



Oregon

Kate Brown, Governor

Department of Land Conservation and Development

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NOTICE OF ADOPTED CHANGE TO A COMPREHENSIVE PLAN OR LAND USE REGULATION

Date: May 26, 2016
Jurisdiction: City of Estacada
Local file no.: Ord 2016-003
DLCD file no.: 001-16

The Department of Land Conservation and Development (DLCD) received the attached notice of adopted amendment to a comprehensive plan or land use regulation on 05/25/2016. A copy of the adopted amendment is available for review at the DLCD office in Salem and the local government office.

Notice of the proposed amendment was submitted to DLCD 38 days prior to the first evidentiary hearing.

Appeal Procedures

Eligibility to appeal this amendment is governed by ORS 197.612, ORS 197.620, and ORS 197.830. Under ORS 197.830(9), a notice of intent to appeal a land use decision to LUBA must be filed no later than 21 days after the date the decision sought to be reviewed became final. If you have questions about the date the decision became final, please contact the jurisdiction that adopted the amendment.

A notice of intent to appeal must be served upon the local government and others who received written notice of the final decision from the local government. The notice of intent to appeal must be served and filed in the form and manner prescribed by LUBA, (OAR chapter 661, division 10).

If the amendment is not appealed, it will be deemed acknowledged as set forth in ORS 197.625(1)(a). Please call LUBA at 503-373-1265, if you have questions about appeal procedures.

DLCD Contact

If you have questions about this notice, please contact DLCD's Plan Amendment Specialist at 503-934-0017 or plan.amendments@state.or.us



NOTICE OF ADOPTED CHANGE TO A COMPREHENSIVE PLAN OR LAND USE REGULATION

FOR DLCD USE

File No.: 001-16 {24344}

Received: 5/25/2016

Local governments are required to send notice of an adopted change to a comprehensive plan or land use regulation **no more than 20 days after the adoption.** (See [OAR 660-018-0040](#)). The rules require that the notice include a completed copy of this form. **This notice form is not for submittal of a completed periodic review task or a plan amendment reviewed in the manner of periodic review.** Use [Form 4](#) for an adopted urban growth boundary including over 50 acres by a city with a population greater than 2,500 within the UGB or an urban growth boundary amendment over 100 acres adopted by a metropolitan service district. Use [Form 5](#) for an adopted urban reserve designation, or amendment to add over 50 acres, by a city with a population greater than 2,500 within the UGB. Use [Form 6](#) with submittal of an adopted periodic review task.

Jurisdiction: City of Estacada

Local file no.: **ORD 2016-003**

Date of adoption: 5/23/2016

Date sent: 5/25/2016

Was Notice of a Proposed Change (Form 1) submitted to DLCD?

Yes: Date (use the date of last revision if a revised Form 1 was submitted): 3/21/2016

No

Is the adopted change different from what was described in the Notice of Proposed Change? Yes No

If yes, describe how the adoption differs from the proposal:

The adopted code includes additional standards for outdoor short-term lodging (yurts, teepees, tents, etc.) and maximum occupancy standards based on number of bedrooms.

Local contact (name and title): Denise Carey, City Manager

Phone: 503-630-8270 (204)

E-mail: carey@cityofestacada.org

Street address: 475 SE Main Street

City: Estacada

Zip: 97023-

PLEASE COMPLETE ALL OF THE FOLLOWING SECTIONS THAT APPLY

For a change to comprehensive plan text:

Identify the sections of the plan that were added or amended and which statewide planning goals those sections implement, if any:

N/A

For a change to a comprehensive plan map:

Identify the former and new map designations and the area affected:

Change from	to	acres.	A goal exception was required for this
change.			
Change from	to	acres.	A goal exception was required for this
change.			
Change from	to	acres.	A goal exception was required for this
change.			
Change from	to	acres.	A goal exception was required for this change.

Location of affected property (T, R, Sec., TL and address):

The subject property is entirely within an urban growth boundary

The subject property is partially within an urban growth boundary

If the comprehensive plan map change is a UGB amendment including less than 50 acres and/or by a city with a population less than 2,500 in the urban area, indicate the number of acres of the former rural plan designation, by type, included in the boundary.

Exclusive Farm Use – Acres:	Non-resource – Acres:
Forest – Acres:	Marginal Lands – Acres:
Rural Residential – Acres:	Natural Resource/Coastal/Open Space – Acres:
Rural Commercial or Industrial – Acres:	Other: – Acres:

If the comprehensive plan map change is an urban reserve amendment including less than 50 acres, or establishment or amendment of an urban reserve by a city with a population less than 2,500 in the urban area, indicate the number of acres, by plan designation, included in the boundary.

Exclusive Farm Use – Acres:	Non-resource – Acres:
Forest – Acres:	Marginal Lands – Acres:
Rural Residential – Acres:	Natural Resource/Coastal/Open Space – Acres:
Rural Commercial or Industrial – Acres:	Other: – Acres:

For a change to the text of an ordinance or code:

Identify the sections of the ordinance or code that were added or amended by title and number:

Ordinance Series of 2016, No. 003 amends various code sections to include regulations for short-term rentals including Chapters: 17.08 (Definitions), 16.12 (Zone Descriptions), 16.16 (Low Density zoning district), 16.26 (Downtown zoning district), 16.28 (General Commercial zoning district), 16.32 (Residential Commercial zoning district), and 16.76 (Parking). This ordinance will also create Chapter 16.62 (Short-Term Rentals) and repeal Section 16.60.060 (Bed and Breakfast Inns).

For a change to a zoning map:

Identify the former and new base zone designations and the area affected:

Change from	to	Acres:
Change from	to	Acres:
Change from	to	Acres:
Change from	to	Acres:

Identify additions to or removal from an overlay zone designation and the area affected:

Overlay zone designation:	Acres added:	Acres removed:
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Location of affected property (T, R, Sec., TL and address):

List affected state or federal agencies, local governments and special districts: Clackamas County Health Department, Estacada Fire District

Identify supplemental information that is included because it may be useful to inform DLCD or members of the public of the effect of the actual change that has been submitted with this Notice of Adopted Change, if any. If the submittal, including supplementary materials, exceeds 100 pages, include a summary of the amendment briefly describing its purpose and requirements.

ORDINANCE SERIES OF 2016, NO. 003

AN ORDINANCE AMENDING, CREATING AND REPEALING CHAPTERS IN THE ESTACADA MUNICIPAL CODE REGARDING SHORT-TERM RENTAL REGULATIONS.

WHEREAS, the City Council wants to create a definition for short-term rentals, allow for short-term rentals in residential and commercial zoning districts, and create parking requirements for short-term rentals; and

WHEREAS, the City Council has created short-term rental provisions in Chapter 16.62 to provide clarification on regulations for short-term rentals while allowing for an efficient administration and enforcement of the standards; and

WHEREAS, the City Council repeals Section 16.60.060 regulating bed and breakfast inns and removing all code references to bed and breakfast inns as short-term rental regulations will guide overnight facilities serving food and beverage; and

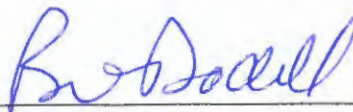
WHEREAS, in addition, the Council wants to make other minor code changes as contained below.

NOW, THEREFORE, THE CITY OF ESTACADA ORDAINS AS FOLLOWS:

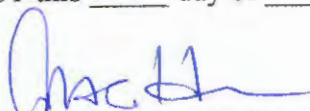
- Section 1. Estacada Municipal Code Chapters 16.08, 16.12, 16.16, 16.20, 16.24, 16.26, 16.28, 16.32, and 16.76 are amended as detailed in Exhibit A, attached and incorporated by reference.
- Section 2. Estacada Municipal Code Chapter 16.62 is created as detailed in Exhibit B, attached and incorporated by reference.
- Section 3. Estacada Municipal Code Section 16.60.060 is repealed as detailed in Exhibit C, attached and incorporated by reference.
- Section 4. These amendments are supported by findings, attached as Exhibit D and incorporated by reference.

Considered at the Council meeting of May 9, 2016, passed by a vote of 5 ayes and 0 nays, and considered for the second time at the meeting of May 23, 2016, and passed by a vote of 7 ayes and 0 nays.

DULY ADOPTED by the City Council of the City of Estacada this 23rd day of May, 2016.


Brent Dodrill, Mayor

ATTEST this 24th day of May, 2016:


Sadie Main, City Recorder

TRACI Florida, Deputy City Recorder

EXHIBIT A

ORDINANCE SERIES OF 2016, NO. 003

16.08.010 Definitions.

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

16.12.060 Zone descriptions.

- A. Residential R-1 low density residential: Devoted to single-family dwellings from which are excluded business and multiple-dwelling structures but does allow certain public nonprofit uses as conditional uses, as well as home occupations, and short-term rentals with standards.
- B. Residential R-2 medium density residential: Created to allow single-family and two-family dwellings. Intended for residential use at a moderate density and utilize existing subdivided lots with affordable housing.
- C. Residential R-3 multiple-family residential: Intended for residential use as a high density residential district allowing some conditional uses with standards.
- D. Downtown D: Intended to implement the Estacada Downtown and Riverside Area Plan (adopted 2011). The zone encourages a mix of office, service, retail, light manufacturing, and governmental uses. The D zone also allows residential uses in upper stories of commercial buildings, and high density residential and mixed-use (residential and commercial) development oriented to the Clackamas River.
- E. General commercial C-1: Intended to promote economic diversification. It accommodates certain commercial, light industrial, and governmental uses that are not conducive to locating in the D zone, such as those with large, unenclosed sales or storage areas, and those requiring large parcels of land.
- F. Residential commercial C-2: Designed for a mixture of office, retail, personal or business service, plus allowing residential uses. C-2 was created to promote the most productive capacity of property. Several areas of the city have developed into a combination of residential and commercial use zones. The purpose of this zoning district is to recognize and to continue this development pattern.
- G. Light industrial M-1: Created for the expansion of light industrial uses. Permits wholly enclosed light industrial uses and compatible commercial uses which are compatible to the surrounding area.
- H. Heavy industrial zone M-2: Created in the interest of the public convenience and necessity for outright industrial development in order to more widely advertise the attributes and amenities available in Estacada for industrial uses.
- I. Open space/public facilities zone O-S: Created to ensure public greenways, pathways and parks, to allow governmental uses including public schools and allowing them to expand as outright uses, providing it would not substantially increase overall capacity and are in harmony with the purpose and objectives of the comprehensive plan.
- J. Planned Development Zone P-D. The purpose of the planned development overlay zone is to permit the application of new technology and greater freedom than may be possible under a strict interpretation of the provisions of the code.
- K. Historical Resources Overlay Zone H-R. The intent and purpose of this overlay district is to implement the goals and policies of the comprehensive plan and encourage property owners to enhance and maintain historically designated resources within the community.

- L. Wetlands Resources Overlay Zone W-O. The intent and purpose of this overlay is to implement the goals and policies of the comprehensive plan and protect the designated wetland resources within the community.

16.16.010 Low density residential zone (R-1).

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

16.16.020 Uses permitted outright.

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

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

16.16.030 Conditional uses permitted.

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

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

16.26.010 Downtown zone (D).

Intended to implement the Estacada Downtown and Riverside Area Plan (adopted 2011). The zone encourages a mix of office, service, retail, light manufacturing, and governmental uses. The D zone also allows residential uses in upper stories of commercial buildings, and high-density residential and mixed-use (residential and commercial) development oriented to the Clackamas River.

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. Residential uses located above permitted ground floor commercial or governmental use;
- E. Residential uses not located above permitted ground floor commercial or government use, provided residential use was lawfully established prior to September 1, 2012;

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- F. Residential uses located within the Downtown-Riverside subarea (between OR 224 and Clackamas River), provided the residential density of the development is not less than twelve (12) dwelling units per acre and the Downtown Riverside Subarea Development standards of Section 16.26.040(H) are met;
- G. Professional offices or medical facilities;
- H. Hotel, motel or resort;
- I. Short-term rentals;
- J. Indoor commercial amusement or recreation establishment such as a bowling alley, theater or pool hall;
- K. Mortuary;
- L. Private museum, art gallery or similar facility;
- M. Restaurant, bar or tavern; includes brewery or distillery in conjunction with primary permitted use;
- N. Automobile service station, existing as of September 1, 2012, subject to subsection 16.26.040(H);
- O. Governmental uses such as city hall, fire stations, police stations and offices of governmental agencies;
- P. Public parks and plazas;
- Q. Public transportation facilities including streets, transit stops and stations, park and ride facilities, and bicycle and pedestrian facilities.

16.28.010 General commercial zone (C-1).

Intended to promote economic diversification. It accommodates certain commercial, light industrial, and governmental uses that are not conducive to locating in the D zone; such as those with large, unenclosed sales or storage areas, and those requiring large parcels.

16.28.020 Uses permitted outright.

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

- A. Retail store or shop such as food stores, drug stores, apparel stores, hardware stores, furniture stores or similar establishments;
- B. Repair shop for the type of goods offered for sale in retail trade establishments permitted in a C-1 zone provided all repair and storage shall occur entirely within an enclosed building or shall be located not less than one hundred (100) feet from a residential zone;
- C. Personal or business service establishments such as barber or beauty shop, laundry or dry cleaning establishment, print shop or similar establishment;
- D. Professional offices or medical facilities;
- E. Hotel, motel or resort;
- F. Short-term rentals;
- G. Indoor commercial amusement or recreation establishment such as a bowling alley, theater or pool hall;
- H. Mortuary;

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- I. Private museum, art gallery or similar facility;
- J. Restaurant, bar or tavern;
- K. Automobile service station;
- L. Governmental uses such as fire stations, police stations and offices of governmental agencies;
- M. Public park;
- N. Public transportation facilities including streets, transit stops and stations, and bicycle and pedestrian facilities.

16.28.030 Conditional uses permitted.

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

- A. A nonresidential use permitted as a conditional use in the R-1, R-2, or R-3 zone not permitted as an outright use listed above;
- B. Outdoor commercial amusement or recreation establishment such as miniature golf courses or drive-in theaters, but not including uses such as race tracks or automobile speedways;
- C. Cabinet or similar woodworking shops;
- D. Lumber or building materials, sales or storage;
- E. Mini-warehouse;
- F. Processing and packaging of non-explosive chemical materials, and non-environmentally hazardous materials;
- G. Car wash;
- H. Auto detail shop;
- I. RV storage or similar commercial establishment;
- J. Auto sales;
- K. Radio, television and/or cellular transmission towers;
- L. Park and ride facilities and other public transportation facilities not otherwise listed in Section 16.28.020(M).

16.32.010 Residential commercial zone (C-2).

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

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 dwelling;

- C. Residential occupancies, provided such occupancies are clearly an accessory use and incidental to the primary commercial use;
- D. Short-term rentals;
- E. Residential homes;
- F. Manager/caretaker residences;
- G. Manufactured homes permitted in the R-1 zone;
- H. Public transportation facilities including streets, transit stops and stations, and bicycle and pedestrian facilities.

16.32.030 Conditional uses permitted.

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

- A. A no-residential use permitted as a conditional use in the C-1 zone;
- B. Multiple-family dwellings and commonwall dwellings;
- C. Apartments;
- D. Park and ride facilities and other public transportation facilities not otherwise listed in Section 16.32.020(G).

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 Chapter 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-obscurer 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. Dwelling: two spaces for each dwelling unit.
 - 2. Mobile home park: two spaces for each mobile home space.
 - 3. Motel, hotel or resort: one space for each accommodation.
 - 4. Hospital: three spaces for each two beds.
 - 5. Nursing home or similar institution: one space for each three beds.
 - 6. Church, club or similar place of assembly: one space for each six seats, or one space for each fifty (50) square feet of floor area used for assembly.
 - 7. Library: one space for each three hundred (300) square feet of floor area.
 - 8. Skating rink or similar commercial amusement enterprise: one space for each one hundred (100) square feet of floor area.
 - 9. Bowling alley: four spaces for each alley.
 - 10. Retail store: one space for each three hundred (300) square feet of floor area; one space for each five hundred (500) square feet of bulk merchandise area or storage.
 - 11. Eating and drinking establishments: one space for each four seats.
 - 12. Service of repair shop, retail store handling bulky merchandise such as automobiles and furniture: one space for each five hundred (500) square feet of floor area.
 - 13. Bank, office: one space for each three hundred (300) square feet of floor area.

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14. Instructional classes, such as martial arts or dance studios: one space for each two hundred (200) square feet of floor area.
15. Schools; pre-school, kindergarten, elementary and junior high: two spaces per classroom; high school: five spaces per classroom.
16. Short-term rentals: one space per bedroom with a minimum number of two parking spaces. Short-term rentals designated as accessory to the primary use shall provide at least one space per bedroom, plus the number of spaces necessary for the primary use.
17. Business and industrial uses: one space per two employees on maximum shift or operating hours.
18. Warehouse, storage or similar enterprise: one space per two thousand (2,000) square feet of floor area.
19. 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 D zone but located outside the above described area are required to provide off-street parking in accordance with Chapter 16.76, 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.

EXHIBIT B

ORDINANCE SERIES OF 2016, NO. 003

Chapter 16.62 SHORT TERM RENTALS

Sections:

16.62.010 Purpose.

16.62.020 Applicability.

16.62.030 Review Type.

16.62.040 Application Submittal Requirements.

16.62.050 Noticing.

16.62.060 Concentration Limit.

16.62.070 Signs.

16.62.080 Parking.

16.62.090 Garbage/Recycling.

16.62.100 Number of Occupants.

16.62.110 Contact Information.

16.62.120 Inspections.

16.62.130 Violations.

16.62.140 Penalties.

16.62.150 Revocation.

16.62.010 Purpose.

The purpose of this section is to protect the character of the City's neighborhoods by limiting and regulating short-term rental of dwelling units.

16.62.020 Applicability.

No person shall occupy, use, operate or manage, nor offer or negotiate to use, lease or rent, a dwelling unit for short-term rental occupancy unless issued a short-term rental business license. The standards of this section shall supersede the standards elsewhere in the Development Code, unless otherwise stated.

16.62.030 Review Type.

Permitted Use. Short-term rentals that adhere to the regulations contained in Chapter 16.62 are allowed as permitted outright uses in the R-1, R-2, R-3, D, C-1, and C-2 zoning districts. Short-term rentals are also allowed as accessory to an approved permitted use in all locations approved in the R-1, R-2, R-3, D, C-1, and C-2 zoning districts. For example, an existing single family dwelling may also contain a short-term rental.

Conditional Use. Short-term rentals that do not adhere to the regulations as contained in Chapter 16.62 may be requested for approval using the conditional use permit process. If a conditional use permit is requested it shall be processed in accordance with Chapter 16.88.

Conditional Use, Outdoor Lodging. Outdoor lodging not located within a dwelling (i.e. tent, yurt, teepee, etc.) may be considered for approval using the conditional use permit process, if the following regulations are met:

- A. Outdoor lodging shall be located on a residential zoned property.
- B. Outdoor lodging shall be accessory to a dwelling unit with owner occupancy.
- C. Outdoor lodging shall be located on at least one (1) acre.
- D. Outdoor lodging shall not be visible from the public right-of-way and located at least 15 feet from rear and side lot lines.
- E. Outdoor lodging shall be limited from the 1st of April to the 30th of September.
- F. Outdoor lodging facilities shall not be ripped, contain excessive sun faded materials, have excessive moss buildup, or be otherwise unsightly.
- G. Restroom facilities are available for use. Restroom facilities shall be connected to the sanitary sewer or an approved septic system.
- H. Outdoor burning is only available in a fire pit a maximum of 3 feet in circumference that is not capable of producing a flame higher than 12 inches.

16.62.040 Application Submittal Requirements.

The following information shall be submitted to the City along with a form approved by the City in order to apply for a short-term rental business license.

- A. The name, address, email address and telephone number of the owner of the short-term rental for which the business license is to be issued, and the same for the authorized representative if different than the owner.
- B. A statement identifying the number of bedrooms proposed for short-term rental use. This number may be confirmed during inspection as detailed in Section 16.62.110.
- C. A diagram and/or photograph of the premises showing and indicating the number, location and dimensions of designated off-street parking spaces that meet the minimum required number of parking spaces per the standards of Chapter 16.76.
- D. If applicable, details regarding the existing use, and an explanation on whether the existing use will remain in conjunction with the short-term rental.
- E. Acknowledgment by signature that the owner and authorized representative have read all the regulations relating to the operation of a short-term rental.
- F. Notice labels for all owners of property within one hundred (100) feet of the exterior boundary of the property for which the application is made. For this purpose the names and addresses of the owners as shown on the records of the county assessor shall be used.
- G. Consent to inspection to ensure compliance with this chapter.
- H. If applicable, written confirmation from the Clackamas County Health Department for serving food and/or beverage.

16.62.050 Noticing.

The requirement for notice to affected property owners is intended to assure that an opportunity is provided for comments to be submitted regarding a proposed short-term rental and allow citizens the opportunity to participate in the decision making process.

Notices shall be mailed at least fourteen (14) calendar days in advance of the issuance of the short-term rental business license. Staff shall consider affected property owner comments in determining if regulations comply with this chapter.

16.62.060 Concentration Limit.

Residential. The total number of short-term rentals within a residential zoning district shall be limited to 15 percent the total number of dwellings within the applicable zoning district.

Commercial. There are no concentration limits for short-term rentals within commercial zoning districts.

16.62.070 Signs.

Residential. Only one ground or wall nonilluminated wood sign totaling a maximum six square feet in size shall be allowed.

Commercial. Signs for commercial short-term rentals shall adhere to the sign standards within the applicable commercial zoning district per the standards of Chapter 16.72.

16.62.080 Parking.

Permitted Primary Use. At least one (1) off-street parking space per bedroom is required with a minimum number of two parking spaces required.

Accessory Use. Short-term rentals designated as accessory to the primary use shall provide at least one (1) off-street parking space per bedroom, plus the number of spaces necessary for the primary use in accordance with Chapter 16.76.

- A. The required number of additional parking spaces for outdoor lodging shall be determined during review of the conditional use permit.

16.62.090 Garbage and Recycling.

The owner of the short-term rental shall provide covered and properly secured garbage containers. Garbage and recycling shall be removed a minimum of one (1) time per week, unless the short term rental is not being rented. Information providing directions to community recycling facilities shall also be provided in the rental unit.

16.62.100 Number of Occupants.

Number of Occupants. The maximum number of occupants for the short-term rental shall not exceed three (3) persons per bedroom. The maximum number of occupants may be reduced by the Building Official or Fire Marshal at the time of inspection for valid code reasons.

- A. The maximum occupancy for outdoor lodging shall be determined during review of the conditional use permit.

16.62.110 Contact Information.

Registry. The owner of the short-term rental shall keep on file with the City the name and telephone number of a contact person who shall be responsible for responding to questions or concerns regarding the operation of the short-term rental. This information must be kept current. The contact person must be available to accept telephone calls on a 24 hour basis at all times that the short term rental is rented and occupied. The contact person must have a key to the rental unit and be able to respond physically to the short-term rental within thirty (30) minutes to address issues or must have arranged for another person to address issues within the same timeframe. The requirement for identifying a contact person applies to each person or entity making arrangements for renting a given short-term rental.

Contact Information at Rental. Contact information for the owner or a contact person responsible for responding to questions or concerns regarding the operation of the short-term rental shall be posted in a conspicuous place (i.e. fridge) within the rental. Information shall also be posted regarding the maximum occupancy and good neighbor rules. The owner shall also provide in the dwelling unit information and equipment to assist renters in dealing with natural disasters, power outages and other emergencies.

16.62.120 Inspections.

Short-term rentals shall be subject to inspection prior to issuance of a certificate of occupancy by the City and periodically thereafter in compliance with this section.

- A. Initial parking inspection. The City Manager or designee may conduct a site visit upon an application for a short-term rental to confirm the number of bedrooms stated on the application and the number, location and availability of off-street parking spaces. The site visit will be coordinated with the applicant and be conducted during normal business hours, and with reasonable notice.
- B. Initial building official inspection. At the time of initial application, the dwelling unit shall be inspected by the Building Official or designee. The purpose of this inspection will be to determine the conformance of the dwelling unit with the State of Oregon Residential Specialty Code regulations related to potential safety issues. Applicants must correct any identified deficiencies before a certificate of occupancy for short-term rental is issued.
- C. Reinspection. Every short-term rental shall be subject to reinspection of the dwelling unit by the Building Official or designee at the City's discretion, but no less than every five (5) years. The purpose of this inspection will be to determine the conformance of the dwelling unit with the State of Oregon Residential Specialty Code regulations which may be directly related to potential safety issues. The City shall notify the owner at least six (6) months prior to the renewal of the short term rental business license that reinspection is required. The owner shall arrange for a reinspection by the Building Official or designee and must correct any identified deficiencies. Failure to complete correction of the identified potential safety deficiencies by the renewal due date for short term rental license shall result in revocation of the short-term rental as described in Section 16.62.140.

16.62.130 Violations.

Parking. Short-term rentals shall adhere to the parking standards as set-forth with approval of the rental, or this may be cause for penalties or revocation of the short-term rental business license.

Noise. Noise levels shall conform to the requirements of Chapter 9.12 of the Estacada Municipal Code. Excessive noise warranting Police Department response may be cause for penalties or revocation of the short-term rental business license.

Chronic Nuisance Property. Short-term rentals that are located on property declared as chronic nuisance properties as described in Chapter 8.16 of the Estacada Municipal Code shall be reviewed for revocation.

Outdoor Lodging. Outdoor lodging facilities (i.e. tent, yurt, teepee, etc.) that are ripped, contain excessive sun faded materials, have excessive moss buildup, or are otherwise unsightly may be cause for penalties or revocation of the short-term rental business license.

Other Violations. All other code violations shall be cause for penalties or revocation of the short-term rental business license.

16.62.140 Penalties.

Penalties relating to short-term rentals shall adhere to the standards set forth in Chapter 1.12 of the Estacada Municipal Code.

16.62.150 Revocation.

Revocation. In addition to the penalties specified in this chapter, the City may determine that an appropriate penalty is the revocation of the short-term rental. The City Council shall hold a hearing on a proposed revocation of a short-term rental. At the conclusion of the hearing, based on the evidence presented, the Council may: Take no action on the request for the revocation of the short-term rental business license; attach conditions to the existing short-term rental business license; or revoke the short-term rental business license. Should a license be revoked, the owner may reapply for a new license one (1) year after the date of revocation, or as otherwise determined in written form by Council. Revocation of a short-term rental business license shall not constitute waiver of short term rental fees and taxes due at the time of revocation.

Change of Ownership. Short-term rental approval is specific to the owner of the dwelling unit. This means that the short-term rental business license approval shall not run with the land, but shall terminate and be void with no further proceedings on sale or transfer of the real property which was rented pursuant to the short-term rental approval.

Sale or transfer means any change of ownership during the lifetime of the business license holder, whether or not there is consideration, or after the death of the business license holder, except a change in ownership where title is held in survivorship with a spouse or domestic partner, or a transfer on the owner's death to a trust which benefits only a spouse, child(ren) or domestic partner for the lifetime of the spouse, child(ren) or domestic partner. The survivor may not sell or transfer title, except that title may transfer among the survivors. A sale or transfer also does not mean (1) the transfer of ownership from the owner(s) of the real property to or between the members of a limited liability company or partnership when the transfer involves the same owners, or (2) the transfer to a trustee, a corporation, a partnership, a limited partnership, a limited liability partnership, or other similar entity, if at least one owner is living at the time of transfer so long as that owner retains at least a 25 percent interest in the entity. The business license or nonconforming right shall terminate if the original owner ceases to own at least 25 percent interest in the entity. If the owner is a corporation, the shareholders of the corporation shall be considered the owners for purposes of this section.

EXHIBIT C

ORDINANCE SERIES OF 2016, NO. 003

~~16.60.060 Bed and breakfast inns.~~

- ~~A. Operator. All bed and breakfast inns shall be managed by a resident of the dwelling.~~
- ~~B. Structural Type. Bed and breakfast inns shall be restricted to single family residences, guest houses and historic landmark buildings.~~
- ~~C. Structural Appearance. The exterior of the building must maintain a residential appearance if located in a residential zone.~~
- ~~D. Signs. Only one on premise ground or wall nonilluminated wood sign of six square feet maximum size shall be allowed if the bed and breakfast inn is located in a residential zone.~~
- ~~E. Service. Breakfast shall be the only meal served to inn guests.~~
- ~~F. Licensing. Bed and breakfast inns renting out more than two sleeping rooms for guests must be licensed by the county health department.~~
- ~~G. Length of Stay/Guest Register. The duration of each guest's stay shall be limited to no more than sixty (60) days in any one year period. An accurate, up to date guest register must be maintained and available for review by any authorized agent of the city, county or state.~~
- ~~H. Number of Guest Rooms Allowed. No more than five sleeping rooms shall be available for the accommodation of inn visitors.~~
- ~~I. Parking Requirements. One off street parking space shall be provided for owners/operators with one additional space for each authorized guest room. Off street parking shall be provided in accordance with standards set forth in Chapter 16.76.~~

(Prior code § 10.598)

EXHIBIT D
ORDINANCE SERIES OF 2016, NO. 003

FINDINGS

1. Goal 1 Citizen Involvement. Goal 1 in Estacada's Comprehensive Plan ("Plan") mirrors Oregon Statewide Planning Goal 1 and generally requires citizen involvement in all phases of the planning process. The Estacada Comprehensive Plan states, "The goal of a citizen involvement program is to ensure the opportunity for citizens residing in Estacada and the planning area to be involved in all phases of the planning process". Citizens were involved in shaping these code amendments through several public hearings before the Estacada Planning Commission ("Commission") and the Estacada City Council ("Council"). The Commission held a public hearing on the amendments in April 2016. The Council held a public hearing on the amendments in May 2016. For these reasons, Goal 1 is satisfied.
2. Goal 2 Land Use Planning. Estacada's Plan implements Goal 2 by evaluating best practices for short-term rentals in other Oregon cities and removing existing development code language that conflicts with the goals of short-term rentals. Staff advised the Commission and Council of the amendment benefits to the city, including more flexibility for homeowners who would like to rent their house or a portion of their house for short-term rentals, increasing alternative lodging options for visitors, and increasing tourism in Estacada. For these reasons, Goal 2 is satisfied.
3. Goal 3 Agricultural Lands. Estacada's Plan recognizes that Goal 3 is inapplicable to the city, and by extension, these amendments.
4. Goal 4 Forest Lands. Estacada's Plan recognizes that Goal 4 is inapplicable to the city, and by extension, these amendments.
5. Goal 5 Natural Resources, Scenic and Historic Areas, and Open Spaces. The amendments do not relate to or involve the Plan's standards implementing Goal 5. Therefore, Goal 5 is not applicable.
6. Goal 6 Air, Water and Land Resources Quality. The amendments do not relate to or involve air, water or land resource standards implementing Goal 6. Therefore, Goal 6 is not applicable.
7. Goal 7 Areas Subject to Natural Hazards. The amendments do not relate to or involve the Plan's standards implementing Goal 7. Therefore, Goal 7 is not applicable.
8. Goal 8 Recreational Needs. The proposal of allowing short-term rentals will increase the opportunity for visitors to enjoy recreational opportunities in and around Estacada with overnight lodging accommodations located in Estacada. An Estacada

Comprehensive Plan goal states, “Satisfy the recreational needs of citizens of Estacada and state, and visitors”. While short-term rentals do not create additional recreational opportunities they do increase the chance of visitors staying in Estacada to enjoy the areas recreational amenities. For these reasons, Goal 8 is satisfied.

9. Goal 9 Economic Development. The City of Estacada received a Clackamas County Tourism Grant to create alternative lodging development code language and easy to understand public handouts. Short-term rentals create overnight stay options for outdoor adventure enthusiasts, increase tourism dollars spent in Estacada, and allow property owners in Estacada a unique option for additional income. For these reasons, Goal 9 is satisfied.
10. Goal 10 Housing. Allowing short-term rentals could potentially impact housing, but the development code language contains residential zoning district concentration limits to decrease the potential impact to housing for residents of Estacada. The amendments do not relate to or involve the Plan’s standards implementing Goal 10. Therefore, Goal 10 is not applicable.
11. Goal 11 Public Facilities and Services. The amendments do not relate to or involve the Plan’s standards implementing Goal 11 and do not trigger compliance with any Goal 11-related statute or rule. Therefore, Goal 11 is not applicable.
12. Goal 12 Transportation. The amendments do not relate to or involve the Plan’s standards implementing Goal 12. Therefore, Goal 12 is not applicable.
13. Goal 13 Energy Conservation. The amendments do not relate to or involve the Plan’s standards implementing Goal 13. Therefore, Goal 13 is not applicable.
14. Goal 14 Urbanization. The amendments do not expand or amend Estacada’s urban growth boundary. Therefore, the amendments do not implicate the Plan’s provisions regarding Goal 14 or any Goal 14-related statute or administrative rule. Therefore, Goal 14 is not applicable.