

**ESTACADA  
ORDINANCE 2023-007**

**AN ORDINANCE AMENDING CHAPTERS 6, 10, AND 12 OF THE CITY'S  
COMPREHENSIVE PLAN AND 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 shop garage" is a use providing for the major repair and maintenance of motor vehicles and includes major mechanical and body work, straightening of body parts, painting, welding, or storage of motor vehicles not in operating condition.
- B. "Service station" means any premises used for any or all of the following: supplying gasoline, oil, accessories and services, and auto repair work, excluding body and fender repair, at retail direct to the customer and where inoperative car storage is limited to thirty (30) days.
- C. "Wrecking yard" means any property used for the wrecking or storing of two or more motor vehicles or the parts thereof which are not in running condition and are not being restored.
- D. "Auto detail shop" includes any or all of the following uses: (a) shampoo and cleaning of carpet and seats; (b) complete interior cleaning; (c) clean and vacuum trunks; (d) cleaning and treatment of vinyl and rubber surfaces; (e) machine buffing and waxing of exterior and chrome; (f) hand wash exterior; (g) clean and polish tires and wheels; (h) engine and compartment cleaning; and (i) decal and paint striping.

"Base flood (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.

"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.

"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.

"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 (8) feet, exclusive of maneuvering and access area, permanently reserved for the temporary storage of one automobile, connected with a street or alley which affords access for automobiles.

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

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

"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)

## 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.

["Aircraft" includes airborne vehicles such as airplanes and helicopters, but not hot air balloons or ultralights.](#)

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

supplying of aircraft.

“Airport” means the strip of land used for taking off and landing aircraft, together with all adjacent land used in connection with the aircraft landing or taking off from the strip of land, including but not limited to land used for existing airport uses.

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

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

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

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

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

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

"Automobile."

- A. "Body shop garage" is a use providing for the major repair and maintenance of motor vehicles and includes major mechanical and body work, straightening of body parts, painting, welding, or storage of motor vehicles not in operating condition.
- B. "Service station" means any premises used for any or all of the following: supplying

gasoline, oil, accessories and services, and auto repair work, excluding body and fender repair, at retail direct to the customer and where inoperative car storage is limited to thirty (30) days.

- C. "Wrecking yard" means any property used for the wrecking or storing of two or more motor vehicles or the parts thereof which are not in running condition and are not being restored.
- D. "Auto detail shop" includes any or all of the following uses: (a) shampoo and cleaning of carpet and seats; (b) complete interior cleaning; (c) clean and vacuum trunks; (d) cleaning and treatment of vinyl and rubber surfaces; (e) machine buffing and waxing of exterior and chrome; (f) hand wash exterior; (g) clean and polish tires and wheels; (h) engine and compartment cleaning; and (i) decal and paint striping.

"Base flood (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.

"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.

"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.

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

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

"Council" means the city council of Estacada.

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

Deck, Enclosed. "Enclosed deck" means a covered 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.

"Hazard" means a hazard existing within and around an airport as determined by the Oregon Department of Aviation or Federal Aviation Administration.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

“Large childcare facility" means any childcare facility, as defined in this chapter, licensed to care for more than sixteen (16) children at a given time.

"Light industry" means the manufacturing, processing, compounding, packaging or assembling of products, the process of which does not require that permits be issued by the Oregon State Department of Environmental Quality for the associated emissions, discharges, or storage of materials.

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

dogs or cats.

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

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

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

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

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

"Lot frontage" means the front of a lot shall be construed to be the portion nearest the street. For the purpose of determining yard 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.

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

"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.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

"Primary surface" means a surface longitudinally centered on a runway. When a runway has a specially prepared hard surface, the primary surface extends 200 feet beyond each end of that runway. When a runway has no specially prepared hard surface, or planned hard surface, the primary surface ends at each end of that runway. The elevation of any point on the primary

surface is the same as the elevation of the nearest point on the runway centerline. The width of the primary surface is:

A. 250 feet for utility runways.

B. 500 feet for other than utility runways.

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

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

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

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

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

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

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

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

"Triplex" is defined under "Dwelling".

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

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

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

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

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

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

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

"Wholly enclosed" means everything is completely 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. 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)

### 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. 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;~~
- ⊖. N. 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 “16.16.040 Standards” of the Estacada Municipal Code is hereby *amended* as follows:**

#### BEFORE AMENDMENT

16.16.040 Standards

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

- A. Lot Size and Dimensions.
1. The minimum lot size shall be seven thousand five hundred (7,500) square

- feet.
- 2. Minimum lot frontage for a flag lot shall be twenty-five (25) feet.
- 3. No lot area, yard, off-street parking or loading area, or other required open space for one use shall be used as the required lot area, yard, off-street parking or loading area, or other required open spaces for another use.
- B. Parking Requirements. The number of parking spaces as required by EMC 16.76 shall be provided.
- C. Setbacks.
  - 1. The front setback shall be a minimum of twenty (20) feet.
  - 2. Side setbacks for commonwall dwellings shall be as follows:
    - a. The minimum side setback for the common side of attached dwellings is zero (0) feet.
    - b. Two-unit commonwall dwellings shall meet the side setback standard provided in Subsection 3 for sides that are not attached.
  - 3. Except as provided for commonwall dwellings in Subsection 2, each side setback shall be a minimum of five feet; however, a dwelling with a side yard facing, second story bedroom window (having minimum dimensions of at least three feet by three feet) with a lower sill exceeding fifteen (15) feet in height must have a setback from said side property line equal to or greater than one-third of the height of that point, or be equipped with an automatic fire sprinkler system, unless otherwise approved by the city. (Height is measured from the lower windowsill of the side yard facing wall to grade level directly below the center of the window at the edge of the building foundation.) If a public utility easement (PUE) exists on the side property line, the side yard setback shall be equal to the width of the PUE, if greater than the side yard setback required above.
  - 4. The rear setback shall be a minimum of fifteen (15) feet except:
    - a. An accessory structure not used for human habitation and separated from the main building may be located to within 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.
- D. Sidewalks. Sidewalks, driveways and service driveways shall conform to standards established by this code.
- E. Fences and sight-obscuring fences, with the exception of evergreen plantings, cannot exceed six feet in height without a building permit. Fences described above are subject to clear vision regulations of EMC 16.60.010 and EMC 8.12.050 limiting the use of barbed wire and electrical fences.
- F. Drainage. An applicant for a building permit shall submit a plan showing width, depth, and direction of flow of all drainage channels on property. In addition, the location, size and type of conduit used in drainage channels and driveway accesses shall be clearly delineated. Water from roof drains and other impervious surfaces shall not be concentrated and directed so as to cause damage to property and shall be disposed of

in accordance with EMC 13.08.010.

- G. Excavation/Fill. A plan shall be submitted showing cubic yards removed or filled and the plan should be certified by a registered professional engineer for the removal or fill of more than fifty (50) cubic yards of material.
- H. Building Height. No building shall exceed a height of thirty-five (35) feet, except public schools or churches which may be forty-five (45) feet.
- I. Lot Coverage. Except as provided below, buildings including accessory structures and garages shall not occupy more than fifty-five (55) percent of the total lot area.
  - 1. Each commonwall dwelling may occupy up to seventy (70) percent of an individual lot.
  - 2. Accessory dwelling units are allowed exceptions to rear setbacks as provided in EMC 16.61.060.A.5.
- J. Geological Analysis Requirement. Any property identified as a geological natural hazard area as listed in EMC 16.68.030 or any property that has a slope of thirty-three (33) percent or greater, as defined by a 3:1 ratio, 3 horizontal: 1 vertical, will require a geotechnical analysis of the property as outlined in EMC 16.68.030.
- K. Structure and Facade Design. Each structure containing a dwelling unit, except temporary dwellings approved pursuant to EMC 16.80, shall include at least three of the following features visible to the street (if on a corner lot, visible to the street where the dwelling takes access):
  - 1. A covered porch at least two feet deep;
  - 2. An entry area recessed at least two feet from the exterior wall to the door;
  - 3. A bay or bow window (not flush with the siding);
  - 4. An offset on the building face of at least sixteen (16) inches from one exterior wall surface to the other;
  - 5. A dormer;
  - 6. A gable;
  - 7. Roof eaves with a minimum projection of twelve (12) inches from the intersection of the roof and the exterior walls;
  - 8. Roof line offsets of at least sixteen (16) inches from the top surface of one roof to the top surface of the other;
  - 9. An attached garage;
  - 10. Orientation of the long axis and front door to the street;
  - 11. Cupolas;
  - 12. Tile or shake roofs;
  - 13. Horizontal lap siding.
- L. Housing Mix Requirements in Subdivisions. In the R-1 zone, subdivisions that are five (5) acres or larger shall provide a mix of housing types, unless they are entirely composed of single-family detached dwellings or manufactured homes. Housing types other than single-family detached dwellings and manufactured homes are limited based on the size of the overall subdivision site, as provided below:
  - 1. Five (5) or more acres in area, but less than 10 acres: no more than 30% of the lots shall be developed with any single type of housing.
  - 2. Ten (10) or more acres in area: no more than 20% of the lots shall be developed with any single type of housing.

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

## AFTER AMENDMENT

### 16.16.040 Standards

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

#### A. Lot Size and Dimensions.

1. The minimum lot size shall be seven thousand five hundred (7,500) square feet.
2. Minimum lot frontage for a flag lot shall be twenty-five (25) feet.
3. No lot area, yard, off-street parking or loading area, or other required open space for one use shall be used as the required lot area, yard, off-street parking or loading area, or other required open spaces for another use.

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

#### C. Setbacks.

1. The front setback shall be a minimum of twenty (20) feet.
2. Side setbacks for commonwall dwellings shall be as follows:
  - a. The minimum side setback for the common side of attached dwellings is zero (0) feet.
  - b. Two-unit commonwall dwellings shall meet the side setback standard provided in Subsection 3 for sides that are not attached.
3. Except as provided for commonwall dwellings in Subsection 2, each side setback shall be a minimum of five feet; however, a dwelling with a side yard facing, second story bedroom window (having minimum dimensions of at least three feet by three feet) with a lower sill exceeding fifteen (15) feet in height must have a setback from said side property line equal to or greater than one-third of the height of that point, or be equipped with an automatic fire sprinkler system, unless otherwise approved by the city. (Height is measured from the lower windowsill of the side yard facing wall to grade level directly below the center of the window at the edge of the building foundation.) If a public utility easement (PUE) exists on the side property line, the side yard setback shall be equal to the width of the PUE, if greater than the side yard setback required above.
4. The rear setback shall be a minimum of fifteen (15) feet except:
  - a. An accessory structure not used for human habitation and separated from the main building may be located to within 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.

- D. Sidewalks. Sidewalks, driveways and service driveways shall conform to standards established by this code.
- E. Fences and sight-obscuring fences, with the exception of evergreen plantings, cannot exceed six feet in height without a building permit. Fences described above are subject to clear vision regulations of EMC 16.60.010 and EMC 8.12.050 limiting the use of barbed wire and electrical fences.
- F. Drainage. An applicant for a building permit shall submit a plan showing width, depth, and direction of flow of all drainage channels on property. In addition, the location, size and type of conduit used in drainage channels and driveway accesses shall be clearly delineated. Water from roof drains and other impervious surfaces shall not be concentrated and directed so as to cause damage to property and shall be disposed of in accordance with EMC 13.08.010.
- G. Excavation/Fill. A plan shall be submitted showing cubic yards removed or filled and the plan should be certified by a registered professional engineer for the removal or fill of more than fifty (50) cubic yards of material.
- H. Building Height. No building shall exceed a height of thirty-five (35) feet, except public schools or churches which may be forty-five (45) feet. When a property in the R-1 zone is located in the Airport Safety and Compatibility Overlay Zone, all buildings thereupon shall comply with the height limitations in EMC 16.54.030. Whenever height limitations in this section are more restrictive than those in EMC 16.54.030, the height limitations of this section shall control.
- I. Lot Coverage. Except as provided below, buildings including accessory structures and garages shall not occupy more than fifty-five (55) percent of the total lot area.
  - 1. Each commonwall dwelling may occupy up to seventy (70) percent of an individual lot.
  - 2. Accessory dwelling units are allowed exceptions to rear setbacks as provided in EMC 16.61.060.A.5.
- J. Geological Analysis Requirement. Any property identified as a geological natural hazard area as listed in EMC 16.68.030 or any property that has a slope of thirty-three (33) percent or greater, as defined by a 3:1 ratio, 3 horizontal: 1 vertical, will require a geotechnical analysis of the property as outlined in EMC 16.68.030.
- K. Structure and Facade Design. Each structure containing a dwelling unit, except temporary dwellings approved pursuant to EMC 16.80, shall include at least three of the following features visible to the street (if on a corner lot, visible to the street where the dwelling takes access):
  - 1. A covered porch at least two feet deep;
  - 2. An entry area recessed at least two feet from the exterior wall to the door;
  - 3. A bay or bow window (not flush with the siding);
  - 4. An offset on the building face of at least sixteen (16) inches from one exterior wall surface to the other;
  - 5. A dormer;
  - 6. A gable;
  - 7. Roof eaves with a minimum projection of twelve (12) inches from the intersection of the roof and the exterior walls;

8. Roof line offsets of at least sixteen (16) inches from the top surface of one roof to the top surface of the other;
  9. An attached garage;
  10. Orientation of the long axis and front door to the street;
  11. Cupolas;
  12. Tile or shake roofs;
  13. Horizontal lap siding.
- L. Housing Mix Requirements in Subdivisions. In the R-1 zone, subdivisions that are five (5) acres or larger shall provide a mix of housing types, unless they are entirely composed of single-family detached dwellings or manufactured homes. Housing types other than single-family detached dwellings and manufactured homes are limited based on the size of the overall subdivision site, as provided below:
1. Five (5) or more acres in area, but less than 10 acres: no more than 30% of the lots shall be developed with any single type of housing.
  2. Ten (10) or more acres in area: no more than 20% of the lots shall be developed with any single type of housing.

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

**SECTION 4:            AMENDMENT** “16.20.040 Standards” of the Estacada Municipal Code is hereby *amended* as follows:

BEFORE AMENDMENT

16.20.040 Standards

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

A. Lot Size and Dimensions.

1. Except as provided in Subsection 2, the minimum lot size shall be as follows:

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

2. Exception for Conversions. When a triplex or fourplex is created by internally converting, or expanding the floor area of an existing single-family dwelling, the minimum lot size shall be 7,500 square feet.

3. Minimum lot frontage for a flag lot shall be twenty-five (25) feet.
  4. No lot area, yard, off-street parking or loading area, or other required open space for one use shall be used as the required lot area, yard, off street parking or loading area, or other required open spaces for another use.
- B. Parking Requirements. The number of parking spaces as required by EMC 16.76 shall be provided.
- C. Setbacks.
1. The front setback shall be a minimum of fifteen (15) feet, but a minimum of twenty (20) feet to any garage door or carport motor vehicle entry.
  2. Side setbacks for commonwall dwellings shall be as follows:
    - a. The minimum side setback for the common side of attached dwellings is zero (0) feet.
    - b. Two-unit and three-unit commonwall dwellings shall meet the side setback standard provided in Subsection 3 for sides that are not attached.
    - c. Commonwall dwellings with four units shall have a minimum side setback of ten (10) feet for the sides that are not attached.
  3. Except as provided for commonwall dwellings in Subsection 2, each side setback shall be a minimum of five feet; however, a dwelling with a side yard facing, second story bedroom window (having minimum dimensions of at least three feet by three feet) with a lower sill exceeding fifteen (15) feet in height must have a setback from said side property line equal to or greater than one-third of the height of that point, or be equipped with an automatic fire sprinkler system, unless otherwise approved by the city. (Height is measured from the lower window sill of the side yard facing wall to grade level directly below the center of the window at the edge of the building foundation.) If a public utility easement (PUE) exists on the side property line, the side yard setback shall be equal to the width of the PUE, if greater than the side yard setback required above.
  4. The rear setback shall be a minimum of fifteen (15) feet except:
    - a. An accessory structure not used for human habitation and separated from the main building may be located to within 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.
- D. Sidewalks. Sidewalks, driveways and service driveways shall conform to standards established by this code.
- E. Fences and sight-obscuring fences, with the exception of evergreen plantings, cannot exceed six feet in height without a building permit. Fences described above are subject to clear vision regulations of EMC 16.60.010 and EMC 8.12.050 limiting the use of barbed wire and electrical fences.
- F. Drainage. An applicant for a building permit shall submit a plan showing width, depth, and direction of flow of all drainage channels on property. In addition, the location,

size and type of conduit used in drainage channels and driveway accesses shall be clearly delineated. Water from roof drains and other impervious surfaces shall not be concentrated and directed so as to cause damage to property and shall be disposed of in accordance with EMC 13.08.010.

- G. Excavation/Fill. A plan shall be submitted showing cubic yards removed or filled and the plan should be certified by a registered professional engineer for the removal or fill of more than fifty (50) cubic yards of material.
- H. Building Height. No building shall exceed a height of thirty-five (35) feet, except public schools or churches which may be forty-five (45) feet.
- I. Lot Coverage. Except as provided below, buildings including accessory structures and garages shall not occupy more than fifty-five (55) percent of the total lot area.
  - 1. Each commonwall dwelling may occupy up to seventy (70) percent of its individual lot.
  - 2. Accessory dwelling units are allowed exceptions to rear setbacks as provided in EMC 16.61.060.A.5.
- J. Geological Analysis Requirement. Any property identified as a geological natural hazard area as listed in EMC 16.68.030 or any property that has a slope of thirty-three (33) percent or greater, as defined by a 3:1 ratio, 3 horizontal:1 vertical, will require a geotechnical analysis of the property as outlined in EMC 16.68.030.

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

## AFTER AMENDMENT

### 16.20.040 Standards

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

#### A. Lot Size and Dimensions.

1. Except as provided in Subsection 2, the minimum lot size shall be as follows:

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

2. Exception for Conversions. When a triplex or fourplex is created by internally converting, or expanding the floor area of an existing single-family dwelling, the minimum lot size shall be 7,500 square feet.
3. Minimum lot frontage for a flag lot shall be twenty-five (25) feet.
4. No lot area, yard, off-street parking or loading area, or other required open space for one use shall be used as the required lot area, yard, off street parking or loading area, or other required open spaces for another use.

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

C. Setbacks.

1. The front setback shall be a minimum of fifteen (15) feet, but a minimum of twenty (20) feet to any garage door or carport motor vehicle entry.
2. Side setbacks for commonwall dwellings shall be as follows:
  - a. The minimum side setback for the common side of attached dwellings is zero (0) feet.
  - b. Two-unit and three-unit commonwall dwellings shall meet the side setback standard provided in Subsection 3 for sides that are not attached.
  - c. Commonwall dwellings with four units shall have a minimum side setback of ten (10) feet for the sides that are not attached.
3. Except as provided for commonwall dwellings in Subsection 2, each side setback shall be a minimum of five feet; however, a dwelling with a side yard facing, second story bedroom window (having minimum dimensions of at least three feet by three feet) with a lower sill exceeding fifteen (15) feet in height must have a setback from said side property line equal to or greater than one-third of the height of that point, or be equipped with an automatic fire sprinkler system, unless otherwise approved by the city. (Height is measured from the lower window sill of the side yard facing wall to grade level directly below the center of the window at the edge of the building foundation.) If a public utility easement (PUE) exists on the side property line, the side yard setback shall be equal to the width of the PUE, if greater than the side yard setback required above.
4. The rear setback shall be a minimum of fifteen (15) feet except:
  - a. An accessory structure not used for human habitation and separated from the main building may be located to within 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.

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

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

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

- G. Excavation/Fill. A plan shall be submitted showing cubic yards removed or filled and the plan should be certified by a registered professional engineer for the removal or fill of more than fifty (50) cubic yards of material.
- H. Building Height. No building shall exceed a height of thirty-five (35) feet, except public schools or churches which may be forty-five (45) feet. When a property in the R-2 zone is located in the Airport Safety and Compatibility Overlay Zone, all buildings thereupon shall comply with the height limitations in EMC 16.54.030. Whenever height limitations in this section are more restrictive than those in EMC 16.54.030, the height limitations of this section shall control.
- I. Lot Coverage. Except as provided below, buildings including accessory structures and garages shall not occupy more than fifty-five (55) percent of the total lot area.
  - 1. Each commonwall dwelling may occupy up to seventy (70) percent of its individual lot.
  - 2. Accessory dwelling units are allowed exceptions to rear setbacks as provided in EMC 16.61.060.A.5.
- J. Geological Analysis Requirement. Any property identified as a geological natural hazard area as listed in EMC 16.68.030 or any property that has a slope of thirty-three (33) percent or greater, as defined by a 3:1 ratio, 3 horizontal:1 vertical, will require a geotechnical analysis of the property as outlined in EMC 16.68.030.

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

**SECTION 5:            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. 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;
- Q. 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. 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;~~
- ~~Q. P.~~ Pedestrian and multi-use trails, paths, and boardwalks.

**SECTION 6:            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. 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)

#### 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. O.~~ O. Live/work space provided that work activities are uses permitted outright and work space exclusively fronts the street most likely to receive the most pedestrian traffic;
- ~~P.~~ P. Manufacturing in conjunction with retail trade establishments permitted in the D Zone, except for processing and packaging of explosive chemical materials and environmentally hazardous materials, provided retail trade exclusively fronts the street most likely to receive the most pedestrian traffic;
- ~~R.~~ Q. Small childcare facility as defined in EMC 16.08;
- ~~S.~~ R. Large childcare facility as defined in EMC 16.08;
- ~~T.~~ S. Youth support services facility as defined in EMC 16.08;
- ~~U.~~ T. No more than two food carts on a lot of record, subject to EMC 16.66.

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

**SECTION 7:            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. 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)

#### 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.~~ L. 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.~~ M. No more than two food carts on a lot of record, subject to EMC 16.66;
- ~~O.~~ N. Small childcare facility as defined in EMC 16.08;
- ~~P.~~ O. Large childcare facility as defined in EMC 16.08;
- ~~Q.~~ P. 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 8: 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 or disposal system interior wiring for interior lights, and a heating system, without a gap of 12 consecutive months since January 12, 2022
- 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.

## 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
- 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. M.~~ M. Small childcare facility as defined in EMC 16.08;
- ~~O. N.~~ O. Large childcare facility as defined in EMC 16.08;
- ~~P. O.~~ P. Youth support services facility as defined in EMC 16.08;
- ~~Q. P.~~ 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 9:**            **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;
- 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

## 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. Q.~~ Legally-established industrial uses existing on December 1, 2019;
- ~~Q. P.~~ 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. Q.~~ Small childcare facility as defined in EMC 16.08;
- ~~S. R.~~ Large childcare facility as defined in EMC 16.08;
- ~~T. S.~~ Youth support services facility as defined in EMC 16.08;
- ~~U. T.~~ 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 10:**            **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. 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.

#### 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. 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. Q. Short-term rentals, subject to EMC 16.62;~~
- ~~S. R. Duplexes;~~
- ~~T. S. Triplexes and Fourplexes;~~
- ~~U. T. Multi-family dwellings;~~
- ~~V. U. Commonwall dwellings;~~
- ~~W. V. Cottage clusters;~~
- ~~X. W. Single-family dwellings legally existing and assessed as dwellings on December 1, 2019;~~
- ~~Y. X. 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. Y. Transportation facilities providing access to the H-C or MMU zones.~~

**SECTION 11:****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;
- 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)

#### 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. G. Marijuana production, marijuana processing, and marijuana wholesaling regulated by EMC 16.65;
- ~~I.~~ H. Industrial trade schools;
- ~~J.~~ I. Data centers;
- ~~K.~~ J. Auto body shop;
- ~~L.~~ K. Facilities, including office and enclosed storage and work spaces, for construction, maintenance, cleaning, welding, landscaping, decking, and building systems (e.g. plumbing and electrical) service providers and contractors where customers are not regularly visiting in-person;
- ~~M.~~ L. No more than two food carts on a lot of record, subject to EMC 16.66;
- ~~N.~~ M. 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 12:**            **ADOPTION** “Chapter 16.42 AIRPORT (A-P)” of the Estacada Municipal Code is hereby *added* as follows:

BEFORE ADOPTION

Chapter 16.42 AIRPORT (A-P) (Non-existent)

AFTER ADOPTION

Chapter 16.42 AIRPORT (A-P)(*Added*)

**SECTION 13:**        **ADOPTION** “16.42.010 Purpose” of the Estacada Municipal Code is hereby *added* as follows:

BEFORE ADOPTION

16.42.010 Purpose (Non-existent)

AFTER ADOPTION

16.42.010 Purpose(*Added*)

The purpose of the Airport Zone is to encourage and support the continued operation and vitality of public-use airports by allowing certain airport-related commercial, residential, and recreational uses in accordance with state law.

**SECTION 14:**        **ADOPTION** “16.42.015 Conformance With Airport Overlay Zone” of the Estacada Municipal Code is hereby *added* as follows:

BEFORE ADOPTION

16.42.015 Conformance With Airport Overlay Zone (Non-existent)

AFTER ADOPTION

16.42.015 Conformance With Airport Overlay Zone(*Added*)

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

**SECTION 15:**        **ADOPTION** “16.42.030 Conditional Uses Permitted” of the Estacada Municipal Code is hereby *added* as follows:

BEFORE ADOPTION

16.42.030 Conditional Uses Permitted (Non-existent)

AFTER ADOPTION

16.42.030 Conditional Uses Permitted(*Added*)

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

- A. Upon demonstration of acceptance by the airport sponsor: Aeronautic recreational and sporting activities, including activities, facilities and accessory structures at airports that support recreational usage of aircraft and sporting activities that require the use of aircraft or other devices used and intended for use in flight. Aeronautic recreation and sporting activities authorized under this paragraph include, but are not limited to, fly-ins; glider flights; hot air ballooning; ultralight aircraft flights; displays of aircraft; aeronautic flight skills contests; and gyrocopter flights, but do not include flights carrying parachutists or parachute drops (including all forms of skydiving).
- B. Upon demonstration of acceptance by the airport sponsor: Flights carrying parachutists, and parachute drops (including all forms of skydiving) onto an airport, but only upon demonstration that the parachutist business has secured approval to use a drop zone that is at least 10 contiguous acres. The configuration of the drop zone shall roughly approximate a square or a circle and may contain structures, trees, or other obstacles only if the remainder of the drop zone provides adequate areas for parachutists to land safely.
- C. Governmental structure or use of land; and
- D. Public utility substations as required with safeguards against harm to adjacent or abutting property owners.

**SECTION 16:**        **ADOPTION** “16.42.040 Standards” of the Estacada Municipal Code is hereby *added* as follows:

BEFORE ADOPTION

16.42.040 Standards (Non-existent)

AFTER ADOPTION

16.42.040 Standards(*Added*)

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

- A. Lot Size and Dimensions.
  - 1. The minimum lot size shall be fifty (50) acres.
  - 2. Minimum lot frontage for a flag lot shall be twenty-five (25) feet.

3. No lot area, yard, off-street parking or loading area, or other required open space for one use shall be used as the required lot area, yard, off-street parking or loading area, or other required open spaces for another use.
- B. Parking Requirements. The number of parking spaces as required in EMC 16.76 shall apply in the A-P zone.
- C. Sidewalks. Sidewalks, driveways and service driveways shall conform to standards established by this code.
- D. Non-Residential Uses. For all non-residential uses in the A-P zone, the following standards shall apply:
  1. Setbacks from Residential Zones. All yards abutting a lot in a residential zone shall provide a minimum of twenty (20) feet between the residential zone boundary and any structure or use regulated by this Section.
  2. Landscaping. A minimum of five percent of the area developed, which includes but is not limited to areas developed for off-street parking, driveways, and above-ground utility facilities, shall be landscaped.
  3. Outdoor storage abutting or facing a street, highway, or residential zone shall be screened with a sight-obscuring fence or a buffer strip of vegetation six feet in height.
- E. Residential Uses. For all residential uses in the A-P zone, the following standards shall apply:
  1. Setbacks.
    - a. Dwellings shall be located a minimum of two hundred (200) feet from the edge of the runway.
    - b. The front setback shall be a minimum of twenty (20) feet.
    - c. Side setbacks shall be a minimum of five (5) feet; however, a dwelling with a side yard facing, second story bedroom window (having minimum dimensions of at least three feet by three feet) with a lower sill exceeding fifteen (15) feet in height must have a setback from said side property line equal to or greater than one-third of the height of that point, or be equipped with an automatic fire sprinkler system, unless otherwise approved by the City. (Height is measured from the lower windowsill of the side yard facing wall to grade level directly below the center of the window at the edge of the building foundation.) If a public utility easement (PUE) exists on the side property line, the side yard setback shall be equal to the width of the PUE, if greater than the side yard setback required above.
    - d. The rear setback shall be a minimum of fifteen (15) feet except:
      - (1) An accessory structure not used for human habitation and separated from the main building may be located to within five (5) feet of a rear property line.
      - (2) On a corner lot, setbacks required from the rear property line shall be the same as required for side yards.
  2. Fences and sight-obscuring fences, with the exception of evergreen plantings, cannot exceed six feet in height without a building permit. Fences described above are subject to clear vision regulations of EMC 16.60.010 and EMC

- 8.12.050 limiting the use of barbed wire and electrical fences.
3. Drainage. An applicant for a building permit shall submit a plan showing width, depth, and direction of flow of all drainage channels on property. In addition, the location, size and type of conduit used in drainage channels and driveway accesses shall be clearly delineated. Water from roof drains and other impervious surfaces shall not be concentrated and directed so as to cause damage to property and shall be disposed of in accordance with EMC 13.08.010.
  4. Building Height. No building shall exceed a height of thirty-five (35) feet.
  5. Lot Coverage. Except as provided below, buildings including accessory structures and garages shall not occupy more than twenty (20) percent of the total lot area.
  6. Geological Analysis Requirement. Any property identified as a geological natural hazard area as listed in EMC 16.68.030 or any property that has a slope of thirty-three (33) percent or greater, as defined by a 3:1 ratio, 3 horizontal: 1 vertical, will require a geotechnical analysis of the property as outlined in EMC 16.68.030.

**SECTION 17:            ADOPTION** “16.42.020 Uses Permitted Outright” of the Estacada Municipal Code is hereby *added* as follows:

**BEFORE ADOPTION**

16.42.020 Uses Permitted Outright (Non-existent)

**AFTER ADOPTION**

16.42.020 Uses Permitted Outright(*Added*)

The following uses and accessory uses are permitted outright in the Airport Zone:

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

medical labs, medical equipment sales, and other similar uses.

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

**SECTION 18:**            **ADOPTION** “Chapter 16.54 AIRPORT SAFETY AND COMPATABILITY OVERLAY ZONE” of the Estacada Municipal Code is hereby *added* as follows:

#### BEFORE ADOPTION

Chapter 16.54 AIRPORT SAFETY AND COMPATABILITY OVERLAY ZONE (Non-

existent)

#### AFTER ADOPTION

Chapter 16.54 AIRPORT SAFETY AND COMPATABILITY OVERLAY ZONE(*Added*)

**SECTION 19:** **ADOPTION** “16.54.010 Purpose” of the Estacada Municipal Code is hereby *added* as follows:

#### BEFORE ADOPTION

16.54.010 Purpose (Non-existent)

#### AFTER ADOPTION

16.54.010 Purpose(*Added*)

The purpose of this overlay zone is to encourage and support the continued operation and vitality of Estacada’s public-use airport(s) by establishing compatibility and safety standards to promote air navigational safety, and to reduce potential safety hazards for persons living, working or recreating near the airport.

**SECTION 20:** **ADOPTION** “16.54.020 Notice Of Land Use And Permit Applications Within Overlay Zone” of the Estacada Municipal Code is hereby *added* as follows:

#### BEFORE ADOPTION

16.54.020 Notice Of Land Use And Permit Applications Within Overlay Zone (Non-existent)

#### AFTER ADOPTION

16.54.020 Notice Of Land Use And Permit Applications Within Overlay Zone(*Added*)

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

A. Notice shall be provided to the airport sponsor and the ODA when the property, or a

portion thereof, that is subject to the land use or limited land use application is located within 5,000 feet of the sides or ends of a runway.

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

**SECTION 21:            ADOPTION “16.54.030 Height Limitations On Allowed Uses In Underlying Zone” of the Estacada Municipal Code is hereby *added* as follows:**

**BEFORE ADOPTION**

16.54.030 Height Limitations On Allowed Uses In Underlying Zone (Non-existent)

**AFTER ADOPTION**

16.54.030 Height Limitations On Allowed Uses In Underlying Zone(*Added*)

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

- A. Except as provided in subsections B and C of this Section, no structure or tree, plant or other object of natural growth shall penetrate an airport imaginary surface. Refer to OAR 660 Division 13, Exhibit 1 for a description of public use airport overlay surfaces and zones.
- B. For areas within airport imaginary surfaces but outside the approach and transition surfaces, where the terrain is at higher elevations than the airport runway surfaces such that existing structures and permitted development penetrate or would penetrate the

airport imaginary surfaces, a local government may authorize structures up to 35 feet in height above ground level (AGL).

- C. Other height exceptions or variances may be permitted when supported in writing by the airport sponsor, the Oregon Department of Aviation and the Federal Aviation Administration. Applications for height variances shall follow the procedures for other variances and shall be subject to such conditions and terms as recommended by the ODA and the FAA.

**SECTION 22:         ADOPTION** “16.54.040 Land Use And Building Application Requirements” of the Estacada Municipal Code is hereby *added* as follows:

#### BEFORE ADOPTION

16.54.040 Land Use And Building Application Requirements (Non-existent)

#### AFTER ADOPTION

16.54.040 Land Use And Building Application Requirements(*Added*)

- A. An applicant seeking a land use or limited land use approval, such as a structural building permit, in an area within this overlay zone shall provide the following information in addition to any other information required in the permit application:
1. A map or drawing showing the location of the property in relation to the airport imaginary surfaces. The City shall provide the applicant with appropriate base maps upon which to locate the property.
  2. Elevation profiles and a site plan, both drawn to scale, including the location and height of all existing and proposed structures, measured in feet above ground level (AGL).
  3. If a height variance is requested, letters of support from the airport sponsor, the Oregon Department of Aviation and the Federal Aviation Administration.
  4. Other information or materials necessary to demonstrate compliance with or exemption from the following requirements:
    - a. Noise. Within airport noise impact boundaries, land uses shall be established consistent with the levels identified in OAR 660, Division 13, Exhibit 5. A declaration of anticipated noise levels shall be attached to any subdivision or partition approval or other land use approval or building permit affecting land within airport noise impact boundaries. Noise levels shall be measured in Ldn, or Day Night Average Sound Level, which is the average sound level over a 24-hour period, with a 10 decibel (dB) penalty added for noise during the nighttime hours of 22:00 to 07:00.
      - (1) In areas where the noise level is anticipated to be at or above 55 Ldn, prior to issuance of a building permit for construction of a noise sensitive land use (real property normally used for

- sleeping or as a school, church, hospital, public library or similar use), the permit applicant shall be required to demonstrate that a noise abatement strategy will be incorporated into the building design that will achieve an indoor noise level equal to or less than 55 Ldn.
- b. Outdoor Lighting. No new or expanded industrial, commercial, residential, or recreational use shall project lighting directly onto an existing runway or taxiway or into existing airport approach surfaces except where necessary for safe and convenient air travel. Lighting for these uses shall incorporate shielding in their designs to reflect light away from airport approach surfaces. No use shall imitate airport lighting or impede the ability of pilots to distinguish between airport lighting and other lighting.
- c. Glare. No glare producing material, including but not limited to unpainted metal or reflective glass, shall be used on the exterior of structures located within an approach surface or on nearby lands where glare could impede a pilot's vision.
- d. Industrial Emissions. No new industrial, mining or similar use, or expansion of an existing industrial, mining or similar use, shall, as part of its regular operations, cause emissions of smoke, dust or steam that could obscure visibility within airport approach surfaces, except upon demonstration, supported by substantial evidence, that mitigation measures imposed as approval conditions will reduce the potential for safety risk or incompatibility with airport operations to an insignificant level. The review authority shall impose such conditions as necessary to ensure that the use does not obscure visibility.
- e. Communications Facilities and Electrical Interference. No use shall cause or create electrical interference with navigational signals or radio communications between an airport and aircraft. Proposals for the location of new or expanded radio, radiotelephone, and television transmission facilities and electrical transmission lines within this overlay zone shall be coordinated with the Oregon Department of Aviation and the Federal Aviation Administration prior to approval. Approval of cellular and other telephone or radio communication towers on leased property located within airport imaginary surfaces shall be conditioned to require their removal within 90 days following the expiration of the lease agreement. A bond or other security shall be required to ensure this result.

**SECTION 23:**            **ADOPTION** “16.54.050 Limitations And Restrictions On Allowed Uses” of the Estacada Municipal Code is hereby *added* as follows:

BEFORE ADOPTION

16.54.050 Limitations And Restrictions On Allowed Uses (Non-existent)

AFTER ADOPTION

16.54.050 Limitations And Restrictions On Allowed Uses(*Added*)

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

Table 1: Limitations & Restrictions On Allowed Uses.

Key: <u>P = Use is Permitted;</u> <u>L = Use is allowed</u> <u>under Limited</u> <u>circumstances described</u> <u>under the corresponding</u> <u>number in the list</u> <u>below;</u> <u>N = Use is Not allowed.</u>				
<b><u>Use Category</u></b>	<b><u>RPZ</u></b>	<b><u>Approach surface</u></b>	<b><u>Direct impact area</u></b>	<b><u>Secondary impact area</u></b>
<u>Public airport</u>	<u>L</u>	<u>L</u>	<u>P</u>	<u>P</u>
<u>Residential</u>	<u>N</u>	<u>L</u>	<u>L</u>	<u>P</u>
<u>Commercial</u>	<u>N</u>	<u>L</u>	<u>L</u>	<u>P</u>
<u>Industrial</u>	<u>N</u>	<u>L</u>	<u>P</u>	<u>P</u>
<u>Institutional</u>	<u>N</u>	<u>L</u>	<u>L</u>	<u>P</u>
<u>Farm use</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>
<u>Roads/parking</u>	<u>L</u>	<u>P</u>	<u>P</u>	<u>P</u>

<u>Utilities</u>	<u>L</u>	<u>L</u>	<u>L</u>	<u>L</u>
<u>Parks/open space</u>	<u>L</u>	<u>P</u>	<u>P</u>	<u>P</u>
<u>Athletic field</u>	<u>N</u>	<u>L</u>	<u>L</u>	<u>P</u>
<u>Mining</u>	<u>N</u>	<u>L</u>	<u>L</u>	<u>L</u>
<u>Water impoundment</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>
<u>Wetland mitigation</u>	<u>N</u>	<u>L</u>	<u>L</u>	<u>L</u>

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

- A. No structures shall be allowed within the Runway Protection Zone (RPZ). Exceptions shall be made only for structures accessory to airport operations whose location within the RPZ has been approved by the Federal Aviation Administration.
- B. In the RPZ, public airport uses are restricted to those uses and facilities that require location in the RPZ.
- C. Roads and parking areas are permitted in the RPZ only upon demonstration that there are not practicable alternatives. Lights, guardrails, and related accessory structures are prohibited. Cost may be considered in determining whether practicable alternatives exist.
- D. In the RPZ, utilities, powerlines and pipelines must be underground. In approach surfaces and in airport direct and secondary impact areas, the proposed height of utilities shall be coordinated with the airport sponsor and Oregon Department of Aviation.
- E. Public assembly facilities are prohibited in the RPZ.
- F. Within 10,000 feet from the end of the primary surface of a non-precision instrument runway, and within 50,000 feet from the end of the primary surface of a precision instrument runway.
- G. Public assembly facilities may be allowed in an approach surface only if the potential danger to public safety is minimal. In determining whether a proposed use is appropriate, consideration shall be given to: proximity to the RPZ; density of people per acre; frequency of use; level of activity at the airport; and other factors relevant to public safety. In general, high density uses should not be permitted within airport approach surfaces, and residential structures should be located outside approach surfaces unless no practicable alternatives exist.
- H. Residential densities within approach surfaces shall not exceed the following densities: (1) within 500 feet of the outer edge of the RPZ, 1 unit per acre; (2) within 500 to 1,500 feet of the outer edge of the RPZ, 2 units per acre; (3) within 1,500 to 3,000 feet of the outer edge of the RPZ, 4 units per acre.
- I. Mining operations involving the creation or expansion of water impoundments shall comply with the requirements of this document regarding water impoundments.
- J. Water impoundments are prohibited within 5,000 feet from the edge or end of a runway.
- K. Wetland Mitigation required for projects located within an approach surface, the airport

direct or secondary impact area shall be authorized only upon demonstration, supported by substantial evidence, that it is impracticable to provide mitigation outside of these areas. Proposals for wetland mitigation shall be coordinated with the airport sponsor, the Oregon Department of Aviation, the Federal Aviation Administration and the wetland-permitting agencies prior to the issuance of required permits. Wetland mitigation shall be designed and located to avoid creating a wildlife hazard or increasing hazardous movements of birds across runway and approach surfaces. Conditions shall be imposed as appropriate and necessary to prevent in perpetuity an increase in hazardous bird movements across runway and approach surfaces.

- L. Within the transitional surface, residential uses and athletic fields are not permitted.
- M. Within the transitional surface, overnight accommodations, such as hotels, motels, hospitals and dormitories, are not permitted.
- N. See EMC 16.54.060 prohibiting or regulating water impoundments within 5,000 or 10,000 feet of the end or edge of a runway.

**SECTION 24:**            **ADOPTION** “16.54.060 Water Impoundments” of the Estacada Municipal Code is hereby *added* as follows:

BEFORE ADOPTION

16.54.060 Water Impoundments (Non-existent)

AFTER ADOPTION

16.54.060 Water Impoundments(*Added*)

Any use or activity that would result in the establishment or expansion of a water impoundment shall comply with the requirements of this section.

- A. No new or expanded water impoundments of one-quarter acre in size or larger are permitted:
  - 1. Within an approach surface and within 5,000 feet from the end of a runway;
  - or
  - 2. On land owned by the airport sponsor that is necessary for airport operations.

**SECTION 25:**            **ADOPTION** “16.54.070 Nonconforming Uses” of the

Estacada Municipal Code is hereby *added* as follows:

BEFORE ADOPTION

16.54.070 Nonconforming Uses (Non-existent)

AFTER ADOPTION

16.54.070 Nonconforming Uses(*Added*)

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

**SECTION 26:**        **AMENDMENT** “16.74.030 Transportation Facilities” of the Estacada Municipal Code is hereby *amended* as follows:

BEFORE AMENDMENT

16.74.030 Transportation Facilities

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

where no employees are present except to perform periodic servicing and maintenance;

3. Mass transit facilities, such as light rail transit stations and park-and-ride lots.

B. As used in Subsection A of this section, "adequate" means a minimum of Level-of-Service (LOS) D, except:

1. The performance standards identified in the latest edition of the Oregon Highway Plan shall apply to facilities under the jurisdiction of the state of Oregon.

C. For the purpose of calculating capacity as required by Subsections A and B of this section, the following standards shall apply:

1. Both the method of calculating LOS and the definitions given to the LOS letter designations are established by the Estacada Transportation System Plan. The method of calculating capacity on state facilities is established by the Oregon Highway Plan.

2. The minimum capacity standards shall apply to all roadways and intersections within the impact area of the proposed development.

3. Capacity shall be evaluated for motor vehicle traffic only.

4. Capacity shall be evaluated for the peak fifteen (15) minute period of both the a.m. weekday and p.m. weekday peak hours of the transportation system within the impact area. The requirement to evaluate either the a.m. or the p.m. peak hour, or both, may be waived if the proposed use will not generate motor vehicle trips during the period(s).

D. As used in Subsection A of this section, "timely" means:

1. For facilities under the jurisdiction of the city of Estacada, necessary improvements are included in the Five-Year Capital Improvement Program, fully funded, and scheduled to be under construction within three years of the date land use approval is issued;

2. For facilities under the jurisdiction of the state of Oregon, necessary improvements are included in the Statewide Transportation Improvement Plan and scheduled to be under construction within four years of the date land use approval is issued;

3. For facilities under the jurisdiction of Clackamas County, necessary improvements are included in that jurisdiction's capital improvement plan, fully funded, and scheduled to be under construction within three years of the date land use approval is issued;

4. Alternatively, "timely" means that necessary improvements will be constructed by the applicant or through another mechanism, such as a local improvement district. Under this alternative:

a. Prior to issuance of a certificate of occupancy for a conditional use or a development subject to design review and prior to recording of the final plat for a subdivision or partition, the applicant shall do one of the following:

(1) Complete the necessary improvements, or

(2) For transportation facilities under the jurisdiction of the city, the applicant shall provide the city with a deposit, letter of

credit, performance bond, or other surety satisfactory to the city. For transportation facilities under the jurisdiction of the state, a city, or another county, the applicant shall comply with the respective jurisdiction's requirements for guaranteeing completion of necessary improvements. This option is only available if the jurisdiction has a mechanism in place for providing such a guarantee;

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

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

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

## AFTER AMENDMENT

### 16.74.030 ~~Transportation Facilities~~ 020 Applicable Standards

- A. Approval of a development shall be granted only if the capacity of transportation facilities is adequate or will be made adequate in a timely manner. The following shall be exempt from this requirement:
1. Modification or replacement of an existing development (or a development that has a current land use approval even if such development has not yet been constructed) on the same property, provided that an increase in motor vehicle traffic does not result;
  2. Unmanned utility facilities, such as wireless telecommunication facilities, where no employees are present except to perform periodic servicing and maintenance;
  3. Mass transit facilities, such as light rail transit stations and park-and-ride lots.
- B. As used in Subsection A of this section, "adequate" means ~~a minimum of Level of Service (LOS) D, except~~ the following mobility standards, as identified in the 2023 Estacada Transportation System Plan:
1. The performance standards identified in the latest edition of the Oregon Highway Plan shall apply to facilities under the jurisdiction of the state of Oregon.
  2. The performance standards identified in Table 5-2a and 5-2b of Chapter 5 of the Clackamas County Comprehensive Plan (County TSP) shall apply to facilities under the jurisdiction of Clackamas County.
  3. For signalized intersections, a level of service D or better must be maintained during the weekday peak hour.
  4. For roundabouts, a volume-to-capacity ratio of less than or equal to 0.90 on each intersection approach must be maintained during the weekday peak hour.
  5. For stop-controlled and yield-controlled intersections, a level of service E or better must be maintained during the weekday peak hour. For two-way stop-controlled intersections, this applies to the minor (i.e., stop-controlled) approaches. For all-way stop-controlled intersections, this applies to the overall intersection measure.
- C. For the purpose of calculating capacity as required by Subsections A and B of this section, the following standards shall apply:
1. Both the method of calculating LOS and the definitions given to the LOS letter designations are established by the ~~Estacada Transportation System Plan~~ latest edition of the Highway Capacity Manual. The method of calculating capacity on state facilities is established by the Oregon Highway Plan. The method for calculating capacity on Clackamas County facilities is established the Clackamas County Roadway Standards.
  2. The minimum capacity standards shall apply to all roadways and intersections within the impact area of the proposed development.
  3. Capacity shall be evaluated for motor vehicle traffic only.
  4. Capacity shall be evaluated for the peak fifteen (15) minute period of both the

a.m. weekday and p.m. weekday peak hours of the transportation system within the impact area. The requirement to evaluate either the a.m. or the p.m. peak hour, or both, may be waived if the proposed use will not generate motor vehicle trips during the period(s).

D. As used in Subsection A of this section, "timely" means:

1. For facilities under the jurisdiction of the city of Estacada, necessary improvements are included in the Five-Year Capital Improvement ~~Program~~Plan, fully funded, and scheduled to be under construction within three years of the date land use approval is issued;
2. For facilities under the jurisdiction of the state of Oregon, necessary improvements are included in the Statewide Transportation Improvement Plan and scheduled to be under construction within four years of the date land use approval is issued;
3. For facilities under the jurisdiction of Clackamas County, necessary improvements are included in that jurisdiction's capital improvement plan, fully funded, and scheduled to be under construction within three years of the date land use approval is issued;
4. Alternatively, "timely" means that necessary improvements will be constructed by the applicant or through another mechanism, such as a local improvement district. Under this alternative:
  - a. Prior to issuance of a certificate of occupancy for a conditional use or a development subject to design review and prior to recording of the final plat for a subdivision or partition, the applicant shall do one of the following:
    - (1) Complete the necessary improvements, or
    - (2) For transportation facilities under the jurisdiction of the ~~C~~eity, the applicant shall provide the ~~C~~eity with a deposit, letter of credit, performance bond, or other surety satisfactory to the ~~C~~eity equal to the full cost of designing and constructing the necessary improvements. For transportation facilities under the jurisdiction of the state, a city, or another county, the applicant shall comply with the respective jurisdiction's requirements for guaranteeing completion of necessary improvements. This option is only available if the jurisdiction has a mechanism in place for providing such a guarantee;
5. For a phased development, the first phase shall satisfy Subsections D,1 through D,4 of this section at the time of land use approval. Subsequent phases shall be subject to the following:
  - a. At the time of land use approval, necessary improvements shall be identified and the phase for which they are necessary shall be specified,
  - b. Necessary improvements for a particular phase shall either:
    - (1) Comply with Subsections D,1 through D,3 of this section at the time of building permit approval, except that the

improvements shall be scheduled to be under construction within three years of building permit approval rather than within three years of land use approval, or

- (2) Comply with Subsection D,4 of this section, in which case the improvements shall be completed or guaranteed prior to issuance of a certificate of occupancy or recording of the final plat for the applicable phase.

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

1. Improvements required by the Development Code;
2. Improvements required by the City's adopted Comprehensive Plan, Transportation System Plan, Downtown and Riverside Area Plan, Street Tree Master Plan, or Active Transportation Plan, with the requirements of the most recently-adopted plan superseding any previous plan's requirements for the same area; and
3. Improvements identified in a ~~traffic transportation~~ impact study as being required in order to comply with the adequacy standard identified in Subsection B of this section. ~~A determination regarding whether submittal of a transportation impact study is required shall be made based on a traffic impact statement provided by the applicant based on the ITE Manual or an Oregon Registered Traffic Engineer. The traffic impact statement shall identify anticipated traffic impacts associated with the proposed development. The City will determine whether a transportation impact study is required based on this preliminary traffic impact study.~~ Traffic Impact Studies shall follow the requirements provided in EMC 16.74.040. If a ~~transportation impact study~~ Traffic Impact Study is not required per EMC 16.74.040, the City's engineering or planning staff shall identify necessary improvements or the applicant may opt to provide a ~~transportation~~ traffic impact study.

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

**SECTION 27:            AMENDMENT** “16.74.040 When A Traffic Impact Study Is Required” of the Estacada Municipal Code is hereby *amended* as follows:

#### BEFORE AMENDMENT

##### 16.74.040 When A Traffic Impact Study Is Required

The City or other road authority with jurisdiction may require a traffic impact study (TIS) as part of an application for development, a change in use, or a change in access. A TIS shall be required where a change of use or a development would involve one or more of the following:

- A. A change in zoning or Comprehensive Plan designation;

- B. The creation of 10 or more new residential lots by subdivision;
- C. Operational or safety concerns documented in writing by a road authority;
- D. An increase in site traffic volume generation by 300 Average Daily Trips (ADT) or more;
- E. An increase in peak hour volume of a particular movement to and from a street or highway by 20 percent or more;
- F. An increase in the use of adjacent streets by 10 or more vehicles per day exceeding 20,000-pound gross vehicle weight;
- G. Existing or proposed approaches or access connections that do not meet minimum spacing or sight distance requirements or are located where vehicles entering or leaving the property are restricted, or such vehicles are likely to queue or hesitate at an approach or access connection, creating a safety hazard; or
- H. A TIA is required by Clackamas County or ODOT.

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

#### AFTER AMENDMENT

#### 16.74.040 ~~When A~~ Traffic Impact Study ~~Is Required~~ (TIS) and Traffic Assessment Letter Procedures

~~The City or other road authority with jurisdiction may require a traffic impact study (TIS) as part of an application for development, a change in use, or a change in access. A TIS shall be required where a change of use or a development would involve one or more of the following: A change in zoning or Comprehensive Plan designation; The creation of 10 or more new residential lots by subdivision; Operational or safety concerns documented in writing by a road authority; An increase in site traffic volume generation by 300 Average Daily Trips (ADT) or more; An increase in peak hour volume of a particular movement to and from a street or highway by 20 percent or more; An increase in the use of adjacent streets by 10 or more vehicles per day exceeding 20,000-pound gross vehicle weight; Existing or proposed approaches or access connections that do not meet minimum spacing or sight distance requirements or are located where vehicles entering or leaving the property are restricted, or such vehicles are likely to queue or hesitate at an approach or access connection, creating a safety hazard; or A TIA is required by Clackamas County or ODOT.~~

A. When a TIS is required. The City or other road authority with jurisdiction may require a TIS as part of an application for development, a change in use, a change in zoning, a change in Comprehensive Plan designation, or a change in access. A TIS shall be required where a change of use or a development would involve one or more of the following:

1. Operational or safety concerns documented in writing by a road authority;
2. An increase in site traffic volume generation by 200 Average Daily Trips (ADT) or more;
3. An increase in the use of adjacent streets by 10 or more vehicles per day exceeding 20,000-pound gross vehicle weight;
4. Existing or proposed approaches or access connections that do not meet

minimum spacing or sight distance requirements or are located where vehicles entering or leaving the property are restricted, or such vehicles are likely to queue or hesitate at an approach or access connection, creating a safety hazard; or

5. A TIS is required by Clackamas County or ODOT.

B. Traffic Assessment Letter. If a TIS is not required as determined by Section 16.74.40.A, the applicant shall submit a Traffic Assessment Letter (TAL) to the City indicating that TIS requirements do not apply to the proposed action. This letter shall present the trip generation estimates and distribution assumptions for the proposed action and verify that driveways and roadways accessing the site meet the sight distance, spacing, and roadway design standards of the agency with jurisdiction of those roadways. Other information or analysis may be required as determined by the City Engineer. The TAL shall be prepared by a Professional Civil or Traffic Engineer currently licensed to practice within the State of Oregon, and with special training and experience in transportation engineering and planning. The requirement for a TAL may be waived if the City Engineer determines that the proposed action will not have a significant impact on existing traffic conditions.

C. TIS General Provisions.

1. All traffic studies shall be prepared by or under the direct supervision of a Professional Civil or Traffic Engineer currently licensed to practice within the State of Oregon, and with special training and experience in transportation engineering and planning.
2. Prior to TIS scope preparation, the applicant shall pay to the City the fees and deposits associated with TIS scope preparation and TIS review in accordance with the adopted fee schedule. The City's costs associated with TIS scope preparation and TIS review will be charged against the respective deposits. Additional funds may be required if actual costs exceed deposit amounts. Any unused deposit funds will be refunded to the applicant upon final billing.
3. For preparation of the TIS, the applicant may choose one of the following:
  - a. To prepare the TIS for submittal to the City, the applicant may hire a Professional Civil or Traffic Engineer currently licensed to practice within the State of Oregon, and with special training and experience in transportation engineering and planning. The City Engineer will then review the TIS and the applicant will be required to pay to the City any fees associated with the TIS review; or
  - b. The applicant may request that the City Engineer prepare the TIS. The applicant will pay to the City any fees associated with preparation of the TIS by the City Engineer.
4. The TIS shall be submitted with a concurrent land use application and associated with application materials. The City will not accept a land use application for process if it does not include the required TIS.
5. The City may require a TIS review conference with the applicant to discuss the information provided in the TIS once it is complete. This conference would be in addition to any required pre-application conference. If such a conference is required, the City will not accept the land use application for

processing until the conference has taken place. The applicant shall pay the TIS review conference fee at the time of conference scheduling, in accordance with the adopted fee schedule.

6. A TIS determination is not a land use action and may not be appealed.

D. TIS Scope. The City shall determine the study area, study intersections, trip rates, traffic distribution, and required content of the TIS based on information provided by the applicant about the proposed development.

1. If notice to ODOT or other agency is required pursuant to noticing requirements in Chapter 16.132 the City will coordinate with those agencies to provide a comprehensive TIS scope. ODOT may also require a TIS directly to support a state highway approach permit application.

E. Conditions of Approval. The City may deny, approve, or approve a proposal with conditions necessary to meet operational and safety standards; provide the necessary right-of-way for planned improvements; and require construction of improvements to ensure consistency with the future planned transportation system.

1. Where the existing transportation system will be impacted by the proposed development, dedication of land for streets, transit facilities, sidewalks, bikeways, paths, or accessways may be required to ensure that the transportation system is adequate to handle the additional burden caused by the proposed use.

2. Where the existing transportation system is shown to be burdened by the proposed use, improvements such as paving, curbing, installation or contribution to traffic signals, traffic channelization, construction of sidewalks, bikeways, accessways, paths, or street that serve the proposed use may be required.

3. The City may require the development to grant a cross-over access easement(s) to adjacent parcel(s) to address access spacing standards on arterials and collector roadways or site-specific safety concerns. Construction of shared access may be required at the time of development if feasible, given existing adjacent land use. The access easement must be established by deed.

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

**SECTION 28:** **ADOPTION** “Chapter 16.75 PEDESTRIAN ACCESS, CONNECTIVITY, AND TRANSIT STOPS” of the Estacada Municipal Code is hereby *added* as follows:

#### BEFORE ADOPTION

Chapter 16.75 PEDESTRIAN ACCESS, CONNECTIVITY, AND TRANSIT STOPS  
(Non-existent)

#### AFTER ADOPTION

Chapter 16.75 PEDESTRIAN ACCESS, CONNECTIVITY, AND TRANSIT  
STOPS(*Added*)

**SECTION 29:** **ADOPTION** “16.75.010 Purpose And Intent” of the Estacada Municipal Code is hereby *added* as follows:

BEFORE ADOPTION

16.75.010 Purpose And Intent (Non-existent)

AFTER ADOPTION

16.75.010 Purpose And Intent(*Added*)

This chapter implements the pedestrian access and connectivity policies of City of Estacada Transportation System Plan and Active Transportation Plan, and those plans' policies for ensuring appropriate access to transit facilities. It is intended to provide for safe, reasonably direct, and convenient pedestrian access and circulation. The requirements of this Chapter apply to land divisions pursuant to Division IV and to the following land uses:

- A. Multifamily
- B. Commercial
- C. Light industry
- D. Activity centers, including but not limited to
  - 1. Schools
  - 2. Parks
  - 3. Hospitals and clinics
  - 4. Churches
  - 5. Residential care facilities and residential homes

**SECTION 30:** **ADOPTION** “16.75.020 Standards” of the Estacada Municipal Code is hereby *added* as follows:

BEFORE ADOPTION

16.75.020 Standards (Non-existent)

AFTER ADOPTION

16.75.020 Standards(*Added*)

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

circulation:

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

**SECTION 31:**        **ADOPTION** “16.75.030 Vehicle/Walkway Separation” of the Estacada Municipal Code is hereby *added* as follows:

BEFORE ADOPTION

16.75.030 Vehicle/Walkway Separation (Non-existent)

AFTER ADOPTION

16.75.030 Vehicle/Walkway Separation(*Added*)

Except as required for crosswalks, per 16.118.040, where a walkway runs parallel to a driveway or street it shall be raised six inches and curbed along the edge of the driveway or street. Alternatively, the City Manager or designee may approve a walkway abutting a driveway at the same grade as the driveway if the walkway is physically separated from all vehicle-maneuvering areas. An example of such separation is a row of bollards (designed for use in parking areas) with adequate minimum spacing between them to prevent vehicles from entering the walkway.

**SECTION 32:**        **ADOPTION** “16.75.040 Crosswalks” of the Estacada Municipal Code is hereby *added* as follows:

BEFORE ADOPTION

16.75.040 Crosswalks (Non-existent)

AFTER ADOPTION

16.75.040 Crosswalks(*Added*)

Where a walkway crosses a parking area or driveway ("crosswalk"), it shall be clearly marked with contrasting paving materials (e.g., pavers, light-color concrete inlay between asphalt, or similar contrasting material) or painted crosswalk striping. The crosswalk may be part of a speed table to improve driver-visibility of pedestrians.

**SECTION 33:** **ADOPTION** “16.75.050 Walkway Width And Surface” of the Estacada Municipal Code is hereby *added* as follows:

BEFORE ADOPTION

16.75.050 Walkway Width And Surface (Non-existent)

AFTER ADOPTION

16.75.050 Walkway Width And Surface(*Added*)

Walkways shall be constructed of concrete, asphalt, brick or masonry pavers, or other durable surface, as approved by the City Manager or designee, and not less than five feet wide. Multi-use paths (i.e., designed for shared use by bicyclists and pedestrians) shall be concrete or asphalt and shall conform to city transportation standards.

**SECTION 34:** **ADOPTION** “16.75.060 Improvements At Transit Stops” of the Estacada Municipal Code is hereby *added* as follows:

BEFORE ADOPTION

16.75.060 Improvements At Transit Stops (Non-existent)

AFTER ADOPTION

16.75.060 Improvements At Transit Stops(*Added*)

A proposed development that is adjacent to or includes an existing or planned transit stop will be required to submit a plan showing access to the transit stop consistent with the adopted Active Transportation Plan and, when determined necessary by TriMet, dedicate sufficient territory of the subject property for, and to install, transit improvements TriMet requires.

**SECTION 35:**        **ADOPTION** “16.75.070 Buildings Adjacent To Transit Stops” of the Estacada Municipal Code is hereby *added* as follows:

BEFORE ADOPTION

16.75.070 Buildings Adjacent To Transit Stops (Non-existent)

AFTER ADOPTION

16.75.070 Buildings Adjacent To Transit Stops(*Added*)

Any new building adjacent to a TriMet transit stop shall be located within 20 feet of the stop, a transit street, or an intersecting street, or else provide a pedestrian plaza at the transit stop or at the street intersection.

**SECTION 36:**        **AMENDMENT** “16.76.010 Off-Street Parking, Bicycle Parking And Loading Requirements” of the Estacada Municipal Code is hereby *amended* as follows:

BEFORE AMENDMENT

16.76.010 Off-Street Parking, Bicycle Parking And Loading Requirements

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

- A. Requirements for types of buildings and uses not specifically listed herein shall be determined by the city manager, based upon the requirements of comparable uses listed.
- B. In the event several uses occupy a single structure or parcel of land, the total requirements shall be the sum of the requirements of the several uses computed separately.
- C. Owners of two or more uses, structures or parcels of land may agree to utilize jointly the same parking and loading spaces when the hours of operation do not overlap; provided that satisfactory evidence is presented in the form of deeds, leases, agreements or contracts.
- D. Off-street parking spaces shall be located on the same lot or on an adjoining lot or lot located within one hundred fifty (150) feet, unless otherwise approved by the planning commission.
- E. Required parking spaces shall be available to operable motor vehicles and shall not be used for storage of vehicles or materials or for the parking of trucks used in conducting

the business or use.

- F. Areas used for standing and maneuvering of vehicles shall have a paved, durable and dustless surface improved to minimum public road standards, maintained adequately for all-weather use, and be so drained as to avoid flow water across public sidewalks.
- G. Except for parking to serve dwelling uses, parking and loading areas adjacent to or within residential zones shall be designed to minimize disturbances with the installation of a sight-obscuring fence or vegetative buffer, of not less than five feet in height, except where vision clearance is required.
- H. Artificial lighting which may be provided for parking areas shall not create or reflect substantial glare in a residential zone or on any adjacent dwelling.
- I. Groups of more than four parking spaces shall be served by a driveway so that no backing movements or other maneuvering within a street, other than an alley will be required and shall be contained by a curb or bumper rail at least four inches high and set back a minimum of four and one-half feet from the property line.
- J. Passenger Loading. A driveway designated for continuous forward flow of passenger vehicles for the purpose of loading and unloading children shall be located on the site of any school having a capacity of greater than twenty-five (25) students.
- K. Loading of Merchandise, Materials or Supplies. Buildings or structures which receive and distribute materials or merchandise by truck, shall provide and maintain off-street loading berths in sufficient numbers and size to adequately handle the needs of the particular use.
- L. Off-street parking areas used to fulfill the requirements of the code may be used for loading and unloading operations during periods of the day when not required to take care of parking needs.
- M. Compact parking spaces may be permitted at a ratio of one space to every three full-sized spaces. (See "Parking space" defined under EMC 16.08 for dimension requirements.)
- N. Except for parking intended to serve dwelling uses, parking spaces shall be clearly delineated through striping or some other means.
- O. Where an area provided for off-street parking is within or adjoins a residential zone, the perimeter of the area shall be screened by a sight-obscuring fence or planting. The screen shall be continuous and shall be at least six feet in height to the rear of the front setback of the residential zone and shall be three feet in height in that portion bounding the front yard.
- P. Parking spaces along the boundaries of a parking area shall be provided with a sturdy bumper guard or curb at least four inches in height and located far enough within the boundary to permit any portion of a vehicle within the parking area from extending over the property line or interfering with the required screening or sidewalk traffic.
- Q. Off-Street Parking Requirements.
  - 1. Off-street parking shall be required according to the table below:

<b>Use:</b>		<b>Minimum Required Spaces:</b>
Bank		1 per 300 square feet of floor area

Bowling alley		4 per lane
Campsites and recreational cabins and yurts		1 per campsite/cabin/yurt
Doctor's office, dental office, medical clinic, or similar use		3.5 per 1,000 square feet of floor area
Dwellings	Single-family	2 for each primary, detached single-family dwelling
	Duplex, Triplex, and Fourplex	1.5 for each dwelling unit, rounded up to the next whole number (except as provided in EMC 16.76.010, Subsection 3)
	Common wall	2 for each commonwall dwelling (see on-street credit option in EMC 16.76.010, Subsection 4)
	Multi-family and cottage clusters	1 for each unit
	Accessory dwelling unit (ADU)	No additional space for one accessory dwelling unit. One parking space shall be provided if there is an ADU.
Eating and drinking establishments		1 for every four customer seats

Funeral home or mortuary		1 for every six seats or one space per 50 square feet of area used for assembly, whichever is greater, if there is an assembly area; 1 per 2 employees on maximum shift or operating hours if there is no assembly area
Hospital		3 for every two patient beds
Hotel, motel, boarding house, or resort		1 per lodging/accommodation unit
Instructional class space, such as a martial arts or dance studio		1 per 200 square feet of leasable floor area
Library		1 per 300 square feet of floor area
Manufactured dwelling park		2 for each manufactured dwelling space
Nursing home, convalescent care facility, extended care facility, or similar institution		1 for every three patient/resident beds
Office		1 per 300 square feet of floor area
Park		For a park with an athletic field: 1 per 3 spectator seats, 1 space per 18 inches of bench-viewer bench length, or 25 per field, whichever amount is greatest
		For a park without an athletic field: 2.6 per acre
Religious institution, membership club or community center, fraternal hall, or similar place of assembly		1 for every six seats or one space for each 50 square feet of floor area used for assembly, whichever is greater
Retail store (general), including a grocery store, book store, gift shop, or any other general retail or shop		1 per 300 square feet of floor area
Retail store (bulk),		

including for sale of furniture, appliances, vehicles, building materials, home furnishings, garden supplies, or agricultural supplies		1 per 500 square feet of bulk merchandise area or storage
School for children or daycare, including a preschool, Head Start facility, kindergarten, elementary, middle, or junior high school		2 per classroom
School, other (including a high school, trade school, or college facility)		5 per classroom
Service or repair shop		1 per 500 square feet of floor area
Short-term rental of dwelling		1 per rented bedroom in addition to parking required for dwelling, with never less than 2 total parking spaces on the subject property
Skating rink, arcade, gym, or other similar indoor recreational or athletic use or commercial amusement enterprise		1 per 100 square feet of floor area
Warehouse, storage, or similar enterprise		1 per 2,000 square feet of floor area
Other business or industrial use not elsewhere listed		1 per 2 employees on maximum shift or operating hours

2. Exemptions—Downtown Zone.

a. There is no minimum off-street parking requirement for uses located within one hundred (100) feet of Broadway Street between OR 224 and 2nd Avenue. Uses in the Downtown zone but located outside the above described area are required to provide off-street parking in accordance with the table in Subsection Q.1, except that the minimum number of required off-street parking spaces may be reduced as follows:

- (1) Reduce the minimum parking standard by ten (10) percent where the project is located within one thousand three



- bedrooms), the option resulting in more bicycle parking is used.
2. Exemptions. This section does not apply to single-family and two-family housing (attached, detached, or manufactured housing), home occupations, agriculture and livestock uses.
  3. Location and Design.
    - a. Bicycle parking should be no farther from the main building entrance than the distance to the closest vehicle space, or fifty (50) feet, whichever is less. Long-term (i.e., covered) bicycle parking should be incorporated whenever possible into building design. Cover for bicycle parking can be provided by buildings, or roof overhangs, awnings, bicycle lockers, bicycle storage within buildings or freestanding shelters. Parking provided within a building shall be easily accessible for bicycles.
    - b. Short-term bicycle parking, when allowed within a public right-of-way, shall be coordinated with the design of street furniture, as applicable.
    - c. Bicycle parking for multiple uses, or a facility with multiple structures, may be clustered within fifty (50) feet of each building's entrance in one or several locations.
    - d. Bicycle parking shall not impede or create a hazard to pedestrians.
  4. Visibility and Security. Bicycle parking for customers and visitors shall be visible from street sidewalks or building entrances to provide sufficient security from theft and damage.
  5. Options for Storage. Long-term bicycle parking requirements for multiple family uses and employee parking can be met by providing a bicycle storage room, bicycle lockers, racks, or other secure storage space inside or outside of the building.
  6. Lighting. For security, bicycle parking shall be at least as well lit as vehicle parking.
  7. Reserved Areas. Areas set aside for bicycle parking shall be clearly marked and reserved for bicycle parking only, and separated from motor vehicle parking to prevent damage to parked bicycles.
  8. Rack Types.
    - a. Bicycle racks must hold bicycles securely by the frame and be securely anchored.
    - b. Bicycle racks must accommodate both:
      - (1) Locking the frame and one wheel to the rack with a high-security U-shaped shackle lock; and
      - (2) Locking the frame and both wheels without removal of wheels to the rack with a chain or cable not longer than six feet.
  9. Rack Dimensions.
    - a. Bicycle parking spaces shall be at least six feet long and two feet wide.

b. Covered parking spaces shall include at least seven feet of overhead clearance.

c. An aisle width five feet wide shall be provided for bicycle maneuvering.

10. Bicycle Parking Table:

<b>Uses Categories</b>	<b>Specific Uses</b>	<b>Long-Term Spaces (Covered or Enclosed)</b>	<b>Short-Term Spaces (Near Building Entry)</b>
Residential Categories			
Household Living	Multifamily	1 per 4 units	2, or 1 per 20 units
Group Living		2, or 1 per 20 bedrooms	None
	Dormitory	1 per 8 bedrooms	None
Commercial Categories			
Retail Sales and Service		2, or 1 per 12,000 sq. ft. of floor area	2, or 1 per 5,000 sq. ft. of floor area
	Lodging	2, or 1 per 10,000 sq. ft. of floor area	2, or 1 per 40,000 sq. ft. of floor area
Office		2, or 1 per 10,000 sq. ft. of floor area	2, or 1 per 40,000 sq. ft. of floor area
Commercial Outdoor Recreation		8, or 1 per 20 auto spaces	None
Major Event Entertainment		8, or 1 per 40 seats or per CU review	None

Industrial Categories			
Manufacturing And Production		2, or 1 per 15,000 sq. ft. of floor area	None
Warehouse And Freight Movement		2, or 1 per 40,000 sq. ft. of floor area	None
Institutional Categories			
Basic Utilities	Bus transit center	8	None
Community Service		2, or 1 per 10,000 sq. ft. of floor area	2, or 1 per 10,000 sq. ft. of floor area
	Park and ride	8, or 5 per acre	None
Parks (active recreation areas only)		None	8, or per CU review
Schools	Grades 2-5	1 per classroom, or per CU review	1 per classroom, or per CU review
	Grades 6-12	2 per classroom, or per CU review	4 per school, or per CU review
Colleges	Excluding dormitories (see Group Living, above)	2, or 1 per 20,000 sq. ft. of net building area, or per CU review	2, or 1 per 10,000 sq. ft. of net building area, or per CU review
Medical Centers		2, or 1 per 70,000 sq. ft. of net building area, or per CU review	2, or 1 per 40,000 sq. ft. of net building area, or per CU review

Religious Institutions and Places of Worship		2, or 1 per 4,000 sq. ft. of net building area	2, or 1 per 2,000 sq. ft. of net building area
Daycare		2, or 1 per 10,000 sq. ft. of net building area	None
Other Categories	Determined through Land Use Review, Site Design Review, or CU Review, as applicable		

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

AFTER AMENDMENT

16.76.010 Off-Street Parking, Bicycle Parking And Loading Requirements

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

- A. Requirements for types of buildings and uses not specifically listed herein shall be determined by the city manager, based upon the requirements of comparable uses listed.
- B. In the event several uses occupy a single structure or parcel of land, the total requirements shall be the sum of the requirements of the several uses computed separately.
- C. Owners of two or more uses, structures or parcels of land may agree to utilize jointly the same parking and loading spaces when the hours of operation do not overlap; provided that satisfactory evidence is presented in the form of deeds, leases, agreements or contracts.
- D. Off-street parking spaces shall be located on the same lot or on an adjoining lot or lot located within one hundred fifty (150) feet, unless otherwise approved by the planning commission.
- E. Required parking spaces shall be available to operable motor vehicles and shall not be used for storage of vehicles or materials or for the parking of trucks used in conducting the business or use.
- F. Areas used for standing and maneuvering of vehicles shall have a paved, durable and dustless surface improved to minimum public road standards, maintained adequately

- for all-weather use, and be so drained as to avoid flow water across public sidewalks.
- G. Except for parking to serve dwelling uses, parking and loading areas adjacent to or within residential zones shall be designed to minimize disturbances with the installation of a sight-obscuring fence or vegetative buffer, of not less than five feet in height, except where vision clearance is required.
  - H. Artificial lighting which may be provided for parking areas shall not create or reflect substantial glare in a residential zone or on any adjacent dwelling.
  - I. Groups of more than four parking spaces shall be served by a driveway so that no backing movements or other maneuvering within a street, other than an alley will be required and shall be contained by a curb or bumper rail at least four inches high and set back a minimum of four and one-half feet from the property line.
  - J. Passenger Loading. A driveway designated for continuous forward flow of passenger vehicles for the purpose of loading and unloading children shall be located on the site of any school having a capacity of greater than twenty-five (25) students.
  - K. Loading of Merchandise, Materials or Supplies. Buildings or structures which receive and distribute materials or merchandise by truck, shall provide and maintain off-street loading berths in sufficient numbers and size to adequately handle the needs of the particular use.
  - L. Off-street parking areas used to fulfill the requirements of the code may be used for loading and unloading operations during periods of the day when not required to take care of parking needs.
  - M. Compact parking spaces may be permitted at a ratio of one space to every three full-sized spaces. (See "Parking space" defined under EMC 16.08 for dimension requirements.)
  - N. Except for parking intended to serve dwelling uses, parking spaces shall be clearly delineated through striping or some other means.
  - O. Where an area provided for off-street parking is within or adjoins a residential zone, the perimeter of the area shall be screened by a sight-obscuring fence or planting. The screen shall be continuous and shall be at least six feet in height to the rear of the front setback of the residential zone and shall be three feet in height in that portion bounding the front yard.
  - P. Parking spaces along the boundaries of a parking area shall be provided with a sturdy bumper guard or curb at least four inches in height and located far enough within the boundary to permit any portion of a vehicle within the parking area from extending over the property line or interfering with the required screening or sidewalk traffic.
  - Q. Off-Street Parking Requirements.
    - 1. Off-street parking shall be required according to the table below:

<b>Use:</b>	<b>Minimum Required Spaces:</b>
Bank	1 per 300 square feet of floor area
Bowling alley	4 per lane
Campsites and recreational cabins and yurts	1 per campsite/cabin/yurt

Doctor's office, dental office, medical clinic, or similar use		3.5 per 1,000 square feet of floor area
Dwellings	Single-family	2 for each primary, detached single-family dwelling
	Duplex, Triplex, and Fourplex	1.5 for each dwelling unit, rounded up to the next whole number (except as provided in EMC 16.76.010, Subsection 3)
	Common wall	2 for each commonwall dwelling (see on-street credit option in EMC 16.76.010, Subsection 4)
	Multifamily and cottage clusters	1 for each unit
	Accessory dwelling unit (ADU)	No additional space for one accessory dwelling unit. One parking space shall be provided if there is an ADU.
Eating and drinking establishments		1 for every four customer seats
		1 for every six seats or one space per 50 square feet of area used for assembly,

Funeral home or mortuary		whichever is greater, if there is an assembly area; 1 per 2 employees on maximum shift or operating hours if there is no assembly area
Hospital		3 for every two patient beds
Hotel, motel, boarding house, or resort		1 per lodging/accommodation unit
Instructional class space, such as a martial arts or dance studio		1 per 200 square feet of leasable floor area
Library		1 per 300 square feet of floor area
Manufactured dwelling park		2 for each manufactured dwelling space
Nursing home, convalescent care facility, extended care facility, or similar institution		1 for every three patient/resident beds
Office		1 per 300 square feet of floor area
Park		For a park with an athletic field: 1 per 3 spectator seats, 1 space per 18 inches of bench-viewer bench length, or 25 per field, whichever amount is greatest
		For a park without an athletic field: 2.6 per acre
Religious institution, membership club or community center, fraternal hall, or similar place of assembly		1 for every six seats or one space for each 50 square feet of floor area used for assembly, whichever is greater
Retail store (general), including a grocery store, book store, gift shop, or any other general retail or shop		1 per 300 square feet of floor area
Retail store (bulk), including for sale of		

furniture, appliances, vehicles, building materials, home furnishings, garden supplies, or agricultural supplies		1 per 500 square feet of bulk merchandise area or storage
School for children or daycare, including a preschool, Head Start facility, kindergarten, elementary, middle, or junior high school		2 per classroom
School, other (including a high school, trade school, or college facility)		5 per classroom
Service or repair shop		1 per 500 square feet of floor area
Short-term rental of dwelling		1 per rented bedroom in addition to parking required for dwelling, with never less than 2 total parking spaces on the subject property
Skating rink, arcade, gym, or other similar indoor recreational or athletic use or commercial amusement enterprise		1 per 100 square feet of floor area
Warehouse, storage, or similar enterprise		1 per 2,000 square feet of floor area
Other business or industrial use not elsewhere listed		1 per 2 employees on maximum shift or operating hours

2. Exemptions—Downtown Zone.

a. There is no minimum off-street parking requirement for uses located within one hundred (100) feet of Broadway Street between OR 224 and 2nd Avenue. Uses in the Downtown zone but located outside the above described area are required to provide off-street parking in accordance with the table in Subsection Q.1, except that the minimum number of required off-street parking spaces may be reduced as follows:

- (1) Reduce the minimum parking standard by ten (10) percent where the project is located within one thousand three hundred twenty (1,320) feet of an existing or planned public

transit bus stop; and/or

- (2) Reduce the minimum parking standard by twenty (20) percent where the city decision-making body determines there is public on-street parking adjacent to the subject site in a quantity equal to the reduction in the number of required parking spaces.
    - b. Expansion of a nonconforming development, building or use that does not comply with the minimum parking ratios shall provide additional parking spaces based on the floor area or capacity added and not on the area or capacity existing prior to the expansion.
3. Reduced Parking for Internal Conversions. When a duplex, triplex, or fourplex is created through internal conversion of an existing single-family dwelling, the minimum number of required parking spaces (including existing retained parking spaces) shall be as follows:
  - a. Duplex: Two spaces total.
  - b. Triplex: Three spaces total.
  - c. Fourplex: Four spaces total.
4. On-street Parking Credit for Commonwall Dwellings. For each commonwall dwelling, the minimum parking requirement may be reduced by no more than one space if on-street parking is available that meets standards a through e below.
  - a. The space is a legal place to park (consistent with location standards in the Estacada Municipal Code, such as not next to a fire hydrant or a mailbox).
  - b. The space is abutting the subject lot (on the same side of the street).
  - c. The space is on a street with a minimum paved width that meets standard for the local streets with parking on both sides, as established in the adopted Transportation System Plan.
  - d. The space is at least 22 feet long and 7 feet wide.
  - e. Only one commonwall dwelling can claim the space towards its off-street parking reduction.
5. The maximum number of off-street automobile parking spaces allowed per site equals the minimum number of required spaces, pursuant to EMC 16.76.010 Subsections Q, 1-2, times a factor of:
  - a. [1.2] spaces for uses fronting a street with adjacent on-street parking spaces; or
  - b. [1.5] spaces, for uses fronting no street with adjacent on-street parking.

#### R. Bicycle Parking.

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

- bedrooms), the option resulting in more bicycle parking is used.
2. Exemptions. This section does not apply to single-family and two-family housing (attached, detached, or manufactured housing), home occupations, agriculture and livestock uses.
  3. Location and Design.
    - a. Bicycle parking should be no farther from the main building entrance than the distance to the closest vehicle space, or fifty (50) feet, whichever is less. Long-term (i.e., covered) bicycle parking should be incorporated whenever possible into building design. Cover for bicycle parking can be provided by buildings, or roof overhangs, awnings, bicycle lockers, bicycle storage within buildings or freestanding shelters. Parking provided within a building shall be easily accessible for bicycles.
    - b. Short-term bicycle parking, when allowed within a public right-of-way, shall be coordinated with the design of street furniture, as applicable.
    - c. Bicycle parking for multiple uses, or a facility with multiple structures, may be clustered within fifty (50) feet of each building's entrance in one or several locations.
    - d. Bicycle parking shall not impede or create a hazard to pedestrians.
  4. Visibility and Security. Bicycle parking for customers and visitors shall be visible from street sidewalks or building entrances to provide sufficient security from theft and damage.
  5. Options for Storage. Long-term bicycle parking requirements for multiple family uses and employee parking can be met by providing a bicycle storage room, bicycle lockers, racks, or other secure storage space inside or outside of the building.
  6. Lighting. For security, bicycle parking shall be at least as well lit as vehicle parking.
  7. Reserved Areas. Areas set aside for bicycle parking shall be clearly marked and reserved for bicycle parking only, and separated from motor vehicle parking to prevent damage to parked bicycles.
  8. Rack Types.
    - a. Bicycle racks must hold bicycles securely by the frame and be securely anchored.
    - b. Bicycle racks must accommodate both:
      - (1) Locking the frame and one wheel to the rack with a high-security U-shaped shackle lock; and
      - (2) Locking the frame and both wheels without removal of wheels to the rack with a chain or cable not longer than six feet.
  9. Rack Dimensions.
    - a. Bicycle parking spaces shall be at least six feet long and two feet

wide.

b. Covered parking spaces shall include at least seven feet of overhead clearance.

c. An aisle width five feet wide shall be provided for bicycle maneuvering.

10. Bicycle Parking Table:

<b>Uses Categories</b>	<b>Specific Uses</b>	<b>Long-Term Spaces (Covered or Enclosed)</b>	<b>Short-Term Spaces (Near Building Entry)</b>
Residential Categories			
Household Living	Multifamily	1 per 4 units	2, or 1 per 20 units
Group Living		2, or 1 per 20 bedrooms	None
	Dormitory	1 per 8 bedrooms	None
Commercial Categories			
Retail Sales and Service		2, or 1 per 12,000 sq. ft. of floor area	2, or 1 per 5,000 sq. ft. of floor area
	Lodging	2, or 1 per 10,000 sq. ft. of floor area	2, or 1 per 40,000 sq. ft. of floor area
Office		2, or 1 per 10,000 sq. ft. of floor area	2, or 1 per 40,000 sq. ft. of floor area
Commercial Outdoor Recreation		8, or 1 per 20 auto spaces	None
Major Event Entertainment		8, or 1 per 40 seats or per CU review	None

Industrial Categories			
Manufacturing And Production		2, or 1 per 15,000 sq. ft. of floor area	None
Warehouse And Freight Movement		2, or 1 per 40,000 sq. ft. of floor area	None
Institutional Categories			
Basic Utilities	Bus transit center	8	None
Community Service		2, or 1 per 10,000 sq. ft. of floor area	2, or 1 per 10,000 sq. ft. of floor area
	Park and ride	8, or 5 per acre	None
Parks (active recreation areas only)		None	8, or per CU review
Schools	Grades 2-5	1 per classroom, or per CU review	1 per classroom, or per CU review
	Grades 6-12	2 per classroom, or per CU review	4 per school, or per CU review
Colleges	Excluding dormitories (see Group Living, above)	2, or 1 per 20,000 sq. ft. of net building area, or per CU review	2, or 1 per 10,000 sq. ft. of net building area, or per CU review
Medical Centers		2, or 1 per 70,000 sq. ft. of net building area, or per CU review	2, or 1 per 40,000 sq. ft. of net building area, or per CU review

Religious Institutions and Places of Worship		2, or 1 per 4,000 sq. ft. of net building area	2, or 1 per 2,000 sq. ft. of net building area
Daycare		2, or 1 per 10,000 sq. ft. of net building area	None
Other Categories	Determined through Land Use Review, Site Design Review, or CU Review, as applicable		

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

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

**SECTION 37: AMENDMENT** “16.88.020 Authorization To Grant Or Deny Conditional Use Permit” of the Estacada Municipal Code is hereby *amended* as follows:

**BEFORE AMENDMENT**

16.88.020 Authorization To Grant Or Deny Conditional Use Permit

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

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

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

(Prior code § 10.572)

#### AFTER AMENDMENT

#### 16.88.020 Authorization To Grant Or Deny Conditional Use Permit

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

- A. Increasing the required lot size or yard dimensions;
- B. Limiting the height of buildings;
- C. Controlling the location and number of vehicle access points;
- D. Increasing the street width;
  
- E. Increasing the number of required off-street parking spaces;
- F. Limiting the number, size, location and lighting of signs;
- G. Requiring fencing, screening, landscaping, diking, or other facilities to protect adjacent or nearby property;
- H. Designating sites for open space;
- I. Regulating the hours of operation;
- J. Setting a time limit for which the conditional use is approved.
- K. Providing improvements to facilitate pedestrian, bicycle, or transit use.

(Prior code § 10.572)

**SECTION 38:**        **AMENDMENT** “16.116.030 Street Width And Improvement Standards” of the Estacada Municipal Code is hereby *amended* as follows:

#### BEFORE AMENDMENT

#### 16.116.030 Street Width And Improvement Standards

- A. Roadway Classifications and Standards.

#### ROADWAY CLASSIFICATIONS AND STANDARDS

<b>Functional Classification</b>	<b>Number of Traffic Lanes</b>	<b>Minimum Distance Between Accesses (Public)</b>	<b>Minimum Distance Between Accesses (Private)</b>	<b>Minimum Right-of-Way</b>	<b>Paved Width</b>	<b>Sidewalk</b>	<b>Bikeways</b>	<b>Landscape Strip</b>
Arterials	2—7			80'— 120'	40' — 52'	Yes	Yes	Yes
55 mph or more		700 ft	700 ft					
50 mph		550 ft	550 ft					
40-45 mph		500 ft	500 ft					
35 mph or less		350 ft	350 ft					
Major collector	2—5	300 ft	75 ft	60'— 80'	36' — 48'	Yes	Yes	Yes
Minor collector	2—3	300 ft	75 ft	60'	36'	Yes	Yes	Yes
Local streets	2	150 ft	15 ft	40'— 60'	28' — 36'	Yes	No	Optional
Alleys	2			20'	20'	No	No	No
Cul-de-sacs				55' Radius	100' Diameter	Yes	No	Optional
				As determined for				

Hammerheads				adequate movement of traffic and emergency vehicles		No	No	No
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B. Streets/Road Development Standards. The location, width and grade of streets shall be considered in their relationship to existing and planned streets, topographical conditions, public convenience and safety, and the proposed use of the land to be served by the streets. The arrangement of streets shall provide for the continuation or appropriate projection of existing streets in surrounding areas; or conform to a plan for development of the area to meet a particular situation where topographical or other conditions make continuance or conformance to existing streets impractical.

C. Improvements. Improvements shall have the following minimum standards unless increased at the discretion of the city engineer or public works superintendent:

1. All streets shall be rough graded for the full width.
2. All streets shall have a minimum of eight inches well graded crushed base aggregate conforming to Section 2630 of the Oregon State Highway Division Standard Specifications. The aggregate shall be as follows:

Base course	1-1/2" - 0
Leveling course	3/4" - 0

3. Base course shall be a minimum of six inches thick under asphalt concrete pavement. Base course shall be compacted to ninety-five (95) percent ASTM D 1557. Leveling course shall be a minimum of two inches thick and be compacted to ninety-five (95) percent ASTM D 1557.
4. All streets shall be paved with four inches of asphaltic concrete to be applied in a two-inch lift.
5. Grades and Curves. Grades shall not exceed six percent on arterials, ten (10) percent on collector streets or twelve (12) percent on other streets. Center line radii of curves shall not be less than three hundred (300) feet on major arterials, two hundred (200) feet collector streets or one hundred (100) feet on other streets, and shall be to an even ten (10) feet. Where existing conditions, particularly the topography, make it otherwise impractical to provide buildable sites, the planning commission may accept steeper grades and sharper curves. In flat areas, allowance shall be made for finished street grades having a minimum slope, preferable, of at least 0.5 percent.
6. All street improvements shall be certified by an engineer licensed in the state of Oregon as meeting the required standards.

(Ord. 2007-6 § 17; Ord. 2003-10 § 1; prior code § 10.775)

AFTER AMENDMENT

16.116.030 Street Width And Improvement Standards

- A. Roadway Classifications and Standards. The Standard design and widths should be provided unless it is impractical due to constrained areas, in which case Alternative Minimum design requirements may be applied with approval of the City Engineer. Roadway classifications must comply with the Typical Street Cross Sections in the 2023 Estacada Transportation System Plan (TSP Figures 13 – 17) Improvements to any segments of streets shown in the TSP Special Street Sections need to comply with the Special Street Cross Sections in the (TSP Figures 18-44).

**ROADWAY CLASSIFICATIONS AND STANDARDS**

Functional Classification	Number of Traffic Lanes	Minimum Distance Between Accesses (Public)	Minimum Distance Between Accesses (Private)	Minimum Right-of-Way	Paved Width	On-street Parking	Side walk	Bike ways	Landscape Strip
Arterials	2—7			80'— 120'	40' — 52'		Yes	Yes	Yes
55 mph or more		700 ft	700 ft						
50 mph		550 ft	550 ft						
40-45 mph		500 ft	500 ft						
35 mph or less		350 ft	350 ft						
								Yes <sup>2</sup>	

Major collector (standard)	2— 5(12' each)	<del>300</del> 600 ft	<del>75</del> 200 ft	60'— 80'	<del>36'</del> — <del>48'</del> 4 0'	None	<del>Yes</del> 2 sidew alks (5' each)	bike lanes (6' with 2' buffer each)	<del>Yes</del> 2 strips (5' each)
Major collector (alternative)	2 (11' each)	600 ft	200 ft	50'	32'	None	2 side walk s (5' each)	2 bike lanes (5' each)	2 strips (4' each)
Minor collector (standard)	2(11' each) —3	300 ft	<del>75</del> 100 ft	<del>60</del> 62'	<del>36</del> 42 '	One side (8')	<del>Yes</del> 2 sidew alks (5' each)	<del>Yes</del> 2 bike lanes (6' each)	<del>Yes</del> 2 strips (5' each)
Minor collector (alternative)	2 (10' each)	300ft	100ft	55'	37'	One side (7')	2 side walk s (5' each)	2 bike lanes (5' each)	2 strips (4' each)
Local streets (standard)	2 (10' each)	150 ft	<del>15</del> 10 ft	<del>56'</del> 40' —60'	<del>36'</del> 2 8'— 36'	Both sides (8' each)	<del>Yes</del> 2 sidew alks (5' each)	No (share d street)	<del>Optio</del> nal2 strips (5' each)
Local streets (alternative)	2 (10' each)	150ft	10ft	52'	34'	Both sides (7' each)	2 side walk s (5' each)	No (shar ed street )	2 strips (4' each)
Neighborhood local streets (standard)	2 (10' each)	150ft	10ft	40'	28'	One side (8')	2 side walk s (6' each)	No (shar ed street )	No
Neighborhood local streets	2 (10' each)	150ft	10ft	37'	27'	One side	2 side walk	No (shar ed	No

<u>(alternative)</u>	<u>each</u>					<u>(7')</u>	<u>s (5'</u>	<u>street</u>	
							<u>each)</u>	<u>)</u>	
Alleys	2			20'	20'		No	No	No
Cul-de-sacs				55' Radius	100' Dia mete r		Yes	No	Optio nal
Hammerhead s				As deter mined for adequa te move ment of traffic and emerg ency vehicle s			No	No	No
<u>Shared-Use Path</u>				<u>14'</u>	<u>10'</u>				

B. Streets/Road Development Standards. The location, width and grade of streets shall be

considered in their relationship to existing and planned streets, topographical conditions, public convenience and safety, and the proposed use of the land to be served by the streets. The arrangement of streets shall provide for the continuation or appropriate projection of existing streets in surrounding areas; or conform to a plan for development of the area to meet a particular situation where topographical or other conditions make continuance or conformance to existing streets impractical.

C. Improvements. Improvements shall have the following minimum standards unless increased at the discretion of the city engineer or public works superintendent:

1. All streets shall be rough graded for the full width.
2. All streets shall have a minimum of eight inches well graded crushed base aggregate conforming to Section 2630 of the Oregon State Highway Division Standard Specifications. The aggregate shall be as follows:

Base course	1-½"- 0
Leveling course	¾"- 0

3. Base course shall be a minimum of six inches thick under asphalt concrete pavement. Base course shall be compacted to ninety-five (95) percent ASTM D 1557. Leveling course shall be a minimum of two inches thick and be compacted to ninety-five (95) percent ASTM D 1557.
4. All streets shall be paved with four inches of asphaltic concrete to be applied in a two-inch lift.
5. Grades and Curves. Grades shall not exceed six percent on arterials, ten (10) percent on collector streets or twelve (12) percent on other streets. Center line radii of curves shall not be less than three hundred (300) feet on major arterials, two hundred (200) feet collector streets or one hundred (100) feet on other streets, and shall be to an even ten (10) feet. Where existing conditions, particularly the topography, make it otherwise impractical to provide buildable sites, the planning commission may accept steeper grades and sharper curves. In flat areas, allowance shall be made for finished street grades having a minimum slope, preferable, of at least 0.5 percent.
6. All street improvements shall be certified by an engineer licensed in the state of Oregon as meeting the required standards.

(Ord. 2007-6 § 17; Ord. 2003-10 § 1; prior code § 10.775)

**SECTION 39:**        **REPEAL** “Chapter 16.118 PEDESTRIAN ACCESS, CONNECTIVITY, AND TRANSIT STOPS” of the Estacada Municipal Code is hereby *repealed* as follows:

BEFORE REPEAL

Chapter 16.118 PEDESTRIAN ACCESS, CONNECTIVITY, AND TRANSIT STOPS

AFTER REPEAL

Chapter 16.118 ~~PEDESTRIAN ACCESS, CONNECTIVITY, AND TRANSIT STOPS~~ (RESERVED)

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

**SECTION 40:**        **REPEAL** “16.118.010 Purpose And Intent” of the Estacada Municipal Code is hereby *repealed* as follows:

BEFORE REPEAL

#### 16.118.010 Purpose And Intent

This chapter implements the pedestrian access and connectivity policies of City of Estacada Transportation System Plan and Active Transportation Plan, and those plans' policies for ensuring appropriate access to transit facilities. It is intended to provide for safe, reasonably direct, and convenient pedestrian access and circulation.

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

#### AFTER REPEAL

#### ~~16.118.010 Purpose And Intent (Repealed)~~

~~This chapter implements the pedestrian access and connectivity policies of City of Estacada Transportation System Plan and Active Transportation Plan, and those plans' policies for ensuring appropriate access to transit facilities. It is intended to provide for safe, reasonably direct, and convenient pedestrian access and circulation.~~

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

**SECTION 41:**        **REPEAL** “16.118.020 Standards” of the Estacada Municipal Code is hereby *repealed* as follows:

#### BEFORE REPEAL

#### 16.118.020 Standards

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

- A. Continuous Walkway System. A pedestrian walkway system shall extend throughout the development site and connect to adjacent sidewalks, if any, and to all future phases of the development, as applicable.
- B. Safe, Direct, and Convenient. Walkways within developments shall provide safe, reasonably direct, and convenient connections between primary building entrances and all adjacent parking areas, recreational areas, playgrounds, and public rights-of-way conforming to the following standards:
  1. The walkway is reasonably direct. A walkway is reasonably direct when it follows a route that does not deviate unnecessarily from a straight line or it does not involve a significant amount of out-of-direction travel.
  2. The walkway is designed primarily for pedestrian safety and convenience, meaning it is reasonably free from hazards and provides a reasonably smooth and consistent surface and direct route of travel between destinations. The City Manager or designee may require landscape buffering between

- walkways and adjacent parking lots or driveways to mitigate safety concerns.
3. The walkway network connects to all primary building entrances consistent with Americans with Disabilities Act (ADA) requirements.
- C. Evacuation Routes. Evacuation routes identified in the Transportation System Plan must be constructed to the standards identified in the Transportation System Plan.

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

#### AFTER REPEAL

#### ~~16.118.020 Standards (Repealed)~~

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

- A. Continuous Walkway System. A pedestrian walkway system shall extend throughout the development site and connect to adjacent sidewalks, if any, and to all future phases of the development, as applicable.
- B. Safe, Direct, and Convenient. Walkways within developments shall provide safe, reasonably direct, and convenient connections between primary building entrances and all adjacent parking areas, recreational areas, playgrounds, and public rights-of-way conforming to the following standards:
  1. The walkway is reasonably direct. A walkway is reasonably direct when it follows a route that does not deviate unnecessarily from a straight line or it does not involve a significant amount of out-of-direction travel.
  2. The walkway is designed primarily for pedestrian safety and convenience, meaning it is reasonably free from hazards and provides a reasonably smooth and consistent surface and direct route of travel between destinations. The City Manager or designee may require landscape buffering between walkways and adjacent parking lots or driveways to mitigate safety concerns.
  3. The walkway network connects to all primary building entrances consistent with Americans with Disabilities Act (ADA) requirements.
- C. Evacuation Routes. Evacuation routes identified in the Transportation System Plan must be constructed to the standards identified in the Transportation System Plan.

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

**SECTION 42:**        **REPEAL** “16.118.030 Vehicle/Walkway Separation” of the Estacada Municipal Code is hereby *repealed* as follows:

#### BEFORE REPEAL

16.118.030 Vehicle/Walkway Separation

Except as required for crosswalks, per 16.118.040, where a walkway abuts a driveway or

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

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

#### AFTER REPEAL

#### ~~16.118.030 Vehicle/Walkway Separation (Repealed)~~

~~Except as required for crosswalks, per 16.118.040, where a walkway abuts a driveway or street it shall be raised six inches and curbed along the edge of the driveway or street. Alternatively, the City Manager or designee may approve a walkway abutting a driveway at the same grade as the driveway if the walkway is physically separated from all vehicle-maneuvering areas. An example of such separation is a row of bollards (designed for use in parking areas) with adequate minimum spacing between them to prevent vehicles from entering the walkway.~~

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

**SECTION 43:**        **REPEAL** “16.118.040 Crosswalks” of the Estacada Municipal Code is hereby *repealed* as follows:

#### BEFORE REPEAL

#### 16.118.040 Crosswalks

Where a walkway crosses a parking area or driveway ("crosswalk"), it shall be clearly marked with contrasting paving materials (e.g., pavers, light-color concrete inlay between asphalt, or similar contrasting material) or painted crosswalk striping. The crosswalk may be part of a speed table to improve driver-visibility of pedestrians.

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

#### AFTER REPEAL

#### ~~16.118.040 Crosswalks (Repealed)~~

~~Where a walkway crosses a parking area or driveway ("crosswalk"), it shall be clearly marked with contrasting paving materials (e.g., pavers, light-color concrete inlay between asphalt, or similar contrasting material) or painted crosswalk striping. The crosswalk may be part of a~~

~~speed table to improve driver visibility of pedestrians.~~

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

**SECTION 44:**        **REPEAL** “16.118.050 Walkway Width And Surface” of the Estacada Municipal Code is hereby *repealed* as follows:

**BEFORE REPEAL**

16.118.050 Walkway Width And Surface

Walkways shall be constructed of concrete, asphalt, brick or masonry pavers, or other durable surface, as approved by the City Manager or designee, and not less than five feet wide. Multi-use paths (i.e., designed for shared use by bicyclists and pedestrians) shall be concrete or asphalt and shall conform to city transportation standards.

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

**AFTER REPEAL**

~~16.118.050 Walkway Width And Surface (Repealed)~~

~~Walkways shall be constructed of concrete, asphalt, brick or masonry pavers, or other durable surface, as approved by the City Manager or designee, and not less than five feet wide. Multi-use paths (i.e., designed for shared use by bicyclists and pedestrians) shall be concrete or asphalt and shall conform to city transportation standards.~~

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

**SECTION 45:**        **REPEAL** “16.118.060 Improvements At Transit Stops” of the Estacada Municipal Code is hereby *repealed* as follows:

**BEFORE REPEAL**

16.118.060 Improvements At Transit Stops

A proposed development that is adjacent to or includes an existing or planned transit stop will be required to submit a plan showing access to the transit stop consistent with the adopted Active Transportation Plan and, when determined necessary by TriMet, dedicate sufficient territory of the subject property for, and to install, transit improvements TriMet requires.

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

AFTER REPEAL

~~16.118.060 Improvements At Transit Stops (Repealed)~~

~~A proposed development that is adjacent to or includes an existing or planned transit stop will be required to submit a plan showing access to the transit stop consistent with the adopted Active Transportation Plan and, when determined necessary by TriMet, dedicate sufficient territory of the subject property for, and to install, transit improvements TriMet requires.~~

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

**SECTION 46:**        **REPEAL** “16.118.070 Buildings Adjacent To Transit Stops” of the Estacada Municipal Code is hereby *repealed* as follows:

BEFORE REPEAL

16.118.070 Buildings Adjacent To Transit Stops

Any new building adjacent to a TriMet transit stop shall be located within 20 feet of the stop, a transit street, or an intersecting street, or else provide a pedestrian plaza at the transit stop or at the street intersection.

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

AFTER REPEAL

~~16.118.070 Buildings Adjacent To Transit Stops (Repealed)~~

~~Any new building adjacent to a TriMet transit stop shall be located within 20 feet of the stop, a transit street, or an intersecting street, or else provide a pedestrian plaza at the transit stop or at the street intersection.~~

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

**SECTION 47:**        **ADOPTION** “16.132.005 Allowed Uses And Improvements” of the Estacada Municipal Code is hereby *added* as follows:

BEFORE ADOPTION

16.132.005 Allowed Uses And Improvements (Non-existent)

AFTER ADOPTION

16.132.005 Allowed Uses And Improvements(*Added*)

The following uses and activities are not subject to land use review or approval procedures established under EMC Division VI, Chapter 16.132 (Administration).

A. Transportation facilities, services, and improvements consistent with the adopted Transportation System Plan.

**SECTION 48:**AMENDMENT “16.132.017 Notice Of Application To Governmental Agencies” of the Estacada Municipal Code is hereby *amended* as follows:

BEFORE AMENDMENT

16.132.017 Notice Of Application To Governmental Agencies

Notice of the application shall be provided to any governmental agency that is entitled to notice under an intergovernmental agreement entered into with the City and any other affected agencies. At a minimum, the City shall notify the road authority if different than the City of Estacada. The failure of another agency to respond with written comments on a pending application shall not invalidate an action or permit approval made by the City under this Code.

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

AFTER AMENDMENT

16.132.017 Notice Of Application To Governmental Agencies

Notice of the application shall be provided to any governmental agency that is entitled to notice under an intergovernmental agreement entered into with the City and any other affected agencies. At a minimum, the City shall notify the ~~road~~transportation authority if different than the City of Estacada, including but not limited to ODOT, Clackamas County, Sandy Area Metro, or TriMet facilities. The failure of another agency to respond with written comments on a pending application shall not invalidate an action or permit approval made by the City under this Code.

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

**SECTION 49:            ADOPTION** “16.132.018 Notice Of Application To Affected Transportation Providers” of the Estacada Municipal Code is hereby *added* as follows:

**BEFORE ADOPTION**

16.132.018 Notice Of Application To Affected Transportation Providers (Non-existent)

**AFTER ADOPTION**

16.132.018 Notice Of Application To Affected Transportation Providers(*Added*)

Mailed notice shall be sent to the Oregon Department of Transportation (ODOT) and any public agencies providing transportation facilities and services for the following:

- A. Any public hearing on a legislative change to the zoning ordinance or land use/design review plans.
- B. Any subdivision or partition plan.
- C. Any proposal that affects transportation facilities or services that are owned or operated by ODOT or other public agency.
- D. Any development located within the City’s Airport Overlay Zone.

**EFFECTIVE DATE** Considered at the Council meeting of December 11th, 2023, passed by a vote of 6 ayes and 1 nay, and considered for the second time at the meeting of January 8th, 2024, and passed by a vote of 7 ayes and 0 nays, this 8th day of January, 2024. DULY ADOPTED by the City Council of the City of Estacada this 8th day of January, 2024.

PASSED AND ADOPTED BY THE ESTACADA COUNCIL JANUARY 08, 2024.

	<b>AYE</b>	<b>NAY</b>	<b>ABSENT</b>	<b>ABSTAIN</b>
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>

Michael McElroy

X

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Heidi Prokop

X

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Jonathan Metcalf

X

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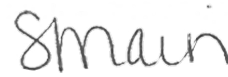
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Presiding Officer

Attest



\_\_\_\_\_  
Sean Drinkwine, Mayor, Estacada



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Sadie Main, City Recorder, Estacada