



Oregon

Theodore R. Kulongoski, Governor

Department of Land Conservation and Development

635 Capitol Street, Suite 150

Salem, OR 97301-2540

(503) 373-0050

Fax (503) 378-5518

www.lcd.state.or.us



NOTICE OF ADOPTED AMENDMENT

04/26/2011

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

FROM: Plan Amendment Program Specialist

SUBJECT: City of Estacada Plan Amendment
DLCD File Number 004-10

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: Monday, May 09, 2011

This amendment was submitted to DLCD for review 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.

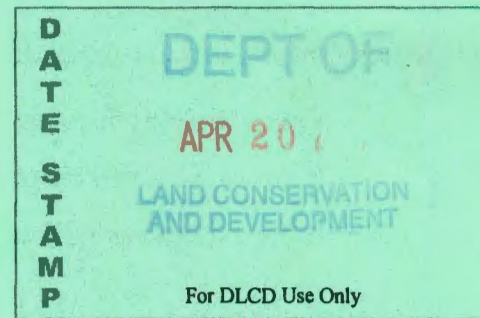
***NOTE:** The Acknowledgment or Appeal Deadline is based upon the date the decision was mailed by local government. A decision may have been mailed to you on a different date than it was mailed to DLCD. As a result, your appeal deadline may be earlier than the above date specified. NO LUBA Notification to the jurisdiction of an appeal by the deadline, this Plan Amendment is acknowledged.

Cc: Scott Hoeschler, City of Estacada
Gloria Gardiner, DLCD Urban Planning Specialist

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PROF 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



Jurisdiction: City of Estacada Local file number: Ordinance #2010-004
Date of Adoption: 3/28/2011 Date Mailed: 4/18/2011
Date original Notice of Proposed Amendment was mailed to DLCD: 11/9/2010

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

Summarize the adopted amendment. Do not use technical terms. Do not write "See Attached".
Amend the Estacada Municipal Code - Section 16: Development affecting the side setbacks in residential zones and affecting temporary use permits. Changes include side yard setbacks of 5 feet in all residential zones; allowing temporary use permits to be approved for 2 years at a time and adding approval criteria for temporary care permits to Section 16.80.050.

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: _____ to: _____
Zone Map Changed from: _____ to: _____
Location: n/a Acres Involved: _____
Specify Density: Previous: _____ New: _____
Applicable Statewide Planning Goals: 9
Was an Exception Adopted? YES NO

DLCD File No.: 004-10 (18605) [16615]

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:

none.

Local Contact: Scott Hoelscher Phone: (503) 742-4524 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 mara.ulloa@state.or.us - ATTENTION: PLAN AMENDMENT SPECIALIST.

ORDINANCE SERIES OF 2010, NO. 004

AN ORDINANCE AMENDING SECTIONS IN CHAPTER 16 - DEVELOPMENT OF THE ESTACADA MUNICIPAL CODE.

THE CITY OF ESTACADA ORDAINS AS FOLLOWS:

Section 1. Section 16.16.040 C 2. is hereby amended to read as follows:

C. 2. Each side setback shall be a minimum of five (5) feet; however, a dwelling with a side yard facing, second story bedroom window (having minimum dimensions of at least three feet by three feet) with a lower sill exceeding fifteen (15) feet in height must have a setback from said side property line equal to or greater than one third of the height of that point, or be equipped with an automatic fire sprinkler system, unless otherwise approved by the City. (Height is measured from the lower window sill of the side yard facing wall to grade level directly below the center of the window at the edge of the building foundation.) If a public utility easement (PUE) exists on the side property line, the side yard setback shall be equal to the width of the PUE, if greater than the side yard setback required above.

Section 2. Section 16.20.040 C 2. is hereby amended to read as follows:

C. 2. Except as to the common side of a commonwall dwelling, each side setback shall be a minimum of five (5) feet; however, a dwelling with a side yard facing, second story bedroom window (having minimum dimensions of at least three feet by three feet) with a lower sill exceeding fifteen (15) feet in height must have a setback from said side property line equal to or greater than one third of the height of that point, or be equipped with an automatic fire sprinkler system, unless otherwise approved by the City. (Height is measured from the lower window sill of the side yard facing wall to grade level directly below the center of the window at the edge of the building foundation.) If a public utility easement (PUE) exists on the side property line, the side yard setback shall be equal to the width of the PUE, if greater than the side yard setback required above.

Section 3. Section 16.24.040 C 2. is hereby amended to read as follows:

C. 2. Except as to the common side of a commonwall dwelling, each side setback shall be a minimum of five (5) feet; however, a dwelling with a side yard facing, second story bedroom window (having minimum dimensions of at least three feet by three feet) with a lower sill exceeding fifteen (15) feet in height must have a setback from said side property line equal to or greater than one third of the height of that point, or be equipped with an automatic fire sprinkler system, unless otherwise approved by the City. (Height is measured from the lower window sill of the side yard facing wall to grade level directly below the center of the window at the edge of the building foundation.) If a public utility easement (PUE) exists on the side property line, the side yard setback shall be equal to the width of the PUE, if greater than the side yard setback required above.

Section 4. Section 16.80.050 – Issuance of permits is hereby amended to read as follows:

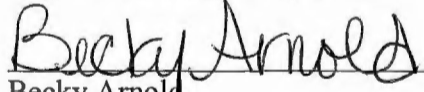
16.80.050 Issuance of permits.

- A. Temporary permits shall be issued for the time period specified by the planning commission if all applicable conditions can be met.
- B. Temporary dwelling permits for care may be approved for up to two (2) years when the applicant provides evidence substantiating the following:
 - 1. The temporary dwelling will be occupied by a person or persons who require care or who will provide care; and
 - 2. The temporary dwelling will be located on the same lot, parcel or tract as a legally established permanent dwelling. The permanent dwelling will be occupied by the person(s) receiving care from the occupant(s) of the temporary dwelling or by the person(s) providing care to the occupant(s) of the temporary dwelling.
 - 3. There exists a need for care. The need shall be documented by a signed statement from a licensed healthcare provider dated within 90 days preceding the date of the application and shall identify the care recipient and generally indicate that an age-related and/or medical condition results in a need for care.
 - 4. There is no other temporary dwelling for care on the subject lot, parcel or tract.
- C. All other temporary use permits shall be issued for a period of one year, unless the temporary permit is renewed.
- D. Renewal of a temporary permit shall follow the same procedure as the initial application.

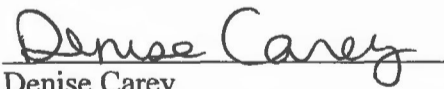
Considered at the Council meeting of March 14, 2011, passed by a vote of 7 ayes and 0 nays, and considered for the second time at the meeting of March 28, 2011 and passed by a vote of 6 ayes and 0 nays, this 28th day of March, 2011.

PASSED AND ADOPTED this 28th day of March, 2011.

City of Estacada, Oregon


Becky Arnold
Mayor

ATTEST:


Denise Carey
City Recorder

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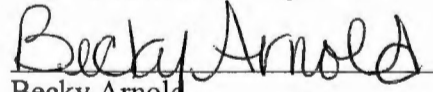
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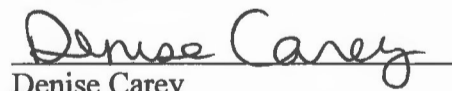
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City of Estacada, Oregon


Becky Arnold
Mayor

ATTEST:


Denise Carey
City Recorder

Estacada
958
da, OR 97023



PORTLAND, OR 972 2
MON 18 APR 2011



APR 20 2011
MON
10:57 AM

Attn: Plan Amendment Specialist
Dept. of Land Conservation & Dev.
635 Capitol Street NE, Ste 150
Salem, OR 97301