



Oregon

John A. Kitzhaber, M.D., Governor

Department of Land Conservation and Development

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

Date: May 15, 2015
Jurisdiction: City of Estacada
Local file no.: 2015-002
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 05/11/2015. 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.

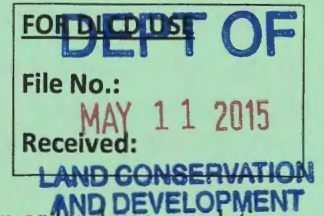
DLCD Contact

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

DLCD FORM 2



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



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 Estacada

Local file no.: **Ordinance #2015-002**

Date of adoption: 4/28/2015

Date sent: 5/5/2015

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): 1/22/2015 NoIs 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:

Added language that only allows adult businesses as a conditional use in the C-1 Commercial zone & added language that states an adult business cannot be located within 1,000 feet from another adult entertainment business.

Local contact (name and title): William Elliott

Phone: 503.630.8270

E-mail: bellriott@cityofestacada.org

Street address: PO Box 958/475 SE Main

City: Estacada

Zip: 97023-

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:

Section 16.64.030 Adult Businesses

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:

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.

ORDINANCE SERIES OF 2015, NO. 002

An Ordinance amending Section 16.64.010 – Intent, purpose and findings; amending Section 16.64.030 – Spatial separation requirements; amending Section 16.64.040 – Adult entertainment business license; and amending Section 16.28.030 listing Adult Entertainment Businesses as a conditional use of the Estacada Municipal Code.

The City of Estacada ordains as follows:

Section 1. Chapter 16.64, Adult Business, Section 16.64.010 – Intent, purpose and findings shall be amended as follows:

16.64.010 Intent, purpose and findings.

The city council intends by the adoption of this chapter to ameliorate adverse impacts upon schools and children caused by adult entertainment businesses, as defined herein, by means of reasonable regulation of the time, place and manner of such businesses, without suppression of the right to operate such businesses under the laws of the State of Oregon.

Section 2. Chapter 16.64, Adult Business, Section 16.64.030 – Spatial separation requirements shall be amended as follows:

16.64.030 Special requirements.

An adult entertainment business shall be further restricted as follows:

A. An adult entertainment business will only be allowed as a conditional use in the C-1 General Commercial zone and no other zoning districts.

AB. No adult entertainment business shall be located within a distance closer than one thousand (1,000) feet from another adult entertainment business, a public or private kindergarten, elementary, junior high, high school, college or university, public park, church, or other place where children congregate regularly.

BC. The distance referred to herein shall be measured in a straight line, without regard to intervening streets, structures, or obstructions, from the closest point of the property housing the adult business establishment to the closest point of the properties containing a use identified in subsection B. If any portion of the premises of an adult entertainment business is within 1,000 feet of properties identified in subsection B, it will not be allowed.

D. All uses listed in subsection B, must locate at least 1000 feet from any adult entertainment business authorized pursuant to this development code and state law. Distances are measured by a straight line between any point on the boundary line of the real property containing the adult entertainment business to any point on the boundary line of the real property proposed to contain a use identified in subsection B.

Section 3. Chapter 16.64, Adult Business, Section 16.64.040 shall be amended as follows:

16.64.040 Adult entertainment business license.

A. No person shall establish, conduct, maintain, manage, or operate an adult entertainment business in the City of Estacada without a valid business license issued by the City of Estacada pursuant to chapter 5.04 of this code.

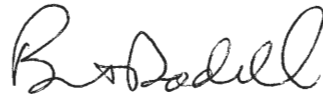
B. The issuance of a business license does not constitute a permit to engage in any activity prohibited by law or as a waiver of any other regulatory or license requirement imposed by the City or by any federal, state, or local law.

Section 4. Chapter 16.28, General Commercial (C-1), Section 16.28.030 – Conditional uses permitted shall be amended as follows:

N. Adult Entertainment Businesses as defined and regulated by Chapter 16.64 of this code.

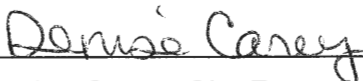
Considered at the Council meeting of April 13, 2015, passed by a vote of 5 ayes and 0 nays, and considered for the second time at the meeting of April 27, 2015 and passed by a vote of 5 ayes and 0 nays, this 28th day of April, 2015.

DULY ADOPTED by the City Council of the City of Estacada this 28th day of April, 2015.



Brent Dodrill, Mayor

ATTEST:



Denise Carey, City Recorder

Estacada
97123
OR 97023



PORTLAND, OR 972 2
TUE 05 MAY 2015



DEPT OF

MAY 11 2015

LAND CONSERVATION
AND DEVELOPMENT

Attn: Plan Amendment Specialist
Dept. of Land Conservation & Dev.
635 Capitol Street NE, Ste 150
Salem, OR 97301

OPENED IN ERROR
OREGON DEPT OF AGRICULTURE