Section 20.12.380 of the City Code, the City Council has final authority to grant permits, easements or other instruments governing non-park use of park property."
2. Former PCC section 20.12.380 referred to in the rule no longer exists. When the entirety of Title 20 Parks & Recreation was overhauled in 2007, PRK-1.02 was not subsequently updated to conform to the renumbered and edited Chapter 20.12 Prohibited Conduct.

NOW, THEREFORE, The Council Directs:

- A. PRK-1.02 is hereby redrafted and approved to conform with the 2007 renumbering and substantive overhaul of PCC Title 20, as set forth in Exhibit A.
- B. The Parks Director may designate the Property & Business Development Manager the authority to approve or deny requests for non-park use.
- C. That Parks Commissioner in Charge shall have final authority to grant or deny permits, easements or other instruments governing non-park use of park property.
- D. There shall be a requirement to notify a Non-Parks Use Permit (NPUP) applicant of any review or appeal right when the Parks Director, or the Director's designee, denies an NPUP application.

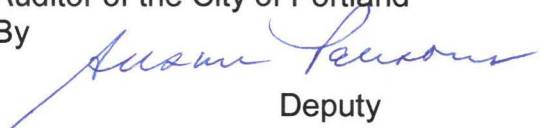
Section 2. The Council declares that an emergency exists and that this Amendment and the resulting denial process need to be executed immediately for the applicants to move forward with their proposed projects without delay. Therefore, this Ordinance shall be in full force and effect from and after its passage by Council.

Passed by the Council: MAY 09 2018

Commissioner Fritz
Prepared by: Jamal Fox
Date Prepared: 04/30/2018

Mary Hull Caballero
Auditor of the City of Portland

By



Deputy

Agenda No.
ORDINANCE NO. 188933
 Title

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<p>INTRODUCED BY Commissioner/Auditor: <i>Wheeler / Fritz</i></p> <p>COMMISSIONER APPROVAL</p> <p>Mayor—Finance & Administration - Wheeler <i>✓✓</i></p> <p>Position 1/Utilities - Fritz <i>Anand Fritz</i></p> <p>Position 2/Works - Fish</p> <p>Position 3/Affairs - Saltzman</p> <p>Position 4/Safety - Eudaly</p> <p>BUREAU APPROVAL</p> <p>Bureau: Parks & Recreation Bureau Head: Mike Abbate <i>Mike Abbate</i></p> <p>Prepared by: Jamal Fox Date Prepared: 04/27/2018</p> <p>Impact Statement Completed <input checked="" type="checkbox"/> Amends Budget <input type="checkbox"/></p> <p>Portland Policy Document If "Yes" requires City Policy paragraph stated in document. Yes <input checked="" type="checkbox"/> No</p> <p>City Auditor Office Approval: required for Code Ordinances</p> <p>City Attorney Approval: required for contract, code, easement, franchise, comp plan, charter</p> <p>Council Meeting Date <i>5/9/2018</i> 05/10/2018</p>	<p>CLERK USE: DATE FILED <u>MAY 01 2018</u></p> <p style="text-align: center;">Mary Hull Caballero Auditor of the City of Portland</p> <p>By: <i>[Signature]</i> Deputy</p> <p>ACTION TAKEN:</p>
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AGENDA
<p>TIME CERTAIN <input type="checkbox"/></p> <p>Start time: _____</p> <p>Total amount of time needed: _____ (for presentation, testimony and discussion)</p>
<p>CONSENT <input checked="" type="checkbox"/> <i>Pulled</i></p>
<p>REGULAR <input type="checkbox"/></p> <p>Total amount of time needed: _____ (for presentation, testimony and discussion)</p>

FOUR-FIFTHS AGENDA	COMMISSIONERS VOTED AS FOLLOWS:		
		YEAS	NAYS
1. Fritz	1. Fritz	<input checked="" type="checkbox"/>	
2. Fish	2. Fish	<input checked="" type="checkbox"/>	
3. Saltzman	3. Saltzman	<input checked="" type="checkbox"/>	
4. Eudaly	4. Eudaly	<input checked="" type="checkbox"/>	
Wheeler	Wheeler	<input checked="" type="checkbox"/>	