ESTACADA
ORDINANCE 2025-013

AN ORDINANCE AMENDING TITLE 16 - DEVELOPMENT OF THE ESTACADA MUNICIPAL CODE

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

SECTION 1: **AMENDMENT** "Chapter 16.56 WETLANDS OVERLAY (W/O)" of the Estacada Municipal Code is hereby *amended* as follows:

AMENDMENT

Chapter 16.56 WETLANDS ~~OVERLAY~~RESOURCES (W~~/O~~-R)

SECTION 2: **AMENDMENT** "Chapter 16.54 AIRPORT SAFETY AND COMPATABILITY OVERLAY ZONE" of the Estacada Municipal Code is hereby *amended* as follows:

AMENDMENT

Chapter 16.54 AIRPORT SAFETY AND ~~COMPATABILITY OVERLAY ZONE~~COMPATIBILITY (ASC)

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

AMENDMENT

16.08.010 Definitions

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

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

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

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

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

"Acreage, Net" "Net acreage" means the area on a site which is eligible for development. Net

acreage is calculated by subtracting undevelopable land from the total gross acreage of the site. The following areas are deemed undevelopable for the purposes of calculating net acreage:

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

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

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

"Airport" means a tract of land or water that is maintained for the landing and take-off of aircraft, for receiving and discharging passengers and cargo, and the repair, storage, or supplying of aircraft. An airport includes~~“Airport” means the strip of land used for taking off and landing aircraft, together with~~ all adjacent land or water used in connection with the aircraft landing or taking off ~~from the strip of land, including but not limited to land used for existing airport uses~~.

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

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

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

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

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

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

"Automobile."

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

"Base flood" or ~~(~~"100-year flood~~)~~" means a flood having a one percent (1%) chance of being equaled or exceeded in any given year.

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

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

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

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

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

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

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

“Childcare facility” ~~means any facility that provides childcare to children, including a day nursery, nursery/pre-school, childcare center, certified or registered family childcare home or similar unit, but not including any:Facility providing care that is primarily group athletic or social activities sponsored by or under the supervision of an organized club or hobby group; orResidential facility licensed under ORS 443.400 to 443.455.~~ as used in EMC Title 16 is defined in ORS 329A:

A. “Large childcare facility" means any child care facility licensed to care for more than sixteen (16) children at a given time.

B. “Small childcare facility" means any child care facility licensed to care for a maximum of sixteen (16) children at a given time.

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

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

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

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

"Commonwall dwelling" is defined under "Dwelling".

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

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

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

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

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

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

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

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

~~Deck, Unenclosed. "Unenclosed deck" means a non-covered attached or unattached structure accessory to the main use of the property, having no components necessary to the structural support of the main use.~~ "Density" means the number of dwelling units allowed within a specified land area.

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

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

"Duplex" is defined under "Dwelling".

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

A. "Commonwall dwelling" means a dwelling on its own lot which shares at least one wall, or portion thereof, with another dwelling on an abutting lot.
B. "Duplex" means a single building on its own lot, with two dwelling units with separate housekeeping facilities. A single-family dwelling with an accessory suite is not a duplex.
C. "Factory-built dwelling", "modular dwelling", and "modular home" mean a dwelling that meets Oregon Building Code requirements for a residential dwelling, was constructed almost entirely off-site, was delivered to its permanent site in whole or in sections, and is set on to a foundation at that site; it does not mean a manufactured dwelling or mobile home, as defined separately in this Section. "Factory-built dwellings", "modular dwellings", and "modular homes" are considered "single-family dwellings."
D. "Fourplex" means a single building on its own lot with four dwelling units that are not accessory suites and that have separate housekeeping facilities.
E. "Manufactured dwelling" means a detached dwelling designed or used exclusively for the occupancy of only one family, constructed for movement on highways and includes the following:
    1. "Manufactured home" means a manufactured dwelling constructed after June 15, 1976 in accordance with federal manufactured housing construction and safety standards (HUD code) in effect at the time of construction.
    2. "Mobile home" means a manufactured dwelling constructed between January 1, 1926 and June 15, 1976, in accordance with the construction requirements of Oregon mobile home law in effect at the time of construction.
    3. "Residential trailer" means a manufactured dwelling constructed before January 1, 1962, which was not constructed in accordance with federal manufactured housing construction and safety standards (HUD code), nor the construction requirements of Oregon mobile home law.
F. "Middle housing" means a category of housing types that includes duplexes, triplexes, fourplexes, commonwall dwellings, and cottage clusters.
G. "Multi-family dwelling" means a single building, or a portion thereof, on its own lot, that contains five or more dwelling units, each with housekeeping facilities for just one family.
H. "Single-family dwelling" and "single family home" mean a detached dwelling unit on its own lot designed or used exclusively for the occupancy of only one family and having housekeeping facilities for only one family. "Factory-built dwellings", "modular dwellings", and "modular homes" are considered "single-family dwellings".
I. "Triplex" means a single building on its own lot with three dwelling units that are not accessory suites and that have separate housekeeping facilities.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

"Fourplex" is defined under "Dwelling".

"Greenbelt" means a designated area of undeveloped land and/or open space surrounding an urban community.

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

"Greenway" means a linear strip of undeveloped land and/or open space converted to recreational use.

~~“Hazard” means a hazard existing within and around an airport as determined by the Oregon Department of Aviation or Federal Aviation Administration.~~"Heavy industry" means the manufacturing, processing, compounding, packaging or assembling of products, the process of which requires that permits be issued by the Oregon State Department of Environmental Quality for the associated emissions, discharges, or storage of materials.

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

"Home occupation" means an occupation carried on within a dwelling, or an accessory structure by a resident of the dwelling, where such occupation is secondary to the main use of

the property as a residence, but excluding commercial businesses considered by the planning commission as inappropriate for residential areas.

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

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

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

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

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

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

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

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

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

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

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

~~“Large childcare facility" means any childcare facility, as defined in this chapter, licensed to care for more than sixteen (16) children at a given time.~~"Light industry" means the manufacturing, processing, compounding, packaging or assembling of products, the process of which does not require that permits be issued by the Oregon State Department of Environmental Quality for the associated emissions, discharges, or storage of materials.

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

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

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

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

building purposes.

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

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

"Lot frontage" means the front of a lot shall be construed to be the portion nearest the street. For the purpose of determining ~~yard~~ setback 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~~ setbacks shall be provided as indicated in this section.

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

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

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

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

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

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

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

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

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

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

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

"Manufactured dwelling" is defined under "Dwelling".

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

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

"Marijuana processing" means the processing, compounding, or conversion of marijuana into cannabinoid products, cannabinoid concentrates, or cannabinoid extracts, provided that the

marijuana processor is licensed by the Oregon Liquor Control Commission or registered with the Oregon Health Authority.

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

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

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

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

~~"Mine quarry" means premises from which any rock, sand, gravel, stone, topsoil, clay, mud, peat, or other mineral is removed or excavated as an industrial or commercial operation, of excavating and grading for streets and roads or in preparation for the construction of a building for which a permit has been issued by a public agency.~~ "Mini-warehouse (storage)" means a structure used for storing personal effects or small retail merchandise with individual compartments that do not exceed one thousand (1,000) square feet.

"Mobile home" is defined under "Dwelling".

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

A. A plaza, courtyard, square or extra-wide sidewalk (building frontage areas) next to the building entrance. Extra-wide sidewalks shall be at least three (3) feet wider than the minimum required for the purpose of this Section;
B. Sitting space (e.g., dining area, benches, garden wall or ledges between the building entrance and sidewalk) with a minimum of 16 inches in height and 30 inches in width;
C. Public art that incorporates seating (e.g., fountain, sculpture);
D. Transit amenity, such as bus shelter, per the standards of the transit service provider, as applicable;
E. Sidewalk chalk squares;
F. Planters;
G. Covered entryway with seating;
H. Streetscape furnishings, including pedestrian level street lighting, bike racks, crosswalks, bollards, trash cans, drinking fountains, tree gates, and curb extensions; or
I. Street trees.

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

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

~~"Pier" means a fixed moorage facility constructed outward from the river bank.~~ "Planned development" means a development in which the applicable code restrictions, other density requirements, may be modified and/or applied to the development as a whole rather than to each individual lot. A planned development involving the subdividing of property is a planned unit development.

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

~~"Planning commission" means the planning commission of the city of Estacada.~~ "Plat" means a final subdivision plat, re-plat or partition plat.

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

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

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

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

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

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

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

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

"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~~ vehicle with or without motive power that is designed for human occupancy and as further defined, by rule, by the Director of Transportation, at OAR 735-022-0140.

"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~~shall have the meaning set forth in OAR 918-650-0005.

"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 serves available on a 24-hour basis to meet the activities of daily living, health, and social needs of the residents. A program approach is used to promote resident self-direction and participation in decisions that emphasize choice, dignity, individuality, and independence.

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

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

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

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

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

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

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

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

B. Rear: a setback between side lot lines and measured horizontally at right angles to the rear lot line from the rear lot line, to the rear most part of the main building.
C. Side: a setback between the front and rear ~~yard~~ lot lines, measured horizontally and at right angles from the side lot line to the nearest point of the main building.

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

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

Street. (See "Road.")

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

~~"Small childcare facility" means any childcare facility, as defined in this chapter, licensed to care for a maximum of sixteen (16) children at a given time.~~"Structure" means ~~a structure built or assembled for any use or occupancy~~anything constructed, built, or installed, which requires a location on the ground or is attached to another structure having a location on the ground.

"Subdivide~~d~~ 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 pertinent writing and information ~~that may be required~~.

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

"Triplex" is defined under "Dwelling".

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

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

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

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

"Water-dependent" means a use or activity which can be carried out only on, in or adjacent to

water areas because the use requires access to the water body for water-borne transportation, recreation, energy production, or source of water.

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

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

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

“Youth support services facility”:

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

B. Does not include the following:
    1. A facility that exclusively serves individuals 18 years of age and older; or
    2. A facility that primarily serves both adults and children but requires that any child must be accompanied at all times by at least one custodial parent or guardian.

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

SECTION 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.~~ Low Density Residential	R-1
~~b.~~ Medium Density Residential	R-2
~~c.~~ Multiple Family Residential	R-3
~~d.~~ North City Residential	NCR

B. Commercial Zones.

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

C. Mixed-Use Zones.

Downtown	D
Residential Commercial	C-2
Mill Area Mixed-Use	MMU
Central Mixed-Use	CMU

D. Industrial Zones.

~~a.~~ Light Industrial	M-1
Airport	A-P

E. Open Space/Public Facility Zones.

a. Open Space/Public Facilities	O-S

F. Special Overlay Zones.

~~a.~~ Historic~~al~~ Resources ~~Overlay~~	H-R
~~b.~~ Planned Development ~~Overlay~~	P-D
Airport Safety And Compatibility	ASC
~~c.~~ Wetland Resources ~~Overlay~~	W-R~~O~~

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

SECTION 5: **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): Intended primarily for lower-density residential uses, including single-family dwellings and small-scale middle housing, but also allows home occupations, short-term rentals with standards, and certain public nonprofit conditional uses.
B. Medium Density Residential (R-2): Intended for residential use at a moderate density, including single-family dwellings and middle housing.
C. Multiple Family Residential (R-3): 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 Commercial (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 Commercial (C-2): Designed for a mixture of office, retail, personal or business service, ~~plus allowing~~and residential uses~~. C-2 was created~~, in order 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 is 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. Airport (A-P): Created to encourage and support the continued operation and vitality of public-use airports by allowing certain airport-related commercial, residential, and recreational uses in accordance with state law.

O. Open Space/Public Facilities Overlay (O-S): Created to ensure public greenways, pathways, and parks, and to allow governmental uses including public schools.
P. Planned Development Overlay (P-D): Intended to permit the application of new technology and greater freedom than may be possible under a strict interpretation of the provisions of the development code.
Q. Airport Safety and Compatibility Overlay (ASC): Intended to encourage and support the continued operation and vitality of Estacada's public-use airport(s) by establishing compatibility and safety standards to promote air navigational safety, and to reduce potential safety hazards for persons living, working or recreating near the airport.
R. Historical Resources Overlay (H-R): Intended to encourage property owners to enhance and maintain historically designated resources within the community.
S. Wetlands Resources Overlay (W-OR): 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 6: **AMENDMENT** "16.16.020 Uses Permitted Outright" of the Estacada Municipal Code is hereby *amended* as follows:

AMENDMENT

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 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 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;
C. Duplex;
D. Commonwall dwellings up to two units;
E. 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;
F. A travel trailer or recreation vehicle stored unoccupied on a lot in combination with an approved dwelling and complies with residential setback requirements;
G. Small childcare facility as defined in EMC 16.08;
H. Youth support services facility as defined in EMC 16.08;
I. Large childcare facility as defined in EMC 16.08, located within an existing church or school facility;
J. Public park;
K. Residential homes as defined in EMC 16.08;
L. Short-term rentals subject to the provisions of EMC 16.62;
M. Home occupations as defined in EMC 16.92 that involves no customer traffic, retail sales, signs or any other outward appearance of a business;
N. Accessory dwelling unit (ADU)s as defined in subject to the provisions of 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 7: **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. Cemetery;
B. Church, nonprofit religious or philanthropic institution;
C. Community center, nursery school, kindergarten or similar facility;
D. Governmental structure or use of land;
E. Public utility substation~~s~~ as required with safeguards against harm to adjacent or abutting property owners;
F. Home occupation~~s~~ subject to the provisions of EMC 16.92;
G. Golf course or country club, but excluding miniature golf course or similar types of amusement facilities;
H. Private noncommercial recreation club such as tennis, swimming or archery club, but excluding commercial amusement or recreation enterprises;
I. Lodge of civic or fraternal organizations;
J. New public school or any private school offering curriculum similar to public school;
K. Temporary real estate office~~s~~ offering residential property in the immediate vicinity for sale, rent or lease;
L. Large childcare facility as defined in EMC 16.08, not located within an existing church or school facility;
M. Professional office~~s~~ or medical facility~~ies~~;
N. Public transportation facility~~ies~~ not otherwise listed in EMC 16.16.020 Subsection L;
O. Transportation facility~~ies 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 8: **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. 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. 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. Side setbacks for commonwall dwellings shall be as follows:
    a. The minimum side setback for the common side of attached dwellings is zero (0) feet.
    b. Two-unit commonwall dwellings shall meet the side setback standard provided in Subsection 3 for sides that are not attached.
3. ~~Except as provided for commonwall dwellings in Subsection 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 windowsill 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 setback shall be equal to the width of the PUE, if greater than the setback required above.~~ Minimum side setbacks shall be:
    a. The common side of a commonwall dwelling is zero (0) feet.
    b. **Dwellings with a second story bedroom window facing a side yard and is situated more than 15 feet above the ground level. As described below, the minimum side setback is the lower windowsill height (from the lower windowsill to grade level directly below the window) by three. Such windows shall have minimum dimensions of three feet by three feet. The bedroom may install an automatic fire sprinkler system as approved by the City.**
    c. **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 setback required above.**

    Figure 1.

4. 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~~ up to five (5) feet ~~of~~ from 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. Detached accessory dwelling units are allowed exceptions to rear setbacks as provided in EMC 16.61.060.C.3.a.

D. Sidewalks. Sidewalks, driveways and service driveways shall conform to standards

established by this code.

E. Fences.
    1. Fences and sight-obscuring fences, with the exception of evergreen plantings, cannot exceed ~~six~~ seven (7) feet in height without a building permit.
    2. Fences described above are subject to clear vision regulations of EMC 16.60.010 and EMC 8.12.050 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 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~~The plan ~~should~~ shall be certified by a registered professional engineer for the removal or fill of more than fifty (50) cubic yards of material.

H. Building Height.
    1. No building shall exceed a height of thirty-five (35) feet, except public schools or churches which may be forty-five (45) feet.
    2. When a property in the R-1 zone is located in the Airport Safety and Compatibility Overlay Zone, all buildings thereupon shall comply with the height limitations in EMC 16.54.030. Whenever height limitations in this section are more restrictive than those in EMC 16.54.030, the height limitations of this section shall control.

I. Lot Coverage. Except as provided below, buildings including accessory structures and garages shall not occupy more than fifty-five (55) percent of the total lot area.
    1. Each commonwall dwelling may occupy up to seventy (70) percent of an individual lot.
    2. Accessory dwelling units are allowed exceptions to rear setbacks as provided in EMC 16.61.060.A.5.

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. Each structure containing a dwelling unit, except temporary dwellings approved pursuant to EMC 16.80, shall include at least three (3) 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.

L. Housing Mix Requirements in Subdivisions. In the R-1 zone, subdivisions that are five (5) acres or larger shall provide a mix of housing types, unless they are entirely composed of single-family detached dwellings or manufactured homes. Housing types other than single-family detached dwellings and manufactured homes are limited based on the size of the overall subdivision site, as provided below:
    1. Five (5) or more acres in area, but less than ten (10) acres: no more than thirty

percent (30%) of the lots shall be developed with any single type of housing.

2. Ten (10) or more acres in area: no more than twenty percent (20%) of the lots shall be developed with any single type of housing.

M. Open Spaces and Natural Resource Protections.

1. Development of structures within seventy (70) feet of the mean high water line of Currin Creek is prohibited.
2. Notwithstanding EMC 16.16.040(M)(1), the following are allowed within the required buffer area, provided they are authorized as required by relevant state 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 R-1 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 seventy (70) feet of the mean high-water line of the portions of the creek crossing or adjacent to the subject property.

(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 9: **AMENDMENT** "16.20.030 Conditional Uses Permitted" of the Estacada Municipal Code is hereby *amended* as follows:

AMENDMENT

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. Middle housing types with four dwelling units;
C. Manufactured dwelling park.~~;~~
~~D. 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 10: **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. Except as provided in Subsection 2,the minimum lot size shall be as follows:

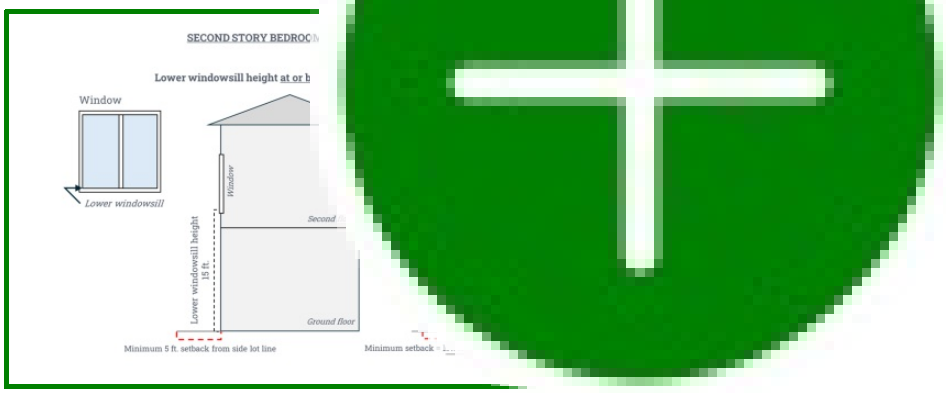
Single-family dwelling	5,000 square feet
Duplex, triplex or fourplex	2,500 square feet per dwelling unit
Commonwall dwellings	2,500 square feet per lot for each dwelling unit
Cottage cluster	2.500 square feet per dwelling unit

2. Exception for Conversions. When a triplex or fourplex is created by internally converting, or expanding the floor area of an existing single-family dwelling, the minimum lot size shall be 7,500 square feet.
3. Minimum lot frontage for a flag lot shall be twenty-five (25) feet.
4. 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. 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 fifteen (15) feet, but a minimum of twenty (20) feet to any garage door or carport motor vehicle entry.
2. Side setbacks for commonwall dwellings shall be as follows:
    a. The minimum side setback for the common side of attached dwellings is zero (0) feet.
    b. Two-unit and three-unit commonwall dwellings shall meet the side setback standard provided in Subsection 3 for sides that are not attached.
    c. Commonwall dwellings with four units shall have a minimum side setback of ten (10) feet for the sides that are not attached.
3. ~~Except as provided for commonwall dwellings in Subsection 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.~~Minimum side setbacks shall be five (5) feet, except:
    a. The common side of a commonwall dwelling, which is zero (0) feet.
    b. Dwellings with a second story bedroom window that faces a side yard and is situated more than fifteen (15) feet above the ground level. As demonstrated in Figure 1 below, the minimum side setback is calculated by dividing the lower windowsill height (the distance from the lower windowsill to grade level directly below the center of the window) by three. Such windows used for egress must have minimum dimensions of at least three feet by three feet. The bedroom may instead be equipped with an automatic fire sprinkler system, unless otherwise approved by the City.
    c. 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.

Figure 1.



4. 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~~ up to five (5) feet ~~of~~ from 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. Detached accessory dwelling units are allowed exceptions to rear setbacks as provided in EMC 16.61.060.C.3.a.

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

E. Fences.
    1. Fences and sight-obscuring fences, with the exception of evergreen plantings, cannot exceed ~~six~~ seven (7) feet in height without a building permit.
    2. Fences described above are subject to clear vision regulations of EMC 16.60.010 and EMC 8.12.050 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 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.
    1. No building shall exceed a height of thirty-five (35) feet, except public schools or churches which may be forty-five (45) feet.
    2. When a property in the R-2 zone is located in the Airport Safety and Compatibility Overlay Zone, all buildings thereupon shall comply with the height limitations in EMC 16.54.030. Whenever height limitations in this section are more restrictive than those in EMC 16.54.030, the height limitations of this section shall control.

I. Lot Coverage. Except as provided below, buildings including accessory structures and garages shall not occupy more than fifty-five (55) percent of the total lot area.
    1. Each commonwall dwelling may occupy up to seventy (70) percent of its

individual lot.

2. Accessory dwelling units are allowed exceptions to rear setbacks as provided in EMC 16.61.060.A.5.

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 11: **AMENDMENT** "16.24.020 Uses Permitted Outright" of the Estacada Municipal Code is hereby *amended* as follows:

AMENDMENT

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, except for new single-family dwelling~~s~~ or manufactured home~~s~~;
B. Single-family dwelling~~sand~~ or manufactured home~~s~~ legally existing and assessed as dwellings on January 12, 2022;
C. Alterations to ~~the~~ a legally-established dwelling~~s~~ described in EMC 16.24.020 Subsection B, as well as the replacement of such a dwelling~~s~~, 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 twelve (12) consecutive months since January 12, 2022;
D. Multi-family dwelling~~s~~;
E. Commonwall dwellings;
F. Cottage cluster~~s~~:
G. Large childcare facility as defined in EMC 16.08 not within the area south-west of HWY 224 and north-west of SW Dogwood Street.

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

SECTION 12: **AMENDMENT** "16.24.030 Conditional Uses Permitted" of the Estacada Municipal Code is hereby *amended* as follows:

AMENDMENT

16.24.030 Conditional Uses Permitted

The following uses and accessory uses may be permitted in ~~a multiple family district~~the R-3 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 R-1 or R-2 zone;
B. Hotel, motel or resort;
C. Recreational vehicle park;
D. Hospital, nursing home, retirement home, convalescent care facility or similar facility;
E. Large childcare facility as defined in EMC 16.08 within the area south-west of HWY 224 and north-west of SW Dogwood Street.

(Ord. 2000-26 § 3(2): prior code § 10.222(2); Ord. No. 2017-006, § 4, 11-13-2017)

SECTION 13: **AMENDMENT** "16.24.040 Standards" of the Estacada Municipal Code is hereby *amended* as follows:

AMENDMENT

16.24.040 Standards

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

A. Lot Size and Dimensions:
   1. Except as provided in Subsection 2, the minimum lot size shall be as follows:

Duplex, triplex or fourplex	2,500 square feet per dwelling unit
Commonwall Dwellings	2,500 square feet per lot for each dwelling unit
Cottage Cluster	2,500 square feet per dwelling unit
Multi-family dwelling	See Maximum Residential Density under Section 16.24.040.B.
Motel, hotel, or resort	1,500 square feet per guest unit

   2. Exception for Conversions. When a duplex, triplex, or fourplex is created by internally converting, or expanding the floor area of an existing single-family dwelling, no minimum lot size shall apply.
   3. Minimum lot frontage for a flag lot shall be twenty-five (25) feet.
   4. 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. Maximum Residential Density. Maximum residential density for multi-family dwellings shall be 30 dwelling units per net acre. See EMC 16.60.060.

C. Minimum Residential Density. New residential subdivisions and new multi-family dwellings are subject to the minimum density standards of EMC 16.60.070.

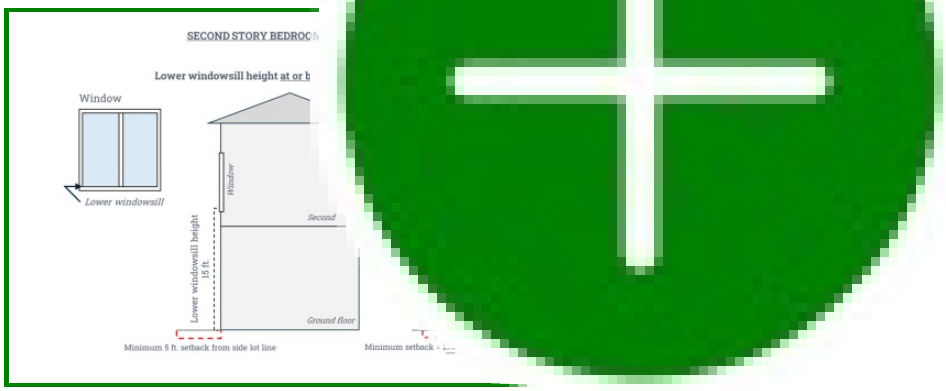
D. Parking Requirements. The number of parking spaces as required by EMC 16.76 shall be provided.

E. 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. Side setbacks for commonwall dwellings shall be as follows:
      a. The minimum side setback for the common side of attached dwellings is zero (0) feet.
      b. Two-unit and three-unit commonwall dwellings shall meet the side setback standard provided in Subsection 3 for sides that are not attached.
      c. Commonwall dwellings with four units shall have a minimum side setback of ten (10) feet for the sides that are not attached.
   3. Minimum side setbacks shall be five (5) feet, except:
      a. Commonwall dwellings as provided for in Subsection 2.
      b. Dwellings with a second story bedroom window that faces a side yard and is situated more than fifteen (15) feet above the ground level. As demonstrated in Figure 1 below, the minimum side setback is calculated by dividing the lower windowsill height (the distance from the lower windowsill to grade level directly below the center of the window) by three. Such windows used for egress must have minimum dimensions of at least three feet by three feet. The bedroom may instead be equipped with an automatic fire sprinkler system, unless

otherwise approved by the City.

c. If a public utility easement (PUE) exists on the sid
line, the side yard setback shall be equal to
PUE, if greater than the side yard setbac

Figure 1.



4. 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~~up to five (5) feet ~~of~~ from 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. Detached accessory dwelling units are allowed exceptions to rear setbacks as provided in EMC 16.61.060.C.3.a.

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

G. Fences.
    1. Fences and sight-obscuring fences, with the exception of evergreen plantings, cannot exceed ~~six~~ seven (7) feet in height without a building permit.
    2. Fences described above are subject to clear vision regulations of EMC 16.60.010 and EMC 8.12.050 limiting the use of barbed wire and electrical fences.

H. 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.

I. 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.

J. Building Height.
    1. No building shall exceed a height of thirty-five (35) feet, except multi-family dwellings, public schools or churches which may be forty-five (45) feet.
    2. When a property in the R-3 zone is located in the Airport Safety and Compatibility Overlay Zone, all buildings thereupon shall comply with the height limitations in EMC 16.54.030. Whenever height limitations in this section are more restrictive than those in EMC 16.54.030, the height limitations of this section shall control.

K. Lot Coverage. Except as provided below, buildings including accessory structures and garages shall not occupy more than fifty-five (55) percent of the total lot area.
    1. Each commonwall dwelling may occupy up to seventy (70) percent of its

individual lot.

2. Accessory dwelling units are allowed exceptions to rear setbacks as provided in EMC16.61.060.A.5.

L. 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 14: **AMENDMENT** "16.25.020 Uses Permitted Outright" of the Estacada Municipal Code is hereby *amended* as follows:

AMENDMENT

16.25.020 Uses Permitted Outright

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

A. Single-family dwelling~~s~~ built on site and not within 200 feet of SE Eagle Creek Rd;
B. Single-family factory-built (modular) dwelling~~s~~ not within 200 feet of SE Eagle Creek Rd;
C. Single-family dwelling~~s~~ within 200 feet of SE Eagle Creek Rd legally existing and assessed as dwellings on December 1, 2019;
D. Alterations to ~~the~~ a legally-established dwelling~~s~~ described in EMC 16.25.020 Subsection C, as well as the replacement of such a dwelling~~s~~, 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 twelve (12) consecutive months since December 1, 2019;
E. Duplex~~es~~ and two-unit commonwall dwellings;
F. Multi-family dwelling within 200 feet of Eagle Creek Rd, Hinman Rd, or a street with a major collector classification or higher classification; ~~and~~
G. Triplex, fourplex, or commonwall dwelling~~s~~ 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;
H. Cottage cluster~~s~~;
I. Small childcare facility as defined in EMC 16.08;
J. Large childcare facility as defined in EMC 16.08, within 200 feet of SE Eagle Creek Rd, Hinman Rd, a street with a major collector classification or higher classification, or located within an existing church or school facility;
K. Youth support services facility as defined in EMC 16.08, within 200 feet of SE Eagle Creek Rd, Hinman Rd, a street with a major collector classification or higher classification, or located within an existing church or school facility;
L. Public park~~s~~;
M. Residential home~~s~~ as defined in EMC 16.08;
N. Short-term rental~~s~~ subject to the provisions of EMC 16.62;
O. Community garden~~s~~;
P. Home occupation~~s~~ as defined in EMC 16.92 that involve~~s~~ no customer traffic, retail sales, signs, or any other outward appearance of a business;
Q. Pedestrian and multi-use trail~~s~~, path~~s~~, ~~and~~ or boardwalk~~s~~.

SECTION 15: **AMENDMENT** "16.25.030 Accessory Uses Permitted" of the Estacada Municipal Code is hereby *amended* as follows:

AMENDMENT

16.25.030 Accessory Uses Permitted

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 (ADU)as defined in subject to the provisions of EMC 16.61.

SECTION 16: **AMENDMENT** "16.25.040 Conditional Uses Permitted" of the Estacada Municipal Code is hereby *amended* as follows:

AMENDMENT

16.25.040 Conditional Uses Permitted

A. Churches, nonprofit religious or philanthropic institution;
B. Fraternal organizationsand or other private membership clubs;
C. Large childcare facility as defined in EMC 16.08, not within 200 feet of SE Eagle Creek Rd, Hinman Rd, a street with a major collector classification or higher classification, nor located within an existing church or school facility;
D. Youth support services facility as defined in EMC 16.08, not within 200 feet of SE Eagle Creek Rd, Hinman Rd, a street with a major collector classification or higher classification, nor located within an existing church or school facility
.

SECTION 17: **AMENDMENT** "16.25.050 Standards" of the Estacada Municipal Code is hereby *amended* as follows:

AMENDMENT

16.25.050 Standards

A. Lot Size and Dimensions:
    1. Except as provided in Subsection 2, the minimum lot size shall be as follows:

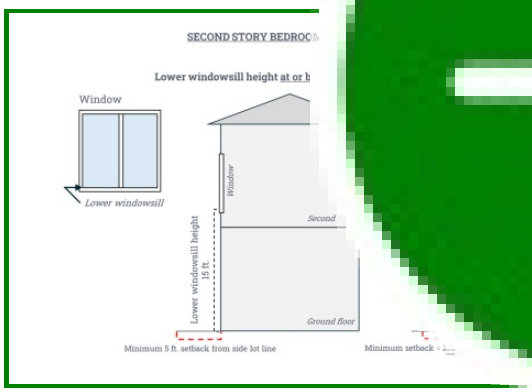
Single-family dwelling	5,000 square feet
Duplex, triplex or fourplex	2,500 square feet per dwelling unit
Commonwall dwellings	2,500 square feet per lot for the first five dwelling units 1,500 square feet per lot for each unit above five
Multi-family dwellings	See Maximum Residential Density under Section EMC 16.25.050.B.
Cottage clusters	2,500 square feet per cottage

    2. Exception for Conversions. When a duplex, triplex, or fourplex is created by internally converting, or expanding the floor area of an existing single-family dwelling, no minimum lot size shall apply.
B. Maximum Residential Density. Maximum residential density for multi-family dwellings shall be thirty (30) dwelling units per net acre. See EMC 16.60.060.
C. Minimum Residential Density. New residential subdivisions and new multi-family dwellings are subject to the minimum density standards of EMC 16.60.070.
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.~~Minimum side setbacks shall be five (5) feet, except:

a. The common side of a commonwall dwelling, which is zero (0) feet.
b. Dwellings with a second story bedroom window that faces a side yard and is situated more than fifteen (15) feet above the ground level. As demonstrated in Figure 1 below, the minimum side setback is calculated by dividing the lower windowsill height (the distance from the lower windowsill to grade level directly below the center of the window) by three. Such windows used for egress must have minimum dimensions of at least three feet by three feet. The bedroom may i... equipped with an automatic fire sprinkler s... otherwise approved by the City.
c. If a public utility easement (PUE) exi... line, the side yard setback shall be ... PUE, if greater than the side yard ...

Figure 1.



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~~ up to five (5) feet from~~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.
    c. Detached accessory dwelling units are allowed exceptions to rear setbacks as provided in EMC 16.61.060.C.3.a.
4. Notwithstanding other provisions of this chapter, no minimum setback distance is required from Eagle Creek Rd.

E. Fences.
1. Fences and sight-obscuring fences, with the exception of evergreen plantings, cannot exceed seven (7) feet in height without a building permit.
2. Fences described above are subject to clear vision regulations of EMC 16.60.010 and EMC 8.12.050 limiting the use of barbed wire and electrical fences.

F. 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.

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

H. Building Height: Buildings shall not exceed the maximum height of thirty-five (35) feet, except that multi-family dwellings may be forty-five (45) feet in height.

I. 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.

J. Open spaces and natural resource protections:

1. Development of structures within seventy (70) feet of the mean high water line of Currin Creek is prohibited.
2. Notwithstanding EMC 16.25.050(J)(1) ~~Subsection G, 1~~, the following are allowed within the required buffer area, provided they are authorized as required by relevant ~~State of Oregon~~state 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 seventy (70) feet of the mean high-water line of the portions of the creek crossing or adjacent to the subject property.

K. 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 16.75~~118~~.020.

SECTION 18: **AMENDMENT** "16.26.020 Uses Permitted Outright" of the Estacada Municipal Code is hereby *amended* as follows:

AMENDMENT

16.26.020 Uses Permitted Outright

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

A. Retail store or shop such as food stores, drug stores, apparel stores, hardware stores, furniture stores or similar establishments;

B. Repair shop for the type of goods offered for sale in retail trade establishments permitted in the D zone provided all repair and storage shall occur entirely within an enclosed building;

C. Personal or business service establishment~~s~~ such as barber or beauty shop, laundry or dry cleaning establishment, print shop or similar establishment;

D. Multi-family dwelling~~s~~, triplex~~es~~, ~~and~~or fourplex~~es~~, provided that the following standards are met:

1. Ground floor residential uses do not front Broadway Street, Main Street, or OR 224. Ground floor residential uses are prohibited in all areas of the Downtown Zone located south of OR 224;
2. The residential density of the development is not less than sixteen (16)

dwelling units per acre; and

3. The standards of EMC 16.26.040 Subsection H are met.

E. Professional office~~s~~ or medical facility~~ies~~;
F. Hotel, motel or resort;
G. Short-term rental~~s~~ subject to the provisions of EMC 16.62;
H. Indoor commercial amusement or recreation establishment such as a bowling alley, theater or pool hall;
I. Mortuary;
J. Private museum, art gallery or similar facility;
K. Restaurant, bar or tavern; includes brewery or distillery in conjunction with a primary permitted use;
L. Automobile service station, existing as of September 1, 2012, subject to EMC 16.26.040 Subsection H;
M. Governmental use~~s~~ such as city hall, fire station~~s~~, police station~~sand~~ or governmental office~~s of governmental agencies~~;
N. Public park~~sand~~ or plaza~~s~~;
O. Live/work space provided that work activities are uses permitted outright and work space exclusively fronts the street most likely to receive the most pedestrian traffic;
P. Manufacturing in conjunction with retail trade establishments permitted in the D Zone, except for processing and packaging of explosive chemical materials and environmentally hazardous materials, provided retail trade exclusively fronts the street most likely to receive the most pedestrian traffic;
Q. Small childcare facility as defined in EMC 16.08;
R. Large childcare facility as defined in EMC 16.08;
S. Youth support services facility as defined in EMC 16.08;
T. No more than two food carts on a lot of record, subject to EMC 16.66.

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

SECTION 19: **AMENDMENT** "16.26.030 Conditional Uses Permitted" of the Estacada Municipal Code is hereby *amended* as follows:

AMENDMENT

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~~ Any nonresidential conditional use ~~permitted as a conditional use~~ in the R-1, R-2, or R-3 zone ~~not~~ which is not already listed above as 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 shop~~s~~;
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 facility~~ies~~, 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 tower~~s~~;

K. Transportation facility~~ies 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 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 20: **AMENDMENT** "16.26.040 Development Standards" of the Estacada Municipal Code is hereby *amended* as follows:

AMENDMENT

16.26.040 Development Standards

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

A. Lot Size and Dimensions. The minimum lot size and dimensions in the D zone shall be as follows:
    1. Minimum lot size: none.
B. Parking Requirements.
    1. 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.
    2. 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)~~,~~ (2)~~, off-street parking exemptions~~.
    3. 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, except where:
        a. ~~Off-street parking may be located between a primary building entrance and a street where the~~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 wherever feasible.~~ (See also: EMC 16.116.010.)~~
        b. ~~In addition, the above standard does not apply to projects that are~~ A use is oriented to the Clackamas River.
C. Setbacks.
    1. Front and Street Side setbacks: Zero (0) feet minimum and five (5) feet maximum, except five (5) 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 the 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.

1. A solid fence or wall of not less than six (6) 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.

2. Fences and sight-obscuring fences, with the exception of evergreen plantings, cannot exceed seven (7) feet in height without a building permit.

3. Fences described above are subject to clear vision regulations of EMC 16.60.010 and EMC 8.12.050 limiting the use of barbed wire and electrical fences.

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.

1. A minimum of five percent (5%) 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. New public streetscape improvements such as plazas and extended sidewalks width adjacent to a proposed project shall be credited toward the required landscape area, provided such improvements include 1) street trees or planters; and 2) street furnishings, such as benches or other pedestrian amenities, as defined in EMC 16.08.010 consistent with the street cross sections of the Estacada Transportation System Plan.

3. Where outdoor storage is permitted, it shall be screened with either a sight-obscuring fence or a buffer strip of vegetation, as required by the city decision-making body.

H. Access and Circulation.

1. Vehicle access shall conform to EMC 16.116, Design Standards and Improvements. In addition, the following standards apply within the Downtown District: ~~a)~~

   a. No direct vehicle access is allowed from Broadway Street between OR 224 and 3rd Avenue; ~~b)~~

   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)~~

   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.

   a. 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 outlined in EMC 16.26.050 ~~Subsection D and EMC 16.26.050 Subsection E~~.

   b. 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.

   c. The ~~city decision-making body~~ Planning Commission may require other mitigation measures to protect the public health, safety, and welfare pursuant with EMC 16.88~~,~~ Conditional Uses.

I. Clackamas Riverside. In order to implement the Transportation System Plan, new development on parcels adjacent to or containing the ~~Clackamas Riverside Path~~Lakeshore Trail 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~~Lakeshore Trail; the ~~city decision-making authority~~Public Works Director ~~may~~ shall 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~~Lakeshore Trail, in conformance with the City ~~of Estacada~~'s 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~~Lakeshore Trail. 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 21: **AMENDMENT** "16.26.050 Downtown Design Guidelines And Standards" of the Estacada Municipal Code is hereby *amended* as follows:

AMENDMENT

16.26.050 Downtown Design Guidelines And Standards

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

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

1. Site plan approval by the City of Estacada is required prior to building permit approval and prior to commencing any exterior building remodel in the Downtown zone.
2. City staff shall review proposed site plans for compliance with the requirements of this chapter. Proposed site plans are subject to the review procedures in EMC 16.132.015.
3. Design Review shall be conducted accordingly:
    a. Type 1: Staff Review. Type 1 review applies to exterior alterations or additions on any existing buildings. Approval of an application subject to Type 1 review will be determined by city staff within forty-five (45) calendar days of the submittal of a complete application. Staff's determination may be appealed pursuant to the provisions of EMC 16.132.050 Appeals.
    b. Type 2: Committee Review. Design review of all new construction shall be performed by a staff-appointed committee composed of no fewer than five (5) members to assist and advise the City in applying the Downtown Design Guidelines and Standards. At least three (3) committee members must be downtown property owners, downtown merchants, design professionals, Planning Commissioners, and/or

City Councilors; two (2) committee members may be any resident living within Estacada city limits. For this committee, a quorum is considered to be four (4) members. If the quorum requirement is not met for the review of a particular application, the Planning Commission shall be tasked with conducting said review at its earliest convenience. Type 2 review shall also be applied to alterations or additions on existing buildings if:

(1) The applicant submits written request for Type 2 review to the City; or

(2) Staff determines the review will involve sufficient discretion to warrant committee review. The more a development proposal deviates from standards, the greater the burden on the applicant to demonstrate that their request complies with the standards' intent. Notice of the Design Review Committee meeting shall be published in the local paper at least twenty (20), but not more than forty (40) days, prior to the date of hearing, in accordance with EMC 16.132. The public notice shall include meeting date, time, topic, applicable approval criteria, information on when and how the staff report may be obtained, and contact information for relevant staff.

c. Approval of an application subject to Type 2 review will be determined by the Committee within sixty (60) calendar days of the submittal of a complete application. The Committee's determination may be appealed pursuant to the provisions of EMC 16.132.050 Appeals. Staff may defer the Committee's determination to the City Council upon findings that the determination may be inconsistent with the requirements of this Title.

4. A design review application shall be considered to be compatible if and only if:

a. All relevant criteria under EMC 16.26.050.B ~~.6 11 -G~~is are met;

b. ~~, if a~~A minimum of sixty-five (65) percent of the total possible points in Table 16.26.051 are accumulated; and

c. ~~if a~~At least one point in each category on Table 16.26.051 is received.

5. Time Limit For Design Review Approval. The time limit for design review approval validity is one (1) year from the time it is approved. No more than thirty (30) days prior to the expiration date of design review approval, the applicant must notify the ~~e~~City ~~r~~Recorder in writing of the request for time extension. A maximum of one time extension of a design review approval may be approved by Staff for a period of up to one (1) year. The applicant must demonstrate that:

a. The approval is consistent with the current requirements of this code and any other applicable regulations.

b. There is a reasonable expectation that all development, alterations, and/or improvements related to the approval will be completed within the one-year extension period.

C. Building Materials. Exterior cladding shall be consistent with historic building design. Consistent materials include brick, brick veneer, stone, stone veneer, stucco, clapboard (horizontal) siding, board and batten (vertical) siding, or split-face concrete block with wood accents or elements. Up to 50% of a building's exterior may consist of wood shake siding if coupled with brick, brick veneer, or stucco. Other materials may be approved by City Staff or the Design Review Committee upon the applicant's demonstration that the proposed design is consistent with historic building design and applicable goals and policies of the Comprehensive Plan.

D. Exterior Color.

1. Color Choices.

a. 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.

b. Notwithstanding EMC 16.26.050 Subsection B, 7, a, 1, alternative colors may be approved, provided they utilize low reflectance, are subtle and historically-referential, and either complement or do not detract from other D zone structures.

c. 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.

2. Application Requirements.

a. No person shall paint or coat the exterior of any new or existing structure in the D zone without having first obtained approval from the City of Estacada of their selected color(s). Note: Repainting of structures using paint colors and schemes that match those approved by the City does not require additional city approval.

b. 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 proposed colors, and identification of which structural components will be painted which colors.

c. The Downtown Design Review Application fee shall be waived when color or coating is the only proposed building modification.

3. Exterior Color Approval Process.

a. Approval of an application will be determined by city staff, within 10 calendar days of the submittal of a complete application.

b. Staff's determination may be appealed pursuant to the provisions of EMC 16.132 Appeals.

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

F. Building Entrances.

1. 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.

2. 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 Design Review Committee.

G. Transparent elements ~~that~~ allow for visibility in and out of ~~the~~ buildings, ~~and~~ which contributes to a pedestrian-oriented downtown aesthetic ~~shall be a key design component~~. Buildings shall meet the following transparency criteria:

1. Fifty (50) percent of the face of a building's ground floor, and forty (40) percent of the face of all upper floors~~,~~ along a street shall be transparent elements. The area of a floor's "face," for the purposes of applying Table 16.26.051, shall be determined by multiplying the horizontal length of the subject building wall by either the height of that floor from its average finished grade to its ceiling, or by ten (10) feet, whichever height is shorter.

2. 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.

3. 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.

4. Glass blocks, opaque glazing, reflective windows, tinted windows, privacy windows, or any other element with a Visible Transmittance (VT) value below sixty (60) percent is not considered a "transparent element" for the purposes of this section.
5. Existing buildings with less transparent elements than specified in this section shall not decrease the total amount of transparent element area during any renovation.
6. 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.

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

~~contain~~incorporates trim, reveals or recesses of not less than four (4) inches in width or depth: No = 0, Yes = 2	N/A	0	1	2
Wall-mounted lighting consistent with the architecture of the building ~~shall~~ illuminates primary building entrances and building mounted signage: No = 0, Yes = 1	N/A	0	1	2
Possible _____ Received _____				
BUILDING LINE AND RHYTHM				
New building~~s~~ ~~shall~~ design follows prominent horizontal lines on existing adjacent buildings, including elements such as window trim, parapet line, or awning line: No = 0, Yes = 2	N/A	0	1	2
New buildings ~~shall~~ maintain clear visual division between ground floor and upper floors: No = 0, Yes = 1	N/A	0	1	2
New buildings ~~shall~~ incorporate rhythmic divisions relating to historic building patterns and proportions. For example, front elevations ~~should~~ may be be articulated (e.g. defined by an offset, recess, projection or	N/A	0	1	2

similar "break" in the wall plane) not less than once every twenty-five (25) feet: No = 0, Yes = 2				
New buildings ~~shall~~ reflect vertical orientation through volume, roof form, and/or surface detail, including elements such as vertically oriented sash windows, brick or stucco cladding and trim, or board and batten siding: No = 0, Yes = 2	N/A	0	1	2
Possible _____ Received _____				
MATERIALS AND COLOR				
~~Exterior cladding shall be consistent with historic building design. Materials may consist of brick, brick veneer, stone, stucco, split-face concrete block, clapboard (horizontal) siding, or board and batten (vertical) siding: No = 0, Yes = 2~~	~~N/A~~	~~0~~	~~1~~	~~2~~
All four sides of the building ~~shall contain~~ incorporate complementary exteriors: No = 0, Yes = 1	N/A	0	1	2
Pitched roofs ~~shall be~~ are wood, slate, cement tile, asphalt shingles, flat metal or standing rib seam	N/A	0	1	2

sheet metal: No = 0, Yes = 2				
Buildings fronting Broadway Street ~~shall~~ have cornices or parapets that incorporate materials that are consistent with overall composition of the building: No = 0, Yes = 2	N/A	0	1	2
Possible _____ Received _____				
PEDESTRIAN SHELTERS, PUBLIC SPACE				
Buildings fronting Broadway Street ~~shall~~ contain pedestrian shelters such as awnings, canopies, or recesses at least five (5) feet over the pedestrian area along a minimum sixty percent (60%) of ground floor elevation: No = 0, Yes = 2	N/A	0	1	2
At least three percent (3%) and not less than three hundred (300) square feet of each new development site ~~shall be~~is designated and improved as ADA accessible civic space: No = 0, Yes = 1	N/A	0	1	2
Street frontages ~~shall be~~are improved with pedestrian amenities, as defined in EMC 16.08.010, equal to or greater than	N/A	0	1	2

0.5% of the estimated construction cost of the proposed building(s): No = 0, Yes = 2				
Possible _____ Received _____				

Total Possible _____ Total Received _____ Percentage _____

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

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

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

SECTION 22: **AMENDMENT** "16.28.010 Purpose" of the Estacada Municipal Code is hereby *amended* as follows:

AMENDMENT

16.28.010 Purpose

~~I~~The C-1 zone is intended to promote economic diversification~~. It accommodates~~by accommodating 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.

(Ord. 2000-26 § 4 (part): prior code § 10.223 (part); Ord. No. 2012-005, § 4, 9-10-2012; Ord. No. 2016-003, § 1(Exh. A), 5-23-2016)

SECTION 23: **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 a food store~~s~~, drug store~~s~~, apparel store~~s~~, hardware store~~s~~, furniture store~~s~~ or similar establishment~~s~~;
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 establishment~~s~~ such as barber or beauty shop, laundry or

dry cleaning establishment, print or copy shop or similar establishment;
D. Professional office~~s~~ or medical facility~~ies~~;
E. Hotel, motel or resort;
F. Short-term rental~~s~~ subject to the provisions of EMC 16.62;
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 use~~s~~ such as fire station~~s~~, police station~~s~~ and governmental office~~s of governmental agencies~~;
M. Public park;
N. Public transportation facility~~ies~~ including ~~streets,~~ transit stop~~s and~~, transit station~~s~~, and bicycle ~~and~~ or pedestrian facility~~ies~~;
O. Assisted living facility;
P. Residential care facility;
Q. No more than two food carts on a lot of record, subject to 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;
S. Small childcare facility as defined in EMC 16.08;
T. Large childcare facility as defined in EMC 16.08;
U. Youth support services facility as defined in EMC 16.08.

(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 24: **AMENDMENT** "16.28.030 Conditional Uses Permitted" of the Estacada Municipal Code is hereby *amended* as follows:

AMENDMENT

16.28.030 Conditional Uses Permitted

The following uses and accessory uses may be permitted in a ~~general commercial district~~C-1 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, and not permitted as an outright use listed above;
B. Outdoor commercial amusement or recreation establishment such as miniature golf course~~s~~ or drive-in theater~~s~~, but not including uses such as race track~~s~~ or automobile speedway~~s~~;
C. Cabinet, furniture, shed, or similar small structure woodworking/metalworking/assembly shop~~s~~;
D. Lumber or building material sales or storage;
E. Self-storage, mini-storage, warehousing, or similar facility~~ies~~;
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 tower~~s~~;
L. Park and ride facility~~iesand~~ or other public transportation facility~~ies~~ 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 dwelling~~s~~, triplex~~es~~, ~~and~~ or fourplex~~es~~;
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 facility~~ies 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 EMC 16.66;
S. Drive-through facilities, provided such uses shall conform to EMC 16.28.040 Subsection H.

(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 25: **AMENDMENT** "16.28.035 Prohibited Uses" of the Estacada Municipal Code is hereby *amended* as follows:

AMENDMENT

16.28.035 Prohibited Uses

A. Marijuana production, marijuana processing, and marijuana wholesaling ~~are prohibited in the C-1 zone~~.
B. Automobile body shop~~s~~, including major repair and maintenance of motor vehicles, 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 26: **AMENDMENT** "16.28.040 Standards" of the Estacada Municipal Code is hereby *amended* as follows:

AMENDMENT

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.

1. A solid fence or wall of not less than six (6) feet in height shall be required along a property line which is the district boundary with an abutting residential district.
2. Fences and sight-obscuring fences, with the exception of evergreen plantings, cannot exceed seven (7) feet in height without a building permit.
3. Fences described above are subject to clear vision regulations of EMC 16.60.010 and EMC 8.12.050 limiting the use of barbed wire and electrical fences.

F. Building Height. No building shall exceed a height of forty-five (45) feet.

G. Landscaping. A minimum of five percent (5%) 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.
1. 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.
2. 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.
3. The Planning Commission may require other mitigation measures to protect the public health, safety, and welfare pursuant with EMC 16.88 Conditional Uses

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

SECTION 27: **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. Single-family dwellings and manufactured homes legally existing and assessed as dwellings on January 12, 2022;
C. Alterations to ~~the~~ a legally-established dwellings described in EMC 16.32.020 Subsection B, as well as the replacement of such a 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 January 12, 2022;
D. Duplexes;
E. Triplex;~~esand~~
F. ~~f~~Fourplexes;
G. Commonwall dwellings;
H. Cottage clusters;
I. Residential occupancy~~ies~~, provided such an occupancy~~ies are~~ is clearly an accessory use and incidental to the primary commercial use;
J. Short-term rentals subject to the provisions of EMC 16.62;
K. Residential homes as defined in EMC 16.08;
L. Manager/caretaker residences;
M. Accessory dwelling units (ADU)~~as defined in~~ subject to the provisions of EMC 16.61, though ~~accessory dwelling units~~an ADU may not be made accessory to a residential occupancy that is itself accessory to a primary commercial use on the property pursuant to Subsection C of this section;

N. No more than two food carts on a lot of record, subject to EMC 16.66;
O. Small childcare facility as defined in EMC 16.08;
P. Large childcare facility as defined in EMC 16.08;
Q. Youth support services facility as defined in EMC 16.08.

(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 28: **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~~;
C. Park and ride facility~~iesand~~ or other public transportation facility~~ies~~ not otherwise listed in EMC 16.32.020 Subsection G;
D. More than two food carts on a lot of record, subject to 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 29: **AMENDMENT** "16.32.040 Standards" of the Estacada Municipal Code is hereby *amended* as follows:

AMENDMENT

16.32.040 Standards

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

A. Except as provided in Subsection B, the minimum lot size shall be as follows:

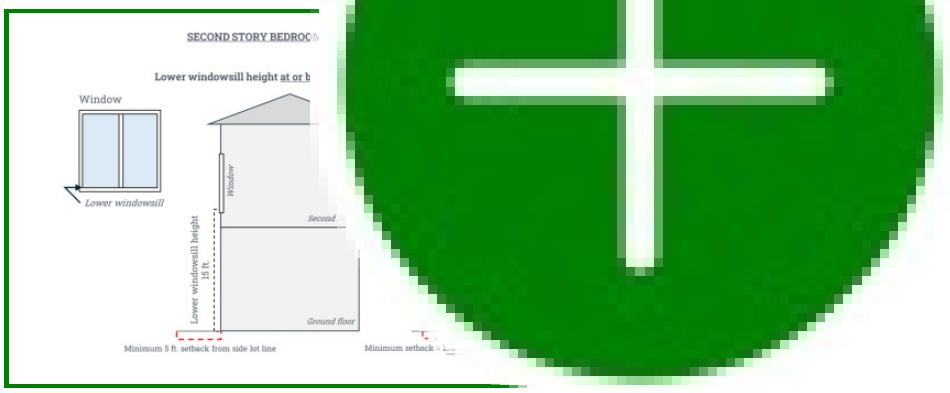
Single-family dwelling	5,000 square feet
Duplex, triplex or fourplex	2,500 square feet per dwelling unit
Commonwall dwellings	2,500 square feet per lot for each dwelling unit
Cottage Cluster	2,500 square feet per dwelling unit
Multi-family dwelling	See Maximum Residential Density under Section 16.32.040.B.
Motel, hotel, or resort	1,500 square feet per guest unit

B. Exception for Conversions. When a duplex, triplex, or fourplex is created by internally converting, or expanding the floor area of an existing single-family dwelling, no minimum lot size shall apply.
C. Maximum Residential Density. Maximum residential density for multi-family dwellings shall be 30 dwelling units per net acre. See EMC 16.60.060.
D. Minimum Residential Density. New residential subdivisions and new multi-family

dwellings are subject to the minimum density standards of EMC 16.60.070.

E. Setbacks. The minimum setback requirements in the C-2 zone shall be as follows:
   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, 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.~~Minimum side setbacks shall be five (5) feet, except:
      a. The common side of a commonwall dwelling, which is zero (0) feet.
      b. Dwellings with a second story bedroom window that faces a side yard and is situated more than fifteen (15) feet above the ground level. As demonstrated in Figure 1 below, the minimum side setback is calculated by dividing the lower windowsill height (the distance from the lower windowsill to grade level directly below the center of the window) by three. Such windows used for egress must have minimum dimensions of at least three feet by three feet. The bedroom may in… equipped with an automatic fire sprinkler sy… otherwise approved by the City.
      c. If a public utility easement (PUE) exis… line, the side yard setback shall be … PUE, if greater than the side yard …

Figure 1.



   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~~ up to five (5) feet ~~of~~ from 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. Detached accessory dwelling units are allowed exceptions to rear setbacks as provided in EMC 16.61.060.C.3.a.

F. 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.

G. Parking Requirements. The number of parking spaces as required in EMC 16.76 shall apply in the C-2 zone.

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

I. Fences and Walls.
   1. A solid fence or wall of not less than six (6) feet in height shall be required along a property line which is the district boundary with an abutting residential district.
   2. Fences and sight-obscuring fences, with the exception of evergreen plantings, cannot exceed seven (7) feet in height without a building permit.
   3. Fences described above are subject to clear vision regulations of EMC 16.60.010 and EMC 8.12.050 limiting the use of barbed wire and electrical fences.

J. Building Height. No building shall exceed a height of forty-five (45) feet.

K. Landscaping. A minimum of five percent (5%) 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 30: **AMENDMENT** "16.33.030 Building And Site Development Standards" of the Estacada Municipal Code is hereby *amended* as follows:

AMENDMENT

16.33.030 Building And Site Development Standards

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:

1. Except as provided in ~~Subsection~~ EMC 16.33.020(C)(2), the minimum lot size shall be as follows:

Single-family dwelling or duplex	4,000 square feet
Triplex or fourplex	2,500 square feet per dwelling unit
Commonwall dwellings	2,500 square feet per lot for the first five dwelling units 1,500 square feet per lot for each unit above five
Cottage cluster	2,500 square feet per dwelling unit
Multi-family dwelling	See Maximum Residential Density under Section 16.33.030.D.

2. Exception for Conversions. When a duplex, triplex, or fourplex is created by internally converting, or expanding the floor area of, an existing single-family dwelling, no minimum lot size shall apply.

D. Maximum Residential Density. Maximum residential density for multi-family dwellings shall be 40 dwelling units per net acre. See EMC 16.60.060.

E. Minimum Residential Density. New residential subdivisions and new multi-family dwellings shall meet a minimum density standard of 15 dwelling units per net acre. See EMC 16.60.070.

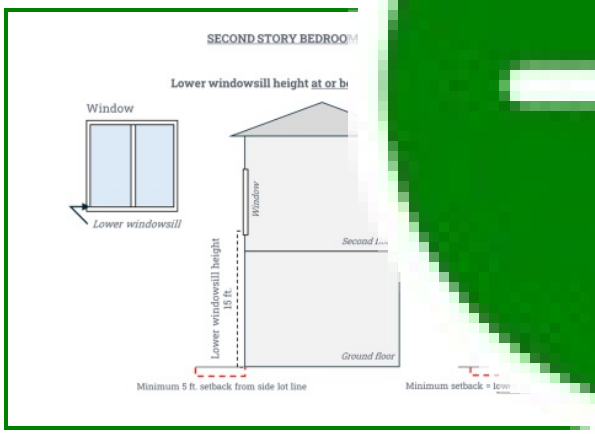
F. Setbacks:

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 windowsill 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.~~Minimum side setbacks shall be five (5) feet, except:
    a. The common side of a commonwall dwelling, which is zero (0) feet.
    b. Dwellings with a second story bedroom window that faces a side yard and is situated more than fifteen (15) feet above the ground level. As demonstrated in Figure 1 below, the minimum side setback is

calculated by dividing the lower windowsill height (the distance from the lower windowsill to grade level directly below the center of the window) by three. Such windows used for egress must have dimensions of at least three feet by three feet. The
instead be equipped with an automatic fire s
otherwise approved by the City.

c. If a public utility easement (PUE) exists
side yard setback shall be equal to the
than the side yard setback required a

Figure 1.



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~~up to five feet ~~of~~ from 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. Detached accessory dwelling units are allowed exceptions to rear setbacks as provided in EMC 16.61.060.C.3.a.
   d. Notwithstanding other provisions of this chapter, no minimum setback distance is required from Eagle Creek Rd.

G. Fences and Walls.

1. A solid fence or wall of not less than six (6) feet in height shall be required along a property line which is the district boundary with an abutting residential district.
2. Fences and sight-obscuring fences, with the exception of evergreen plantings, cannot exceed seven (7) feet in height without a building permit.
3. Fences described above are subject to clear vision regulations of EMC 16.60.010 and EMC 8.12.050 limiting the use of barbed wire and electrical fences.

H. 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.

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

~~I~~J. Building Height: Buildings shall not exceed ~~the maximum~~a height of sixty-five (65) feet.

~~J~~K. Landscaping:

1. A minimum of five percent (5%) 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.

~~K~~L. 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 16.75~~118~~.020.

SECTION 31: **AMENDMENT** "16.33.050 Land Divisions" of the Estacada Municipal Code is hereby *amended* as follows:

AMENDMENT

16.33.050 Land Divisions

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 16.75, 16.104, 16.108, 16.112, 16.116, ~~16.118,~~ and 16.120, and shall be consistent with the approved master plan.

SECTION 32: **AMENDMENT** "16.33.060 Permitted Uses" of the Estacada Municipal Code is hereby *amended* as follows:

AMENDMENT

16.33.060 Permitted Uses

A. ~~Uses~~ A use permitted outright in the CMU zone;
B. Single-family dwelling~~s~~ legally existing and assessed as a dwelling~~s~~ on January 12, 2022;
C. Alterations to ~~the~~ a legally-established single-family dwelling~~s~~ described in EMC 16.33.060 Subsection B~~C~~, as well as the replacement of such a dwelling~~s~~, 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 or disposal system interior wiring for interior lights, and a heating system, without a gap of twelve (12) consecutive months since January 12, 2022;
D. School~~s~~;
E. Governmental use~~s~~;
F. Outdoor farmers' market~~s~~;
G. Restaurant~~s~~, cafe~~s~~, bar~~s~~, tavern~~s~~, bakery~~ies~~, ~~and~~or similar on-site eating/drinking establishment~~s~~;
H. Brewery~~ies~~ or~~and~~ distillery~~ies~~ providing on-site retail sales of beverages brewed or distilled on-site;
I. Hotel~~s~~, motel~~s~~, ~~and~~ or resort~~s~~;
J. Art gallery~~ies~~;
K. Short-term rental~~s~~~~,~~ subject to the provisions of EMC 16.62;
L. Public-use parking facility~~ies~~;

M. Publicly-accessible park~~s~~, plaza~~s~~, or ~~and~~ pedestrian/multi-use path~~s~~, trail~~s~~, ~~and~~ or bridge~~s~~;
N. Small childcare facility as defined in EMC 16.08;
O. Large childcare facility as defined in EMC 16.08;
P. Youth support services facility as defined in EMC 16.08;
Q. Indoor recreational facility~~ies~~ or~~and~~ play area~~s~~ for activities such as basketball, dance, gymnastics, martial arts, racquetball, skating, soccer, swimming, tennis, or similar. ~~These~~ Such a facility~~ies~~ may be used for instruction, practice, and competitions. Health and fitness clubs are excluded from this category.

SECTION 33: **AMENDMENT** "16.33.070 Accessory Uses" of the Estacada Municipal Code is hereby *amended* as follows:

AMENDMENT

16.33.070 Accessory Uses

A. Property management office~~s~~ of any square footage, provided ~~they are~~it is accessory to a multi-family dwelling;
B. Swimming pool~~s~~ on the same lot of record as a primary use.

SECTION 34: **AMENDMENT** "16.33.080 Conditional Uses" of the Estacada Municipal Code is hereby *amended* as follows:

AMENDMENT

16.33.080 Conditional Uses

A. Fully~~-~~ enclosed light industrial use~~s~~ not otherwise listed as a permitted use.

SECTION 35: **AMENDMENT** "16.33.090 Prohibited Uses" of the Estacada Municipal Code is hereby *amended* as follows:

AMENDMENT

16.33.090 Prohibited Uses

A. Unenclosed industrial use~~s~~;
B. Single-family dwelling~~s~~;
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 facility~~ies~~;
F. Commercial services involving vehicle maintenance, servicing, or repair; and
G. Drive-thru commercial uses.

SECTION 36: **AMENDMENT** "16.34.020 Uses Permitted Outright" of the Estacada Municipal Code is hereby *amended* as follows:

AMENDMENT

16.34.020 Uses Permitted Outright

A. Sales and rentals of outdoor recreation equipment, such as kayaks and bicycles, and of hunting, horse-riding, and fishing supplies;
B. Restaurant~~s~~, cafe~~s~~, bar~~s~~, tavern~~s~~, bakery~~ies~~, or~~and~~ similar on-site eating/drinking establishment~~s~~;
C. No more than two ~~mobile vending units~~food carts on a lot of record, subject to EMC 16.66;
D. Guiding services;
E. Visitor center~~s~~ or~~and~~ tourist information services;
F. Hotel~~s~~, motel~~s~~, ~~and~~ or resort~~s~~;
G. Governmental use~~s~~;
H. Public institution~~s~~ of higher learning;
I. Art gallery~~ies~~;
J. Museum~~s~~;
K. Swimming pool~~s~~;
L. Short-term rental~~s~~ subject to the provisions of EMC 16.62;
M. Public-use parking facility~~ies~~;
N. Publicly-accessible park~~s~~, plaza~~s~~, or~~and~~ pedestrian/multi-use path~~s~~, trail~~s~~, or~~and~~ bridge~~s~~;
O. Legally-established industrial uses existing on December 1, 2019;
P. Alterations to a legally-established industrial use~~s~~ existing on December 1, 2019, on the same lot of record, provided the existing industrial use to be altered has not discontinued for twelve (12) consecutive months since December 1, 2019;
Q. Small childcare facility as defined in EMC 16.08;
R. Large childcare facility as defined in EMC 16.08;
S. Youth support services facility as defined in EMC 16.08;
T. Indoor recreational facility~~ies~~ or~~and~~ play area~~s~~ for activities such as basketball, dance, gymnastics, martial arts, racquetball, skating, soccer, swimming, tennis, or similar. ~~These~~ Such a facility~~ies~~ may be used for instruction, practice, and competitions. Health and fitness clubs are excluded from this category.

SECTION 37: **AMENDMENT** "16.34.030 Accessory Uses" of the Estacada Municipal Code is hereby *amended* as follows:

AMENDMENT

16.34.030 Accessory Uses

A. Event space~~s and~~ or meeting facility~~ies~~ 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 station~~s~~.

SECTION 38: **AMENDMENT** "16.34.040 Conditional Uses" of the Estacada Municipal Code is hereby *amended* as follows:

AMENDMENT

16.34.040 Conditional Uses

A. Drive-thru restaurant~~s~~, cafe~~s~~, bakery~~ies~~, ~~and~~or similar establishment~~s~~ that include~~s~~ an on-site outdoor seating area for ~~their~~ customers;
B. Brewery~~ies~~ or~~and~~ distillery~~ies~~ providing on-site retail sales of beverage brewed or distilled on-site;

C. Community center~~s~~;
D. Multi-family dwelling~~s~~, provided the ground floor includes a commercial use permitted outright;
E. Event space~~s~~ or~~and~~ meeting facility~~ies~~ not accessory to a use permitted outright; and
F. More than two food carts on a lot of record, subject to EMC 16.66.

SECTION 39: **AMENDMENT** "16.34.050 Prohibited Uses" of the Estacada Municipal Code is hereby *amended* as follows:

AMENDMENT

16.34.050 Prohibited Uses

A. Industrial uses - including manufacturing, wholesaling, marijuana production, and marijuana processing - unless otherwise listed;
B. Marijuana retailing;
C. Indoor storage facility~~ies~~ 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 40: **AMENDMENT** "16.34.060 Standards" of the Estacada Municipal Code is hereby *amended* as follows:

AMENDMENT

16.34.060 Standards

A. Setbacks: None.
B. Fences and Walls.
    1. A solid fence or wall of not less than six (6) feet in height shall be required along a property line which is the district boundary with an abutting residential district.
    2. Fences and sight-obscuring fences, with the exception of evergreen plantings, cannot exceed seven (7) 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 limiting the use of barbed wire and electrical fences.
    3. Chain-link fencing with or without 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, are prohibited.
C. 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.
D. Sidewalks and Driveways: Sidewalks, driveways, and service driveways shall conform to standards established by this code.
E. 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~~Lakeshore Trail, Timber Park, Milo McIver State Park, and/or the Clackamas River, consistent with the design guidelines of the Active Transportation Plan.

F. Building Height: Buildings shall not exceed ~~the maximum~~a height of sixty-five (65) feet.
G. Landscaping:
    1. A minimum of five percent (5%) 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.
H. 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 16.75~~118~~.020.
I. 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 41: **AMENDMENT** "16.35.020 Uses Permitted Outright" of the Estacada Municipal Code is hereby *amended* as follows:

AMENDMENT

16.35.020 Uses Permitted Outright

A. Retail store~~sand~~ or shop~~s~~, including food stores, drug stores, apparel stores, furniture stores, and similar establishments;
B. Automobile services station~~s~~, including fueling stations, oil-change services, and similar establishments;
C. Hotel~~s~~, motel~~s~~, or~~and~~ resort~~s~~;
D. Retail or wholesale nursery~~ies~~;
E. ~~Uses~~ A use authorized by a conditional use permit approved prior to November 1, 2019, if such ~~uses are~~a use was established before January 1, 2024 and subject to the development conditions of the respective permit;
F. Pedestrian and multi-use trail~~s~~, path~~s~~, or~~and~~ boardwalk~~s~~;
G. Small childcare facility as defined in EMC 16.08;
H. Large childcare facility as defined in EMC 16.08;
I. Youth support services facility as defined in EMC 16.08;
J. Indoor recreational facility~~ies~~ or~~and~~ play area~~s~~ for activities such as basketball, dance, gymnastics, martial arts, racquetball, skating, soccer, swimming, tennis, or similar. ~~These~~ Such a facility~~ies~~ may be used for instruction, practice, and competitions. Health and fitness clubs are excluded from this category.

SECTION 42: **AMENDMENT** "16.35.030 Conditional Uses" of the Estacada Municipal Code is hereby *amended* as follows:

AMENDMENT

16.35.030 Conditional Uses

A. Drive-thru commercial use~~s~~;
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 zone ~~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~~as defined in EMC 16.08;
        d. Awnings or canopies of ~~C~~city-approved color and material;
        e. Fifty percent (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, or~~and~~ similar facility~~ies~~, 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~~ zone 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 43: **AMENDMENT** "16.35.040 Prohibited Uses" of the Estacada Municipal Code is hereby *amended* as follows:

AMENDMENT

16.35.040 Prohibited Uses

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 44: **AMENDMENT** "16.35.050 Standards" of the Estacada Municipal Code is hereby *amended* as follows:

AMENDMENT

16.35.050 Standards

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. Fences and Walls.
    1. A solid fence or wall of not less than six (6) feet in height shall be required along a property line which is the district boundary with an abutting residential district.
    2. Fences and sight-obscuring fences, with the exception of evergreen plantings, cannot exceed seven (7) feet in height without a building permit.
    3. Fences described above are subject to clear vision regulations of EMC 16.60.010 and EMC 8.12.050 limiting the use of barbed wire and electrical fences.
D. Parking Requirements: The number of parking spaces as required in EMC 16.76 shall apply in the H-C zone.
E. Sidewalks and Driveways: Sidewalks, driveways, and service driveways shall conform to standards established by this code.
F. Building Height: Buildings shall not exceed ~~the maximum~~a height of forty-five (45) feet.
G. Landscaping:
    1. A minimum of five percent (5%) 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.
H. 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 16.75~~118~~.020.
I. 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 45: **AMENDMENT** "16.37.020 Uses Permitted Outright" of the Estacada Municipal Code is hereby *amended* as follows:

AMENDMENT

16.37.020 Uses Permitted Outright

A. Outpatient clinics or~~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 or~~and~~ laundromat~~ies~~;
E. Banks or~~and~~ credit unions;
F. Small childcare facility as defined in EMC 16.08;
G. Large childcare facility as defined in EMC 16.08;
H. Youth support services facility as defined in EMC 16.08;
I. Assisted living facility~~ies~~ as defined in EMC 16.08;
J. Residential care facility~~ies~~ as defined in EMC 16.08;
K. Restaurants, cafes, bakery~~ies~~, or~~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;
L. Professional offices not associated with an outright permitted use in a leased or owned building space of no more than 1,500 square feet;
M. Public parks;
N. Pedestrian or~~and~~ multi-use trails, paths, or~~and~~ boardwalks;
O. ~~Pools~~Swimming pool;
P. Community gardens;
Q. Short-term rentals~~,~~ subject to the provisions of EMC 16.62;
R. Duplex~~es~~;
S. Triplex~~es and ~~;
T. Fourplex~~es~~;
U. Multi-family dwelling~~s~~;
V. Commonwall dwellings;
W. Cottage cluster~~s~~;

X. Single-family dwelling~~s~~ legally existing and assessed as a dwelling~~s~~ on December 1, 2019;
Y. Alterations to ~~the~~ a legally-established single-family dwelling~~s~~ described in EMC 16.37.020 Subsection X~~V~~, as well as the replacement of such a dwelling~~s~~, 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 twelve (12) consecutive months since December 1, 2019;~~ and~~
Z. Transportation facility~~ies~~ providing access to the H-C or MMU zones.

SECTION 46: **AMENDMENT** "16.37.030 Accessory Uses" of the Estacada Municipal Code is hereby *amended* as follows:

AMENDMENT

16.37.030 Accessory Uses

A. Property management offices of any square footage, provided ~~they are~~it is accessory to a multi-family dwelling.
B. Accessory dwelling units (ADU)~~, as defined in~~ subject to the provisions of EMC 16.61.

SECTION 47: **AMENDMENT** "16.37.040 Conditional Uses" of the

Estacada Municipal Code is hereby *amended* as follows:

AMENDMENT

16.37.040 Conditional Uses

A. Restaurant~~s~~, cafe~~s~~, bakery~~ies~~, and similar on-site eating/drinking establishment~~s~~ in a leased or owned building space greater than 1,500 square feet;
B. Professional office~~s~~ in a leased or owned building space greater than 1,500 square feet;
C. Outdoor farmers' market~~s~~;
D. ~~Drive-thru commercial uses; and~~Food cart~~s~~, subject to EMC 16.66.

SECTION 48: **AMENDMENT** "16.37.060 Standards" of the Estacada Municipal Code is hereby *amended* as follows:

AMENDMENT

16.37.060 Standards

A. Lot Size and Dimensions:
    1. Except as provided in Subsection 2, the minimum lot size shall be as follows:

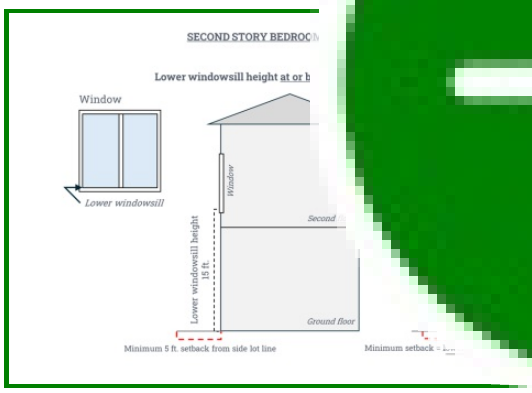
Single-family dwelling or duplex	4,000 square feet
Triplex or fourplex	2,500 square feet per dwelling unit
Commonwall dwellings	2,500 square feet per lot for the first five dwelling units; 1,500 square feet per lot for each unit above five
Cottage cluster	2,500 square feet per dwelling unit
Multi-family dwelling	See Maximum Residential Density under Section 16.37.060.B.

    2. Exception for Conversions. When a duplex, triplex, or fourplex is created by internally converting, or expanding the floor area of, an existing single-family dwelling, no minimum lot size shall apply.
B. Maximum Residential Density. Maximum residential density for multi-family dwellings shall be 40 dwelling units per net acre. See EMC 16.60.060.
C. 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 an automatic fire sprinkler system unless otherwise approved by the City. (Height is measured from the lower windowsill 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.~~ Minimum side setbacks shall be five (5) feet, except:
        a. The common side of a commonwall dwelling, which is zero (0) feet.
        b. Dwellings with a second story bedroom window that faces a side yard and is situated more than fifteen (15) feet above the ground level. As demonstrated in Figure 1 below, the minimum

side setback is calculated by dividing the lower windowsill height (the distance from the lower windowsill to grade level directly below the center of the window) by three. Such windows used for egress must have minimum dimensions of at least three feet by three feet. The bedroom may i... equipped with an automatic fire sprinkler s... otherwise approved by the City.

c. If a public utility easement (PUE) exi... line, the side yard setback shall be ... PUE, if greater than the side yard ...

Figure 1.



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 mail building may be located ~~to within~~up to five feet ~~of~~ from 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. Detached accessory dwelling units are allowed exceptions to rear setbacks as provided in EMC 16.61.060.C.3.a.
4. Notwithstanding other provisions of this chapter, no minimum setback distance is required from Eagle Creek Rd.

D. Fences and Walls.
    1. A solid fence or wall of not less than six (6) feet in height shall be required along a property line which is the district boundary with an abutting residential district.
    2. Fences and sight-obscuring fences, with the exception of evergreen plantings, cannot exceed seven (7) feet in height without a building permit.
    3. Fences described above are subject to clear vision regulations of EMC 16.60.010 and EMC 8.12.050 limiting the use of barbed wire and electrical fences.

E. 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.

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 (5%) 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.

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 16.75~~118~~.020.

SECTION 49: **AMENDMENT** "16.38.020 Uses Permitted Outright" of the Estacada Municipal Code is hereby *amended* as follows:

AMENDMENT

16.38.020 Uses Permitted Outright

A. Pedestrian ~~and~~ or multi-use trail~~s~~, path~~s~~, or~~and~~ boardwalk~~s~~.

SECTION 50: **AMENDMENT** "16.38.030 Accessory Uses" of the Estacada Municipal Code is hereby *amended* as follows:

AMENDMENT

16.38.030 Accessory Uses

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~~ EMC 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~~ EMC 16.38.040(A); and
C. One caretaker's residence accessory to a campground approved as a conditional use according to ~~Section~~EMC 16.38.040(A) on the same lot of record.

SECTION 51: **AMENDMENT** "16.38.040 Conditional Uses" of the Estacada Municipal Code is hereby *amended* as follows:

AMENDMENT

16.38.040 Conditional Uses

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 twenty-one (21) consecutive days and for no more than thirty (30) days in a calendar year, unless otherwise allowed by the Planning Commission with a maximum allowable rental period of one-hundred eighty (180) days, with a minimum of ten (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 52: **AMENDMENT** "16.38.050 Prohibited Uses" of the Estacada Municipal Code is hereby *amended* as follows:

AMENDMENT

16.38.050 Prohibited Uses

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 53: **AMENDMENT** "16.38.060 Standards" of the Estacada Municipal Code is hereby *amended* as follows:

AMENDMENT

16.38.060 Standards

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. Fences and Walls.
    1. A solid fence or wall of not less than six (6) feet in height shall be required along a property line which is the district boundary with an abutting residential district.
    2. Fences and sight-obscuring fences, with the exception of evergreen plantings, cannot exceed seven (7) 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 limiting the use of barbed wire and electrical fences.
    3. Chain-link fencing with or without 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, are prohibited.
D. Parking Requirements: The number of parking spaces as required in EMC 16.76 shall apply in the O-C zone.
E. Sidewalks and Driveways: Sidewalks, driveways, and service driveways shall conform to standards established by this code.
F. Landscaping:
    1. A minimum of five percent (5%) 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.
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 16.75~~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 54: **AMENDMENT** "16.39.020 Uses Permitted Outright" of the Estacada Municipal Code is hereby *amended* as follows:

AMENDMENT

16.39.020 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 that permits be issued by the Oregon State Department of Environmental Quality for the associated emissions, discharges, or storage of materials~~ as defined in EMC 16.08;
B. A 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;~~Public facilities~~:~~, including government uses, offices of governmental agencies and ~~PUD~~public utility substations;
F. Marijuana production, marijuana processing, and marijuana wholesaling regulated by EMC 16.65;
G. Industrial trade school~~s~~;
H. Data center~~s~~;
I. Auto body shop;
J. 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~~with low customer traffic;
K. No more than two food carts on a lot of record, subject to EMC 16.66;
L. Indoor recreational facility~~ies~~ or~~and~~ play area~~s~~ for activities such as basketball, dance, gymnastics, martial arts, racquetball, skating, soccer, swimming, tennis, or similar. ~~These~~ Such a facility~~ies~~ may be used for instruction, practice, and competitions. Health and fitness clubs are excluded from this category~~;~~
M. Large childcare facility as defined in EMC 16.08.

(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 55: **AMENDMENT** "16.39.025 Accessory Uses" of the Estacada Municipal Code is hereby *amended* as follows:

AMENDMENT

16.39.025 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 area~~s~~ 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 (15%) of the floor area of the industrial use;
C. Indoor area~~s~~ 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 (5%) of the floor area of the industrial use;~~ and~~
D. On lots of record no larger than five (5) 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 (6) 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)~~.~~
E. Owner/manager residence subject to EMC 16.60.030(D).

(Ord. No. 2011-004, § 1, 1-9-2012)

SECTION 56: **AMENDMENT** "16.39.030 Conditional Uses Permitted" of the Estacada Municipal Code is hereby *amended* as follows:

AMENDMENT

16.39.030 Conditional Uses Permitted

The following uses and accessory uses may be permitted in ~~a light industrial~~the M-1 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 16.39.040 ~~Subsection~~ (H~~G~~) and shown on Map 16-1;
C. Accessory uses that exceed the standards identified in EMC 16.39.025 ~~Subsection~~ (B) or EMC 16.39.025 ~~Subsection~~ (C);
D. 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 tower~~s~~;
F. Other commercial uses 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 16.39.040 ~~Subsection~~ (~~G~~H) 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: 0.15 x industrial floor area = allowable commercial floor area.

G. Park and ride facility~~ies~~ or~~and~~ other public transportation facility~~ies~~ not otherwise listed in EMC 16.39.020~~ Subsection~~;
H. Transportation facility~~ies 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 EMC 16.66;
J. Auto wrecking yard~~s~~ or junkyard~~s~~; 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 57: **AMENDMENT** "16.39.035 Prohibited Uses" of the Estacada Municipal Code is hereby *amended* as follows:

AMENDMENT

16.39.035 Prohibited Uses

The following uses are prohibited in the ~~Light Industrial~~M-1 zone:

A. ~~Uses of structures or land not specifically permitted;~~Commercial uses in the Northwest Industrial Sanctuary as defined in EMC 16.39.040~~ Subsection G~~(H) except as provided for in EMC 16.39.025 and EMC 16.39.030 Subsection E;~~ and~~
B. Marijuana retailing.

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

SECTION 58: **AMENDMENT** "16.39.040 Standards" of the Estacada Municipal Code is hereby *amended* as follows:

AMENDMENT

16.39.040 Standards

A. ~~Yards~~Setbacks. ~~All yards abutting a lot in a residential zone~~The setback from any property line abutting a residentially zoned property shall be a minimum of twenty (20) feet.
B. Fences and Walls.
    1. A solid fence or wall of not less than six (6) feet in height shall be required along a property line which is the district boundary with an abutting residential district.
    2. Fences and sight-obscuring fences, with the exception of evergreen plantings, cannot exceed seven (7) 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 limiting the use of barbed wire and electrical fences.
C. Parking Requirements. The number of parking spaces as required in EMC 16.76 shall apply in the M-1 zone.
D. Sidewalks. Sidewalks, driveways and service driveways shall conform to standards established by this code.
E. Landscaping. A minimum of five percent (5%) 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.
F. Outdoor storage abutting or facing a street, highway, residential zone shall be screened with a sight-obscuring fence or a buffer strip of vegetation six (6) feet in height.
G. 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.

H. 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 59: **AMENDMENT** "16.42.015 Conformance With Airport Overlay Zone" of the Estacada Municipal Code is hereby *amended* as follows:

AMENDMENT

16.42.015 Conformance With Airport Overlay Zone

All uses, activities, facilities and structures allowed in the Airport Zone shall comply with the requirements of the Airport Safety and Compatibility Overlay Zone established in ~~Chapter~~ EMC 16.54 ~~of this Title~~. In the event of a conflict between the requirements of this zone and those of the Airport Safety and Compatibility Overlay Zone, the requirements of the overlay zone shall control.

SECTION 60: **AMENDMENT** "16.42.020 Uses Permitted Outright" of the Estacada Municipal Code is hereby *amended* as follows:

AMENDMENT

16.42.020 Uses Permitted Outright

The following uses and accessory uses are permitted outright in the ~~Airport Zone~~A-P zone:

A. Customary and usual aviation-related activities, including but not limited to takeoffs and landings; aircraft hangars and tie-downs; construction and maintenance of airport facilities; fixed based operator facilities; a residence for an airport caretaker or security officer; and other activities incidental to the normal operation of an airport. Except as provided in this ordinance, "customary and usual aviation-related activities" do not include residential, commercial, industrial, manufacturing and other uses.
B. Air passenger and air freight services and facilities, at levels consistent with the classification and needs identified in the Oregon Department of Aviation Airport System Plan.
C. Emergency medical flight services, including activities, aircraft, accessory structures, and other facilities necessary to support emergency transportation for medical purposes. Emergency medical flight services do not include hospitals, medical offices, medical labs, medical equipment sales, and other similar uses.

D. Law enforcement and firefighting activities, including aircraft and ground-based activities, facilities and accessory structures necessary to support federal, state or local law enforcement or land management agencies engaged in law enforcement or firefighting activities. Law enforcement and firefighting activities include transport of personnel, aerial observation, and transport of equipment, water, fire retardant and supplies.
E. Search and rescue operations, including aircraft and ground based activities that promote the orderly and efficient conduct of search or rescue related activities.
F. Flight instruction, including activities, facilities, and accessory structures located at airport sites that provide education and training directly related to aeronautical activities. Flight instruction includes ground training and aeronautic skills training, but does not include schools for flight attendants, ticket agents or similar personnel.
G. Aircraft service, maintenance and training, including activities, facilities and accessory structures provided to teach aircraft service and maintenance skills and to maintain, service, refuel or repair aircraft or aircraft components. "Aircraft service, maintenance and training" includes the construction and assembly of aircraft and aircraft components for personal use, but does not include activities, structures or facilities for the manufacturing of aircraft or aircraft-related products for sale to the public.
H. Aircraft rental, including activities, facilities and accessory structures that support the provision of aircraft for rent or lease to the public.
I. Aircraft sales and the sale of aeronautic equipment and supplies, including activities, facilities and accessory structures for the storage, display, demonstration and sales of aircraft and aeronautic equipment and supplies to the public but not including activities, facilities or structures for the manufacturing of aircraft or aircraft-related products for sale to the public.
J. Crop dusting activities, including activities, facilities and structures accessory to crop dusting operations. Crop dusting activities include, but are not limited to, aerial application of chemicals, seed, fertilizer, defoliant and other chemicals or products used in a commercial agricultural, forestry or rangeland management setting.
K. Agricultural and Forestry Activities legally existing on or before ~~[effective date of Ordinance]~~January 8, 2024 or accessory to a primary outright-permitted use, including activities, facilities and accessory structures that qualify as a "farm use" as defined in ORS 215.203 or "farming practice" as defined in ORS 30.930.

SECTION 61: **AMENDMENT** "16.42.030 Conditional Uses Permitted" of the Estacada Municipal Code is hereby *amended* as follows:

AMENDMENT

16.42.030 Conditional Uses Permitted

The following uses and accessory uses are permitted in the Airport Zone subject to EMC 16.88.020 and the review procedures in EMC 16.132.010 through EMC 16.132.050:

A. Upon demonstration of acceptance by the airport sponsor: Aeronautic recreational and sporting activities, including activities, facilities and accessory structures at airports that support recreational usage of aircraft and sporting activities that require the use of aircraft or other devices used and intended for use in flight. Aeronautic recreation and sporting activities authorized under this paragraph include, but are not limited to, fly-ins; glider flights; hot air ballooning; ultralight aircraft flights; displays of aircraft; aeronautic flight skills contests; and gyrocopter flights, but do not include flights carrying parachutists or parachute drops (including all forms of skydiving).
B. Upon demonstration of acceptance by the airport sponsor: Flights carrying parachutists, and parachute drops (including all forms of skydiving) onto an airport, but only upon demonstration that the parachutist business has secured approval to use a drop zone that is at least 10 contiguous acres. The configuration of the drop zone

shall roughly approximate a square or a circle and may contain structures, trees, or other obstacles only if the remainder of the drop zone provides adequate areas for parachutists to land safely.

C. Governmental structure or use of land; and
D. Public utility substations as required with safeguards against harm to adjacent or abutting property owners.

SECTION 62: **AMENDMENT** "16.42.040 Standards" of the Estacada Municipal Code is hereby *amended* as follows:

AMENDMENT

16.42.040 Standards

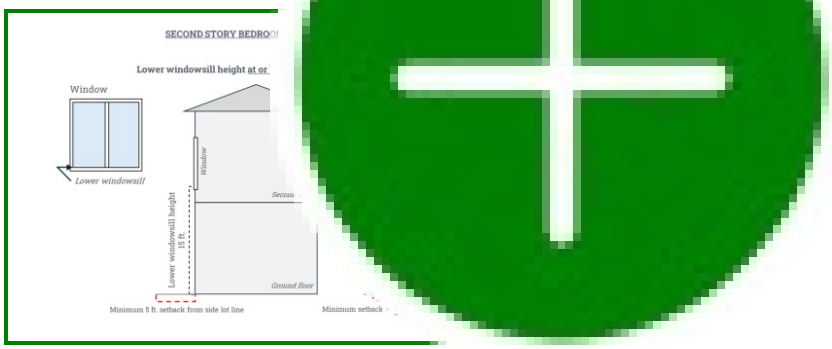
The following standards shall apply in the A-P zone:

A. Lot Size and Dimensions.
    1. The minimum lot size shall be fifty (50) acres.
    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. The number of parking spaces as required in EMC 16.76 shall apply in the A-P zone.
C. Sidewalks. Sidewalks, driveways and service driveways shall conform to standards established by this code.
D. Non-Residential Uses. For all non-residential uses in the A-P zone, the following standards shall apply:
    1. Setbacks from Residential Zones. All yards abutting a lot in a residential zone shall provide a minimum of twenty (20) feet between the residential zone boundary and any structure or use regulated by this Section.
    2. Landscaping. A minimum of five percent (5%) 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.
    3. 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 (6) feet in height.
E. Residential Uses. For all residential uses in the A-P zone, the following standards shall apply:
    1. Setbacks.
        a. Dwellings shall be located a minimum of two hundred (200) feet from the edge of the runway.
        b. The front setback shall be a minimum of twenty (20) feet.
        c. ~~Side setbacks shall be a minimum of five (5) 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 windowsill 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.~~ Minimum side setbacks shall be five feet, except:
            (1) The common side of a commonwall dwelling, which is zero (0) feet.

(2) Dwellings with a second story bedroom window that faces a side yard and is situated more than 15 feet above the ground level. As demonstrated in Figure 1 below, the minimum side setback is calculated by dividing the lower windowsill height (the distance from the lower windowsill to grade level directly below the center of the window) by three. Such windows used for egress must have minimum dimensions of at least three feet by three feet. The bedroom may instead be equipped with an automatic fire sprinkler system [illegible] otherwise approved by the City.

(3) If a public utility easement (PUE) exist[illegible] line, the side yard setback shall be e[illegible] PUE, if greater than the side yard [illegible]

Figure 1.



d. The rear setback shall be a minimum of fifteen (15) feet except:
   (1) An accessory structure not used for human habitation and separated from the main building may be located ~~to within~~up to five ~~(5)~~ feet ~~of~~ from a rear property line.
   (2) On a corner lot, setbacks required from the rear property line shall be the same as required for side yards.

F. Fences and Walls.
   1. Fences and sight-obscuring fences, with the exception of evergreen plantings, cannot exceed ~~six~~ seven (7) feet in height without a building permit.
   2. Fences described above are subject to clear vision regulations of EMC 16.60.010 and EMC 8.12.050 limiting the use of barbed wire and electrical fences.

G. 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 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.

H. Building Height. No building shall exceed a height of thirty-five (35) feet.

I. Lot Coverage. Except as provided below, buildings including accessory structures and garages shall not occupy more than twenty (20) 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.

SECTION 63: **AMENDMENT** "16.44.030 Standards" of the Estacada Municipal Code is hereby *amended* as follows:

AMENDMENT

16.44.030 Standards

A. Off-street parking shall be provided as required in EMC 16.76.
B. Structures shall be setback from residential zones a minimum of twenty (20) feet.
C. 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 (6) feet in height.
D. Landscaping. At least ten (10) percent of the total area developed shall be landscaped. (Prior code § 10.227(2))

SECTION 64: **AMENDMENT** "16.48.010 Purpose" of the Estacada Municipal Code is hereby *amended* as follows:

AMENDMENT

16.48.010 Purpose

The intent and purpose of this overlay district is to implement the goals and policies of the comprehensive plan and encourage property owners to enhance and maintain historically designated resources within the ~~city~~ community. In the H-R zone, the following regulations shall apply.

The provisions of this section are intended to:

A. Facilitate restoration and upkeep of historic buildings;
B. Encourage public knowledge, understanding and appreciation of the city's history and culture;
C. Preserve diverse architectural styles reflecting phases of the city's history; and encourage complementary design and construction impacting historic resources.

(Prior code § 10.228 (part))

SECTION 65: **AMENDMENT** "16.48.060 Demolition" of the Estacada Municipal Code is hereby *amended* as follows:

AMENDMENT

16.48.060 Demolition

All applications for demolition of a designated historic resource shall be reviewed by the historic resource review committee. The applicant for the demolition permit shall submit the following information:

A. A statement identifying the structure's state of repair or ~~(~~disrepair~~)~~;
B. A statement as to the ~~reasonableness~~ feasibility of repairing the structure as opposed to demolition;
C. Identification of restoration costs. The historic resource review committee shall review the information submitted by the applicant and make a finding that the structure cannot be reasonably restored or repaired prior to approval. If this finding is satisfied, the demolition permit shall be issued. The review process shall in no case be exercised so as to impose upon any property owner any peculiar or undue hardship, nor to prevent the removal or demolition of any structure which cannot be economically maintained or restored, giving due consideration to all potential uses to which the structure might

reasonably be put to use upon restoration by a private property owner.

All demolition permits subject to review by the historic resources review committee shall be subject to the notice and hearing procedures identified under EMC 16.132.

(Prior code § 10.228(E))

SECTION 66: **AMENDMENT** "16.52.050 Special Considerations" of the Estacada Municipal Code is hereby *amended* as follows:

AMENDMENT

16.52.050 Special Considerations

A. Before approval of a P-D overlay zone application, the planning commission shall determine that:
    1. The development will be consistent with the comprehensive plan provisions and zoning objectives of the area;
    2. The development will be compatible with adjacent and nearby land uses and accommodate planned and necessary transportation and utility services and facilities to serve the area. For purposes of this evaluation, the lands at least two hundred fifty (250) feet from the outside boundary of the lot upon which the development is proposed shall be considered;
    3. The streets are adequate to support the anticipated traffic and the development will not overload the streets outside the planned development area;
    4. Proposed utility and drainage facilities are adequate for the population densities and type of development proposed and will not create a drainage or pollution problem outside the planned area.
B. In considering a proposed planned unit development, all requirements of the city code shall apply, except as modified below:
    1. Site Adaptation. To the maximum extent possible, the plan and design of the development shall ensure that natural or unique features of the land are preserved.
    2. Lot Arrangement. All lots within the development shall have reasonable access to open space or recreation areas, as defined in EMC 16.52.040(I)(5).
    3. Density of Development. For purposes of determining residential density,

       computations involving residential land shall be subject to the underlying zoning district.
    4. Lot Size. Individual lot size is unrestricted, provided that the overall density of the development shall not exceed the density in the underlying zoning district.
    5. Community Services. The city may request the dedication of proposed open space land that is reasonably suited for use as a city park or for recreation purposes, taking into consideration such factors as size, shape, topography, geology, access, location, and applicable comprehensive plan policies, when such dedication is consistent with the ability of the city to maintain such parks.
    6. Structure Setback Provision.
        a. ~~Yard s~~Setbacks for lots on the perimeter of the plat area shall be the same as that required for the underlying zoning district.
        b. Minimum front yard setback is twenty (20) feet. This standard may be modified for residential dwellings, providing any garage structure facing a street maintains a twenty (20) foot setback.
        c. All detached structures shall maintain a minimum side yard setback of three feet or meet the Uniform Building Code requirement for firewalls.
        d. Minimum rear yard setback is three feet for all detached and attached structures or meets the Uniform Building Code requirement for firewalls.
    7. Individual Lot Street Frontage. No individual lot street frontage is required

when such lots are shown to have adequate access in a manner that is consistent with the purposes and objectives of this section.

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

10. An alternative to a homeowners' association may include deed restrictions or conservation easements, when the city determines such will protect the intent and purposes of this chapter and be in the public's interest.

(Ord. 2005-6 § 1 (part))

SECTION 67: **AMENDMENT** "16.54.020 Notice Of Land Use And Permit Applications Within Overlay Zone" of the Estacada Municipal Code is hereby *amended* as follows:

AMENDMENT

16.54.020 Notice Of Land Use And Permit Applications Within Overlay Zone

Except as otherwise provided herein, written notice of applications for land use or limited land use decisions as defined in ORS 197.015 (12), including comprehensive plan or zoning amendments and development applications, in an area within this overlay zone, shall be provided to the airport sponsor and the Oregon Department of Aviation (ODAV) in the same manner as notice is provided to property owners entitled by law to written notice of land use or

limited land use applications.

A. Notice shall be provided to the airport sponsor and the ODAV when the property, or a portion thereof, that is subject to the land use or limited land use application is located within 5,000 feet of the sides or ends of a runway.
B. Notice of land use or limited land use applications involving public hearings shall be provided prior to the public hearing at the same time that written notice of such applications is provided to property owners entitled to such notice.
C. Notice of land use or limited land use applications not involving public hearings shall be provided at least 20 days prior to entry of the initial decision on the land use or limited land use application.
D. Notice of the decision on the land use or limited land use application shall also be provided to the airport sponsor within the same timelines that notice is provided to parties to the proceeding.
E. Notices required under Paragraphs A-C of this section need not be provided to the airport sponsor or the ODAV where the land use or limited land use application meets all of the following criteria:
    1. Would only allow structures of less than 35 feet in height above ground level (AGL);
    2. Involves property located entirely outside the approach surface;
    3. Does not involve industrial uses, mining or similar uses that emit smoke dust or steam; sanitary landfills or water impoundments; or radio, radiotelephone, television or similar transmission facilities or electrical transmission lines; and
    4. Does not involve wetland mitigation, creation, enhancement or restoration.

SECTION 68: **AMENDMENT** "16.54.030 Height Limitations On Allowed Uses In Underlying Zone" of the Estacada Municipal Code is hereby *amended* as follows:

AMENDMENT

16.54.030 Height Limitations On Allowed Uses In Underlying Zone

All uses permitted by the underlying zone shall comply with the height limitations in this Section. When height limitations of the underlying zone are more restrictive than those of this overlay zone, the underlying zone height limitations shall control.

A. Except as provided in subsections B and C of this Section, no structure or tree, plant or other object of natural growth shall penetrate an airport imaginary surface. Refer to OAR 660 Division 13, Exhibit 1 for a description of public use airport overlay surfaces and zones.
B. For areas within airport imaginary surfaces but outside the approach and transition surfaces, where the terrain is at higher elevations than the airport runway surfaces such that existing structures and permitted development penetrate or would penetrate the airport imaginary surfaces, a local government may authorize structures up to 35 feet in height above ground level (AGL).
C. Other height exceptions or variances may be permitted when supported in writing by the airport sponsor, the Oregon Department of Aviation and the Federal Aviation Administration. Applications for height variances shall follow the procedures for other variances and shall be subject to such conditions and terms as recommended by the ODAV and the FAA.

SECTION 69: **AMENDMENT** "16.54.050 Limitations And Restrictions On Allowed Uses" of the Estacada Municipal Code is hereby *amended* as follows:

AMENDMENT

16.54.050 Limitations And Restrictions On Allowed Uses

A. The land uses identified in Table 1, and their accessory uses, are either permitted, permitted under limited circumstances, or prohibited in the manner described in the Table and in the numbered list of table notes below. In the event of conflict with the underlying zone, the more restrictive provisions shall control. As used in this section, a limited use means a use that is allowed subject to special standards specific to that use.

Table 1: Limitations & Restrictions On Allowed Uses.

Key: **P** = Use is Permitted; **L** = Use is allowed under Limited circumstances described under the corresponding number in the list below; **N** = Use is Not allowed.				
Use Category	**RPZ**	**Approach surface**	**Direct impact area**	**Secondary impact area**
Public airport	L	L	P	P
Residential	N	L	L	P
Commercial	N	L	L	P
Industrial	N	L	P	P
Institutional	N	L	L	P
Farm use	P	P	P	P
Roads/parking	L	P	P	P
Utilities	L	L	L	L
Parks/open space	L	P	P	P
Athletic field	N	L	L	P
Mining	N	L	L	L
Water impoundment	N	N	N	N
Wetland mitigation	N	L	L	L

Limitations and restrictions on the allowed uses in Table 1 include:

1. No structures shall be allowed within the Runway Protection Zone (RPZ). Exceptions shall be made only for structures accessory to airport operations whose location within the RPZ has been approved by the Federal Aviation Administration.
2. In the RPZ, public airport uses are restricted to those uses and facilities that require location in the RPZ.
3. Roads and parking areas are permitted in the RPZ only upon demonstration that there are not practicable alternatives. Lights, guardrails, and related accessory structures are prohibited. Cost may be considered in determining whether practicable alternatives exist.
4. In the RPZ, utilities, powerlines and pipelines must be underground. In approach

surfaces and in airport direct and secondary impact areas, the proposed height of utilities shall be coordinated with the airport sponsor and Oregon Department of Aviation.

5. Public assembly facilities are prohibited in the RPZ.
6. Within 10,000 feet from the end of the primary surface of a non-precision instrument runway, and within 50,000 feet from the end of the primary surface of a precision instrument runway.
7. Public assembly facilities may be allowed in an approach surface only if the potential danger to public safety is minimal. In determining whether a proposed use is appropriate, consideration shall be given to: proximity to the RPZ; density of people per acre; frequency of use; level of activity at the airport; and other factors relevant to public safety. In general, high density uses should not be permitted within airport approach surfaces, and residential structures should be located outside approach surfaces unless no practicable alternatives exist.
8. Residential densities within approach surfaces shall not exceed the following densities: ~~(1) w~~
    a. Within 500 feet of the outer edge of the RPZ, 1 unit per acre; ~~(2) w~~
    b. Within 500 to 1,500 feet of the outer edge of the RPZ, 2 units per acre; ~~(3) w~~
    c. Within 1,500 to 3,000 feet of the outer edge of the RPZ, 4 units per acre.
9. Mining operations involving the creation or expansion of water impoundments shall comply with the requirements of this document regarding water impoundments.
10. Water impoundments are prohibited within 5,000 feet from the edge or end of a runway.
11. Wetland Mitigation required for projects located within an approach surface, the airport direct or secondary impact area shall be authorized only upon demonstration, supported by substantial evidence, that it is impracticable to provide mitigation outside of these areas. Proposals for wetland mitigation shall be coordinated with the airport sponsor, the Oregon Department of Aviation, the Federal Aviation Administration and the wetland-permitting agencies prior to the issuance of required permits. Wetland mitigation shall be designed and located to avoid creating a wildlife hazard or increasing hazardous movements of birds across runway and approach surfaces. Conditions shall be imposed as appropriate and necessary to prevent in perpetuity an increase in hazardous bird movements across runway and approach surfaces.
12. Within the transitional surface, residential uses and athletic fields are not permitted.
13. Within the transitional surface, overnight accommodations, such as hotels, motels, hospitals and dormitories, are not permitted.
14. See EMC 16.54.060 prohibiting or regulating water impoundments within 5,000 or 10,000 feet of the end or edge of a runway.

SECTION 70: **AMENDMENT** "16.54.070 Nonconforming Uses" of the Estacada Municipal Code is hereby *amended* as follows:

AMENDMENT

16.54.070 Nonconforming Uses

A. These regulations shall not be construed to require the removal, lowering or alteration of any structure not conforming to these regulations. These regulations shall not require any change in the construction, alteration or intended use of any structure, the construction or alteration of which was begun prior to the effective date of this overlay zone.
B. Notwithstanding subsection A. of this section, the owner of any existing structure that has an adverse effect on air navigational safety as determined by the Oregon Department of Aviation shall install or allow the installation of obstruction markers as deemed necessary by the ODAV, so that the structures become more visible to pilots.
C. No land use or limited land use approval or other permit shall be granted that would allow a nonconforming use or structure to become a greater hazard to air navigation than it was on the effective date of this overlay zone.

SECTION 71: **AMENDMENT** "16.60.040 Projections From Buildings" of the Estacada Municipal Code is hereby *amended* as follows:

AMENDMENT

16.60.040 Projections From Buildings

Architectural features such as cornices, eaves, canopies, sunshades, gutters, signs, chimneys and flues shall not project more than eighteen (18) inches into a required ~~yard~~setback.

(Prior code § 10.500)

SECTION 72: **AMENDMENT** "16.60.050 General Exceptions To Yard Requirements" of the Estacada Municipal Code is hereby *amended* as follows:

AMENDMENT

16.60.050 General Exceptions To ~~Yard~~Setback Requirements

The following exceptions to ~~the front yard~~setback requirements for any structure are authorized for a lot in any zone.

A. The required front or rear ~~yard~~ setback for a structure may be based upon the average of the front or rear ~~yards~~ setbacks of dwellings/garages on all lots within one hundred (100) feet of both sides of the proposed structure. On vacant parcels within one hundred (100) feet, standard lot requirements shall be used in establishing the average.
B. Special Setback Requirements. Under certain circumstances the following special setback requirements shall apply:
    1. Buildings and pens, which are part of kennels and animal hospitals, and active recreation use areas which are a part of outdoor commercial amusement or recreation establishments shall be located no closer than seventy-five (75) feet from a residential zone.
    2. Clubs, lodges, fraternal organizations, community swimming pools, and buildings housing recreational facilities in residential zones shall be located no closer than thirty (30) feet from any other lot in a residential zone.

(Prior code § 10.520)

SECTION 73: **AMENDMENT** "16.75.020 Standards" of the Estacada Municipal Code is hereby *amended* as follows:

AMENDMENT

16.75.020 Standards

Developments shall conform to all of the following standards for pedestrian access and circulation:

A. Continuous Walkway System. A pedestrian walkway system shall extend throughout the development site and connect to adjacent sidewalks, if any, and to all future phases of the development, as applicable.

B. Safe, Direct, and Convenient. ~~Walkways within developments shall provide safe, reasonably direct, and convenient connections between primary building entrances and all adjacent parking areas, recreational areas, playgrounds, and public rights-of-way conforming to the following standards:~~
~~The walkway is reasonably direct. A walkway is reasonably direct when it follows a route that does not deviate unnecessarily from a straight line or it does not involve a significant amount of out-of-direction travel. The walkway is designed primarily for pedestrian safety and convenience, meaning it is reasonably free from hazards and provides a reasonably smooth and consistent surface and direct route of travel between destinations. The City Manager or designee may require landscape buffering between walkways and adjacent parking lots or driveways to mitigate safety concerns.~~ The walkway network connects to all primary building entrances consistent with Americans with Disabilities Act (ADA) requirements.

SECTION 74: **AMENDMENT** "16.75.030 Vehicle/Walkway Separation" of the Estacada Municipal Code is hereby *amended* as follows:

AMENDMENT

16.75.030 Vehicle/Walkway Separation

Except as required for crosswalks, per 16.75~~11~~8.040, where a walkway runs parallel to a driveway or street it shall be raised six inches and curbed along the edge of the driveway or street. Alternatively, the City Manager or designee may approve a walkway abutting a driveway at the same grade as the driveway if the walkway is physically separated from all vehicle-maneuvering areas. An example of such separation is a row of bollards (designed for use in parking areas) with adequate minimum spacing between them to prevent vehicles from entering the walkway.

SECTION 75: **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~~ be designed to reflect light downward, away from the sky and from adjacent residential zones or ~~on any~~ adjacent dwellings.

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 per lane
Campsites and recreational cabins and yurts		1 per campsite/cabin/yurt
Childcare facilities	Small	2 total
	Large	2 per classroom
Doctor's office, dental office, medical clinic, or similar use		3.5 per 1,000 square feet of floor area

Dwellings	Single-family and Duplex	2 total ~~for each primary, detached single-family dwelling~~
	~~Duplex,~~ Triplex~~,~~ and Fourplex	1.5 for each dwelling unit, rounded up to the next whole number (except as provided in EMC 16.76.010, Subsection 3)
	Commonwall	2 for each commonwall dwelling (see on-street credit option in EMC 16.76.010, Subsection 4)
	Multi-family and cottage clusters	1 for each unit
	Accessory dwelling unit (ADU)	No additional space for one accessory dwelling unit. One additional parking space shall be provided ~~if there is~~for a second ADU.
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
Manufactured dwelling park		2 for each manufactured dwelling 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

Park		For a park with an athletic field: 1 per 3 spectator seats, 1 space per 18 inches of bench-viewer bench length, or 25 per field, whichever amount is greatest
		For a park without an athletic field: 2.6 per acre
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 enterprise		1 per 100 square feet of floor area
Warehouse, storage, or		1 per 2,000 square feet

similar enterprise		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. Reduced Parking for Internal Conversions. When a duplex, triplex, or fourplex is created through internal conversion of an existing single-family dwelling, the minimum number of required parking spaces (including existing retained parking spaces) shall be as follows:
    a. Duplex: Two spaces total.
    b. Triplex: Three spaces total.
    c. Fourplex: Four spaces total.
4. On-street Parking Credit for Commonwall Dwellings. For each commonwall dwelling, the minimum parking requirement may be reduced by no more than one space if on-street parking is available that meets standards a through e below.
    a. The space is a legal place to park (consistent with location standards in the Estacada Municipal Code, such as not next to a fire hydrant or a mailbox).
    b. The space is abutting the subject lot (on the same side of the street).
    c. The space is on a street with a minimum paved width that meets standard for the local streets with parking on both sides, as established in the adopted Transportation System Plan.
    d. The space is at least 22 feet long and 7 feet wide.
    e. Only one commonwall dwelling can claim the space towards its off-street parking reduction.

5. 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 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 areas only)		None	8, or per CU review
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		2, or 1 per 4,000 sq. ft. of net	2, or 1 per 2,000 sq. ft. of net

Places of Worship		building area	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		

S. Off-street parking areas with five or more parking spaces shall include pedestrian access and circulation facilities (or improvements), in accordance with EMC Chapter 16.75.

(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 76: **AMENDMENT** "16.88.020 Authorization To Grant Or Deny Conditional Use Permit" of the Estacada Municipal Code is hereby *amended* as follows:

AMENDMENT

16.88.020 Authorization To Grant Or Deny Conditional Use Permit

Conditional uses listed in this title may be permitted, enlarged or altered upon authorization by the planning commission in accordance with the standards and procedures set forth in this chapter. In permitting a conditional use or the modification of a conditional use, the planning commission may impose, in addition to those standards and requirements expressly specified by this title, additional conditions which are considered necessary to protect the best interest of the surrounding area of the city as a whole. These conditions may include, but are not limited to the following:

A. Increasing the required lot size or ~~yard dimensions~~ setbacks;
B. Limiting the height of buildings;
C. Controlling the location and number of vehicle access points;
D. Increasing the street width;
E. Increasing the number of required off-street parking spaces;
F. Limiting the number, size, location and lighting of signs;

G. Requiring fencing, screening, landscaping, diking, or other facilities to protect adjacent or nearby property;
H. Designating sites for open space;
I. Regulating the hours of operation;
J. Setting a time limit for which the conditional use is approved.
K. Providing improvements to facilitate pedestrian, bicycle, or transit use.

(Prior code § 10.572)

SECTION 77: **AMENDMENT** "16.108.010 Preapplication Process" of the Estacada Municipal Code is hereby *amended* as follows:

AMENDMENT

16.108.010 Preapplication Process

Prior to preparing a tentative plan of a subdivision, the applicant ~~should~~ shall schedule a preapplication conference to discuss the proposed division with city staff. ~~The~~ At the preapplication conference, the applicant and staff shall discuss the implication of the zoning, availability of water, sewage disposal, drainage and street construction requirements, access and easements, topography of the site, any known natural hazards, and all other factors affecting the division of the property.

(Prior code § 10.760(1))

SECTION 78: **AMENDMENT** "16.108.020 Tentative Plan Application" of the Estacada Municipal Code is hereby *amended* as follows:

AMENDMENT

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. ~~Three (3) copies of the tentative plan shall be submitted if they are larger than 8.5 inches x 11 inches.~~
B. The submitted 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~~ number, 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:~~e.g., 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 affect 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.~~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.
6. 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.
7. Relationship considerations: shall include a detailed discussion of the relationship of the proposed development to shopping, recreational and employment centers.
8. 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 79: **AMENDMENT** "16.108.030 Review Of Tentative Plan By Other Departments" of the Estacada Municipal Code is hereby *amended* as follows:

AMENDMENT

16.108.030 Review Of Tentative Plan By Other Departments

Within seven days after the subdivision application is ~~accepted~~deemed complete, the city shall distribute copies thereof to appropriate agencies and departments for review, comments and recommendations.

(Ord. 2001-5 § 6: prior code § 10.760(3))

SECTION 80: **AMENDMENT** "16.108.040 Approval Of Tentative Plan" of the Estacada Municipal Code is hereby *amended* as follows:

AMENDMENT

16.108.040 Approval Of Tentative Plan

A. 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 other agencies and departments and such other testimony offered, the planning commission shall adopt findings and make a recommendation to the city council. The city council shall then hold a hearing *de novo* and render a decision. The city council shall conditionally approve, disapprove for cause, or, when further information is required, postpone a decision on the tentative plan.
B. 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~~ four years from the effective date of approval.

(Prior code § 10.760(4))

SECTION 81: **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 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~~subdivision;
    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 82: **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 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 sight 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 Turnarounds.
   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 turnaround with a minimum radius of fifty-five (55) feet or other type of turnaround approved by the planning commission.
   b. Approved turnarounds 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 of a residential subdivision is 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. Building Permits In Subdivisions. Per EMC 15.12.080, building permits and sanitary sewer and water connections shall not be issued or allowed for more than fifty (50) percent of the lots in any subdivision approved by the City until all of the public improvements required by the City have been completely constructed to the specifications of the City and have been accepted and approved by the City. For the purpose of this section, "public improvements" shall include, but not be limited to, streets, sanitary sewers, storm drains, curbs, sidewalks, and water systems.

R. Subdivision Names. Subdivision plat names shall be subject to the approval of the county surveyor pursuant to ORS 92.090.

S. 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.

T. 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.

U. 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 83: **AMENDMENT** "16.116.040 Dedication Of Public Streets" of the Estacada Municipal Code is hereby *amended* as follows:

AMENDMENT

16.116.040 Dedication Of Public Streets

A. Any person wishing to create a public street shall make written application to the Estacada city council. The application shall consist of a letter addressed to the council requesting acceptance of the dedication; a deed with exact description of the proposed dedication signed by all owners of the property being dedicated; and a map showing the proposed street and property intended to be served by the street. The Estacada city council shall refer the application to the following:
    1. The city engineer and public works superintendent, who shall check the proposal for grade and conformance to acceptable street standards;
    2. The county surveyor, who shall check the description for accuracy;
    3. The county assessor's office, who shall insure that the taxes are paid on the property being dedicated; and
    4. The city planner, who shall ensure that the street is not in conflict with the ~~city comprehensive~~transportation system plan (TSP) or any adjacent approved tentative plans, plats or maps.
B. These reports shall be forwarded to the Estacada city council. If the city council approves the dedication, it shall accept the dedication by resolution of the council. The deed shall then be recorded.
C. A substandard developed street will not be maintained by the city unless that street is accepted for maintenance by the city council.

(Prior code § 10.780)

SECTION 84: **AMENDMENT** "16.120.010 Approval Of Partitions" of the Estacada Municipal Code is hereby *amended* as follows:

AMENDMENT

16.120.010 Approval Of Partitions

A. No map of a partition of land in Estacada shall be recorded or have any validity unless and until it has the approval of the Estacada planning commission or is appealed and subsequently approved by the Estacada city council or by higher court action.
B. No person shall sell any lot or convey any interest in a parcel in any partition until the plat of the partition has been acknowledged and recorded with the recording officer of the county in which the lot or parcel is situated.
C. No building permits shall be issued for any parcel in a partition until the partition has been granted final approval.
D. If it is apparent that continuous partitioning of a tract of land may occur in subsequent years, ~~the application may be referred to the planning commission for a determination as to~~City Staff may make a determination as to whether the proposed development should be subject to the subdivision requirements of this title.
E. All partitions shall comply with the Design Standards and Improvements in EMC 16.116.

(Ord. 2007-6 § 18; prior code § 10.730)

SECTION 85: **AMENDMENT** "16.132.020 Public Hearing Notice" of the Estacada Municipal Code is hereby *amended* as follows:

AMENDMENT

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. Quasi-Judicial Land Use Applications. 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. Legislative Land Use Proposals. 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. Zone Change Applications. Each notice of a public hearing for any zone change 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 three hundred (300) 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.

B. The public hearing notice shall:
   1. Explain the nature of the application and the proposed use or uses which could be authorized;
   2. List the applicable criteria from the ordinance;
   3. Set forth the street address or other easily understood geographical reference to the subject property;
   4. State the date, time and location of the hearing;
   5. 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;
   6. Include the name of a local government representative to contact and the telephone number where additional information may be obtained;
   7. 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;
   8. 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
   9. Include a general explanation of the requirements for submission of testimony and the procedure for conduct of hearings.

C. 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.

D. Failure of a person to receive the notice prescribed in this section shall not invalidate a proceeding if notice is provided as described ~~in Subsection A,1 of this section~~under EMC 16.132.020(A). 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 86: **AMENDMENT** "16.116.050 Procedure For Insuring Completion Of Streets And Utilities; Bonding/performance Agreements" of the Estacada Municipal Code is hereby *amended* as follows:

AMENDMENT

16.116.050 Procedure For Insuring Completion Of Streets And Utilities; Bonding/~~performance~~Performance Agreements

A. The developer's engineer will prepare cost estimates on completion of improvements. Street cost estimates shall be based on street standards as designated in EMC 16.116.030. Sewer and water estimates shall be based upon designs approved by the ~~State Board of~~Oregon Health Authority and DEQ. All cost estimates shall be stamped or sealed by the engineer who prepared them.

B. All estimates shall be submitted to the city. Only after a minimum of eighty percent (80%) completion of all required improvements may a developer request to either file a surety bond or pay cash as security for the completion of the remaining improvements to permit recording the plat. To determine whether the eighty percent (80%) threshold is met, the cost estimate of remaining work shall be divided by the total cost estimate of all required work.

C. The city shall notify the developer as to the amount of the surety that shall be required. The surety shall remain in the custody of the city until the obligation is completed or the surety is forfeited.

D. The developer shall file with the city an agreement binding the developer to complete the improvements within six (6) months of execution of the security.~~and in~~ In addition to the agreement, the developer shall ~~file~~ submit one of the following to assure the full and faithful performance thereof:

   1. A surety bond in the amount of 125% of the cost estimate of remaining work, executed by a surety company;
   2. Cash amounting to 125% of the cost estimate of remaining work.

E. If the city finds that a permittee has not completed improvements as required, staff shall notify, in writing, the permittee and the surety holder of the specific noncompliance. Within thirty (30) days of receipt of the written notice, the permittee or the surety holder shall proceed diligently to complete the obligation.

F. If the permittee or the surety holder does not commence compliance within thirty (30) days, or has so commenced but fails to proceed diligently to complete the compliance, or the compliance is not completed in accordance with the requirements of the development permit, the city may take any or all of the following actions:

   1. Enter upon the site of the development and carry out the improvements necessary to complete the requirements of the development permit;
   2. Notify the permittee and the surety holder of the permittee's failure to complete the improvements;
   3. Demand payment from the permittee for the costs of completion of the improvements;
   4. Notify the surety holder that the reimbursement for the costs of completion is due and payable to the city.

G. Insufficient Surety. If the amount of the surety is not sufficient to compensate the city fully for the cost of improvements, the amount due the city is a lien in favor of the city upon the entire real property of the owner of the development subject to the development permit. The lien attaches upon the filing with the county recorder of notice of the claim for the amount due for the completion of the improvements. The notice shall demand the amount due, allege the insufficiency of the surety to

compensate the city fully for the costs of completion of the improvements as required by the development permit and this code.

H. Damage and Maintenance. The developer of any subdivision, partition or development shall construct, maintain, repair, replace and shall be responsible for any damage to curbs, sidewalks, pavement and driveway approaches, shall keep the pavement area free of debris, soil or foreign matter at all times, shall be responsible for the efficient operation of all sumps or catch basins in all streets included in the development, for a period of time not exceeding two years from the date set in the surety for completion of the improvements, or until ninety (90) percent of the units have been constructed, whichever occurs first.

I. Upon completion of improvements, the applicant's engineer shall certify that such improvements are built to the standards approved. This certification of completion shall be submitted to the city engineer for final approval.

(Prior code § 10.785)

SECTION 87: **AMENDMENT** "16.16.035 Preexisting Uses" of the Estacada Municipal Code is hereby *amended* as follows:

AMENDMENT

16.16.035 ~~Preexisting Uses~~Alteration Or Expansion Of Public Schools

~~The following preexisting uses shall be uses permitted outright in the R-1 zone:~~Alteration or expansion of a public school, including, but not limited to, placement of portable or temporary modular classrooms on-site, when the following standards are met:

A. The public school was legally established prior to December 21, 2012.

B. ~~Alteration or expansion of a public school, including, but not limited to, placement of portable or temporary modular classrooms on-site, when the following standards are met:~~

1. The public school was legally established prior to December 31, 2012.
2. The alteration or expansion complies with the standards listed in EMC 16.16.040.

C. The alteration or expansion complies with the standards listed in EMC 16.16.040

(Ord. No. 2012-008, § 5, 1-14-2013; Ord. No. 2017-006, § 2, 11-13-2017)

SECTION 88: **AMENDMENT** "16.60.030 Accessory Structures/uses" of the Estacada Municipal Code is hereby *amended* as follows:

AMENDMENT

16.60.030 Accessory Structures~~/uses~~ And 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~~up to five feet ~~of~~ from 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~~setbacks, 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~~ setback 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~~ setback no more than one-third the distance of the required setback.

D. Manager/Caretaker Residences. In the M-1 zone, 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)

EFFECTIVE DATE Considered at the Council meeting of January 12th, 2026, passed by a vote of 7 ayes and 0 nays, and considered for the second time at the meeting of January 26, 2026, and passed by a vote of 7 ayes and 0 nays, this 26th day of January, 2026.

PASSED AND ADOPTED BY THE ESTACADA COUNCIL JANUARY 26, 2026.

	AYE	NAY	ABSENT	ABSTAIN
Sean Drinkwine	X			
Jerry Tenbush	X			
Michael McElroy	X			
Jonathan Metcalf	X			
Melissa Hill	X			
Jon Dolezal	X			
Matthew Blevens	X			

Presiding Officer

Sean Drinkwine, Mayor, Estacada

Attest

Sadie Main, City Recorder, Estacada