



Oregon

Theodore R. Kulongoski, Governor

Department of Land Conservation and Development

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NOTICE OF ADOPTED AMENDMENT



March 24, 2006

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 001-05

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: April 7, 2006

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
Preston Polasek, City of Clatskanie

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FORM 2

DLCD NOTICE OF ADOPTION

DEPT OF

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

MAR 20 2006

(See reverse side for submittal requirements)

LAND CONSERVATION
AND DEVELOPMENT

Jurisdiction: Clatskanie Local File No.: 2005-5
(If no number, use none)

Date of Adoption: 3-1-2006 Date Mailed: 3-16-06
(Must be filled in) (Date mailed or sent to DLCD)

Date the Notice of Proposed Amendment was mailed to DLCD: 2-8-05

- Comprehensive Plan Text Amendment
- Land Use Regulation Amendment
- New Land Use Regulation
- Comprehensive Plan Map Amendment
- Zoning Map Amendment
- Other: _____
(Please Specify Type of Action)

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

Update and codifying Municipal Code, which
includes Title 9 Land Use and Development.

Describe how the adopted amendment differs from the proposed amendment. If it is the same, write ASame.≡ If you did not give notice for the proposed amendment, write AN/A.≡

Public hearings and public comments were received
on the amendments. Amendment were the result of
public hrgs.

Plan Map Changed from : _____ to _____

Zone Map Changed from: _____ to _____

Location: _____ Acres Involved: _____

Specify Density: Previous: _____ New: _____

Applicable Statewide Planning Goals: _____

Was an Exception Adopted? Yes: _____ No: _____

DLCD File No.: 001-05 (14134)

Did the Department of Land Conservation and Development receive a notice of Proposed Amendment **FORTY FIVE (45) days prior to the first evidentiary hearing.** Yes: No:
If no, do the Statewide Planning Goals apply. Yes: No:
If no, did The Emergency Circumstances Require immediate adoption. Yes: No:
Affected State, or Federal Agencies, Local Governments or Special Districts: _____

Local Contact: Preston Polasek Area Code + Phone Number: 503-728-2622
Address: PO Box 9 City: Clatskanie
Zip Code+4: 97016 Email Address: ppolasek@clatskanie.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 (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 ANotice of Adoption is sent to DLCD.
6. In addition to sending the ANotice 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 Larry.French@state.or.us - ATTENTION: PLAN AMENDMENT SPECIALIST.

City of Clatskanie
ORDINANCE NO. 643

**REVISING, CODIFYING AND COMPILING TITLE 9 ENTITLED LAND USE AND
DEVELOPMENT OF THE CITY OF CLATSKANIE, OREGON, AND ADOPTING THE
CLATSKANIE LAND USE AND DEVELOPMENT CODE**

Whereas, the Clatskanie Planning Commission has held multiple meetings and public hearings over the course of several months to discuss proposed changes to the development code and solicit public input; and

Whereas, the Planning Commission has reviewed Title 9 entitled Land Use and Development and recommends adoption of said Ordinance with amendments;

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

Section 1.

That the language set forth in Title 9, entitled "Land Use and Development" prepared by Sterling Codifiers, Inc, made available in digital form for the City of Clatskanie at the website: www.sterlingcodifiers.com and amendments hereto attached as Exhibit, "A" be made a part of this Ordinance.

Section 2.

The terms of this Ordinance are severable. If a part of this Ordinance is held invalid, that invalidity does not affect another part of this Ordinance.

Passed by the Council of the City of Clatskanie this 1st day of March 2006.

Attest: Tina Hendricks
Tina Hendricks, CMC
City Recorder

Diane Pohl
Diane Pohl, Mayor

1st Reading: January 18, 2006
2nd Reading: February 15, 2006
3rd Reading: March 1, 2006

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

Exhibit A

Title No.	Amendment (new text is in bold and italic)
9 all	Replace "commission" with <i>planning commission</i>
9-1-4	Interpretation of Terms, Regulations: The city manager shall have the authority to interpret all terms, provisions and requirements of this title. <i>The city manager shall not substitute an interpretation in conflict with any ruling or decision of the planning commission. A request for interpretation</i> may be made orally or in writing. The city manager's interpretation may be appealed to the planning commission for its interpretation.
9-1-7	<i>Plans Review: The Planning Commission and Clatskanie Rural Fire Protection District shall review and approve all new construction plans for commercial and industrial development and all plans for multi-family residential with density greater than two units per lot.</i>
9-2-2	Dwelling Unit: Any building or portion thereof which contains living facilities, including provisions for sleeping, eating, cooking and sanitation as required by the applicable codes designed for occupancy by only one family (<i>see "Family"</i>).
9-2-2	Add definitions: <i>MANUFACTURED HOME: A particular manufactured dwelling constructed for movement on the public highways that has sleeping, cooking and plumbing facilities, that is intended for human occupancy, that is being used for residential purposes and that was constructed on or after June 15, 1976 and met the construction requirements of the federal manufactured housing construction and safety standards and regulations in effect at the time of construction.</i> <i>UNUSED MANUFACTURED HOME: A manufactured home that has not been occupied for residential or commercial use.</i>
9-2-2	Modify "C" and add section "D" to current definition of "Manufactured Dwelling" <i>C. A "manufactured home."</i> <delete text, which is replaced by definition above> <i>D. A "manufactured dwelling" does not include any building or structure constructed to conform to the State of Oregon Structural Specialty Code or the Low-Rise Residential Dwelling Code adopted pursuant to Oregon revised statutes or any unit identified as a recreational vehicle by the manufacturer.</i>
9-3-7 C	Quasi-Judicial Hearings:
9-3-7 C 3	Copies of the complete application shall be distributed by the city manager to members of the city staff and to <i>the Clatskanie Rural Fire Department</i> and to affected agencies for their comments.

Exhibit A

Title No.	Amendment (new text is in bold and italic)
9-3-7 C 4	Following the review period, the city manager shall coordinate and assemble the application data and reports <i>and distribute to the planning commission, applicant, city staff and to the press, not less than five (5) days prior to the hearing date.</i>
9-3-7 D	Legislative Hearings: <add the following sentence at end of section> <i>The city council, planning commission, advisory board or record owner of property, may initiate the application process.</i> a. The procedures described in subsections C1 through C4 of this section shall apply. <moved from opening paragraph.> b. <i>A minimum of two hearings, one before the planning commission and one before the city council are required except where only a hearing by the city council is required.</i> c. <i>Any applicable statewide planning goals and guidelines adopted under Oregon Revised Statutes Chapter 197, applicable comprehensive plan policies and provisions of the implementing ordinances shall apply.</i> d. <i>Notice of the hearing shall be published in a newspaper of general circulation at least 10 days prior to the hearing. The procedures described in subsections E3 through N of this section shall apply.</i>
9-3-7 E 2	Legislative: The legislative land use hearing notice requirements shall be <i>regulated by subsection 9-3-7 D</i> and under Oregon Revised Statutes.
9-3-8 C 1	Notice of the planning commission hearing on a proposed amendment shall be given in the manner as for a legislative action, described in section 9-3-7 of this chapter.
9-3-9	Appeals:
9-3-9 D	Contents of Notice: Notice of the hearing shall be provided in the same manner as for the original hearing <i>in accordance with state law.</i>
9-3-9 E	Testimony; Evidence: At the hearing, <i>testimony shall be limited to the applicant(s) and the appellant(s) and evidence shall be limited to the record of the planning commission decision. The city council may decide to hear additional testimony or additional evidence on any specific appeal.</i>
9-5 A 1-A	R-10 Single-Family Residential Zone Permitted Uses: <i>Delete "agricultural use"</i> ; modify reference in 4-1-3.
9-5A-1	Permitted Uses in R-10 Zone. Change "manufactured dwelling" to <i>Unused Manufactured Single-Family Home</i>
9-5A-2	Conditional Uses in R-10 Zone. Add: <i>Manufactured Single-Family Dwelling other than an Unused Manufactured Home</i>

Exhibit A

Title No.	Amendment (new text is in bold and italic)
9-5B-1	Permitted Uses in R-7 Zone. Change "manufactured single-family dwelling" to <i>Unused Manufactured Single-Family Home</i>
9-5B-2	Conditional Uses in R-7 Zone. Add: <i>Manufactured Single-Family Dwelling other than an Unused Manufactured Single-Family Home</i>
9-5C-1	Permitted Uses in R-5 Zone. Change "manufactured dwelling" to <i>Unused Manufactured Home</i>
9-5C-2	Conditional Uses in R-5 Zone. Add: <i>Manufactured Dwelling other than an Unused Manufactured Home</i>
9-6B 1	Permitted Uses in C-1 General Commercial Use Zone
9-6B 1 B	Within Enclosed Building: <i>Change: Automobile service station or sales to Automobile repair</i>
9-6B 1 C	<i>Outdoor uses for the following:</i> <i>Automobile filling station</i> <i>Food service</i> <i>Outdoor goods</i> <i>Sale of one used personal vehicle owned by the property owner, lessee, or employee.</i>
<9-6B 1 C changed to 9-6B 1 D>	
<9-6B 1 D moved to 9-6B-2 as follows:>	
9-6B 2	Conditional Uses: In a C-1 zone, the following uses may be permitted with conditions, by the planning commission in accordance with section 9-14-2 of this title, and after a public hearing: Adult businesses <i>Automobile sales</i> <i>Automobile tire sales with outdoor storage</i> Communication tower <i>Lumberyard with outdoor storage</i> Any other use determined by the planning commission to be similar in nature to the above uses, with any conditions deemed necessary to protect the public health, safety and welfare.
9-11-5	Parking regulations- Loading of Spaces: Delete "city manager" and replace with <i>planning commission</i> .
9-12-1	Sign Regulations this chapter is <i>replaced by Ordinance 639</i> .
9-13A-1-A1 and A2	Delete both.

Exhibit A

Title No.	Amendment (new text is in bold and italic)
9-13A-1-B	Modify to read as follows: <i>Modular housing shall meet the same regulations as required for manufactured dwellings that are stated in this article.</i>
9-13B 1	Special Regulations. Recreation Vehicle Parks
9-13B 2	DEFINITIONS: RV PAD: A <i>concrete</i> surface area provided as the parking location for the RV within a recreation vehicle park.
9-13B 4 C	RV Space, Pad: Each RV space shall have an RV pad <i>constructed of concrete</i> , minimum fourteen feet (14') in width,
9-13B 4 D	<i>Vehicle Parking: All parking spaces within the RV park shall be constructed of asphalt or concrete.</i> In addition to the RV pad, <i>which shall be constructed of concrete</i> , each RV space shall have parking for at least two (2) passenger vehicles.
9-13B 8	<i>Procedure for Tentative Plan Review:</i> <i>A. Plan Copies, Application and Fee: Ten (10) copies of a plan, drawn to scale, shall be submitted to the city manager with a completed application form and the required fee. The plan shall include the minimum design standards as outlined in section 9-13B.</i> <i>B. Review By City: The city manager shall review the submittal to determine whether the application is complete, as described in subsection 9-3-7C1 of this title.</i> <i>C. Public Hearing: A public hearing before the planning commission shall be scheduled and held in accordance with section 9-3-7 of this title.</i> <i>D. Tentative Plan Approval: Approval of the tentative design plan shall not constitute final acceptance of the recreation vehicle park design. However, the approval of a tentative design shall be binding on the city and the applicant for the purpose of preparing the final recreation vehicle park design. The final design plan must comply with all conditions set forth by the city in the tentative design approval, and the city may require only such changes in the design as are necessary for compliance with the conditions of the tentative plan approval and compliance with all laws and regulations.</i> <i>E. Time Limitation: The tentative design shall be valid for one year from the date of its approval. The planning commission, upon receipt of the applicant's written request, may grant an extension of the tentative plan approval for a period of one year. In granting an extension, the planning commission shall make a written finding that the facts upon which the approval was based have not changed to an extent sufficient to warrant refiling of the tentative plan.</i>
9-13B 9	<i>Procedure for Final Plan Review</i> <i>A. Submission: The applicant shall submit a final design plan prior to the expiration of the tentative design approval. Any final design not submitted prior to the expiration of the tentative plan approval shall be considered void.</i>

Exhibit A

Title No.	Amendment (new text is in bold and italic)
	<p><i>B. Information Requirements: The final design shall conform to the information requirements of section 9-13B of this chapter. The planning commission shall review the final design to determine that it conforms to the tentative design and all applicable conditions.</i></p> <p><i>C. Review By City: The city manager shall review the submittal to determine whether the application is complete, as described in subsection 9-3-7C1 of this title.</i></p> <p><i>D. Final Design Approval: The final design plan approval must comply with all conditions set forth by the city for tentative plan approval, and the city may require only such changes in the design as are necessary for compliance with the terms of the tentative plan approval and compliance with all laws and regulations.</i></p> <p><i>E. Completion of Improvements: As a condition of final plan approval, the city may require that a performance bond be provided to the city to cover the cost of any improvements required for public facilities.</i></p>
9-14-2 E-2g.	All mobile home parks containing a total area of ten (10) acres or more <i>shall</i> provide secondary access into the park.
9-15-5	Procedure for Tentative Plan Review
9-15-5 G	Tentative Plan Approval:The final plat must comply with all conditions set forth by the city in the tentative partition plan approval, and the city may require only such changes in the plat as are necessary for compliance with the terms of the tentative plan approval <i>and compliance with all laws and regulations.</i>
9-15-7	Procedure for Final Plat Review
9-15-7 B	Information Requirements: The final plat shall conform to the information requirements of section 9-15-4 of this chapter. The planning commission shall review the final plat to determine that is conforms with the tentative plan and all applicable conditions <i>and is in compliance with all laws and regulations.</i>
9-15-7 D	Signature and Date Required: If the final plat conforms to the tentative plan and all applicable conditions, the city manager <i>and the planning commission chair</i> shall sign and date the final plat.
9-16-8	Planned Unit Development Approval Standards: <i>A. Public Hearing: A public hearing before the planning commission shall be scheduled and held in accordance with section 9-3-7 of this title.</i> <i>B. Findings Of Commission: The planning commission shall make findings that the requirements of this city code and other land development standards are satisfied when approving, or approving with conditions, or that the criteria is not satisfied when denying an application.</i> <i>C. Appeal: The decision of the planning commission may be appealed to the city council in accordance with section 9-3-9 of this title.</i> <i>D. <section moved from 9-16-8 B. Criteria...></i>