



Oregon

Theodore R. Kulongoski, Governor

Department of Land Conservation and Development

635 Capitol Street NE, Suite 150

Salem, Oregon 97301-2524

Phone: (503) 373-0050

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Third Floor/Measure 37 Fax: (503) 378-5318

Web Address: <http://www.oregon.gov/LCD>

NOTICE OF ADOPTED AMENDMENT

May 26, 2010



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

FROM: Angela Houck, Plan Amendment Program Specialist

SUBJECT: City of Scappoose Plan Amendment
DLCD File Number 002-10

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: Wednesday, June 9, 2010

This amendment was not submitted to DLCD for review prior to adoption because the jurisdiction determined that emergency circumstances required expedited review. 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: Brian Varrichione, City of Scappoose
Gloria Gardiner, DLCD Urban Planning Specialist
Gary Fish, DLCD Regional Representative

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In person electronic mailed



FORM **2**

DLCD

Notice of Adoption

DEPT OF

MAY 21 2010

**LAND CONSERVATION
AND DEVELOPMENT**
Public Use Only

This Form 2 must be mailed to DLCD within **5-Working Days after the Final Ordinance is signed** by the public Official Designated by the jurisdiction and all other requirements of ORS 197.615 and OAR 660-018-000

Jurisdiction: **City of Scappoose**

Local file number: **DCTA1-10**

Date of Adoption: **5/17/10**

Date Mailed: **5/19/10**

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? Yes No Date:

Comprehensive Plan Text Amendment

Comprehensive Plan Map Amendment

Land Use Regulation Amendment

Zoning Map Amendment

New Land Use Regulation

Other:

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

Eliminated the restriction on firearms storage and sales for home occupations due to state law (ORS 166.170) preempting the authority of the City to regulate firearms.

Does the Adoption differ from proposal? No, no explanation is necessary

Plan Map Changed from:

to:

Zone Map Changed from:

to:

Location:

Acres Involved:

Specify Density: Previous:

New:

Applicable statewide planning goals:

1 **2** **3** **4** **5** **6** **7** **8** **9** **10** **11** **12** **13** **14** **15** **16** **17** **18** **19**

Was an Exception Adopted? YES NO

Did DLCD receive a Notice of Proposed Amendment...

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

DLCD file No. 002-10 (18325) [16142]

Please list all affected State or Federal Agencies, Local Governments or Special Districts:

Local Contact: **Brian Varricchione**

Phone: **(503) 543-7184** Extension:

Address: **33568 E. Columbia Ave.**

Fax Number: **(503) 543-5679**

City: **Scappoose**

Zip: **97056**

E-mail Address: **brianvarricchione@ci.scappoose.or.us**

ADOPTION SUBMITTAL REQUIREMENTS

This Form 2 must be received by DLCD no later than 5 days after the ordinance has been signed by the public official designated by the jurisdiction to sign the approved ordinance(s) per ORS 197.615 and OAR Chapter 660, Division 18

1. This Form 2 must be submitted by local jurisdictions only (not by applicant).
2. When submitting, please print this **Form 2** on light green paper if available.
3. Send this Form 2 and One (1) Complete Paper Copy and One (1) Electronic Digital CD (documents and maps) of the Adopted Amendment to the address in number 6:
4. **Electronic Submittals: Form 2 – Notice of Adoption will not be accepted via email or any electronic or digital format at this time.**
5. The Adopted Materials must include the final decision signed by the official designated by the jurisdiction. The Final Decision must include approved signed ordinance(s), finding(s), exhibit(s), and any map(s).
6. **DLCD Notice of Adoption must be submitted in One (1) Complete Paper Copy and One (1) Electronic Digital CD via United States Postal Service, Common Carrier or Hand Carried to the DLCD Salem Office and stamped with the incoming date stamp.** (for submittal instructions, also see # 5)] **MAIL the PAPER COPY and CD 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**

7. Submittal of this Notice of Adoption must include the signed ordinance(s), finding(s), exhibit(s) and any other supplementary information (see ORS 197.615).
8. Deadline to appeals to LUBA is calculated **twenty-one (21) days** from the receipt (postmark date) of adoption (see ORS 197.830 to 197.845).
9. In addition to sending the Form 2 - Notice of Adoption to DLCD, please notify persons who participated in the local hearing and requested notice of the final decision at the same time the adoption packet is mailed to DLCD (see ORS 197.615).
10. **Need More Copies?** You can now access these forms online at **<http://www.lcd.state.or.us/>**. You may also call the DLCD Office at (503) 373-0050; or Fax your request to: (503) 378-5518.

Updated December 22, 2009

ORDINANCE NO. 810

AN ORDINANCE AMENDING MUNICIPAL CODE CHAPTERS 17.142 HOME OCCUPATIONS AND DECLARING AN EMERGENCY

WHEREAS, the City of Scappoose adopted ordinances that regulated home occupations as part of the Land Use and Development Code in 1995, and

WHEREAS, the City of Scappoose at that time prohibited the storage and /or sale of firearms as home occupations, and

WHEREAS, the Oregon Revised Statutes {ORS 166.170(1)} vests sole authority in the state legislature to “regulate in any manner whatsoever the sale, acquisition, transfer, ownership, possession, storage, transportation or use of firearms”, and

WHEREAS, the Oregon Revised Statutes {ORS 166.170(2)} prohibits cities from enacting civil or criminal ordinances , including but not limited to zoning ordinance, to regulate, restrict or prohibit the sale, acquisition, transfer, ownership, possession, storage, transportation or use of firearms and ordinances that are contrary to this subsection are void.

NOW THEREFORE, THE CITY OF SCAPPOOSE ORDAINS AS FOLLOWS:

Section 1. Scappoose Municipal Code Chapter 17.142.050 (H) regarding uses not allowed as home occupations is amended to read as follows:

4. “Storage and/or sale of fireworks ~~or firearms.~~”

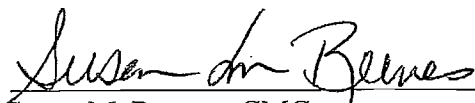
Section 2. Emergency Clause and Effective Date. The City Council declares it necessary for the public health, welfare and safety for this Ordinance to take effect immediately upon passage and therefore declares an emergency.

PASSED AND ADOPTED by the City Council this 17th day of May, 2010 and signed by the Mayor and City Recorder in authentication of its passage.

CITY OF SCAPPOOSE, OREGON



Scott Burge, Mayor

Attest: 

Susan M. Reeves, CMC
City Recorder

CITY OF SCAPPOOSE

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

NOTICE OF LAND USE DECISION

Date: May 19, 2010
To: Interested Persons
From: Brian Varricchione, City Planner, (503) 543-7184
Subject: Development Code Text Amendment DCTA1-10

On May 17, 2010, the City Council adopted Ordinance 810 approving Development Code Text Amendment DCTA1-10 to amend Chapter 17.142 of the Scappoose Municipal Code regarding home occupations. Copies of the ordinance are available for review upon request.

The City Council held a public hearing on May 17, 2010 and read the ordinance for the first and second time on that date. The ordinance was passed with an emergency clause to become effective immediately.

The approval of DCTA1-10 by the Scappoose City Council is final. This decision may be appealed by filing a Notice of Intent to Appeal with the state Land Use Board of Appeals within 21 days of the date the decision became final as described by OAR 661-010-0010(3).

General Information

Request: Approval of amendments to the Development Code regarding the rules and regulations for home occupations, specifically removing the restriction on firearms sales and storage.

Applicant: City of Scappoose

About this Decision

The file and all evidence on this case is available for your review by appointment. Please call (503) 543-7184 to schedule an appointment. Copies of all information in the file can be obtained for a fee equal to the cost for such services. You may also find the City of Scappoose Municipal Code online at <http://www.ci.scappoose.or.us/ordinances.html>.



Brian Varricchione, City Planner
Mailed 5/19/10

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

Plan Amendment Specialist
DLCD
635 Capitol St. NE, Suite 150
Salem, OR 97301-2540

