



Oregon

Kate Brown, Governor

Department of Land Conservation and Development

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NOTICE OF ADOPTED CHANGE TO A COMPREHENSIVE PLAN OR LAND USE REGULATION

Date: April 26, 2016
Jurisdiction: City of Clatskanie
Local file no.: 2015-12
DLCD file no.: 002-15

The Department of Land Conservation and Development (DLCD) received the attached notice of adopted amendment to a comprehensive plan or land use regulation on 04/22/2016. A copy of the adopted amendment is available for review at the DLCD office in Salem and the local government office.

Notice of the proposed amendment was submitted to DLCD less than 35 days prior to the first evidentiary hearing.

Appeal Procedures

Eligibility to appeal this amendment is governed by ORS 197.612, ORS 197.620, and ORS 197.830. Under ORS 197.830(9), a notice of intent to appeal a land use decision to LUBA must be filed no later than 21 days after the date the decision sought to be reviewed became final. If you have questions about the date the decision became final, please contact the jurisdiction that adopted the amendment.

A 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).

If the amendment is not appealed, it will be deemed acknowledged as set forth in ORS 197.625(1)(a). Please call LUBA at 503-373-1265, if you have questions about appeal procedures.

DLCD Contact

If you have questions about this notice, please contact DLCD's Plan Amendment Specialist at 503-934-0017 or plan.amendments@state.or.us



NOTICE OF ADOPTED CHANGE TO A COMPREHENSIVE PLAN OR LAND USE REGULATION

FOR DLCD USE

File No.: 002-15 {23990}

Received: 4/22/2016

Local governments are required to send notice of an adopted change to a comprehensive plan or land use regulation **no more than 20 days after the adoption.** (See [OAR 660-018-0040](#)). The rules require that the notice include a completed copy of this form. **This notice form is not for submittal of a completed periodic review task or a plan amendment reviewed in the manner of periodic review.** Use [Form 4](#) for an adopted urban growth boundary including over 50 acres by a city with a population greater than 2,500 within the UGB or an urban growth boundary amendment over 100 acres adopted by a metropolitan service district. Use [Form 5](#) for an adopted urban reserve designation, or amendment to add over 50 acres, by a city with a population greater than 2,500 within the UGB. Use [Form 6](#) with submittal of an adopted periodic review task.

Jurisdiction: City of Clatskanie

Local file no.: **2015-12**

Date of adoption: Apr 6, 2016

Date sent: 4/22/2016

Was Notice of a Proposed Change (Form 1) submitted to DLCD?

Yes: Date (use the date of last revision if a revised Form 1 was submitted): Aug 27, 2015

No

Is the adopted change different from what was described in the Notice of Proposed Change? Yes No

If yes, describe how the adoption differs from the proposal:

Yes: Altered buffer zone from 1500ft to 1000ft. Buffer categories reduced to schools and properties maintained by Parks and Rec district.

Local contact (name and title): Greg Hinkelman

Phone: (503) 728-2622

E-mail: ghinkelman@cityofclatskanie.com

Street address: 75 S. Nehalem; Suite D

City: Clatskanie

Zip: 97016-

PLEASE COMPLETE ALL OF THE FOLLOWING SECTIONS THAT APPLY

For a change to comprehensive plan text:

Identify the sections of the plan that were added or amended and which statewide planning goals those sections implement, if any:

For a change to a comprehensive plan map:

Identify the former and new map designations and the area affected:

Change from	to	acres.	A goal exception was required for this
change.			
Change from	to	acres.	A goal exception was required for this
change.			
Change from	to	acres.	A goal exception was required for this
change.			
Change from	to	acres.	A goal exception was required for this change.

Location of affected property (T, R, Sec., TL and address):

The subject property is entirely within an urban growth boundary

The subject property is partially within an urban growth boundary

If the comprehensive plan map change is a UGB amendment including less than 50 acres and/or by a city with a population less than 2,500 in the urban area, indicate the number of acres of the former rural plan designation, by type, included in the boundary.

Exclusive Farm Use – Acres:	Non-resource – Acres:
Forest – Acres:	Marginal Lands – Acres:
Rural Residential – Acres:	Natural Resource/Coastal/Open Space – Acres:
Rural Commercial or Industrial – Acres:	Other: – Acres:

If the comprehensive plan map change is an urban reserve amendment including less than 50 acres, or establishment or amendment of an urban reserve by a city with a population less than 2,500 in the urban area, indicate the number of acres, by plan designation, included in the boundary.

Exclusive Farm Use – Acres:	Non-resource – Acres:
Forest – Acres:	Marginal Lands – Acres:
Rural Residential – Acres:	Natural Resource/Coastal/Open Space – Acres:
Rural Commercial or Industrial – Acres:	Other: – Acres:

For a change to the text of an ordinance or code:

Identify the sections of the ordinance or code that were added or amended by title and number:

Clatskanie Municipal Code sections: 9-2-2, Definitions; 9-6B-2, Conditional Uses; 9-14-2, adding Section H paragraph 1-3.

For a change to a zoning map:

Identify the former and new base zone designations and the area affected:

Change from	to	Acres:
Change from	to	Acres:
Change from	to	Acres:
Change from	to	Acres:

Identify additions to or removal from an overlay zone designation and the area affected:

Overlay zone designation:	Acres added:	Acres removed:
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Location of affected property (T, R, Sec., TL and address):

List affected state or federal agencies, local governments and special districts: City of Clatskanie

Identify supplemental information that is included because it may be useful to inform DLCD or members of the public of the effect of the actual change that has been submitted with this Notice of Adopted Change, if any. If the submittal, including supplementary materials, exceeds 100 pages, include a summary of the amendment briefly describing its purpose and requirements.

**City of Clatskanie
Ordinance 679**

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

WHEREAS, the City’s goal is to protect the safety of the youth by establishing regulations for marijuana businesses and dispensaries; and

WHEREAS, the City of Clatskanie regulates the placement of Marijuana Business and Dispensaries in a Commercial Zone with a conditional use permit; and

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

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

The following are added to Clatskanie Municipal Code section 9-2-2: Definitions:

Medical Marijuana Dispensary: Transfer usable marijuana, immature marijuana plants, seed, and medical products, concentrates and extracts to patients and caregivers Registered under ORS 475.314 and as defined in Clatskanie Municipal Code section 3-2A.

Medical Marijuana Grow Site: Location for planting, cultivating, growing, trimming, or harvesting marijuana leaves or flowers registered under ORS 475.304 and as defined in Clatskanie Municipal Code section 3-2A

Medical Marijuana Processing Site: Location for compounding or converting marijuana into medical products, concentrates or extracts Registered under section 85 of HB 3400 and as defined in Clatskanie Municipal Code section 3-2A.

Recreational Marijuana Processers: Processes compound or converts marijuana into products, concentrates or extracts but does not include packaging or labeling, with license obtained under section 14 of HB 3400 and as defined in Clatskanie Municipal Code section 3-2A.

Recreational Marijuana Producers: Manufacture, plant, cultivate grow, and harvest marijuana under license obtained under section 12 of HB 3400 and as defined in Clatskanie Municipal Code section 3-2A.

Recreational Marijuana Retailer: Sells marijuana items to a consumer with a license obtained under section 16 of HB 3400 and as defined in Clatskanie Municipal Code section 3-2A.

Recreational Marijuana Wholesalers: Purchase marijuana items for resale to a person other than a customer with license obtained under section 15 of HB 3400 and as defined in Clatskanie Municipal Code section 3-2A.

The following is added to Clatskanie Municipal Code section 9-6B-2: Conditional Uses:

Medical Marijuana Business as defined for Dispensary, Grow Site, and Processing Site.

Recreational Marijuana Business as defined for Processors, Producers, Retailers, and Wholesalers.

Proposed Change to 9-14-2, adding section H, paragraphs 1-3:

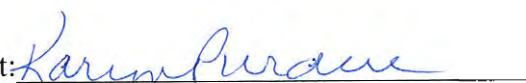
9-14-2 (H) Standards for Marijuana Dispensary, Grow Site, and Processing Site and Recreational Marijuana Processors, Producers, Retailers, and Wholesalers Conditional Use:

1. In addition to the regulations of this title, a Medical Marijuana Dispensary, Grow Site, and Processing Site and Recreational Marijuana Processors, Producers, Retailers, and Wholesaler business must comply with all the requirements of the Clatskanie City Code.

2. A marijuana dispensary or marijuana business shall not be located within one thousand feet (1000') of any tax lot upon which there is located an educational institution primarily attended by minors or a public park owned and/or maintained by the Clatskanie Parks and Recreation District to include tax lots 7408-DB-04801; 7408-DB-04800; 7408-DA-05400; 7408-DA-05500; 7408-DB-04602; 7408-DB-04900; 7408-DB-05500; 7408-DA-05600; and 7408-DD-00400. The distance shall be measured in a straight line from the closest edge of the tax lot where the structure in which the Medical Marijuana Dispensary and/or Recreational Marijuana Business as defined in Clatskanie Municipal Code 9-2-2 is located to the closest edge of the tax lot upon which the above listed facilities is located.

ADOPTED BY THE COUNCIL OF THE CITY OF CLATSKANIE, this 6th day of April 2016.


Diane Pohl, Mayor

Attest: 
Karyn Purdue
City Recorder

1st Reading: March 2, 2016

2nd Reading: April 6, 2016

ROLL CALL ON ADOPTION:

		Aye	Nay	Absent
Mayor:	Diane Pohl	X		
Councilors:	Neil Christensen	X		
	Steve Constans	X		
	Kathy Engel	X		
	Toby Harris	X		
	Jim Morgan	X		
	Dave True	X		

Proposed Change to 9-6B-2: (Addition in RED)

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.

Automobile sales.

Automobile tire sales with outdoor storage.

Communication tower.

Lumberyard with outdoor storage.

Marijuana Dispensary for Medical Purposes as defined in section 3-2A (Ord 674, 10-29-2014)

Marijuana Dispensary or Business for Recreational purposes as defined in section 3-2A (Ord 674, 10-29-2014)

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. (Ord. 643, 3-1-2006)

Proposed Change to 9-14-2, adding section H, paragraphs 1-3:

9-14-2 (H) Standards for Marijuana Dispensary or Marijuana Business Conditional Use:

1. In addition to the regulations of this title, a marijuana dispensary or business must comply with all the requirements of the Clatskanie City Code.

2. A marijuana dispensary or marijuana business shall not be located within fifteen hundred feet (1500') 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 childcare center, a governmental institution, or library. The distance shall be measured in a straight line from the closest edge of the tax lot where the structure in which the marijuana dispensary or marijuana business is located to the closest edge of the tax lot upon which the above listed facilities is located.

3. The marijuana dispensary or marijuana business shall not be located within fifteen hundred feet (1500') of any multi-family residential zone (MFR). The distance shall be measured in a straight line from the closest edge of the tax lot where the structure in which the marijuana dispensary or business is located to the closest edge of the MFR zone.

4. Any change in the nature of a nonconforming marijuana dispensary or marijuana business activity shall be reviewed by the planning commission and may be permitted as a conditional use after a public hearing.