

**ESTACADA  
ORDINANCE 2023-008**

**AN ORDINANCE AMENDING TITLE 16 – DEVELOPMENT OF THE  
ESTACADA MUNICIPAL CODE**

**NOW THEREFORE**, be it ordained by the Council of the Estacada, in the State of Oregon, as follows:

**SECTION 1:**            **AMENDMENT** “16.08.010 Definitions” of the Estacada Municipal Code is hereby *amended* as follows:

**BEFORE AMENDMENT**

16.08.010 Definitions

As used in this title, the singular includes the plural, and the masculine includes the feminine and neuter; the word "may" is discretionary, and the word "shall" is mandatory. The following words and phrases shall mean as follows:

"Access" means the way or means by which pedestrians and/or vehicles enter and leave property.

"Accessory dwelling unit" ("ADU") means a secondary dwelling unit on the same lot as a primary dwelling, and does not include a dwelling unit that comprises a cottage cluster. ADUs are independently habitable and provide the basic requirements of shelter, heating, cooking, and sanitation for one Family. There are two types of ADUs:

- A. "Detached ADU" means an ADU that is detached from the primary dwelling, and may include converted detached structures or new construction.
- B. "Accessory suite" means an ADU that is part of the primary dwelling or attached to it by means of a common wall, floor, or ceiling. An accessory suite may be established by the conversion of existing living space, attached garages, basements, attics, or by new construction of an addition to the primary dwelling, or a combination of new construction and the conversion of existing space.

"Accessory structure or use" means a structure or use incidental and subordinate to the main use of a property and located on the same lot as the main use.

"Acreage, Net" "Net acreage" means the area on a site which is eligible for development. Net acreage is calculated by subtracting undevelopable land from the total gross acreage of the site. The following areas are deemed undevelopable for the purposes of calculating net acreage:

- A. Street dedications and those areas used for private streets and common driveways;
- B. Environmentally constrained lands, such as open water areas, floodplains, water

- quality facilities, wetlands, natural resource areas, and tree preservation areas;
- C. Land set aside in separate tracts or dedicated to a public entity for schools, parks, or open space purposes; and
- D. Topographical features with a slope equal to or greater than:
  1. 25 percent within a landslide hazard area may deduct 100 percent of the applicable area, or
  2. 15 percent and within a landslide hazard area may deduct 50 percent of the applicable area.

"Adult foster care" means any dwelling or facility in which twenty-four (24) hour care is provided for five or fewer adults who are not related to the provider by blood or marriage.

"Aircraft" includes airborne vehicles such as airplanes and helicopters, but not hot air balloons or ultralights.

"Airport" means a tract of land or water that is maintained for the landing and take-off of aircraft, for receiving and discharging passengers and cargo, and the repair, storage, or supplying of aircraft.

"Airport" means the strip of land used for taking off and landing aircraft, together with all adjacent land used in connection with the aircraft landing or taking off from the strip of land, including but not limited to land used for existing airport uses.

"Airport direct impact area" means the area located within 5,000 feet of an airport runway, excluding lands within the runway protection zone and approach surface.

"Airport elevation" means the highest point of an airport's usable runway, measured in feet above mean sea level. "Airport imaginary surfaces" means the imaginary areas in space and on the ground that are established in relation to the airport and its runways. Imaginary areas are defined by the primary surface, runway protection zone, approach surface, horizontal surface, conical surface and transitional surface. "Airport noise impact boundary" means the areas located within 1,500 feet of an airport runway or within established noise contour boundaries exceeding 55 Day Night Average Sound Level (the average sound level over a 24-hour period, with a 10 decibel (dB) penalty added for noise during the nighttime hours of 22:00 to 07:00). "Airport secondary impact area" means the area located between 5,000 and 10,000 feet from an airport runway. "Airport sponsor" means the owner, manager, or other person or entity designated to represent the interests of an airport.

"Alley" means a public way providing a secondary means of access to property.

"Approach surface" (airport) means a surface longitudinally centered on the extended runway centerline and extending outward and upward from each end of the primary surface.

- A. The inner edge of the approach surface is the same width as the primary surface and it expands uniformly to a width of 1,250.
- B. The approach surface extends for a horizontal distance of 5,000 feet at a slope of 20 feet outward for each foot upward.
- C. The outer width of an approach surface will be that width prescribed in this subsection

for the most precise approach existing or planned for that runway end.

"Assisted living facility" ("ALF") means a building, complex, or distinct part thereof, consisting of fully self-contained individual living units where six or more seniors and/or adult individuals with disabilities may reside in homelike surroundings. An assisted living facility is licensed to operate as such by the State of Oregon. It offers and coordinates a range of supportive services available on a 24-hour basis to meet the living, health, and social needs of residents. A program approach is used to promote resident self-direction and participation in decisions that emphasize choice, dignity, privacy, individuality, and independence.

"Automobile."

- A. "Body shop garage" is a use providing for the major repair and maintenance of motor vehicles and includes major mechanical and body work, straightening of body parts, painting, welding, or storage of motor vehicles not in operating condition.
- B. "Service station" means any premises used for any or all of the following: supplying gasoline, oil, accessories and services, and auto repair work, excluding body and fender repair, at retail direct to the customer and where inoperative car storage is limited to thirty (30) days.
- C. "Wrecking yard" means any property used for the wrecking or storing of two or more motor vehicles or the parts thereof which are not in running condition and are not being restored.
- D. "Auto detail shop" includes any or all of the following uses: (a) shampoo and cleaning of carpet and seats; (b) complete interior cleaning; (c) clean and vacuum trunks; (d) cleaning and treatment of vinyl and rubber surfaces; (e) machine buffing and waxing of exterior and chrome; (f) hand wash exterior; (g) clean and polish tires and wheels; (h) engine and compartment cleaning; and (i) decal and paint striping.

"Base flood (100-year flood)" means a flood having a one percent chance of being equaled or exceeded in any given year.

"Bikeway" means a paved, dedicated path or lane for use by cyclists.

"Cannabinoid" means any of the chemical compounds that are the active constituents of marijuana.

"Cannabinoid concentrate" means a substance obtained by separating cannabinoids from marijuana by mechanical extraction; chemical extraction using a nonhydrocarbon-based or other solvent, such as water, vegetable glycerin, vegetable oils, animal fats, isopropyl alcohol, or ethanol; chemical extraction using the hydrocarbon-based solvent carbon dioxide, provided that the process does not involve the use of high heat or pressure; or any other process identified by the Oregon Liquor Control Commission, in consultation with the Oregon Health Authority, by rule.

"Cannabinoid edible" means food or potable liquid into which a cannabinoid concentrate, cannabinoid extract, or dried marijuana leaves or flowers have been incorporated.

"Cannabinoid extract" means a substance obtained by separating cannabinoids from marijuana by chemical extraction using a hydrocarbon-based solvent, such as butane, hexane or propane; a chemical extraction process using the hydrocarbon-based solvent carbon dioxide, if the process uses high heat or pressure; or any other process identified by the Oregon Liquor Control Commission, in consultation with the Oregon Health Authority, by rule.

"Cannabinoid product" means a cannabinoid edible and any other product intended for human consumption or use, including a product intended to be applied to the skin or hair that contains cannabinoids or dried marijuana leaves or flowers. Cannabinoid product does not include usable marijuana by itself, a cannabinoid concentrate by itself, a cannabinoid extract by itself, or industrial hemp by itself as defined in ORS 571.300.

"Caretaker/manager residence" means a residence, secondary to the main use of the property, for the sole purpose of providing living quarters for the owner, operator, or caretaker of an ongoing commercial or industrial enterprise.

"Childcare facility" means any facility that provides childcare to children, including a day nursery, nursery/pre-school, childcare center, certified or registered family childcare home or similar unit, but not including any:

- A. Facility providing care that is primarily group athletic or social activities sponsored by or under the supervision of an organized club or hobby group; or
- B. Residential facility licensed under ORS 443.400 to 443.455.

"Church" means a building, together with its accessory building or uses, where persons regularly assemble for worship and which is maintained and controlled by a religious body organized to sustain public worship, and which meets tax exemption status as prescribed in ORS Chapter 307.

"Clinic" means a building utilized by persons licensed in the state of Oregon to treat or analyze medical, dental, or surgical needs of humans or animals on an outpatient basis, excluding marijuana dispensing facilities as defined in EMC 16.65.020.

"Commercial use" means the activity of purchasing or selling, other than included in the term light and heavy "industry" as defined in the appropriate sections, article, substance, commodity, or service for livelihood or profit.

"Commission" means the Estacada planning commission.

"Common property" means a parcel of land, together with improvements that are to be used, maintained and enjoyed by the owners and occupants of the individual building units or sites in subdivisions with common open space, planned development or planned unit subdivisions.

"Commonwall dwelling" is defined under "Dwelling".

"Community center" means a facility owned and operated by a governmental agency or a nonprofit community organization; provided that the primary purpose of the facility is for

recreation, social welfare, community improvement, or public assembly.

"Comprehensive plan" means the adopted comprehensive plan for Estacada as defined in ORS Chapter 197.

"Conical surface" (airport) means a surface extending outward and upward from the periphery of the horizontal surface at a slope of 20 to 1 for a horizontal distance of 4,000 feet.

"Cottage cluster" means a grouping of no fewer than three detached dwelling units on the same lot of record, with each dwelling unit having a footprint of less than 900 square feet, all dwellings sharing a common area on the lot of record, and internal ADA-compliant pathways connecting each dwelling to common space, vehicle parking, and sidewalks.

"Council" means the city council of Estacada.

"Data center" means a facility used primarily for the storage, management, processing, and transmission of digital data, which houses computer and/or network equipment, systems, servers, appliances, and/or other associated components related to digital operations.

Deck, Enclosed. "Enclosed deck" means a covered attached or unattached structure accessory to the main use of the property, having no components necessary to the structural support of the main use.

Deck, Unenclosed. "Unenclosed deck" means a non-covered attached or unattached structure accessory to the main use of the property, having no components necessary to the structural support of the main use.

"Density" means the number of dwelling units allowed within a specified land area.

"Development" means any manmade change or improvement involving buildings, structures, mining, dredging, filling, grading, paving, excavation, drilling, partitioning or subdividing.

"Discount store" means a retail sales use with a floor area less than 12,000 square feet that offers for sale a combination and variety of convenience shopping goods and consumer shopping goods; and continuously offers a majority of the items in their inventory for sale at a price less than ten dollars (\$10.00) per item.

"Duplex" is defined under "Dwelling".

"Dwelling" means a building or portion thereof designed for residential occupancy.

- A. "Commonwall dwelling" means a dwelling on its own lot which shares at least one wall, or portion thereof, with another dwelling on an abutting lot.
- B. "Duplex" means a single building on its own lot, with two dwelling units with separate housekeeping facilities. A single-family dwelling with an accessory suite is not a duplex.
- C. "Factory-built dwelling", "modular dwelling", and "modular home" mean a dwelling that meets Oregon Building Code requirements for a residential dwelling, was

constructed almost entirely off-site, was delivered to its permanent site in whole or in sections, and is set on to a foundation at that site; it does not mean a manufactured

dwelling or mobile home, as defined separately in this Section. "Factory-built dwellings", "modular dwellings", and "modular homes" are considered "single-family dwellings."

- D. "Fourplex" means a single building on its own lot with four dwelling units that are not accessory suites and that have separate housekeeping facilities.
- E. "Manufactured dwelling" means a detached dwelling designed or used exclusively for the occupancy of only one family, constructed for movement on highways and includes the following:
  - 1. "Manufactured home" means a manufactured dwelling constructed after June 15, 1976 in accordance with federal manufactured housing construction and safety standards (HUD code) in effect at the time of construction.
  - 2. "Mobile home" means a manufactured dwelling constructed between January 1, 1926 and June 15, 1976, in accordance with the construction requirements of Oregon mobile home law in effect at the time of construction.
  - 3. "Residential trailer" means a manufactured dwelling constructed before January 1, 1962, which was not constructed in accordance with federal manufactured housing construction and safety standards (HUD code), nor the construction requirements of Oregon mobile home law.
- F. "Middle housing" means a category of housing types that includes duplexes, triplexes, fourplexes, commonwall dwellings, and cottage clusters.
- G. "Multi-family dwelling" means a single building, or a portion thereof, on its own lot, that contains five or more dwelling units, each with housekeeping facilities for just one family.
- H. "Single-family dwelling" and "single family home" mean a detached dwelling unit on its own lot designed or used exclusively for the occupancy of only one family and having housekeeping facilities for only one family. "Factory-built dwellings", "modular dwellings", and "modular homes" are considered "single-family dwellings".
- I. "Triplex" means a single building on its own lot with three dwelling units that are not accessory suites and that have separate housekeeping facilities.

"Dwelling unit" means a building or portion thereof with one or more rooms designed for occupancy by one family for living purposes which provides a minimum of two hundred (200) square feet of floor area per resident.

"Easement" means a right of use over the property of another.

"Enclosed" means activities which take place entirely within a structure or building, excluding parking and off-loading facilities.

"Factory-built dwelling" is defined under "Dwelling".

"Family" means any one of the following groups when living together in a single dwelling unit:

- A. Persons related by blood, marriage, legal adoption or guardianships, plus not more than six additional persons, including foster and shelter care children;
- B. Up to six unrelated persons; or
- C. Members of a "residential home," as defined in this chapter.

Each additional group described above, or portion thereof, shall be considered a separate family.

"Fence" means an accessory structure, including landscape planting, designed and intended to serve as a barrier or as a means of enclosing a yard or other area, or other structure, or to serve as a boundary feature separating two or more properties.

Fence, Sight-Obscuring. "Sight-obscuring fence" consists of either a continuous fence, wall, slated cyclone fence, evergreen planting, or combination thereof, constructed and/or planted so as to effectively screen the particular use from view. Fences described above are subject to clear vision regulations of EMC 16.60.010.

"FIRM" means flood insurance rate maps that delineate both the area of special flood hazard and risk premium zones.

"Flag lot" means a lot, the major portion of which has access to a road or street by means of a narrow strip of land called the "staff." The staff shall have a minimum width and frontage of not less than twenty-five (25) feet. The staff portion of a flag lot shall not be used in computing lot size for zoning and building purposes.

"Flood/flooding" means a general and temporary condition of partial or complete inundation of normally dry land areas from:

- A. The overflow of inland or tidal waters; and/or
- B. The unusual and rapid accumulation of runoff or surface waters from any source.

"Floodplain" means the area shown on designated maps for the city as being subject to inundation by delineation of a base flood as determined by the U.S. Army Corps of Engineers or other means.

"Food cart" means a vehicle that is used in selling and dispensing food or beverage to a customer and is not permanently affixed to the ground. As used in this definition, a vehicle is motorized or non-motorized transportation equipment containing an axle and capable of use on public roads, including, but not limited to, a car, van, pickup, motorcycle, recreational vehicle, bus, truck, detached trailer, or a truck tractor with no more than one trailer.

"Fourplex" is defined under "Dwelling".

"Greenhouse" means a structure with transparent or translucent vertical walls. A transparent or translucent roof does not constitute a greenhouse.

"Hazard" means a hazard existing within and around an airport as determined by the Oregon Department of Aviation or Federal Aviation Administration.

"Heavy industry" means the manufacturing, processing, compounding, packaging or assembling of products, the process of which requires that permits be issued by the Oregon State Department of Environmental Quality for the associated emissions, discharges, or storage of materials.

"Height" means the highest point of a structure or tree, plant or other object of natural growth, measured from above mean sea level (AMSL) or above ground level (AGL).

"Home occupation" means an occupation carried on within a dwelling, or an accessory structure by a resident of the dwelling, where such occupation is secondary to the main use of the property as a residence, but excluding commercial businesses considered by the planning commission as inappropriate for residential areas.

"Hoophouse" means any non-rigid, transparent, or translucent structure. Hoophouses are often constructed of PVC pipe and polyethylene, and are formed as a tunnel in structure.

"Horizontal surface" (airport) means a horizontal plane 150 feet above the established airport elevation, the perimeter of which is constructed by swinging arcs of specified radii from the center of each end of the primary surface of each runway of each airport and connecting the adjacent arcs by lines tangent to those arcs. The radius of each arc is 5,000 feet.

"Housekeeping facility" means a kitchen, laundry room, or similar space used for household-wide domestic duties.

"Hospital" means an establishment which provides sleeping and eating facilities to persons receiving medical, obstetrical, or surgical care with nursing service on a continuous basis.

"Hotel" means a building that is designed or used to offer short-term lodging for compensation, with or without meals, for five or more people. A facility that is operated for the purpose of providing care beyond that of room and board is not a "hotel."

"Industrial trade school" means a public or private school for teaching one or more industrial trades, vocations, and/or skills to meet industrial needs. These facilities may be referred to as technical schools, vocational schools, and career schools. Industrial trade schools provide training in such occupational skills as welding, operation and repair of industrial machinery, and truck driving.

"Junk yard" means any property utilized for breaking up, dismantling, sorting, storing, distributing, buying, or selling scrap waste material, junk, or used equipment of any nature.

"Kennel" means a lot or building which provides for the keeping of four or more dogs, cats or animals at least six months of age, where such animals are kept for purposes other than a veterinary clinic.

"Landscaping" means a compatible combination of vegetation and materials which provide visual enhancement to a development.

"Landscaping plan" means a schematic or plot plan which indicates:

- A. Areas of landscaping, including percent of lot area;
- B. Type(s) of vegetation and;
- C. Maintenance type and schedule, i.e., irrigation method.

"Large childcare facility" means any childcare facility, as defined in this chapter, licensed to care for more than sixteen (16) children at a given time.

"Light industry" means the manufacturing, processing, compounding, packaging or assembling of products, the process of which does not require that permits be issued by the Oregon State Department of Environmental Quality for the associated emissions, discharges, or storage of materials.

"Livestock" means domestic animals and fowl or types customarily raised or kept on farms for profit or other purposes. This definition does not include domesticated household pets such as dogs or cats.

"Loading space" means an off-street space or berth on the same lot or parcel with a building or use, or contiguous to a group of buildings or uses, for the temporary parking of a vehicle while loading or unloading persons, merchandise, or materials, and which abuts a street, alley, or other appropriate means of access.

"Lot" means a parcel or tract of land which is occupied or may be occupied by a structure or a use, together with yards and other open space and meets the definition of "lot of record."

"Lot area" means the total horizontal area within the lot lines of a lot, exclusive of streets. The staff portion of a flag lot shall not be used in computing the size or area of the lot for zoning or building purposes.

Lot, Corner. "Corner lot" means a lot abutting on two or more streets, excluding alleys at their intersection. A lot abutting on a curved street or streets is a corner lot if straight lines drawn from the foremost points of the side lot lines to the foremost point of the lot meet at an interior angle of less than one hundred thirty-five (135) degrees.

"Lot depth" means the average horizontal distance between the front lot line and the rear line.

"Lot frontage" means the front of a lot shall be construed to be the portion nearest the street. For the purpose of determining yard requirements on corner lots and through lots, all sides of a lot adjacent to a street other than an alley shall be considered frontage, and yards shall be provided as indicated in this section.

Lot, Interior. "Interior lot" means a lot other than a corner lot with only one frontage on a street.

"Lot line" means the property line bounding a lot.

Lot Line, Front. "Front lot line" means the property line separating the lot from the street, other than an alley. In the case of a corner lot, the shortest property line along a street, other than an alley; or, in a case where the lot does not front directly upon a public street, that lot line toward which most houses in the immediate area face.

Lot Line, Rear. "Rear lot line" means the lot line or lines opposite and most distant from the front lot line.

Lot Line, Side. "Side lot line" means any lot line or lines not a front or rear lot line.

"Lot of record" means any unit of land created as follows:

- A. A lot in a platted subdivision;
- B. A lot created by land partitioning;
- C. A unit of land described by a conveyed deed or land sales contract established prior to requirements for partitions and which conformed with all zoning requirements in effect, if any, when the deed or contract creating the lot was recorded.

Lot of Record, Nonconforming. "Nonconforming lot of record" means a parcel of land which lawfully existed as a lot in compliance with all applicable ordinances and laws at the time of creation, but which, because of the application of a subsequent zoning ordinance, no longer conforms to the lot dimension requirement for the zoning district in which it is located.

Lot, Through. "Through lot" means an interior lot abutting on streets, other than an alley, on both of the opposite, exterior lot lines.

"Lot width" means the average horizontal distance between the side lot lines, ordinarily measured parallel to the front lot line.

"Manager/caretaker residence" means a residence, secondary to the main use of the property, for the sole purpose of providing living quarters for the owner, operator or caretaker of an ongoing commercial or industrial enterprise.

"Manufactured dwelling" is defined under "Dwelling".

"Manufactured dwelling park" means a parcel or contiguous parcels of land under the same ownership divided into four or more manufactured dwelling lots for rent or lease.

"Marijuana" means the plant Cannabis family Cannabaceae, any part of the plant Cannabis family Cannabaceae, and the seeds of the plant Cannabis family Cannabaceae. Marijuana does not include industrial hemp as defined in ORS 571.300.

"Marijuana processing" means the processing, compounding, or conversion of marijuana into cannabinoid products, cannabinoid concentrates, or cannabinoid extracts, provided that the marijuana processor is licensed by the Oregon Liquor Control Commission or registered with the Oregon Health Authority.

"Marijuana production" means the manufacture, planting, cultivation, growing, trimming, harvesting, or drying of marijuana, provided that the marijuana producer is licensed by the Oregon Liquor Control Commission or registered with the Oregon Health Authority and a person designated to produce marijuana by a registry identification cardholder.

"Marijuana retailing" means the sale of marijuana items to a consumer, provided that the marijuana retailer is licensed by the Oregon Liquor Control Commission or registered with the Oregon Health Authority.

"Marijuana wholesaling" means the purchase of marijuana items for resale to a person other than a consumer, provided that the marijuana wholesaler is licensed by the Oregon Liquor Control Commission.

"Marina" means a commercial boat launch, moorage or similar facility which may include dry or wet boat storage, boat houses and related commercial activities.

"Mine quarry" means premises from which any rock, sand, gravel, stone, topsoil, clay, mud, peat, or other mineral is removed or excavated as an industrial or commercial operation, of excavating and grading for streets and roads or in preparation for the construction of a building for which a permit has been issued by a public agency.

"Mini-warehouse (storage)" means a structure used for storing personal effects or small retail merchandise with individual compartments that do not exceed one thousand (1,000) square feet.

"Mobile home" is defined under "Dwelling".

"Modular dwelling" and "modular home" are defined under "Dwelling".

"Motel" means a building or series of buildings in which lodging only is offered for compensation and which may have more than five sleeping rooms or units for this purpose and which is distinguished from a hotel primarily by reason of providing direct independent access to and adjoining parking for each rental unit designed primarily for automobile tourists and transient persons. The term includes auto courts, tourist courts, tourist homes and motor lodges.

"Multi-family dwelling" is defined under "Dwelling".

"Nonconforming structure/use" means use of structure or land, or structure and land in combination which was lawfully established in compliance with all applicable ordinances and laws, but which because of the application of a subsequent zoning ordinance:

- A. No longer conforms to the setback, height, maximum lot coverage or other building development requirements of this title; or
- B. Is clearly designed and intended for uses other than any use permitted in the zoning district in which it is located.

“Obstruction” (airport) means any structure or tree, plant or other object of natural growth that penetrates an imaginary surface.

"Open space" means the area within the development designed and intended for the use or enjoyment of all residents of the development or for the use and enjoyment of the public in general. Open space includes the land area to be used for scenic, landscaping or open recreation purposes within the development. It shall not include street right-of-way, driveways or open parking areas.

“Other than utility runway” means a runway that is constructed for and intended to be used by turbine-driven aircraft or by propeller-driven aircraft exceeding 12,500 pounds gross weight.

"Owner" means the owner of a record of real property as shown on the tax rolls of the county, or a person who is purchasing a parcel of property under contract.

"Parcel" means a unit of land that is created by a partitioning of land.

"Park" means an open or enclosed tract of land set apart and devoted for the purposes of pleasure, recreation, ornament, light and air for the general public.

"Parking space" means an off-street enclosed or unenclosed surfaced area of not less than eighteen (18) feet by eight (8) feet, exclusive of maneuvering and access area, permanently reserved for the temporary storage of one automobile, connected with a street or alley which affords access for automobiles.

"Partition" means either an act of partitioning land or an area or tract of land partitioned as defined in ORS Chapter 92. "Partition land" means to divide an area or tract of land into two or three parcels within a calendar year when such area or tract of land exist as a unit or contiguous units of land under single ownership at the beginning of such year, and does not include exceptions as outlined in ORS 92.010(7).

"Partition plat" means a final map and other writing containing all the descriptions, locations, specifications, provisions and information concerning a partition.

"Performance agreement" means a bond executed by a surety company licensed in the state of Oregon, or other security acceptable to the city, to ensure completion of the conditions of approval.

"Person" means a natural person, the heirs, executors, administrators or assigns, or a firm, partnership or corporation, successors or assigns, or the agent of any of the aforesaid, or any political subdivisions, agency, board or bureau of the state.

"Pier" means a fixed moorage facility constructed outward from the river bank.

"Planned development" means a development in which the applicable code restrictions, other density requirements, may be modified and/or applied to the development as a whole rather than to each individual lot. A planned development involving the subdividing of property is a planned unit development.

"Planned unit subdivision" means a subdivision of land in which the individual building sites may be reduced in size but are compensated by area used in common for recreational or other open space purposes. Planned unit subdivisions involving dwelling or commercial units may incorporate detached, semi-detached, attached, single-story or multistoried units or any combination of the aforementioned. Such projects may also involve religious, cultural, recreational and commercial uses and purposes.

"Planning commission" means the planning commission of the city of Estacada.

"Plat" means a final subdivision plat, re-plat or partition plat.

"Primary surface" means a surface longitudinally centered on a runway. When a runway has a specially prepared hard surface, the primary surface extends 200 feet beyond each end of that runway. When a runway has no specially prepared hard surface, or planned hard surface, the primary surface ends at each end of that runway. The elevation of any point on the primary surface is the same as the elevation of the nearest point on the runway centerline. The width of the primary surface is:

- A. 250 feet for utility runways.
- B. 500 feet for other than utility runways.

"Principal use" means the intended and primary use of a structure or parcel of land.

"Public utility" means any corporation, company, individual, association of individuals, or its lessees, trustees or receivers, that owns, operates, manages or controls all or any part of any plant or equipment for the conveyance of telegraph, telephone, with or without wires, for the transportation as common carriers, or for the production, transmission, delivery or furnishing of heat, light, water, power or cable services, directly or indirectly to the public.

"Public utility workshop" means a building used for the repair and/or maintenance of utility vehicles, machinery or other equipment.

"Recreational vehicle (R.V.)" means a temporary dwelling, for travel and recreation purposes, and licensed as a motor home, camper or travel trailer.

"Recreational vehicle park" means a development designed primarily for transient service in which travel trailers, pick-up campers, tent trailers and self-propelled motorized vehicles are parked and used for the purpose of supplying to the public a temporary location while traveling, vacationing or recreating.

"Remuneration" means compensation, money, rent or other bargained for consideration given in return for occupancy, possession or use of real property.

"Re-plat" means the act of platting the lots, parcels and easements in a recorded subdivision or partition plat to achieve a re-configuration of the existing subdivision or partition plat or to increase or decrease the number of lots in the subdivision.

"Residential care facility" ("RCF") means a building, complex, or distinct part thereof, consisting of shared or individual living units in a homelike surrounding, where six or more seniors and/or adult individuals with disabilities may reside. A residential care facility is licensed to operate as such by the State of Oregon. It offers and coordinates a range of supportive services available on a 24-hour basis to meet the activities of daily living, health, and social needs of the residents. A program approach is used to promote resident self-direction and participation in decisions that emphasize choice, dignity, individuality, and independence.

"Residential home" means any dwelling unit or residential building operated as a single housekeeping unit for the purpose of providing food, shelter, personal services and care, as defined in the ordinance codified in this chapter, and when appropriate, a planned treatment or training program of counseling, therapy, or other rehabilitative social service, for persons of similar or compatible conditions of circumstances.

"Road" means a public or private way created to provide ingress to, or egress from, one or more lots, parcels, areas or tracts of land, or that provides for travel between places by vehicles. The terms "street", "access drive" and "highway" for the purposes of the ordinance codified in this chapter shall be synonymous with the term "road."

- A. "Arterial" means a street designed to carry traffic from one community to another, to carry traffic to and from major traffic generators and to carry through traffic.
- B. "Collector or secondary street" means a street designed to carry traffic between minor streets and the arterial system, to function as primary traffic carries within a neighborhood, to carry traffic to local traffic generators, and in commercial and industrial areas, This street classification includes Major and Minor collectors. to provide access to commercial and industrial properties.
- C. "Cul-de-sac" or "dead end street" means a minor street with only one outlet which provides a vehicular turnaround.
- D. "Local street" means a street designed to provide access to abutting residential property with only incidental service to through traffic. This street classification includes Local and Neighborhood Local streets.
- E. "Private road" means a private way created by deed or easement to provide vehicular ingress to, or egress from, three to six lots or parcels. Any road serving more than six dwelling units must be a public road. Private roads may serve development when approved by the planning commission upon written findings that such roads are of adequate width, alignment, grade and length to afford the same degree of public safety as public roads and that extension of the public road system is impractical. In determining if the extension of the public road system is impractical, the planning

commission shall consider criteria including, but not limited to, lot size or shape, topography, the location of existing structures. In no case shall a private street be less than twenty (20) feet in width. Greater width may be required where necessary to provide for public safety, accommodate traffic volume, or provide for underground utilities. A street maintenance agreement approved by the city and duly recorded, shall be required for the creation of any private road.

- F. "Public road" means a road dedicated for public use.
- G. "Access drive" means a private road, with a travel surface not less than twelve (12) feet in width, created by deed or easement to provide vehicular ingress, or egress from not more than two lots or parcels.

"Runway" means a defined area on an airport prepared for landing and takeoff of aircraft along its length. "Runway protection zone (RPZ)" means an area off the runway end used to enhance the protection of people and property on the ground. The RPZ is trapezoidal in shape and centered about the extended runway centerline. The inner width of Valley View Airport's RPZ is the same as the width of its primary surface, or 250 feet. The outer width of its RPZ is 700 feet. The RPZ extends from each end of the primary surface for a horizontal distance of 1,000 feet.

"School" means any institution for learning, whether public or private, meeting state of Oregon accreditation standards.

"Self-storage facility" means a facility with containers, garages, lockers, rooms, warehouses, or other secured spaces rented to tenants for storage.

"Setback" means the horizontal distance measured perpendicular from the lot line to the nearest point of any structure on the lot or parcel.

- A. Front: a setback between side lot lines and measured horizontally at right angles to the front line from the front lot line to the nearest point of a building. Any yard meeting this definition and abutting on a street other than an alley, shall be considered a front yard.
- B. Rear: a setback between side lot lines and measured horizontally at right angles to the rear lot line from the rear lot line, to the rear most part of the main building.
- C. Side: a setback between the front and rear yard measured horizontally and at right angles from the side lot line to the nearest point of the main building.

"Short-term rental" means the use of a dwelling unit by any person or group of persons who occupies or is entitled to occupy a dwelling unit for remuneration for a period of time of less than thirty (30) days.

"Sign" means an identification, description, illustration or device which is affixed to or represented, directly or indirectly, upon a building, structure or land, and which directs attention to a product, place, activity, person, institution or business.

Street. (See "Road.")

"Single family dwelling" and "single family home" are defined under "Dwelling".

"Small childcare facility" means any childcare facility, as defined in this chapter, licensed to care for a maximum of sixteen (16) children at a given time.

"Structure" means a structure built or assembled for any use or occupancy.

"Subdivided land" means to divide an area or tract of land into four or more lots within a calendar year when such an area or tract of land exists as a unit of contiguous units of land under a single ownership at the beginning of a year.

"Subdivision" means an area or tract of land divided into four or more lots within a calendar year.

"Subdivision plat" includes a final map and other writing containing all the descriptions, locations, specifications, dedications, provisions, and information concerning a subdivision.

"Temporary" means a specific period of time.

"Tentative plan" means an approved diagram showing the design of a proposed partition or subdivision, together with any other writing and information that may be required.

"Transitional surface" means those surfaces that extend upward and outward at 90 degree angles to the runway centerline and the runway centerline extended at a slope of seven (7) feet horizontally for each foot vertically from the sides of the primary and approach surfaces to the point of intersection with the horizontal and conical surfaces. Transitional surfaces for those portions of the precision approach surfaces which project through and beyond the limits of the conical surface, extend a distance of 5,000 feet measured horizontally from the edge of the approach surface and at a 90 degree angle to the extended runway centerline.

"Triplex" is defined under "Dwelling".

"Unit of ownership" means an area or tract of land described by a deed or by metes and bounds as a single entity.

"Use" means the purpose for which a structure is designed, arranged or intended; or for which land is maintained, occupied or zoned.

"Utility runway" means a runway that is constructed for, and intended to be used by, propeller driven aircraft of 12,500 pounds maximum gross weight or less.

"Visual runway" means a runway intended solely for the operation of aircraft using visual approach procedures, where no straight-in instrument approach procedures or instrument designations have been approved or planned, or are indicated on a Federal Aviation Administration-approved airport layout plan or any other FAA planning document.

"Water-dependent" means a use or activity which can be carried out only on, in or adjacent to water areas because the use requires access to the water body for water-borne transportation,

recreation, energy production, or source of water.

“Water impoundment” includes wastewater treatment settling ponds, surface mining ponds, detention and retention ponds, artificial lakes and ponds, and similar water features. A new water impoundment includes an expansion of an existing water impoundment except where such expansion was previously authorized by land use action approved prior to the effective date of this ordinance.

"Wetlands" means those areas that are inundated or saturated by surface or ground water at a frequency and duration that are sufficient to support, and that under normal circumstances do support, a prevalence or vegetation typically adapted for life in saturated soil conditions.

"Wholly enclosed" means everything is completely within a building.

“Youth support services facility”:

- A. Means any school, agency, organization or program providing:
  - 1. Day treatment for children with emotional disturbances;
  - 2. Adoption placement services;
  - 3. Residential care, including but not limited to foster care or residential treatment for children;
  - 4. Residential care in combination with academic education and therapeutic care, including but not limited to treatment for emotional, behavioral or mental health disturbances;
  - 5. Outdoor youth programs;
  - 6. Other similar care or services for children;
  - 7. A shelter-care home that is not a foster home subject to ORS 418.625 to 418.645;
  - 8. An independent residence facility as described in ORS 418.475 that meets the standards established by the Department of Human Services by rule to be considered a child-caring agency;
  - 9. A private residential boarding school;
  - 10. A child-caring facility as defined in ORS 418.950;
  - 11. A secure transportation services provider that transports or provides escort services for children on the highways of this state along a route that begins or ends in this state to or from a school, agency, organization or program described in subparagraph A. of this paragraph, if the school, agency, organization or program is located in this state or in any other state.
- B. Does not include the following:
  - 1. A facility that exclusively serves individuals 18 years of age and older; or
  - 2. A facility that primarily serves both adults and children but requires that any child must be accompanied at all times by at least one custodial parent or guardian.

(Ord. 2007-6 § 1; Ord. 2004-2 § 1; Ord. 2003-8 § 1; Ord. 2000-25 §§ 2, 3; editorially amended during 2000 codification; prior code § 10.202) (Ord. No. 2015-003, § 2, 4-13-2015;

Ord. No. 2016-003, § 1(Exh. A), 5-23-2016; Ord. No. 2016-005, § 1, 8-22-2016; Ord. No. 2017-006, § 1, 11-13-2017; Ord. No. 2018-001, § 1, 6-11-2018; Ord. No. 2018-002, § 1, 8-13-2018)

## AFTER AMENDMENT

### 16.08.010 Definitions

As used in this title, the singular includes the plural, and the masculine includes the feminine and neuter; the word "may" is discretionary, and the word "shall" is mandatory. The following words and phrases shall mean as follows:

"Access" means the way or means by which pedestrians and/or vehicles enter and leave property.

"Accessory dwelling unit" ("ADU") means a secondary dwelling unit on the same lot as a primary dwelling, and does not include a dwelling unit that comprises a cottage cluster. ADUs are independently habitable and provide the basic requirements of shelter, heating, cooking, and sanitation for one Family. There are two types of ADUs:

- A. "Detached ADU" means an ADU that is detached from the primary dwelling, and may include converted detached structures or new construction.
- B. "Accessory suite" means an ADU that is part of the primary dwelling or attached to it by means of a common wall, floor, or ceiling. An accessory suite may be established by the conversion of existing living space, attached garages, basements, attics, or by new construction of an addition to the primary dwelling, or a combination of new construction and the conversion of existing space.

"Accessory structure or use" means a structure or use incidental and subordinate to the main use of a property and located on the same lot as the main use.

"Acreage, Net" "Net acreage" means the area on a site which is eligible for development. Net acreage is calculated by subtracting undevelopable land from the total gross acreage of the site. The following areas are deemed undevelopable for the purposes of calculating net acreage:

- A. Street dedications and those areas used for private streets and common driveways;
- B. Environmentally constrained lands, such as open water areas, floodplains, water quality facilities, wetlands, natural resource areas, and tree preservations areas;
- C. Land set aside in separate tracts or dedicated to a public entity for schools, parks, or open space purposes; and
- D. Topographical features with a slope equal to or greater than:
  - 1. 25 percent within a landslide hazard area may deduct 100 percent of the applicable area, or
  - 2. 15 percent and within a landslide hazard area may deduct 50 percent of the applicable area.

"Adult foster care" means any dwelling or facility in which twenty-four (24) hour care is

provided for five or fewer adults who are not related to the provider by blood or marriage.

“Aircraft” includes airborne vehicles such as airplanes and helicopters, but not hot air balloons or ultralights.

"Airport" means a tract of land or water that is maintained for the landing and take-off of aircraft, for receiving and discharging passengers and cargo, and the repair, storage, or supplying of aircraft.

“Airport” means the strip of land used for taking off and landing aircraft, together with all adjacent land used in connection with the aircraft landing or taking off from the strip of land, including but not limited to land used for existing airport uses.

“Airport direct impact area” means the area located within 5,000 feet of an airport runway, excluding lands within the runway protection zone and approach surface.

“Airport elevation” means the highest point of an airport's usable runway, measured in feet above mean sea level. “Airport imaginary surfaces” means the imaginary areas in space and on the ground that are established in relation to the airport and its runways. Imaginary areas are defined by the primary surface, runway protection zone, approach surface, horizontal surface, conical surface and transitional surface. “Airport noise impact boundary” means the areas located within 1,500 feet of an airport runway or within established noise contour boundaries exceeding 55 Day Night Average Sound Level (the average sound level over a 24-hour period, with a 10 decibel (dB) penalty added for noise during the nighttime hours of 22:00 to 07:00). “Airport secondary impact area” means the area located between 5,000 and 10,000 feet from an airport runway. “Airport sponsor” means the owner, manager, or other person or entity designated to represent the interests of an airport.

"Alley" means a public way providing a secondary means of access to property.

“Approach surface” (airport) means a surface longitudinally centered on the extended runway centerline and extending outward and upward from each end of the primary surface.

- A. The inner edge of the approach surface is the same width as the primary surface and it expands uniformly to a width of 1,250.
- B. The approach surface extends for a horizontal distance of 5,000 feet at a slope of 20 feet outward for each foot upward.
- C. The outer width of an approach surface will be that width prescribed in this subsection for the most precise approach existing or planned for that runway end.

"Assisted living facility" ("ALF") means a building, complex, or distinct part thereof, consisting of fully self-contained individual living units where six or more seniors and/or adult individuals with disabilities may reside in homelike surroundings. An assisted living facility is licensed to operate as such by the State of Oregon. It offers and coordinates a range of supportive services available on a 24-hour basis to meet the living, health, and social needs of residents. A program approach is used to promote resident self-direction and participation in decisions that emphasize choice, dignity, privacy, individuality, and independence.

"Automobile."

- A. "Body shop garage" is a use providing for the major repair and maintenance of motor vehicles and includes major mechanical and body work, straightening of body parts, painting, welding, or storage of motor vehicles not in operating condition.
- B. "Service station" means any premises used for any or all of the following: supplying gasoline, oil, accessories and services, and auto repair work, excluding body and fender repair, at retail direct to the customer and where inoperative car storage is limited to thirty (30) days.
- C. "Wrecking yard" means any property used for the wrecking or storing of two or more motor vehicles or the parts thereof which are not in running condition and are not being restored.
- D. "Auto detail shop" includes any or all of the following uses: (a) shampoo and cleaning of carpet and seats; (b) complete interior cleaning; (c) clean and vacuum trunks; (d) cleaning and treatment of vinyl and rubber surfaces; (e) machine buffing and waxing of exterior and chrome; (f) hand wash exterior; (g) clean and polish tires and wheels; (h) engine and compartment cleaning; and (i) decal and paint striping.

"Base flood (100-year flood)" means a flood having a one percent chance of being equaled or exceeded in any given year.

"Bikeway" means a paved, dedicated path or lane for use by cyclists.

"Cannabinoid" means any of the chemical compounds that are the active constituents of marijuana.

"Cannabinoid concentrate" means a substance obtained by separating cannabinoids from marijuana by mechanical extraction; chemical extraction using a nonhydrocarbon-based or other solvent, such as water, vegetable glycerin, vegetable oils, animal fats, isopropyl alcohol, or ethanol; chemical extraction using the hydrocarbon-based solvent carbon dioxide, provided that the process does not involve the use of high heat or pressure; or any other process identified by the Oregon Liquor Control Commission, in consultation with the Oregon Health Authority, by rule.

"Cannabinoid edible" means food or potable liquid into which a cannabinoid concentrate, cannabinoid extract, or dried marijuana leaves or flowers have been incorporated.

"Cannabinoid extract" means a substance obtained by separating cannabinoids from marijuana by chemical extraction using a hydrocarbon-based solvent, such as butane, hexane or propane; a chemical extraction process using the hydrocarbon-based solvent carbon dioxide, if the process uses high heat or pressure; or any other process identified by the Oregon Liquor Control Commission, in consultation with the Oregon Health Authority, by rule.

"Cannabinoid product" means a cannabinoid edible and any other product intended for human consumption or use, including a product intended to be applied to the skin or hair that contains cannabinoids or dried marijuana leaves or flowers. Cannabinoid product does not include

usable marijuana by itself, a cannabinoid concentrate by itself, a cannabinoid extract by itself, or industrial hemp by itself as defined in ORS 571.300.

"Caretaker/manager residence" means a residence, secondary to the main use of the property, for the sole purpose of providing living quarters for the owner, operator, or caretaker of an ongoing commercial or industrial enterprise.

"Childcare facility" means any facility that provides childcare to children, including a day nursery, nursery/pre-school, childcare center, certified or registered family childcare home or similar unit, but not including any:

- A. Facility providing care that is primarily group athletic or social activities sponsored by or under the supervision of an organized club or hobby group; or
- B. Residential facility licensed under ORS 443.400 to 443.455.

"Church" means a building, together with its accessory building or uses, where persons regularly assemble for worship and which is maintained and controlled by a religious body organized to sustain public worship, and which meets tax exemption status as prescribed in ORS Chapter 307.

"Clinic" means a building utilized by persons licensed in the state of Oregon to treat or analyze medical, dental, or surgical needs of humans or animals on an outpatient basis, excluding marijuana dispensing facilities as defined in EMC 16.65.020.

"Commercial use" means the activity of purchasing or selling, other than included in the term light and heavy "industry" as defined in the appropriate sections, article, substance, commodity, or service for livelihood or profit.

"Commission" means the Estacada planning commission.

"Common property" means a parcel of land, together with improvements that are to be used, maintained and enjoyed by the owners and occupants of the individual building units or sites in subdivisions with common open space, planned development or planned unit subdivisions.

"Commonwall dwelling" is defined under "Dwelling".

"Community center" means a facility owned and operated by a governmental agency or a nonprofit community organization; provided that the primary purpose of the facility is for recreation, social welfare, community improvement, or public assembly.

"Compact parking space" means a parking space measuring between sixteen (16) and eighteen (18) feet by eight (8) feet, exclusive of maneuvering and access area, permanently reserved for the temporary storage of one automobile, connected with a street or alley which affords access for automobiles.

"Comprehensive plan" means the adopted comprehensive plan for Estacada as defined in ORS Chapter 197.

"Conical surface" (airport) means a surface extending outward and upward from the periphery

of the horizontal surface at a slope of 20 to 1 for a horizontal distance of 4,000 feet.

"Cottage cluster" means a grouping of no fewer than three detached dwelling units on the same lot of record, with each dwelling unit having a footprint of less than 900 square feet, all dwellings sharing a common area on the lot of record, and internal ADA-compliant pathways connecting each dwelling to common space, vehicle parking, and sidewalks.

"Council" means the city council of Estacada.

"Data center" means a facility used primarily for the storage, management, processing, and transmission of digital data, which houses computer and/or network equipment, systems, servers, appliances, and/or other associated components related to digital operations.

Deck, Enclosed. "Enclosed deck" means a covered attached or unattached structure accessory to the main use of the property, having no components necessary to the structural support of the main use.

Deck, Unenclosed. "Unenclosed deck" means a non-covered attached or unattached structure accessory to the main use of the property, having no components necessary to the structural support of the main use.

"Density" means the number of dwelling units allowed within a specified land area.

"Development" means any manmade change or improvement involving buildings, structures, mining, dredging, filling, grading, paving, excavation, drilling, partitioning or subdividing.

"Discount store" means a retail sales use with a floor area less than 12,000 square feet that offers for sale a combination and variety of convenience shopping goods and consumer shopping goods; and continuously offers a majority of the items in their inventory for sale at a price less than ten dollars (\$10.00) per item.

"Duplex" is defined under "Dwelling".

"Dwelling" means a building or portion thereof designed for residential occupancy.

- A. "Commonwall dwelling" means a dwelling on its own lot which shares at least one wall, or portion thereof, with another dwelling on an abutting lot.
- B. "Duplex" means a single building on its own lot, with two dwelling units with separate housekeeping facilities. A single-family dwelling with an accessory suite is not a duplex.
- C. "Factory-built dwelling", "modular dwelling", and "modular home" mean a dwelling that meets Oregon Building Code requirements for a residential dwelling, was constructed almost entirely off-site, was delivered to its permanent site in whole or in sections, and is set on to a foundation at that site; it does not mean a manufactured dwelling or mobile home, as defined separately in this Section. "Factory-built dwellings", "modular dwellings", and "modular homes" are considered "single-family

dwelling."

- D. "Fourplex" means a single building on its own lot with four dwelling units that are not accessory suites and that have separate housekeeping facilities.
- E. "Manufactured dwelling" means a detached dwelling designed or used exclusively for the occupancy of only one family, constructed for movement on highways and includes the following:
  - 1. "Manufactured home" means a manufactured dwelling constructed after June 15, 1976 in accordance with federal manufactured housing construction and safety standards (HUD code) in effect at the time of construction.
  - 2. "Mobile home" means a manufactured dwelling constructed between January 1, 1926 and June 15, 1976, in accordance with the construction requirements of Oregon mobile home law in effect at the time of construction.
  - 3. "Residential trailer" means a manufactured dwelling constructed before January 1, 1962, which was not constructed in accordance with federal manufactured housing construction and safety standards (HUD code), nor the construction requirements of Oregon mobile home law.
- F. "Middle housing" means a category of housing types that includes duplexes, triplexes, fourplexes, commonwall dwellings, and cottage clusters.
- G. "Multi-family dwelling" means a single building, or a portion thereof, on its own lot, that contains five or more dwelling units, each with housekeeping facilities for just one family.
- H. "Single-family dwelling" and "single family home" mean a detached dwelling unit on its own lot designed or used exclusively for the occupancy of only one family and having housekeeping facilities for only one family. "Factory-built dwellings", "modular dwellings", and "modular homes" are considered "single-family dwellings".
- I. "Triplex" means a single building on its own lot with three dwelling units that are not accessory suites and that have separate housekeeping facilities.

"Dwelling unit" means a building or portion thereof with one or more rooms designed for occupancy by one family for living purposes which provides a minimum of two hundred (200) square feet of floor area per resident.

"Easement" means a right of use over the property of another.

"Enclosed" means activities which take place entirely within a structure or building, excluding parking and off-loading facilities.

"Factory-built dwelling" is defined under "Dwelling".

"Family" means any one of the following groups when living together in a single dwelling unit:

- A. Persons related by blood, marriage, legal adoption or guardianships, plus not more than six additional persons, including foster and shelter care children;
- B. Up to six unrelated persons; or
- C. Members of a "residential home," as defined in this chapter.

Each additional group described above, or portion thereof, shall be considered a separate family.

"Fence" means an accessory structure, including landscape planting, designed and intended to serve as a barrier or as a means of enclosing a yard or other area, or other structure, or to serve as a boundary feature separating two or more properties.

Fence, Sight-Obscuring. "Sight-obscuring fence" consists of either a continuous fence, wall, slated cyclone fence, evergreen planting, or combination thereof, constructed and/or planted so as to effectively screen the particular use from view. Fences described above are subject to clear vision regulations of EMC 16.60.010.

"FIRM" means flood insurance rate maps that delineate both the area of special flood hazard and risk premium zones.

"Flag lot" means a lot, the major portion of which has access to a road or street by means of a narrow strip of land called the "staff." The staff shall have a minimum width and frontage of not less than twenty-five (25) feet. The staff portion of a flag lot shall not be used in computing lot size for zoning and building purposes.

"Flood/flooding" means a general and temporary condition of partial or complete inundation of normally dry land areas from:

- A. The overflow of inland or tidal waters; and/or
- B. The unusual and rapid accumulation of runoff or surface waters from any source.

"Floodplain" means the area shown on designated maps for the city as being subject to inundation by delineation of a base flood as determined by the U.S. Army Corps of Engineers or other means.

"Food cart" means a vehicle that is used in selling and dispensing food or beverage to a customer and is not permanently affixed to the ground. As used in this definition, a vehicle is motorized or non-motorized transportation equipment containing an axle and capable of use on public roads, including, but not limited to, a car, van, pickup, motorcycle, recreational vehicle, bus, truck, detached trailer, or a truck tractor with no more than one trailer.

"Fourplex" is defined under "Dwelling".

"Greenhouse" means a structure with transparent or translucent vertical walls. A transparent or translucent roof does not constitute a greenhouse.

"Hazard" means a hazard existing within and around an airport as determined by the Oregon Department of Aviation or Federal Aviation Administration.

"Heavy industry" means the manufacturing, processing, compounding, packaging or assembling of products, the process of which requires that permits be issued by the Oregon State Department of Environmental Quality for the associated emissions, discharges, or storage

of materials.

“Height” means the highest point of a structure or tree, plant or other object of natural growth, measured from above mean sea level (AMSL) or above ground level (AGL).

"Home occupation" means an occupation carried on within a dwelling, or an accessory structure by a resident of the dwelling, where such occupation is secondary to the main use of the property as a residence, but excluding commercial businesses considered by the planning commission as inappropriate for residential areas.

"Hoophouse" means any non-rigid, transparent, or translucent structure. Hoophouses are often constructed of PVC pipe and polyethylene, and are formed as a tunnel in structure.

“Horizontal surface” (airport) means a horizontal plane 150 feet above the established airport elevation, the perimeter of which is constructed by swinging arcs of specified radii from the center of each end of the primary surface of each runway of each airport and connecting the adjacent arcs by lines tangent to those arcs. The radius of each arc is 5,000 feet.

"Housekeeping facility" means a kitchen, laundry room, or similar space used for household-wide domestic duties.

"Hospital" means an establishment which provides sleeping and eating facilities to persons receiving medical, obstetrical, or surgical care with nursing service on a continuous basis.

"Hotel" means a building that is designed or used to offer short-term lodging for compensation, with or without meals, for five or more people. A facility that is operated for the purpose of providing care beyond that of room and board is not a "hotel."

"Industrial trade school" means a public or private school for teaching one or more industrial trades, vocations, and/or skills to meet industrial needs. These facilities may be referred to as technical schools, vocational schools, and career schools. Industrial trade schools provide training in such occupational skills as welding, operation and repair of industrial machinery, and truck driving.

"Junk yard" means any property utilized for breaking up, dismantling, sorting, storing, distributing, buying, or selling scrap waste material, junk, or used equipment of any nature.

"Kennel" means a lot or building which provides for the keeping of four or more dogs, cats or animals at least six months of age, where such animals are kept for purposes other than a veterinary clinic.

"Landscaping" means a compatible combination of vegetation and materials which provide visual enhancement to a development.

"Landscaping plan" means a schematic or plot plan which indicates:

- A. Areas of landscaping, including percent of lot area;
- B. Type(s) of vegetation and;
- C. Maintenance type and schedule, i.e., irrigation method.

"Large childcare facility" means any childcare facility, as defined in this chapter, licensed to care for more than sixteen (16) children at a given time.

"Light industry" means the manufacturing, processing, compounding, packaging or assembling of products, the process of which does not require that permits be issued by the Oregon State Department of Environmental Quality for the associated emissions, discharges, or storage of materials.

"Livestock" means domestic animals and fowl or types customarily raised or kept on farms for profit or other purposes. This definition does not include domesticated household pets such as dogs or cats.

"Loading space" means an off-street space or berth on the same lot or parcel with a building or use, or contiguous to a group of buildings or uses, for the temporary parking of a vehicle while loading or unloading persons, merchandise, or materials, and which abuts a street, alley, or other appropriate means of access.

"Lot" means a parcel or tract of land which is occupied or may be occupied by a structure or a use, together with yards and other open space and meets the definition of "lot of record."

"Lot area" means the total horizontal area within the lot lines of a lot, exclusive of streets. The staff portion of a flag lot shall not be used in computing the size or area of the lot for zoning or building purposes.

Lot, Corner. "Corner lot" means a lot abutting on two or more streets, excluding alleys at their intersection. A lot abutting on a curved street or streets is a corner lot if straight lines drawn from the foremost points of the side lot lines to the foremost point of the lot meet at an interior angle of less than one hundred thirty-five (135) degrees.

"Lot depth" means the average horizontal distance between the front lot line and the rear line.

"Lot frontage" means the front of a lot shall be construed to be the portion nearest the street. For the purpose of determining yard requirements on corner lots and through lots, all sides of a lot adjacent to a street other than an alley shall be considered frontage, and yards shall be provided as indicated in this section.

Lot, Interior. "Interior lot" means a lot other than a corner lot with only one frontage on a street.

"Lot line" means the property line bounding a lot.

Lot Line, Front. "Front lot line" means the property line separating the lot from the street, other

than an alley. In the case of a corner lot, the shortest property line along a street, other than an alley; or, in a case where the lot does not front directly upon a public street, that lot line toward which most houses in the immediate area face.

Lot Line, Rear. "Rear lot line" means the lot line or lines opposite and most distant from the front lot line.

Lot Line, Side. "Side lot line" means any lot line or lines not a front or rear lot line.

"Lot of record" means any unit of land created as follows:

- A. A lot in a platted subdivision;
- B. A lot created by land partitioning;
- C. A unit of land described by a conveyed deed or land sales contract established prior to requirements for partitions and which conformed with all zoning requirements in effect, if any, when the deed or contract creating the lot was recorded.

Lot of Record, Nonconforming. "Nonconforming lot of record" means a parcel of land which lawfully existed as a lot in compliance with all applicable ordinances and laws at the time of creation, but which, because of the application of a subsequent zoning ordinance, no longer conforms to the lot dimension requirement for the zoning district in which it is located.

Lot, Through. "Through lot" means an interior lot abutting on streets, other than an alley, on both of the opposite, exterior lot lines.

"Lot width" means the average horizontal distance between the side lot lines, ordinarily measured parallel to the front lot line.

"Manager/caretaker residence" means a residence, secondary to the main use of the property, for the sole purpose of providing living quarters for the owner, operator or caretaker of an ongoing commercial or industrial enterprise.

"Manufactured dwelling" is defined under "Dwelling".

"Manufactured dwelling park" means a parcel or contiguous parcels of land under the same ownership divided into four or more manufactured dwelling lots for rent or lease.

"Marijuana" means the plant Cannabis family Cannabaceae, any part of the plant Cannabis family Cannabaceae, and the seeds of the plant Cannabis family Cannabaceae. Marijuana does not include industrial hemp as defined in ORS 571.300.

"Marijuana processing" means the processing, compounding, or conversion of marijuana into cannabinoid products, cannabinoid concentrates, or cannabinoid extracts, provided that the marijuana processor is licensed by the Oregon Liquor Control Commission or registered with the Oregon Health Authority.

"Marijuana production" means the manufacture, planting, cultivation, growing, trimming, harvesting, or drying of marijuana, provided that the marijuana producer is licensed by the Oregon Liquor Control Commission or registered with the Oregon Health Authority and a person designated to produce marijuana by a registry identification cardholder.

"Marijuana retailing" means the sale of marijuana items to a consumer, provided that the marijuana retailer is licensed by the Oregon Liquor Control Commission or registered with the Oregon Health Authority.

"Marijuana wholesaling" means the purchase of marijuana items for resale to a person other than a consumer, provided that the marijuana wholesaler is licensed by the Oregon Liquor Control Commission.

"Marina" means a commercial boat launch, moorage or similar facility which may include dry or wet boat storage, boat houses and related commercial activities.

"Mine quarry" means premises from which any rock, sand, gravel, stone, topsoil, clay, mud, peat, or other mineral is removed or excavated as an industrial or commercial operation, of excavating and grading for streets and roads or in preparation for the construction of a building for which a permit has been issued by a public agency.

"Mini-warehouse (storage)" means a structure used for storing personal effects or small retail merchandise with individual compartments that do not exceed one thousand (1,000) square feet.

"Mobile home" is defined under "Dwelling".

"Modular dwelling" and "modular home" are defined under "Dwelling".

"Motel" means a building or series of buildings in which lodging only is offered for compensation and which may have more than five sleeping rooms or units for this purpose and which is distinguished from a hotel primarily by reason of providing direct independent access to and adjoining parking for each rental unit designed primarily for automobile tourists and transient persons. The term includes auto courts, tourist courts, tourist homes and motor lodges.

"Multi-family dwelling" is defined under "Dwelling".

"Nonconforming structure/use" means use of structure or land, or structure and land in combination which was lawfully established in compliance with all applicable ordinances and laws, but which because of the application of a subsequent zoning ordinance:

- A. No longer conforms to the setback, height, maximum lot coverage or other building development requirements of this title; or
- B. Is clearly designed and intended for uses other than any use permitted in the zoning

district in which it is located.

“Obstruction” (airport) means any structure or tree, plant or other object of natural growth that penetrates an imaginary surface.

"Open space" means the area within the development designed and intended for the use or enjoyment of all residents of the development or for the use and enjoyment of the public in general. Open space includes the land area to be used for scenic, landscaping or open recreation purposes within the development. It shall not include street right-of-way, driveways or open parking areas.

“Other than utility runway” means a runway that is constructed for and intended to be used by turbine-driven aircraft or by propeller-driven aircraft exceeding 12,500 pounds gross weight.

"Owner" means the owner of a record of real property as shown on the tax rolls of the county, or a person who is purchasing a parcel of property under contract.

"Parcel" means a unit of land that is created by a partitioning of land.

"Park" means an open or enclosed tract of land set apart and devoted for the purposes of pleasure, recreation, ornament, light and air for the general public.

"Parking space" means an off-street enclosed or unenclosed surfaced area of not less than eighteen (18) feet by eight (8) feet, exclusive of maneuvering and access area, permanently reserved for the temporary storage of one automobile, connected with a street or alley which affords access for automobiles.

"Partition" means either an act of partitioning land or an area or tract of land partitioned as defined in ORS Chapter 92. "Partition land" means to divide an area or tract of land into two or three parcels within a calendar year when such area or tract of land exist as a unit or contiguous units of land under single ownership at the beginning of such year, and does not include exceptions as outlined in ORS 92.010(7).

"Partition plat" means a final map and other writing containing all the descriptions, locations, specifications, provisions and information concerning a partition.

“Pedestrian amenities” means areas and objects that serve as places for public socializing and enjoyment and are usually closed to motorized vehicles. Sidewalks designed to meet minimum sidewalk width standards are not considered pedestrian amenities, for the purpose of this code. Pedestrian amenities include the following:

- A. A plaza, courtyard, square or extra-wide sidewalk (building frontage areas) next to the building entrance. Extra-wide sidewalks shall be at least three (3) feet wider than the minimum required for the purpose of this Section;
- B. Sitting space (e.g., dining area, benches, garden wall or ledges between the building entrance and sidewalk) with a minimum of 16 inches in height and 30 inches in width;
- C. Public art that incorporates seating (e.g., fountain, sculpture);
- D. Transit amenity, such as bus shelter, per the standards of the transit service provider, as applicable;

- E. Sidewalk chalk squares;
- F. Planters;
- G. Covered entryway with seating;
- H. Streetscape furnishings, including pedestrian level street lighting, bike racks, crosswalks, bollards, trash cans, drinking fountains, tree gates, and curb extensions; or
- I. Street trees.

"Performance agreement" means a bond executed by a surety company licensed in the state of Oregon, or other security acceptable to the city, to ensure completion of the conditions of approval.

"Person" means a natural person, the heirs, executors, administrators or assigns, or a firm, partnership or corporation, successors or assigns, or the agent of any of the aforesaid, or any political subdivisions, agency, board or bureau of the state.

"Pier" means a fixed moorage facility constructed outward from the river bank.

"Planned development" means a development in which the applicable code restrictions, other density requirements, may be modified and/or applied to the development as a whole rather than to each individual lot. A planned development involving the subdividing of property is a planned unit development.

"Planned unit subdivision" means a subdivision of land in which the individual building sites may be reduced in size but are compensated by area used in common for recreational or other open space purposes. Planned unit subdivisions involving dwelling or commercial units may incorporate detached, semi-detached, attached, single-story or multistoried units or any combination of the aforementioned. Such projects may also involve religious, cultural, recreational and commercial uses and purposes.

"Planning commission" means the planning commission of the city of Estacada.

"Plat" means a final subdivision plat, re-plat or partition plat.

"Primary surface" means a surface longitudinally centered on a runway. When a runway has a specially prepared hard surface, the primary surface extends 200 feet beyond each end of that runway. When a runway has no specially prepared hard surface, or planned hard surface, the primary surface ends at each end of that runway. The elevation of any point on the primary surface is the same as the elevation of the nearest point on the runway centerline. The width of the primary surface is:

- A. 250 feet for utility runways.
- B. 500 feet for other than utility runways.

"Principal use" means the intended and primary use of a structure or parcel of land.

"Public utility" means any corporation, company, individual, association of individuals, or its lessees, trustees or receivers, that owns, operates, manages or controls all or any part of any plant or equipment for the conveyance of telegraph, telephone, with or without wires, for the transportation as common carriers, or for the production, transmission, delivery or furnishing of

heat, light, water, power or cable services, directly or indirectly to the public.

"Public utility workshop" means a building used for the repair and/or maintenance of utility vehicles, machinery or other equipment.

"Recreational vehicle (R.V.);" means a temporary dwelling, for travel and recreation purposes, and licensed as a motor home, camper or travel trailer.

"Recreational vehicle park" means a development designed primarily for transient service in which travel trailers, pick-up campers, tent trailers and self-propelled motorized vehicles are parked and used for the purpose of supplying to the public a temporary location while traveling, vacationing or recreating.

"Remuneration" means compensation, money, rent or other bargained for consideration given in return for occupancy, possession or use of real property.

"Re-plat" means the act of platting the lots, parcels and easements in a recorded subdivision or partition plat to achieve a re-configuration of the existing subdivision or partition plat or to increase or decrease the number of lots in the subdivision.

"Residential care facility" ("RCF") means a building, complex, or distinct part thereof, consisting of shared or individual living units in a homelike surrounding, where six or more seniors and/or adult individuals with disabilities may reside. A residential care facility is licensed to operate as such by the State of Oregon. It offers and coordinates a range of supportive services available on a 24-hour basis to meet the activities of daily living, health, and social needs of the residents. A program approach is used to promote resident self-direction and participation in decisions that emphasize choice, dignity, individuality, and independence.

"Residential home" means any dwelling unit or residential building operated as a single housekeeping unit for the purpose of providing food, shelter, personal services and care, as defined in the ordinance codified in this chapter, and when appropriate, a planned treatment or training program of counseling, therapy, or other rehabilitative social service, for persons of similar or compatible conditions of circumstances.

"Road" means a public or private way created to provide ingress to, or egress from, one or more lots, parcels, areas or tracts of land, or that provides for travel between places by vehicles. The terms "street", "access drive" and "highway" for the purposes of the ordinance codified in this chapter shall be synonymous with the term "road."

- A. "Arterial" means a street designed to carry traffic from one community to another, to carry traffic to and from major traffic generators and to carry through traffic.
- B. "Collector or secondary street" means a street designed to carry traffic between minor streets and the arterial system, to function as primary traffic carries within a neighborhood, to carry traffic to local traffic generators, and in commercial and industrial areas, This street classification includes Major and Minor collectors. to provide access to commercial and industrial properties.

- C. "Cul-de-sac" or "dead end street" means a minor street with only one outlet which provides a vehicular turnaround.
- D. "Local street" means a street designed to provide access to abutting residential property with only incidental service to through traffic. This street classification includes Local and Neighborhood Local streets.
- E. "Private road" means a private way created by deed or easement to provide vehicular ingress to, or egress from, three to six lots or parcels. Any road serving more than six dwelling units must be a public road. Private roads may serve development when approved by the planning commission upon written findings that such roads are of adequate width, alignment, grade and length to afford the same degree of public safety as public roads and that extension of the public road system is impractical. In determining if the extension of the public road system is impractical, the planning commission shall consider criteria including, but not limited to, lot size or shape, topography, the location of existing structures. In no case shall a private street be less than twenty (20) feet in width. Greater width may be required where necessary to provide for public safety, accommodate traffic volume, or provide for underground utilities. A street maintenance agreement approved by the city and duly recorded, shall be required for the creation of any private road.
- F. "Public road" means a road dedicated for public use.
- G. "Access drive" means a private road, with a travel surface not less than twelve (12) feet in width, created by deed or easement to provide vehicular ingress, or egress from not more than two lots or parcels.

"Runway" means a defined area on an airport prepared for landing and takeoff of aircraft along its length. "Runway protection zone (RPZ)" means an area off the runway end used to enhance the protection of people and property on the ground. The RPZ is trapezoidal in shape and centered about the extended runway centerline. The inner width of Valley View Airport's RPZ is the same as the width of its primary surface, or 250 feet. The outer width of its RPZ is 700 feet. The RPZ extends from each end of the primary surface for a horizontal distance of 1,000 feet.

"School" means any institution for learning, whether public or private, meeting state of Oregon accreditation standards.

"Self-storage facility" means a facility with containers, garages, lockers, rooms, warehouses, or other secured spaces rented to tenants for storage.

"Setback" means the horizontal distance measured perpendicular from the lot line to the nearest point of any structure on the lot or parcel.

- A. Front: a setback between side lot lines and measured horizontally at right angles to the front line from the front lot line to the nearest point of a building. Any yard meeting this definition and abutting on a street other than an alley, shall be considered a front yard.
- B. Rear: a setback between side lot lines and measured horizontally at right angles to the rear lot line from the rear lot line, to the rear most part of the main building.
- C. Side: a setback between the front and rear yard measured horizontally and at right

angles from the side lot line to the nearest point of the main building.

"Short-term rental" means the use of a dwelling unit by any person or group of persons who occupies or is entitled to occupy a dwelling unit for remuneration for a period of time of less than thirty (30) days.

"Sign" means an identification, description, illustration or device which is affixed to or represented, directly or indirectly, upon a building, structure or land, and which directs attention to a product, place, activity, person, institution or business.

Street. (See "Road.")

"Single family dwelling" and "single family home" are defined under "Dwelling".

"Small childcare facility" means any childcare facility, as defined in this chapter, licensed to care for a maximum of sixteen (16) children at a given time.

"Structure" means a structure built or assembled for any use or occupancy.

"Subdivided land" means to divide an area or tract of land into four or more lots within a calendar year when such an area or tract of land exists as a unit of contiguous units of land under a single ownership at the beginning of a year.

"Subdivision" means an area or tract of land divided into four or more lots within a calendar year.

"Subdivision plat" includes a final map and other writing containing all the descriptions, locations, specifications, dedications, provisions, and information concerning a subdivision.

"Temporary" means a specific period of time.

"Tentative plan" means an approved diagram showing the design of a proposed partition or subdivision, together with any other writing and information that may be required.

"Transitional surface" means those surfaces that extend upward and outward at 90 degree angles to the runway centerline and the runway centerline extended at a slope of seven (7) feet horizontally for each foot vertically from the sides of the primary and approach surfaces to the point of intersection with the horizontal and conical surfaces. Transitional surfaces for those portions of the precision approach surfaces which project through and beyond the limits of the conical surface, extend a distance of 5,000 feet measured horizontally from the edge of the approach surface and at a 90 degree angle to the extended runway centerline.

"Triplex" is defined under "Dwelling".

"Unit of ownership" means an area or tract of land described by a deed or by metes and bounds as a single entity.

"Use" means the purpose for which a structure is designed, arranged or intended; or for which

land is maintained, occupied or zoned.

“Utility runway” means a runway that is constructed for, and intended to be used by, propeller driven aircraft of 12,500 pounds maximum gross weight or less.

“Visual runway” means a runway intended solely for the operation of aircraft using visual approach procedures, where no straight-in instrument approach procedures or instrument designations have been approved or planned, or are indicated on a Federal Aviation Administration-approved airport layout plan or any other FAA planning document.

"Water-dependent" means a use or activity which can be carried out only on, in or adjacent to water areas because the use requires access to the water body for water-borne transportation, recreation, energy production, or source of water.

“Water impoundment” includes wastewater treatment settling ponds, surface mining ponds, detention and retention ponds, artificial lakes and ponds, and similar water features. A new water impoundment includes an expansion of an existing water impoundment except where such expansion was previously authorized by land use action approved prior to the effective date of this ordinance.

"Wetlands" means those areas that are inundated or saturated by surface or ground water at a frequency and duration that are sufficient to support, and that under normal circumstances do support, a prevalence or vegetation typically adapted for life in saturated soil conditions.

"Wholly enclosed" means everything is completely within a building.

“Youth support services facility”:

A. Means any school, agency, organization or program providing:

1. Day treatment for children with emotional disturbances;
2. Adoption placement services;
3. Residential care, including but not limited to foster care or residential treatment for children;
4. Residential care in combination with academic education and therapeutic care, including but not limited to treatment for emotional, behavioral or mental health disturbances;
5. Outdoor youth programs;
6. Other similar care or services for children;
7. A shelter-care home that is not a foster home subject to ORS 418.625 to 418.645;
8. An independent residence facility as described in ORS 418.475 that meets the standards established by the Department of Human Services by rule to be considered a child-caring agency;
9. A private residential boarding school;
10. A child-caring facility as defined in ORS 418.950;
11. A secure transportation services provider that transports or provides escort services for children on the highways of this state along a route that begins or

ends in this state to or from a school, agency, organization or program described in subparagraph A. of this paragraph, if the school, agency, organization or program is located in this state or in any other state.

B. Does not include the following:

1. A facility that exclusively serves individuals 18 years of age and older; or
2. A facility that primarily serves both adults and children but requires that any child must be accompanied at all times by at least one custodial parent or guardian.

(Ord. 2007-6 § 1; Ord. 2004-2 § 1; Ord. 2003-8 § 1; Ord. 2000-25 §§ 2, 3; editorially amended during 2000 codification; prior code § 10.202) (Ord. No. 2015-003, § 2, 4-13-2015; Ord. No. 2016-003, § 1(Exh. A), 5-23-2016; Ord. No. 2016-005, § 1, 8-22-2016; Ord. No. 2017-006, § 1, 11-13-2017; Ord. No. 2018-001, § 1, 6-11-2018; Ord. No. 2018-002, § 1, 8-13-2018)

**SECTION 2:        AMENDMENT** “16.26.010 Downtown Zone (D)” of the Estacada Municipal Code is hereby *amended* as follows:

#### BEFORE AMENDMENT

16.26.010 Downtown Zone (D)

The D zone is intended to implement the Estacada Downtown and Riverside Area Plan (adopted 2011). The zone encourages a mix of office, service, retail, light manufacturing, and governmental uses. The D zone also allows residential uses in upper stories of commercial buildings, and high-density residential and mixed-use (residential and commercial) development oriented to the Clackamas River.

(Ord. No. 2012-005, § 3, 9-10-2012; Ord. No. 2015-006, § 1, 1-11-2016; Ord. No. 2016-003, § 1(Exh. A), 5-23-2016; Ord. No. 2017-006, § 5, 11-13-2017)

#### AFTER AMENDMENT

16.26.010 Downtown Zone (D)

The D zone is intended to implement the Estacada Downtown and Riverside Area Plan (adopted 2011). The zone encourages a mix of office, service, retail, light manufacturing, and governmental uses. The D zone also allows residential uses in upper stories of commercial buildings, ~~and high-density residential~~ and mixed-use (residential and commercial) development oriented to the Clackamas River.

(Ord. No. 2012-005, § 3, 9-10-2012; Ord. No. 2015-006, § 1, 1-11-2016; Ord. No. 2016-003, § 1(Exh. A), 5-23-2016; Ord. No. 2017-006, § 5, 11-13-2017)

**SECTION 3: AMENDMENT** “16.26.020 Uses Permitted Outright” of the Estacada Municipal Code is hereby *amended* as follows:

### BEFORE AMENDMENT

#### 16.26.020 Uses Permitted Outright

The following uses and their accessory uses are permitted in the D zone:

- A. Retail store or shop such as food stores, drug stores, apparel stores, hardware stores, furniture stores or similar establishments;
- B. Repair shop for the type of goods offered for sale in retail trade establishments permitted in the D zone provided all repair and storage shall occur entirely within an enclosed building;
- C. Personal or business service establishments such as barber or beauty shop, laundry or dry cleaning establishment, print shop or similar establishment;
- D. Multi-family dwellings, triplexes, and fourplexes, provided that the following standards are met:
  - 1. Ground floor residential uses do not front Broadway Street, Main Street, or OR 224;
  - 2. The residential density of the development is not less than sixteen (16) dwelling units per acre; and
  - 3. The standards of EMC 16.26.040 Subsection H are met;
- E. Professional offices or medical facilities;
- F. Hotel, motel or resort;
- G. Short-term rentals;
- H. Indoor commercial amusement or recreation establishment such as a bowling alley, theater or pool hall;
- I. Mortuary;
- J. Private museum, art gallery or similar facility;
- K. Restaurant, bar or tavern; includes brewery or distillery in conjunction with primary permitted use;
- L. Automobile service station, existing as of September 1, 2012, subject to EMC 16.26.040 Subsection H;
- M. Governmental uses such as city hall, fire stations, police stations and offices of governmental agencies;
- N. Public parks and plazas;O. Live/work space provided that work activities are uses permitted outright and work space exclusively fronts the street most likely to receive the most pedestrian traffic;P. Manufacturing in conjunction with retail trade establishments permitted in the D Zone, except for processing and packaging of explosive chemical materials and environmentally hazardous materials, provided retail

trade exclusively fronts the street most likely to receive the most pedestrian traffic;Q. Small childcare facility as defined in EMC 16.08;R. Large childcare facility as defined in EMC 16.08;S. Youth support services facility as defined in EMC 16.08;T. No more than two food carts on a lot of record, subject to EMC 16.66.

(Ord. No. 2012-005, § 3, 9-10-2012; Ord. No. 2015-006, § 2, 1-11-2016; Ord. No. 2016-003, § 1(Exh. A), 5-23-2016; Ord. No. 2017-006, § 5, 11-13-2017)

## AFTER AMENDMENT

### 16.26.020 Uses Permitted Outright

The following uses and their accessory uses are permitted in the D zone:

- A. Retail store or shop such as food stores, drug stores, apparel stores, hardware stores, furniture stores or similar establishments;
- B. Repair shop for the type of goods offered for sale in retail trade establishments permitted in the D zone provided all repair and storage shall occur entirely within an enclosed building;
- C. Personal or business service establishments such as barber or beauty shop, laundry or dry cleaning establishment, print shop or similar establishment;
- D. Multi-family dwellings, triplexes, and fourplexes, provided that the following standards are met:
  - 1. Ground floor residential uses do not front Broadway Street, Main Street, or OR 224. Ground floor residential uses are prohibited in all areas of the Downtown Zone located south of OR 224.
  - 2. The residential density of the development is not less than sixteen (16) dwelling units per acre; and
  - 3. The standards of EMC 16.26.040 Subsection H are met;
- E. Professional offices or medical facilities;
- F. Hotel, motel or resort;
- G. Short-term rentals;
- H. Indoor commercial amusement or recreation establishment such as a bowling alley, theater or pool hall;
- I. Mortuary;
- J. Private museum, art gallery or similar facility;
- K. Restaurant, bar or tavern; includes brewery or distillery in conjunction with primary permitted use;
- L. Automobile service station, existing as of September 1, 2012, subject to EMC 16.26.040 Subsection H;
- M. Governmental uses such as city hall, fire stations, police stations and offices of governmental agencies;
- N. Public parks and plazas;O. Live/work space provided that work activities are uses permitted outright and work space exclusively fronts the street most likely to receive the most pedestrian traffic;P. Manufacturing in conjunction with retail trade establishments permitted in the D Zone, except for processing and packaging of

explosive chemical materials and environmentally hazardous materials, provided retail trade exclusively fronts the street most likely to receive the most pedestrian traffic;Q. Small childcare facility as defined in EMC 16.08;R. Large childcare facility as defined in EMC 16.08;S. Youth support services facility as defined in EMC 16.08;T. No more than two food carts on a lot of record, subject to EMC 16.66.

(Ord. No. 2012-005, § 3, 9-10-2012; Ord. No. 2015-006, § 2, 1-11-2016; Ord. No. 2016-003, § 1(Exh. A), 5-23-2016; Ord. No. 2017-006, § 5, 11-13-2017)

**SECTION 4: AMENDMENT** “16.26.040 Development Standards” of the Estacada Municipal Code is hereby *amended* as follows:

#### BEFORE AMENDMENT

##### 16.26.040 Development Standards

The following standards shall apply in the D zone:

- A. Lot Size and Dimensions. The minimum lot size and dimensions in the D zone shall be as follows:
  1. Minimum lot size: none.
- B. Parking Requirements. There is no minimum off-street parking requirement for uses located within one hundred (100) feet of Broadway Street between OR 224 and 2nd Avenue. Uses in the D zone but located outside the above described area are required to provide off-street parking in accordance with EMC 16.76, except that the number of required off-street parking spaces may be reduced by twenty (20) percent in the D zone, per EMC 16.76.010 Subsection Q, 19, off-street parking exemptions. Off-street parking shall not be located between a primary building entrance and the street(s) to which it is oriented; off-street parking shall be oriented internally to the block (beside or behind a building) and accessed by an alley or local street to the extent practicable. Exception: Off-street parking may be located between a primary building entrance and a street where the existing pattern of commercial development along OR 224 precludes compliance with the above standard; in which case, the proposed parking lot shall connect to and establish by deed reciprocal access easements for adjoining parking lots where feasible. (See also, EMC 16.116.010) In addition, the above standard does not apply to projects that are oriented to the Clackamas River.
- C. Setbacks.
  1. Front and Street Side setbacks: Zero feet minimum and five feet maximum, except five feet minimum and ten (10) feet maximum for development abutting 2nd Avenue or 224.

The maximum setback standard is met when a minimum of fifty (50) percent of a primary structure is placed within the required yard area. The maximum setback may be extended where city approves plaza space between building

and sidewalk. Where a setback is provided, the area shall be landscaped or otherwise improved as an extension of the sidewalk or plaza space.

2. Side setback: Zero feet for common wall development and ten (10) feet if abutting a residential zone; otherwise setback shall conform to building code.
  3. Rear setback: Zero feet for common wall development and ten (10) feet if abutting a residential zone; otherwise setback shall conform to building code.
  4. Special Street Setbacks: Additional setback dimensions may be required where a structure or building addition is proposed adjacent to an existing or planned street, and that street is proposed for widening or relocation. In such cases, the setback shall be the minimum prescribed above, plus one-half of the ultimate planned street right-of-way width, as measured from the street centerline.
- D. Sidewalks. Sidewalks, driveways and service driveways shall conform to standards established by this code and shall be consistent with the street cross sections of the Estacada Transportation System Plan.
- E. Fences and Walls. A solid fence or wall of not less than six feet in height, or other screening approved by the city decision-making body, shall be required along a property line that is the district boundary with an abutting residential district. Corner clear vision requirements shall be met.
- F. Building Height. Buildings shall exceed the minimum height of seventeen (17) feet and shall not exceed the maximum height of sixty-five (65) feet.
- G. Landscaping. A minimum of five percent of the area developed, which includes but is not limited to areas developed for off-street parking, driveways, and above-ground utility facilities, shall be landscaped. Public streetscape improvements such as plazas and extended sidewalk width adjacent to a proposed project may be credited toward the required landscape area, provided such area contains street trees or planters, and street furnishings, such as benches or other pedestrian amenities, consistent with the street cross sections of the Estacada Transportation System Plan. Where outdoor storage is permitted, it shall be screened with either a sight-obscuring fence or a buffer strip of vegetation, as required by the city decision-making body.
- H. Access and Circulation.
1. Vehicle access shall conform to EMC 16.116, Design Standards and Improvements. In addition, the following standards apply within the Downtown District: a) No direct vehicle access is allowed from Broadway Street between OR 224 and 3rd Avenue; b) Access to Main Street, Acacia Road, Currin Street, and OR 224 between Broadway Street and Acacia Street shall be subject to the South Downtown Circulation and Access Plan (Downtown and Riverside Area Plan); and c) Access in other locations shall be minimized by providing shared access, interconnected driveways (with reciprocal access easements), and other methods, to the greatest extent practicable.
  2. Drive-through facilities. Where drive-through facilities (including drive-up window, teller machine, vehicle queuing area, and similar facilities) are permitted, they shall not be located adjacent to Broadway Street and shall not be placed between any street sidewalk and any primary building entrance used to conform to the Downtown Design Guidelines or Building Orientation

standards. See EMC 16.26.050 Subsection D and EMC 16.26.050 Subsection E. The driveway access(es) and vehicle queuing area(s) for a drive-through facility shall be screened to reduce off-site impacts such as vehicle noise/fumes, and light spillover/glare at night, and designed to avoid parked, waiting, or backing vehicles from encroaching onto any pedestrian walkway or public right-of-way. The city decision-making body may require other mitigation measures to protect the public health, safety, and welfare pursuant with EMC 16.88, Conditional Uses.

- I. Clackamas Riverside. In order to implement the Transportation System Plan, new development on parcels adjacent to or containing the Clackamas Riverside Path shall conform to all of the following standards:
  - 1. Compliance with Clackamas River setbacks and erosion control measures shall be provided. The city of Estacada shall consult applicable State and Federal natural resource regulatory agencies and Portland General Electric in determining applicable mitigation measures for riverside development;
  - 2. Development shall provide public access to the Riverside Path; the city decision-making authority may require the provision of a public access easement of not less than ten (10) feet in width and a minimum six-foot wide paved surface connecting the subject development and any adjacent sidewalk to the Riverside Path, in conformance with the city of Estacada Public Works Standards;
  - 3. An area equal to not less than ten (10) percent of the subject site shall be reserved as a common open space between the development (building and paved area) and the Riverside Path. The open space shall be landscaped to serve as a partially sight-obscuring screen between the development and the path and to provide an area for surface water management.

J. Exceptions. The standards of this section pertaining to accessory structures and setbacks may be modified as provided for in EMC 16.60.030 through EMC 16.60.050.

(Ord. No. 2012-005, § 3, 9-10-2012; Ord. No. 2012-008, § 3, 1-14-2013; Ord. No. 2015-006, §§ 3, 4, 1-11-2016; Ord. No. 2017-006, § 5, 11-13-2017)

AFTER AMENDMENT

16.26.040 Development Standards

New public streetscape improvements such as plazas and extended sidewalks width adjacent to a proposed project shall be credited toward the required landscape area, provided such improvements include 1) street trees or planters; and 2) street furnishings such as benches or other pedestrian amenities as defined in EMC 16.08.010

The following standards shall apply in the D zone:

- A. Lot Size and Dimensions. The minimum lot size and dimensions in the D zone shall be as follows:
  - 1. Minimum lot size: none.

B. **Parking Requirements.** There is no minimum off-street parking requirement for uses located within one hundred (100) feet of Broadway Street between OR 224 and 2nd Avenue. Uses in the D zone but located outside the above described area are required to provide off-street parking in accordance with EMC 16.76, except that the number of required off-street parking spaces may be reduced by twenty (20) percent in the D zone, per EMC 16.76.010 Subsection Q, 19, off-street parking exemptions. Off-street parking shall not be located between a primary building entrance and the street(s) to which it is oriented; off-street parking shall be oriented internally to the block (beside or behind a building) and accessed by an alley or local street to the extent practicable. Exception: Off-street parking may be located between a primary building entrance and a street where the existing pattern of commercial development along OR 224 precludes compliance with the above standard; in which case, the proposed parking lot shall connect to and establish by deed reciprocal access easements for adjoining parking lots where feasible. (See also, EMC 16.116.010) In addition, the above standard does not apply to projects that are oriented to the Clackamas River.

C. **Setbacks.**

1. **Front and Street Side setbacks:** Zero feet minimum and five feet maximum, except five feet minimum and ten (10) feet maximum for development abutting 2nd Avenue or 224.

The maximum setback standard is met when a minimum of fifty (50) percent of a primary structure is placed within the required yard area. The maximum setback may be extended where city approves plaza space between building and sidewalk. Where a setback is provided, the area shall be landscaped or otherwise improved as an extension of the sidewalk or plaza space.

2. **Side setback:** Zero feet for common wall development and ten (10) feet if abutting a residential zone; otherwise setback shall conform to building code.
3. **Rear setback:** Zero feet for common wall development and ten (10) feet if abutting a residential zone; otherwise setback shall conform to building code.
4. **Special Street Setbacks:** Additional setback dimensions may be required where a structure or building addition is proposed adjacent to an existing or planned street, and that street is proposed for widening or relocation. In such cases, the setback shall be the minimum prescribed above, plus one-half of the ultimate planned street right-of-way width, as measured from the street centerline.

D. **Sidewalks.** Sidewalks, driveways and service driveways shall conform to standards established by this code and shall be consistent with the street cross sections of the Estacada Transportation System Plan.

E. **Fences and Walls.** A solid fence or wall of not less than six feet in height, or other screening approved by the city decision-making body, shall be required along a property line that is the district boundary with an abutting residential district. Corner clear vision requirements shall be met.

F. **Building Height.** Buildings shall exceed the minimum height of seventeen (17) feet and shall not exceed the maximum height of sixty-five (65) feet.

G. **Landscaping.** A minimum of five percent of the area developed, which includes but is

not limited to areas developed for off-street parking, driveways, and above-ground utility facilities, shall be landscaped. ~~Public streetscape improvements such as plazas and extended sidewalk width adjacent to a proposed project may be credited toward the required landscape area, provided such area contains street trees or planters, and street furnishings, such as benches or other pedestrian amenities~~ New public streetscape improvements such as plazas and extended sidewalks width adjacent to a proposed project shall be credited toward the required landscape area, provided such improvements include 1) street trees or planters; and 2) street furnishings such as benches or other pedestrian amenities as defined in EMC 16.08.010, consistent with the street cross sections of the Estacada Transportation System Plan. Where outdoor storage is permitted, it shall be screened with either a sight-obscuring fence or a buffer strip of vegetation, as required by the city decision-making body.

#### H. Access and Circulation.

1. Vehicle access shall conform to EMC 16.116, Design Standards and Improvements. In addition, the following standards apply within the Downtown District: a) No direct vehicle access is allowed from Broadway Street between OR 224 and 3rd Avenue; b) Access to Main Street, Acacia Road, Currin Street, and OR 224 between Broadway Street and Acacia Street shall be subject to the South Downtown Circulation and Access Plan (Downtown and Riverside Area Plan); and c) Access in other locations shall be minimized by providing shared access, interconnected driveways (with reciprocal access easements), and other methods, to the greatest extent practicable.
2. Drive-through facilities. Where drive-through facilities (including drive-up window, teller machine, vehicle queuing area, and similar facilities) are permitted, they shall not be located adjacent to Broadway Street and shall not be placed between any street sidewalk and any primary building entrance used to conform to the Downtown Design Guidelines or Building Orientation standards. See EMC 16.26.050 Subsection D and EMC 16.26.050 Subsection E. The driveway access(es) and vehicle queuing area(s) for a drive-through facility shall be screened to reduce off-site impacts such as vehicle noise/fumes, and light spillover/glare at night, and designed to avoid parked, waiting, or backing vehicles from encroaching onto any pedestrian walkway or public right-of-way. The city decision-making body may require other mitigation measures to protect the public health, safety, and welfare pursuant with EMC 16.88, Conditional Uses.

#### I. Clackamas Riverside. In order to implement the Transportation System Plan, new development on parcels adjacent to or containing the Clackamas Riverside Path shall conform to all of the following standards:

1. Compliance with Clackamas River setbacks and erosion control measures shall be provided. The ~~C~~eity of Estacada shall consult applicable State and Federal natural resource regulatory agencies and Portland General Electric in determining applicable mitigation measures for riverside development;
2. Development shall provide public access to the Riverside Path; the city decision-making authority may require the provision of a public access easement of not less than ten (10) feet in width and a minimum six-foot wide

paved surface connecting the subject development and any adjacent sidewalk to the Riverside Path, in conformance with the Ceity of Estacada Public Works Standards;

3. An area equal to not less than ten (10) percent of the subject site shall be reserved as a common open space between the development (building and paved area) and the Riverside Path. The open space shall be landscaped to serve as a partially sight-obscuring screen between the development and the path and to provide an area for surface water management.

J. Exceptions. The standards of this section pertaining to accessory structures and setbacks may be modified as provided for in EMC 16.60.030 through EMC 16.60.050.

(Ord. No. 2012-005, § 3, 9-10-2012; Ord. No. 2012-008, § 3, 1-14-2013; Ord. No. 2015-006, §§ 3, 4, 1-11-2016; Ord. No. 2017-006, § 5, 11-13-2017)

**SECTION 5: AMENDMENT** “16.26.050 Downtown Design Guidelines And Standards” of the Estacada Municipal Code is hereby *amended* as follows:

#### BEFORE AMENDMENT

##### 16.26.050 Downtown Design Guidelines And Standards

A. Purpose. EMC 16.26.050 is intended to facilitate downtown development and revitalization through the application of development and design standards, consistent with the Estacada Downtown and Riverside Area Plan (adopted 2011).

B. Applicability. The standards of EMC 16.26.050 apply to new structures and exterior remodels of structures in the Downtown zone, as follows:

1. Site plan approval by the City of Estacada is required prior to building permit approval and prior to commencing any exterior building remodel in the Downtown zone.
2. City staff shall review proposed site plans for compliance with the requirements of this chapter. Proposed site plans are subject to the review procedures in EMC 16.132.015.
3. The city may appoint a design review committee comprised of downtown property owners, merchants, and/or design professionals to assist and advise the city in applying the Downtown Design Guidelines and Standards. Site plan review is required only for that portion of a structure or development that is proposed to change.
4. A design review application shall be considered to be compatible if EMC 16.26.050.B.5—9 is met, if a minimum of sixty-five (65) percent of the total possible points on Table 16.26.051 are accumulated, and if one point in each category on Table 16.26.051 is received.
5. Exterior Color.

a. Color Choices.

- (1) Any structure in the D zone to be painted or otherwise coated shall only utilize colors identified in the Downtown Estacada Pre-Approved Paint Palette, which includes colors in the Benjamin Moore "Historic Collection" palette, but excludes: HC-181 Heritage Red; HC-182 Classic Burgundy; HC-183 Country Redwood; HC-184 Cottage Rd; HC-185 Tudor Brown; HC-186 Charleston Brown; HC-187 Black Forest Green; HC-188 Essex Green; and HC-189 Chrome Green. Paint of any brand/manufacturer may be applied, provided they match in color with those on the Downtown Estacada Pre-Approved Paint Palette.
- (2) Notwithstanding EMC 16.26.050 Subsection B, 5, a, 1, alternative colors may be approved, provided they utilize low reflectance, are subtle and historically-referential, and either complement or do not detract from other D zone structures.
- (3) In all cases, the transition between base and accent colors shall relate to changes in building materials or the change of building surface planes. Separate colors shall not meet or change without some physical change or definition to the surface plane.

b. Application Approval Required.

- (1) No person shall paint or coat the exterior of any new or existing structure in the D zone without having first obtained approval from the City of Estacada of their selected color(s).
- (2) An application to paint or coat a structure in the D zone shall be made by submitting a Downtown Design Review Application to City Hall. The application shall indicate: the name, address, telephone number, and email address of the applicant; the address of the subject property; the proposed colors; and identification of which structural components will be painted which colors. The Downtown Design Review Application fee, as listed in the City's adopted Fee Schedule, shall be waived when color or coating is the only proposed building modification.

c. Approval Process.

- (1) Approval of an application will be determined by City staff, in consultation with the Downtown Estacada Commission, within 21 calendar days of the submittal of a complete application.
- (2) Staff's determination may be appealed to the City Council by submitting a written request of appeal to City Hall.

6. Signs shall comply with requirements of EMC 16.72 Signs.

7. Primary entrances shall face the street likely to have the greatest pedestrian traffic. Exception: Buildings adjacent to the Clackamas River need not have

their primary entrance oriented to a street, provided that the building itself is oriented to the river; this standard is met when proposed offices, overnight accommodations, restaurant, dwellings, or other permitted use incorporates a river overlook and pedestrian connection to the river pathway.

8. Transparent elements that allow for visibility in and out of the building and which contribute to a pedestrian-oriented downtown aesthetic shall be a key design component. Buildings shall meet the following criteria. The following requirements shall apply this standard:
  - a. Fifty (50) percent of the face of a building's ground floor, and forty (40) percent of the face of all upper floors, along a street shall be transparent elements. The area of a floor's "face", for the purposes of applying Table 16.26.051, shall be determined by multiplying the horizontal length of the subject building wall by either the height of that floor from its average finished grade to its ceiling, or by 10 feet, whichever height is shorter.
  - b. The top of ground floor transparent elements shall not be lower than 84 inches above the average exterior finished grade of the building wall. Display windows for merchandise that do not provide views into the store can satisfy the transparent element requirement if the display windows are at least 24 inches deep and can contain three-dimensional objects, such as product displays or mannequins.
  - c. Upper floor transparent elements shall not themselves be less than 36 inches in height, as measured from the bottom of the transparent element to its top.
  - d. Glass blocks, opaque glazing, reflective windows, tinted windows, privacy windows, or any other element with a Visible Transmittance (VT) value below 60 percent is not considered a "transparent element" for the purposes of this section.
  - e. Existing buildings with less transparent elements than specified in this section shall not decrease the total amount of transparent element area during any renovation.
  - f. City planning staff may provide an adjustment to transparency requirements for parking garages without a variance, provided the building design incorporates openings, screening, or other desirable design elements, subject to site plan review.
9. Development abutting Broadway Street shall orient to Broadway Street. Where a development does not abut Broadway Street, it shall provide a primary entrance facing the street that is likely to have the most pedestrian traffic, as determined by the city decision-making body.

**TABLE 16.26.051**

<b>CRITERIA</b>	<b>Scores</b>
<b>BUILDING LOCATION AND ORIENTATION</b>	

All building entrances shall be recessed or covered by pedestrian shelters: No = 0, Yes = 2	N/A	O	1	2
Primary building entrances shall be least fifty (50) percent transparent so that two-way views, in and out of a building, are possible. This standard can be met by a door with a window, a transom window above the door, or sidelights beside the door: No = 0, Yes = 2	N/A	O	1	2
Possible _____ Received _____				
<b>BUILDING OPENINGS</b>				
Architectural detailing shall define building entrances, No = 0, Yes = 2	N/A	O	1	2
Windows on buildings fronting Broadway Street shall contain trim, reveals or recesses of not less than four inches in width or depth.				
Wall mounted lighting consistent with the architecture of the building shall illuminate primary building entrances and building mounted signage No = 0, Yes = 1	N/A	O	1	2
Possible _____ Received _____				
<b>BUILDING LINE AND RHYTHM</b>				
New buildings shall follow prominent horizontal lines on existing adjacent buildings, such as window trim, parapet line, or awning line: No = 0, Yes = 2	N/A	O	1	2
New buildings shall maintain clear visual division between ground floor and upper floors: No = 0, Yes = 1	N/A	O	1	2
New buildings shall incorporate rhythmic divisions relating to historic building patterns and proportions. For example, front elevations should be articulated (e.g. defined by an offset, recess, projection or similar "break" in the wall plane) not less than once every twenty-five feet: No = 0, Yes = 2	N/A	O	1	2
New buildings shall reflect vertical orientation through volume, roof form, and/or surface detail, such as vertically oriented sash windows, brick or stucco cladding and trim, or board and batten siding: No = 0, Yes = 2	N/A	O	1	2
Possible _____ Received _____				
<b>MATERIALS AND COLOR</b>				
Exterior cladding shall be consistent with historic building design. Materials may consist of brick, brick veneer, stone, split-face concrete block, clapboard siding, board and batten siding or similar materials: No = 0, Yes = 2	N/A	O	1	2
All four sides of the building shall contain complementary exteriors: No = 0, Yes = 1	N/A	O	1	2

Pitched roofs shall be wood, slate, cement tile, asphalt shingles, flat metal or standing rib seam sheet metal. No = 0, Yes = 2	N/A	O	1	2
Buildings fronting Broadway Street shall have cornices or parapets that incorporate materials that are consistent with overall composition of the building. No: = 0, Yes = 2	N/A	O	1	2
Possible _____ Received _____				
<b>PEDESTRIAN SHELTERS, PUBLIC SPACE</b>				
Buildings fronting Broadway Street shall contain pedestrian shelters such as awnings, canopies, or recesses at least 5 feet over the pedestrian area along a minimum sixty percent (60%) of ground floor elevation: No = 0, Yes = 2	N/A	O	1	2
At least three percent (3%) and not less than three hundred (300) square feet of each new development site shall be designated and improved as ADA accessible civic space.: No = 0, Yes = 1	N/A	O	1	2
Street frontages shall be improved with pedestrian amenities equal to are greater than .5% of the estimated construction cost of the proposed building(s), No = 0, Yes = 2	N/A	O	1	2
Possible _____ Received _____				

Total Possible \_\_\_\_\_ Total Received \_\_\_\_\_ Percentage \_\_\_\_\_

Is a minimum of one point in each category received? Y \_\_\_\_\_ N \_\_\_\_\_

Are the standards in 16.26.050 Subsection B, 8—9 met? \_\_\_\_\_ N \_\_\_\_\_

(Ord. No. 2012-005, § 3, 9-10-2012; Ord. No. 2015-006, § 5, 1-11-2016; Ord. No. 2017-006, § 5, 11-13-2017; Ord. No. 2018-001, § 1, 6-11-2018)

**AFTER AMENDMENT**

**16.26.050 Downtown Design Guidelines And Standards**

- A. Purpose. EMC 16.26.050 is intended to facilitate downtown development and revitalization through the application of development and design standards, consistent with the Estacada Downtown and Riverside Area Plan (adopted 2011).
- B. Applicability. The standards of EMC 16.26.050 apply to new structures and exterior remodels of structures in the Downtown zone, as follows:
  1. Site plan approval by the City of Estacada is required prior to building permit approval and prior to commencing any exterior building remodel in the Downtown zone.
  2. City staff shall review proposed site plans for compliance with the requirements of this chapter. Proposed site plans are subject to the review procedures in EMC 16.132.015.

3. Design Review shall be conducted accordingly:
- a. Type 1: Staff Review. Type 1 review applies to exterior alterations or additions on any existing buildings. Notice of Staff's design review shall be published in the local paper within fifteen (15) days of the City's receipt of a complete application. The public notice shall include a general description of the proposal, applicable approval criteria, information on when and how the staff report may be obtained, and contact information for relevant staff. Approval of an application subject to Type 1 review will be determined by city staff within forty-five (45) calendar days of the submittal of a complete application. Staff's determination may be appealed pursuant to the provisions of EMC 16.132.050 Appeals.
  - b. Type 2: Committee Review. Design review of all new construction shall be performed by a staff-appointed committee composed of no fewer than five (5) members to assist and advise the City in applying the Downtown Design Guidelines and Standards. At least three (3) committee members must be downtown property owners, downtown merchants, design professionals, Planning Commissioners, and/or City Councilors; two (2) committee members may be any resident living within Estacada city limits. For this committee, a quorum is considered to be four (4) members. If the quorum requirement is not met for the review of a particular application, the Planning Commission shall be tasked with conducting said review at its earliest convenience. Type 2 review shall also be applied to alterations or additions on existing buildings if:
    - (1) The applicant submits written request for Type 2 review to the City; or
    - (2) Staff determines the review will involve sufficient discretion to warrant committee review. The more a development proposal deviates from standards, the greater the burden on the applicant to demonstrate that their request complies with the standards' intent. Notice of the Design Review Committee meeting shall be published in the local paper at least twenty (20), but not more than forty (40) days, prior to the date of hearing, in accordance with EMC 16.132. The public notice  
  
shall include meeting date, time, topic, applicable approval criteria, information on when and how the staff report may be obtained, and contact information for relevant staff.
  - c. Approval of an application subject to Type 2 review will be determined by the Committee within sixty (60) calendar days of the submittal of a complete application. The Committee's determination may be appealed pursuant to the provisions of EMC 16.132.050 Appeals. Staff may defer the Committee's determination to the City Council upon findings that the determination may be inconsistent with the requirements of this Title.~~The city may appoint a design review~~

~~committee comprised of downtown property owners, merchants, and/or design professionals to assist and advise the city in applying the Downtown Design Guidelines and Standards. Site plan review is required only for that portion of a structure or development that is proposed to change.~~

4. A design review application shall be considered to be compatible if EMC 16.26.050.B.~~5—96-11~~ is met, if a minimum of sixty-five (65) percent of the total possible points on Table 16.26.051 are accumulated, and if at least one point in each category on Table 16.26.051 is received.
5. Time Limit For Design Review Approval. The time limit for design review approval validity is one (1) year from the time it is approved. No more than thirty (30) days prior to the expiration date of design review approval, the applicant must notify the city recorder in writing of the request for time extension. A maximum of one time extension of a design review approval may be approved by Staff for a period of up to one (1) year. The applicant must demonstrate that:
  - a. The approval is consistent with the current requirements of this code and any other applicable regulations.
  - b. There is a reasonable expectation that all development, alterations, and/or improvements related to the approval will be completed within the one-year extension period.
6. Building Materials. Exterior cladding shall be consistent with historic building design. Consistent materials include brick, brick veneer, stone, stone veneer, stucco, clapboard (horizontal) siding, board and batten (vertical) siding, or split-face concrete block with wood accents or elements. Up to 50% of a building's exterior may consist of wood shake siding if coupled with brick, brick veneer, or stucco. Other materials may be approved by the Design Review Committee upon the applicant's demonstration that the proposed design is consistent with historic building design and applicable goals and policies of the Comprehensive Plan.
7. Exterior Color.
  - a. Color Choices.
    - (1) Any structure in the D zone to be painted or otherwise coated shall only utilize colors identified in the Downtown Estacada Pre-Approved Paint Palette, which includes colors in the Benjamin Moore "Historic Collection" palette, but excludes: HC-181 Heritage Red; HC-182 Classic Burgundy; HC-183 Country Redwood; HC-184 Cottage Rd; HC-185 Tudor Brown; HC-186 Charleston Brown; HC-187 Black Forest Green; HC-188 Essex Green; and HC-189 Chrome Green. Paint of any brand/manufacturer may be applied, provided they match in color with those on the Downtown Estacada Pre-Approved Paint Palette.
    - (2) Notwithstanding EMC 16.26.050 Subsection B, ~~75~~, a, 1, alternative colors may be approved, provided they utilize low reflectance, are subtle and historically-referential, and either

complement or do not detract from other D zone structures.

- (3) In all cases, the transition between base and accent colors shall relate to changes in building materials or the change of building surface planes. Separate colors shall not meet or change without some physical change or definition to the surface plane.

b. Application Approval Required.

- (1) No person shall paint or coat the exterior of any new or existing structure in the D zone without having first obtained approval from the City of Estacada of their selected color(s).
- (2) An application to paint or coat a structure in the D zone shall be made by submitting a Downtown Design Review Application to City Hall. The application shall indicate: the name, address, telephone number, and email address of the applicant; the address of the subject property; the proposed colors; and identification of which structural components will be painted which colors. The Downtown Design Review Application fee, as listed in the City's adopted Fee Schedule, shall be waived when color or coating is the only proposed building modification.

c. Exterior Color Approval Process.

- (1) Approval of an application will be determined by City staff, ~~in consultation with the Downtown Estacada Commission~~, within 21 calendar days of the submittal of a complete application.
- (2) Staff's determination may be appealed pursuant to the provisions of EMC 16.132.050 Appeals ~~to the City Council by submitting a written request of appeal to City Hall.~~

8. Signs shall comply with requirements of EMC 16.72 Signs.
9. Primary entrances shall face the street likely to have the greatest pedestrian traffic. Exception: Buildings adjacent to the Clackamas River need not have their primary entrance oriented to a street, provided that the building itself is oriented to the river; this standard is met when proposed offices, overnight accommodations, restaurant, dwellings, or other permitted use incorporates a river overlook and pedestrian connection to the river pathway.

10. Transparent elements that allow for visibility in and out of the building and

which contribute to a pedestrian-oriented downtown aesthetic shall be a key design component. Buildings shall meet the following criteria. ~~The following requirements shall apply this standard:~~

- a. Fifty (50) percent of the face of a building's ground floor, and forty (40) percent of the face of all upper floors, along a street shall be transparent elements. The area of a floor's "face", for the purposes of applying Table 16.26.051, shall be determined by multiplying the horizontal length of the subject building wall by either the height of

- that floor from its average finished grade to its ceiling, or by 10 feet, whichever height is shorter.
- b. The top of ground floor transparent elements shall not be lower than 84 inches above the average exterior finished grade of the building wall. Display windows for merchandise that do not provide views into the store can satisfy the transparent element requirement if the display windows are at least 24 inches deep and can contain three-dimensional objects, such as product displays or mannequins.
  - c. Upper floor transparent elements shall not themselves be less than 36 inches in height, as measured from the bottom of the transparent element to its top.
  - d. Glass blocks, opaque glazing, reflective windows, tinted windows, privacy windows, or any other element with a Visible Transmittance (VT) value below 60 percent is not considered a "transparent element" for the purposes of this section.
  - e. Existing buildings with less transparent elements than specified in this section shall not decrease the total amount of transparent element area during any renovation.
  - f. City planning staff may provide an adjustment to transparency requirements for parking garages without a variance, provided the building design incorporates openings, screening, or other desirable design elements, subject to site plan review.
11. Development abutting Broadway Street shall orient to Broadway Street. Where a development does not abut Broadway Street, it shall provide a primary entrance facing the street that is likely to have the most pedestrian traffic, as determined by the city decision-making body.

**TABLE 16.26.051**

CRITERIA	Scores			
<b>BUILDING LOCATION AND ORIENTATION</b>				
All building entrances shall be recessed or covered by pedestrian shelters: No = 0, Yes = 2	N/A	O	1	2
Primary building entrances shall be <u>at</u> least fifty (50) percent transparent so that two-way views, in and out of a building, are possible. This standard can be met by a door with a window, a transom window above the door, or sidelights beside the door: No = 0, Yes = 2	N/A	O	1	2
Possible _____ Received _____				
<b>BUILDING OPENINGS</b>				
Architectural detailing shall define building entrances: No = 0, Yes = 2	N/A	O	1	2

Windows on buildings fronting Broadway Street shall contain trim, reveals or recesses of not less than four inches in width or depth. No = 0, Yes = 2	N/A	0	1	2
Wall mounted lighting consistent with the architecture of the building shall illuminate primary building entrances and building mounted signage No = 0, Yes = 1	N/A	0	1	2
Possible _____ Received _____				
<b>BUILDING LINE AND RHYTHM</b>				
New buildings shall follow prominent horizontal lines on existing adjacent buildings, such as window trim, parapet line, or awning line: No = 0, Yes = 2	N/A	0	1	2
New buildings shall maintain clear visual division between ground floor and upper floors: No = 0, Yes = 1	N/A	0	1	2
New buildings shall incorporate rhythmic divisions relating to historic building patterns and proportions. For example, front elevations should be articulated (e.g. defined by an offset, recess, projection or similar "break" in the wall plane) not less than once every twenty-five feet: No = 0, Yes = 2	N/A	0	1	2
New buildings shall reflect vertical orientation through volume, roof form, and/or surface detail, such as vertically oriented sash windows, brick or stucco cladding and trim, or board and batten siding: No = 0, Yes = 2	N/A	0	1	2
Possible _____ Received _____				
<b>MATERIALS AND COLOR</b>				
Exterior cladding shall be consistent with historic building design. Materials may consist of brick, brick veneer, stone, stucco, split-face concrete block, clapboard (horizontal) siding, or board and batten (vertical) siding <del>or similar materials</del> : No = 0, Yes = 2	N/A	0	1	2
All four sides of the building shall contain complementary exteriors: No = 0, Yes = 1	N/A	0	1	2
Pitched roofs shall be wood, slate, cement tile, asphalt shingles, flat metal or standing rib seam sheet metal. No = 0, Yes = 2	N/A	0	1	2
Buildings fronting Broadway Street shall have cornices or parapets that incorporate materials that are consistent with overall composition of the building. No = 0, Yes = 2	N/A	0	1	2
Possible _____ Received _____				
<b>PEDESTRIAN SHELTERS, PUBLIC SPACE</b>				
Buildings fronting Broadway Street shall contain pedestrian shelters such as awnings, canopies, or recesses at least 5 feet over the pedestrian area along a minimum sixty percent (60%) of ground floor elevation: No = 0, Yes = 2	N/A	0	1	2

At least three percent (3%) and not less than three hundred (300) square feet of each new development site shall be designated and improved as ADA accessible civic space. No = 0, Yes = 1	N/A	O	1	2
Street frontages shall be improved with pedestrian amenities, <u>as defined in EMC 16.08.010</u> , equal to <del>are or</del> greater than <u>0.5%</u> of the estimated construction cost of the proposed building(s). No = 0, Yes = 2	N/A	O	1	2
Possible _____ Received _____				

Total Possible \_\_\_\_\_ Total Received \_\_\_\_\_ Percentage \_\_\_\_\_

Is a minimum of one point in each category received? Y \_\_\_\_\_ N \_\_\_\_\_

Are the standards in 16.26.050 Subsection B, 8—9 met? Y \_\_\_\_\_ N \_\_\_\_\_

(Ord. No. 2012-005, § 3, 9-10-2012; Ord. No. 2015-006, § 5, 1-11-2016; Ord. No. 2017-006, § 5, 11-13-2017; Ord. No. 2018-001, § 1, 6-11-2018)

**EFFECTIVE DATE** Considered at the Council meeting of December 11th, 2023, passed by a vote of 7 ayes and 0 nays, and considered for the second time at the meeting of January 8th, 2024, and passed by a vote of 7 ayes and 0 nays, this 8th day of January, 2024. DULY ADOPTED by the City Council of the City of Estacada this 8th day of January, 2024.

PASSED AND ADOPTED BY THE ESTACADA COUNCIL JANUARY 08, 2024.

	<b>AYE</b>	<b>NAY</b>	<b>ABSENT</b>	<b>ABSTAIN</b>
Sean Drinkwine	<u>  X  </u>	_____	_____	_____

Jerry Tenbush	<u>X</u>	_____	_____	_____
Paul Strobel	<u>X</u>	_____	_____	_____
Charity Hughes	<u>X</u>	_____	_____	_____
Michael McElroy	<u>X</u>	_____	_____	_____
Heidi Prokop	<u>X</u>	_____	_____	_____
Jonathan Metcalf	<u>X</u>	_____	_____	_____

Presiding Officer

Attest



\_\_\_\_\_  
Sean Drinkwine, Mayor, Estacada



\_\_\_\_\_  
Sadie Main, City Recorder, Estacada