



Oregon

Theodore R. Kulongoski, Governor

Department of Land Conservation and Development

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NOTICE OF ADOPTED AMENDMENT

February 24, 2006



TO: Subscribers to Notice of Adopted Plan
or Land Use Regulation Amendments

FROM: Mara Ulloa, Plan Amendment Program Specialist

SUBJECT: City of Estacada Plan Amendment
DLCD File Number 001-05

The Department of Land Conservation and Development (DLCD) received the attached notice of adoption. A copy of the adopted plan amendment is available for review at the DLCD office in Salem and the local government office.

Appeal Procedures*

DLCD ACKNOWLEDGMENT or DEADLINE TO APPEAL: March 9, 2006

This amendment was submitted to DLCD for review 45 days prior to adoption. Pursuant to ORS 197.830 (2)(b) only persons who participated in the local government proceedings leading to adoption of the amendment are eligible to appeal this decision to the Land Use Board of Appeals (LUBA).

If you wish to appeal, you must file a notice of intent to appeal with the Land Use Board of Appeals (LUBA) no later than 21 days from the date the decision was mailed to you by the local government. If you have questions, check with the local government to determine the appeal deadline. Copies of the 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). Please call LUBA at 503-373-1265, if you have questions about appeal procedures.

***NOTE: THE APPEAL DEADLINE IS BASED UPON THE DATE THE DECISION WAS MAILED BY LOCAL GOVERNMENT. A DECISION MAY HAVE BEEN MAILED TO YOU ON A DIFFERENT DATE THAN IT WAS MAILED TO DLCD. AS A RESULT YOUR APPEAL DEADLINE MAY BE EARLIER THAN THE ABOVE DATE SPECIFIED.**

Cc: Doug White, DLCD Community Services Specialist
Stacy Hopkins, DLCD Regional Representative
Mike McCallister, City of Estacada

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2 Notice of Adoption

THIS FORM MUST BE MAILED TO DLCD
WITHIN 5 WORKING DAYS AFTER THE FINAL DECISION
PER ORS 197.610, OAR CHAPTER 660 - DIVISION 18

DEPT OF

FEB 17 2006

LAND CONSERVATION
AND DEVELOPMENT
For DLCD Use Only

Jurisdiction: City of Estacada Local file number: Ord 2005-1

Date of Adoption: 11/28/2005 Date Mailed: 2/16/2006

Date original Notice of Proposed Amendment was mailed to DLCD: 4/1/2005

- Comprehensive Plan Text Amendment
- Land Use Regulation Amendment
- New Land Use Regulation
- Comprehensive Plan Map Amendment
- Zoning Map Amendment
- Other: _____

Summarize the adopted amendment. Do not use technical terms. Do not write "See Attached".

Amends the City code dealing with planned developments - clarifies the requirements and procedures and reduces open space to 20%

Describe how the adopted amendment differs from the proposed amendment. If it is the same, write "SAME". If you did not give Notice for the Proposed Amendment, write "N/A".

No substantial changes.

Plan Map Changed from: n/a to: _____

Zone Map Changed from: n/a to: _____

Location: _____ Acres Involved: 1.00

Specify Density: Previous: n/a New: 3,000 - 5,000 sq ft

Applicable Statewide Planning Goals: 1, 2, 5, 9, 10, 11, 12, 14

Was and Exception Adopted? YES NO

DLCD File No.: 001-05
(14272)

Did the Department of Land Conservation and Development receive a Notice of Proposed Amendment.....

- Forty-five (45) days prior to first evidentiary hearing?** Yes No
If no, do the statewide planning goals apply? Yes No
If no, did Emergency Circumstances require immediate adoption? Yes No

Affected State or Federal Agencies, Local Governments or Special Districts:

Estacada Fire Dept

Local Contact: **Mike McCallister** Phone: **(503) 353-4502** Extension: _____
Address: **9101 SE Sunnybrook** City: **Clackamas**
Zip Code + 4: **97015-** Email Address: _____
mikem@co.clackamas.or.us

ADOPTION SUBMITTAL REQUIREMENTS

This form must be mailed to DLCD within 5 working days after the final decision
per ORS 197.610, OAR Chapter 660 - Division 18.

1. Send this Form and TWO (2) Copies of the Adopted Amendment to:
**ATTENTION: PLAN AMENDMENT SPECIALIST
DEPARTMENT OF LAND CONSERVATION AND DEVELOPMENT
635 CAPITOL STREET NE, SUITE 150
SALEM, OREGON 97301-2540**
2. Submit **TWO (2) copies** the adopted material, if copies are bounded please submit **TWO (2) complete copies** of documents and maps.
3. Please Note: Adopted materials must be sent to DLCD not later than **FIVE (5) working days** following the date of the final decision on the amendment.
4. Submittal of this Notice of Adoption must include the text of the amendment plus adopted findings and supplementary information.
5. The deadline to appeal will not be extended if you submit this notice of adoption within five working days of the final decision. Appeals to LUBA may be filed within **TWENTY-ONE (21) days** of the date, the Notice of Adoption is sent to DLCD.
6. In addition to sending the Notice of Adoption to DLCD, you must notify persons who participated in the local hearing and requested notice of the final decision.
7. **Need More Copies?** You can copy this form on to 8-1/2x11 green paper only; or call the DLCD Office at (503) 373-0050; or Fax your request to:(503) 378-5518; or Email your request to **mara.ulloa@state.or.us** - ATTENTION: PLAN AMENDMENT SPECIALIST.

ORDINANCE SERIES OF 2005, NO. 006

An ordinance amending Section 16.52 of the Estacada Municipal Code.

The City of Estacada ordains as follows:

Section 1. Section 16.52 – Planned Development is hereby amended:

Chapter 16.52
PLANNED DEVELOPMENT (P-D)

Sections:

- 16.52.010 Purpose.
- 16.52.020 Review Procedures and Approval Process
- 16.52.030 Submittal Requirements
- 16.52.040 General Requirements
- 16.52.050 Special Considerations

16.52.010 Purpose.

A. To permit the application of new technology and greater freedom than may be possible under a strict interpretation of the provisions of this title.

B. To facilitate the efficient use of land.

C. To promote an economic arrangement of land use, buildings, circulation systems, open space and utilities.

D. Encourage a more creative approach in the development of land, and a more efficient, aesthetic and desirable use of common open space areas.

E. Allow flexibility in design, placement of buildings, use of open spaces, circulation facilities, off street parking areas for sites with natural features such as streams and wetland and other physical characteristics including geography, topography, size and shape.

F. Provide flexibility to allow for the transfer and mixture of densities between zoning districts in order to provide better housing and transportation options that can be achieved through conventional development practices.

G. Improve the protection of open spaces, wetlands, riparian corridors and other natural features.

16.52.020 Review Procedures and Approval Process.

A. There are three steps required for a planned development approval:

1. Approval of an overlay zone and concept plan.

2. Approval of a detailed development plan and/or preliminary subdivision plat.

3. Approval of a final subdivision plat(s), and building permits in accordance with the detailed development plan.

B. An application for an overlay zone / concept plan and development plan and/or preliminary subdivision plat may be heard concurrently.

C. Within two years after the date of final approval of an overlay zone and concept plan a detailed development plan and/or preliminary subdivision plan shall be filed with the City.

D. Planned Developments shall be subject to all the requirements of the underlying zoning districts in which the development is located, applicable Zoning Regulations in Division III and Land Division Standards in Division IV of the City Code except as modified through this review procedure.

E. Planned Developments shall be reviewed by the Planning Commission and City Council pursuant to Section 16.132 of the City Code. The Planning Commission shall recommend denial, approval or approval with conditions to the City Council. The City Council shall conduct a public hearing and render a final decision on the application.

F. Approval may be made subject to such conditions the City finds necessary to carry out the purposes of this title. These conditions may include, but are not limited to, the following:

1. Increasing the required setbacks;
2. Limiting height of buildings;
3. Controlling location and number of vehicular access points;
4. Establishing new streets, increasing right-of-way or roadway widths or existing streets, requiring curbs and sidewalks, and, in general, improving traffic circulation systems;
5. Increasing number of parking spaces and improving design standards for parking areas;
6. Limiting number, size, location and lighting of signs;
7. Designating additional sites for open space and recreational development, and, in general, improving proposed landscaping;
8. Requiring additional view obscuring screening or fencing;
9. Requiring a performance agreement to assure that the planned development is completed as approved within the time limit as established by this Section.

G. Building permits for all or any portion of a planned development shall be issued on the basis of the approved plan. An application for a building permit shall be preceded or accompanied by submission of any required performance agreements, deeds for public dedication or contractual agreements for developments of public facilities and services.

H. A Planned Development approval shall be valid for 5 years after the date of the final decision on the detailed development plan or tentative land division. The City may approve a time schedule for developing the site in phases not to exceed 10 years. If no building permits have been issued within five (5) years from the date of adoption of the P-D overlay zone, it shall be terminated and the overlay zone shall automatically be repealed, unless a request to extend the time limit is approved by the Planning Commission. Time extensions shall be subject to Section 16.108.050.

16.52.030 Submittal Requirements.

A. General Application Requirements. An application for a PD overlay zone/ concept plan shall include:

1. A statement of the planning objectives to be achieved by the planned development. The statement shall include a description of the character of the proposed development and the reasoning to support the design and any modifications of the City Code related to proposed land uses, building types and densities, setbacks, open spaces, streets, etc.

2. A development schedule indicating any phasing proposals and approximate dates when construction of the planned development is expected to be initiated and completed.

3. Maps and supporting narrative identifying the following:

- a. Existing site conditions.
- b. A site concept plan.
- c. A grading concept plan.
- d. A landscape concept plan.
- e. A sign concept plan.

4. A copy of any proposed restrictions or covenants.

B. Development Review Application Requirements. An application for a detailed development plan or land division shall include the following:

1. A tentative plan including all the information listed in Section 16.120.020(B).

2. A specific list and description of standards proposed to be modified.

3. Other technical information necessary to address the standards of this Section and other applicable requirements of the City Code. This may include traffic impact studies, environmental studies, geologic or engineering studies and sewer, water and surface water studies.

4. Any other information necessary to determine compliance with the proposed or approved concept plan.

16.52.040 General requirements.

A. A P-D zone may be established in combination with any other zone.

B. Planned Developments may be established in single-family residential, multi-family residential, commercial, industrial and open space districts.

C. A P-D zone may contain only a planned development that has been approved in accordance with the provisions of this chapter.

D. A P-D zone shall not be less than five (5) acres.

E. A planned development may include any uses permitted outright or conditionally in any zone with the following exceptions:

1. Residential uses shall not be permitted in an M-1 or an M-2 zone;

2. Uses permitted only in an M-1 or M-2 zone shall not be permitted in any other zone.

F. The following uses also may be allowed, when developed in conjunction with a primary use:

1. Recreational facilities including, but not limited to, tennis courts, swimming pools and playgrounds.

2. Open space uses including, but not limited to, nature trails, bird sanctuaries and nature conservatories.

G. Requirements pertaining to density shall be based on the standards of the zone in which the property is located. Other standards of the zone may be modified as they apply to streets, lot size, lot coverage, setbacks and landscaping.

H. No building shall exceed a height that is fifty (50) percent greater than that of the maximum building height limitation of the zone in which the planned development is proposed. Such height increases may be approved by the planning commission, provided the proposed height is not detrimental, incompatible or otherwise undesirable with respect to existing or future area development, and provided that one of the following two situations is determined to exist:

1. That the height increase can be justified on the basis of unique lot characteristics, topographical conditions or other natural features; or

2. That the height increase can be justified on the basis of amenities provided or concessions made by the developer for which some bonus incentive is warranted.

I. Open Space: At least twenty (20) percent of the land area will be dedicated or reserved as common open space land in residential, recreational or combination residential-commercial developments.

1. Open space may include bicycle or pedestrian trails, natural or landscaped buffer areas, covered bus stops, significant natural vegetation or landscape, and community recreation facilities such as tennis courts, recreation buildings or swimming pools.

2. Open space shall not include parking areas, except those areas in conjunction with recreation facilities, or roadways.

3. Filling or placement of debris within the open space area is prohibited, unless specifically authorized by the City.

4. Private vehicle access easements serving the neighboring properties are prohibited within the open space area.

5. Developments shall be designed so that no dwelling unit is located more than 1000 feet from an open space area.

6. Individual open space areas should be large enough to be usable; as a guideline a minimum of 5,000 square feet is suggested.

7. All improvements associated with the open space, such as recreation centers, swimming pools and tennis courts shall be constructed or a guarantee shall be posted per section 16.116.050.

J. All utilities, electric and telephone facilities, fire alarm conduits, street light wiring and other wiring, conduits and similar facilities shall be placed underground unless waived by the city.

K. The city may require easements necessary for orderly extension of public utilities to future adjacent developments.

L. Lands and structures not dedicated to the public but reserved for use by owners or tenants and their guests must be subject to an association of owners or tenants created to form a nonprofit corporation under the laws of the state of Oregon. This association shall be formed and continued for the purpose of maintaining such common areas and structures.

16.52.050 Special considerations.

A. Before approval of a P-D overlay zone application, the planning commission shall determine that:

1. The development will be consistent with the comprehensive plan provisions and zoning objectives of the area;

2. The development will be compatible with adjacent and nearby land uses and accommodate planned and necessary transportation and utility services and facilities to serve the area. For purposes of this evaluation the lands at least two hundred fifty (250) feet from the outside boundary of the lot upon which the development is proposed shall be considered.

3. The streets are adequate to support the anticipated traffic and the development will not overload the streets outside the planned development area;

4. Proposed utility and drainage facilities are adequate for the population densities and type of development proposed and will not create a drainage or pollution problem outside the planned area.

B. In considering a proposed Planned Unit Development all requirements of the City Code shall apply, except as modified below:

1. Site adaptation: To the maximum extent possible, the plan and design of the development shall assure that natural or unique features of the land are preserved.

2. Lot arrangement: All lots within the development shall have reasonable access to open space or recreation areas.

3. Density of development: For purposes of determining residential density, computations involving residential land shall be subject to the underlying zoning district.

4. Individual lot size is unrestricted, provided that the overall density of the development shall not exceed the density in the underlying zoning district.

5. Community Services: The City may request the dedication of proposed open space land that is reasonably suited for use as a City park or for recreation purposes, taking into consideration such factors as size, shape, topography, geology, access, location, and applicable Comprehensive Plan policies, when such dedication is consistent with the ability of the City to maintain such parks.

6. Structure setback provision:

a. Yard setbacks for lots on the perimeter of the plat area shall be the same as that required for the underlying zoning district.

b. Minimum front yard setback is twenty (20) feet. This standard may be modified for residential dwellings, providing any garage structure facing a street maintains a 20-foot setback.

c. All detached structures shall maintain a minimum side yard setback of three (3) feet or meet the Uniform Building Code requirement for firewalls.

d. Minimum rear yard setback is three (3) feet for all detached and attached structures or meets the Uniform Building Code requirement for firewalls.

7. Individual lot street frontage: No individual lot street frontage is required when such lots are shown to have adequate access in a manner that is consistent with the purposes and objectives of this section.

8. Parking Standards:

a. Two off-street parking spaces per dwelling unit shall be established.

b. Off-street parking may be provided on each lot or in parking areas in proximity to the dwelling units they serve.

c. Guest parking may be required after consideration of street type, width, traffic, volume, transit amenities and pedestrian circulation.

d. Sufficient parking space may be required for storage of residents' recreational vehicles. If required, recreational vehicle parking shall be located so as to be compatible with the surrounding development. If located on the perimeter of the development, it shall be screened from adjacent properties.

9. Homeowners Association: A nonprofit incorporated homeowners association, or an alternative acceptable to the City, shall be required if other satisfactory arrangements have not been made for improving, operating and maintaining common facilities, including open space, streets, drives, service and parking areas, recreation areas, and for snow removal and storage. The following principles shall be observed in the formation of any homes association and shall be reviewed by the City Attorney's office.

a. A homeowners association shall be established prior to approval and recording of the final plat, or any portion thereof.

b. Membership shall be mandatory for each homebuyer and any successive buyer.

c. The open space restrictions shall continue in perpetuity.

d. The homeowners association shall be responsible for liability insurance, local taxes, and the maintenance of recreational and other facilities.

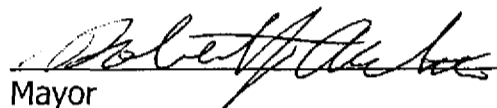
e. Home owners shall pay their pro rata share of the cost or the assessment levied by the association shall become a lien on the property.

f. The homeowners association shall be able to adjust the assessment to meet changes needed.

g. No change in open space use or dissolution of the homeowners association shall occur without a public hearing before the City Council.

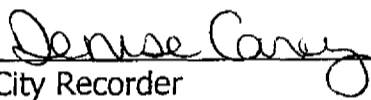
10. An alternative to a homeowners association may include deed restrictions or conservation easements, when the City determines such will protect the intent and purposes of this ordinance and be in the public's interest.

This ordinance was read once in full before the City Council of the City of Estacada on November 28, 2005 and once at the meeting of November 28, 2005 and passed by a vote of 7 ayes and 0 nays this 28th day of November, 2005.



Mayor

ATTEST:



City Recorder