

**ORDINANCE SERIES OF 2024, NO. 005**

**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 September 23, 2024, passed by a vote of 6 ayes, 0 nays and 1 abstention, and considered for the second time at the meeting of October 14, 2024, and passed by a vote of 5 ayes, 0 nays and 1 abstention, this 14<sup>th</sup> day of October, 2024.

DULY ADOPTED by the City Council of the City of Estacada this 14<sup>th</sup> day of October, 2024.



Sean Drinkwine, Mayor

ATTEST:



Sadie Main, City Recorder

## Park Land Solutions Draft Code Amendments

Ordinance 2024-002 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 [...].

### 16.08 DEFINITIONS

#### 16.08.010 Definitions

[...]

“Community park” means a park that is intended for use by the entire city, can accommodate a higher level of use than neighborhood parks, and offers facilities that create a community-wide draw.

[...]

“Neighborhood park” means a park that provides close-to-home recreation opportunities, and provides both active and passive recreation opportunities for people living within approximately one-half mile walking distance of the park.

[...]

"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 by residents and/or the general public for scenic, landscaping or open recreation purposes within ~~the~~ a development. Open space may include areas of undisturbed vegetation, steep slopes, stream corridors, wetlands, wildlife habitat areas or areas replanted with native vegetation after construction, and/or greenways, i.e., linear green belts linking residential areas with other open space areas. ~~It shall~~ Open space does not include street right-of-way, driveways or open parking areas.

[...]

### 16.33 MILL AREA MIXED USE (MMU)

#### 16.33.010 Purpose

The MMU zone implements the Mill Area Mixed-Use Comprehensive Plan policies. It is intended to provide flexible opportunities for the development of a mix of land uses that are safe, clean, and compatible with existing and planned land uses at the core of the City.

### **16.33.020 Development Plans**

- A. Before development of properties can occur in the MMU zone, a Facilities Plan must be approved by the Planning Commission and a Master Development Plan must be approved by the City Council after review by the Planning Commission. The Facilities Plan may be reviewed and approved prior to or concurrent with the submitted Master Development Plan.
- B. Facilities Plan: The Facilities Plan shall show how the area proposed for development will be served by roads and utilities. The Facilities Plan shall, at a minimum, include:
  - 1. The boundaries of the area within the MMU zone proposed for development, and adjacent development;
  - 2. A map of existing and planned water and sewer facilities to serve the development area, including line sizes, general location or routes, and how the lines will tie in with adjacent areas;
  - 3. A map indicating existing and planned streets adjacent to the development area, the general route of planned streets through the development area, and where those streets will connect with the City's existing street system;
  - 4. Such other utility and transportation information as the City may determine are necessary;
  - 5. The function and location of any private utility systems;
  - 6. A written narrative that explains or describes how the Facilities Plan meets the following approval criteria:
    - a. The proposed water, sewer, and street system will be adequate to serve the type and size of development planned for the subject area;
    - b. The location and sizing of facilities on site will be consistent with the existing and planned utilities; and
    - c. Adequate water flow volumes will be provided to meet fire flow and domestic demands.
- C. Master Development Plan: The minimum acreage for an MMU zone Master Development Plan is 10 acres unless specifically exempted as described in EMC 16.33.020 Subsection E. The Master Development Plan shall include:
  - 1. A plan view drawing, with dimensions, that shows the following elements and how they fit together as a functional design:
    - a. Building envelopes;
    - b. Parking area location, size, and access;
    - c. Access points to streets;
    - d. Pedestrian and bicycle facilities;
    - e. Landscaped areas;
    - f. Plans for day-lighting all portions of Wade Creek that cross or are adjacent to the subject area;
    - g. Open spaces and common areas;

h. Park land, to be provided according to the standards of EMC 16.116.020;

~~h.i.~~ The expected uses to be developed and approximate square footage of buildings;

~~i.j.~~ Any private development covenants, conditions, or restrictions that will be recorded with the property; and

~~j.k.~~ Any other information the City and other relevant regulatory authorities may require, including, but not limited to, a Phase I and Phase II Environmental Site Assessment and Remediation Plan.

2. A written narrative demonstrating that the proposal:
  - a. Creates a stimulating and attractive mixed-use environment through the use and inter-relationship of open spaces, building locations, building scale and design, and pedestrian amenities;
  - b. Provides pedestrian access and movement to and through the site in a manner that maximizes foot traffic exposure to goods and services and minimizes conflicts with vehicle circulation areas;
  - c. Encourages access to Downtown, adjacent residential areas, and/or the CMU zone;
  - d. Provides for traffic and service vehicle circulation between on-site uses, as appropriate;
  - e. Improves the aesthetics, and capitalizes on the locational advantages of, the MMU zone;
  - f. Reduces to a minimum any negative impacts of proposed uses on adjacent properties and ensures the livability of residential areas, when applicable; and
  - g. Is consistent with the goals and policies for the MMU area in the City's Comprehensive Plan, the Transportation System Plan, and Active Transportation Plan.
3. A traffic impact study.

[...]

## **16.52 PLANNED DEVELOPMENT (P-D)**

### **16.52.010 Purpose**

- A. To permit the application of new technology and greater freedom than may be possible under a strict interpretation of the provisions of this title.
- B. To facilitate the efficient use of land.
- C. To promote an economic arrangement of land use, buildings, circulation systems, park land, open space and utilities.
- D. Encourage a more creative approach in the development of land, and a more efficient, aesthetic and desirable use of common open space areas.

- E. Allow flexibility in design, placement of buildings, use of open spaces, circulation facilities, off-street parking areas for sites with natural features such as streams and wetland and other physical characteristics including geography, topography, size and shape.
- F. Provide flexibility to allow for the transfer and mixture of densities between zoning districts in order to provide better housing and transportation options that can be achieved through conventional development practices.
- G. Improve the protection of open spaces, wetlands, riparian corridors and other natural features.

[...]

#### **16.52.040 General Requirements**

- A. A P-D zone may be established in combination with any other zone.
- B. Planned developments may be established in single-family residential, multifamily residential, commercial, industrial and open space districts.
- C. A P-D zone may contain only a planned development that has been approved in accordance with the provisions of this chapter.
- D. A P-D zone shall not be less than five acres.
- E. A planned development may include any uses permitted outright or conditionally in any zone with the following exceptions:
  - 1. Residential uses shall not be permitted in the M-1 zone;
  - 2. Uses permitted only in the M-1 zone shall not be permitted in any other zone.
- F. The following uses also may be allowed, when developed in conjunction with a primary use:
  - 1. Recreational facilities including, but not limited to, tennis courts, swimming pools and playgrounds;
  - 2. Open space uses including, but not limited to, nature trails, bird sanctuaries and nature conservatories.
- G. Requirements pertaining to density shall be based on the standards of the zone in which the property is located. Other standards of the zone may be modified as they apply to streets, lot size, lot coverage, setbacks and landscaping.
- H. No building shall exceed a height that is fifty (50) percent greater than that of the maximum building height limitation of the zone in which the planned development is proposed. Such height increases may be approved by the planning commission, provided the proposed height is not detrimental, incompatible or otherwise undesirable with respect to existing or future area development, and provided that one of the following two situations is determined to exist:
  - 1. That the height increase can be justified on the basis of unique lot characteristics, topographical conditions or other natural features; or
  - 2. That the height increase can be justified on the basis of amenities provided or concessions made by the developer for which some bonus incentive is warranted.

- I. Open Space **and Park Land**. At least twenty (20) percent of the land area will be dedicated or reserved as common open space **or park** land in residential, recreational or combination residential-commercial developments.
  1. Open space may include bicycle or pedestrian trails, natural or landscaped buffer areas, ~~covered bus stops~~, significant natural vegetation or landscape, and community recreation facilities such as tennis courts, recreation buildings or swimming pools.
  2. Open space shall not include parking areas, except those areas in conjunction with recreation facilities, or roadways.
  3. Filling or placement of debris within ~~the~~ open space **areas** is prohibited, unless specifically authorized by the city.
  4. Private vehicle access easements serving ~~the~~ neighboring properties are prohibited within ~~the~~ **park and** open space **areas**.
  5. Developments shall be designed so that no dwelling unit, **as measured from the nearest point on the property line**, is located more than one thousand (1,000) feet from **a park or** open space area, **via publicly accessible right-of-way**.
  6. ~~Individual o~~Open space areas ~~should be large enough to be usable; as a guideline, shall~~ **contain** a minimum of five thousand (5,000) square feet ~~is suggested~~. **Parks shall contain a minimum of ninety thousand (90,000) square feet.**
  7. All improvements associated with ~~the~~ **park and** open space **areas**, such as recreation centers, swimming pools, and tennis courts shall be constructed **before platting**, or a guarantee shall be posted per EMC 16.116.050.
  8. **Prior to acceptance of proposed park or open space, the City may require the developer to submit a Phase I Environmental Site Assessment completed by a qualified professional according to American Society of Testing and Materials (ASTM) standards (ASTM E 1527), the results of which shall indicate a clean environmental record.**
- J. All utilities, electric and telephone facilities, fire alarm conduits, street light wiring and other wiring, conduits and similar facilities shall be placed underground, unless waived by the city.
- K. The city may require easements necessary for orderly extension of public utilities to future adjacent developments.
- L. Lands and structures not dedicated to the public but reserved for use by owners or tenants and their guests must be subject to an association of owners or tenants created to form a nonprofit corporation under the laws of the state of Oregon. This association shall be formed and continued for the purpose of maintaining such common areas and structures.

**16.52.050 Special Considerations**

- A. Before approval of a P-D overlay zone application, the planning commission shall determine that:
  1. The development will be consistent with the comprehensive plan provisions and zoning objectives of the area;

2. The development will be compatible with adjacent and nearby land uses and accommodate planned and necessary transportation and utility services and facilities to serve the area. For purposes of this evaluation, the lands at least two hundred fifty (250) feet from the outside boundary of the lot upon which the development is proposed shall be considered;
  3. The streets are adequate to support the anticipated traffic and the development will not overload the streets outside the planned development area;
  4. Proposed utility and drainage facilities are adequate for the population densities and type of development proposed and will not create a drainage or pollution problem outside the planned area.
- B. In considering a proposed planned unit development, all requirements of the city code shall apply, except as modified below:
1. **Site Adaptation.** To the maximum extent possible, the plan and design of the development shall ~~assure~~ **ensure** that natural or unique features of the land are preserved.
  2. **Lot Arrangement.** All lots within the development shall have reasonable access to open space or recreation areas, **as defined in EMC 16.52.040(I)(5).**
  3. **Density of Development.** For purposes of determining residential density, computations involving residential land shall be subject to the underlying zoning district.
  4. **Lot Size.** Individual lot size is unrestricted, provided that the overall density of the development shall not exceed the density in the underlying zoning district.
  5. **Community Services.** The city may request the dedication of proposed open space land that is reasonably suited for use as a city park or for recreation purposes, taking into consideration such factors as size, shape, topography, geology, access, location, and applicable comprehensive plan policies, when such dedication is consistent with the ability of the city to maintain such parks.
  6. **Structure Setback Provision.**
    - a. Yard setbacks for lots on the perimeter of the plat area shall be the same as that required for the underlying zoning district.
    - b. Minimum front yard setback is twenty (20) feet. This standard may be modified for residential dwellings, providing any garage structure facing a street maintains a twenty (20) foot setback.
    - c. All detached structures shall maintain a minimum side yard setback of three feet or meet the Uniform Building Code requirement for firewalls.
    - d. Minimum rear yard setback is three feet for all detached and attached structures or meets the Uniform Building Code requirement for firewalls.
  7. **Individual Lot Street Frontage.** No individual lot street frontage is required when such lots are shown to have adequate access in a manner that is consistent with the purposes and objectives of this section.
  8. **Parking Standards.**
    - a. Two off-street parking spaces per dwelling unit shall be established.

- b. Off-street parking may be provided on each lot or in parking areas in proximity to the dwelling units they serve.
  - c. Guest parking may be required after consideration of street type, width, traffic, volume, transit amenities and pedestrian circulation.
  - d. Sufficient parking space may be required for storage of residents' recreational vehicles. If required, recreational vehicle parking shall be located so as to be compatible with the surrounding development. If located on the perimeter of the development, it shall be screened from adjacent properties.
9. Homeowners' Association. A nonprofit incorporated homeowners' association, or an alternative acceptable to the city, shall be required if other satisfactory arrangements have not been made for improving, operating and maintaining common facilities, including open space, streets, drives, service and parking areas, **park and** recreation areas, and for snow removal and storage. The following principles shall be observed in the formation of any homes association and shall be reviewed by the city attorney's office.
- a. A homeowners' association shall be established prior to approval and recording of the final plat, or any portion thereof.
  - b. Membership shall be mandatory for each homebuyer and any successive buyer.
  - c. ~~The~~ **Any park or** open space restrictions shall continue in perpetuity.
  - d. The homeowners' association shall be responsible for liability insurance, local taxes, and the maintenance of recreational and other facilities.
  - e. Homeowners shall pay their pro rata share of the cost or the assessment levied by the association shall become a lien on the property.
  - f. The homeowners' association shall be able to adjust the assessment to meet changes needed.
  - g. No change in **park or** open space use or dissolution of the homeowners' association shall occur without a public hearing before the city council.
10. An alternative to a homeowners' association may include deed restrictions or conservation easements, when the city determines such will protect the intent and purposes of this chapter and be in the public's interest.

[...]

**Chapter 16.116 DESIGN STANDARDS AND IMPROVEMENTS**

**16.116.010 General Requirements And Minimum Standards Of Design**

The following are the minimum requirements and standards to which partitions and subdivisions must conform:

[...]

M. Parks. The developer of a residential subdivision is ~~encouraged, but is not~~ required, to dedicate park land serving the development and the residents of the city. Only park land, which in the sole discretion of the city meets the standards and requirements of EMC 16.116.020 and as provided in this title or by resolution, will be maintained by the city and be eligible for a credit against park SDCs.

[...]

**16.116.020 Minimum Standards For Park And Recreational Land**

- A. Purpose. This section implements the policies of Goal 5 and Goal 8 of the city comprehensive plan and the city parks master plan by outlining standards for parks and recreational facilities in the city. It is the policy of the city that the availability of adequate and accessible parks, open spaces, and recreational land is an important component of residential neighborhoods. Parks and recreational lands meet the recreational needs of the citizens of Estacada. The goal of reserving suitable and adequate parks and recreational land is best realized through the creation of parks at the time that new residential neighborhoods, subdivisions and multi-family housing are created.
- B. Dedication of Suitable Park Land Will Qualify for Park SDC Credit. ~~New~~All new residential subdivisions shall provide park and recreation land to serve existing and future residents. ~~or new~~ New multi-family or manufactured dwelling park developments may provide qualified park and recreational land. ~~sites and~~ Dedicated park land shall receive a credit against park SDCs otherwise chargeable to the lots of the development pursuant to EMC 3.16, provided the standards and conditions of this section are met.
- C. Criteria for Park Land Dedication in Lieu of Payment of Park SDCs.
  - 1. The following criteria shall be applied by the city to determine whether the city will ~~allow~~ accept dedication of park land in lieu of payment of park SDCs:
    - a. The amount of land to be dedicated is at least one-quarter (0.25) acre in size, as calculated in EMC 16.116.020(C)(3);
    - ~~a.~~ b. The topography, geology, access to, parcel size and location of land in the development available for dedication;
    - ~~b.~~ c. Potential adverse or beneficial effects of dedication upon environmentally sensitive areas;
    - ~~c.~~ d. Compatibility with the city parks master plan, city comprehensive plan, city capital improvements program, and maintenance capabilities of the Estacada public works department;
    - ~~d.~~ e. Availability of previously dedicated or acquired property;
    - f. Connections with, and continuity of, open spaces, trails, shared use paths, bike routes, and other major components of the parks and open spaces system;
    - g. Opportunity for shared use with other community facilities;
    - h. Opportunity for future expansion of the site; and
    - ~~e.~~i. The feasibility of dedication. ~~;~~ ~~and~~

e.— Material conformity to the standards set forth in "Recreation, Park and Open Space Standards and Guidelines, National Recreation and Park Association (1987)."

No park land which does not meet these standards, as applied by the city council, will not be accepted for dedication.

2. Prior to acceptance of proposed park land, ~~dedication a Level 1 environmental assessment of the lands proposed for dedication shall be performed by applicant as part of the site plan approval for the project.~~ the City may require the developer to submit a Phase I Environmental Site Assessment completed by a qualified professional according to American Society of Testing and Materials (ASTM) standards (ASTM E 1527), the results of which shall indicate a clean environmental record.
3. Calculation of Land Required to be Dedicated. ~~The amount of park and recreational land to be accepted for dedication by this section shall be based upon the adopted standard of twenty (20) acres of land per one thousand (1,000) of ultimate population as determined by the city parks master plan. This standard represents the city wide land to population ratio for city parks and may be adjusted periodically through amendments to the parks master plan.~~ The city parks master plan currently indicates a total required park acreage of twenty-five four point four (25.4) acres. This number divided by current population of ~~two thousand one hundred ninety (2,190)~~ five thousand seven hundred fifty (5,750) equates to 11.442 acres per one thousand (1,000) population or .0110042 acres of parkland per person. This standard represents the citywide land-to-population ratio for city parks and may be adjusted periodically through amendments to the parks master plan.
  - a. Population Formula. The following table of persons per unit shall be used in calculating the required dedication of acres of land:

Type of Unit	Total Persons per Unit
Single-family dwelling	3.00
Multifamily dwelling	2.00
Manufactured dwelling park	2.00
Congregate multi-family unit	1.50

- b. This formula for dedication of land will be subject to review and amendment based upon persons per unit, age, distribution, local conditions and the specific demand for park land created by the development. The projected resident population of the land to be subdivided or developed is determined by multiplying the maximum number of units allowed by the plat or the site plan by the appropriate number of standard of persons per unit set forth in the chart above. This figure is then to be multiplied by .0110042 to determine the total amount of qualified acreage which must be

dedicated or deeded to the city for park, open space or recreation purposes. This formula is expressed as follows: (Maximum Units) × (Persons/Unit) × (.0110.0042) = (acreage to be dedicated).

4. Dedication **Standards and** Procedure. Dedication of land or covenants approved as part of preliminary plat approval may be given or provided when the final plat is presented for approval. **The topography, soils, hydrography, and related elements must be of such quality as to create a flat, dry, obstacle-free, contiguous space on at least 50 percent of the total required area, in a configuration which allows for active recreation.** The developer must clear or fill and grade all park land to be dedicated to the satisfaction of the city ~~and shall cause a Level 1 environmental assessment to be performed on all lands to be dedicated as part of the city's construction plan approval for the plat.~~ Dedicated park land acquired by this section shall not include setbacks, buffers, storm water detention facilities, easements or other similar requirements of this title unless specifically approved by the city. The developer shall dedicate the land as previously determined by the city at the time the final plat is approved. Dedication of land in conjunction with multifamily development shall be required prior to issuance of permits and commencement of construction. Park land dedication shall be formally dedicated on the plat to be recorded and, in addition, the developer shall convey the required lands to the city by general warranty deed. No land so dedicated and deeded shall be subject to any reservations of record, encumbrances of any kind, or easements which, in the opinion of the city, will interfere with the use of the land for park, open space or recreational purposes. The city may require developer to provide to the city a title insurance policy on the dedicated property insuring the marketable state of title. Where any reservations, encumbrances or easements exist the city may require payment in lieu of the dedication of lands unless it, in its sole discretion, chooses to accept the land subject to encumbrances. If the developer does not own the property held subject to the land dedication, the planning commission may, in its discretion, approve the grant of a long-term lease of land which will satisfy the intent of the park land dedication provisions set forth within this title.

#### 16.116.025 Minimum Standards For Open Space Dedication

The applicant through a subdivision, partition, or design review process may propose the designation and protection of open space areas as part of that process. This open space will not, however, be counted toward park land dedication requirements outlined in EMC 16.116.010 through 16.116.020.

- A. The types of open space that may be provided are as follows:
  1. Natural Areas: areas of undisturbed vegetation, steep slopes, stream corridors, wetlands, wildlife habitat areas or areas replanted with native vegetation after construction.
  2. Greenways: linear green belts linking residential areas with other open space areas. These greenways may contain bicycle paths or footpaths. Connecting greenways between residences and recreational areas are encouraged.
- B. A subdivision, partition, or design review application proposing designation of open space shall include the following information as part of this application:
  1. Designate the boundaries of all open space areas;
  2. Specify the manner in which the open space shall be perpetuated, maintained, and administered; and
  3. Provide for public access to trails included in the Park Master Plan, as appropriate.
- C. Dedication of open space may occur concurrently with development of a project. At the discretion of the City, for development that will be phased, the open space may be set aside in totality and/or dedicated in conjunction with the first phase of the development, or incrementally set aside and dedicated in proportion to the development occurring in each phase.
- D. Open space areas shall be maintained so that the use and enjoyment thereof is not diminished or destroyed. Open space areas may be owned, preserved, and maintained by any of the following mechanisms or combinations thereof:
  1. Dedication to the City or an appropriate public agency approved by the City, if there is a public agency willing to accept the dedication. Prior to acceptance of proposed open space, the City may require the developer to submit a Phase I Environmental Site Assessment completed by a qualified professional according to American Society of Testing and Materials (ASTM) standards (ASTM E 1527). The results of this study shall indicate a clean environmental record;
  2. Common ownership by a homeowner's association that assumes full responsibility for its maintenance;
  3. Dedication of development rights to an appropriate public agency with ownership remaining with the developer or homeowner's association. Maintenance responsibility will remain with the property owner; and/or
  4. Deed-restricted private ownership preventing development and/or subsequent subdivision and providing for maintenance responsibilities.

- E. In the event that any private owner of open space fails to maintain it according to the standards of this Code, the City, following reasonable notice, may demand that the deficiency of maintenance be corrected, and may enter the open space for maintenance purposes. All costs thereby incurred by the City shall be charged to those persons having the primary responsibility for maintenance of the open space.

[...]