

**ESTACADA
ORDINANCE 2023-003**

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

BEFORE 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. "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 preservation 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.

"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.

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

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

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

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

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

"Cannabinoid concentrate" means a substance obtained by separating cannabinoids from marijuana by 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.

"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.

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

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

"Council" means the city council of Estacada.

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

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

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

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

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

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

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

"Duplex" is defined under "Dwelling".

"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".

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

"Heavy industry" means the manufacturing, processing, compounding, packaging or assembling of products, the process of which requires that permits be issued by the Oregon State Department of Environmental Quality for the associated emissions, discharges, or storage of materials.

"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 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.

"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 requirements on corner lots and through lots, all sides of a lot adjacent to a street other than an alley shall be considered frontage, and yards shall be provided as indicated in this section.

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

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

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

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

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

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

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

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

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

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

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

"Manufactured dwelling" 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".

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

- A. "Arterial or major highway" means a street designed to carry traffic from one community to another, to carry traffic to and from major traffic generators and to carry through traffic.

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

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

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

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

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

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

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

Street. (See "Road.")

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

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

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

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

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

"Temporary" means a specific period of time.

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

"Triplex" is defined under "Dwelling".

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

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

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

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

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

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

AFTER 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. "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.

"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.

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

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

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

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

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

"Cannabinoid concentrate" means a substance obtained by separating cannabinoids from marijuana by 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.

"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.

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

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

"Council" means the city council of Estacada.

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

- A. Facility providing care that is primarily group athletic or social activities sponsored by or under the supervision of an organized club or hobby group; or
- B. Residential facility licensed under ORS 443.400 to 443.455.

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

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

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

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

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

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

"Duplex" is defined under "Dwelling".

"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".

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

"Heavy industry" means the manufacturing, processing, compounding, packaging or assembling of products, the process of which requires that permits be issued by the Oregon State Department of Environmental Quality for the associated emissions, discharges, or storage of materials.

"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 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 requirements on corner lots and through lots, all sides of a lot adjacent to a street other than an alley shall be considered frontage, and yards shall be provided as indicated in this section.

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

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

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

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

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

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

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

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

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

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

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

"Manufactured dwelling" 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".

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

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

"Open space" means the area within the development designed and intended for the use or

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

this chapter shall be synonymous with the term "road."

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

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

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

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

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

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

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

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

Street. (See "Road.")

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

"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.

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

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

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

"Temporary" means a specific period of time.

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

"Triplex" is defined under "Dwelling".

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

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

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

"Wetlands" means those areas that are inundated or saturated by surface or ground water at a

frequency and duration that are sufficient to support, and that under normal circumstances do support, a prevalence or vegetation typically adapted for life in saturated soil conditions.

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

"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 2: AMENDMENT "16.16.020 Uses Permitted Outright" of the

Estacada Municipal Code is hereby *amended* as follows:

BEFORE 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. Family day care provider;
- H. Public park;
- I. Residential homes;
- J. Short-term rentals;
- K. Home occupations as defined in EMC 16.92 that involve no customer traffic, retail sales, signs or any other outward appearance of a business;
- L. Public transportation facilities including streets, transit stops and stations, and bicycle and pedestrian facilities;
- M. Accessory dwelling units as defined in EMC 16.61.

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

AFTER 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. ~~Family day care provider~~ 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;
- L. Short-term rentals;
- M. Home occupations as defined in EMC 16.92 that involve no customer traffic, retail sales, signs or any other outward appearance of a business;
- N. Public transportation facilities including streets, transit stops and stations, and bicycle and pedestrian facilities;
- O. Accessory dwelling units as defined in EMC 16.61.

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

SECTION 3: AMENDMENT “16.16.030 Conditional Uses Permitted” of the Estacada Municipal Code is hereby *amended* as follows:

BEFORE 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 substations as required with safeguards against harm to adjacent or abutting property owners;
- F. Home occupations 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 offices offering residential property in the immediate vicinity for sale, rent or lease;
- L. Day care facility as defined in ORS Chapter 418;
- M. Professional offices or medical facilities;
- N. Public transportation facilities not otherwise listed in EMC 16.16.020 Subsection L;
- O. Transportation facilities that are not identified in the city's transportation system plan or active transportation plan.

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

AFTER 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 substations as required with safeguards against harm to adjacent or abutting property owners;
- F. Home occupations 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 offices offering residential property in the immediate vicinity for sale, rent or lease;
- L. ~~Day care facility as defined in ORS Chapter 418~~ Large childcare facility as defined in EMC 16.08, not located within an existing church or school facility;
- ;
- M. Professional offices or medical facilities;
- N. Public transportation facilities not otherwise listed in EMC 16.16.020 Subsection L;
- O. Transportation facilities that are not identified in the city's transportation system plan or active transportation plan.

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

SECTION 4: AMENDMENT “16.24.020 Uses Permitted Outright” of the Estacada Municipal Code is hereby *amended* as follows:

BEFORE 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 dwellings or manufactured homes;
- B. Single-family dwellings and manufactured homes legally existing and assessed as dwellings on January 12, 2022;
- C. Alterations to the legally-established dwellings described in EMC 16.24.020 Subsection B, as well as the replacement of such dwellings, provided the dwelling to be replaced has remained a dwelling on the subject property, with intact walls and roof structure, indoor plumbing connected to a sanitary waste disposal system, interior wiring for interior lights, and a heating system, without a gap of 12 consecutive months since January 12, 2022;
- D. Multi-family dwellings;
- E. Commonwall dwellings;
- F. Cottage clusters.

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

AFTER 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 dwellings or manufactured homes;
- B. Single-family dwellings and manufactured homes legally existing and assessed as dwellings on January 12, 2022;
- C. Alterations to the legally-established dwellings described in EMC 16.24.020 Subsection B, as well as the replacement of such dwellings, provided the dwelling to be replaced has remained a dwelling on the subject property, with intact walls and roof structure, indoor plumbing connected to a sanitary waste disposal system, interior wiring for interior lights, and a heating system, without a gap of 12 consecutive months since January 12, 2022;
- D. Multi-family dwellings;
- E. Commonwall dwellings;
- F. Cottage clusters:-
- 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 5:**AMENDMENT** “16.24.030 Conditional Uses Permitted” of the Estacada Municipal Code is hereby *amended* as follows:

BEFORE AMENDMENT

16.24.030 Conditional Uses Permitted

The following uses and accessory uses may be permitted in a multiple family 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 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.

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

AFTER AMENDMENT

16.24.030 Conditional Uses Permitted

The following uses and accessory uses may be permitted in a multiple family 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 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 6: AMENDMENT “16.25.020 Uses Permitted Outright” of the Estacada Municipal Code is hereby *amended* as follows:

BEFORE AMENDMENT

16.25.020 Uses Permitted Outright

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

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

- N. Public transportation facilities, including streets, transit stops and stations, and bicycle and pedestrian facilities; and
- O. Pedestrian and multi-use trails, paths, and boardwalks.

AFTER AMENDMENT

16.25.020 Uses Permitted Outright

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

- A. Single-family dwellings built on site and not within 200 feet of SE Eagle Creek Rd;
- B. Single-family factory-built (modular) dwellings not within 200 feet of SE Eagle Creek Rd;
- C. Single-family dwellings within 200 feet of SE Eagle Creek Rd legally existing and assessed as dwellings on December 1, 2019;
- D. Alterations to the legally-established dwellings described in EMC 16.25.020 Subsection C, as well as the replacement of such dwellings, provided the dwelling to be replaced has remained a dwelling on the subject property, with intact walls and roof structure, indoor plumbing connected to a sanitary waste disposal system, interior wiring for interior lights, and a heating system, without a gap of 12 consecutive months since December 1, 2019;
- E. Duplexes and two-unit commonwall dwellings;
- F. Multi-family and commonwall dwellings, including apartments, triplexes, and fourplexes, with three or more dwelling units within 200 feet of Eagle Creek Rd, Hinman Rd, or a street with a major collector classification or higher classification;
- G. Cottage clusters;
- H. ~~Family day-care providers~~ Small childcare facility as defined in EMC 16.08;
 - I. 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;
 - J. 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;
- K. Public parks;
- L. Residential homes;
- M. Short-term rentals;
- N. Community gardens;
- O. Home occupations as defined in EMC 16.92 that involve no customer traffic, retail sales, signs, or any other outward appearance of a business;
- P. Public transportation facilities, including streets, transit stops and stations, and bicycle and pedestrian facilities; **and**
- Q. Pedestrian and multi-use trails, paths, and boardwalks.

SECTION 7: AMENDMENT “16.25.040 Conditional Uses Permitted” of

the Estacada Municipal Code is hereby *amended* as follows:

BEFORE AMENDMENT

16.25.040 Conditional Uses Permitted

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

AFTER AMENDMENT

16.25.040 Conditional Uses Permitted

- A. Churches; ~~and~~
- B. Fraternal organizations and 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 8: AMENDMENT “16.26.020 Uses Permitted Outright” of the Estacada Municipal Code is hereby *amended* as follows:

BEFORE 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 establishments such as barber or beauty shop, laundry or dry cleaning establishment, print shop or similar establishment;
- D. Multi-family dwellings, triplexes, and fourplexes, provided that the following standards are met:

1. Ground floor residential uses do not front Broadway Street, Main Street, or 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 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 EMC 16.26.040 Subsection 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 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 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)

AFTER 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 establishments such as barber or beauty shop, laundry or dry cleaning establishment, print shop or similar establishment;
- D. Multi-family dwellings, triplexes, and fourplexes, provided that the following

standards are met:

1. Ground floor residential uses do not front Broadway Street, Main Street, or 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 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 EMC 16.26.040 Subsection 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 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~~ Small childcare facility as defined in EMC 16.08;
- S. Large childcare facility as defined in EMC 16.08;
- T. Youth support services facility as defined in EMC 16.08;
- U. 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 9: AMENDMENT “16.28.020 Uses Permitted Outright” of the Estacada Municipal Code is hereby *amended* as follows:

BEFORE AMENDMENT

16.28.020 Uses Permitted Outright

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

- A. Retail store or shop such as food stores, drug stores, apparel stores, hardware stores, furniture stores or similar establishments;
- B. Repair shop for the type of goods offered for sale in retail trade establishments permitted in a C-1 zone provided all repair and storage shall occur entirely within an enclosed building or shall be located not less than one hundred (100) feet from a residential zone;
- C. Personal or business service establishments such as barber or beauty shop, laundry or dry cleaning establishment, print or copy shop or similar establishment;
- D. Professional offices or medical facilities;
- E. Hotel, motel or resort;
- F. Short-term rentals;
- G. Indoor commercial amusement or recreation establishment such as a bowling alley, theater or pool hall;
- H. Mortuary;
- I. Private museum, art gallery or similar facility;
- J. Restaurant, bar or tavern;
- K. Automobile service station, including those supplying gasoline, oil, accessories, services, and auto repair work (excluding body and fender repair) at retail direct to the customer and where inoperative car storage is limited to thirty (30) days;
- L. Governmental uses such as fire stations, police stations and offices of governmental agencies;
- M. Public park;
- N. Public transportation facilities including streets, transit stops and stations, and bicycle and pedestrian facilities;

- O. Assisted living facility;
- P. Residential care facility;
- Q. No more than two food carts on a lot of record, subject to EMC 16.66;
- R. Manufacturing in conjunction with retail trade establishments permitted in the C-1 Zone, except for processing and packaging of explosive chemical materials and environmentally hazardous materials, provided retail trade exclusively fronts the street most likely to receive the most pedestrian traffic.

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

AFTER AMENDMENT

16.28.020 Uses Permitted Outright

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

- A. Retail store or shop such as food stores, drug stores, apparel stores, hardware stores, furniture stores or similar establishments;
- B. Repair shop for the type of goods offered for sale in retail trade establishments permitted in a C-1 zone provided all repair and storage shall occur entirely within an enclosed building or shall be located not less than one hundred (100) feet from a residential zone;
- C. Personal or business service establishments such as barber or beauty shop, laundry or dry cleaning establishment, print or copy shop or similar establishment;
- D. Professional offices or medical facilities;
- E. Hotel, motel or resort;
- F. Short-term rentals;
- G. Indoor commercial amusement or recreation establishment such as a bowling alley, theater or pool hall;
- H. Mortuary;
- I. Private museum, art gallery or similar facility;
- J. Restaurant, bar or tavern;
- K. Automobile service station, including those supplying gasoline, oil, accessories, services, and auto repair work (excluding body and fender repair) at retail direct to the customer and where inoperative car storage is limited to thirty (30) days;
- L. Governmental uses such as fire stations, police stations and offices of governmental agencies;
- M. Public park;
- N. Public transportation facilities including streets, transit stops and stations, and bicycle and pedestrian facilities;
- O. Assisted living facility;
- P. Residential care facility;
- Q. No more than two food carts on a lot of record, subject to 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 10: **AMENDMENT** “16.32.020 Uses Permitted Outright” of the Estacada Municipal Code is hereby *amended* as follows:

BEFORE 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 legally-established dwellings described in EMC 16.32.020 Subsection B, as well as the replacement of such dwellings, provided the dwelling to be replaced has remained a dwelling on the subject property, with intact walls and roof structure, indoor plumbing connected to a sanitary waste disposal system, interior wiring for interior lights, and a heating system, without a gap of 12 consecutive months since January 12, 2022;
- D. Duplexes;
- E. Triplexes and fourplexes;
- F. Commonwall dwellings;
- G. Cottage clusters;
- H. Residential occupancies, provided such occupancies are clearly an accessory use and incidental to the primary commercial use;
- I. Short-term rentals;
- J. Residential homes;
- K. Manager/caretaker residences;
- L.
- M. Public transportation facilities, including streets, transit stops and stations, and bicycle and pedestrian facilities;
- N. 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;
- O. No more than two food carts on a lot of record, subject to EMC 16.66.

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

AFTER 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 legally-established dwellings described in EMC 16.32.020

Subsection B, as well as the replacement of such dwellings, provided the dwelling to be replaced has remained a dwelling on the subject property, with intact walls and roof structure, indoor plumbing connected to a sanitary waste disposal system, interior wiring for interior lights, and a heating system, without a gap of 12 consecutive months since January 12, 2022;

- D. Duplexes;
- E. Triplexes and fourplexes;
- F. Commonwall dwellings;
- G. Cottage clusters;
- H. Residential occupancies, provided such occupancies are clearly an accessory use and incidental to the primary commercial use;
- I. Short-term rentals;
- J. Residential homes;
- K. Manager/caretaker residences;
- L. Public transportation facilities, including streets, transit stops and stations, and bicycle and pedestrian facilities;
- M. 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;
- 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 11: AMENDMENT “16.33.060 Permitted Uses” of the Estacada Municipal Code is hereby *amended* as follows:

BEFORE AMENDMENT

16.33.060 Permitted Uses

Uses permitted outright in the CMU zone:

- A. Single-family dwellings legally existing and assessed as dwellings on January 12, 2022;
- B. Alterations to the legally-established single-family dwellings described in EMC 16.33.060 Subsection C, as well as the replacement of such dwellings, provided the dwelling to be replaced has remained a dwelling on the subject property, with intact

walls and roof structure, indoor plumbing connected to a sanitary waste disposal system, interior wiring for interior lights, and a heating system, without a gap of 12 consecutive months since January 12, 2022 zones

;

- C. Schools;
- D. Governmental uses;
- E. Outdoor farmers' markets;
- F. Restaurants, cafes, bars, taverns, bakeries, and similar on-site eating/drinking establishments;
- G. Breweries and distilleries providing on-site retail sales of beverages brewed or distilled on-site;
- H. Hotels, motels, and resorts;
- I. Art galleries;
- J. Short-term rentals, subject to EMC 16.62;
- K. Public-use parking facilities;
- L. Publicly-accessible parks, plazas, and pedestrian/multi-use paths, trails, and bridges; and
- M. Public transportation facilities, including streets, transit stops and stations, park and ride facilities, and bicycle and pedestrian facilities.

AFTER AMENDMENT

16.33.060 Permitted Uses

Uses permitted outright in the CMU zone:

- A. Single-family dwellings legally existing and assessed as dwellings on January 12, 2022;
- B. Alterations to the legally-established single-family dwellings described in EMC 16.33.060 Subsection C, as well as the replacement of such dwellings, provided the dwelling to be replaced has remained a dwelling on the subject property, with intact walls and roof structure, indoor plumbing connected to a sanitary waste_or_disposal system, interior wiring for interior lights, and a heating system, without a gap of 12 consecutive months since January 12, 2022 zones;
- C. Schools;
- D. Governmental uses;
- E. Outdoor farmers' markets;
- F. Restaurants, cafes, bars, taverns, bakeries, and similar on-site eating/drinking establishments;
- G. Breweries and distilleries providing on-site retail sales of beverages brewed or distilled on-site;
- H. Hotels, motels, and resorts;
- I. Art galleries;
- J. Short-term rentals, subject to EMC 16.62;
- K. Public-use parking facilities;

- L. Publicly-accessible parks, plazas, and pedestrian/multi-use paths, trails, and bridges; and
- M. Public transportation facilities, including streets, transit stops and stations, park and ride facilities, and bicycle and pedestrian facilities;
- 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 facilities and play areas for activities such as basketball, dance, gymnastics, martial arts, racquetball, skating, soccer, swimming, tennis, or similar. These facilities may be used for instruction, practice, and competitions. Health and fitness clubs are excluded from this category.

SECTION 12: AMENDMENT “16.34.020 Uses Permitted Outright” of the Estacada Municipal Code is hereby *amended* as follows:

BEFORE 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. Restaurants, cafes, bars, taverns, bakeries, and similar on-site eating/drinking establishments;
- C. No more than two mobile vending units on a lot of record, subject to EMC 16.66;
- D. Guiding services;
- E. Visitor centers and tourist information services;
- F. Hotels, motels, and resorts;
- G. Governmental uses;
- H. Public institutions of higher learning;

- I. Art galleries;
- J. Museums;
- K. Swimming pools;
- L. Short-term rentals;
- M. Public-use parking facilities;
- N. Publicly-accessible parks, plazas, and pedestrian/multi-use paths, trails, and bridges;

- O. Public transportation facilities, including streets, transit stops and stations, park and ride facilities, and bicycle and pedestrian facilities;
- P. Legally-established industrial uses existing on December 1, 2019; and
- Q. Alterations to legally-established industrial uses existing on December 1, 2019, on the same lot of record, provided the existing industrial use to be altered has not discontinued for 12 consecutive months since December 1, 2019.

AFTER 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. Restaurants, cafes, bars, taverns, bakeries, and similar on-site eating/drinking establishments;
- C. No more than two mobile vending units on a lot of record, subject to EMC 16.66;
- D. Guiding services;
- E. Visitor centers and tourist information services;
- F. Hotels, motels, and resorts;
- G. Governmental uses;
- H. Public institutions of higher learning;
 - I. Art galleries;
 - J. Museums;
- K. Swimming pools;
- L. Short-term rentals;
- M. Public-use parking facilities;
- N. Publicly-accessible parks, plazas, and pedestrian/multi-use paths, trails, and bridges;
- O. Public transportation facilities, including streets, transit stops and stations, park and ride facilities, and bicycle and pedestrian facilities;
- P. Legally-established industrial uses existing on December 1, 2019; ~~and~~
- Q. Alterations to legally-established industrial uses existing on December 1, 2019, on the same lot of record, provided the existing industrial use to be altered has not discontinued for 12 consecutive months since December 1, 2019;:-
- R. Small childcare facility as defined in EMC 16.08;
- S. Large childcare facility as defined in EMC 16.08;
- T. Youth support services facility as defined in EMC 16.08;
- U. Indoor recreational facilities and play areas for activities such as basketball, dance, gymnastics, martial arts, racquetball, skating, soccer, swimming, tennis, or similar. These facilities may be used for instruction, practice, and competitions. Health and fitness clubs are excluded from this category.

SECTION 13: **AMENDMENT** “16.35.020 Uses Permitted Outright” of the Estacada Municipal Code is hereby *amended* as follows:

BEFORE AMENDMENT

16.35.020 Uses Permitted Outright

- A. Retail stores and shops, including food stores, drug stores, apparel stores, furniture

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

AFTER AMENDMENT

16.35.020 Uses Permitted Outright

- A. Retail stores and shops, including food stores, drug stores, apparel stores, furniture stores, and similar establishments;
- B. Automobile services stations, including fueling stations, oil-change services, and similar establishments;
- C. Hotels, motels, and resorts;
- D. Retail or wholesale nurseries;
- E. Uses authorized by a conditional use permit approved prior to November 1, 2019, if such uses are established before January 1, 2024 and subject to the development conditions of the respective permit; ~~and~~
- F. Pedestrian and multi-use trails, paths, and boardwalks; ~~-~~
- 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 facilities and play areas for activities such as basketball, dance, gymnastics, martial arts, racquetball, skating, soccer, swimming, tennis, or similar. These facilities may be used for instruction, practice, and competitions. Health and fitness clubs are excluded from this category.

SECTION 14:**AMENDMENT** “16.37.020 Uses Permitted Outright” of the Estacada Municipal Code is hereby *amended* as follows:

BEFORE AMENDMENT

16.37.020 Uses Permitted Outright

- A. Outpatient clinics and offices for healthcare services, such as acupuncture, chiropractic, counseling, dental, massage therapy, medical, naturopathic, optometric, physical therapy, psychiatric, occupational therapy, and speech therapy;

- B. Personal service establishments, including barber and beauty shops, hair salons, nail salons, and similar establishments;
- C. Health and fitness clubs;
- D. Dry cleaners and laundries;
- E. Banks and credit unions;
- F. Licensed day care facilities;
- G. Assisted living facilities;
- H. Residential care facilities;
- I. Restaurants, cafes, bakeries, and similar on-site eating/drinking establishments in a leased or owned building space of no more than 1,500 square feet, but with accessory outdoor seating areas not subject to any square footage limitation;
- J. Professional offices not associated with an outright permitted use in a leased or owned building space of no more than 1,500 square feet;
- K. Public parks;
- L. Pedestrian and multi-use trails, paths, and boardwalks;
- M. Pools;
- N. Community gardens;
- O. Public transportation facilities, including streets, transit stops and stations, park and ride facilities, and bicycle and pedestrian facilities;
- P. Short-term rentals, subject to EMC 16.62;
- Q. Duplexes;
- R. Triplexes and Fourplexes;
- S. Multi-family dwellings;
- T. Commonwall dwellings;
- U. Cottage clusters;
- V. Single-family dwellings legally existing and assessed as dwellings on December 1, 2019;
- W. Alterations to the legally-established single-family dwellings described in EMC 16.37.020 Subsection V, as well as the replacement of such dwellings, provided the dwelling to be replaced has remained a dwelling on the subject property, with intact walls and roof structure, indoor plumbing connected to a sanitary waste disposal system, interior wiring for interior lights, and a heating system, without a gap of twelve (12) consecutive months since December 1, 2019; and
- X. Transportation facilities providing access to the H-C or MMU zones.

AFTER AMENDMENT

16.37.020 Uses Permitted Outright

- A. Outpatient clinics and offices for healthcare services, such as acupuncture, chiropractic, counseling, dental, massage therapy, medical, naturopathic, optometric, physical therapy, psychiatric, occupational therapy, and speech therapy;
- B. Personal service establishments, including barber and beauty shops, hair salons, nail salons, and similar establishments;
- C. Health and fitness clubs;
- D. Dry cleaners and laundries;

- E. Banks and credit unions;
- F. ~~Licensed day care facilities~~ 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 facilities;
- J. Residential care facilities;
- K. Restaurants, cafes, bakeries, and similar on-site eating/drinking establishments in a leased or owned building space of no more than 1,500 square feet, but with accessory outdoor seating areas not subject to any square footage limitation;
- 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 and multi-use trails, paths, and boardwalks;
- O. Pools;
- P. Community gardens;
- Q. Public transportation facilities, including streets, transit stops and stations, park and ride facilities, and bicycle and pedestrian facilities;
- R. Short-term rentals, subject to EMC 16.62;
- S. Duplexes;
- T. Triplexes and Fourplexes;
- U. Multi-family dwellings;
- V. Commonwall dwellings;
- W. Cottage clusters;
- X. Single-family dwellings legally existing and assessed as dwellings on December 1, 2019;
- Y. Alterations to the legally-established single-family dwellings described in EMC 16.37.020 Subsection V, as well as the replacement of such dwellings, provided the dwelling to be replaced has remained a dwelling on the subject property, with intact walls and roof structure, indoor plumbing connected to a sanitary waste disposal system, interior wiring for interior lights, and a heating system, without a gap of twelve (12) consecutive months since December 1, 2019; and
- Z. Transportation facilities providing access to the H-C or MMU zones.

SECTION 15: AMENDMENT “16.39.020 Uses Permitted Outright” of the Estacada Municipal Code is hereby *amended* as follows:

BEFORE 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;
- 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;
- F. Public facilities: government uses, offices of governmental agencies and PUD substations;
- G. Public transportation facilities including streets, transit stops and stations, and bicycle and pedestrian facilities;
- H. Marijuana production, marijuana processing, and marijuana wholesaling regulated by EMC 16.65;
- I. Industrial trade schools;
- J. Data centers;
- K. Auto body shop;
- L. Facilities, including office and enclosed storage and work spaces, for construction, maintenance, cleaning, welding, landscaping, decking, and building systems (e.g. plumbing and electrical) service providers and contractors where customers are not regularly visiting in-person; and
- M. No more than two food carts on a lot of record, subject to EMC 16.66.

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

AFTER 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;
- 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;
- F. Public facilities: government uses, offices of governmental agencies and PUD substations;
- G. Public transportation facilities including streets, transit stops and stations, and bicycle and pedestrian facilities;
- H. Marijuana production, marijuana processing, and marijuana wholesaling regulated by EMC 16.65;
- I. Industrial trade schools;
- J. Data centers;
- K. Auto body shop;
- L. Facilities, including office and enclosed storage and work spaces, for construction, maintenance, cleaning, welding, landscaping, decking, and building systems (e.g. plumbing and electrical) service providers and contractors where customers are not regularly visiting in-person; **and**
- M. No more than two food carts on a lot of record, subject to EMC 16.66.;
- N. Indoor recreational facilities and play areas for activities such as basketball, dance, gymnastics, martial arts, racquetball, skating, soccer, swimming, tennis, or similar. These facilities may be used for instruction, practice, and competitions. Health and fitness clubs are excluded from this category.

(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 16:**AMENDMENT** “16.37.060 Standards” of the Estacada Municipal Code is hereby *amended* as follows:

BEFORE 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.

A.

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. 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 16.60.70.

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 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.
3. The rear setback shall be a minimum of fifteen (15) feet, except:
 - a. An accessory structure not used for human habitation or for a commercial use, and that is separated from the main building may be located to within five feet of a rear property line.
 - b. On a corner lot, setbacks required from the rear property line shall be the same as required for side yards.
 - 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. 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 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 16.118.020.

AFTER 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.

- A. Maximum Residential Density. Maximum residential density for multi-family dwellings shall be 40 dwelling units per net acre. See EMC 16.60.060.
- B. 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 16.60.70.
- 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.
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 five feet of a rear property line.
 - b. On a corner lot, setbacks required from the rear property line shall be the same as required for side yards.
 - c. 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. 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.

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 height of sixty-five (65) feet.

G. Landscaping:

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

H. Access and Circulation:

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

EFFECTIVE DATE Considered at the Council meeting of May 8, 2023, passed by a vote of 6 ayes and 1 nay, considered for the second time at the meeting of May 22, 2023, and passed by a vote of 7 ayes and 0 nays, this 22nd day of May, 2023. DULY ADOPTED by the City Council of the City of Estacada this 22nd day of May, 2023.

PASSED AND ADOPTED BY THE ESTACADA COUNCIL MAY 22, 2023.

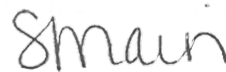
	AYE	NAY	ABSENT	ABSTAIN
Sean Drinkwine	<u>X</u>	<u> </u>	<u> </u>	<u> </u>
Jerry Tenbush	<u>X</u>	<u> </u>	<u> </u>	<u> </u>
Paul Strobel	<u>X</u>	<u> </u>	<u> </u>	<u> </u>
Charity Hughes	<u>X</u>	<u> </u>	<u> </u>	<u> </u>
Joel Litkie	<u>X</u>	<u> </u>	<u> </u>	<u> </u>
Michael McElroy	<u>X</u>	<u> </u>	<u> </u>	<u> </u>
Heidi Prokop	<u>X</u>	<u> </u>	<u> </u>	<u> </u>

Presiding Officer

Attest



Sean Drinkwine, Mayor, Estacada



Sadie Main, City Recorder, Estacada