



Oregon

Theodore R. Kulongoski, Governor

Department of Land Conservation and Development

635 Capitol Street, Suite 150

Salem, OR 97301-2540

(503) 373-0050

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NOTICE OF ADOPTED AMENDMENT

February 13, 2008

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 003-07



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: February 26, 2008

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
Matthew Crall, DLCD Transportation Planner
Darren Nichols, DLCD Community Services Division Manager
Scott Hoelscher, City of Estacada

<paa> ya

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

DATE STAMP

DEPT OF
FEB 06 2008
LAND CONSERVATION AND DEVELOPMENT
For DLCD Use Only

Jurisdiction: City of Estacada Local file number: Ordinance 2007-006

Date of Adoption: 2/4/2008 Date Mailed: 2/5/2008

Date original Notice of Proposed Amendment was mailed to DLCD: 11/13/2007

- | | |
|--|---|
| <input type="checkbox"/> Comprehensive Plan Text Amendment | <input type="checkbox"/> Comprehensive Plan Map Amendment |
| <input type="checkbox"/> Land Use Regulation Amendment | <input type="checkbox"/> Zoning Map Amendment |
| <input type="checkbox"/> New Land Use Regulation | <input checked="" type="checkbox"/> Other: <u>developmental code chgs</u> |

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

Amendments to the development code to bring the code into consistency with the state transportation planning rule and other state, county and local plans.

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: n/a

Zone Map Changed from: n/a to: n/a

Location: n/a Acres Involved: n/a

Specify Density: Previous: n/a New: n/a

Applicable Statewide Planning Goals: _____

Was and Exception Adopted? YES NO

DLCD File No.: 003-07 (16395)

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. Clackamas County, ODOT

Local Contact: **Scott Hoelscher** Phone: **(503) 353-4524** Extension: _____

Address: **9101 SE Sunnybrook** City: **Clackamas**

Zip Code + 4: **97015-** Email Address: _____
scotth@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 **maru.ulloa@state.or.us** - ATTENTION: PLAN AMENDMENT SPECIALIST.

Ordinance Series of 2007, No. 006

An Ordinance deleting, amending, and adding sections of the Estacada Development Code to bring the code into consistency with the State Transportation Planning Rule (TPR) and recently adopted Estacada Transportation System Plan.

The City of Estacada ordains as follows:

Section 1. Section 16.08.010 is hereby amended:

Delete the definition of "Private road" on page 213.

Amend the definition of "Private Road" on page 214 under "Road," paragraph 5 as follows:

5. "Private Road" means a private way created by deed or easement to provide vehicular ingress to, or egress from, three to six lots or parcels.

Section 2. Section 16.16.020 (J) is hereby added:

D. Public transportation facilities including streets, transit stops and stations, and bicycle and pedestrian facilities.

Section 3. Section 16.16.030 (P) is hereby added:

P. Public transportation facilities not otherwise listed in Section 16.16.020(J).

Section 4. Section 16.28.020 (M) is hereby added:

M. Public transportation facilities including streets, transit stops and stations, and bicycle and pedestrian facilities.

Section 5. Section 16.28.030 (L) is hereby added:

H. Park and ride facilities and other public transportation facilities not otherwise listed in Section 16.28.020(M).

Section 6. Section 16.32.020 (G) is hereby added:

G. Public transportation facilities including streets, transit stops and stations, and bicycle and pedestrian facilities.

Section 7. Section 16.32.030 (D) is hereby added:

D. Park and ride facilities and other public transportation facilities not otherwise listed in Section 16.32.020(G).

Section 8. Section 16.36.020 (G) is hereby added.

G. Public transportation facilities including streets, transit stops and stations, and bicycle and pedestrian facilities.

Section 9. Section 16.36.030 (F) is hereby added:

F. Park and ride facilities and other public transportation facilities not otherwise listed in Section 16.36.020(G).

Section 10. The chapter 16.76 title and Section 16.76.010 title are amended to read as follows:

16.76.010 Off-Street Parking, Bicycle Parking, and Loading Requirements.

Section 11. Section 16.76.010 (R) is hereby added:

R. Bicycle Parking.

1. Minimum Required Bicycle Parking Spaces. Uses shall provide long- and short-term bicycle parking spaces, as identified in Section 16.76.010(R)(10). Where two options are provided (e.g., 2 spaces, or 1 per 8 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 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 free standing 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 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:

i. Locking the frame and one wheel to the rack with a high-security U-shaped shackle lock: and

ii. Locking the frame and both wheels without removal of wheels to the rack with a chain or cable not longer than 6 feet.

9. Rack Dimensions.

a. Bicycle parking spaces shall be at least 6 feet long and 2 feet wide.

b. Covered parking spaces shall include at least 7 feet of overhead clearance.

c. An aisle width 5 feet wide shall be provided for bicycle maneuvering.

10. Bicycle Parking Table:

Minimum Required Bicycle Parking Spaces			
Use Categories	Specific Uses	Long-term Spaces (covered or enclosed)	Short-term Spaces (near building entry)
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 20 rentable rooms	2, or 1 per 20 rentable rooms
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

Minimum Required Bicycle Parking Spaces			
Use Categories	Specific Uses	Long-term Spaces (covered or enclosed)	Short-term Spaces (near building entry)
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			
Other Categories	Determined through Land Use Review, Site Design Review, or CU Review, as applicable		

Section 12. Section 16.101.010 is hereby amended to read as follows:

Section 16.101.010 Authorization to grant or deny zone

The city council may allow a zone change after a hearing conducted pursuant to Chapter 16.132 provided that the applicant provides evidence substantiating the following:

A. Approval of the request is consistent with the comprehensive plan.

B. The property and affected area is presently provided with adequate public sanitary sewer, surface water management and water facilities and services to support the use, or such facilities and services are planned to be provided concurrently with the development of the property.

C. The transportation system is adequate, as defined in Subsection 16.74.030(B), and will remain adequate with approval of the zone change. Transportation facilities that are under the jurisdiction of the State of Oregon are exempt from this subsection.

For the purpose of this criterion:

1. The evaluation of transportation system adequacy shall include both the impact of the proposed zone change and growth in background traffic beginning with the year that a complete land use application is submitted to the end of the planning period identified in the adopted TSP. 2. It shall be assumed that all improvements identified in the City of Estacada 20-Year Capital Improvement Plan, the Statewide Transportation Improvement Plan, and the capital improvement plans of Clackamas County are constructed and the jurisdiction for the planned improvements provides a written determination that funding is reasonably likely to be available to provide the transportation facilities needed to support the zone change

3. It shall be assumed that the subject property is developed with the primary use, allowed in the proposed zoning district, with reasonable worst case development and associated vehicle trip generation.

4. Transportation facility capacity shall be calculated pursuant to Subsection 16.74.030(C).

D. The proposal, as it related to transportation facilities under the jurisdiction of the State of Oregon, complies with the Oregon Highway Plan. For state highways, the traffic analysis must evaluate the planning period identified in the TSP plan horizon or a minimum of 15 years, whichever is greater, from the date of the land use application.

E. Safety of the transportation system is adequate to serve the level of development anticipated by the zone change.

Section 13. Section 16.116.010(D) is hereby amended:

Section 16.116.010

D. Transportation Adequacy and Safety and Access Design Standards.

1. A proposed subdivision shall provide each lot or parcel, by means of a public street or private road, satisfactory vehicular access to an existing street.

2. A proposed subdivision shall consider vehicular access to the parcel off existing or proposed roads and address traffic congestion, speed, stop signs and turn lanes for the orderly development of traffic accessing the area. (Delete this Section, replace with) All land divisions shall comply with Section 16.74 of this code.

3. When a lot or parcel abuts two or more streets of different classifications under 16.116.030, the lot or parcel's access point shall connect with the road of the lesser classification. For example, access points on local streets shall be preferred to access points on collectors. This standard may be modified due to topographical constraints, presence of natural features or other conditions which make it impractical to access the lower classification street.

4. Access to arterial streets shall be minimized. Where such access is necessary, shared driveways may be required.

5. New and modified accesses shall conform to this and other sections of the Code.

a. Except as provided under subsection c, below, the distance from a street intersection to a driveway or other street access shall meet the minimum spacing requirements for the street' classification specified in section 16.116.030.

b. New property access shall not be permitted within fifty (50) feet of an intersection unless no other reasonable access to the property is available. Where no other alternatives exist, an access connection at a point less than 50 feet from an intersection may be allowed, provided the access is as far away from the intersection as possible and site distance is adequate. In such cases, the City may impose turning restrictions (i.e., right in/out, right in only, or right out only);

c. The separation distance of access points may be modified if impractical due to lot dimensions, existing development, other physical features, or conflicting code requirements.

6. Access to and from off-street parking areas shall not permit backing onto a public street, except for single-family dwellings;

7. . The number of driveway and private street intersections with public streets should be minimized by the use of shared driveways for adjoining lots where feasible. When necessary for traffic safety and access management purposes, or to access flag lots, joint access and/or shared driveways may be required in the following situations:

a. For shared parking areas;

b. For adjacent developments, where access onto an arterial is limited;

c. For multi-tenant developments, and developments on multiple lots or parcels. Such joint accesses and shared driveways shall incorporate all of the following:

i. A continuous service drive or cross-access corridor that provides for driveway separation consistent with the applicable transportation authority's access management classification system and standards;

ii. A design speed of 10 miles per hour and a maximum width of 20 feet, in addition to any parking alongside the driveway; additional driveway width or fire lanes may

be approved when necessary to accommodate specific types of service vehicles, loading vehicles, or emergency service provider vehicles;

iii. Driveway stubs to property lines (for future extension) and other design features to make it easy to see that the abutting properties may be required with future development to connect to the cross-access driveway;

8. When a shared driveway is provided or required as a condition of approval, the land uses adjacent to the shared driveway may have their minimum parking standards reduced in accordance with the shared parking provisions of 16.76.010(C)

9. For Joining and Cross Access Easements the property owners shall:

a. Record an easement with the deed allowing cross-access to and from other properties served by the joint-use driveways and cross-access or service drive;

b. Record an agreement with the deed that remaining access rights along the roadway for the subject property shall be dedicated to the City and pre-existing driveways will be closed and eliminated after construction of the joint-use driveway;

c. Record a joint maintenance agreement with the deed defining maintenance responsibilities of property owners.

10. Access to a state highway shall be reviewed and approved by the Oregon Department of Transportation.

Section 14. Section 16.116.010 (E) is hereby amended to read as follows:

E. Private Roads. Private roads may be approved if a new public road or extension of the public road system is impractical. In determining if the extension of the public road system is impractical, criteria shall be considered including, but not limited to, lot size or shape, topography, the location of existing structures. In no case shall a private street be less than twenty (20) feet in width. Greater width may be required where necessary to provide for public safety, accommodate traffic volume, or provide for underground utilities. A street maintenance agreement approved by the city and duly recorded shall be required for the creation of any private road.

Section 15. Section 16.116.010 G is hereby amended to read as follows:

G. Public Access Ways. When necessary for public convenience and safety, the city may require a subdivider to provide the City with an easement for public access ways ten (10) to twenty (20) feet in width to connect cul-de-sacs, to pass through oddly shaped or unusually long blocks, to provide for networks of public paths according to adopted plans or to provide access to schools, parks, collector or arterial pedestrian facilities, or other public areas, and be of such design and location as reasonably required to facilitate public use. Determinations of necessity regarding need, location, and design of access ways shall take into consideration the requirements in City Code Chapter 12-Driveways.

Additional lighting, landscaping, setbacks, specific access way surfacing, or other design elements may be required to ensure the safety, ease of use, and efficiency of the access way.

Section 16. Section 16.116.010 (N) is hereby amended:

N. Block Length. In order to promote efficient vehicular and pedestrian circulation throughout the city, block lengths between street lines shall comply with the following standards.

1. Residential Districts: Minimum of 100 foot block length and maximum of 600 foot length; maximum 1,400 foot block perimeter;
2. Commercial Districts: Minimum of 100 foot length and maximum of 600 foot length; maximum 1,400 foot perimeter;
3. Block length standards do not apply to Industrial or Open Space Districts.

Section 17. Section 16.116.030 (A) is hereby amended to read as follows:

A. Roadway Classifications and Standards.

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	Sidewalk	Bikeways	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					
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
Hammerheads				As determined for adequate movement of traffic and emergency vehicles		No	No	No

Section 18. Section 16.120.010 (E) is hereby added:

- E. All partitions shall comply with the Design Standards and Improvements in Chapter 16.116.

Section 19. Section 16.128.05 is hereby added:

The TSP and ODOT staff recommended the following struck language be included in the City Code. The Planning Staff does not believe the language should be in the code because it is part of State law. The Planning Commission recommended to the City Council that the language from the entire law should not be in the City Code, but that a reference to the law (OAR 660-012-0060) should be included in the Code.

Section 20. Chapter 16.74 shall be added to read as follows:

Chapter 16.74 CONCURRENCY

Sections:

- 16.74.010 Purpose
- 16.74.020 Application of Section
- 16.74.030 Transportation Facilities

16.74.010 Purpose

The purpose of this section is to ensure that transportation facilities are provided concurrent with the new development or a reasonable period of time following the approval of new development.

16.74.020 Application of Section (Need to establish review process).

This section shall apply to the following development applications: site plan review for commercial, industrial and multifamily developments, tentative subdivision plans, tentative partition plans, and conditional uses.

16.74.030 Transportation Facilities

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 16.74.030(A), "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 16.74.030(A) and (B), 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 15-minute period of both the AM weekday and PM weekday peak hours of the transportation system within the impact area. The requirement to evaluate either the AM or the PM 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 16.74.030(A), "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:

i. Complete the necessary improvements; or

ii. 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 16.74.030(D)(1) through (4) 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:

i. Comply with Subsections 16.74.030(D)(1) through (3) 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

ii. Comply with Subsection 16.74.030(D)(4), 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 16.74.030(D), "necessary improvements" are:

1. Improvements identified in a transportation impact study as being required in order to comply with the adequacy standard identified in Subsection 16.74.030(B).

a. 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 statement.

2. If a transportation impact study is not required, city engineering or planning staff shall identify necessary improvements or the applicant may opt to provide a transportation impact study.

Considered at the Council meeting of January 14, 2008, passed by a vote of 7 ayes and 0 nays, and considered for the second time at the meeting of February 4, 2008 and passed by a vote of 7 ayes and 0 nays, this 4th day of February, 2008.

DULY ADOPTED by the City Council of the City of Estacada the 4th day of February, 2008, by a vote of 7 ayes and 0 nays.


MAYOR

ATTEST this 4th day of February, 2008:

Denise Carey
City Recorder

y of Estacada
Box 958
Estacada, OR 97023

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PM
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Attn: Plan Amendment Specialist
DLCD
635 Capitol Street NE, Suite 150
Salem, OR 97301-2540