

**ESTACADA
ORDINANCE 2019-005**

SECTION 1: **AMENDMENT** “16.04.020 Purpose” of the Estacada Municipal Code is hereby *amended* as follows:

A M E N D M E N T

16.04.020 Purpose

The purpose of this title is to promote the public health, safety, and general welfare and to assist in the implementation of the comprehensive plan for the city.

(Prior code § 10.201)

SECTION 2: **AMENDMENT** “16.04.030 Compliance With Development Code Provisions” of the Estacada Municipal Code is hereby *amended* as follows:

A M E N D M E N T

16.04.030 Compliance With Development Code Provisions

- A. A lot may be used and a structure or part of a structure may be constructed, altered, occupied or used only as this title permits.
- B. No lot area, yard, off-street parking or loading area, or other open space existing on or after the effective date of this title shall be reduced below the minimum required for it.
- C. No lot area, yard, off-street parking or loading area, or other required open space for one use shall be used as the required lot area, yard, off-street parking or loading area, or other required open space for another use.
- D. Building Permit Approvals. No building or structure shall be erected, enlarged, altered, rebuilt, remodeled or moved unless in conformance with the requirements of all state and local ordinances applicable to the structure and the land upon which it is or will be situated.
- E. Authorization of Similar Uses. The planning commission may permit in a particular zone a use not listed in the code, provided the use is compatible with the uses permitted there by this title. ~~However, this section does not authorize the inclusion in a zone where it is not listed, a use,~~ the use is not specifically listed in another zone, and the use is or which is of the same general type or and is similar to a use specifically listed in another zone.
- F. Conformity to Master Plans. Upon adoption by the city council, ~~the~~ master plans, including, but not limited to, sewer, water, streets, storm drainage and parks shall govern new subdivisions in all zones. Any buildings, structures and their building service equipment to which additions, alterations or repairs are made shall comply with all the

requirements of the adopted master plans for new facilities except as provided for in this development code.

(Ord. 2000-9 § 1, prior code § 10.210)

SECTION 3: AMENDMENT “16.08.010 Definitions” of the Estacada Municipal Code is hereby *amended* as follows:

A M E N D M E N T

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.

"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.

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

"Alley" means a public way, ~~for the purpose of~~ providing a secondary means of access to property.

"Apartment" is defined under "Dwelling", ~~means any building, or portion thereof, which is designated, built, rented, leased, let or hired out to be occupied, or which is occupied as the home~~

~~or residence of four or more families living independently of each other and doing their own cooking in the building.~~

"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 ~~activities of~~ daily 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. ~~"Repair garage"~~ "Body shop" 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 ~~where two or more vehicles not in running condition, or the parts thereof, are stored in the open and are not being restored to operation; or any land, building or structure~~ used for the wrecking or storing of such 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 ~~a mechanical extraction process; a chemical extraction process~~ using a nonhydrocarbon-based or other solvent, such as water, vegetable glycerin, vegetable oils, animal fats, isopropyl alcohol, or ethanol; ~~a chemical extraction process~~ 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 ~~a chemical extraction process~~ 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.

"Church" means a building, together with its accessory building or uses, where persons regularly assemble for worship; and which ~~building, together with its accessory buildings and uses,~~ 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, ~~but~~ excluding marijuana dispensing facilities as defined in EMC 16.65.020.

"Commercial use" means the activity of purchasing or, selling ~~or conducting other transactions involving the handling or disposition~~, other than included in the term light and heavy "industry" as defined in the appropriate sections, ~~of~~ any article, substance, commodity, or services for ~~the~~ livelihood or profit, ~~and places where commodities, services or merchandise are sold or agreements are made to furnish them.~~

"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.

"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.

"Day care facility" means a facility accommodating fewer than thirteen (13) children for the purposes of day care in the provider's home, or meeting the definition and standards as contained in ORS 418. The provider's children are included for the purposes of this definition.

"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". ~~means a building containing two dwelling units.~~

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

- A. "Apartment" means any building, or portion thereof, which is designated, built, rented, leased, let or hired out to be occupied, or which is occupied as the home or residence of three or more families living independently of each other and doing their own cooking in the building.
- B. ~~Dwelling, Commonwall.~~ "Commonwall dwelling" means a dwelling which shares at least one wall, or portion thereof, with another dwelling and which is allowed in a residential district subject to the same requirements as other dwellings in those districts. A commonwall dwelling may, or may not, include a separate lot.

- C. "Duplex" means a single building, with two dwelling units with separate housekeeping facilities. A single-family dwelling with an accessory suite is not a two-family dwelling or duplex.
- D. ~~Dwelling, Factory-built (modular dwelling or modular home).~~ "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.
- E. "Fourplex" means a single building with four dwelling units that are not accessory suites and that have separate housekeeping facilities.
- F. "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.
- G. ~~Dwelling, Multifamily (Apartment).~~ "Multi-family dwelling" ~~and "apartment"~~ means a single building, or a portion thereof, that contains three or more dwelling units, each with housekeeping facilities for just one family. Triplexes and fourplexes can be considered multi-family dwellings.
- H. ~~Dwelling, Single-family.~~ "Single-family dwelling" ~~and "single family home"~~ means a detached dwelling unit designed or used exclusively for the occupancy of only one family and having housekeeping facilities for only one family.
- I. "Triplex" means a single building with three dwelling units that are not accessory suites and that have separate housekeeping facilities. ~~Dwelling, Two-family (Duplex). "Two-family dwelling" and "duplex" mean a single building, or a portion thereof, with two dwelling units with separate housekeeping facilities. A single-family dwelling with an accessory suite is not a two-family dwelling or duplex.~~

"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". ~~means a dwelling unit built substantially or entirely at a place other than the residential site, including prefabricated or modular homes, inspected and certified as having been constructed in accordance with the requirements of the Uniform Building Code but excluding mobilehomes or manufactured homes as defined in ORS 446.003(26)(a)(B) and (C).~~

"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.

"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 ~~creates~~ emissions, ~~or discharges,~~ ~~other than normal sanitary sewage wastes~~ or ~~the~~ storage of materials ~~which require permits be issued by the Oregon State Department of Environmental Quality.~~

"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.

"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 ~~of any~~ scrap waste material, junk, or used equipment ~~or machinery~~ 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 ~~natural and/or introduced~~ 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/or materials;
- C. Maintenance type and schedule, i.e., irrigation method.

"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 or create the associated emissions, ~~or discharges, other than normal sanitary sewage wastes or the~~ storage of materials ~~which require permits be issued by the Oregon State Department of Environmental Quality.~~

"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 ~~space or berth~~ abuts ~~on~~ 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 ~~other than an alley, excluding alleys,~~ at their intersection. A lot abutting on a curved street or streets ~~shall be considered~~ 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" ~~means a detached dwelling that is designed or used exclusively for the occupancy of only one family has housekeeping facilities for only one family, has sleeping, cooking, and plumbing facilities, and that was constructed for movement on public highways in accordance with federal manufactured housing construction and safety standards and regulations in effect at the time of construction~~ 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, ~~under the same ownership~~.

"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, ~~and~~ exclusive of excavating and grading for streets and roads ~~and process of grading a lot preparatory to 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" ~~means a dwelling that is designed or used exclusively for the occupancy of only one family, has housekeeping facilities for only one family, has sleeping, cooking, and plumbing facilities, and that was constructed between January 1962 and June 15, 1976 for movement on public highways~~ is defined under "Dwelling".

~~"Mobile home park" means a parcel or contiguous parcels of land divided into four or more mobile home lots for rent or lease, under the same ownership.~~

"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.

"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.

"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 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.

"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 or major highway" 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, 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. "Minor street" means a street designed to provide access to abutting residential property with only incidental service to through traffic.
- 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.

"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".

"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.

"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.

"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.

"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.

(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 4: AMENDMENT “16.12.010 Classification Of Zones” of the Estacada Municipal Code is hereby *amended* as follows:

AMENDMENT

16.12.010 Classification Of Zones

For the purpose of this title, the following zones are established in the city:

Map Designations and Abbreviations.

A. Residential Zones

a. <u>Low Density Residential</u>	R-1	Low-density residential
b. <u>Medium Density Residential</u>	R-2	Medium-density residential
c. <u>Multiple Family Residential</u>	R-3	Multiple family residential
d. <u>North City Residential</u>	NC R	

B. Commercial Zones.

a. Downtown	D
b. General commercial	C-1
c. Residential/ <u>C</u> ommercial	C-2
d. <u>Mill Area Mixed-Use</u>	<u>MMU</u>
e. <u>Riverfront Commercial</u>	<u>R-C</u>
f. <u>Highway Commercial</u>	<u>H-C</u>
g. <u>Central Mixed-Use</u>	<u>CMU</u>
h. <u>Outdoor Commercial</u>	<u>O-C</u>

C. Industrial Zones.

a. Light <u>I</u> ndustrial	M-1
b. <u>Heavy industrial</u>	<u>M-2</u>

D. Open Space/Public Facility Zones.

a. Open s Space/ P ublic F acilities	O-S
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E. Special Zones.

a. Historical R esources O verlay	H-R
b. Planned D evelopment O verlay	P-D
c. Wetland R esources O verlay	W-O

(Prior code § 10.211) (Ord. No. 2012-005, § 1, 9-10-2012)

SECTION 5: AMENDMENT “16.12.050 Zoning Of Annexed Areas” of the Estacada Municipal Code is hereby *amended* as follows:

AMENDMENT

16.12.050 Zoning Of Annexed Areas

~~Unzoned-a~~Areas annexed to the city shall be zoned in accordance with the adopted comprehensive plan and may be reviewed by the planning commission to determine if the proposed use is compatible with the proposed zoning designation. The planning commission may recommend a different zone designation to the city council for consideration during the annexation procedure.

(Prior code § 10.215)

SECTION 6: AMENDMENT “16.12.060 Zone Descriptions” of the Estacada Municipal Code is hereby *amended* as follows:

AMENDMENT

16.12.060 Zone Descriptions

- A. Low Density Residential (R-1) ~~low density residential~~: Devoted to single-family dwellings from which are excluded business and multi-family dwellings, but does allow certain public nonprofit uses as conditional uses, as well as home occupations, and short-term rentals with standards.
- B. Medium Density Residential (R-2) ~~medium density residential~~: Created to allow single-

family and two-family dwellings (duplexes). Intended for residential use at a moderate density and to utilize existing subdivided lots with affordable housing.

- C. Multiple Family Residential (R-3) ~~multiple-family residential~~: Intended for residential use as a high density residential district allowing some conditional uses with standards.
- D. North City Residential (NCR): Intended to establish a variety of housing types to meet the City's rental and affordable housing needs, while focusing multi-family housing nearer to major roads, protecting natural features and existing residential land uses, and providing for open space.
- E. Downtown (D): 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.
- F. General Ceommercial (C-1): Intended to promote economic diversification. It accommodates certain commercial, light industrial, and governmental uses that are not conducive to locating in the D zone, such as those with large, unenclosed sales or storage areas, and those requiring large parcels of land.
- G. Residential Ceommercial (C-2): Designed for a mixture of office, retail, personal or business service, plus allowing residential uses. C-2 was created to promote the most productive capacity of property. Several areas of the city have developed into a combination of residential and commercial use zones. The purpose of this zoning district is to recognize and to continue this development pattern.
- H. Mill Area Mixed-Use (MMU): 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.
- I. Riverfront Commercial (R-C): Intended to promote local tourism and history, outdoor recreation, and the use of adjacent park facilities, the Clackamas River, and connecting multi-use paths with a variety of commercial uses that attract local and out-of-town customers while enhancing the area's natural aesthetics and protecting adjacent open spaces.
- J. Highway Commercial (H-C): Intended to provide for large-footprint and vehicle-oriented commercial uses that are not appropriate for Downtown or other commercial areas, while ensuring that new development ~~ih~~as appropriately screened and restricting residential uses, industrial uses, and excessive signage.
- K. Central Mixed-Use (CMU): Intended to establish small-footprint commercial uses, intermixed with denser residential uses, that cater primarily to customers in nearby residential areas and that do not detract from Downtown, while developing Eagle Creek Rd as a tree-lined, pedestrian- and bicycle-friendly corridor.
- L. Outdoor Commercial (O-C): Intended to preserve and enhance the area's natural aesthetic and establish commercial and public uses that attract local and out-of-town visitors, while protecting natural wetlands and adjacent residential land uses and ensuring that the area's commercial uses do not detract from Downtown.
- M. Light Industrial (M-1): Created for the expansion of light industrial uses. Permits wholly enclosed light industrial uses and compatible commercial uses which are compatible to the surrounding area.
- N. ~~Heavy industrial zone M-2: Created in the interest of the public convenience and necessity~~

~~for outright industrial development in order to more widely advertise the attributes and amenities available in Estacada for industrial uses.~~

O. Open ~~S~~space/~~P~~ublic ~~F~~acilities Overlay zone (O-S): Created to ensure public greenways, pathways, and parks, and to allow governmental uses including public schools ~~and allowing them to expand as outright uses, providing it would not substantially increase overall capacity and are in harmony with the purpose and objectives of the comprehensive plan.~~

P. Planned ~~D~~evelopment Overlay zone (P-D): ~~The purpose of the planned development overlay zone is~~Intended to permit the application of new technology and greater freedom than may be possible under a strict interpretation of the provisions of the code.

Q. Historical ~~R~~esources Overlay zone (H-R): ~~The intent and purpose of this overlay district is to implement the goals and policies of the comprehensive plan and~~Intended to

encourage property owners to enhance and maintain historically designated resources within the community.

R. Wetlands ~~R~~esources Overlay zone (W-O): ~~The intent and purpose of this overlay is to implement the goals and policies of the comprehensive plan and~~Intended to protect the designated wetland resources within the community.

(Prior code § 10.218; Ord. No. 2012-005, § 2, 9-10-2012; Ord. No. 2016-003, § 1(Exh. A), 5-23-2016)

SECTION 7: AMENDMENT “16.16.010 Low Density Residential Zone (R-1)” of the Estacada Municipal Code is hereby *amended* as follows:

A M E N D M E N T

16.16.010 ~~Low Density Residential Zone (R-1)~~Purpose

The R-1 zone is ~~D~~evoted to single-family dwellings from which are excluded business and multi-family dwellings, but does allow certain public nonprofit uses as conditional uses, as well as home occupations, and short-term rentals with standards. In an R-1 zone, the following regulations shall apply.

(Ord. 2000-26 §1 (part); prior code § 10.220 (part); Ord. No. 2016-003, § 1(Exh. A), 5-23-2016; Ord. No. 2017-006, § 2, 11-13-2017; Ord. No. 2018-001, § 1, 6-11-2018; Ord. No. 2018-002, § 1, 8-13-2018)

SECTION 8: AMENDMENT “16.16.020 Uses Permitted Outright” of the Estacada Municipal Code is hereby *amended* as follows:

A M E N D M E N T

16.16.020 Uses Permitted Outright

The following uses and their accessory uses are permitted in an R-1 zone:

- A. A single-family dwelling built on site;
- B. A factory-built (modular) dwelling;
- C. A manufactured home that meets the following minimum standards:
 - 1. Compliance with all the standards as set by the underlying zoning district;
 - 2. The manufactured home shall be multisectional and enclose a space of not less than one thousand (1,000) square feet;
 - 3. The manufactured home shall be placed on an excavated and back-filled foundation and enclosed at the perimeter such that no more than sixteen (16) inches of the enclosing material is exposed above grade. Where the building site has a sloped grade, no more than sixteen (16) inches of the enclosing material shall be exposed on the uphill side of the home. If the manufactured home is placed on a basement, the sixteen (16) inch limitation shall not apply;
 - 4. The manufactured home shall have a pitched roof with a minimum slope of three feet in height for each twelve (12) feet of width;
 - 5. The manufactured home shall be certified by the manufacturer to have an exterior thermal envelope meeting the performance standards which reduce heat loss to levels equivalent to the performance standards required of single-family dwellings constructed under the state building code as defined in ORS 455.010. Evidence demonstrating that the manufactured home meets "Super Good Cents" energy efficiency standards is deemed to satisfy the exterior thermal envelope certification requirement. Additional manufacturer certification shall not be required;
- D. Agricultural use of land provided that no livestock shall be raised or kept on the premises and that no commercial structure shall be constructed or maintained on the premises;
- E. A travel trailer or recreation vehicle stored unoccupied on a lot in combination with an approved dwelling and complies with residential setback requirements;
- F. Family day care provider;
- G. Public park;
- H. Residential homes;
- I. Short-term rentals;
- J. Home occupations as defined in EMC 16.92 that involve no customer traffic, retail sales, signs or any other outward appearance of a business;
- K. Public transportation facilities including streets, transit stops and stations, and bicycle and pedestrian facilities;
- L. Accessory dwelling units as defined in EMC 16.61.

(Ord. 2007-6 § 2; Ord. 2000-26 § 1(1); prior code § 10.220(1); Ord. No. 2016-003, § 1(Exh. A), 5-23-2016; Ord. No. 2017-006, § 2, 11-13-2017; Ord. No. 2018-001, § 1, 6-11-2018; Ord. No. 2018-002, § 1, 8-13-2018)

SECTION 9: AMENDMENT “16.16.030 Conditional Uses Permitted” of the

Estacada Municipal Code is hereby *amended* as follows:

AMENDMENT

16.16.030 Conditional Uses Permitted

The following uses and accessory uses may be permitted in a low density residential district subject to EMC 16.88.020 and the review procedures in EMC 16.132.010 through EMC 16.132.050:

- A. Two-family dwellings (duplexes) and commonwall dwellings;
- B. Cemetery;
- C. Church, nonprofit religious or philanthropic institution;
- D. Community center, nursery school, kindergarten or similar facility;
- E. Governmental structure or use of land;
- F. Public utility substations as required with safeguards against harm to adjacent or abutting property owners;
- G. Home occupations subject to the provisions of EMC 16.92;
- H. Golf course or country club, but excluding miniature golf course or similar types of amusement facilities;
- I. Private noncommercial recreation club such as tennis, swimming or archery club, but excluding commercial amusement or recreation enterprises;
- J. Lodge of civic or fraternal organizations;
- K. New public school or any private school offering curriculum similar to public school;
- L. Temporary real estate offices offering residential property in the immediate vicinity for sale, rent or lease;
- M. Day care facility as defined in ORS Chapter 418;
- N. Professional offices or medical facilities;
- O. Public transportation facilities not otherwise listed in EMC 16.16.020- ~~Subsection J~~;
- P. Transportation facilities that are not identified in the city's transportation system plan or active transportation plan.

(Ord. 2007-6 § 3; Ord. 2000-26 § 1(2); prior code § 10.220(2); Ord. No. 2012-008, § 4, 1-14-2013; Ord. No. 2016-003, § 1(Exh. A), 5-23-2016; Ord. No. 2017-006, § 2, 11-13-2017; Ord. No. 2018-002, § 1, 8-13-2018; Ord. No. 2018-003, § 3(Exh. 6), 10-8-2018)

SECTION 10: AMENDMENT “16.16.040 Standards” of the Estacada Municipal Code is hereby *amended* as follows:

AMENDMENT

16.16.040 Standards

The following standards shall apply in an R-1 zone:

A. Lot Size and Dimensions.

1. The minimum lot size shall be seven thousand five hundred (7,500) square feet.
2. In no event shall a structure for a single-family dwelling be built on a lot less than five thousand (5,000) square feet in area. ~~The area of a pre-existing legal lot of record shall be the size of the lot at the time it was lawfully established.~~
3. The minimum lot area for a ~~two-family dwelling (duplex)~~ or two-unit commonwall dwelling approved as a conditional use shall be eight thousand (8,000) square feet.
4. Minimum lot frontage for a flag lot shall be twenty-five (25) feet.
5. No lot area, yard, off-street parking or loading area, or other required open space for one use shall be used as the required lot area, yard, off-street parking or loading area, or other required open spaces for another use.

B. Parking Requirements.

- ~~1. Dwellings. Two on-site parking spaces shall be provided for each dwelling unit. Uses Other than Dwellings.~~ The number of parking spaces as required by EMC 16.76 shall be provided.

C. Setbacks.

1. The front setback shall be a minimum of twenty (20) feet.
2. Each side setback shall be a minimum of five feet; however, a dwelling with a side yard facing, second story bedroom window (having minimum dimensions of at least three feet by three feet) with a lower sill exceeding fifteen (15) feet in height must have a setback from said side property line equal to or greater than one-third of the height of that point, or be equipped with an automatic fire sprinkler system, unless otherwise approved by the city. (Height is measured from the lower window sill of the side yard facing wall to grade level directly below the center of the window at the edge of the building foundation.) If a public utility easement (PUE) exists on the side property line, the side yard setback shall be equal to the width of the PUE, if greater than the side yard setback required above.
3. The rear setback shall be a minimum of fifteen (15) feet except:
 - a. An accessory structure not used for human habitation and separated from the main building may be located to within five feet of a rear property line.
 - b. On a corner lot, setbacks required from the rear property line shall be the same as required for side yards.

D. Sidewalks. Sidewalks, driveways and service driveways shall conform to standards established by this code.

E. Fences and sight-obscuring fences, with the exception of evergreen plantings, cannot exceed six feet in height without a building permit. Fences described above are subject to clear vision regulations of EMC 16.60.010 and EMC 8.~~12.050~~~~08-060~~ limiting the use of barbed wire and electrical fences.

F. Drainage. An applicant for a building permit shall submit a plan showing width, depth, and direction of flow of all drainage channels on property. In addition, the location, size and type of conduit used in drainage channels and driveway accesses shall be clearly delineated. Water from roof drains and other ~~non~~impervious surfaces shall not be concentrated and directed so as to cause damage to property and shall be disposed of in accordance with EMC 13.08.010.

G. Excavation/Fill. A plan shall be submitted showing cubic yards removed or filled and the

plan should be certified by a registered professional engineer for the removal or fill of more than fifty (50) cubic yards of material.

- H. Building Height. No building shall exceed a height of thirty-five (35) feet, except public schools or churches which may be forty-five (45) feet.
- I. Lot Coverage. Buildings including accessory structures and garages shall not occupy more than fifty-five (55) percent of the total lot area.
- J. Geological Analysis Requirement. Any property identified as a geological natural hazard area as listed in EMC 16.68.030 or any property that has a slope of thirty-three (33) percent or greater, as defined by a 3:1 ratio, 3 horizontal : 1 vertical, will require a geotechnical analysis of the property as outlined in EMC 16.68.030.
- K. Structure and Facade Design. All dwellings, except temporary dwellings approved pursuant to ~~Chapter~~ EMC 16.80, shall include at least three of the following features visible to the street (if on a corner lot, visible to the street where the dwelling takes access):
 1. A covered porch at least two feet deep;
 2. An entry area recessed at least two feet from the exterior wall to the door;
 3. A bay or bow window (not flush with the siding);
 4. An offset on the building face of at least sixteen (16) inches from one exterior wall surface to the other;
 5. A dormer;
 6. A gable;
 7. Roof eaves with a minimum projection of twelve (12) inches from the intersection of the roof and the exterior walls;
 8. Roof line offsets of at least sixteen (16) inches from the top surface of one roof to the top surface of the other;
 9. An attached garage;
 10. Orientation of the long axis and front door to the street;
 11. Cupolas;
 12. Tile or shake roofs;
 13. Horizontal lap siding.

(Ord. 2004-2 § 3; Ord. 2000-26 § 1(3); prior code § 10.220(3); Ord. No. 2010-004, § 1, 3-28-2011; Ord. No. 2017-006, § 2, 11-13-2017; Ord. No. 2018-001, § 1, 6-11-2018; Ord. No. 2018-002, § 1, 8-13-2018)

SECTION 11: AMENDMENT “16.20.010 Medium Density Residential Zone (R-2)” of the Estacada Municipal Code is hereby *amended* as follows:

AMENDMENT

16.20.010 ~~Medium Density Residential Zone (R-2)~~Purpose

The R-2 zone is ~~C~~created to allow single-family and two-family dwellings (duplexes). Intended for residential use at a moderate density and to utilize existing subdivided lots with affordable housing. In an R-2 zone, the following regulations shall apply.

(Ord. 2000-26 § 2 (part) prior code § 10.221 (part); Ord. No. 2017-006, § 3, 11-13-2017; Ord. No. 2018-002, § 1, 8-13-2018)

SECTION 12: AMENDMENT “16.20.020 Uses Permitted Outright” of the Estacada Municipal Code is hereby *amended* as follows:

A M E N D M E N T

16.20.020 Uses Permitted Outright

The following uses and their accessory uses are permitted in an R-2 zone:

- A. A use permitted outright in the R-1 zone;
- B. ~~Two-family dwellings (d~~Duplexes) and two-unit commonwall dwellings ~~with two dwelling units.~~

(Ord. 2004-2 § 4: Ord. 2000-26 § 2(1): prior code § 10.221(1); Ord. No. 2017-006, § 3, 11-13-2017; Ord. No. 2018-002, § 1, 8-13-2018)

SECTION 13: AMENDMENT “16.20.030 Conditional Uses Permitted” of the Estacada Municipal Code is hereby *amended* as follows:

A M E N D M E N T

16.20.030 Conditional Uses Permitted

The following uses and accessory uses may be permitted in a medium density residential district subject to EMC 16.88.020 and the review procedures in EMC 16.132.010 through EMC 16.132.050:

- A. A use permitted as a conditional use in the R-1 zone;
- B. Multi-family dwellings and commonwall dwellings with no more than four dwelling units;
- C. Manufactured dwelling park;
- ~~D. Mobile home park;~~
- E. Professional offices or medical facilities.

(Ord. 2000-26 § 2(2): prior code § 10.221(2); Ord. No. 2017-006, § 3, 11-13-2017; Ord. No. 2018-002, § 1, 8-13-2018)

SECTION 14: AMENDMENT “16.20.040 Standards” of the Estacada

Municipal Code is hereby *amended* as follows:

AMENDMENT

16.20.040 Standards

The following standards shall apply in an R-2 zone:

A. Lot Size and Dimensions.

1. The minimum lot size shall be as follows:

Single-family dwelling	5,000 square feet
Two-family dwelling (duplex) or two-unit commonwall dwelling	8,000 square feet for a two-family dwelling duplex; 4,000 square feet for each lot for each commonwall dwelling unit
Multi-family or commonwall dwelling with only three or four dwelling units (triplex) or three-unit commonwall dwelling	9,000 square feet for a multi-family dwelling; 4,500 square feet for each lot for each commonwall dwelling unit
Multi-family dwelling with only four dwelling units (fourplex) or four-unit commonwall dwelling	12,000 square feet for a multi-family dwelling; 6,000 square feet for each lot for each commonwall dwelling unit

2. Minimum lot frontage for a flag lot shall be twenty-five (25) feet.
3. No lot area, yard, off-street parking or loading area, or other required open space for one use shall be used as the required lot area, yard, off street parking or loading area, or other required open spaces for another use.

B. Parking Requirements.

- ~~1. Dwellings. Two on-site parking spaces shall be provided for each dwelling unit. Uses Other than Dwellings.~~ The number of parking spaces as required by EMC 16.76 shall be provided.

C. Setbacks.

1. The front setback shall be a minimum of twenty (20) feet.
2. Except as to the common side of a commonwall dwelling, each side setback shall be a minimum of five feet; however, a dwelling with a side yard facing, second story bedroom window (having minimum dimensions of at least three feet by three feet) with a lower sill exceeding fifteen (15) feet in height must have a setback

from said side property line equal to or greater than one-third of the height of that point, or be equipped with an automatic fire sprinkler system, unless otherwise approved by the city. (Height is measured from the lower window sill of the side yard facing wall to grade level directly below the center of the window at the edge of the building foundation.) If a public utility easement (PUE) exists on the side property line, the side yard setback shall be equal to the width of the PUE, if greater than the side yard setback required above.

3. The rear setback shall be a minimum of fifteen (15) feet except:
 - a. An accessory structure not used for human habitation and separated from the main building may be located to within five feet of a rear property line.
 - b. On a corner lot, setbacks required from the rear property line shall be the same as required for side yards.
- D. Sidewalks. Sidewalks, driveways and service driveways shall conform to standards established by this code.
- E. Fences and sight-obscuring fences, with the exception of evergreen plantings, cannot exceed six feet in height without a building permit. Fences described above are subject to clear vision regulations of EMC 16.60.010 and EMC 8.12.050~~08-060~~ limiting the use of barbed wire and electrical fences.
- F. Drainage. An applicant for a building permit shall submit a plan showing width, depth, and direction of flow of all drainage channels on property. In addition, the location, size and type of conduit used in drainage channels and driveway accesses shall be clearly delineated. Water from roof drains and other ~~non~~impervious surfaces shall not be concentrated and directed so as to cause damage to property and shall be disposed of in accordance with EMC 13.08.010.
- G. Excavation/Fill. A plan shall be submitted showing cubic yards removed or filled and the plan should be certified by a registered professional engineer for the removal or fill of more than fifty (50) cubic yards of material.
- H. Building Height. No building shall exceed a height of thirty-five (35) feet, except public schools or churches which may be forty-five (45) feet.
- I. Lot Coverage. Buildings including accessory structures and garages shall not occupy more than fifty-five (55) percent of the total lot area.
- J. Geological Analysis Requirement. Any property identified as a geological natural hazard area as listed in EMC 16.68.030 or any property that has a slope of thirty-three (33) percent or greater, as defined by a 3:1 ratio, 3 horizontal:1 vertical, will require a geotechnical analysis of the property as outlined in EMC 16.68.030.

(Ord. 2000-26 § 2(3); prior code § 10.221(3); Ord. No. 2010-004, § 2, 3-28-2011; Ord. No. 2017-006, § 3, 11-13-2017; Ord. No. 2018-002, § 1, 8-13-2018)

SECTION 15: AMENDMENT “16.24.010 Multiple Family Residential Zone (R-3)” of the Estacada Municipal Code is hereby *amended* as follows:

A M E N D M E N T

16.24.010 ~~Multiple Family Residential Zone (R-3)~~ Purpose

The R-3 zone is intended for residential use as a high density residential district allowing some conditional uses with standards. In an R-3 zone, the following regulations shall apply.

(Ord. 2000-26 § 3 (part); prior code § 10.222 (part); Ord. No. 2017-006, § 4, 11-13-2017)

SECTION 16: AMENDMENT “16.24.020 Uses Permitted Outright” of the Estacada Municipal Code is hereby *amended* as follows:

A M E N D M E N T

16.24.020 Uses Permitted Outright

The following uses and their accessory uses are permitted in an R-3 zone:

- A. A use permitted outright in the R-1 or R-2 zone;
- B. Multi-family ~~dwelling~~s and commonwall dwellings; including but not limited to apartments, duplexes, triplexes, fourplexes, and cottage clusters.
- ~~C. Apartments.~~

(Ord. 2000-26 § 3(1); prior code § 10.222(1); Ord. No. 2017-006, § 4, 11-13-2017)

SECTION 17: AMENDMENT “16.24.040 Standards” of the Estacada Municipal Code is hereby *amended* as follows:

A M E N D M E N T

16.24.040 Standards

The following standards shall apply in an R-3 zone:

- A. Lot Size and Dimensions:

Single-family dwelling	5,000 square feet
Two-family dwelling (dDuplex) or two-unit commonwall dwelling	8,000 square feet; for a two-family dwelling duplex; 4,000 square feet for each lot for each commonwall dwelling unit
Multi-family dwelling with only three dwelling units (triplex) or three-unit commonwall dwelling	9,000 square feet for a multi-family dwelling; 4,500 square feet for each lot for each commonwall dwelling unit

Multi-family dwelling with only four dwelling units (fourplex) or four-unit commonwall dwelling	12,000 square feet for a multi-family dwelling; 6,000 square feet for each lot for each commonwall dwelling unit
Multi-family dwelling (apartment) or commonwall dwelling with more than four dwelling units	15,000 square feet plus 1,500 square feet per dwelling unit for each unit above five.
Motel, hotel, or resort	1,500 square feet per guest unit

1. Minimum lot frontage for a flag lot shall be twenty-five (25) feet.
2. No lot area, yard, off-street parking or loading area, or other required open space for one use shall be used as the required lot area, yard, off-street parking or loading area, or other required open spaces for another use.

B. Parking Requirements.

- ~~1. Dwellings. Two on-site parking spaces shall be provided for each dwelling unit. Uses Other than Dwellings.~~ The number of parking spaces as required by EMC 16.76 shall be provided.

C. Setbacks.

1. The front setback shall be a minimum of twenty (20) feet.
2. Except as to the common side of a commonwall dwelling, each side setback shall be a minimum of five feet; however, a dwelling with a side yard facing, second story bedroom window (having minimum dimensions of at least three feet by three feet) with a lower sill exceeding fifteen (15) feet in height must have a setback from said side property line equal to or greater than one-third of the height of that point, or be equipped with an automatic fire sprinkler system, unless otherwise approved by the city. (Height is measured from the lower window sill of the side yard facing wall to grade level directly below the center of the window at the edge of the building foundation.) If a public utility easement (PUE) exists on the side property line, the side yard setback shall be equal to the width of the PUE, if greater than the side yard setback required above.
3. The rear setback shall be a minimum of fifteen (15) feet except:
 - a. An accessory structure not used for human habitation and separated from the main building may be located to within five feet of a rear property line.
 - b. On a corner lot, setbacks required from the rear property line shall be the same as required for side yards.

D. Sidewalks. Sidewalks, driveways and service driveways shall conform to standards established by this code.

E. Fences and sight-obscuring fences, with the exception of evergreen plantings, cannot exceed six feet in height without a building permit. Fences described above are subject to clear vision regulations of EMC 16.60.010 and EMC 8.12.050 ~~08-060~~ limiting the use of barbed wire and electrical fences.

F. Drainage. An applicant for a building permit shall submit a plan showing width, depth, and direction of flow of all drainage channels on property. In addition, the location, size and type of conduit used in drainage channels and driveway accesses shall be clearly delineated. Water from roof drains and other nonimpervious surfaces shall not be concentrated and directed so as to cause damage to property and shall be disposed of in

accordance with EMC 13.08.010.

- G. Excavation/fill. A plan shall be submitted showing cubic yards removed or filled and the plan should be certified by a registered professional engineer for the removal or fill of more than fifty (50) cubic yards of material.
- H. Building Height. No building shall exceed a height of thirty-five (35) feet, except public schools or churches which may be forty-five (45) feet.
- I. Lot Coverage. Buildings including accessory structures and garages shall not occupy more than fifty-five (55) percent of the total lot area.
- J. Geological Analysis Requirement. Any property identified as a geological natural hazard area as listed in EMC 16.68.030 or any property that has a slope of thirty-three (33) percent or greater, as defined by a 3:1 ratio, 3 horizontal : 1 vertical, will require a geotechnical analysis of the property as outlined in EMC 16.68.030.

(Ord. 2000-26 § 3(3): prior code § 10.222(3); Ord. No. 2010-004, § 3, 3-28-2011; Ord. No. 2017-006, § 4, 11-13-2017; Ord. No. 2018-002, § 1, 8-13-2018)

SECTION 18: **ADOPTION** “Chapter 16.25 NORTH CITY RESIDENTIAL (NCR)” of the Estacada Municipal Code is hereby *added* as follows:

ADOPTION

Chapter 16.25 NORTH CITY RESIDENTIAL (NCR)(*Added*)

SECTION 19: **ADOPTION** “16.25.010 Purpose” of the Estacada Municipal Code is hereby *added* as follows:

ADOPTION

16.25.010 Purpose(*Added*)

The NCR zone implements the North City Residential Comprehensive Plan policies. The zone is intended to establish a variety of housing types to meet the City's rental and affordable housing needs, while focusing multi-family housing nearer to major roads, protecting natural features and existing residential land uses, and providing for open space.

SECTION 20: **ADOPTION** “16.25.020 Uses Permitted Outright” of the Estacada Municipal Code is hereby *added* as follows:

ADOPTION

16.25.020 Uses Permitted Outright(*Added*)

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

- A. Single-family dwellings built on site and not within 200 feet of SE Eagle Creek Rd;
- B. Single-family factory-built (modular) dwellings not within 200 feet of SE Eagle Creek Rd;
- C. Single-family dwellings within 200 feet of SE Eagle Creek Rd legally existing and assessed as dwellings on December 1, 2019;
- D. Alterations to the legally-established dwellings described in EMC 16.25.020 Subsection C, as well as the replacement of such dwellings, provided the dwelling to be replaced has remained a dwelling on the subject property, with intact walls and roof structure, indoor plumbing connected to a sanitary waste disposal system, interior wiring for interior lights, and a heating system, without a gap of 12 consecutive months since December 1, 2019;
- E. Duplexes and two-unit commonwall dwellings;
- F. Multi-family and commonwall dwellings, including apartments, triplexes, and fourplexes, with three or more dwelling units within 200 feet of Eagle Creek Rd, Hinman Rd, or a street with a major collector classification or higher classification;
- G. Cottage clusters;
- H. Family day care providers;
- I. Public parks;
- J. Residential homes;
- K. Short-term rentals;
- L. Community gardens;
- M. Home occupations as defined in EMC 16.92 that involve no customer traffic, retail sales, signs, or any other outward appearance of a business;
- N. Public transportation facilities, including streets, transit stops and stations, and bicycle and pedestrian facilities; and
- O. Pedestrian and multi-use trails, paths, and boardwalks.

SECTION 21: **ADOPTION** “16.25.030 Conditional Uses Permitted” of the Estacada Municipal Code is hereby *added* as follows:

ADOPTION

16.25.030 Accessory Uses Permitted(*Added*)

- A. Travel trailers or recreational vehicles stored unoccupied and not within required residential setbacks on a lot in combination with an approved dwelling; and
- B. Accessory dwelling units as defined in EMC 16.61.

SECTION 22: **ADOPTION** “16.25.040 Standards” of the Estacada Municipal Code is hereby *added* as follows:

ADOPTION

16.25.040 Conditional Uses Permitted(*Added*)

- A. Churches; and
- B. Fraternal organizations and other private membership clubs.

SECTION 23: **ADOPTION** “16.25.050 Standards” of the Estacada Municipal Code is hereby *added* as follows:

ADOPTION

16.25.050 Standards(*Added*)

A. Lot Size and Dimensions:

Single-family dwelling	5,000 square feet
Duplex or two-unit commonwall dwelling	3,750 square feet per dwelling unit
Multi-family or commonwall dwelling	3,000 square feet per dwelling unit plus 1,500 square feet per unit above five
Cottage clusters	3,000 square feet per cottage

B. Setbacks:

1. The front setback shall be a minimum of fifteen (15) feet, but a minimum of twenty (20) feet to any garage door or carport motor vehicle entry.
2. Except as to the common side of a commonwall dwelling, each side setback shall be a minimum of five feet; however, a dwelling with a side yard facing, second story bedroom window (having minimum dimensions of at least three feet by three feet) with a lower sill exceeding fifteen (15) feet in height must have a setback from said side property line equal to or greater than one-third of the height of that point, or be equipped with an automatic fire sprinkler system, unless otherwise approved by the City. (Height is measured from the lower window sill of the side yard facing wall to grade level directly below the center of the window at the edge of the building foundation.) If a public utility easement (PUE) exists on the side property line, the side yard setback shall be equal to the width of the PUE, if greater than the side yard setback required above.
3. The rear setback shall be a minimum of fifteen (15) feet, except:
 - a. An accessory structure not used for human habitation or for a commercial

use, and that is separated from the main building may be located within five feet of a rear property line.

b. On a corner lot, setbacks required from the rear property line shall be the same as required from Eagle Creek Rd.

4. Notwithstanding other provisions of this chapter, no minimum setback distance is required from Eagle Creek Rd.

C. Parking Requirements:

1. The number of parking spaces as required in EMC 16.76 shall apply in the NCR zone.

2. Motor vehicle parking areas fronting Eagle Creek Rd, and motor vehicle parking areas separated from Eagle Creek Rd only by landscaping and/or fencing, are prohibited.

D. Sidewalks and Driveways: Sidewalks, driveways, and service driveways shall conform to standards established by this code.

E. Building Height: Buildings shall not exceed the maximum height of thirty-five (35) feet.

F. Landscaping:

1. A minimum of five percent of the area developed with an authorized conditional use shall be landscaped. "Area developed" includes but is not limited to areas developed for off-street parking, driveways, and above-ground utility facilities.

2. In addition to the five-percent minimum landscaping requirement, authorized conditional uses adjacent to Eagle Creek Rd, Hinman Rd, or a major collector

shall have landscaping that includes trees with canopies that provide shade to pedestrians along those adjacent streets' rights-of-way.

G. Open spaces and natural resource protections:

1. Development of structures within 70 feet of the mean high water line of Currin Creek is prohibited.

2. Notwithstanding EMC 16.25.050 Subsection G, 1, the following are allowed within the required buffer area, provided they are authorized as required by relevant State of Oregon and federal authorities:

a. Trails, boardwalks, and other pedestrian and/or bicycle amenities; and

b. Culverts and public stream crossings.

3. Divisions of land that are in the NCR zone and are either crossed by, or adjacent to, Currin Creek shall include the dedication of a buffer strip along the creek that includes all areas within 70 feet of the mean high water line of the portions of the creek crossing or adjacent to the subject property.

H. Access and Circulation:

1. Vehicle access shall conform to EMC 16.116, Design Standards and Improvements.

2. Development shall conform to all of the standards for pedestrian access and circulation in EMC 16.118.020.

SECTION 24: AMENDMENT "16.26.030 Conditional Uses Permitted" of the Estacada Municipal Code is hereby *amended* as follows:

A M E N D M E N T

16.26.030 Conditional Uses Permitted

The following uses and accessory uses may be permitted in the D zone subject to EMC 16.88.020 and the review procedures in EMC 16.132.010 through EMC 16.132.050:

- A. A nonresidential use permitted as a conditional use in the R-1, R-2, or R-3 zone not permitted as an outright use listed above;
- B. Outdoor commercial amusement or recreation establishment such as miniature golf courses or drive-in theaters, but not including uses such as racetracks or automobile speedways;
- C. Cabinet or similar woodworking shops;
- D. Lumber or building materials, sales or storage; except not within one hundred (100) feet of Broadway Street;
- E. Mini-warehouse, except not within one hundred (100) feet of Broadway Street;
- F. Processing and packaging of non-explosive chemical materials and non-environmentally hazardous materials;
- G. Auto detail shop, except not within one hundred (100) feet of Broadway Street;
- H. Automobile service station, except not permitted within one hundred (100) feet of Broadway Street, and subject to EMC 16.26.040-[Subsection H](#);
- I. Drive-through facilities, including car wash, drive-up window, coffee/food kiosk, automatic teller machine, and similar uses not otherwise listed, provided such uses shall conform to EMC 16.26.040-[Subsection H](#);
- J. Radio, television and/or cellular transmission towers; and
- K. Transportation facilities that are not identified in the city's transportation system plan or active transportation plan
- L. More than two food carts on a lot of record, subject to ~~Chapter~~ [EMC 16.66](#).

(Ord. No. 2012-005, § 3, 9-10-2012; Ord. No. 2017-006, § 5, 11-13-2017; Ord. No. 2018-003, § 3(Exh. 6), 10-8-2018)

SECTION 25: **AMENDMENT** “16.26.040 Development Standards” of the Estacada Municipal Code is hereby *amended* as follows:

A M E N D M E N T

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 ~~Chapter~~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 ~~Chapter~~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)

SECTION 26: AMENDMENT “16.26.050 Downtown Design Guidelines And Standards” of the Estacada Municipal Code is hereby *amended* as follows:

A M E N D M E N T

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.65—9 is met, if a minimum of sixty-five (65) percent of the total possible points on Table 16.26.050~~1~~ are accumulated, and if one point in each category on Table 16.26.050~~1~~ 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-Subsection 7.a, 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 ~~S~~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

CRITERIA	Scores			
BUILDING LOCATION AND ORIENTATION				
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 _____				
BUILDING OPENINGS				
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 _____				
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	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 _____				
MATERIALS AND COLOR				
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 _____				
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	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 or 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(6) — (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)

SECTION 27: AMENDMENT “16.28.010 General Commercial Zone (C-1)” of the Estacada Municipal Code is hereby *amended* as follows:

AMENDMENT

16.28.010 ~~General Commercial Zone (C-1)~~ Purpose

SECTION 28: AMENDMENT “16.28.020 Uses Permitted Outright” of the Estacada Municipal Code is hereby *amended* as follows:

AMENDMENT

16.28.020 Uses Permitted Outright

The following uses and their accessory uses are permitted in a C-1 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 a C-1 zone provided all repair and storage shall occur entirely within an enclosed building or shall be located not less than one hundred (100) feet from a residential zone;
- C. Personal or business service establishments such as barber or beauty shop, laundry or dry cleaning establishment, print or copy shop or similar establishment;
- D. Professional offices or medical facilities;
- E. Hotel, motel or resort;
- F. Short-term rentals;

- G. Indoor commercial amusement or recreation establishment such as a bowling alley, theater or pool hall;
- H. Mortuary;
- I. Private museum, art gallery or similar facility;
- J. Restaurant, bar or tavern;
- K. Automobile service station, including those supplying gasoline, oil, accessories, 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;
- L. Governmental uses such as fire stations, police stations and offices of governmental agencies;
- M. Public park;
- N. Public transportation facilities including streets, transit stops and stations, and bicycle and pedestrian facilities;
- O. Assisted living facility;
- P. Residential care facility;
- Q. No more than two food carts on a lot of record, subject to ~~Chapter~~ EMC 16.66;:-
- R. Manufacturing in conjunction with retail trade establishments permitted in the C-1 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.

(Ord. 2007-6 § 4; Ord. 2000-26 § 4(1); prior code § 10.223(1); Ord. No. 2012-005, § 5, 9-10-2012; Ord. No. 2016-003, § 1(Exh. A), 5-23-2016; Ord. No. 2018-001, § 1, 6-11-2018; Ord. No. 2018-002, § 1, 8-13-2018)

SECTION 29: AMENDMENT “16.28.030 Conditional Uses Permitted” of the Estacada Municipal Code is hereby *amended* as follows:

A M E N D M E N T

16.28.030 Conditional Uses Permitted

The following uses and accessory uses may be permitted in a general commercial district subject to EMC 16.88.020 and the review procedures in EMC 16.132.010 through EMC 16.132.050:

- A. A nonresidential use permitted as a conditional use in the R-1, R-2, or R-3 zone not permitted as an outright use listed above;
- B. Outdoor commercial amusement or recreation establishment such as miniature golf courses or drive-in theaters, but not including uses such as race tracks or automobile speedways;
- C. Cabinet, furniture, shed, or similar small structure woodworking/metalworking/assembly shops;
- D. Lumber or building material sales or storage;
- E. Self-storage, mini-storage, warehousing, or similar facilities;
- F. Processing and packaging of non-explosive chemical materials, and non-environmentally hazardous materials;

- G. Car wash;
- H. Auto detail shop;
- I. RV storage or similar commercial establishment;
- J. Auto sales;
- K. Radio, television, and/or cellular transmission towers;
- L. Park and ride facilities and other public transportation facilities not otherwise listed in EMC 16.28.020- Subsection M;
- M. Marijuana retailing authorized by state law and regulated by EMC 16.65;
- N. Bulk printing, publishing, or labeling, or the production of cards, labels, packaging materials, printed signage, or related systems or products;
- O. Multi-family dwellings ~~(apartment)~~;
- P. Public or private addiction treatment facility and/or rehabilitation facility providing walk-in services, vocational training services, religious services, and/or overnight accommodation to patients staying for no more than one year, and not licensed by the Oregon Department of Human Services or providing medical care; and
- Q. Transportation facilities that are not identified in the City's Transportation System Plan or Active Transportation Plan;
- R. More than two food carts on a lot of record, subject to ~~Chapter~~EMC 16.66.

(Ord. 2007-6 § 5; Ord. 2000-26 § 4(2); prior code § 10.223(2); Ord. No. 2015-002, § 4, 4-28-2015; Ord. No. 2015-003, § 3, 4-13-2015; Ord. No. 2016-003, § 1(Exh. A), 5-23-2016; Ord. No. 2016-005, § 6, 8-22-2016; Ord. No. 2018-001, § 1, 6-11-2018; Ord. No. 2018-002, § 1, 8-13-2018; Ord. No. 2018-003, § 3(Exh. 6), 10-8-2018)

SECTION 30: AMENDMENT “16.28.035 Prohibited Uses” of the Estacada Municipal Code is hereby *amended* as follows:

A M E N D M E N T

16.28.035 Prohibited Uses

- A. Marijuana production, marijuana processing, and marijuana wholesaling are prohibited in the C-1 zone.
- B. Automobile body shops, including 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, are prohibited in the C-1 zone.

(Ord. No. 2016-005, § 7, 8-22-2016)

SECTION 31: AMENDMENT “16.28.040 Standards” of the Estacada Municipal Code is hereby *amended* as follows:

A M E N D M E N T

16.28.040 Standards

The following standards shall apply in a C-1 zone:

- A. Lot Size and Dimensions. The minimum lot size and dimensions in a C-1 zone shall be as follows:
 - 1. Minimum lot size: none.
- B. Parking Requirements. The number of parking spaces as required in EMC 16.76 shall apply in the C-1 zone.
- C. Setbacks. None required with the following exceptions:
 - 1. Side setback: ten (10) feet if abutting a residential zone;
 - 2. Rear setback: ten (10) feet if abutting a residential zone.
- D. Sidewalks. Sidewalks, driveways and service driveways shall conform to standards established by this code.
- E. Fences and Walls. A solid fence or wall of not less than six feet in height shall be required along a property line which is the district boundary with an abutting residential district.
- F. Building Height. No building shall exceed a height of forty-five (45) 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. Outdoor storage shall be screened with either a sight-obscuring fence, or a buffer strip of vegetation.
- H. Drive-through facilities. Where avoidable, a drive-through facility (including drive-up window, teller machine, vehicle queuing area, and similar facilities) shall not be placed between any street sidewalk and any primary building entrance. The driveway access(es) and vehicle queuing area(s) for a drive-through facility shall be designed to avoid parked, waiting, or backing vehicles from encroaching onto any pedestrian walkway or public right-of-way.

(Ord. 2000-26 § 4(3); prior code § 10.223(3); Ord. No. 2012-005, § 6, 9-10-2012)

SECTION 32: AMENDMENT “16.32.010 Residential Commercial Zone (C-2)”
of the Estacada Municipal Code is hereby *amended* as follows:

AMENDMENT

16.32.010 ~~Residential Commercial Zone (C-2)~~Purpose

The C-2 zone is intended for a mixture of office, retail, personal or business service, plus allowing residential uses. C-2 was created to promote the most productive capacity of property. Several areas of the city have developed into a combination of residential and commercial use zones. The purpose of this zoning district is to recognize and to continue this development pattern.

(Ord. 2000-26 § 5 (part); prior code § 10.224 (part); Ord. No. 2016-003, § 1(Exh. A), 5-23-2016)

SECTION 33: AMENDMENT “16.32.020 Uses Permitted Outright” of the Estacada Municipal Code is hereby *amended* as follows:

AMENDMENT

16.32.020 Uses Permitted Outright

The following uses and their accessory uses are permitted in a C-2 zone:

- A. Commercial establishments allowed as a use permitted outright in the C-1 zone;
- B. A single-family dwelling;
- C. Residential occupancies, provided such occupancies are clearly an accessory use and incidental to the primary commercial use;
- D. Short-term rentals;
- E. Residential homes;
- F. Manager/caretaker residences;
- G. A manufactured dwelling permitted in the R-1 zone;
- H. Public transportation facilities, including streets, transit stops and stations, and bicycle and pedestrian facilities;
- I. Accessory dwelling units as defined in EMC 16.61, though accessory dwelling units may not be made accessory to a residential occupancy that is itself accessory to a primary commercial use on the property pursuant to ~~s~~Subsection C of this section.;
- J. No more than two food carts on a lot of record, subject to ~~Chapter~~ EMC 16.66.

(Ord. 2007-6 § 6; Ord. 2003-10 § 2; Ord. 2000-26 § 5(1); prior code § 10.224(1); Ord. No. 2016-003, § 1(Exh. A), 5-23-2016; Ord. No. 2018-001, § 1, 6-11-2018)

SECTION 34: AMENDMENT “16.32.030 Conditional Uses Permitted” of the Estacada Municipal Code is hereby *amended* as follows:

AMENDMENT

16.32.030 Conditional Uses Permitted

The following uses and accessory uses may be permitted in a residential commercial district subject to EMC 16.88.020 and the review procedures in EMC 16.132.010 through EMC 16.132.050:

- A. A nonresidential use permitted as a conditional use in the C-1 zone with the exception of

marijuana retailing;

- B. Multi-family ~~dwelling~~s (~~apartments~~) and commonwall dwellings;
- C. Park and ride facilities and other public transportation facilities not otherwise listed in EMC 16.32.020: Subsection G;
- D. More than two food carts on a lot of record, subject to ~~Chapter~~EMC 16.66.

(Ord. 2007-6 § 7; Ord. 2000-26 § 5(2); prior code § 10.224(2); Ord. No. 2016-003, § 1(Exh. A), 5-23-2016; Ord. No. 2016-005, § 8, 8-22-2016)

SECTION 35: AMENDMENT “16.32.040 Standards” of the Estacada Municipal Code is hereby *amended* as follows:

A M E N D M E N T

16.32.040 Standards

The following standards shall apply in a C-2 zone:

- A. The minimum lot size shall be as follows:

Single-family dwelling	5,000 square feet
Two-family dwelling (d Duplex) or two-unit commonwall dwelling	8,000 square feet for a two-family dwelling duplex; 4,000 square feet for each lot for each commonwall dwelling unit
Multi-family dwelling with three dwelling units (triplex) or three-unit commonwall dwelling	9,000 square feet for a multi-family dwelling; 4,500 square feet for each lot for each commonwall dwelling unit
Multi-family dwelling with four dwelling units (fourplex) or four-unit commonwall dwelling	12,000 square feet for a multi-family dwelling; 6,000 square feet for each lot for each commonwall dwelling unit

Multi-family dwelling (apartment) with more than four dwelling units	15,000 square feet, plus 1,500 square feet per dwelling unit for each unit above five
Motel, hotel, or resort	1,500 square feet per guest unit

- B. Setbacks. The minimum setback requirements in the C-2 zone shall be as follows:
1. The front setback shall be a minimum of twenty (20) feet.
 2. Except as to the common side of a commonwall dwelling, each side setback shall be a minimum of five feet, but any point of a building exceeding fifteen (15) feet in height must have a setback from a side property line equal to or greater than one-third the height of that point. (Height measured from grade level adjacent to the wall which is closest to the side property line.) If a utility easement is required, a minimum of ten (10) feet will be required.
 3. The rear setback shall be a minimum of fifteen (15) feet except:
 - a. An accessory structure not used for human habitation and separated from the main building may be located to within five feet of a rear property line.
 - b. On a corner lot setbacks required from the rear property line shall be the same as required for side yards.
- C. No lot area, yard, off-street parking or loading area, or other required open space for one use shall be used as the required lot area, yard, off-street parking or loading area, or other required open spaces for another use.
- D. Parking Requirements. The number of parking spaces as required in EMC 16.76 shall apply in the C-2 zone.
- E. Sidewalks. Sidewalks, driveways and service driveways shall conform to standards established by this code.
- F. Fences and Walls. A solid fence or wall of not less than six feet in height shall be required along a property line which is the district boundary with an abutting residential district.
- G. Building Height. No building shall exceed a height of forty-five (45) feet.
- H. 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. Outdoor storage shall be screened with either a sight-obscuring fence, or a buffer strip of vegetation.

(Ord. 2000-26 § 5(3): prior code § 10.224(3))

SECTION 36: **ADOPTION** “Chapter 16.33 MILL AREA MIXED USE (MMU)” of the Estacada Municipal Code is hereby *added* as follows:

A D O P T I O N

Chapter 16.33 MILL AREA MIXED USE (MMU)(*Added*)

SECTION 37: **ADOPTION** “16.33.010 Purpose” of the Estacada Municipal

Code is hereby *added* as follows:

ADOPTION

16.33.010 Purpose(*Added*)

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.

SECTION 38: ADOPTION “16.33.020 Development Plans” of the Estacada Municipal Code is hereby *added* as follows:

ADOPTION

16.33.020 Development Plans(*Added*)

- A. Before development of properties can occur in the MMU zone, a Facilities Plan must be approved by the Planing 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. The expected uses to be developed and approximate square footage of buildings;
 - i. Any private development covenants, conditions, or restrictions that will be recorded with the property; and
 - j. 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.

D. Upon approval of an MMU zone Master Development Plan, all subsequent building and site development must comply with the approved MMU zone Master Development Plan and the applicable stands and conditions in this code. Minor alterations to an approved MMU zone Master Development Plan may be approved by the Planning Commission using the stands in this section. A minor alteration to a master plan may include

adjustments to local street and pedestrian corridor alignments, alterations to site design guidelines, changes to lot configurations, and the relocation of plaza and open space within the master plan area, provided the approved MMU zone Master Development Plan concept is not compromised.

- E. Exemptions: Properties less than 10 acres in size that are not a part of a previously approved and valid MMU zone Master Development Plan and cannot practicably be combined with surrounding properties in MMU zone may apply independently for MMU zone Master Development Plan approval in accordance with Subsection C of this section.

SECTION 39: ADOPTION “16.33.030 Building And Site Development Standards” of the Estacada Municipal Code is hereby *added* as follows:

ADOPTION

16.33.030 Building And Site Development Standards(*Added*)

- A. In addition to the required Master Development Plan approval by the City Council, the development of individual buildings, and related areas within the Master Development Plan area shall comply with the following standards, as assessed from development plans and approved by the City prior to the issuance of any required development permits, with such determination by the City appealable to the Planning Commission:
1. Building Design: Buildings and structures shall have architectural elements and features which are in scale with each other. The colors and exterior material of buildings within the Master Development Plan shall be compatible. Buildings housing retail uses shall provide ample window area oriented toward pedestrian walkways or plazas.
 2. Landscaping and Open Space: The design and development of landscaping and open space shall:
 - a. Emphasize the use of trees, shrubs, and other plants native to the Estacada area;
 - b. Include street trees and parking area trees which are in scale with the development;
 - c. Provide a cohesive open space and pedestrian network within the development, with appropriate connections to surrounding properties and uses;
 - d. Provide pleasing transitions between uses, soften and buffer utility and lading areas, and provide pleasing textures and variety particularly next to buildings, along walkways, and within pedestrian plazas; and
 - e. Include open spaces and plazas which are in scale with the development and invite activity appropriate to adjoining uses.
 3. Refuse Collection and Recycling: Refuse collection and recycling areas for businesses shall be enclosed with a fence, wall, or structure high enough to screen all collection bins.

4. Outside mechanical equipment: Industrial or commercial heating, ventilation, air conditioning, or other mechanical equipment on rooftops or on the ground shall be screened with a material that is visually compatible with the building.
5. Industrial Air Emissions: There shall be no emission of odorous, toxic, noxious matter, or dust in such quantities from industrial operations as to produce a public nuisance or hazard.

B. Utility services, including water, sewer, electrical, telephone, and cable lines, shall be installed underground.

C. Lot Size and Dimensions:

Single-family dwelling	4,000 square feet
Duplex, cottage cluster, or two-unit commonwall dwelling	3,000 square feet per dwelling unit
Multi-family or commonwall dwelling	3,000 square feet per dwelling unit plus 1,500 square feet per unit above five

D. Setbacks:

1. The front setback shall be a minimum of fifteen (15) feet, but a minimum of twenty (20) feet to any garage door or carport motor vehicle entry.
2. Except as to the common side of a commonwall dwelling, each side setback shall be a minimum of five feet; however, a dwelling with a side yard facing, second story bedroom window (having minimum dimensions of at least three feet by three feet) with a lower sill exceeding fifteen (15) feet in height must have a setback from said side property line equal to or greater than one-third of the height of that point, or be equipped with an automatic fire sprinkler system, unless otherwise approved by the City. (Height is measured from the lower window sill of the side yard facing wall to grade level directly below the center of the window at the edge of the building foundation.) If a public utility easement (PUE) exists on the side property line, the side yard setback shall be equal to the width of the PUE, if greater than the side yard setback required above.
3. The rear setback shall be a minimum of fifteen (15) feet, except:
 - a. An accessory structure not used for human habitation or for a commercial use, and that is separated from the main building may be located to within five feet of a rear property line.
 - b. On a corner lot, setbacks required from the rear property line shall be the same as required for side yards.
4. Notwithstanding other provisions of this chapter, no minimum setback distance is required from Eagle Creek Rd.

E. Parking Requirements:

1. The number of parking spaces as required in EMC 16.76 shall apply in the MMU zone.
2. Motor vehicle parking areas fronting Eagle Creek Rd, and motor vehicle parking areas separated from Eagle Creek Rd only by landscaping and/or fencing, are prohibited.

F. Sidewalks and Driveways: Sidewalks, driveways, and service driveways shall conform to

standards established by this code.

G. Building Height: Buildings shall not exceed the maximum height of sixty-five (65) feet.

H. Landscaping:

1. 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.
2. Development adjacent to Eagle Creek Rd shall have landscaping that includes trees with canopies that provide shade to pedestrians along the Eagle Creek Rd right-of-way.

I. Access and Circulation:

1. Vehicle access shall conform to EMC 16.116, Design Standards and Improvements.
2. Development shall conform to all of the standards for pedestrian access and circulation in EMC 16.118.020.

SECTION 40: **ADOPTION** “16.33.040 Daylighting Of Wade Creek” of the Estacada Municipal Code is hereby *added* as follows:

A D O P T I O N

16.33.040 Daylighting Of Wade Creek(*Added*)

All portions of Wade Creek that cross or are adjacent to master-planned area shall be daylit concurrent with initial development of the planned area.

SECTION 41: **ADOPTION** “16.33.050 Land Divisions” of the Estacada Municipal Code is hereby *added* as follows:

A D O P T I O N

16.33.050 Land Divisions(*Added*)

- A. In the MMU zone, only areas with an approved master plan may be divided.
- B. Land divisions shall be consistent and approved in accordance with the requirements of EMC 16.104, 16.108, 16.112, 16.116, 16.118, and 16.120, and shall be consistent with the approved master plan.

SECTION 42: **ADOPTION** “16.33.060 Permitted Uses” of the Estacada Municipal Code is hereby *added* as follows:

ADOPTION

16.33.060 Permitted Uses(*Added*)

- A. Uses permitted outright in the CMU zone;
- B. Single-family dwellings within 250 feet of the R-1, R-2, or R-3 zones;
- C. Schools;
- D. Governmental uses;
- E. Outdoor farmers' markets;
- F. Restaurants, cafes, bars, taverns, bakeries, and similar on-site eating/drinking establishments;
- G. Breweries and distilleries providing on-site retail sales of beverages brewed or distilled on-site;
- H. Hotels, motels, and resorts;
- I. Art galleries;
- J. Short-term rentals, subject to EMC 16.62;
- K. Public-use parking facilities;
- L. Publicly-accessible parks, plazas, and pedestrian/multi-use paths, trails, and bridges; and
- M. Public transportation facilities, including streets, transit stops and stations, park and ride facilities, and bicycle and pedestrian facilities.

SECTION 43: **ADOPTION** “16.33.070 Accessory Uses” of the Estacada Municipal Code is hereby *added* as follows:

ADOPTION

16.33.070 Accessory Uses(*Added*)

- A. Property management offices of any square footage, provided they are accessory to a multi-family dwelling;
- B. Swimming pools on the same lot of record as a primary use.

SECTION 44: **ADOPTION** “16.33.080 Conditional Uses” of the Estacada Municipal Code is hereby *added* as follows:

ADOPTION

16.33.080 Conditional Uses(*Added*)

- A. Fully enclosed industrial uses not otherwise listed.

SECTION 45: **ADOPTION** “16.33.090 Prohibited Uses” of the Estacada

Municipal Code is hereby *added* as follows:

ADOPTION

16.33.090 Prohibited Uses(*Added*)

- A. Unenclosed industrial uses;
- B. Single-family dwellings not within 250 feet of the R-1, R-2, or R-3 zones;
- C. Marijuana retailing;
- D. Outdoor storage, unless associated with an approved farmers' market, conducted by a public agency, or supportive of and incidental to a retail use permitted outright;
- E. Commercial indoor storage facilities;
- F. Commercial services involving vehicle maintenance, servicing, or repair; and
- G. Drive-thru commercial uses.

SECTION 46: **ADOPTION** “Chapter 16.34 RIVERFRONT COMMERCIAL (R-C)” of the Estacada Municipal Code is hereby *added* as follows:

ADOPTION

Chapter 16.34 RIVERFRONT COMMERCIAL (R-C)(*Added*)

SECTION 47: **ADOPTION** “16.34.010 Purpose” of the Estacada Municipal Code is hereby *added* as follows:

ADOPTION

16.34.010 Purpose(*Added*)

The R-C zone implements the Riverfront Commercial Comprehensive Plan policies. It is intended to promote local tourism and history, outdoor recreation, and the use of adjacent park facilities, the Clackamas River, and connecting multi-use paths with a variety of commercial uses that attract local and out-of-town customers while enhancing the area's natural aesthetics and protecting adjacent open spaces.

SECTION 48: **ADOPTION** “16.34.020 Uses Permitted Outright” of the Estacada Municipal Code is hereby *added* as follows:

ADOPTION

16.34.020 Uses Permitted Outright(*Added*)

- A. Sales and rentals of outdoor recreation equipment, such as kayaks and bicycles, and of hunting, horse-riding, and fishing supplies;
- B. Restaurants, cafes, bars, taverns, bakeries, and similar on-site eating/drinking establishments;
- C. No more than two mobile vending units on a lot of record, subject to EMC 16.66;
- D. Guiding services;
- E. Visitor centers and tourist information services;
- F. Hotels, motels, and resorts;
- G. Governmental uses;
- H. Public institutions of higher learning;
 - I. Art galleries;
 - J. Museums;
- K. Swimming pools;
- L. Short-term rentals;
- M. Public-use parking facilities;
- N. Publicly-accessible parks, plazas, and pedestrian/multi-use paths, trails, and bridges;
- O. Public transportation facilities, including streets, transit stops and stations, park and ride facilities, and bicycle and pedestrian facilities;
- P. Legally-established industrial uses existing on December 1, 2019; and
- Q. Alterations to legally-established industrial uses existing on December 1, 2019, on the same lot of record, provided the existing industrial use to be altered has not discontinued for 12 consecutive months since December 1, 2019.

SECTION 49: **ADOPTION** “16.34.030 Accessory Uses” of the Estacada Municipal Code is hereby *added* as follows:

ADOPTION

16.34.030 Accessory Uses(*Added*)

- A. Event spaces and meeting facilities accessory and subordinate to a use permitted outright;
- B. Indoor and outdoor storage of goods retailed on-site by a commercial retail use permitted outright;
- C. Indoor and outdoor storage conducted by a public agency; and
- D. Electric vehicle charging stations.

SECTION 50: **ADOPTION** “16.34.040 Conditional Uses” of the Estacada Municipal Code is hereby *added* as follows:

ADOPTION

16.34.040 Conditional Uses(*Added*)

- A. Drive-thru restaurants, cafes, bakeries, and similar establishments that include an on-site outdoor seating area for their customers;
- B. Breweries and distilleries providing on-site retail sales of beverage brewed or distilled on-site;
- C. Community centers;
- D. Multi-family dwellings, provided the ground floor includes a commercial use permitted outright;
- E. Event spaces and meeting facilities not accessory to a use permitted outright; and
- F. More than two food arts on a lot of record, subject to EMC 16.66.

SECTION 51: **ADOPTION** “16.34.050 Prohibited Uses” of the Estacada Municipal Code is hereby *added* as follows:

ADOPTION

16.34.050 Prohibited Uses(*Added*)

- A. Industrial uses - including manufacturing, wholesaling, marijuana production, and marijuana processing - unless otherwise listed;
- B. Marijuana retailing;
- C. Indoor storage facilities not operated by a public agency or supportive of and incidental to an enclosed retail use permitted outright;
- D. Outdoor storage not conducted by a public agency or supportive of and incidental to an on-site enclosed retail use permitted outright; and
- E. Chain-link fencing, chain-link fencing with slats, electric fencing, and fences, walls, or similar barriers with barbed wire, razor wire, concertina coils, anti-climb spikes, or any other similar security feature designed to discourage ingress through the potential of causing bodily harm.

SECTION 52: **ADOPTION** “16.34.060 Standards” of the Estacada Municipal Code is hereby *added* as follows:

ADOPTION

16.34.060 Standards(*Added*)

- A. Setbacks: None.
- B. Parking Requirements: The number of parking spaces as required in EMC 16.76 shall

apply in the R-C Zone, except that a use may transfer its required off-street motor vehicle parking spaces to a public-use parking facility located in the R-C Zone, provided the use is connected to the public-use parking facility by way of a sidewalk or other pedestrian walkway.

- C. Sidewalks and Driveways: Sidewalks, driveways, and service driveways shall conform to standards established by this code.
- D. Connection to Parks, Trails, and Natural Areas: Development shall include ADA-accessible pedestrian and/or paved bicycle access facilities, such as a pedestrian walkway or multi-use path that allows for their connection to the Lake Shore Trail, Timber Park, Milo McIver State Park, and/or the Clackamas River, consistent with the design guidelines of the Active Transportation Plan.
- E. Building Height: Buildings shall not exceed the maximum height of sixty-five (65) feet.
- F. Landscaping:
 - 1. 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.
 - 2. Any development, including parking areas, that can be seen from Hwy 224 shall have maintained landscaping between the development and the highway that includes trees, shrubs, and/or boulders.
- G. Access and Circulation:
 - 1. Vehicle access shall conform to EMC 16.116, Design Standards and Improvements.
 - 2. Driveway access(es) and vehicle queuing area(s) for a drive-thru 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.
 - 3. Development shall conform to all of the standards for pedestrian access and circulation in EMC 16.118.020.
- H. Signs:
 - 1. Signs shall comply with the requirements of EMC 16.72 and, if visible from Hwy 224, shall be approved by ODOT;
 - 2. Billboards, flashing signs, and pole signs, as defined in EMC 16.72.020, are prohibited.

SECTION 53: **ADOPTION** “Chapter 16.35 HIGHWAY COMMERCIAL (H-C)” of the Estacada Municipal Code is hereby *added* as follows:

A D O P T I O N

Chapter 16.35 HIGHWAY COMMERCIAL (H-C)(*Added*)

SECTION 54: **ADOPTION** “16.35.010 Purpose” of the Estacada Municipal Code is hereby *added* as follows:

ADOPTION

16.35.010 Purpose(*Added*)

The H-C zone implements the Highway Commercial Comprehensive Plan policies. It is intended to provide for large-footprint and vehicle-oriented commercial uses that are not appropriate for Downtown or other commercial areas, while ensuring that new development ~~has~~ is appropriately screened and restricting residential uses, industrial uses, and excessive signage.

SECTION 55: **ADOPTION** “16.35.020 Uses Permitted Outright” of the Estacada Municipal Code is hereby *added* as follows:

ADOPTION

16.35.020 Uses Permitted Outright(*Added*)

- A. Retail stores and shops, including food stores, drug stores, apparel stores, furniture stores, and similar establishments;
- B. Automobile services stations, including fueling stations, oil-change services, and similar establishments;
- C. Hotels, motels, and resorts;
- D. Retail or wholesale nurseries;
- E. Uses authorized by a conditional use permit approved prior to November 1, 2019, if such uses are established before January 1, 2024 and subject to the development conditions of the respective permit; and
- F. Pedestrian and multi-use trails, paths, and boardwalks.

SECTION 56: **ADOPTION** “16.35.030 Conditional Uses” of the Estacada Municipal Code is hereby *added* as follows:

ADOPTION

16.35.030 Conditional Uses(*Added*)

- A. Drive-thru commercial uses;
- B. A single building occupied by more than two businesses, provided:
 - 1. Each business in the building has its own storefront accessed from the outside from an off-street parking area that is shared by the building's other businesses;
 - 2. The Planning Commission determines that the building design is visually appealing from Hwy 224 and that its design is consistent with the policies for the H-C designation in the Comprehensive Plan; and

3. The building incorporates all of the following elements:
 - a. Recessed, projected, or alternately staggered storefront facades;
 - b. Variable heights on front elevation;
 - c. Pedestrian amenities such as benches, trees, or bicycle parking;
 - d. Awnings or canopies of City-approved color and material;
 - e. 50% transparent elements on each ground-floor storefront facade; and
 - f. Primary building colors or building materials differentiating component storefronts; and
- C. Self-storage, mini-storage, and similar facilities, provided:
 1. The Planning Commission determines that each building associated with the storage use is visually appealing from Hwy 224 and that their designs are consistent with the policies for the H-C designation in the Comprehensive Plan;
 2. Buildings with a storage use on the ground-floor shall incorporate at least four (4) of the following elements:
 - a. Pitched roofs;
 - b. Pedestrian overhangs;
 - c. City-approved murals;
 - d. Brick or stone facing; and
 - e. Recessed, projected, or alternately staggered facade features; and
 3. Buildings with a storage use above the ground-floor of a separate commercial use that incorporates all of the elements listed in EMC 16.35.030(B)(3) may be approved by the Planning Commission only if the building's upper stories include exterior windows and no fewer than three (3) of the following elements:
 - a. Pitched roofs;
 - b. Pedestrian overhangs;
 - c. City-approved murals;
 - d. Brick or stone facing;
 - e. Recessed, projected, or alternately staggered facade features; and
- D. Marijuana retailing authorized by state law and regulated by EMC 16.65.

SECTION 57: ADOPTION “16.35.040 Prohibited Uses” of the Estacada Municipal Code is hereby *added* as follows:

ADOPTION

16.35.040 Prohibited Uses(*Added*)

- A. Industrial uses;
- B. Commercial indoor storage facilities;
- C. Outdoor storage, unless associated with and incidental to a permitted indoor use on the same property;
- D. Dwellings;
- E. Short-term rentals;
- F. Discount stores as defined in EMC 16.08.010 and as follows: 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 that continuously offers a majority of the items in their inventory for sale at a price less than ten dollars (\$10.00) per item.

SECTION 58: **ADOPTION** “16.35.050 Standards” of the Estacada Municipal Code is hereby *added* as follows:

ADOPTION

16.35.050 Standards(*Added*)

- A. Lot Size and Dimensions: No minimum.
- B. Setbacks: None required, with the following exceptions:
 - 1. Side setback: ten (10) feet for sides abutting the CMU, OC, or NCR Zones;
 - 2. Rear setback: ten (10) feet if rear abuts the CMU, OC, or NCR Zones.
- C. Parking Requirements: The number of parking spaces as required in EMC 16.76 shall apply in the H-C zone.
- D. Sidewalks and Driveways: Sidewalks, driveways, and service driveways shall conform to standards established by this code.
- E. Building Height: Buildings shall not exceed the maximum height of forty-five (45) feet.
- F. Landscaping:
 - 1. 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.
 - 2. All parking areas shall be screened from view from Hwy 224 by trees, hedges, and/or other living natural elements.
- G. Access and Circulation:
 - 1. Vehicle access shall conform to EMC 16.116, Design Standards and Improvements;
 - 2. Any new intersection with Hwy 224 shall be approved by ODOT;
 - 3. Development shall conform to all of the standards for pedestrian access and circulation in EMC 16.118.020.
- H. Signs:
 - 1. Signs shall comply with the requirements of EMC 16.72 and, if visible from Hwy 224, shall be approved by ODOT;
 - 2. Development complexes consisting of multiple uses on the same lot shall share any allowed freestanding signs;
 - 3. Billboards, flashing signs, and pole signs, as defined in EMC 16.72.020, are prohibited;
 - 4. Permitted freestanding signs shall be located at the entrance of a development and/or at the interior of the property.

SECTION 59: **ADOPTION** “Chapter 16.37 CENTRAL MIXED-USE (CMU)” of the Estacada Municipal Code is hereby *added* as follows:

ADOPTION

Chapter 16.37 CENTRAL MIXED-USE (CMU)(*Added*)

SECTION 60: **ADOPTION** “16.37.010 Purpose” of the Estacada Municipal Code is hereby *added* as follows:

ADOPTION

16.37.010 Purpose(*Added*)

The CMU zone implements the Central Mixed-Use Comprehensive Plan policies. It is intended to establish small-footprint commercial uses, intermixed with denser residential uses, that cater primarily to customers in nearby residential areas and that do not detract from Downtown, while developing Eagle Creek Rd as a tree-lined, pedestrian and bicycle-friendly corridor.

SECTION 61: **ADOPTION** “16.37.020 Uses Permitted Outright” of the Estacada Municipal Code is hereby *added* as follows:

ADOPTION

16.37.020 Uses Permitted Outright(*Added*)

- A. Outpatient clinics and offices for healthcare services, such as acupuncture, chiropractic, counseling, dental, massage therapy, medical, naturopathic, optometric, physical therapy, psychiatric, occupational therapy, and speech therapy;
- B. Personal service establishments, including barber and beauty shops, hair salons, nail salons, and similar establishments;
- C. Health and fitness clubs;
- D. Dry cleaners and laundries;
- E. Banks and credit unions;
- F. Licensed day care facilities;
- G. Assisted living facilities;
- H. Residential care facilities;
- I. Restaurants, cafes, bakeries, and similar on-site eating/drinking establishments in a leased or owned building space of no more than 1,500 square feet, but with accessory outdoor seating areas not subject to any square footage limitation;

- J. Professional offices not associated with an outright permitted use in a leased or owned building space of no more than 1,500 square feet;
- K. Public parks;
- L. Pedestrian and multi-use trails, paths, and boardwalks;
- M. Pools;
- N. Community gardens;
- O. Public transportation facilities, including streets, transit stops and stations, park and ride facilities, and bicycle and pedestrian facilities;
- P. Short-term rentals, subject to EMC 16.62;
- Q. Duplexes;
- R. Multi-family dwellings;
- S. Cottage clusters;
- T. Single-family dwellings legally existing and assessed as dwellings on December 1, 2019;
- U. Alterations to the legally-established single-family dwellings described in EMC 16.37.020 Subsection T, as well as the replacement of such dwellings, provided the dwelling to be replaced has remained a dwelling on the subject property, with intact walls and roof structure, indoor plumbing connected to a sanitary waste disposal system, interior wiring for interior lights, and a heating system, with out a gap of 12 consecutive months since December 1, 2019; and
- V. Transportation facilities providing access to the H-C or MMU zones.

SECTION 62: **ADOPTION** “16.37.030 Accessory Uses” of the Estacada Municipal Code is hereby *added* as follows:

ADOPTION

16.37.030 Accessory Uses(*Added*)

- A. Property management offices of any square footage, provided they are accessory to a multi-family dwelling.
- B. Accessory dwelling units, as defined in EMC 16.61.

SECTION 63: **ADOPTION** “16.37.040 Conditional Uses” of the Estacada Municipal Code is hereby *added* as follows:

ADOPTION

16.37.040 Conditional Uses(*Added*)

- A. Restaurants, cafes, bakeries, and similar on-site eating/drinking establishments in a leased or owned building space greater than 1,500 square feet;
- B. Professional offices in a leased or owned building space greater than 1,500 square feet;

- C. Outdoor farmers' markets;
- D. Drive-thru commercial uses; and
- E. Food carts, subject to EMC 16.66.

SECTION 64: **ADOPTION** “16.37.050 Prohibited Uses” of the Estacada Municipal Code is hereby *added* as follows:

A D O P T I O N

16.37.050 Prohibited Uses(*Added*)

- A. Industrial uses;
- B. Outdoor storage, unless associated with an approved farmers' market;
- C. Commercial indoor storage facilities;
- D. Commercial services involving vehicle maintenance, servicing, or repair; and
- E. Drive-thru commercial uses.

SECTION 65: **ADOPTION** “16.37.060 Standards” of the Estacada Municipal Code is hereby *added* as follows:

A D O P T I O N

16.37.060 Standards(*Added*)

A. Lot Size and Dimensions:

Single-family dwelling	4,000 square feet
Duplex or cottage cluster	3,000 square feet per dwelling unit
Multi-family or commonwall dwelling	3,000 square feet per dwelling unit plus 1,500 square feet per unit above five

B. Setbacks:

1. The front setback shall be a minimum of fifteen (15) feet, but a minimum of twenty (20) feet to any garage door or carport motor vehicle entry.
2. Except as to the common side of a commonwall dwelling, each side setback shall be a minimum of five feet; however, a dwelling with a side yard facing, second story bedroom window (having minimum dimensions of at least three feet by three feet) with a lower sill exceeding fifteen (15) feet in height must have a setback from said side property line equal to or greater than one-third of the height of that point, or be equipped with an automatic fire sprinkler system unless otherwise approved by the City. (Height is measured from the lower window sill of the side yard facing wall to grade level directly below the center of the window at the edge

of the building foundation.) If a public utility easement (PUE) exists on the side property line, the side yard setback shall be equal to the width of the PUE, if greater than the side yard setback required above.

3. The rear setback shall be a minimum of fifteen (15) feet, except:
 - a. An accessory structure not used for human habitation or for a commercial use, and that is separated from the main building may be located to within five feet of a rear property line.
 - b. On a corner lot, setbacks required from the rear property line shall be the same as required for side yards.
4. Notwithstanding other provisions of this chapter, no minimum setback distance is required from Eagle Creek Rd.

C. Parking Requirements:

1. The number of parking spaces as required in EMC 16.76 shall apply in the CMU zone.
2. Motor vehicle parking areas serving commercial uses fronting Eagle Creek Rd, and motor vehicle parking areas separated from those streets only by landscaping and/or fencing, are prohibited.

D. Sidewalks and Driveways: Sidewalks, driveways, and service driveways shall conform to standards established by this code.

E. Building Height: Buildings shall not exceed the maximum height of sixty-five (65) feet.

F. Landscaping:

1. A minimum of five percent of the area developed with non-residential uses, which includes but is not limited to areas developed for off-street parking, driveways, and above-ground utility facilities, shall be landscaped.
2. Development adjacent to Eagle Creek Rd or the extension of River Mill Rd connecting to NE Currin Creek Dr planned for in the City's Transportation System Plan shall have landscaping that includes trees with canopies that provide shade to pedestrians along those streets' adjacent rights-of-way.

G. Access and Circulation:

1. Vehicle access shall conform to EMC 16.116, Design Standards and Improvements.
2. Development shall conform to all of the standards for pedestrian access and circulation in EMC 16.118.020.

SECTION 66: **ADOPTION** “Chapter 16.38 OUTDOOR COMMERCIAL (O-C)” of the Estacada Municipal Code is hereby *added* as follows:

ADOPTION

Chapter 16.38 OUTDOOR COMMERCIAL (O-C)(*Added*)

SECTION 67: **ADOPTION** “16.38.010 Purpose” of the Estacada Municipal Code is hereby *added* as follows:

ADOPTION

16.38.010 Purpose(*Added*)

The O-C zone implements the Outdoor Commercial Comprehensive Plan policies. It is intended to preserve and enhance the area's natural aesthetic and establish commercial and public uses that attract local and out-of-town visitors, while protecting natural wetlands and adjacent residential land uses and ensuring that the area's commercial uses do not detract from Downtown.

SECTION 68: **ADOPTION** “16.38.020 Uses Permitted Outright” of the Estacada Municipal Code is hereby *added* as follows:

ADOPTION

16.38.020 Uses Permitted Outright(*Added*)

A. Pedestrian and multi-use trails, paths, and boardwalks.

SECTION 69: **ADOPTION** “16.38.030 Accessory Uses” of the Estacada Municipal Code is hereby *added* as follows:

ADOPTION

16.38.030 Accessory Uses(*Added*)

- A. Laundry facilities, arcades, recreation rooms, swimming pools, meeting spaces, and similar uses accessory to a campground approved as a conditional use according to Section 16.38.040(A), provided the accessory uses predominantly serve the campers at the campground;
- B. Commercial retail uses that are accessory and incidental to campgrounds, cabins, yurts, and similar rented structures approved as conditional uses according to Section 16.3.040(A); and
- C. One caretaker's residence accessory to a campground approved as a conditional use according to Section 16.38.040(A) on the same lot of record.

SECTION 70: **ADOPTION** “16.38.040 Conditional Uses” of the Estacada Municipal Code is hereby *added* as follows:

ADOPTION

16.38.040 Conditional Uses(*Added*)

- A. Campgrounds, including RV campgrounds, as well as cabins, yurts, and similar structures that are rented to the same person(s) for no more than 21 consecutive days and for no more than 30 days in a calendar year, with a minimum of 10 separately-rentable units (e.g., campground spaces, RV spaces, cabins, yurts); and
- B. Commercial storage of recreational vehicles when such storage is entirely screened from view by natural elements (e.g., trees, shrubs) from all public rights-of-way and adjacent residential areas.

SECTION 71: **ADOPTION** “16.38.050 Prohibited Uses” of the Estacada Municipal Code is hereby *added* as follows:

ADOPTION

16.38.050 Prohibited Uses(*Added*)

- A. Industrial uses;
- B. Dwellings; and
- C. Chain-link fencing, chain-link fencing with slats, electric fencing, and fences, walls, or similar barriers with barbed wire, razor wire, concertina coils, anti-climb spikes, or any other similar security feature designed to discourage ingress through the potential of causing bodily harm.

SECTION 72: **ADOPTION** “16.38.060 Standards” of the Estacada Municipal Code is hereby *added* as follows:

ADOPTION

16.38.060 Standards(*Added*)

- A. Lot Size and Dimensions: No minimum.
- B. Setbacks: None required, with the following exceptions:
 - 1. Side setback: ten (10) feet if abutting the H-C or NCR zones;
 - 2. Rear setback: ten (10) feet if abutting the H-C or NCR zones.

- C. Parking Requirements: The number of parking spaces as required in EMC16.76 shall apply in the O-C zone.
- D. Sidewalks and Driveways: Sidewalks, driveways, and service driveways shall conform to standards established by this code.
- E. Landscaping:
 - 1. 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.
 - 2. All commercial uses and parking areas shall be at least partially screened from view from Hwy 224 by existing trees, native vegetation, boulders, and/or wood elements with a natural color. Commercial storage of recreational vehicles shall be entirely screened, as required by EMC 16.38.040 Subsection B.
- F. Access and Circulation:
 - 1. Vehicle access shall conform to EMC 16.116, Design Standards and Improvements;
 - 2. Any new intersection with Hwy 224 shall be approved by ODOT;
 - 3. Development shall conform to all of the standards for pedestrian access and circulation in EMC 16.118.020.
- G. Signs:
 - 1. Signs shall comply with the requirements of EMC 16.72 and, if visible from Hwy 224, shall be approved by ODOT;
 - 2. Billboards, flashing signs, and pole signs, as defined in EMC 16.72.020, are prohibited.

SECTION 73: AMENDMENT “Chapter 16.36 LIGHT INDUSTRIAL (M-1)” of the Estacada Municipal Code is hereby *amended* as follows:

A M E N D M E N T

Chapter 16.~~36~~39 ~~LIGHT INDUSTRIAL~~ Light Industrial (M-1)

SECTION 74: AMENDMENT “16.36.010 Light Industrial Zone (M-1)” of the Estacada Municipal Code is hereby *amended* as follows:

A M E N D M E N T

16.~~36~~39.010 ~~Light Industrial Zone (M-1)~~Purpose

The M-1 zone is intended for the expansion of light industrial uses. It p~~P~~ermits wholly enclosed light industrial uses and commercial uses which are compatible to the surrounding area. subject to conditions.

(Ord. 2000-26 § 6 (part); prior code § 10.225 (part))

SECTION 75: AMENDMENT “16.36.020 Uses Permitted Outright” of the Estacada Municipal Code is hereby *amended* as follows:

AMENDMENT

16.~~36~~39.020 Uses Permitted Outright

The following uses and their accessory uses are permitted in an M-1 zone:

- A. Light industry: the manufacturing, processing, compounding, packaging or assembling of products in a wholly enclosed permitted structure, the process of which does not require ~~or create that permits be issued by the Oregon State Department of Environmental Quality for the associated~~ emissions, ~~or discharges, other than normal sanitary sewage wastes or the~~ storage of materials ~~which require permits be issued by the Oregon State Department of Environmental Quality~~;
- B. A ~~wholly enclosed~~ use wholly enclosed in a permitted structure involving manufacture, research, repair, assembly, processing, fabricating, packing, distribution, warehousing, wholesaling or storage; provided that the use does not create a public nuisance or an unreasonable hazard to health or property because of excessive noise, smoke, odor or dust, or because it constitutes a fire, explosion or other physical hazard;
- C. Agricultural use of land;
- D. Forestry, including the management, production and harvesting of forest products and of related natural resources in forest areas;
- E. Owner/manager residence subject to EMC 16.60.030 Subsection: D;
- F. Public facilities: government uses, offices of governmental agencies and PUD substations;
- G. Public transportation facilities including streets, transit stops and stations, and bicycle and pedestrian facilities;
- H. Marijuana production, marijuana processing, and marijuana wholesaling regulated by EMC 16.65;
- I. Industrial trade schools;
- J. Data centers;
- K. Auto body shop;
- L. Facilities, including office and enclosed storage and work spaces, for construction, maintenance, cleaning, welding, landscaping, decking, and building systems (e.g. plumbing and electrical) service providers and contractors where customers are not regularly visiting in-person; ~~and~~;
- M. No more than two food carts on a lot of record, subject to ~~Chapter~~ EMC 16.66.

(Ord. 2007-6 § 8; Ord. 2000-26 § 6(1); prior code § 10.225(1); Ord. No. 2016-005, § 10, 8-22-2016; Ord. No. 2018-002, § 1, 8-13-2018)

SECTION 76:**AMENDMENT** “16.36.025 Accessory Uses” of the Estacada Municipal Code is hereby *amended* as follows:

A M E N D M E N T

16.~~36~~39.025 Accessory Uses

The following are allowed as accessory uses in the Light Industrial zone:

- A. Employee lounges, indoor recreation areas and facilities and cafeterias catering to employees of the primary industrial use~~;~~;
- B. Indoor areas for display and sale of products manufactured by the same business occupying the building, provided that the floor area of such display area constitutes no more than fifteen (15) percent of the floor area of the industrial use~~;~~;
- C. Indoor areas for display and wholesale sales of products warehoused or distributed by the same business entity operating the primary industrial use on the site, provided that the floor area of such display area constitutes no more than five percent of the floor area of the industrial use~~;~~ and
- D. On lots of record no larger than five acres, temporary outdoor storage of goods produced, manufactured, or repaired on the subject lot of record or on an adjacent lot of record, provided the outdoor storage is entirely screened, with permanent vegetation at least six feet in height, walls, and/or fencing that does not include slatted chain link fencing, from view from public rights-of-way and areas zoned Open Space (O-S).

(Ord. No. 2011-004, § 1, 1-9-2012)

SECTION 77:**AMENDMENT** “16.36.030 Conditional Uses Permitted” of the Estacada Municipal Code is hereby *amended* as follows:

A M E N D M E N T

16.~~36~~39.030 Conditional Uses Permitted

The following uses and accessory uses may be permitted in a light industrial zone subject to EMC 16.88.020 and the review procedures in EMC 16.132.010 through EMC 16.132.050:

- A. Unenclosed light industrial uses~~;~~;
- B. Commercial uses in conjunction with light industrial uses; except in the Northwest Industrial Sanctuary as defined in EMC 16.369.040 Subsection -G and shown on Map 16-1~~;~~;
- C. Accessory uses that exceed the standards identified in EMC 16.369.025~~;~~ Subsection B or EMC 16.369.025~~;~~ Subsection C~~;~~;
- D. Heavy industrial uses identified under EMC 16.40. 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:

- E. Radio, television and/or cellular transmission towers;-
- F. Other commercial use which meet the following requirements:
 - 1. The proposed use will not attract traffic which would substantially conflict with industrial traffic or have a substantial adverse effect on other neighboring uses and has adequate access to the highway.
 - 2. The development standards applicable to permitted uses in this zoning district shall apply to conditional uses, except as provided below:
 - a. All on-site lighting shall be designed, located or deflected so as not to shine into off-site structures or impair driving vision.
 - b. All developments shall be subject to site plan review.
 - c. Off-street parking shall be provided as required by EMC 16.76.
 - 3. The following additional standards shall apply in the Northwest Industrial Sanctuary as defined in EMC 16.369.040:Subsection G and shown on Map 16-1:
 - a. The total floor area within an individual building occupied by the commercial use shall not exceed fifteen (15) percent of the total floor area occupied by a primary industrial use.
Formula: $.15 \times \text{industrial floor area} = \text{commercial floor area}$.
- G. Park and ride facilities and other public transportation facilities not otherwise listed in EMC 16.369.020:Subsection G;-
- H. Transportation facilities that are not identified in the City's Transportation System Plan or Active Transportation Plan;-
- I. More than two food carts on a lot of record, subject to ~~Chapter EMC~~ 16.66;-
- J. Auto wrecking yards or junkyards; and
- K. Extraction and processing of rock, sand, gravel or earth projects or batch plants.

(Ord. 2007-6 § 9; Ord. 2000-26 § 6(2); prior code § 10.225(2); Ord. No. 2011-004, § 2, 1-9-2012; Ord. No. 2018-003, § 3(Exh. 6), 10-8-2018)

SECTION 78: AMENDMENT “16.36.035 Prohibited Uses” of the Estacada Municipal Code is hereby *amended* as follows:

A M E N D M E N T

16.~~36~~39.035 Prohibited Uses

The following uses are prohibited in the Light Industrial zone:

- A. Uses of structures or land not specifically permitted;
- B. Commercial uses in the Northwest Industrial Sanctuary as defined in EMC 16.369.040:Subsection G except as provided for in EMC 16.369.025 and EMC 16.369.030:Subsection E; and
- C. Marijuana retailing.

(Ord. No. 2011-004, § 3, 1-9-2012; Ord. No. 2016-005, § 11, 8-22-2016)

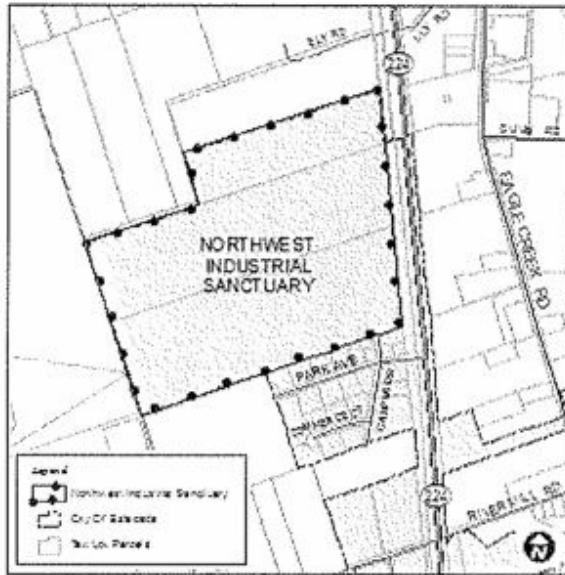
SECTION 79: AMENDMENT “16.36.040 Standards” of the Estacada Municipal Code is hereby *amended* as follows:

A M E N D M E N T

16.~~36~~39.040 Standards

- A. Yards. All yards abutting a lot in a residential zone shall be a minimum of twenty (20) feet.
- B. Parking Requirements. The number of parking spaces as required in EMC 16.76 shall apply in the M-1 zone.
- C. Sidewalks. Sidewalks, driveways and service driveways shall conform to standards established by this code.
- D. 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.
- E. Outdoor storage abutting or facing a street, highway, or ~~a~~ residential zone shall be screened with a sight-obscuring fence, or a buffer strip of vegetation six feet in height.
- F. Noise. The applicant shall demonstrate the proposed activity will meet the applicable standards for noise emissions as required by the Oregon State Department of Environmental Quality.
- G. The following additional standards shall apply to development within the Northwest Industrial Sanctuary (one hundred thirty and four tenths (130.4) acres) as shown on Map 16-1. The Northwest Industrial Sanctuary is located west of Highway 211-224, east of Farmstead Road, north of the Estacada Industrial Campus, and south of the city limits of

Estacada.



Map 16-1

1. Master Plan: A Master Plan for development within the Northwest Industrial Sanctuary shall be required. The master plan shall be submitted to the city for review and approval prior to the first phase of development. The master plan shall be a conceptual plan for the entire site and shall, at a minimum, include:
 - a. Boundary lines and dimensions of the subject property;
 - b. All proposed lot lines;
 - c. Size (in acres) of new lots;
 - d. Location of delineated wetlands;
 - e. Location, dimensions and names of all proposed streets.

(Ord. 2000-26 § 6(3); prior code § 10.225(3); Ord. No. 2011-004, § 4, 1-9-2012; Ord. No. 2012-008, § 1, 1-14-2013; Ord. No. 2018-001, § 1, 6-11-2018)

SECTION 80: AMENDMENT “16.36.050 Exceptions To Standards” of the Estacada Municipal Code is hereby *amended* as follows:

AMENDMENT

16.~~36~~³⁹.050 Exceptions To Standards

SECTION 81: REPEAL “Chapter 16.40 HEAVY INDUSTRIAL (M-2)” of the Estacada Municipal Code is hereby *repealed* as follows:

REPEAL

16.40.010 Heavy Industrial Zone (M-2)

Intended for the interest of the public convenience and necessity for outright industrial development in order to more widely advertise the attributes and amenities available in Estacada for industrial uses.

(Ord. 2000-26 § 7 (part): prior code §10.226 (part))

16.40.020 Uses Permitted Outright

The following uses and their accessory uses are permitted in a M-2 zone:

- A. Heavy industry: the manufacturing, processing, compounding, packaging or assembling of products, the process of which requires or creates emissions or discharges other than normal sanitary sewage wastes or the storage of materials which require permits be issued by the Oregon State Department of Environmental Quality;
- B. A use permitted outright in the M-1 zone;
- C. Unenclosed light industrial uses.

(Ord. 2000-26 § 7(1): prior code §10.226(1))

16.40.030 Conditional Uses Permitted

The following uses and accessory uses may be permitted in a heavy industrial zone subject to EMC 16.88.020 and the review procedures in EMC 16.132.010 through EMC 16.132.050:

- A. A use permitted as a conditional use in the M-1 zone if not permitted as an outright use in the M-2 zone;
- B. Auto wrecking yard or junkyard;
- C. Extraction and processing of rock, sand, gravel or earth projects or batch plants.

(Ord. 2000-26 § 7(2): prior code §10.226(2))

16.40.035 Prohibited Uses

Marijuana production, marijuana processing, marijuana wholesaling, and marijuana retailing are prohibited in the M-2 zone.

(Ord. No. 2016-005, § 12, 8-22-2016)

16.40.040 Standards

The following standards shall apply in a M-2 zone:

- A. Yards: All yards abutting a lot in a residential zone shall be a minimum of twenty (20) feet.
- B. Parking Requirements. The number of parking spaces as required in EMC 16.76 shall

apply in the M-2 zone.

- C. Sidewalks. Sidewalks, driveways and service driveways shall conform to standards established by this code.
- D. Landscaping. A minimum of five percent of the area developed shall be landscaped.
- E. Outdoor storage abutting or facing a street, highway or a residential zone shall be screened with a sight-obscuring fence, or a buffer strip of vegetation six feet in height.
- F. Noise. The applicant shall demonstrate the proposed activity will meet the applicable standards for noise emissions as required by the Oregon State Department of Environmental Quality.

(Ord. 2000-26 § 7(3): prior code §10.226(3); Ord. No. 2012-008, § 2, 1-14-2013)

16.40.045 Exceptions To Standards

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. 2000-26 § 7(4): prior code §10.226(4))

16.40.050 Auto Wrecking Yards/junkyards

In addition to meeting the requirements of ORS Chapters 377, 802 and 822, and any other current state law, the following standards shall apply:

- A. The auto wrecking yard or junkyard shall be fully enclosed by a sight-obscuring fence, free of advertising, maintained in good condition, not less than six feet in height, and of a design approved by the planning commission.
- B. All automobiles, wrecked or otherwise, shall be kept inside the fenced area at all times, except that vehicles belonging to customers may be parked outside the fence while at the establishment on business.
- C. All sales, display, storage, repair or other handling of products, merchandise, equipment, and other articles shall occur from within an enclosed building or from within the fenced area.

(Ord. 2000-27 § 1: prior code § 10.592)

16.40.060 Extraction And Processing Of Rock, Sand, Gravel Or Other Earth Products Or Batch Plants

- A. In addition to meeting the requirements of DOGAMI, Division of Geology and Mineral Resources, DEQ and Clackamas County Health Department, submitted plans and specifications shall contain sufficient information to allow the planning commission to set standards pertaining to the impact to the community.
- B. Any processing of earth products commonly associated with the excavation of minerals, rocks, sand or gravel, such as the use of crushing, sorting, washing equipment, or batch plants shall be approved using the conditional use procedure.
- C. Mining equipment and access roads shall be constructed, maintained, and operated in such

a manner as to eliminate, as far as is practicable, noise, vibration, or dust which might be injurious or substantially annoying to persons living in the vicinity.

(Prior code § 10.596)

~~Chapter 16.40 HEAVY INDUSTRIAL (M-2) (Repealed)~~

~~16.40.010 Heavy Industrial Zone (M-2) (Repealed)~~

~~16.40.020 Uses Permitted Outright (Repealed)~~

~~16.40.030 Conditional Uses Permitted (Repealed)~~

~~16.40.035 Prohibited Uses (Repealed)~~

~~16.40.040 Standards (Repealed)~~

~~16.40.045 Exceptions To Standards (Repealed)~~

~~16.40.050 Auto Wrecking Yards/junkyards (Repealed)~~

~~16.40.060 Extraction And Processing Of Rock, Sand, Gravel Or Other Earth Products Or Batch Plants (Repealed)~~

SECTION 82: AMENDMENT “Chapter 16.44 OPEN SPACE/PUBLIC FACILITIES (O/S)” of the Estacada Municipal Code is hereby *amended* as follows:

A M E N D M E N T

Chapter 16.44 ~~OPEN SPACE/PUBLIC FACILITIES~~ Open Space/Public Facilities (O/S)

SECTION 83: AMENDMENT “16.44.010 Purpose” of the Estacada Municipal Code is hereby *amended* as follows:

A M E N D M E N T

16.44.010 Purpose

This zone is created to ensure public greenways, pathways, and parks and to allow for public facilities, under certain conditions, ~~to allow governmental uses including public schools and allow them to expand as outright uses, providing it would not substantially increase overall capacity and are consistent with the goals, objectives and policies of the comprehensive plan.~~

(Prior code § 10.227 (part))

SECTION 84: **ADOPTION** “16.44.015 Uses Permitted Outright” of the Estacada Municipal Code is hereby *added* as follows:

A D O P T I O N

16.44.015 Uses Permitted Outright(*Added*)

- A. Public pedestrian and multi-use trails, paths, and boardwalks identified in the 2018 Active Transportation Plan;
- B. Public facilities and uses identified in the Waterfront Concept Plan of the 2018 Parks Master Plan.

SECTION 85: **AMENDMENT** “16.44.020 Conditional Uses” of the Estacada Municipal Code is hereby *amended* as follows:

A M E N D M E N T

16.44.020 Conditional Uses

Planning commission, after public hearing, may permit the following uses, where such uses are deemed essential or desirable to the public convenience or welfare and are consistent with the goals, objectives and policies of the comprehensive plan.

- A. Educational institutions;
- B. Governmental buildings, ~~federal, state and local~~;
- C. Public libraries and museums;
- D. Public utilities, ~~public~~-services, and structures;
- E. Informational and promotional kiosk or centers;
- F. Public parks.

(Prior code § 10.227(1))

SECTION 86: **AMENDMENT** “16.44.025 Prohibited Uses” of the Estacada Municipal Code is hereby *amended* as follows:

A M E N D M E N T

16.44.025 Prohibited Uses

Marijuana production, marijuana processing, marijuana wholesaling, and marijuana retailing are prohibited in the O-S zone.

(Ord. No. 2016-005, § 13, 8-22-2016)

SECTION 87: AMENDMENT “16.44.030 Standards” of the Estacada Municipal Code is hereby *amended* as follows:

A M E N D M E N T

16.44.030 Standards

~~In the O-S zone, the following standards shall apply.~~

- ~~A. Adequate public utilities can be provided.~~
- ~~B. Adequate traffic flow and transportation.~~
- C. Off-street parking shall be provided as required in EMC 16.76.
- D. ~~All yards abutting a lot in~~ Structures shall be setback from a residential zones ~~shall be~~ a minimum of twenty (20) feet.
- E. Outdoor storage abutting or facing a street, highway, or residential zone shall be screened with a sight-obscuring fence, or a buffer strip of vegetation six feet in height.
- F. Landscaping. At least ten (10) percent of the total area ~~proposed for development~~ developed shall ~~be set aside for landscaping~~ landscaped.
- ~~G. Adverse Impacts. All impacts including but not limited to the following; noise, traffic, lighting, hours of operations shall be addressed.~~ (Prior code § 10.227(2))

SECTION 88: AMENDMENT “16.48.010 Purpose And Intent” of the Estacada Municipal Code is hereby *amended* as follows:

A M E N D M E N T

16.48.010 Purpose ~~And Intent~~

SECTION 89: AMENDMENT “16.52.030 Submittal Requirements” of the Estacada Municipal Code is hereby *amended* as follows:

A M E N D M E N T

16.52.030 Submittal Requirements

- A. General Application Requirements. An application for a P-D overlay zone/concept plan shall include:
1. A statement of the planning objectives to be achieved by the planned development. The statement shall include a description of the character of the proposed development and the reasoning to support the design and any modifications of the city code related to proposed land uses, building types and densities, setbacks, open spaces, streets, etc.;
 2. A development schedule indicating any phasing proposals and approximate dates when construction of the planned development is expected to be initiated and completed;
 3. Maps and supporting narrative identifying the following:
 - a. Existing site conditions,
 - b. A site concept plan,
 - c. A grading concept plan,
 - d. A landscape concept plan,
 - e. A sign concept plan;
 4. A copy of any proposed restrictions or covenants.
- B. Development Review Application Requirements. An application for a detailed development plan or land division shall include the following:
1. A tentative plan including all the information listed in EMC 16.120.020-~~Subsection B~~; Subsection B;
 2. A specific list and description of standards proposed to be modified;
 3. Other technical information necessary to address the standards of this section and other applicable requirements of the city code. This may include traffic impact studies, environmental studies, geologic or engineering studies and sewer, water and surface water studies;
 4. Any other information necessary to determine compliance with the proposed or approved concept plan.

(Ord. 2005-6 § 1 (part))

SECTION 90: AMENDMENT “16.52.040 General Requirements” of the Estacada Municipal Code is hereby *amended* as follows:

AMENDMENT

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 ~~an~~ the ~~M-1 or an M-2~~ M-1 zone;
 2. Uses permitted only in ~~an~~ the ~~M-1 or M-2~~ 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. At least twenty (20) percent of the land area will be dedicated or reserved as common open space 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 area is prohibited, unless specifically authorized by the city.
 4. Private vehicle access easements serving the neighboring properties are prohibited within the open space area.
 5. Developments shall be designed so that no dwelling unit is located more than one thousand (1,000) feet from an open space area.
 6. Individual open space areas should be large enough to be usable; as a guideline, a minimum of five thousand (5,000) square feet is suggested.
 7. All improvements associated with the open space, such as recreation centers, swimming pools and tennis courts shall be constructed or a guarantee shall be posted per EMC 16.116.050.
- 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.

(Ord. 2005-6 § 1 (part))

SECTION 91: **AMENDMENT** “16.60.030 Accessory Structures/uses” of the Estacada Municipal Code is hereby *amended* as follows:

AMENDMENT

16.60.030 Accessory Structures/uses

An accessory use shall comply with all requirements for a principal use, except as this title specifically allows to the contrary, and shall comply with the following limitations:

- A. Accessory Structures. An accessory structure not used for human habitation and separated from the main building may be located to within five feet of a rear property line if the structure is no more than fifteen (15) feet in height. Structures over fifteen (15) feet must meet the setback standards established in each zoning district.
- B. Fences. Fences, hedges and walls limited to six feet in height may be located within required yards, but shall not exceed two and one-half feet or thirty (30) inches in height in any required yard setback which abuts corner property at the intersection of two streets, or from the intersection of a private drive or road easement and a public street or alley.
- C. Decks. Unenclosed decks, unroofed landings, porches and stairs may project into any required yard providing the following conditions are met:
 - 1. No portion except for guard rails shall extend above the floor level of a habitable room.
 - 2. No such projection shall obstruct a stairway.
 - 3. No such projection shall extend into a required yard no more than one-third the distance of the required setback.
- D. Manager/Caretaker Residences. In the M-1 ~~and M-2~~ zones, a residence may be established secondary to the main use of the property for the sole purpose of providing living quarters for the owner, operator or caretaker of a commercial or industrial enterprise; provided that:
 - 1. The living space shall be located on the same property as the commercial or industrial operation and is justified by the requirement of twenty-four (24) hour attendance;
 - 2. Occupancy is limited to the manager/caretaker and their immediate family.
- E. R.V. Conversions. Recreational vehicles cannot be utilized for a commercial business on a permanent basis. Temporary placement may be authorized by the planning commission

using the procedure for conditional uses as set forth in EMC 16.88.

(Prior code § 10.460)

SECTION 92: AMENDMENT “16.61.020 Eligibility” of the Estacada Municipal Code is hereby *amended* as follows:

A M E N D M E N T

16.61.020 Eligibility

A maximum of one accessory dwelling unit (ADU) may be located on a lot of record in a zoning district where ADUs are permitted as accessory uses, provided the ADU is accessory to a legal single-family dwelling, a duplex, a commonwall dwelling, or a multi-family dwelling on the same lot and provided all other requirements of the underlying zoning district are met. An ADU cannot be accessory to a dwelling unit that comprises a cottage cluster.

(Ord. No. 2018-001, § 1, 6-11-2018)

SECTION 93: AMENDMENT “16.62.030 Review Type” of the Estacada Municipal Code is hereby *amended* as follows:

A M E N D M E N T

16.62.030 Review Type

- A. Permitted Use. Short-term rentals that adhere to the regulations contained in EMC 16.62 are allowed as permitted outright uses in the R-1, R-2, R-3, NCR, D, C-1, ~~and C-2,~~ MMU, and CMU zoning districts. Short-term rentals are also allowed as accessory to an approved permitted use in all locations approved in the R-1, R-2, R-3, NCR, D, C-1, ~~and C-2,~~ MMU, R-C, and CMU zoning districts. For example, an existing single-family dwelling may also contain a short-term rental.
- B. Conditional Use. Short-term rentals that do not adhere to the regulations as contained in EMC 16.62 may be requested for approval using the conditional use permit process. If a conditional use permit is requested, it shall be processed in accordance with EMC 16.88.
- C. Conditional Use, Outdoor Lodging. Outdoor lodging not located within a dwelling (i.e. tent, yurt, teepee, etc.) may be considered for approval using the conditional use permit process, if the following regulations are met:
 1. Outdoor lodging shall be located on a residential zoned property.
 2. Outdoor lodging shall be accessory to a dwelling unit with owner occupancy.
 3. Outdoor lodging shall be located on at least one acre.
 4. Outdoor lodging shall not be visible from the public right-of-way and located at least fifteen (15) feet from rear and side lot lines.

5. Outdoor lodging shall be limited from the 1st of April to the 30th of September.
6. Outdoor lodging facilities shall not be ripped, contain excessive sun faded materials, have excessive moss buildup, or be otherwise unsightly.
7. Restroom facilities are available for use. Restroom facilities shall be connected to the sanitary sewer or an approved septic system.
8. Outdoor burning is only available in a fire pit a maximum of three feet in circumference that is not capable of producing a flame higher than twelve (12) inches.

(Ord. No. 2016-003, § 1(Exh. B), 5-23-2016)

SECTION 94: AMENDMENT “16.62.080 Parking” of the Estacada Municipal Code is hereby *amended* as follows:

A M E N D M E N T

16.62.080 Parking

- A. ~~Primary Use.~~ Short-term rentals ~~servicing as a primary use~~ shall provide at least one off-street vehicle parking space per rented bedroom, with a minimum number of two parking spaces required.
- B. ~~Accessory Use. Short-term rentals accessory to a primary use shall provide at least one off-street vehicle parking space per bedroom, in addition to the minimum number of vehicle parking spaces required for the primary use in accordance with Chapter 16.76.~~
- C. Outdoor lodging. The required number of parking spaces for outdoor lodging shall be determined by the planning commission during its review of the required conditional use permit.
- D. Paving. The parking spaces required by this section shall have a ~~paved~~solid, durable, and dustless surface improved to minimum public road standards as determined by the city; shall be maintained adequately for all-weather use; and shall be so drained as to avoid flow water across public sidewalks. Brick or masonry pavers may be used to create a solid, durable, and dustless surface, subject to inspection per EMC 16.62.120.

(Ord. No. 2016-003, § 1(Exh. B), 5-23-2016)

SECTION 95: AMENDMENT “16.64.030 Special Requirements” of the Estacada Municipal Code is hereby *amended* as follows:

A M E N D M E N T

16.64.030 Special Requirements

An adult entertainment business shall be further restricted as follows:

- A. An adult entertainment business will only be allowed as a conditional use in the C-1 general commercial zone and no other zoning districts.
- B. No adult entertainment business shall be located within a distance closer than one thousand (1,000) feet from another adult entertainment business, a public or private kindergarten, elementary, junior high, high school, college or university, public park, church, or other place where children congregate regularly.
- C. The distance referred to herein shall be measured in a straight line, without regard to intervening streets, structures, or obstructions, from the closest point of the property housing the adult business establishment to the closest point of the properties containing a use identified in sSubsection B of this section. If any portion of the premises of an adult entertainment business is within one thousand (1,000) feet of properties identified in sSubsection B of this section, it will not be allowed.
- D. All uses listed in sSubsection B of this section, must locate at least one thousand (1,000) feet from any adult entertainment business authorized pursuant to this development code and state law. Distances are measured by a straight line between any point on the boundary line of the real property containing the adult entertainment business to any point on the boundary line of the real property proposed to contain a use identified in sSubsection B of this section.

(Prior code § 10.219(4); Ord. No. 2015-002, § 2, 4-28-2015)

Editor's note—Ord. No. 2015-002, § 2, adopted Apr. 28, 2015, retitled § 16.64.030 from "Spatial separation requirements" to read as herein set out.

SECTION 96: AMENDMENT “16.65.005 Applicability” of the Estacada Municipal Code is hereby *amended* as follows:

A M E N D M E N T

16.65.005 Applicability

EMC 16.65 applies to:

- A. Marijuana retailing as a conditional use in the C-1 (~~g~~General ~~e~~Commercial) and H-C (Highway Commercial) zones.
- B. Marijuana production as an outright use in the M-1 (Light iIndustrial) zone.
- C. Marijuana processing as an outright use in the M-1 (Light iIndustrial) zone.

(Ord. No. 2016-005, § 14, 8-22-2016)

SECTION 97: AMENDMENT “16.65.020 Marijuana Retailing” of the Estacada

Municipal Code is hereby *amended* as follows:

AMENDMENT

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 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 ~~s~~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 ~~s~~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 ~~s~~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 ~~s~~Subsection I of this section. If any portion of the premises of a proposed or registered facility is within one thousand (1,000) feet of properties identified in ~~s~~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 ~~s~~Subsection I of this section after a marijuana retailer has been approved shall not result in the marijuana retailer being in violation of ~~s~~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 ~~Chapter EMC 5.04 of this code~~.
 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.

(Ord. No. 2016-005, § 14, 8-22-2016)

SECTION 98: AMENDMENT “16.65.030 Marijuana Production And Marijuana Processing” of the Estacada Municipal Code is hereby *amended* as follows:

A M E N D M E N T

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 M1 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 ~~s~~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.

(Ord. No. 2016-005, § 14, 8-22-2016)

SECTION 99: AMENDMENT “16.66.010 Purpose” of the Estacada Municipal Code is hereby *amended* as follows:

A M E N D M E N T

16.66.010 Purpose

~~Chapter~~ EMC 16.66 is intended to protect primary industrial, commercial, and institutional land uses, as well as members of the public, public facilities, and public space, from the impacts of food carts.

SECTION 100: AMENDMENT “16.66.020 Where Licensed” of the Estacada Municipal Code is hereby *amended* as follows:

A M E N D M E N T

16.66.020 Where Licensed

A food cart, as defined in ~~Section~~ EMC 16.08.010, may only be licensed to operate in those commercial and industrial zones where food carts are expressly listed in their respective chapter of the Development Code as permitted.

SECTION 101: AMENDMENT “16.66.030 City License Required” of the Estacada Municipal Code is hereby *amended* as follows:

A M E N D M E N T

16.66.030 City License Required

A food cart may not operate without a Food Cart License issued upon approval by the City of an application. Approval shall only be given to applications which sufficiently demonstrate the food cart will operate under the terms of this chapter. A food cart license shall be valid for a period of two years from the date of issue, but may be renewed with approval of an application to the City. A license may be revoked by the City with written findings that the food cart does not comply with a rule of this chapter or is inconsistent with the purpose identified in ~~Section~~ EMC 16.66.010. A decision to revoke a license may be appealed to the Planning Commission, provided a written request to appeal is submitted to the City within 14 days of the revocation.

SECTION 102: AMENDMENT “16.66.070 Minimum Setbacks And Separation Distance” of the Estacada Municipal Code is hereby *amended* as follows:

AMENDMENT

16.66.070 Minimum Setbacks And Separation Distance

The food cart, its attachments, and any accessory structures allowed by EMC

16.66.080(Subsection B) shall be located a minimum of:

- A. Five feet from any other food cart and five feet from any structure not accessory to the food cart;
- B. Behind the front lot line; and
- C. Five feet from any side or rear lot line, except in an industrial zone, where the minimum side and rear setback distance for a food cart, its attachments, and any permitted accessory structures shall be zero.

SECTION 103: AMENDMENT “16.66.090 Surfacing And Parking” of the Estacada Municipal Code is hereby *amended* as follows:

AMENDMENT

16.66.090 Surfacing And Parking

- A. The food cart shall be placed on a ~~paved~~solid, smooth, durable, and dustless surface, such as one made of pavement, pavers, or concrete ~~improved to minimum public road standards as determined by the City~~. That surface shall be maintained adequately for all-weather use and shall be so drained as to avoid flow water across public sidewalks.
- B. All other vehicle parking spaces, and any areas for parking, loading, and maneuvering, that serve the food cart shall also have a paved, durable, and dustless surface improved to minimum public road standards as determined by the City; shall also be maintained adequately for all-weather use; and shall also be so drained as to avoid flow water across public sidewalks. A food cart shall be required to provide one off-street vehicle parking space, unless:
 - 1. The food cart is located on a lot with existing paved vehicle parking and the food cart and its accessory items and accessory structures would not reduce any land use’s parking below any required minimum; or
 - 2. The lot with the food cart is connected to existing paved off-street vehicle parking space by a wheelchair-accessible walkway that is no longer than 100 feet long and the owner of the property with the parking space agrees to its use by customers of the food cart; or
 - 3. The lot with the food cart is connected to an existing public on-street vehicle parking space by a wheelchair-accessible walkway that is no longer than 100 feet long.

SECTION 104: **AMENDMENT** “16.66.110 Portable Sanitation Facilities” of the Estacada Municipal Code is hereby *amended* as follows:

A M E N D M E N T

16.66.110 ~~Portable~~ Sanitation Facilities

~~Portable toilets are prohibited.~~ If a food cart operator provides seating for their customers, they shall also provide a readily accessible restroom and shall identify the restroom on their food cart license application site plan. The restroom must have a handwashing facility that provides hot and cold running water and meets the requirements of OAR 333-150-0000. Portable hand-washing facilities, ~~are permitted if provided,~~ but may not drain to the surface.

SECTION 105: **ADOPTION** “16.66.115 Portable Toilets” of the Estacada Municipal Code is hereby *added* as follows:

A D O P T I O N

16.66.115 Portable Toilets(*Added*)

If a portable toilet is provided, it shall:

- A. Not be located in any public right-of-way or private access easement;
- B. Be set back at least 10 feet from all lot lines, building entrances, and other food carts;
- C. Be entirely screened from view from public rights-of-way;
- D. Be accompanied with the same handwashing facility required of all restrooms serving a food cart by EMC 16.66.110; and
- E. Fully and continuously comply with EMC 8.08.010.

SECTION 106: **AMENDMENT** “16.72.030 General Regulations” of the Estacada Municipal Code is hereby *amended* as follows:

A M E N D M E N T

16.72.030 General Regulations

- A. No sign governed by the provisions of this chapter shall be erected, structurally altered or relocated without first receiving a sign permit from the city. Where ODOT jurisdiction applies, ODOT regulations supersede this chapter.

B. All signs shall comply with the following requirements and those specified by zoning district:

1. Construction shall satisfy the requirements of current version of the Uniform Sign Code.
2. Electrical requirements for signs shall be governed by the current version of the National Electrical Code and Oregon Electrical Specialty Code Amendments.
3. Except for exempt signs and approved daily display signs, all signs shall be securely attached to a building or the ground.
4. All signs shall conform to all vision clearance requirements.
5. All signs, together with their supports, braces, and guys shall be maintained in a safe and secure manner.
6. All illuminated signs shall be internally or indirectly illuminated.
7. Unless otherwise permitted, all signs shall be erected and maintained entirely on private property with the consent of the occupant of the premises. No signs shall be erected or maintained on utility poles or upon trees, rocks or other natural features. Signs shall not be placed in the public right-of-way or vision clearance areas.

C. The following signs shall be exempt from the application, permit and fee requirements of this title.

1. Impermanent construction and subdivision signs not exceeding thirty-two (32) square feet in area; such signs shall be removed within thirty (30) days of project completion;
2. Directional, warning or information signs or structures required or authorized by law, or by federal, state, county or city authority;
3. Historical site plaques;
4. Incidental signs;
5. Official and legal notices issued by any court, public body, person or officer in performance of a public duty or in giving any legal notice;
6. Official flags of the United States of America, counties, municipalities, official flags of foreign nations, and flags of internationally and nationally recognized organizations;
7. On-premises signs not readable from the public right-of-way, i.e., menu boards, etc;
8. Political signs, provided such signs shall not exceed four square feet in area in residential or commercial/industrial zones respectively or be posted more than sixty (60) days before the election to which they relate and are removed within fifteen (15) days following the election;
9. Real estate signs not exceeding four square feet in area in residential districts or thirty-two (32) square feet in commercial or industrial districts;
10. Residential identification signs not exceeding two square feet;
11. Structures intended for a separate use such as phone booths, Goodwill containers, etc;
12. Temporary signs not exceeding four square feet;
13. Window signs.

D. The following signs are prohibited;

1. Flashing and moving signs;
2. Portable signs, except as allowed under provisions for daily display signs;
3. Signs attached to utility, streetlights, or traffic control standard poles or otherwise located in the public right-of-way without a permit;
4. Signs in a dilapidated or hazardous condition;
5. Signs on doors, windows, or fire escapes that restrict free ingress or egress;
6. Signs which purport to be, are an imitation of, or resemble an official traffic sign or signal, could cause confusion with any official sign, or which obstruct the visibility of any traffic sign or signal;
7. Swinging signs;
8. Billboards.

E. All freestanding signs shall comply with the following provisions:

1. One freestanding sign shall be permitted along each street frontage, or each three hundred (300) feet of street front, with one additional freestanding sign allowed on the property.
2. A freestanding sign shall be placed behind the property line and no closer than ten (10) feet to any adjacent private property line.
3. Freestanding signs may project over the public property line, provided they conform to the standards established for projecting signs.

F. All projecting signs shall comply with the following provisions:

1. No projecting sign shall extend above the highest structural component of the building to which it is attached.
2. Signs over the public right-of-way, including freestanding signs, shall conform to the following standards:

Clearance	Maximum Projection
Less than 8 feet	Not permitted
8 feet	1 foot
9 feet and above	2 feet for every foot above 8 feet in height but no more than 9 feet

3. No sign shall project within two feet of the curb line.

G. All roof signs shall comply with the following provisions:

1. All roof signs shall be installed or erected in such a manner that no support structure is visible from any abutting public right-of-way.
2. Roof signs may be erected so as to appear from all sides as a wall sign applied to an existing penthouse which appears to be a part of the building itself.
3. Roof signs shall not exceed the highest point of the building or structure. On flat roofs, the roof sign shall not exceed eight feet above the highest point of the building. In no case shall a sign exceed the maximum allowable height of the building within the zone in which it is located.

H. All wall signs shall conform to the following provisions:

1. Wall signs may be attached flat to, or pinned away from the wall, but shall not project more than twelve (12) inches from the wall.

2. Wall signs shall not extend above the height of the wall to which it is attached.
- I. Daily Display Signs in Public Right-of-Way/Off-Premises.
1. In zoning districts that permit daily display signs, a daily display sign may be allowed within the public right-of-way in front of the premises with which it is associated; provided, all of the following conditions are met:
 - a. A city sign permit is obtained that shows location of daily display sign in the right-of-way. This permit shall be revocable in case of condition of noncompliance.
 - b. The sign is to be set back behind the curb so as not to interfere with on-street parking, or a minimum of ten (10) feet from the edge of the nearest street travel lane where curbs are not in place.
 - c. The sign is to be placed so as to allow at least five feet of unimpeded pedestrian sidewalk maneuvering space, such maneuvering space being located as close as possible to the building frontage.
 - d. The sign meets vision clearance requirements.
 - e. The sign is properly maintained as required by ~~s~~Subsection B of this section.
 - f. The applicant shall assume all liability for incidents involving the sign, and execute a document satisfactory to city, releasing and indemnifying city for all liability arising from claims pertaining to the sign.
 - g. Sign dimension shall not exceed a maximum width of two feet or a maximum above-ground level height of four and one-half feet.
 - h. One sign per business is allowed.
 2. Daily display signs may be allowed off the premises, or within the public right-of-way in front of a business with which the sign is not associated, subject to the following conditions:
 - a. All applicable standards of ~~s~~Subsection I~~.~~1 of this section.
 - b. Both the sign owner and owner of the business where the sign is placed must sign a city liability exemption document as provided in ~~s~~Subsection I~~.~~1~~.~~f of this section.
 - c. The off-premises daily display sign will take the place of the daily display sign allowance for both the business site where it is placed and the business placing the sign.
 - d. The off-premises daily display sign will count towards the square footage requirements for both the business where it is placed and the business placing the sign.

J. Applying for a Sign Permit. A property owner or his authorized agent shall apply to the city for a sign permit by filing an application with the city using forms prescribed for the purpose. A site plan and construction drawing shall accompany the application. The city may require other drawings or information necessary to determine compliance with the sign ordinance. The applicant shall pay a fee as established by resolution or ordinance of the city council in effect at the time the application is filed. Prior to being issued a permit, the applicant shall pay, in addition to the fee established by the city council, any costs incurred by the building official/engineer in reviewing the proposed sign.

K. Any sign which is not in compliance is an unlawful sign and declared to be a public

nuisance.

1. The city may order the removal of any sign erected or maintained in violation of this chapter. It shall give twenty-four (24) hours' notice in writing to the owner of such sign, or of the building structure, or premises on which the sign is located, to remove the sign or bring it into compliance.
2. The city may remove a sign immediately and without notice if, in its opinion, the condition of the sign is such as to present an immediate threat to the safety of the public, and is authorized to take such steps as may be necessary to remove the sign. Neither the city nor any of its agents shall be liable for any damage to the sign.
3. The violation of or failure to comply with any of the provisions of this chapter or the erection, use or display or the allowing of, the permitting of, or the suffering erection, use or display of any sign not in compliance with all the provisions of this title is unlawful and upon conviction, the violator may be punished by a fine of not more than five hundred dollars (\$500.00) and shall be required to remove such sign or to take such other action as shall be determined by the court to be necessary to bring such sign into full compliance with the provisions of this chapter.
4. The remedies provided in this chapter for violations of or failure to comply with provisions of this ordinance shall be cumulative and shall be in addition to any other remedy provided by law.

(Ord. No. 2008-007, § 1, 2-9-2009)

SECTION 107: AMENDMENT “16.72.050 Signs In Commercial And Industrial Zones” of the Estacada Municipal Code is hereby *amended* as follows:

A M E N D M E N T

16.72.050 Signs In Commercial And Industrial Zones

- A. Except as may be limited by the regulations of the applicable zoning district, the size of allowable area of signs shall be as follows:
 1. A total sign area of two square feet for each lineal foot of building frontage or one square foot for each lineal foot of lot frontage, whichever results in the larger sign area.
 2. Freestanding or projecting signs shall be limited to one hundred fifty (150) square feet per face. Such signs shall not exceed thirty (30) feet in height from grade to the highest element.
 3. One daily display sign per business, for which the maximum permitted area shall be eight square feet per display surface and sixteen (16) square feet overall, with a maximum height limit of four and one-half feet above ground level.
- B. Except as otherwise provided, permitted signs may be located anywhere on the premises.
 1. Where frontage is on more than one street, only the signs computed with the

frontage of that street shall be located on that street.

- C. Within shopping centers, each individual business shall be allowed a total sign area as calculated in accordance with ~~s~~Subsection A.1 of this section. In addition to the sign area allowed for individual businesses, shopping centers with more than one hundred thousand (100,000) square feet of floor area shall be allowed one double-faced indirectly lighted sign on each street right-of-way. Such signs shall neither extend beyond the property line nor be placed in the right-of-way and shall be used solely to identify the shopping center, shopping area, or business or activities conducted therein. These signs shall not exceed three hundred (300) square feet per face and shall not exceed thirty (30) feet in height from the grade to the highest element of the sign.

(Ord. No. 2008-007, § 1, 2-9-2009; Ord. No. 2012-005, § 7, 9-10-2012)

SECTION 108: AMENDMENT “16.74.020 Application Of Chapter” of the Estacada Municipal Code is hereby *amended* as follows:

A M E N D M E N T

16.74.020 Application Of Chapter

This chapter shall apply to the following development applications: site plan review for commercial, industrial and multi-family developments, tentative subdivision plans, tentative partition plans, and conditional uses.

(Ord. 2007-6 § 20 (part); Ord. No. 2018-003, § 3(Exh. 6), 10-8-2018)

Editor's note—Ord. No. 2018-003, § 3(Exh. 6), adopted October 8, 2018, amended the title of § 16.74.020 to read as herein set out. The former § 16.74.020 title pertained to application of chapter (need to establish review process).

SECTION 109: AMENDMENT “16.74.030 Transportation Facilities” of the Estacada Municipal Code is hereby *amended* as follows:

A M E N D M E N T

16.74.030 Transportation Facilities

- A. Approval of a development shall be granted only if the capacity of transportation facilities is adequate or will be made adequate in a timely manner. The following shall be exempt from this requirement:
1. Modification or replacement of an existing development (or a development that has a current land use approval even if such development has not yet been constructed) on the same property, provided that an increase in motor vehicle

- traffic does not result;
 - 2. Unmanned utility facilities, such as wireless telecommunication facilities, where no employees are present except to perform periodic servicing and maintenance;
 - 3. Mass transit facilities, such as light rail transit stations and park-and-ride lots.
- B. As used in **s**Subsection A of this section, "adequate" means a minimum of Level-of-Service (LOS) D, except:
- 1. The performance standards identified in the latest edition of the Oregon Highway Plan shall apply to facilities under the jurisdiction of the state of Oregon.
- C. For the purpose of calculating capacity as required by **s**Subsections A and B of this section, the following standards shall apply:
- 1. Both the method of calculating LOS and the definitions given to the LOS letter designations are established by the Estacada Transportation System Plan. The method of calculating capacity on state facilities is established by the Oregon Highway Plan.
 - 2. The minimum capacity standards shall apply to all roadways and intersections within the impact area of the proposed development.
 - 3. Capacity shall be evaluated for motor vehicle traffic only.
 - 4. Capacity shall be evaluated for the peak fifteen (15) minute period of both the a.m. weekday and p.m. weekday peak hours of the transportation system within the impact area. The requirement to evaluate either the a.m. or the p.m. peak hour, or both, may be waived if the proposed use will not generate motor vehicle trips during the period(s).
- D. As used in **s**Subsection A of this section, "timely" means:
- 1. For facilities under the jurisdiction of the city of Estacada, necessary improvements are included in the Five-Year Capital Improvement Program, fully funded, and scheduled to be under construction within three years of the date land use approval is issued;
 - 2. For facilities under the jurisdiction of the state of Oregon, necessary improvements are included in the Statewide Transportation Improvement Plan and scheduled to be under construction within four years of the date land use approval is issued;
 - 3. For facilities under the jurisdiction of Clackamas County, necessary improvements are included in that jurisdiction's capital improvement plan, fully funded, and scheduled to be under construction within three years of the date land use approval is issued;
 - 4. Alternatively, "timely" means that necessary improvements will be constructed by the applicant or through another mechanism, such as a local improvement district. Under this alternative:
 - a. Prior to issuance of a certificate of occupancy for a conditional use or a development subject to design review and prior to recording of the final plat for a subdivision or partition, the applicant shall do one of the following:
 - (1) Complete the necessary improvements, or
 - (2) For transportation facilities under the jurisdiction of the city, the applicant shall provide the city with a deposit, letter of credit, performance bond, or other surety satisfactory to the city. For transportation facilities under the jurisdiction of the state, a city, or

another county, the applicant shall comply with the respective jurisdiction's requirements for guaranteeing completion of necessary improvements. This option is only available if the jurisdiction has a mechanism in place for providing such a guarantee;

5. For a phased development, the first phase shall satisfy ~~s~~Subsections D.-1 through D.-4 of this section at the time of land use approval. Subsequent phases shall be subject to the following:
 - a. At the time of land use approval, necessary improvements shall be identified and the phase for which they are necessary shall be specified,
 - b. Necessary improvements for a particular phase shall either:
 - (1) Comply with ~~s~~Subsections D.-1 through D.-3 of this section at the time of building permit approval, except that the improvements shall be scheduled to be under construction within three years of building permit approval rather than within three years of land use approval, or
 - (2) Comply with ~~s~~Subsection D.-4 of this section, in which case the improvements shall be completed or guaranteed prior to issuance of a certificate of occupancy or recording of the final plat for the applicable phase.

E. As used in ~~s~~Subsection D of this section, "necessary improvements" are:

1. Improvements required by the Development Code;
2. Improvements required by the City's adopted Comprehensive Plan, Transportation System Plan, Downtown and Riverside Area Plan, Street Tree Master Plan, or Active Transportation Plan, with the requirements of the most recently-adopted plan superseding any previous plan's requirements for the same area;and
3. Improvements identified in a transportation impact study as being required in order to comply with the adequacy standard identified in ~~s~~Subsection B of this section. A determination regarding whether submittal of a transportation impact study is required shall be made based on a traffic impact statement provided by the applicant based on the ITE Manual or an Oregon Registered Traffic Engineer. The traffic impact statement shall identify anticipated traffic impacts associated with the proposed development. The City will determine whether a transportation impact study is required based on this preliminary traffic impact study. If a transportation impact study is not required, the City's engineering or planning staff shall identify necessary improvements or the applicant may opt to provide a transportation impact study.

(Ord. 2007-6 § 20 (part); Ord. No. 2018-003, § 3(Exh. 6), 10-8-2018)

SECTION 110: AMENDMENT “16.76.010 Off-Street Parking, Bicycle Parking And Loading Requirements” of the Estacada Municipal Code is hereby *amended* as follows:

AMENDMENT

16.76.010 Off-Street Parking, Bicycle Parking And Loading Requirements

At the time a building permit is issued for a new structure, the use of an existing structure is enlarged, or the category of use is changed, off-street parking spaces, loading areas and access thereto shall be provided as set forth in this section. If such facilities have been provided in connection with an existing use, they shall not be reduced below the requirements of this title.

- A. Requirements for types of buildings and uses not specifically listed herein shall be determined by the city manager, based upon the requirements of comparable uses listed.
- B. In the event several uses occupy a single structure or parcel of land, the total requirements shall be the sum of the requirements of the several uses computed separately.
- C. Owners of two or more uses, structures or parcels of land may agree to utilize jointly the same parking and loading spaces when the hours of operation do not overlap; provided that satisfactory evidence is presented in the form of deeds, leases, agreements or contracts.
- D. Off-street parking spaces shall be located on the same lot or on an adjoining lot or lot located within one hundred fifty (150) feet, unless otherwise approved by the planning commission.
- E. Required parking spaces shall be available to operable motor vehicles and shall not be used for storage of vehicles or materials or for the parking of trucks used in conducting the business or use.
- F. Areas used for standing and maneuvering of vehicles shall have a paved, durable and dustless surface improved to minimum public road standards, maintained adequately for all-weather use, and be so drained as to avoid flow water across public sidewalks.
- G. Except for parking to serve dwelling uses, parking and loading areas adjacent to or within residential zones shall be designed to minimize disturbances with the installation of a sight-obscuring fence or vegetative buffer, of not less than five feet in height, except where vision clearance is required.
- H. Artificial lighting which may be provided for parking areas shall not create or reflect substantial glare in a residential zone or on any adjacent dwelling.
- I. Groups of more than four parking spaces shall be served by a driveway so that no backing movements or other maneuvering within a street, other than an alley will be required and shall be contained by a curb or bumper rail at least four inches high and set back a minimum of four and one-half feet from the property line.
- J. Passenger Loading. A driveway designated for continuous forward flow of passenger vehicles for the purpose of loading and unloading children shall be located on the site of any school having a capacity of greater than twenty-five (25) students.
- K. Loading of Merchandise, Materials or Supplies. Buildings or structures which receive and distribute materials or merchandise by truck, shall provide and maintain off-street loading berths in sufficient numbers and size to adequately handle the needs of the particular use.
- L. Off-street parking areas used to fulfill the requirements of the code may be used for loading and unloading operations during periods of the day when not required to take care of parking needs.
- M. Compact parking spaces may be permitted at a ratio of one space to every three full-sized

spaces. (See "Parking space" defined under EMC 16.08 for dimension requirements.)

- N. Except for parking intended to serve dwelling uses, parking spaces shall be clearly delineated through striping or some other means.
- O. Where an area provided for off-street parking is within or adjoins a residential zone, the perimeter of the area shall be screened by a sight-obscuring fence or planting. The screen shall be continuous and shall be at least six feet in height to the rear of the front setback of the residential zone and shall be three feet in height in that portion bounding the front yard.
- P. Parking spaces along the boundaries of a parking area shall be provided with a sturdy bumper guard or curb at least four inches in height and located far enough within the boundary to permit any portion of a vehicle within the parking area from extending over the property line or interfering with the required screening or sidewalk traffic.
- Q. Off-Street Parking Requirements.
 - 1. Off-street parking shall be required according to the table below:

Use:		Minimum Required Spaces:
Bank		1 per 300 square feet of floor area
Bowling alley		4 spaces per lane
<u>Campsites and recreational cabins and yurts</u>		<u>1 per campsite/cabin/yurt</u>
Doctor's office, dental office, medical clinic, or similar use		3.5 per 1,000 square feet of floor area
Dwellings	<u>Single-family</u>	2 for each primary, detached single-family dwelling
	<u>Two- and three-family</u>	<u>2 for each dwelling unit in a duplex or triplex</u>
	<u>Commonwall</u>	<u>2 for each commonwall dwelling</u>
	<u>Multi-family</u>	For multi-family dwellings and apartments with

	ly and cottage clusters	more than three dwelling units: one 1 for each unit studio or one-bedroom unit; 1.5 for each two-bedroom unit; 1.75 for each three-bedroom unit
	Accessory dwelling unit (ADU)	+ No additional space for each an accessory dwelling unit if the required off-street parking for the primary use is provided. If off-street parking requirements for the primary use are not met, one additional space shall be provided per accessory dwelling unit. as required by 16.61.060
Eating and drinking establishments		1 for every four customer seats
Funeral home or mortuary		1 for every six seats or one space per 50 square feet of area used for assembly, whichever is greater, if there is an assembly area; 1 per 2 employees on maximum shift or operating hours if there is no assembly area
Hospital		3 for every two patient beds
Hotel, motel, boarding house, or resort		1 per lodging/accommodation unit
Instructional class space, such as a martial arts or dance studio		1 per 200 square feet of leasable floor area
Library		1 per 300 square feet of floor area
Mobile <u>Manufactured dwelling</u> home park		2 for each <u>manufactured dwelling</u> mobile home space
Nursing home, convalescent care facility, extended care facility, or similar institution		1 for every three patient/resident beds
Office		1 per 300 square feet of floor area
		For a park with an athletic field: 1 per 3 spectator seats, 1 space per 18 inches of bench-

Park		viewer bench length, or 25 per field, whichever amount is greatest
		<u>For a park without an athletic field: 2.6 per acre</u>
Religious institution, membership club or community center, fraternal hall, or similar place of assembly		1 for every six seats or one space for each 50 square feet of floor area used for assembly, whichever is greater
Retail store (general), including a grocery store, book store, gift shop, or any other general retail or shop		1 per 300 square feet of floor area
Retail store (bulk), including for sale of furniture, appliances, vehicles, building materials, home furnishings, garden supplies, or agricultural supplies		1 per 500 square feet of bulk merchandise area or storage
School for children or daycare, including a preschool, Head Start facility, kindergarten, elementary, middle, or junior high school		2 per classroom
School, other (including a high school, trade school, or college facility)		5 per classroom
Service or repair shop		1 per 500 square feet of floor area
Short-term rental of dwelling		1 per rented bedroom in addition to parking required for dwelling, with never less than 2 total parking spaces on the subject property
Skating rink, arcade, gym, or other similar indoor recreational or athletic use or commercial amusement		1 per 100 square feet of floor area

enterprise		
Warehouse, storage, or similar enterprise		1 per 2,000 square feet of floor area
Other business or industrial use not elsewhere listed		1 per 2 employees on maximum shift or operating hours

2. Exemptions—Downtown Zone.

a. 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 Downtown zone but located outside the above described area are required to provide off-street parking in accordance with the table in Subsection Q.1, except that the minimum number of required off-street parking spaces may be reduced as follows:

- (1) Reduce the minimum parking standard by ten (10) percent where the project is located within one thousand three hundred twenty (1,320) feet of an existing or planned public transit bus stop; and/or
- (2) Reduce the minimum parking standard by twenty (20) percent where the city decision-making body determines there is public on-street parking adjacent to the subject site in a quantity equal to the reduction in the number of required parking spaces.

b. Expansion of a nonconforming development, building or use that does not comply with the minimum parking ratios shall provide additional parking spaces based on the floor area or capacity added and not on the area or capacity existing prior to the expansion.

3. The maximum number of off-street automobile parking spaces allowed per site equals the minimum number of required spaces, pursuant to EMC 16.76.010: Subsections Q.1-2, times a factor of:

- a. [1.2] spaces for uses fronting a street with adjacent on-street parking spaces; or
- b. [1.5] spaces, for uses fronting no street with adjacent on-street parking.

R. Bicycle Parking.

1. Minimum Required Bicycle Parking Spaces. Uses shall provide long- and short-term bicycle parking spaces, as identified in ~~s~~Subsection R.10 of this section. Where two options are provided (e.g., two spaces, or one per eight bedrooms), the option resulting in more bicycle parking is used.

2. Exemptions. This section does not apply to single-family and two-family housing (attached, detached, or manufactured housing), home occupations, agriculture and livestock uses.

3. Location and Design.

- a. Bicycle parking should be no farther from the main building entrance than the distance to the closest vehicle space, or fifty (50) feet, whichever is less. Long-term (i.e., covered) bicycle parking should be incorporated

whenever possible into building design. Cover for bicycle parking can be provided by buildings, or roof overhangs, awnings, bicycle lockers, bicycle storage within buildings or freestanding shelters. Parking provided within a building shall be easily accessible for bicycles.

- b. Short-term bicycle parking, when allowed within a public right-of-way, shall be coordinated with the design of street furniture, as applicable.
 - c. Bicycle parking for multiple uses, or a facility with multiple structures, may be clustered within fifty (50) feet of each building's entrance in one or several locations.
 - d. Bicycle parking shall not impede or create a hazard to pedestrians.
4. **Visibility and Security.** Bicycle parking for customers and visitors shall be visible from street sidewalks or building entrances to provide sufficient security from theft and damage.
 5. **Options for Storage.** Long-term bicycle parking requirements for multiple family uses and employee parking can be met by providing a bicycle storage room, bicycle lockers, racks, or other secure storage space inside or outside of the building.
 6. **Lighting.** For security, bicycle parking shall be at least as well lit as vehicle parking.
 7. **Reserved Areas.** Areas set aside for bicycle parking shall be clearly marked and reserved for bicycle parking only, and separated from motor vehicle parking to prevent damage to parked bicycles.
 8. **Rack Types.**
 - a. Bicycle racks must hold bicycles securely by the frame and be securely anchored.
 - b. Bicycle racks must accommodate both:
 - (1) Locking the frame and one wheel to the rack with a high-security U-shaped shackle lock; and
 - (2) Locking the frame and both wheels without removal of wheels to the rack with a chain or cable not longer than six feet.
 9. **Rack Dimensions.**
 - a. Bicycle parking spaces shall be at least six feet long and two feet wide.
 - b. Covered parking spaces shall include at least seven feet of overhead clearance.
 - c. An aisle width five feet wide shall be provided for bicycle maneuvering.
 10. **Bicycle Parking Table:**

Uses Categories	Specific Uses	Long-Term Spaces (Covered or Enclosed)	Short-Term Spaces (Near Building Entry)
Residential Categories			
Household Living	Multifamily	1 per 4 units	2, or 1 per 20 units

Group Living		2, or 1 per 20 bedrooms	None
	Dormitory	1 per 8 bedrooms	None
Commercial Categories			
Retail Sales and Service		2, or 1 per 12,000 sq. ft. of floor area	2, or 1 per 5,000 sq. ft. of floor area
	Lodging	2, or 1 per 10,000 sq. ft. of floor area	2, or 1 per 40,000 sq. ft. of floor area
Office		2, or 1 per 10,000 sq. ft. of floor area	2, or 1 per 40,000 sq. ft. of floor area
Commercial Outdoor Recreation		8, or 1 per 20 auto spaces	None
Major Event Entertainment		8, or 1 per 40 seats or per CU review	None
Industrial Categories			
Manufacturing And Production		2, or 1 per 15,000 sq. ft. of floor area	None
Warehouse And Freight Movement		2, or 1 per 40,000 sq. ft. of floor area	None
Institutional Categories			
Basic Utilities	Bus transit center	8	None
Community Service		2, or 1 per 10,000 sq. ft. of floor area	2, or 1 per 10,000 sq. ft. of floor area
	Park and ride	8, or 5 per acre	None
Parks (active recreation)		None	8, or per CU review

areas only)			
Schools	Grades 2-5	1 per classroom, or per CU review	1 per classroom, or per CU review
	Grades 6-12	2 per classroom, or per CU review	4 per school, or per CU review
Colleges	Excluding dormitories (see Group Living, above)	2, or 1 per 20,000 sq. ft. of net building area, or per CU review	2, or 1 per 10,000 sq. ft. of net building area, or per CU review
Medical Centers		2, or 1 per 70,000 sq. ft. of net building area, or per CU review	2, or 1 per 40,000 sq. ft. of net building area, or per CU review
Religious Institutions and Places of Worship		2, or 1 per 4,000 sq. ft. of net building area	2, or 1 per 2,000 sq. ft. of net building area
Daycare		2, or 1 per 10,000 sq. ft. of net building area	None
Other Categories	Determined through Land Use Review, Site Design Review, or CU Review, as applicable		

(Ord. 2007-6 §§ 10, 11; Ord. 2003-10 § 1; prior code § 10.238; Ord. No. 2012-005, § 8, 9-10-2012; Ord. No. 2016-003, § 1(Exh. A), 5-23-2016; Ord. No. 2017-006, § 6, 11-13-2017; 2018-001, § 1, 6-11-2018; Ord. No. 2018-003, § 3(Exh. 6), 10-8-2018)

SECTION 111: **AMENDMENT** “16.76.030 Substitution For Additional Bicycle Parking” of the Estacada Municipal Code is hereby *amended* as follows:

AMENDMENT

16.76.030 Substitution For Additional Bicycle Parking

For every five bicycle parking spaces provided for uses in the City's Downtown (D), General Commercial (C-1), Commercial Residential (C-2), and Light Industrial (M-1), ~~and Heavy Industrial (M-2)~~ zones that are beyond the required minimum and that meet the City's long-term bicycle parking standards, the vehicle parking requirement for the use is reduced by one space. This additional bicycle parking may substitute for no more than 25 percent of required minimum vehicle parking. Existing parking may be converted to take advantage of this provision.

(Ord. No. 2018-003, § 3(Exh. 6), 10-8-2018)

SECTION 112: AMENDMENT “Chapter 16.96 MOBILEHOME AND RECREATIONAL VEHICLE PARKS” of the Estacada Municipal Code is hereby *amended* as follows:

AMENDMENT

Chapter 16.96 ~~MOBILEHOME AND RECREATIONAL VEHICLE PARKS~~ Manufactured Dwelling And Recreational Vehicle Parks

SECTION 113: AMENDMENT “16.96.010 Standards For Mobilehome Parks” of the Estacada Municipal Code is hereby *amended* as follows:

AMENDMENT

16.96.010 Standards For ~~Mobilehome~~ Manufactured Dwelling Parks

A ~~mobilehome~~ manufactured dwelling park may be permitted as a conditional use when it meets all applicable requirements of ORS Chapter 446, and any other current state law. In addition, the following minimum standards shall apply:

- A. Minimum park size ~~of mobilehome park~~: one acre.
- B. Minimum lot size ~~of space~~: three thousand five hundred (3,500) square feet.
- C. Minimum width of ~~space~~ lot: thirty-five (35) feet.
- D. Minimum ~~distance between mobilehome and street right-of-way~~ front setback: twenty (20) feet.
- E. Minimum ~~distance between mobilehome and all other property lines~~ side and rear setbacks: ten (10) feet.
- F. Minimum distance between mobile-homes: ten (10) feet.
- G. Minimum distance between mobile-homes and community or service buildings: twenty (20) feet.
- H. Each access road connecting with a public street shall have a surface width of at least thirty (30) feet for a distance of forty (40) feet as measured from the intersection of the public road. All other roads shall have a minimum surface width of at least twenty (20) feet for two-way traffic if parking is prohibited and thirty (30) feet for two-way traffic if parking is

allowed on one side.

- I. Developed recreation areas shall be required in parks where ~~mobilehome spaces~~lots are less than four thousand (4,000) square feet and children under fourteen (14) are permitted. Play areas shall have at least one hundred (100) square feet per ~~mobilehome space~~lot, ~~but regardless of the number of mobilehome spaces,~~ and shall be no less than two thousand five hundred (2,500) square feet. Play areas shall be restricted to that use and protected from all streets, driveways, and parking areas by a fence, or the equivalent thereof, of at least thirty (30) inches in height.
- J. All areas not used for ~~mobilehome spaces~~homes, motor vehicles, parking, traffic circulation, or service or community buildings shall be completely and permanently landscaped. ~~The landscaping shall be~~ and maintained in good condition.
- K. Each ~~mobilehome space~~lot shall have clearly defined boundaries marked by a fence, planting or other suitable means.
- L. Each ~~mobilehome space~~lot shall have a minimum of two parking spaces.
- M. Each ~~mobilehome space~~lot shall have electricity, water and sewage disposal to each site.
- N. Each ~~mobilehome space~~lot shall have a maximum lot coverage of seventy-five (75) percent.
- O. Accessory buildings or structures including community and service buildings, carports, cabanas, and ramadas intended for community use, but excluding signs and fences, shall be at least twenty-five (25) feet from public street right-of-ways.
- P. Screening consisting of a sight-obscuring fence and/or buffer strip of vegetation may be required along all property lines.

(Prior code § 10.588)

SECTION 114: AMENDMENT “16.100.020 Circumstances For Granting A Variance” of the Estacada Municipal Code is hereby *amended* as follows:

A M E N D M E N T

16.100.020 Circumstances For Granting A Variance

A variance may be granted only in the event that either ~~s~~Subsection A or B of this section applies and ~~s~~Subsections C and D of this section must be satisfied.

- A. Exceptional or extraordinary circumstances apply to the property which do not apply generally to other properties in the same zone or vicinity, and result from lot size or shape, topography or other circumstances over which the owners of property since enactment of the ordinance have had no control;
- B. The variance is necessary so that the applicant can enjoy a property right, the nature of which owners of other property in the same zone or vicinity possess;
- C. The variance would not be materially detrimental to the purpose of this title, or to property in the zone or vicinity in which the property is located, or otherwise conflict with the

objectives of any city plan or policy;

- D. The hardship is not self-imposed and the variance requested is the minimum variance which would alleviate the hardship.

(Prior code § 10.602)

SECTION 115: AMENDMENT “16.101.010 Authorization To Grant Or Deny Zone Changes” of the Estacada Municipal Code is hereby *amended* as follows:

A M E N D M E N T

16.101.010 Authorization To Grant Or Deny Zone Changes

The city council may allow a zone change after a hearing conducted pursuant to EMC 16.132 provided that the applicant provides evidence substantiating the following:

- A. Approval of the request is consistent with the comprehensive plan.
- B. The property and affected area is presently provided with adequate public sanitary sewer, surface water management and water facilities and services to support the use, or such facilities and services are planned to be provided concurrently with the development of the property.
- C. The transportation system is adequate, as defined in EMC 16.74.030-Subsection B, and will remain adequate with approval of the zone change. Transportation facilities that are under the jurisdiction of the state of Oregon are exempt from this subsection. For the purpose of this criterion:
 - 1. The evaluation of transportation system adequacy shall include both the impact of the proposed zone change and growth in background traffic beginning with the year that a complete land use application is submitted to the end of the planning period identified in the adopted TSP.
 - 2. It shall be assumed that all improvements identified in the City of Estacada 20-Year Capital Improvement Plan, the Statewide Transportation Improvement Plan, and the capital improvement plans of Clackamas County are constructed and the jurisdiction for the planned improvements provides a written determination that funding is reasonably likely to be available to provide the transportation facilities needed to support the zone change.
 - 3. It shall be assumed that the subject property is developed with the primary use, allowed in the proposed zoning district, with reasonable worst case development and associated vehicle trip generation.
 - 4. Transportation facility capacity shall be calculated pursuant to EMC 16.74.030-Subsection C.
- D. The proposal, as it related to transportation facilities under the jurisdiction of the state of Oregon, complies with the Oregon Highway Plan. For state highways, the traffic analysis must evaluate the planning period identified in the TSP plan horizon or a minimum of fifteen (15) years, whichever is greater, from the date of the land use application.

- E. Safety of the transportation system is adequate to serve the level of development anticipated by the zone change.

(Ord. 2007-6 § 12: Ord. 2001-5 § 1)

SECTION 116: AMENDMENT “16.108.020 Tentative Plan Application” of the Estacada Municipal Code is hereby *amended* as follows:

A M E N D M E N T

16.108.020 Tentative Plan Application

- A. When a tract of land is to be subdivided, the tentative plan of the proposed subdivision shall be filed with the city together with an application. ~~Fifteen (15)~~ Three (3) copies of the tentative plan shall be submitted if they are larger than 8.5 inches x 11 inches.
- B. The tentative plan when submitted shall include the following:
1. The name, address and phone number of the property owner, applicant, engineer or surveyor;
 2. Proposed name of the subdivision;
 3. Legal description, including tax lot, section, range and township, existing zoning and proposed use of the property;
 4. The date, north point and scale of the drawing;
 5. A vicinity sketch showing the location of the subdivision;
 6. Gross acreage of the property being subdivided, the location and dimensions of all proposed lot lines including dimensions of each lot or parcel, and listing the number of lots within the plat;
 7. Source and location of domestic water;
 8. Source and location of sewage disposal;
 9. Proposed utilities and location of utilities;
 10. Name, location and width of all existing and proposed roads and easements including identification of legal access to the land;
 11. Names, surfacing, direction of drainage, disposal of surface water, and approximate grade of all streets within and abutting the subdivision;
 12. Width, depth and direction of flow of all drainage channels on the property;
 13. Contour lines at two foot intervals if ten (10) percent slope or less, five foot intervals if exceeding ten (10) percent slope. State the source of contour information;
 14. Approximate location and use of all existing structures on the site. Indicate those to be removed;
 15. Pedestrian walkways, sidewalks, parkways and curbing;
 16. Areas other than streets to be offered for dedication to the public (Example: parks, greenways);
 17. Any limitations to development; i.e., topography, areas subject to flooding, geologic hazards, drainage channels on property, significant vegetative areas, etc.;
 18. Adjacent land owned by the developer.

- C. Impact Statement. Since it is the purpose of this title to promote the public health, safety and welfare, an impact statement which shall contain an assessment of the proposed subdivision shall be prepared. The impact statement shall be in written form and shall contain an assessment of the following points, outlining the beneficial and detrimental impact that the development of the subdivision will have and shall be submitted with the tentative plan review by the planning commission and all other departments and appropriate agencies.
1. Hydrologic consideration: shall include the immediate area's storm water drainage pattern of flow, the impact of the proposed development upon downstream areas; and addition to the city storm drainage system.
 2. Geologic consideration: shall include the erosion potential, stability, bearing qualities of the soil and geologic formations; soil permeability and infiltration rates.
 3. Vegetation and animal life considerations: shall include vegetation or high brush-forest fire potential on site or in close proximity of the site; areas of low revegetation potential on the site; unique vegetation communities, rare or endangered animal species, highly productive habitats for species either on site or within close proximity to the site.
 4. Atmospheric considerations: shall include the airshed or basin in which the project is located; the local circulation patterns, prevailing winds and storm exposure; and the wind conditions that could effect the proposed development.
 5. School considerations: shall include a detailed statement of the impact of the proposed development upon the school enrollments within the school district and the ability of the schools to assimilate the students from the proposed development.
 6. Economic considerations: shall include a detailed discussion of the economic impact of the proposed development upon the schools, fire district, city services as well as a consideration of the proposed project's impact upon the tax rate of the tax code area. Further, the impact of the proposed development upon the valuation rates of adjacent property shall be included.
 7. Road considerations: shall include a detailed discussion of the roads or routes of transportation in reference to road width, construction standards, and the ability of the roads to accommodate the anticipated amount of travel that will be generated by the proposed development.
 8. Relationship considerations: shall include a detailed discussion of the relationship of the proposed development to shopping, recreational and employment centers.
 9. Public considerations: shall include a detailed discussion of how the public will benefit from the proposed development and illustrate the demonstrated public need for the proposed project, and its agreement with the provisions of the comprehensive plan.

(Ord. 2000-31 § 1; prior code § 10.760(2))

SECTION 117: **AMENDMENT** “16.112.010 Plat Submittal” of the Estacada Municipal Code is hereby *amended* as follows:

AMENDMENT

16.112.010 Plat Submittal

- A. Within four years from the effective date of approval of the tentative plan for a subdivision, or before the expiration of any time extension granted in accordance with ~~Section EMC~~ 16.108.050, a subdivision plat conforming to ORS 92.050 shall be submitted for approval.
- B. All subdivision plats must take the final form of a subdivision plat map and be prepared by a registered professional land surveyor.
- C. In addition to the information as required on the tentative plan the following information shall be provided.
 1. Accurate legal descriptions of all parcels and easement roads;
 2. The deed dedicating to the public all common improvements, including but not limited to roads, parks, greenways, if the donation was made a condition of approval of the tentative plan for the partition;
 3. Certification that water and sewer service has been installed to each parcel or acceptance by the city of a performance agreement ensuring that such services will be provided;
 4. A statement of water rights noted on the subdivision plat, and a copy of the acknowledgment from the Water Resources Department under ORS 92.120, if the person offering the plat for filing indicates on the statement of water rights that a water right is appurtenant to the subdivision plat;
 5. A copy of all covenants and protective deed restrictions;
 6. Such information as the city deems necessary for conformance with conditions of the approved tentative plan;
 7. Public Street Dedication (if applicable). The process for dedicating a private road as a public street is set forth in EMC 16.116.040. City acceptance of the road must be complete prior to final approval of the subdivision plat;
 8. If additional conditions are necessary to meet changed circumstances or the plan is substantially changed, the planning commission and city council must hold new hearings and reconsider the request.

(Prior code § 10.760(6) (part))

SECTION 118: **AMENDMENT** “16.116.010 General Requirements And Minimum Standards Of Design” of the Estacada Municipal Code is hereby *amended* as follows:

AMENDMENT

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:

- A. Conformity to the Comprehensive Plan. All partitions and subdivisions shall be consistent

with the development code and comprehensive plan.

- B. Performance Agreement. If all improvements required by the city and this title are not completed according to specifications as required herein prior to the time the plat or map is duly submitted for final approval, the city may accept in lieu of the completion of improvements a performance agreement bond, or other assurance executed by the developer conditioned upon faithful performance and completion of all such improvements within a period of time stated in such performance agreement, pursuant to EMC 16.116.050.
- C. Relation to Adjoining Street System. Streets within a proposed partition or subdivision shall provide for the continuation of existing and projected streets. If physical conditions make such continuation impractical, exceptions may be made.
- D. Transportation Adequacy and Safety and Access Design Standards.
1. A proposed partition or subdivision shall provide each lot or parcel, by means of a public street or private road, satisfactory vehicular access to an existing street.
 2. All land divisions shall comply with EMC 16.74.
 3. When a lot or parcel abuts two or more streets of different classifications under EMC 16.116.030, the lot or parcel's access point shall connect with the road of the lesser classification. For example, access points on local streets shall be preferred to access points on collectors. This standard may be modified due to topographical constraints, presence of natural features or other conditions which make it impractical to access the lower classification street.
 4. Access to arterial streets shall be minimized. Where such access is necessary, shared driveways may be required.
 5. New and modified accesses shall conform to this and other sections of the code.
 - a. Except as provided under ~~s~~Subsection C, below, the distance from a street intersection to a driveway or other street access shall meet the minimum spacing requirements for the street classification specified in EMC 16.116.030.
 - b. New property access shall not be permitted within fifty (50) feet of an intersection unless no other reasonable access to the property is available. Where no other alternatives exist, an access connection at a point less than fifty (50) feet from an intersection may be allowed, provided the access is as far away from the intersection as possible and site distance is adequate. In such cases, the city may impose turning restrictions (i.e., right in/out, right in only, or right out only).
 - c. The separation distance of access points may be modified if impractical due to lot dimensions, existing development, other physical features, or conflicting code requirements.
 6. Access to and from off-street parking areas shall not permit backing onto a public street, except for single-family dwellings.
 7. The number of driveway and private street intersections with public streets should be minimized by the use of shared driveways for adjoining lots where feasible. When necessary for traffic safety and access management purposes, or to access flag lots, joint access and/or shared driveways may be required in the following situations:
 - a. For shared parking areas;

- b. For adjacent developments, where access onto an arterial is limited;
- c. For multi-tenant developments, and developments on multiple lots or parcels. Such joint accesses and shared driveways shall incorporate all of the following:
 - (1) A continuous service drive or cross-access corridor that provides for driveway separation consistent with the applicable transportation authority's access management classification system and standards,
 - (2) A design speed of ten (10) miles per hour and a maximum width of twenty (20) feet, in addition to any parking alongside the driveway; additional driveway width or fire lanes may be approved when necessary to accommodate specific types of service vehicles, loading vehicles, or emergency service provider vehicles,
 - (3) Driveway stubs to property lines (for future extension) and other design features to make it easy to see that the abutting properties may be required with future development to connect to the cross-access driveway.
- 8. When a shared driveway is provided or required as a condition of approval, the land uses adjacent to the shared driveway may have their minimum parking standards reduced in accordance with the shared parking provisions of EMC 16.76.010- [Subsection C](#).
- 9. For joining and cross-access easements, the property owners shall:
 - a. Record an easement with the deed allowing cross-access to and from other properties served by the joint-use driveways and cross-access or service drive;
 - b. Record an agreement with the deed that remaining access rights along the roadway for the subject property shall be dedicated to the city and pre-existing driveways will be closed and eliminated after construction of the joint-use driveway;
 - c. Record a joint maintenance agreement with the deed defining maintenance responsibilities of property owners.
- 10. Access to a state highway shall be reviewed and approved by the Oregon Department of Transportation.
- E. Private Roads. Private roads may be approved if a new public road or extension of the public road system is impractical. In determining if the extension of the public road system is impractical, criteria shall be considered 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 Street Standards.
 - 1. Street Widths. The right-of-way and surface widths shall conform to the widths as specified in EMC 16.116.030.
 - 2. Street Design and Improvements.

- a. The layout of streets shall give suitable recognition to surrounding topographical conditions in accordance with the purpose of this title.
 - b. Future Extension of Streets. Where a partition or subdivision will adjoin unplatted acreage, streets, which in the opinion of the planning commission should be continued, will be required to be provided through to the boundary line of the tract of the proposed partition or subdivision. Reserve strips and street plugs may be required to preserve the objectives of street extensions. Reserve strips and street plugs shall be deeded to the city prior to final plat approval.
 - c. Reserve Strips. Reserve strips or street plugs controlling access to streets will not be approved unless such strips are necessary for the protection of the public welfare or of substantial property rights or both, and in no case unless the control and disposal of the land composing such strips is placed within the jurisdiction of the city under conditions approved by the planning commission.
 - d. Existing Streets. Whenever existing streets adjacent to or within a tract are of inadequate width, additional right-of-way shall be provided at the time of the partition or subdivision.
 - e. Street improvements, street grades, paving, drainage and centerline radii on curves shall meet the minimum requirements as specified in EMC 16.116.030.
3. Street Intersections.
- a. Streets shall intersect one another at an angle as near to a right angle as is practical considering the topography of the area and previous adjacent layout.
 - b. Intersections shall be designed so that no danger to the traveling public is created as a result of staggered intersections; and in no case shall intersections be offset.
 - c. Any intersection that accesses an arterial road shall provide an additional turn lane access.
4. Cul-de-Sacs and Turn-a-Rounds.
- a. Dead end (cul-de-sac) streets in residential partitions or residential subdivisions shall not exceed four hundred (400) feet in length and shall not serve building sites for not more than eighteen (18) dwelling units. The cul-de-sac must terminate in a circular turn-a-round with a minimum radius of fifty-five (55) feet or other type of turn-a-round approved by the planning commission.
 - b. Approved turn-a-rounds shall be provided on all dead end streets.
- G. Public Access Ways. When necessary for public convenience and safety, the city may require a subdivider to provide the city with an easement for public access ways ten (10) to twenty (20) feet in width to connect cul-de-sacs, to pass through oddly shaped or unusually long blocks, to provide for networks of public paths according to adopted plans or to provide access to schools, parks, collector or arterial pedestrian facilities, or other public areas, and be of such design and location as reasonably required to facilitate public use. Determinations of necessity regarding need, location, and design of access ways shall

take into consideration the requirements in EMC 12.12 Driveways.

Additional lighting, landscaping, setbacks, specific access way surfacing, or other design elements may be required to ensure the safety, ease of use, and efficiency of the access way.

H. Lots and Parcels.

1. Every lot/parcel shall abut a public street or private road. A flag lot with the staff that does not comply with the required minimum lot widths for the zone it is located in is permitted but shall not be less than twenty-five (25) feet minimum frontage.
2. Lots/parcels with double frontage shall not be permitted unless, in the opinion of the city, it is unavoidable.
3. The staff portion of a flag lot shall not be used in computing lot size for zoning and building purposes.

I. Utility Easements. Where alleys are not provided, easements of not less than ten (10) feet in width may be required on side or rear lines if determined to be necessary for utility lines, wires, conduits, storm and sanitary sewers, gas and water. Easements of the same or greater widths may be required along boundary lines or across lots where necessary for the extension of utility lines, waterways, and walkways, and to provide necessary drainage ways or channels.

J. Water Service. All lots/parcels shall be served by city water service, as evidenced by:

1. Certification that city water service has been provided to the boundary line of each lot/parcel, with utility location maps furnished to the city; or
2. A performance agreement, bond, contract or other assurance that water service will be provided to the boundary line of each lot/parcel.

K. Sewer. All lots/parcels shall be served by city sewer service, as evidenced by:

1. Certification that city sewer service has been provided to the boundary line of each lot/parcel with utility location maps furnished to the city; or
2. A performance agreement, bond, contract or other assurance that sewer service will be provided to the boundary line of each lot/parcel.

L. Drainage. The developer shall provide a storm water plan which shall include the following:

1. Width, depth and direction of flow of all drainage channels on the property;
2. Names and approximate grade of all streets within and abutting the partition or subdivision;
3. Location, size and type of conduit used in drainage channels and driveway accesses;
4. Inspection and approval of dry-wells installed on the property by the public works superintendent;
5. Inspection and approval of drainage disposal plans by the public works superintendent.

M. Parks. The developer 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.

N. Block Length. In order to promote efficient vehicular and pedestrian circulation throughout

the city, block lengths between street lines shall comply with the following standards.

1. Residential Districts. Minimum of one hundred (100) foot block length and maximum of six hundred (600) foot length; maximum one thousand four hundred (1,400) foot block perimeter;
 2. Commercial Districts. Minimum of one hundred (100) foot length and maximum of six hundred (600) foot length; maximum one thousand four hundred (1,400) foot perimeter;
 3. Block length standards do not apply to industrial or open space districts.
- O. Partial Development. If a proposed partition or subdivision area includes only part of the tract owned by the partitioner/subdivider, the city may require a sketch of the tentative layout in the remainder of that tract.
- P. Subdivision Phase Development. A developer of a subdivision may file a plat on a portion or phase of the approved tentative plan. If the subdivision is submitted for plat approval in phases, each phase must be able to qualify in all respects to the applicable requirements of approval of the tentative plan. If the subdivision is a planned unit subdivision, each phase must be able to qualify for approval independently from the balance of the approved tentative plan.
- Q. Subdivision Names. Subdivision plat names shall be subject to the approval of the county surveyor pursuant to ORS 92.090.
- R. Planned Unit Subdivisions. The tentative plan and final approval procedures for planned unit subdivisions are the same as for other subdivisions. A planned unit subdivision is subject to all applicable provisions contained in the planned development (P-D) overlay zone section of this title.
- S. Underground Utilities. In any subdivision which includes the construction of new public or private streets, underground utilities shall be provided. Where a subdivision is proposed to front on existing streets which contain existing utility construction, underground utilities shall not be required unless the affected utility companies have adopted a schedule for the construction of underground utilities for the area.
- T. Subdivision Time Extensions. If all phases are not completed within the required four-year time period for tentative approval of a subdivision, a time extension must be applied for subject to provisions contained in EMC 16.108.050.

(Ord. 2007-6 §§ 13—16; Ord. 1999-7 § 4; prior code § 10.750; Ord. No. 2018-001, § 1, 6-11-2018)

SECTION 119: **AMENDMENT** “16.120.020 Procedure For Land Partitioning”
of the Estacada Municipal Code is hereby *amended* as follows:

A M E N D M E N T

16.120.020 Procedure For Land Partitioning

- A. Preapplication Process. Prior to preparing a tentative plan of a land partition, the applicant should discuss the proposed division with city staff. The applicant and staff shall discuss

the implication of zoning, availability of water, sewage disposal, drainage and street construction requirements, access and easements, topography of the sites, any known natural hazards, and all other factors affecting the division of the property.

B. Tentative Plan Application.

1. When a tract or area of land is to be partitioned, the tentative plan of the proposed partition shall be filed with the city together with an application. ~~Fifteen (15)~~ Three (3) copies of the tentative plan shall be submitted if they are larger than 8.5 inches x 11 inches.
2. The tentative plan when submitted shall include the following:
 - a. The name, address and phone number of the land property owner, applicant, engineer or surveyor;
 - b. Legal description, including tax lot, section, range and township;
 - c. The date, north point and scale of the drawing;
 - d. A vicinity sketch showing the location of the partition;
 - e. The approximate location and dimensions of all proposed boundary lines;
 - f. Approximate area of the property being partitioned and each proposed parcel including dimensions of each lot or parcel;
 - g. Name, location and width of all existing and proposed roads, rights-of-way and easements including identification of legal access to the land;
 - h. Drainage channels, including their width, depth and direction of flow;
 - i. Existing zoning of the property;
 - j. Existing and proposed uses of the property;
 - k. Approximate location and use of all existing structures to remain on the site. Indicate those to be removed;
 - l. Source and location of domestic water;
 - m. Source and location of sewage disposal;
 - n. Contour lines at two-foot interval if ten (10) percent slope or less, five-foot interval if exceeding ten (10) percent slope; source of contour information;
 - o. Any limitations to development; i.e. topography, areas subject to flooding, geologic hazards, drainage channels on property, significant vegetative areas, etc.

C. Review of Tentative Plan by Other Departments. Within seven days after the partition application is accepted, the city shall distribute copies thereof to appropriate agencies and departments for review, comments and recommendations.

D. Approval of Tentative Plan:

1. When all comments and recommendations from appropriate agencies or departments have been received, or within sixty (60) days after receiving the application as provided for in this title, whichever date shall occur first, the city shall place the tentative plan on the agenda of the next scheduled meeting of the planning commission and notify the applicant of the meeting date and time. Following consideration of the tentative plan, the replies from the agencies and departments, and such other testimony offered, the planning commission shall approve, conditionally approve, disapprove for cause, or, when further information is required, postpone a decision on the tentative plan.
2. The applicant shall be notified of the decision and the basis upon which the decision was made. Unless appealed, the decision shall become effective fifteen

(15) days after rendered, in accordance with EMC 16.132.060. The tentative approval is valid for two years from the effective date of approval.

E. Submitting Final Partition Plat Map.

1. Within two years from the effective date of approval of the tentative plan, a plat of the partition conforming to ORS 92.050 shall be submitted for approval.
2. All partitions must take the final form of a partition plat and be prepared by a registered professional land surveyor.
3. In addition to the information as required on the tentative plan the following information shall be provided.
 - a. Accurate legal descriptions of all parcels and easement roads;
 - b. The deed dedicating to the public all common improvements, including but not limited to roads, if the donation was made a condition of approval of the tentative plan for the partition;
 - c. Certification that water and sewer service has been installed to each parcel (except the residual parcel when the potential exists for additional partitioning) or acceptance by the city of a performance agreement ensuring that such services will be provided;
 - d. A statement of water rights noted on the partition plat, and a copy of the acknowledgment from the Water Resources Department under ORS 92.120, if the person offering the partition plat for filing indicates on the statement of water rights that a water right is appurtenant to the partition;
 - e. Such information as the city deems necessary for conformance with conditions of the approved tentative plan;
 - f. Public street dedication (if applicable). The process for dedicating a private road as a public street is set forth in EMC 16.116.040. City acceptance of the road must be complete prior to final approval of the partition;
 - g. If additional conditions are necessary to meet changed circumstances or the plan is substantially changed, the planning commission must hold new hearings and reconsider the request.

F. Final Approval. When the city manager and planner determine that the final map substantially conforms to the approved tentative plan and that all conditions have been complied with, the planning commission chair shall sign the plat. The plat shall then be delivered to the county surveyor who shall obtain the appropriate official's signatures required for final recording.

(Ord. 2001-5 § 7; prior code § 10.735)

SECTION 120: **AMENDMENT** “16.124.040 Application Requirements” of the Estacada Municipal Code is hereby *amended* as follows:

A M E N D M E N T

16.124.040 Application Requirements

Application for annexation shall be made on forms provided by the planning department and shall include the following material:

- A. Written consent by the owner or owners of over one-half of the area to be annexed;
- B. A legal description together with an illustration depicting the boundaries of the legal description, or a boundary survey compiled from record documents or field survey as necessary to accurately define the entire boundary of the property to be annexed, certified by a registered engineer or surveyor;
- C. ~~Twenty-five (25) copies of a~~ A vicinity map which includes a complete map of the area to be annexed and which identifies adjacent city territory;
- D. A general land use plan indicating types and intensities of proposed development, transportation corridors, watercourses, significant natural features, open space, and adjoining development;
- E. A statement of the available capacity of existing water, sewer, drainage, transportation, park facilities, and school facilities as measured by the maximum density levels allowed by the proposed zoning;
- F. A statement of projected increased demand for such facilities to be generated by the proposed development and the basis for that projection;
- G. A statement of additional facilities required to meet the increased demand and a schedule for the phasing of such facilities in accordance with projected demand;
- H. A statement outlining the method and source of financing to provide additional public facilities required by ~~s~~ Subsections F and G of this section;
- I. Payment of annexation fees, as set by city council resolution, consisting of an application fee and a deposit to pay for any and all costs associated with the application review and election;
- J. A schedule for abatement of a nonconforming use as provided by EMC 16.124.130.

(Ord. 2004-2 § 2; prior code § 10.814)

SECTION 121: AMENDMENT “16.124.080 Annexation Declaration” of the Estacada Municipal Code is hereby *amended* as follows:

AMENDMENT

16.124.080 Annexation Declaration

Unless the annexation proposal is rejected by city electors in any election required by this ~~C~~ Chapter, the city council shall by ordinance declare the annexation after determining that all requirements of the Oregon Revised Statutes all applicable fees have been paid, and the annexation request has been approved by a majority of those voting. If the annexation is approved, the city council, by ordinance, shall set the final boundaries of the area to be annexed by a legal description and proclaim the annexation (ORS 170(3)).

(Prior code § 10.818; Ord. No. 2018-001, § 1, 6-11-2018)

SECTION 122: **AMENDMENT** “16.124.130 Annexation Of Nonconforming Uses” of the Estacada Municipal Code is hereby *amended* as follows:

A M E N D M E N T

16.124.130 Annexation Of Nonconforming Uses

- A. When property proposed to be annexed into the city contains a land use not permitted in the zone as an outright permitted use or conditional use, the city council may add conditions to the annexation approval in order to modify the nonconforming use or to ensure the removal of the nonconforming use within a reasonable time period, ~~not to exceed ten (10) years after annexation~~. The city council may also impose conditions of approval on any conditional use proposed in the annexed area.
- B. This section shall not apply to a nonconforming use consisting of the continued use of a property as a single-family dwelling which, by virtue of annexation, is no longer an outright permitted or conditional use in the zone. Use of an annexed property as a single-family dwelling may continue as a nonconforming use until:
 - 1. The property is no longer used as a single-family residence;
 - 2. Application is made for development of the property other than as a single-family dwelling;
 - 3. The property is conveyed or all occupants over the age of eighteen (18) of the property at the time of annexation dies or no longer reside(s) on the property.

(Ord. 2003-11 § 1; prior code § 10.823; Ord. No. 2018-001, § 1, 6-11-2018)

SECTION 123: **AMENDMENT** “16.132.020 Public Hearing Notice” of the Estacada Municipal Code is hereby *amended* as follows:

A M E N D M E N T

16.132.020 Public Hearing Notice

When the planning commission or city council is required to hold a public hearing for an action authorized or required by this code, the hearing shall be conducted according to the following procedures:

- A. Notice of Public Hearing.
 - 1. Each notice of a public hearing for any quasi-judicial land use application shall be published in a newspaper of general circulation in the city at least twenty (20), but not more than forty (40) days, prior to the date of hearing. In addition, at least

twenty (20) days prior to the hearing, but not more than forty (40) days prior to the hearing, notices shall be mailed to all owners of property within one hundred (100) feet of the exterior boundary of the property for which the application is made. For this purpose the names and addresses of the owners as shown on the records of the county assessor shall be used.

2. Each notice of a public hearing for any legislative land use proposal shall be published at least two times in a newspaper of general circulation of the city, at least twenty (20), but not more than forty (40) days prior to the hearing.
3. The public hearing notice shall:
 - a. Explain the nature of the application and the proposed use or uses which could be authorized;
 - b. List the applicable criteria from the ordinance;
 - c. Set forth the street address or other easily understood geographical reference to the subject property;
 - d. State the date, time and location of the hearing;
 - e. State that failure of an issue to be raised in a hearing, in person or by letter, or failure to provide statements or evidence sufficient to afford the decision maker an opportunity to respond to the issue precludes appeal to the board based on that issue;
 - f. Include the name of a local government representative to contact and the telephone number where additional information may be obtained;
 - g. State that a copy of the application, all documents and evidence submitted by or on behalf of the applicant and applicable criteria are available for inspection at no cost and will be provided at reasonable cost;
 - h. State that a copy of the staff report will be available for inspection at no cost at least seven days prior to the hearing and will be provided at reasonable cost; and
 - i. Include a general explanation of the requirements for submission of testimony and the procedure for conduct of hearings.
4. Notice of a public hearing on a land use application shall be provided to any governmental agency that is entitled to such notice under an intergovernmental agreement entered into with the City and any other affected agencies. At a minimum, the City shall notify all agencies with jurisdiction over roads in the City.
5. Failure of a person to receive the notice prescribed in this section shall not invalidate a proceeding if notice is provided as described in ~~s~~Subsection A.1 of this section. Mailed notices to owners of real property required by this section shall be deemed given to those owners named and in ownership since the last complete tax assessment roll was prepared. The failure of the city to cause a notice to be mailed to an owner of a lot or parcel of property created or that has changed ownership since the last complete tax assessment roll was prepared shall not invalidate a proceeding prescribed by this code.

(Ord. 2000-28 § 1: prior code § 10.830; Ord. No. 2018-003, § 3(Exh. 6), 10-8-2018)

SECTION 124: **AMENDMENT** “16.132.030 Public Hearing Procedure” of the Estacada Municipal Code is hereby *amended* as follows:

A M E N D M E N T

16.132.030 Public Hearing Procedure

- A. The planning commission or the city council may recess a hearing in order to obtain additional information or to serve further notice upon other property owners or persons that may be effected by the proposal under consideration. Upon recessing the time and date when the hearing is to be resumed shall be announced, and no additional publication shall be necessary.
- B. At the commencement of a hearing under a comprehensive plan or land use regulation, a statement shall be made to those in attendance that:
 - 1. Lists the applicable substantive criteria;
 - 2. States that testimony and evidence must be directed toward the criteria described in ~~s~~Subsection B, 1 of this subsection or other criteria in the plan or land use regulation which the person believes to apply to the decision;
 - 3. States that failure to raise an issue with sufficient specificity to afford the decision maker and the parties an opportunity to respond to the issue precludes appeal to the board based upon that issue;
 - 4. All documents or evidence relied upon by the applicant shall be submitted to the city and shall be made available to the public at the time notice provided for in this title;
 - 5. Any staff report used at the hearing shall be available at least seven days prior to the hearing. If additional documents or evidence is provided in support of the application, any party shall be entitled to a continuance of the hearing. Such continuance shall not be subject to the limitations of ORS 215.428 or 227.178;
 - 6. Unless there is a continuance, if a participant so requests before the conclusion of the initial evidentiary hearing, the record shall remain open for at least seven days after the hearing. Such an extension shall not be subject to limitations of ORS 215.428 or 227.178;
 - 7. When a local governing body, planning commission, hearings body or hearings officer reopens a record to admit new evidence or testimony, any person may raise new issues which relate to the new evidence, testimony or criteria for decision-making which apply to the matter at issue.

(Prior code § 10.835)

SECTION 125: **AMENDMENT** “16.132.070 Time Limit Of Final Action” of the Estacada Municipal Code is hereby *amended* as follows:

A M E N D M E N T

16.132.070 Time Limit Of Final Action

- A. The city shall take final action on an application for permits, limited land use decisions or zone changes, including resolution of all appeals under EMC 16.32.050- Subsection B within one hundred twenty (120) days after the application is accepted as complete.
- B. The application is complete if all items are submitted as specified on the application form, required as part of this title, or requested in writing by the city and subsequently submitted.
 - 1. If the application is incomplete, the city shall notify the applicant of exactly what information is missing within thirty (30) days of receipt of the application and allow the applicant to submit the missing information;
 - 2. The application shall be deemed complete upon receipt by the city of the missing information; or
 - 3. If the applicant refuses to submit the requested information within thirty (30) days, the application shall be considered incomplete on the thirty-first day after the city first received the application;
 - 4. If the application was incomplete when first submitted and the applicant submits the requested information within one hundred eighty (180) days of the date of application, approval or denial of the action shall be based on the standards and criteria applicable at the time the application was first submitted.
- C. The one hundred twenty (120) day period set in sSubsection A of this section may be extended for a reasonable period as determined by the city at the request of the applicant.
- D. The one hundred twenty (120) day period set forth in this section shall only apply to decisions wholly within the authority and jurisdiction of the city.
- E. In the event a final decision is not rendered within one hundred twenty (120) days, as specified under sSubsection A of this section, an applicant may seek a writ of mandamus to require an approval of the application or a decision that approval would violate the city's plan or land use ordinance.

(Prior code § 10.855)


EFFECTIVE DATE Considered at the Council meeting of February 24, 2020, passed by a vote of 7 ayes and 0 nays, and considered for the second time at the meeting of March 9, 2020, and passed by a vote of 4 ayes and 0 nays, this 9th day of March, 2020. DULY ADOPTED by the City Council of the City of Estacada this 9th day of March, 2020.

PASSED AND ADOPTED BY THE ESTACADA COUNCIL MARCH 09, 2020.

	AYE	NAY	ABSENT	ABSTAIN
Sean Drinkwine	<u> X </u>	<u> </u>	<u> </u>	<u> </u>
Katy Dunsmuir	<u> X </u>	<u> </u>	<u> </u>	<u> </u>
Eric Hall	<u> </u>	<u> </u>	<u> X </u>	<u> </u>
Justin Gates	<u> X </u>	<u> </u>	<u> </u>	<u> </u>
K.C. Spangler	<u> </u>	<u> </u>	<u> X </u>	<u> </u>
Jerry Tenbush	<u> X </u>	<u> </u>	<u> </u>	<u> </u>
Luke Wever	<u> </u>	<u> </u>	<u> X </u>	<u> </u>

Presiding Officer

Attest



Sean Drinkwine, Mayor, Estacada



Sadie Main, City Recorder Estacada