

ORDINANCE SERIES OF 2025, NO. 001

An Ordinance amending Title 16 – *Development* of the Estacada Municipal Code.

The City of Estacada ordains as follows:

Section 1. Title 16 – Development of the Estacada Municipal Code (EMC) shall be amended as shown in this ordinance file;


Considered at the Council meeting of January 27, 2025, passed by a vote of 7 ayes and 0 nays, and considered for the second time at the meeting of February 10, 2025, and passed by a vote of 7 ayes and 0 nays, this 10th day of February, 2025.

DULY ADOPTED by the City Council of the City of Estacada this 10th day of February, 2025.



Sean Drinkwine, Mayor

ATTEST:



Sadie Main, City Recorder

Title 16 Draft Code Amendments

Ordinance 2025-001 amends Title 16 of the Estacada Municipal Code (EMC) as outlined below. Proposed amendments are presented in ~~strikeout~~ (removed)/ underline (added) format. Sections not amended are omitted unless needed for context; omitted sections are indicated by [...].

Chapter 16.08 DEFINITIONS

[...]

“Psilocybin” means a naturally occurring psychedelic compound occurring in certain mushroom species, as defined by the Oregon Health Authority.

“Psilocybin processing” means the processing, compounding, or conversion of psilocybin into products, concentrates, or extracts.

“Psilocybin production” means the manufacture, extracting, planting, cultivation, growing, trimming, harvesting, or drying of psilocybin.

“Psilocybin retailing” means the sale of psilocybin items to a consumer.

“Psilocybin service center” refers to a location where preparation, administration, and/or integration sessions involving psilocybin occurs.

[...]

Chapter 16.26 DOWNTOWN (D)

[...]

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.

4. A design review application shall be considered to be compatible if EMC 16.26.050.B.6-11 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, 7, 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~~ Requirements.

- (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). Note: Repainting of structures using paint colors and scheme that match those approved by the City does not require additional city approval.

- (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.

- (3) 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, within ~~24~~ 10 calendar days of the submittal of a complete application.

- (2) Staff's determination may be appealed pursuant to the provisions of EMC 16.132: Appeals.

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:

- 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			
BUILDING LOCATION AND ORIENTATION				
All building entrances shall be recessed or covered by pedestrian shelters: No = 0, Yes = 2	N/A	0	1	2
Primary building entrances shall be at 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	0	1	2
Possible _____ Received _____				

BUILDING OPENINGS				
Architectural detailing shall define building entrances: No = 0, Yes = 2	N/A	0	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 _____				
BUILDING LINE AND RHYTHM				
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 _____				
MATERIALS AND COLOR				
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: 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 _____				
PEDESTRIAN SHELTERS, PUBLIC SPACE				
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	0	1	2
Street frontages shall be improved with pedestrian amenities, as defined in EMC 16.08.010, equal to or greater than 0.5% of the estimated construction cost of the proposed building(s): No = 0, Yes = 2	N/A	0	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 _____

[...]

Chapter 16.65 ~~MARIJUANA RETAILING, PRODUCTION, AND PROCESSING~~ CONTROLLED SUBSTANCES

16.65.005 Applicability

EMC 16.65 applies to:

- A. Marijuana retailing as a conditional use in the C-1 (General Commercial) and H-C (Highway Commercial) zones.
- B. Marijuana production as an outright use in the M-1 (Light Industrial) zone.
- C. Marijuana processing as an outright use in the M-1 (Light Industrial) zone.
- D. Psilocybin production, processing, retailing, and operation of service centers as prohibited uses within Estacada city limits.

16.65.010 Marijuana Facilities

The city council intends by the adoption of this chapter to ameliorate adverse impacts caused by marijuana retailing, production, and processing businesses, by means of reasonable regulation of the time, place and manner of such businesses, without suppression of the right to operate such businesses under the laws of the state of Oregon.

16.65.020 Marijuana Retailing

Marijuana retailing shall be subject to the following standards and criteria:

- A. Zone. A marijuana dispensing facility will only be allowed as a conditional use in the C-1 (General Commercial) and H-C (Highway Commercial) zones, ~~general commercial zone~~ and no other zoning districts.
- B. Hours. A marijuana retailer may only sell to consumers between the hours of ten a.m. and eight p.m. and may only permit consumers to be present in the building space occupied by the marijuana retailer between the hours of ten a.m. and eight p.m.
- C. Odor. As used in Subsection C of this section, "building" means the building, or portion thereof, used for marijuana retailing.
 1. The building shall be equipped with an activated carbon filtration system for odor control to ensure that air leaving the building through an exhaust vent first passes through an activated carbon filter.
 2. The filtration system shall consist of one or more fans and activated carbon filters. At a minimum, the fan(s) shall be sized for cubic feet per minute (CFM) equivalent to the volume of the building (length multiplied by width multiplied by height) divided by three. The filter(s) shall be rated for the applicable CFM.
 3. The filtration system shall be maintained in good working order and shall be in use. The filters shall be changed a minimum of once every three hundred sixty-five (365) days.
 4. Negative air pressure shall be maintained inside the building.
 5. Doors and windows shall remain closed, except for the minimum length of time needed to allow people to ingress or egress the building.
 6. The filtration system shall be designed by a mechanical engineer licensed in the state of Oregon. The engineer shall stamp the design and certify that it complies with Subsection C of this section.
 7. An alternative odor control system is permitted if the applicant submits a report by a mechanical engineer licensed in the state of Oregon demonstrating that the alternative system will control odor as well or better than the activated carbon filtration system otherwise required.
- D. Window Service. The use shall not have a walk-up window or drive-through window service.
- E. Lighting. Entrances and off-street parking areas shall be well lit and not visually obscured from public view.

- F. Waste Management. Marijuana waste shall be stored in a secured waste receptacle in the possession of and under the control of the OLCC licensee or OHA registrant.
- G. Minors. No one under the age of twenty-one (21) shall be permitted to be present in the building space occupied by the marijuana retailer, except as allowed by state law.
- H. Co-Location of Related Activities and Uses. Marijuana and tobacco products shall not be smoked, ingested, or otherwise consumed in the building space occupied by the marijuana retailer. In addition, marijuana retailing shall not be co-located on the same lot of record or within the same building with any marijuana social club or marijuana smoking club.
- I. Minimum Separation Distances. Minimum separation distances shall apply as follows:
 - 1. If the use is licensed by the Oregon Liquor Control Commission (OLCC) pursuant to Section 22, Chapter 1, Oregon Laws 2015, it shall be located a minimum of one thousand (1,000) feet from any other marijuana retailer so licensed by the OLCC.
 - 2. If the use is registered with the Oregon Health Authority (OHA) pursuant to ORS 475.314, it shall be located a minimum of one thousand (1,000) feet from any other marijuana retailer so registered with the OHA.
 - 3. The use shall be located a minimum of one thousand (1,000) feet from all of the following uses: another medical retailer, a public or private pre-school, elementary, junior high, high school, college, university, public park, sports field, church, or other place where children congregate regularly.
 - 4. For purposes of Subsection I of this section, distances are measured by a straight line between any point on the boundary line of the real property containing the marijuana retailer to any point on the boundary line of the real property containing a use identified in subsection I. If any portion of the premises of a proposed or registered facility is within one thousand (1,000) feet of properties identified in Subsection I of this section, it will not be allowed.
- J. A change in use (including a zone change) to another property to a use identified in Subsection I of this section of this section after a marijuana retailer has been approved shall not result in the marijuana retailer being in violation of Subsection I of this section.
- K. Business License.
 - 1. No person shall establish, conduct, maintain, manage, or operate a marijuana dispensing facility in the city of Estacada without a valid business license issued by the city of Estacada pursuant to EMC 5.04.
 - 2. The applicant must provide the city with proof of registration of the facility by the state of Oregon at the location indicated on the business license application, including the facility's registration number.
 - 3. The issuance of a business license does not constitute a permit to engage in any activity prohibited by law or as a waiver of any other regulatory or license requirement imposed by the city or by any federal, state, or local law.

16.65.030 Marijuana Production And Marijuana Processing

Marijuana production and marijuana processing shall be subject to the following standards and criteria:

- A. Indoor Production and Processing. In the M-1 zone, marijuana production shall be located entirely within one or more completely enclosed buildings. This does not include a greenhouse, hoop house, or similar non-rigid structure that does not utilize any artificial lighting on mature plants, including but not limited to electrical lighting sources.
- B. Access. The subject property shall have frontage on, and direct access from, a constructed public road.
- C. Lighting. Entrances and parking areas shall be well lit and not visually obscured from public view.
- D. Odor. As used in Subsection D of this section, "building" means the building, or portion thereof, used for marijuana production or marijuana processing.
 - 1. The building shall be equipped with an activated carbon filtration system for odor control to ensure that air leaving the building through an exhaust vent first passes through an activated carbon filter.
 - 2. The filtration system shall consist of one or more fans and activated carbon filters. At a minimum, the fan(s) shall be sized for cubic feet per minute (CFM) equivalent to the volume of the building (length multiplied by width multiplied by height) divided by three. The filter(s) shall be rated for the applicable CFM.
 - 3. The filtration system shall be maintained in good working order and shall be in use. The filters shall be changed a minimum of once every three hundred sixty-five (365) days.
 - 4. Negative air pressure shall be maintained inside the building.
 - 5. Doors and windows shall remain closed, except for the minimum length of time needed to allow people to ingress or egress the building.
 - 6. The filtration system shall be designed by a mechanical engineer licensed in the state of Oregon. The engineer shall stamp the design and certify that it complies with EMC 16.65.020 Subsection C.
 - 7. An alternative odor control system is permitted if the applicant submits a report by a mechanical engineer licensed in the state of Oregon demonstrating that the alternative system will control odor as well or better than the activated carbon filtration system otherwise required.
- E. Security Cameras. If used, security cameras shall be directed to record only the subject property and may be directed to public rights-of-way as applicable, except as required to comply with licensing requirements of the Oregon Liquor Control Commission (OLCC) or registration requirements of the Oregon Health Authority (OHA).
- F. Waste Management. Marijuana waste shall be stored in a secured waste receptacle in the possession of and under the control of the OLCC licensee or OHA registrant.

16.65.040 Psilocybin Production, Processing, And Retailing

Psilocybin production, processing, retailing, and operation of service centers shall be prohibited within Estacada city limits.

[...]

16.76.060 - Planning Commission Adjustment Of Off-Street Parking Standards

A. Purpose

The purpose of allowing the Planning Commission to consider and grant adjustments to parking standards is to:

- Provide flexibility to uses which may be extraordinary or unique;
- Provide greater flexibility for areas that can accommodate a denser development pattern, based on existing infrastructure and ability to access the site by means of walking, biking or transit; and
- Avoid parking adjustments that would adversely affect the surrounding or planned neighborhood.

An adjustment to a minimum parking standard may be approved based on a determination by the Planning Commission that the adjustment is consistent with the purpose of this title, and the approval criteria can be met.

B. Procedure

The following procedure shall be followed in applying for and acting on a parking adjustment request:

1. A request for a planning commission parking adjustment shall be initiated by a property owner or authorized agent by filing a land use application. The applicant's proposal shall consist of a written request, and a parking analysis which shall be prepared by the applicant or a licensed transportation engineer. The parking analysis, at a minimum, shall assess:
 - a. The average parking demand and available supply for existing and proposed uses on the subject site;
 - b. Opportunities for shared parking with other uses in the vicinity;
 - c. Existing public parking in the vicinity;
 - d. Transportation options existing or planned near the site, such as frequent bus service, carpools, or private shuttles; and
 - e. Any other factors relevant to the request.

City Staff or the Planning Commission may request other drawings or materials essential to understanding the parking adjustment request.

2. Before the Planning Commission may act on a request for a parking adjustment, it shall hold a public hearing per EMC 16.132, following the procedure for notice of public hearing.
3. The Planning Commission's decision is final unless it is appealed as prescribed in EMC 16.132.

C. Enforcement of Parking Adjustment Permit Conditions

If at any time Staff finds that the conditions of parking adjustment approval are not being maintained, or that the parking adjustment has become detrimental to public health, safety, or welfare, Staff may refer the adjustment to the Planning Commission for consideration of revocation, as prescribed in EMC 16.76.060(D).

D. Revocation Of Parking Adjustment Permit

Any permit granted hereunder shall be subject to revocation by the Planning Commission if it is ascertained thereby that the application includes or included any false information, or if it develops that the conditions of approval have not been complied with or are not being maintained, or the parking adjustment becomes detrimental to public health, safety, or welfare.

1. To consider revocation of a parking adjustment permit, the Planning Commission shall hold a public hearing as prescribed in EMC 16.132. The permit holder shall be required to show cause as to why such permit should not be revoked.
2. If the Planning Commission finds that the conditions of permit approval have not been complied with or are not being maintained, a period of up to 30 days shall be allowed for correction. If corrections are not made within the specified time, revocation of the permit shall become effective.
3. Reapplication for a parking adjustment permit cannot be made within one year after revocation, except that the Planning Commission may allow a new application if, in its opinion, new evidence or a change in circumstances warrant it.