

ORDINANCE SERIES OF 2018, NO. 007

An Ordinance amending the City's Comprehensive Plan Map and Zoning Map and Title 16 – Development of the Estacada Municipal Code to: allow mobile foot carts in industrial and commercial areas; require an application for the verification of nonconforming uses; and clarify existing parking requirements for short-term rentals, the terms for dwellings, the minimum lot size for various dwelling types, and the period of tentative approval validity for subdivisions and phased developments.

The City of Estacada ordains as follows:

Section 1. Chapters 16.08, 16.12, 16.20, 16.24, 16.26, 16.28, 16.32, 16.36, 16.62, 16.84, 16.112, and 16.116 of the Estacada Development Code are hereby amended, and a new Chapter 16.66 added, to read as below.

Chapter 16.08 DEFINITIONS

16.08.010 Definitions.

As used in this title, the singular includes the plural and the masculine the feminine and neuter; the word "may" is discretionary; 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. ADUs are independently habitable and provide the basic requirements of shelter, heating, cooking, and sanitation for one Family. There are two types of ADUs:

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

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

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

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

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

"Apartment" means any building, or portion thereof, which is designated, built, rented, leased, let or hired out to be occupied, or which is occupied as the home or residence of four or more families living independently of each other and doing their own cooking in the building.

"Assisted living facility" ("ALF") means a building, complex, or distinct part thereof, consisting of fully self-contained individual living units where six or more seniors and/or adult individuals with disabilities may reside in homelike surroundings. An assisted living facility is licensed to operate as such by the State of Oregon. It offers and coordinates a

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

Automobile.

1. "Repair garage" is a use providing for the major repair and maintenance of motor vehicles and includes major mechanical and body work, straightening of body parts, painting, welding or storage of motor vehicles not in operating condition.
2. "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.
3. "Wrecking yard" means any property where two or more vehicles not in running condition, or the parts thereof, are stored in the open and are not being restored to operation; or any land, building or structure used for the wrecking or storing of such motor vehicles or the parts thereof.
4. "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 stripping.

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

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

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

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

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

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

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

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

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

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

"Commission" means the Estacada planning commission.

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

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

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

"Council" means the city council of Estacada.

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

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

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

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

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

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

"Duplex" means a building containing two dwelling units.

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

1. Dwelling, Commonwall. "Commonwall dwelling" means a dwelling which shares at least one wall, or portion thereof, with another dwelling and which is allowed in a residential district subject to the same requirements as other dwellings in those districts. A commonwall dwelling may, or may not, include a separate lot.
2. Dwelling, Factory-built (modular dwelling or modular home). "Factory-built dwelling", "modular dwelling", and "modular home" mean a dwelling that meets Oregon Building Code requirements for a residential dwelling, was constructed almost entirely off-site, was delivered to its permanent site in whole or in sections, and is set on to a foundation at that site; it does not mean a manufactured dwelling or mobile home, as defined separately in this Section.
3. Dwelling, Multi-family (Apartment). "Multi-family dwelling" and "apartment" mean a single building, or a portion thereof, that contains three or more dwelling units, each with housekeeping facilities for just one family.
4. Dwelling, Single-family. "Single-family dwelling" means a detached dwelling unit designed or used exclusively for the occupancy of only one family and having housekeeping facilities for only one family.
5. Dwelling, Two-family (Duplex). "Two-family dwelling" and "duplex" mean a single building, or a portion thereof, with two dwelling units with separate housekeeping facilities. A single-family dwelling with an accessory suite is not a two-family dwelling or duplex.

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

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

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

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

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

1. Persons related by blood, marriage, legal adoption or guardianships, plus not more than six additional persons, including foster and shelter care children;
2. Up to six unrelated persons; or
3. 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 Section 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:

1. The overflow of inland or tidal waters; and/or
2. 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.

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

"Heavy industry" means the manufacturing, processing, compounding, packaging or assembling of products, the process of which requires or creates emissions or discharges other than normal sanitary sewage wastes or the storage of materials which require permits be issued by the Oregon State Department of Environmental Quality.

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

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

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

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

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

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

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

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

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

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

1. Areas of landscaping, including percent of lot area;
2. Type(s) of vegetation and/or materials;
3. Maintenance type and schedule, i.e., irrigation method.

"Light industry" means the manufacturing, processing, compounding, packaging or assembling of products, the process of which does not require or create emissions or discharges other than normal sanitary sewage wastes or the storage of materials which require permits be issued by the Oregon State Department of Environmental Quality.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

"Manufactured dwelling" means a detached dwelling that is designed or used exclusively for the occupancy of only one family has housekeeping facilities for only one family, has sleeping, cooking, and plumbing facilities, and that was constructed for movement on public highways in accordance with federal manufactured housing construction and safety standards and regulations in effect at the time of construction.

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

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

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

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

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

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

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

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

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

"Mobile home" means a dwelling that is designed or used exclusively for the occupancy of only one family, has housekeeping facilities for only one family, has sleeping, cooking, and plumbing facilities, and that was constructed between January 1962 and June 15, 1976 for movement on public highways.

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

"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.

"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:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1. "Arterial or major highway" means a street designed to carry traffic from one community to another, to carry traffic to and from major traffic generators and to carry through traffic.
2. "Collector or secondary street" means a street designed to carry traffic between minor streets and the arterial system, to function as primary traffic carries within a neighborhood, to carry traffic to local traffic generators, and in commercial and industrial areas, to provide access to commercial and industrial properties.
3. "Cul-de-sac" or "dead end street" means a minor street with only one outlet which provides a vehicular turnaround.
4. "Minor street" means a street designed to provide access to abutting residential property with only incidental service to through traffic.
5. "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.
6. "Public road" means a road dedicated for public use.
7. "Access drive" means a private road, with a travel surface not less than twelve (12) feet in width, created by deed or easement to provide vehicular ingress, or egress from not more than two lots or parcels.

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

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

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

1. 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.
2. 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.

3. Side: a setback between the front and rear yard measured horizontally and at right angles from the side lot line to the nearest point of the main building.

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

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

Street. (See "Road.")

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

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

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

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

"Temporary" means a specific period of time.

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

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

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

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

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

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

Chapter 16.12 ESTABLISHMENT OF ZONES

16.12.060 Zone descriptions.

- A. Residential R-1 low density residential: Devoted to single-family dwellings from which are excluded business and multi-family dwellings, but does allow certain public nonprofit uses as conditional uses, as well as home occupations, and short-term rentals with standards.
- B. Residential R-2 medium density residential: Created to allow single-family and two-family dwellings (duplexes). Intended for residential use at a moderate density and utilize existing subdivided lots with affordable housing.
- C. Residential R-3 multiple-family residential: Intended for residential use as a high density residential district allowing some conditional uses with standards.
- D. 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.
- E. 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.
- F. Residential commercial C-2: Designed for a mixture of office, retail, personal or business service, plus allowing residential uses. C-2 was created to promote the most productive capacity of property. Several areas of the city have developed into a combination of residential and commercial use zones. The purpose of this zoning district is to recognize and to continue this development pattern.
- G. 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.
- H. Heavy industrial zone M-2: Created in the interest of the public convenience and necessity for outright industrial development in order to more widely advertise the attributes and amenities available in Estacada for industrial uses.
- I. Open space/public facilities zone O-S: Created to ensure public greenways, pathways and parks, to allow governmental uses including public schools and allowing them to expand as outright uses, providing it would not substantially increase overall capacity and are in harmony with the purpose and objectives of the comprehensive plan.
- J. Planned development zone P-D. The purpose of the planned development overlay zone is to permit the application of new technology and greater freedom than may be possible under a strict interpretation of the provisions of the code.
- K. Historical resources overlay zone H-R. 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 community.
- L. Wetlands resources overlay zone W-O. The intent and purpose of this overlay is to implement the goals and policies of the comprehensive plan and protect the designated wetland resources within the community.

Chapter 16.20 MEDIUM DENSITY RESIDENTIAL (R-2)

16.20.030 Conditional uses permitted.

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

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

16.20.040 Standards.

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

- A. Lot Size and Dimensions.
 - 1. The minimum lot size shall be as follows:

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

Chapter 16.24 MULTIPLE FAMILY RESIDENTIAL (R-3)

16.24.040 Standards.

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

A. Lot Size and Dimensions:

Single-family dwelling	5,000 square feet
Two-family dwelling (duplex) or two-unit commonwall dwelling	8,000 square feet; for a two-family dwelling; 4,000 square feet for each lot for each commonwall dwelling unit
Multi-family dwelling with only three dwelling units (triplex) or three-unit commonwall dwelling	9,000 square feet for a multi-family dwelling; 4,500 square feet for each lot for each commonwall dwelling unit
Multi-family dwelling with only four dwelling units (fourplex) or four-unit commonwall dwelling	12,000 square feet for a multi-family dwelling; 6,000 square feet for each lot for each commonwall dwelling unit
Multi-family dwelling (apartment) or commonwall dwelling with more than four dwelling units	15,000 square feet, plus 1,500 square feet per dwelling unit for each unit above five.
Motel, hotel, or resort	1,500 square feet per guest unit

Chapter 16.26 DOWNTOWN (D)

16.26.020 Uses permitted outright.

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

- A. Retail store or shop such as food stores, drug stores, apparel stores, hardware stores, furniture stores or similar establishments;
- B. Repair shop for the type of goods offered for sale in retail trade establishments permitted in the D zone provided all repair and storage shall occur entirely within an enclosed building;
- C. Personal or business service establishments such as barber or beauty shop, laundry or dry cleaning establishment, print shop or similar establishment;
- D. Multi-family dwellings, provided that the ground floor residential uses do not front Broadway Street, Main Street, or OR 224, the residential density of the development is not less than sixteen (16) dwelling units per acre, and the standards of Section 16.26.040(H) are met;
- E. Professional offices or medical facilities;
- F. Hotel, motel or resort;
- G. Short-term rentals;
- H. Indoor commercial amusement or recreation establishment such as a bowling alley, theater or pool hall;
- I. Mortuary;
- J. Private museum, art gallery or similar facility;
- K. Restaurant, bar or tavern; includes brewery or distillery in conjunction with primary permitted use;

- L. Automobile service station, existing as of September 1, 2012, subject to subsection 16.26.040(H);
- M. Governmental uses such as city hall, fire stations, police stations and offices of governmental agencies;
- N. Public parks and plazas;
- O. Public transportation facilities including streets, transit stops and stations, park and ride facilities, and bicycle and pedestrian facilities;
- P. 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;
- Q. Manufacturing shop 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;
- R. Day care facility as defined in ORS Chapter 418;
- S. No more than two food carts on a lot of record, subject to Chapter 16.66.

16.26.030 Conditional uses permitted.

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

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

Chapter 16.28 GENERAL COMMERCIAL (C-1)

16.28.020 Uses permitted outright.

The following uses and their accessory uses are permitted in a C-1 zone:

- A. Retail store or shop such as food stores, drug stores, apparel stores, hardware stores, furniture stores or similar establishments;
- B. Repair shop for the type of goods offered for sale in retail trade establishments permitted in a C-1 zone provided all repair and storage shall occur entirely within an enclosed building or shall be located not less than one hundred (100) feet from a residential zone;
- C. Personal or business service establishments such as barber or beauty shop, laundry or dry cleaning establishment, print or copy shop or similar establishment;
- D. Professional offices or medical facilities;
- E. Hotel, motel or resort;
- F. Short-term rentals;
- G. Indoor commercial amusement or recreation establishment such as a bowling alley, theater or pool hall;
- H. Mortuary;
- I. Private museum, art gallery or similar facility;
- J. Restaurant, bar or tavern;
- K. Automobile service station;
- L. Governmental uses such as fire stations, police stations and offices of governmental agencies;
- M. Public park;
- N. Public transportation facilities including streets, transit stops and stations, and bicycle and pedestrian facilities;
- O. Assisted living facility;
- P. Residential care facility;
- Q. No more than two food carts on a lot of record, subject to Chapter 16.66.

16.28.030 Conditional uses permitted.

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

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

- K. Radio, television, and/or cellular transmission towers;
- L. Park and ride facilities and other public transportation facilities not otherwise listed in Section 16.28.020(M);
- M. Marijuana retailing authorized by state law and regulated by Chapter 16.65 of this code;
- 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 (apartment);
- P. Public or private addiction treatment facility and/or rehabilitation facility providing walk-in services, vocational training services, religious services, and/or overnight accommodation to patients staying for no more than one year, and not licensed by the Oregon Department of Human Services or providing medical care.
- Q. Transportation facilities that are not identified in the City's Transportation System Plan or Active Transportation Plan;
- R. More than two food carts on a lot of record, subject to Chapter 16.66.

Chapter 16.32 RESIDENTIAL COMMERCIAL (C-2)

16.32.020 Uses permitted outright.

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

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

16.32.030 Conditional uses permitted.

The following uses and accessory uses may be permitted in a residential commercial district subject to Section 16.88.020 and the review procedures in Sections 16.132.010 through 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 dwellings (apartments) and commonwall dwellings;
- C. Park and ride facilities and other public transportation facilities not otherwise listed in Section 16.32.020(G);
- D. More than two food carts on a lot of record, subject to Chapter 16.66.

16.32.040 Standards.

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

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

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

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

Chapter 16.36 LIGHT INDUSTRIAL (M-1)

16.36.020 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, the process of which does not require or create emissions or discharges other than normal sanitary sewage wastes or the storage of materials which require permits be issued by the Oregon State Department of Environmental Quality;
- B. A wholly enclosed use 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 Section 16.60.030(D);
- F. Public facilities: government uses, offices of governmental agencies and PUD substations;
- G. Public transportation facilities including streets, transit stops and stations, and bicycle and pedestrian facilities;
- H. Marijuana production, marijuana processing, and marijuana wholesaling regulated by Chapter 16.65 of this code;
- I. Industrial trade schools;
- J. Data centers;
- K. 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;
- L. No more than two food carts on a lot of record, subject to Chapter 16.66.

16.36.030 Conditional uses permitted.

The following uses and accessory uses may be permitted in a light industrial zone subject to Section 16.88.020 and the review procedures in Sections 16.132.010 through 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 Section 16.36.040(G) and shown on Map 16-1.
- C. Accessory uses that exceed the standards identified in Section 16.36.025(B) or Section 16.36.025(C).
- D. Heavy industrial uses identified under Chapter 16.40.
- E. Radio, television and/or cellular transmission towers.
- F. Other commercial use which meet the following requirements:
 - 1. The proposed use will not attract traffic which would substantially conflict with industrial traffic or have a substantial adverse effect on other neighboring uses and has adequate access to the highway.
 - 2. The development standards applicable to permitted uses in this zoning district shall apply to conditional uses, except as provided below:
 - a. All on-site lighting shall be designed, located or deflected so as not to shine into off-site structures or impair driving vision.

- b. All developments shall be subject to site plan review.
- c. Off-street parking shall be provided as required by Chapter 16.76.
- 3. The following additional standards shall apply in the Northwest Industrial Sanctuary as defined in Section 16.36.040(G) and shown on Map 16-1:
 - a. The total floor area within an individual building occupied by the commercial use shall not exceed fifteen (15) percent of the total floor area occupied by a primary industrial use.

Formula: $.15 \times \text{industrial floor area} = \text{commercial floor area}$

- G. Park and ride facilities and other public transportation facilities not otherwise listed in Section 16.36.020(G).
- H. Transportation facilities that are not identified in the City's Transportation System Plan or Active Transportation Plan;
- I. More than two food carts on a lot of record, subject to Chapter 16.66.

Chapter 16.62 SHORT-TERM RENTALS

16.62.080 Parking.

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

Chapter 16.66 FOOD CARTS

16.66.010 Purpose.

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

16.66.020 Where licensed.

A food cart, as defined in Section 16.08.010, may only be licensed to operate in those commercial and industrial zones where food carts are expressly listed in their respective chapter of the Development Code as permitted. 16.66.030 City license required.

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

16.66.040 Drive-thru service; interior seating or vending.

Drive-thru service, as well as customer seating or vending inside the food cart, are prohibited.

16.66.050 Maximum size.

The food cart shall not exceed 200 square feet, measured by the outside dimensions of the unit. Attachments to the food cart, such as awnings or canopies, shall be excluded when calculating the square footage.

16.66.060 Maximum number.

No more than two food carts may be operated on a single lot of record without a conditional use permit issued after a finding by the Planning Commission that more food carts would not unduly inhibit industrial land uses, the function or capacity of transportation and utility services, or the use of public facilities.

16.66.070 Minimum setbacks and separation distance.

The food cart, its attachments, and any accessory structures allowed by 16.66.080(B) shall be located a minimum of:

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

16.66.080 Accessory items, structures, and storage.

- A. Portable accessory items, such as picnic tables, trash receptacles, and potted plants, are permitted, so long as they are not permanently affixed to the ground, are not located in any right-of-way or access easement, and do not block any required parking space, emergency vehicle access, or pedestrian walkway.

- B. Portable accessory structures, such as those providing shelter to customers, are permitted, so long as they meet any applicable Building Code requirements, are not permanently affixed to the ground, are not located in any right-of-way or access easement, and do not block any required parking space, emergency vehicle access.
- C. Attachments to the food cart, such as awnings or canopies, are permitted only if they are supported entirely by the food cart and do not touch the ground.
- D. Neither the food cart nor any item relating to it shall lean against or hang from any structure or utility pole. No structure, including portable structures accessory to the food cart, shall be attached to the food cart.
- E. Items relating to a food cart shall be stored in, on, or under the food cart.

16.66.090 Surfacing and parking.

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

16.66.100 Utilities.

- A. The food cart's utilities shall be:
 - 1. Self-contained, with the use of only portable energy, water, and wastewater systems; or
 - 2. Connected to underground utility services according to applicable regulations and service provider policies; or
 - 3. Connected to aboveground utility services according to applicable regulations and service provider policies.
- B. The location of any fuel tank, aboveground power cord, or hose used for the food cart or its accessories shall be identified in a site plan approved by the City and the Fire Department.

16.66.110 Portable sanitation facilities.

Portable toilets are prohibited. Portable hand-washing facilities are permitted but may not drain to the surface.

16.66.120 Trash receptacle.

A trash receptacle for customer use shall be maintained no more than 10 feet from the food cart.

16.66.130 Obstruction of vehicular, pedestrian, bicycle, and transit facilities.

- A. Neither the food cart nor any elements associated with it, such as aboveground power cords, seating areas, trash receptacles, signs, and customer queuing areas, shall occupy bicycle parking spaces, loading areas, driveways, onsite circulation drives, parking lot aisles, walkways, or transit facilities. However, occupying

existing onsite automobile parking spaces is permitted, provided that such spaces are not simultaneously used for parking and further provided that such occupancy does not reduce the number of usable vehicle parking spaces for any land use below the minimum required by the Development Code.

- B. Windows and doors used for service to customers shall be located a minimum of 10 feet from loading areas, driveways, onsite circulation drives, and parking lot aisles, and a minimum of five feet from bicycle parking spaces, walkways, and transit facilities.
- C. The food cart shall not be parked in any public right-of-way or private access easement.

16.66.140 Obstruction of public signage or intersections.

The food cart shall not block the view of any public signage or the safe view of any intersection.

16.66.150 Obstruction of existing landscaping.

The food cart, sanitation facilities, and trash receptacles shall not occupy landscaping areas approved as part of a development or land use application.

Chapter 16.84 NONCONFORMING USES AND STRUCTURES

16.84.010 Designated.

The use of any building, structure, or land which is lawful prior to the enactment or amendment of any zoning ordinance or regulation and subsequently fails to conform to the requirements of this title shall be considered a nonconforming use/structure and may be continued. Alteration of any such use may be permitted to reasonably continue the use. Alteration of any such use shall be permitted when necessary to comply with any lawful requirement for alteration in the use.

16.84.015 Verification of a nonconforming use/structure.

Verification of a nonconforming use/structure requires review of an application demonstrating the nonconforming use lawfully existed at the time of the adoption of zoning regulations, or a change in zoning regulations, which prohibited or restricted the use/structure, and the nonconforming use has not been subsequently abandoned or discontinued. A decision on the application may be appealed to the planning commission.

16.84.020 Discontinuation of a nonconforming use/structure.

If a nonconforming use is discontinued for a period of more than twelve (12) consecutive months, the use shall not be resumed unless the resumed use conforms with the requirements of this title and other regulations applicable at the time of the proposed resumption.

16.84.030 Change of nonconforming use/structure.

- A. Normal maintenance of a nonconforming use is permitted provided there are not major structural alterations. Normal maintenance may include painting; roofing; siding; interior remodeling; re-paving of access roads, parking areas, or loading areas; replacement of landscaping elements; and similar actions.
- B. Alterations to nonconforming use may be approved when the following conditions are satisfied:
 1. The alteration of the structure or physical improvements are reasonably necessary in order to continue the existing use; and
 2. The alteration in the structure or physical improvements will have no greater adverse impact on the neighborhood than the existing structure and physical improvements.
- C. If a nonconforming use or structure is damaged or destroyed by fire, other casualty, or natural disaster, to an extent exceeding eighty (80) percent of its fair market value as indicated by the records of the county assessor and is not returned to use within twelve (12) consecutive months, from the date of destruction, a future structure or use on the site shall conform to this title.
- D. The alteration, expansion, replacement, or restoration of a nonconforming use may be authorized by the planning commission using the procedure for conditional uses as set forth in Chapter 16.88.

Chapter 16.112 FINAL PLANS

16.112.010 Plat submittal.

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

Chapter 16.116 DESIGN STANDARDS AND IMPROVEMENTS

16.116.010 Minimum standards for park and recreational land.

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 Section 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 Chapter 16.74 of this title.
 3. When a lot or parcel abuts two or more streets of different classifications under Section 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 Section 16.116.030.
 - b. New property access shall not be permitted within fifty (50) feet of an intersection unless no other reasonable access to the property is available. Where no other alternatives exist, an access connection at a point less than fifty (50) feet from an intersection may be allowed, provided the access is as far away from the intersection as possible and site distance is adequate. In such cases, the city may impose turning restrictions (i.e., right in/out, right in only, or right out only).
 - c. The separation distance of access points may be modified if impractical due to lot dimensions, existing development, other physical features, or conflicting code requirements.
 6. Access to and from off-street parking areas shall not permit backing onto a public street, except for single-family dwellings.
 7. The number of driveway and private street intersections with public streets should be minimized by the use of shared driveways for adjoining lots where feasible. When necessary for traffic safety and access management purposes, or to access flag lots, joint access and/or shared driveways may be required in the following situations:
 - a. For shared parking areas;
 - b. For adjacent developments, where access onto an arterial is limited;
 - c. For multi-tenant developments, and developments on multiple lots or parcels. Such joint accesses and shared driveways shall incorporate all of the following:

- i. 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,
 - ii. 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,
 - iii. 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 Section 16.76.010(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 Section 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 Section 16.116.030.
 3. Street Intersections.

- a. Streets shall intersect one another at an angle as near to a right angle as is practical considering the topography of the area and previous adjacent layout.
 - b. Intersections shall be designed so that no danger to the traveling public is created as a result of staggered intersections; and in no case shall intersections be offset.
 - c. Any intersection that accesses an arterial road shall provide an additional turn lane access.
4. Cul-de-Sacs and Turn-a-Rounds.
- a. Dead end (cul-de-sac) streets in partitions or subdivisions shall not exceed four hundred (400) feet in length and shall not serve building sites for not more than eighteen (18) dwelling units. The cul-de-sac must terminate in a circular turn-a-round with a minimum radius of fifty-five (55) feet or other type of turn-a-round approved by the planning commission.
 - b. Approved turn-a-rounds shall be provided on all dead end streets.
- G. Public Access Ways. When necessary for public convenience and safety, the city may require a subdivider to provide the city with an easement for public access ways ten (10) to twenty (20) feet in width to connect cul-de-sacs, to pass through oddly shaped or unusually long blocks, to provide for networks of public paths according to adopted plans or to provide access to schools, parks, collector or arterial pedestrian facilities, or other public areas, and be of such design and location as reasonably required to facilitate public use. Determinations of necessity regarding need, location, and design of access ways shall take into consideration the requirements in City Code Chapter 12.12 - Driveways.
- Additional lighting, landscaping, setbacks, specific access way surfacing, or other design elements may be required to ensure the safety, ease of use, and efficiency of the access way.
- H. Lots and Parcels.
1. Every lot/parcel shall abut a public street or private road. A flag lot with the staff that does not comply with the required minimum lot widths for the zone it is located in is permitted but shall not be less than twenty-five (25) feet minimum frontage.
 2. Lots/parcels with double frontage shall not be permitted unless, in the opinion of the city, it is unavoidable.
 3. The staff portion of a flag lot shall not be used in computing lot size for zoning and building purposes.
- I. Utility Easements. Where alleys are not provided, easements of not less than ten (10) feet in width may be required on side or rear lines if determined to be necessary for utility lines, wires, conduits, storm and sanitary sewers, gas and water. Easements of the same or greater widths may be required along boundary lines or across lots where necessary for the extension of utility lines, waterways, and walkways, and to provide necessary drainage ways or channels.
- J. Water Service. All lots/parcels shall be served by city water service, as evidenced by:
1. Certification that city water service has been provided to the boundary line of each lot/parcel, with utility location maps furnished to the city; or
 2. A performance agreement, bond, contract or other assurance that water service will be provided to the boundary line of each lot/parcel.
- K. Sewer. All lots/parcels shall be served by city sewer service, as evidenced by:
1. Certification that city sewer service has been provided to the boundary line of each lot/parcel with utility location maps furnished to the city; or
 2. A performance agreement, bond, contract or other assurance that sewer service will be provided to the boundary line of each lot/parcel.
- L. Drainage. The developer shall provide a storm water plan which shall include the following:
1. Width, depth and direction of flow of all drainage channels on the property;
 2. Names and approximate grade of all streets within and abutting the partition or subdivision;
 3. Location, size and type of conduit used in drainage channels and driveway accesses;
 4. Inspection and approval of dry-wells installed on the property by the public works superintendent;

5. Inspection and approval of drainage disposal plans by the public works superintendent.
- M. Parks. The developer is encouraged, but is not required, to dedicate park land serving the development and the residents of the city. Only park land, which in the sole discretion of the city meets the standards and requirements of Section 16.116.020 and as provided in this title or by resolution, will be maintained by the city and be eligible for a credit against park SDCs.
- N. Block Length. In order to promote efficient vehicular and pedestrian circulation throughout the city, block lengths between street lines shall comply with the following standards.
 1. Residential Districts. Minimum of one hundred (100) foot block length and maximum of six hundred (600) foot length; maximum one thousand four hundred (1,400) foot block perimeter;
 2. Commercial Districts. Minimum of one hundred (100) foot length and maximum of six hundred (600) foot length; maximum one thousand four hundred (1,400) foot perimeter;
 3. Block length standards do not apply to industrial or open space districts.
- O. Partial Development. If a proposed partition or subdivision area includes only part of the tract owned by the partitioner/subdivider, the city may require a sketch of the tentative layout in the remainder of that tract.
- P. Subdivision Phase Development. A developer of a subdivision may file a plat on a portion or phase of the approved tentative plan. If the subdivision is submitted for plat approval in phases, each phase must be able to qualify in all respects to the applicable requirements of approval of the tentative plan. If the subdivision is a planned unit subdivision, each phase must be able to qualify for approval independently from the balance of the approved tentative plan.
- Q. Subdivision Names. Subdivision plat names shall be subject to the approval of the county surveyor pursuant to ORS 92.090.
- R. Planned Unit Subdivisions. The tentative plan and final approval procedures for planned unit subdivisions are the same as for other subdivisions. A planned unit subdivision is subject to all applicable provisions contained in the planned development (P-D) overlay zone section of this title.
- S. Underground Utilities. In any subdivision which includes the construction of new public or private streets, underground utilities shall be provided. Where a subdivision is proposed to front on existing streets which contain existing utility construction, underground utilities shall not be required unless the affected utility companies have adopted a schedule for the construction of underground utilities for the area.
- T. Subdivision Time Extensions. If all phases are not completed within the required four-year time period for tentative approval of a subdivision, a time extension must be applied for subject to provisions contained in Section 16.108.050.

16.116.020 Minimum standards for park and recreational land.

- A. Purpose. This section implements the policies of Goal 5 and Goal 8 of the city comprehensive plan and the city parks master plan by outlining standards for parks and recreational facilities in the city. It is the policy of the city that the availability of adequate and accessible parks, open spaces, and recreational land is an important component of residential neighborhoods. Parks and recreational lands meet the recreational needs of the citizens of Estacada. The goal of reserving suitable and adequate parks and recreational land is best realized through the creation of parks at the time that new residential neighborhoods, subdivisions and multi-family housing are created.
- B. Dedication of Suitable Park Land Will Qualify for Park SDC Credit. New residential subdivisions or new multi-family or manufactured dwelling park developments may provide qualified park and recreational sites and receive a credit against park SDCs otherwise chargeable to the lots of the development pursuant to Chapter 3.16, provided the standards and conditions of this section are met.
- C. Criteria for Dedication in Lieu of Payment of Park SDCs.
 1. The following criteria shall be applied by the city to determine whether the city will allow dedication of park land in lieu of payment of park SDCs:
 - a. The topography, geology, access to, parcel size and location of land in the development available for dedication;

- b. Potential adverse or beneficial effects of dedication upon environmentally sensitive areas;
- c. Compatibility with the city parks master plan, city comprehensive plan, city capital improvements program, and maintenance capabilities of the Estacada public works department;
- d. Availability of previously dedicated or acquired property;
- e. The feasibility of dedication; and
- f. Material conformity to the standards set forth in "Recreation, Park and Open Space Standards and Guidelines, National Recreation and Park Association (1987)."

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

2. Prior to park land dedication a Level 1 environmental assessment of the lands proposed for dedication shall be performed by applicant as part of the site plan approval for the project.
3. Calculation of Land Required to be Dedicated. The amount of park and recreational land to be accepted for dedication by this section shall be based upon the adopted standard of twenty (20) acres of land per one thousand (1,000) of ultimate population as determined by the city parks master plan. This standard represents the city-wide land to population ratio for city parks and may be adjusted periodically through amendments to the parks master plan. The city parks master plan currently indicates a total required park acreage of twenty-five (25) acres. This number divided by current population of two thousand one hundred ninety (2,190) equates to 11.4 acres per one thousand (1,000) population or .011 acres of parkland per person.
 - a. Population Formula. The following table of persons per unit shall be used in calculating the required dedication of acres of land:

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

This formula for dedication of land will be subject to review and amendment based upon persons per unit, age, distribution, local conditions and the specific demand for park land created by the development. The projected resident population of the land to be subdivided or developed is determined by multiplying the maximum number of units allowed by the plat or the site plan by the appropriate number of standard of persons per unit set forth in the chart above. This figure is then to be multiplied by .011 to determine the total amount of qualified acreage which must be dedicated or deeded to the city for park, open space or recreation purposes. This formula is expressed as follows: (Maximum Units) × (Per/Unit) × (.011) = (acreage to be dedicated).

4. Dedication Procedure. Dedication of land or covenants approved as part of preliminary plat approval may be given or provided when the final plat is presented for approval. The developer must clear or fill and grade all park land to be dedicated to the satisfaction of the city and shall cause a Level 1 environmental assessment to be performed on all lands to be dedicated as part of the city's construction plan approval for the plat. Dedicated park land acquired by this section shall not include setbacks, buffers, storm water detention facilities, easements or other similar requirements of this title unless specifically approved by the city. The developer shall dedicate the land as previously determined by the city at the time the final plat is approved. Dedication of land in conjunction with multifamily development shall be required prior to issuance of permits and commencement of construction. Park land dedication shall be formally dedicated on the plat to be recorded and, in addition, the

developer shall convey the required lands to the city by general warranty deed. No land so dedicated and deeded shall be subject to any reservations of record, encumbrances of any kind, or easements which, in the opinion of the city, will interfere with the use of the land for park, open space or recreational purposes. The city may require developer to provide to the city a title insurance policy on the dedicated property insuring the marketable state of title. Where any reservations, encumbrances or easements exist the city may require payment in lieu of the dedication of lands unless it, in its sole discretion, chooses to accept the land subject to encumbrances. If the developer does not own the property held subject to the land dedication, the planning commission may, in its discretion, approve the grant of a long-term lease of land which will satisfy the intent of the park land dedication provisions set forth within this title.

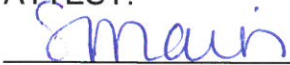
Considered at the Council meeting of January 14, 2019, passed by a vote of 5 ayes and 1 nay, and considered for the second time at the meeting of January 28, 2019 and passed by a vote of 6 ayes and 0 nays, this 28th day of January, 2019.

DULY ADOPTED by the City Council of the City of Estacada this 28th day of January, 2019.



Sean Drinkwine, Mayor

ATTEST:



Sadie Main, City Recorder