



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

November 28, 2007



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

FROM: Mara Ulloa, Plan Amendment Program Specialist

SUBJECT: City of Clatskanie Plan Amendment
DLCD File Number 003-07

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: December 11, 2007

This amendment was submitted to DLCD for review prior to adoption with less than the required 45-day notice. Pursuant to ORS 197.830 (2)(b) only persons who participated in the local government proceedings leading to adoption of the amendment are eligible to appeal this decision to the Land Use Board of Appeals (LUBA).

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.**

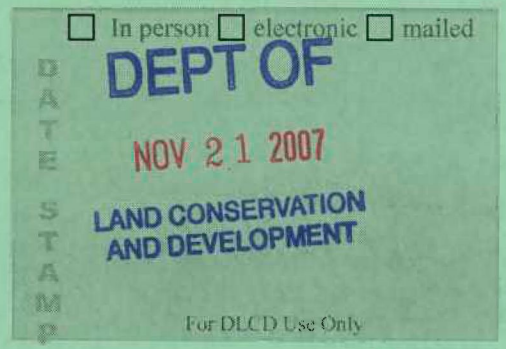
Cc: Doug White, DLCD Community Services Specialist
Gary Fish, DLCD Regional Representative
Eve Dolan, City Of Clatskanie

<paa> yal

DLCD

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



Jurisdiction: **CLATSKANIE** Local file number: **2007-19**
 Date of Adoption: ~~11/11/2007~~ **11/7/2007** Date Mailed: **11/20/2007**
 Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? **Yes** Date: 9/12/2007

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".
Regulate adult business in the commercial and light industrial zones with a conditional use permit.

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
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

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. 003-07 (16390) [14642]

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

Local Contact: **Eve Dolan**

Phone: **(503) 728-2622** Extension:

Address: **PO Box 9**

Fax Number: **503-728-3297**

City: **Clatskanie**

Zip:

E-mail Address: **edolan@charterinternet.com**

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 Complete Copies** (documents and maps) 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. Electronic Submittals: At least **one** hard copy must be sent by mail or in person, but you may also submit an electronic copy, by either email or FTP. You may connect to this address to FTP proposals and adoptions: **webserver.lcd.state.or.us**. To obtain our Username and password for FTP, call Mara Ulloa at 503-373-0050 extension 238, or by emailing **mara.ulloa@state.or.us**.
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 now access these forms online at **http://www.lcd.state.or.us/**. Please print on **8-1/2x11 green paper only**. You may also 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.

**City of Clatskanie
Ordinance 650**

**AN ORDINANCE FOR THE CITY OF CLATSKANIE
AMENDING THE LAND DEVELOPMENT CODE
TO REGULATE ADULT BUSINESSES**

WHEREAS, the City's goal is to protect the safety of the youth by establishing regulations for adult business and to promote a family friendly environment in our downtown; and

WHEREAS, freedom of expression in the Oregon constitution has been greatly expanded since 2002; and

WHEREAS, the City of Clatskanie regulates the use of Adult Business in the Commercial and Light Industrial Zones with a conditional use permit; and

WHEREAS, the City Planning Commission conducted a public hearing and adopted findings on this matter; and

WHEREAS, the conditional use is derived from Ordinance 621, adopted November 6, 2002 and shall remain in effect until January 1, 2008.

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

A. Repeals Section 4 of Ordinance 621 entitled Expiration Date.

B. Section 9-14-2 G subsections 2 and 3 shall be amended to read as follows:

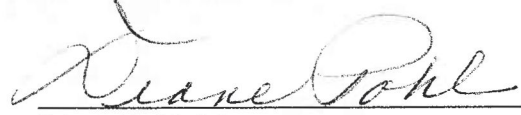
2. The Adult Business shall not be located within two hundred and fifty (250) feet of any tax lot upon which there is located a church or other religious institution, educational institution primarily attended by minors, a public park or recreational facility, a nursery, preschool or child care center, a governmental institution, or library. The distance shall be measured in a straight line from the closest edge of the structure in which the Adult Business is located to the closest edge of the tax lot upon which the above listed facilities are located.


3. The Adult Business shall not be located within two hundred and fifty (250) feet of any multifamily residential zone (MFR). The distance shall be measured in a straight line from the closest edge of the structure in which the Adult Business is located to the closest edge of the MFR zone.

Savings Clause: If a court of competent jurisdiction shall declare any portion of this Ordinance invalid, all remaining portions shall be in full force and effect. It is the intent of this legislation

that the Courts interpret the language in the Ordinance in the light most favorable to its validity under the Oregon and United States Constitution.

ADOPTED BY THE COUNCIL OF THE CITY OF CLATSKANIE, this 7th day of November 2007.


Diane Pohl, Mayor

Attest: 
Tina Hendricks, CMC
City Recorder

1st Reading: October 17, 2007
2nd Reading: November 14, 2007

ROLL CALL ON ADOPTION:		Aye	Nay	Absent
Mayor:	Diane Pohl	x		
Councilors:	Bertie Barr	x		
	Steve Constans	x		
	Kathy Engel			x
	Larry Garlock	x		
	Toby Harris	x		
	Ron Puzey	x		

CITY OF CLATSKANIE

P.O. Box 9 • Clatskanie, OR 97016



Attention: Plan Amendment Specialist
Dept of Land Conservation and Development
635 Capitol Street NE, Suite 150
Salem, OR 97301-2540

97301 2540 0007

