



Oregon

Theodore R. Kulongoski, Governor

Department of Land Conservation and Development

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Salem, OR 97301-2540

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www.lcd.state.or.us



NOTICE OF ADOPTED AMENDMENT

01/20/2012

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 004-11

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: Thursday, February 02, 2012

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 Hoelscher, City of Estacada
Angela Lazarean, DLCD Urban Planner
Jennifer Donnelly, DLCD Regional Representative
Thomas Hogue, DLCD Economic Development Policy Analyst

<paa> YA



FORM 2

DLCD

Notice of Adoption

In person electronic mailed

DATE
STAMP

DEPT OF

JAN 13 2012

LAND CONSERVATION
AND DEVELOPMENT
For Office Use Only

This Form 2 must be mailed to DLCD within **5-Working Days after the Final Ordinance is signed** by the public Official Designated by the jurisdiction and all other requirements of ORS 197.615 and OAR 660-018-000

Jurisdiction: **City of Estacada**

Local file number: **2011-01**

Date of Adoption: **1/9/2012**

Date Mailed: **1/11/2012**

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? Yes No Date:

Comprehensive Plan Text Amendment

Comprehensive Plan Map Amendment

Land Use Regulation Amendment

Zoning Map Amendment

New Land Use Regulation

Other:

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

In April of 2011 DLCD approved an Urban Growth Boundary expansion to add 130.58 acres of industrial land to the City of Estacada (Approval Order 001803). A condition of the UGB amendment required the City to make code amendments to the M-1: Light Industrial zoning district.

In summary, the adopted amendments apply development standards (master plan requirement; lot size minimums and prohibiting commercial uses) to the 130 acre industrial site.

Does the Adoption differ from proposal? Yes, Please explain below:

Language regarding commercial use limitations within the industrial sanctuary was added to the M-1: Light Industrial zone; percent of floor area allowed for commercial display and sales was included. The Light Industrial section of the zoning code was slightly reorganized (for example, accessory use and prohibited use sections were added).

Plan Map Changed from: **N/A**

to: **N/A**

Zone Map Changed from: **N/A**

to: **N/A**

Location: **34E18 00100; 34E17 01202; 3417 01203**

Acres Involved: **130**

Specify Density: Previous: **N/A**

New: **N/A**

Applicable statewide planning goals:

1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19

Was an Exception Adopted? YES NO

Did DLCD receive a Notice of Proposed Amendment...

DLCD File No. 004-11 (19003) [16896]

35-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

DLCD file No. _____

Please list all affected State or Federal Agencies, Local Governments or Special Districts:

ODOT

Local Contact: **Scott Hoelscher**

Phone: (503) 742-4524 Extension:

Address: **150 Beaver Creek Road**

Fax Number: 503-742-4550

City: **Oregon City**

Zip: **97045-**

E-mail Address: **scotthoe@clackamas.us**

ADOPTION SUBMITTAL REQUIREMENTS

This Form 2 must be received by DLCD no later than 5 working days after the ordinance has been signed by the public official designated by the jurisdiction to sign the approved ordinance(s) per ORS 197.615 and OAR Chapter 660, Division 18

1. This Form 2 must be submitted by local jurisdictions only (not by applicant).
2. When submitting the adopted amendment, please print a completed copy of Form 2 on light green paper if available.
3. Send this Form 2 and one complete paper copy (documents and maps) of the adopted amendment to the address below.
4. Submittal of this Notice of Adoption must include the final signed ordinance(s), all supporting finding(s), exhibit(s) and any other supplementary information (ORS 197.615).
5. Deadline to appeals to LUBA is calculated **twenty-one (21) days** from the receipt (postmark date) by DLCD of the adoption (ORS 197.830 to 197.845).
6. In addition to sending the Form 2 - Notice of Adoption to DLCD, please also remember to notify persons who participated in the local hearing and requested notice of the final decision. (ORS 197.615).
7. Submit **one complete paper copy** via United States Postal Service, Common Carrier or Hand Carried to the DLCD Salem Office and stamped with the incoming date stamp.
8. Please mail the adopted amendment packet to:

**ATTENTION: PLAN AMENDMENT SPECIALIST
DEPARTMENT OF LAND CONSERVATION AND DEVELOPMENT
635 CAPITOL STREET NE, SUITE 150
SALEM, OREGON 97301-2540**

9. **Need More Copies?** Please print forms on 8½ -1/2x11 green paper only if available. If you have any questions or would like assistance, please contact your DLCD regional representative or contact the DLCD Salem Office at (503) 373-0050 x238 or e-mail plan.amendments@state.or.us.

ORDINANCE SERIES OF 2011, NO. 004

AN ORDINANCE AMENDING CHAPTER 16.36 OF THE ESTACADA MUNICIPAL CODE.

RECITALS

WHEREAS, in July, 2009 the Estacada City Council amended the Goal 9 Economic Development element of the City of Estacada Comprehensive Plan, including an updated Economic Development vision, goals and technical analysis identifying the 20-year need for employment lands; and

WHEREAS, shortly after Goal 9 was approved, the city began working on a boundary expansion to add 130.4 acres comprised of three tax lots to the city's UGB for light industrial use; and

WHEREAS, on June 14, 2011 the Estacada City Council approved the UGB expansion with certain conditions that would apply to the new industrial area; and

WHEREAS, on December 9, 2010 the Clackamas County Board of Directors approved the UGB expansion as submitted and on April 25, 2011 the Oregon Department of Land Conservation and Development approved the City of Estacada's UGB amendment for approximately 130.4 acres of industrial land to create an industrial sanctuary; and

WHEREAS, the City is required to make code amendments to the M-1 Light Industrial zoning area for additional standards to apply to the 130.4 acres of industrial land that was added to the UGB;

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

Section 1. Section 16.36.025 Accessory Uses is hereby added to the Estacada Municipal Code:

16.36.025 Accessory Uses

The following are allowed as accessory uses in the Light Industrial zone:

- A. Employee lounges, indoor recreation areas and facilities and cafeterias catering to employees of the primary industrial use.
- B. Indoor areas for display and sale of products manufactured by the same business occupying the building, provided that the floor area of such display area constitutes no more than fifteen percent of the floor area of the industrial use.
- C. Indoor areas for display and wholesale sales of products warehoused or distributed by the same business entity operating the primary industrial use on the site, provided that the floor area of such display area constitutes no more than five percent of the floor area of the industrial use.

Section 2. Section 16.36.030 Conditional uses permitted is hereby amended to read as follows:

16.36.030 Conditional uses permitted.

The following uses and accessory uses may be permitted in a light industrial zone subject to Section 16.88.020 and the review procedures in Sections 16.132.010 through 16.132.050:

- A. Unenclosed light industrial uses.
- B. Commercial uses in conjunction with light industrial uses; except in the Northwest Industrial Sanctuary as defined in Section 16.36.040 H and shown on Map 16-1.
- C. Accessory uses that exceed the standards identified in Section 16.36.025 B or Section 16.36.025 C.
- D. Heavy industrial uses identified under Chapter 16.40.
- E. Radio, television and/or cellular transmission towers.
- F. Other commercial use which meet the following requirements:
 - 1. The proposed use will not attract traffic which would substantially conflict with industrial traffic or have a substantial adverse effect on other neighboring uses and has adequate access to the highway.
 - 2. The development standards applicable to permitted uses in this zoning district shall apply to conditional uses, except as provided below:
 - a. All on-site lighting shall be designed, located or deflected so as not to shine into off-site structures or impair driving vision.
 - b. All developments shall be subject to site plan review.
 - c. Off-street parking shall be provided as required by Chapter 16.76.
 - 3. The following additional standards shall apply in the Northwest Industrial Sanctuary as defined in Section 16.36.040 H and shown on Map 16-1:
 - a. The total floor area within an individual building occupied by the commercial use shall not exceed 15 percent of the total floor area occupied by a primary industrial use.
Formula: $.15 \times \text{industrial floor area} = \text{commercial floor area}$
- G. Park and ride facilities and other public transportation facilities not otherwise listed in Section 16.36.020 G.

Section 3. Section 16.36.035 Prohibited uses is hereby added to read as follows:

16.36.035 Prohibited uses.

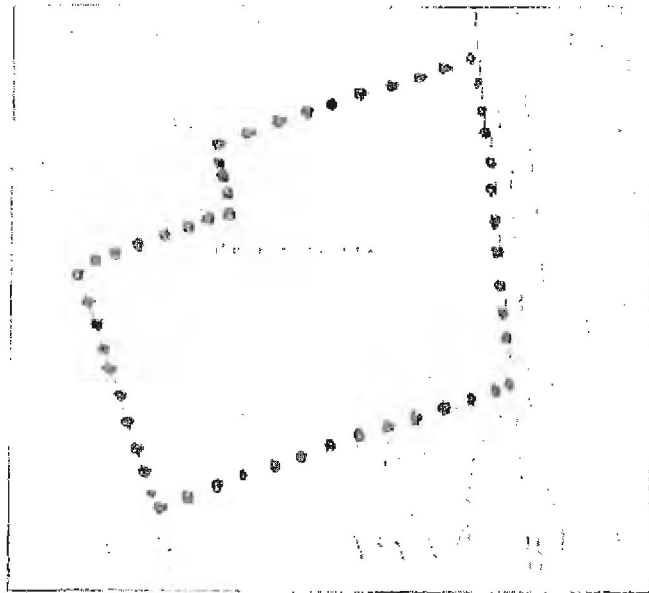
The following uses are prohibited in the Light Industrial zone:

- A. Uses of structures or land not specifically permitted; and
- B. Commercial uses in the Northwest Industrial Sanctuary as defined in Section 16.36.040 H except as provided for in Section 16.36.025 and Section 16.36.030 E.

Section 4. Section 16.36.040 H is hereby added to read as follows:

- H. The following additional standards shall apply to development within the Northwest Industrial Sanctuary (130.4 acres) as shown on Map 16-1. The Northwest Industrial Sanctuary is located:

- a. West of Highway 211-224; and
- b. East of Farmstead Road; and
- c. North of the Estacada Industrial Campus; and
- d. South of the city limits of Estacada.

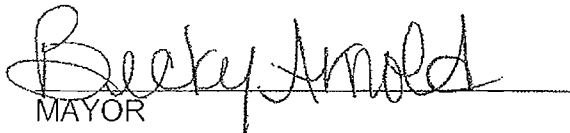


Map 16-1

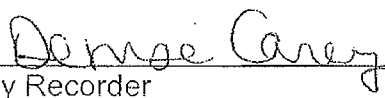
1. Master Plan: A Master Plan for development within the Northwest Industrial Sanctuary shall be required. The Master Plan shall be submitted to the City for review and approval prior to the first phase of development. The Master Plan shall be a conceptual plan for the entire site and shall, at a minimum, include:
 - a. Boundary lines and dimensions of the subject property;
 - b. All proposed lot lines;
 - c. Size (in acres) of new lots;
 - d. Location of delineated wetlands;
 - e. Location, dimensions and names of all proposed streets;
2. Lot Size: Within the Northwest Industrial Sanctuary, at least one lot shall be a minimum of Twenty-five (25) acres and at least one lot shall be a minimum of fifty (50) acres. In addition, all development shall comply with the development standards in subsection 16.36.040.

Considered at the Council meeting of December 12, 2011, passed by a vote of 5 ayes and 0 nays, and considered for the second time at the meeting of January 9, 2012 and passed by a vote of 6 ayes and 0 nays, this 9th day of January, 2012.

DULY ADOPTED by the City Council of the City of Estacada this 9th day of January, 2012.


MAYOR

ATTEST this 9th day of January, 2012


City Recorder

NAME: City of Estacada M-1: Light Industrial Code Amendment
FILE NO.: Ordinance #2011-004
HEARING DATE: December 12, 2011

CITY COUNCIL DECISION & FINDINGS

Proposal: Amend the text of the City of Estacada Development Code – Chapter 16.36: M-1: Light Industrial to add development standards for the 130.4 acre industrial sanctuary brought into the City’s Urban Growth Boundary (UGB) in April of 2011. The development standards include a requirement to prepare a master plan; minimum lot size provisions and prohibiting commercial uses.

Location: West side of Hwy 224, directly north of the existing industrial park.

Legal Description: 34E17 T.L. 01203/01202 and 34E18 T.L. 00100.

Affected Zones: M-1: Light Industrial

Affected Comprehensive Plan Designations: None. No change to the Comprehensive Plan map or text is proposed.

City Council Decision: Approval of the amendments to Chapter 16.36 of the Estacada Development Code as shown on pages 3 through 7 of this report.

BACKGROUND AND PROPOSAL DETAILS

I. BACKGROUND

The proposed amendments to the M-1: Light Industrial zone (Chapter 16.36) are the result of the approval process for the recent UGB amendment. In June of 2011 the Estacada City Council approved a UGB expansion to add 130.4 acres of land to the UGB for industrial use. On April 25, 2011 the Oregon Department of Land Conservation and Development (DLCD) approved the UGB amendment. A condition of the City Council decision (File No. CP/AC 2010-01) approving the UGB amendment stated that the City shall make code amendments to the M-1 Light Industrial zoning district. Condition number three of the June 14, 2010 decision states that the City shall “amend the current M-1: Light Industrial Zone by adding development standards for the 130.4 acre site. The M-1 Light Industrial amendments shall, at a minimum, include a requirement to develop a Master Plan for the site that shall allow for at least one 25 acre parcel and one 50 acre parcel and to prohibit commercial uses except those that are accessory and

incidental to industrial uses.” The M-1: Light Industrial amendments detailed below are proposed in order to comply with the City Council decision.

II. PROPOSAL DETAILS

The M-1 text amendments will apply development standards to the 130.4 acre industrial site. The development standards include a master plan requirement; lot size minimums and limited commercial uses. The land was recently brought into the City’s UGB and on November 8, 2011 Estacada voters approved Measure 3-387, which annexed the 130.4 acres into the city limits. Upon annexation, the M-1 zoning designation was applied to the entire 130.4 acre subject property.

EXISTING LANGUAGE:

Chapter 16.36 of the Development Code provides rules for development in the M-1: Light Industrial zoning district. Chapter 16.36 describes the uses permitted outright in the zone; conditional uses permitted and development standards for light industrial uses. The current development standards include requirements for landscaping; setbacks; parking standards, among others.

Considering the development standards proposed under this amendment package, it is instructive to review the current regulations. The current M-1: Light Industrial provisions for master planning, lot sizes and commercial uses are as follows:

- **Master Plan:** No existing requirement to develop a master plan for any new industrial development.
- **Lot Size Minimums:** Currently there are no minimum lot size provisions in the M-1: Light Industrial zone.
- **Commercial Uses:** The M-1: Light Industrial Zone allows commercial uses as a conditional use as follows:
 - Commercial uses in conjunction with light industrial uses; and
 - Other commercial uses which meet the requirements of subsection 16.36.030.E.

PROPOSED LANGUAGE:

Two alternative versions of the M-1: Light Industrial amendments were reviewed by the Planning Commission. The proposed language shown on pages 3-4 of the staff report dated November 10, 2011 added a new section to the M-1: Light Industrial zone that applied specifically to the 130.4 acre UGB expansion site. Alternative language was prepared by staff prior to the November 17, 2011 public hearing. The alternative language was forwarded to the Planning Commission as an attachment to the staff memorandum dated November 14, 2011. The

alternative language, prepared in order to clarify language related to the commercial uses, integrates the standards for the 130 acre industrial sanctuary into the existing format of Section 16.36 and adds two new code sections: “accessory uses” and “prohibited uses.”

At the December 12, 2011 public hearing, the City Council reviewed and voted to adopt the following M-1: Light Industrial text changes recommended by the Planning Commission.

- Strike the following sentence from Section 16.36.025.A: “Uses and structures customarily accessory and incidental to a primary use.”
- For commercial uses under Section 16.36.025.C, increase the allowance for display and sales from 10% to 15%.
- Include a provision that if the requirements of Section 16.36.025.C (15% floor area) or Section 16.36.025.D (5% floor area) are exceeded, then a conditional use permit shall be required.
- For “other commercial uses” allowed under Section 16.36.030.E, change the floor area allowance from 10% to 15% and the formula from .10 to .15.
- Delete the following sentence under Section 16.36.030.E.3.b: “No outside storage of materials associated with the commercial use shall be allowed.”
- Add a statement that the master plan can be submitted to the City for review and approval prior to “or concurrent with” the first phase of development.
- Delete Item D: “General building locations” from the list of requirements for the master plan.
- Under the Lot Size provision: change language to state that one lot shall be a “minimum of” 25 acres and one lot shall be a “minimum of” 50 acres. The original language implied that the two large parcels had to be “exactly” 25 acres and “exactly” 50 acres.

At the December 12, 2011 public hearing, the City Council voted to adopt the below Chapter 16.36: Light Industrial (M-1) text. The entire Chapter 16.36: Light Industrial (M-1) is presented with the proposed text underlined; the text to be deleted is ~~stricken~~. The red text and red strikethroughs are changes to the language recommended by the Planning Commission and subsequently adopted by the City Council.

Chapter 16.36: LIGHT INDUSTRIAL (M-1)

Sections:

16.36.010 Light industrial zone (M-1).

16.36.020 Uses permitted outright.

16.36.030 Conditional uses permitted.

16.36.040 Standards.

16.36.050 Exceptions to standards.

16.36.010 Light industrial zone (M-1).

Intended for the expansion of light industrial uses. Permits wholly enclosed light industrial uses and commercial uses which are compatible to the surrounding area. (Ord. 2000-26 § 6 (part); prior code § 10.225 (part))

16.36.020 Uses permitted outright.

The following uses and their accessory uses are permitted in an ~~M-1~~ the Light Industrial zone:

- A. Light industry: the manufacturing, processing, compounding, packaging or assembling of products, the process of which does not require or create emissions or discharges other than normal sanitary sewage wastes or the storage of materials which require permits be issued by the Oregon State Department of Environmental Quality;
- B. A wholly enclosed use involving manufacture, research, repair, assembly, processing, fabricating, packing, distribution, warehousing, wholesaling or storage; provided, that the use does not create a public nuisance or an unreasonable hazard to health or property because of excessive noise, smoke, odor or dust, or because it constitutes a fire, explosion or other physical hazard;
- C. Agricultural use of land;
- D. Forestry, including the management, production and harvesting of forest products and of related natural resources in forest areas;
- E. Owner/manager residence subject to Section 16.60.030(D);
- F. Public facilities: government uses, offices of governmental agencies and PUD substations;
- G. Public transportation facilities including streets, transit stops and stations, and bicycle and pedestrian facilities.

(Ord. 2007-6 § 8; Ord. 2000-26 § 6(1); prior code § 10.225(1))

16.36.025 Accessory Uses.

The following are allowed as accessory uses in the Light Industrial zone:

- A. ~~Uses and structures customarily accessory and incidental to a primary use.~~
- B. Employee lounges, indoor recreation areas and facilities and cafeterias catering to employees of the primary industrial use.
- C. Indoor areas for display and sale of products manufactured by the same business occupying the building, provided that the floor area of such display area constitutes no more than ten fifteen percent of the floor area of the industrial use.
- D. Indoor areas for display and wholesale sales of products warehoused or distributed by the same business entity operating the primary industrial use on the site, provided that the floor area of such display area constitutes no more than five percent of the floor area of the industrial use.

16.36.030 Conditional uses permitted.

The following uses and accessory uses may be permitted in a light industrial zone subject to Section 16.88.020 and the review procedures in Sections 16.132.010 through 16.132.050:

- A. Unenclosed light industrial uses;

B. Commercial uses in conjunction with light industrial uses; except in the Northwest Industrial Sanctuary as defined in Section 16.36.040.H and shown on Map 16-1.

C. Accessory uses that exceed the standards identified in Subsection 16.36.025.C or Subsection 16.36.025.D.

C. Heavy industrial uses identified under Chapter 16.40;

D. Radio, television and/or cellular transmission towers;

E. Other commercial use which meet the following requirements:

~~1. The site and proposed use meet the requirements of Section 16.88.010;~~

2. ~~1.~~ The proposed use will not attract traffic which would substantially conflict with industrial traffic or have a substantial adverse effect on other neighboring uses and has adequate access to the highway,

3. ~~2.~~ The development standards applicable to permitted uses in this zoning district shall apply to conditional uses, except as provided below:

a. All on-site lighting shall be designed, located or deflected so as not to shine into off-site structures or impair driving vision,

b. All developments shall be subject to site plan review,

c. Off-street parking shall be provided as required by Chapter 16.76;

3. The following additional standards shall apply in the Northwest Industrial Sanctuary as defined in Section 16.36.040.H and shown on Map 16-1:

a. The total floor area within an individual building occupied by the commercial use shall not exceed ~~10~~ 15 percent of the total floor area occupied by a primary industrial use.

Formula: .105 x industrial floor area = commercial floor area.

~~b. No outside storage of materials associated with the commercial use shall be allowed.~~

F. Park and ride facilities and other public transportation facilities not otherwise listed in Section

16.36.020(G).

(Ord. 2007-6 § 9; Ord. 2000-26 § 6(2); prior code § 10.225(2))

16.36.035 Prohibited uses.

The following uses are prohibited in the Light Industrial zone:

A. Uses of structures or land not specifically permitted; and

B. Commercial uses in the Northwest Industrial Sanctuary as defined in Section 16.36.040.H except as provided for in Section 16.36.025 and Section 16.36.030.E.

16.36.040 Standards.

A. Yards. All yards abutting a lot in a residential zone shall be a minimum of twenty (20) feet.

B. Parking Requirements. The number of parking spaces as required in Chapter 16.76 shall apply in the M-1 zone.

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

D. Building Height. No building shall exceed a height of forty-five (45) feet.

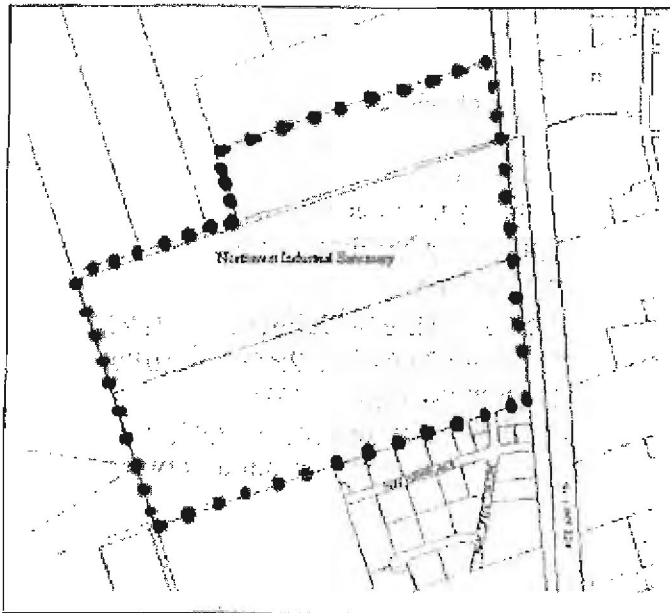
E. Landscaping. A minimum of five percent of the area developed shall be landscaped.

F. Outdoor storage abutting or facing a street, highway or a residential zone shall be screened with a sight-obscuring fence, or a buffer strip of vegetation six feet in height.

G. Noise. The applicant shall demonstrate the proposed activity will meet the applicable standards for noise emissions as required by the Oregon State Department of Environmental Quality.

H. The following additional standards shall apply to development within the Northwest Industrial Sanctuary (130.4 acres) as shown on Map 16-1. The Northwest Industrial Sanctuary is located:

- a. West of Highway 211-224; and
- b. East of Farmstead Road; and
- c. North of the Estacada Industrial Campus; and
- d. South of the city limits of Estacada.



Map 16-1

A. Master Plan: A Master Plan for development within the Northwest Industrial Sanctuary shall be required. The Master Plan shall be submitted to the City for review and approval prior to or concurrent with the first phase of development. The Master Plan shall be a conceptual plan for the entire site and shall, at a minimum, include:

1. Boundary lines and dimensions of the subject property;
2. All proposed lot lines;
3. Size (in acres) of new lots;
4. General building locations;
5. Location of delineated wetlands;
6. Location, dimensions and names of all proposed streets;

B. Lot Size: Within the Northwest Industrial Sanctuary, at least one lot shall be a minimum of Twenty-five (25) acres and at least one lot shall be a minimum of fifty (50) acres. In addition, all development shall comply with the development standards in subsection 16.36.040.

(Ord. 2000-26 § 6(3); prior code § 10.225(3))

16.36.050 Exceptions to standards.

The standards of this section pertaining to accessory structures and setbacks may be modified as provided for in Sections 16.60.030 through 16.60.050.
(Ord. 2000-26 § 6(4); prior code § 10.225(4))

FINDINGS

Findings for the Statewide Planning Goals, the Estacada Comprehensive Plan goals and policies and relevant criteria are presented below.

PART 1: STATEWIDE PLANNING GOALS

Goal 1: Citizen Involvement: To develop a citizen involvement program that ensures the opportunity for citizens to be involved in all phases of the planning process.

The Estacada Comprehensive Plan and City Code contain adopted and acknowledged procedures for citizen involvement. This amendment package has been processed consistent with those procedures including notice to affected agencies and a notice has been provided in the local newspaper. In addition, advertised public hearings will be conducted before the Estacada Planning Commission on November 17, 2011 and Estacada City Council on December 12, 2011.

This proposal is consistent with Goal 1.

Goal 2; Land Use Planning: To establish a land use planning process and policy framework as a basis for all decision and actions related to use of land and to assure an adequate factual base for such decisions and actions.

Goal 2 requires that all land use actions be consistent with the acknowledged Comprehensive Plan. The findings in Part 2 of this report demonstrate that the proposed amendment to the text of the City of Estacada Development Code is consistent with the City of Estacada Comprehensive Plan.

Goal 2 also requires coordination with affected governments and agencies, evaluation of alternatives, and an adequate factual base. There are no other local governments affected by this proposal. Notice of this proposal has been provided to affected agencies, including DLCD and the Oregon Department of Transportation (ODOT). The information provided throughout this document provides a substantial and adequate factual base for the decision making process.

This proposal is consistent with Goal 2.

Goal 3; Agricultural Land: *To preserve and maintain agricultural lands.*

Pursuant to the definitions under Statewide Planning Goal 3, agricultural land does not include land within acknowledged urban growth boundaries. The proposed amendments to the text of the M-1: Light Industrial zone only affect lands within the Estacada City limits. Therefore, agricultural land is not affected by this proposal.

Statewide Goal 3 is not applicable.

Goal 4; Forest Land: *To conserve forest lands by maintaining the forest land base and to protect the state's forest economy by making possible economically efficient forest practices that assure the continuous growing and harvesting of forest tree species as the leading use on forest land consistent with sound management of soil, air, water and fish and wildlife resources and to provide for recreational opportunities and agriculture.*

The proposed amendments to the text of the City of Estacada Development Code only affect lands within Estacada City limits. The proposal does not affect the growing or harvesting of forest tree species or resource lands designated for protection of forests.

Statewide Goal 4 is not applicable.

Goal 5; Open Spaces, Scenic and Historic Areas, and Natural Resources: *To conserve open space and protect natural and scenic resources.*

The Estacada Comprehensive Plan does not identify any significant natural, cultural or historic resources within the 130 acre industrial sanctuary. However, according to the National Wetlands Inventory, there are Goal 5 resources (wetlands) on the site. The property owner has conducted a wetland delineation and the City of Estacada has contracted with a wetlands consultant to prepare a Local Wetlands Inventory (LWI), which has been submitted to the Department of State Lands (DSL) for approval. Following DSL review of the submitted wetlands information, the city will adopt any necessary wetland protection measures in compliance with Goal 5.

This proposal is consistent with Goal 5.

Goal 6; Air, Water and Land Resources Quality: *To maintain and improve the quality of the air, water and land resources of the state.*

The City of Estacada has adopted sewer, water and storm drainage master plans

intended to protect the water and land resources in the City. This proposal does not directly or indirectly affect air, water, or land resources quality. The proposal adds development standards for a property already within the city limits and currently zoned M-1: Light Industrial.

This proposal is consistent with Goal 6.

Goal 7; Areas Subject to Natural Disasters and Hazards: *To protect life and property from natural disasters.*

The City of Estacada Development Code contains protections for areas subject to natural disasters and hazards. The proposal adds development standards for the 130 acre property recently annexed and brought into the Estacada UGB. The proposal does not affect portions of the Code that protect areas that are subject to natural disasters and hazards.

This proposal is consistent with Goal 7.

Goal 8; Recreational Needs: *To satisfy the recreational needs of the citizens of the state and visitors and, where appropriate to provide for the siting of necessary recreational facilities including destination resorts.*

This proposal amends the M-1: Light Industrial zone. It does not directly or indirectly involve or affect any designated recreational or open space lands and has no impact on the recreational needs of the City, County, or State.

This proposal is consistent with Goal 8.

Goal 9; Economic Development: *“To provide adequate opportunities throughout the state for a variety of economic activities vital to the health, welfare and prosperity of Oregon’s citizens.”*

This goal requires that cities provide an adequate supply of commercial and industrial sites. The sites for economic development should be of suitable size, type, location and service levels for a variety of industrial and commercial uses consistent with Comprehensive Plan policies. In 2009 the City amended Goal 9 by preparing an Economic Opportunities Analysis (EOA). The EOA included an updated economic development vision and technical analysis that looked at the 20-year need for employment land in the City. The EOA found that there is a significant deficit of large industrial sites in the East County region. The EOA identified a local, 20-year industrial land surplus of 110 acres to meet the City’s future employment needs, including five “large sites” of 10 acres or more totaling about 117 acres. However, the EOA indicated that “while Estacada appears to have a surplus of industrial land to meet projected demand through 2029, the City (as well as the region) lacks an adequate supply of suitable large industrial sites.”

The purpose of the 130 acre UGB expansion and the subsequent Development Code amendments considered under this application is to meet a local, regional and statewide need for available, large-lot industrial sites. The property owner, City of Estacada and Clackamas County are in the process of seeking designation of the study area as a "shovel ready" site under the State of Oregon's Certified Industrial Lands program. Certification identifies the parcels as a prime, serviceable large-lot industrial site and expedites the timeline for industrial development. The City Council decision from June of 2010 states that "to further ensure continued use of this site for the intended regional industrial employment purposes, a next step for the City is to create and apply an industrial sanctuary zoning designation to at least this expansion area." In addition, recently-updated Comprehensive Plan goals and strategies to ensure protection of industrial lands were adopted with the July 2009 EOA, including:

- Goal 4: Retain suitable industrial land for industrial purposes.
 - 4.1. Limit conversion of marketable industrial land to other uses such as retail, churches and schools.
- Goal 5: Limit retail in industrial zones to support industrial area businesses.
 - 5.1. Revise Comprehensive Plan and Zoning Code standards to appropriately limit retail and other conflicting uses in employment areas.
 - 5.2. Discuss industrial sanctuary protections with Planning Commission and City Council.

The proposed M-1: Light Industrial language is designed to implement these goals and strategies. The amendments will add large lot provisions and place limitations on commercial use within the industrial sanctuary. Adopting the proposed language will also help ensure the site is preserved for industrial uses according to the local and regional need.

This proposal is consistent with Goal 9.

Goal 10; Housing: *"To provide for the housing needs of citizens of the state."*

This goal requires local jurisdictions to allocate a sufficient amount of buildable land to satisfy the housing needs of Estacada. Oregon Administrative Rule (OAR) 660-008 defines the standards for determining compliance with Goal 10. This rule requires a mix and density of lands zoned for housing based on housing needs projections. Adoption of this ordinance will not reduce the amount of residentially zoned land or remove buildable land from the residential inventory. Adoption of this ordinance will only amend the M-1: Light Industrial zone. The proposed amendments will not affect the Estacada housing options.

This proposal is consistent with Goal 10.

Goal 11; Public Facilities and Services: *“To plan and develop a timely, orderly and efficient arrangement of public facilities and services to serve as a framework for urban and rural development.”*

The proposed text amendments add development standards to the M-1: Light Industrial zone for the 130 acre UGB expansion site. The 130 acres is relatively flat and well suited for industrial uses. Industrial-level water and sewer infrastructure is developed to the property line and readily available for expansion onto the site. In addition, the parcels abut Hwy. 224 and are well served by transportation infrastructure and do not require further improvements. Goal 11 provides guidelines for cities and counties in planning for the timely, orderly and efficient arrangement of public facilities and services. The applicable part of this Goal as it relates to the proposed action and the 130 acre subject property is Guideline A (3), which requires adequate public facilities and services such as sewer, water, solid waste, storm drainage etc. to be provided at levels necessary and suitable for urban uses. The 2008 Estacada Water System Master Plan and the 2000 Estacada Wastewater Facility Plan show 8” mainline pipes developed to the property line at the northern terminus of NW Campus Drive. This urban infrastructure is sufficient to serve industrial uses and ready for extension to the industrial sanctuary area. The City supports extension of sewer and water services to this area.

The subject site is located in the Estacada Fire District and the Clackamas County Sheriff provides police protection. The existing public facilities and services are adequate to support urban level land uses on the subject property.

This proposal is consistent with Goal 11.

Goal 12; Transportation: *“To provide and encourage a safe, convenient and economic transportation system.”*

This Goal provides guidance to cities and counties for the planning and implementation of transportation plans and changes to major transportation facilities. As indicated in the June 14, 2010 City Council decision approving the UGB expansion, the 130 acre industrial sanctuary will have an impact on the planned transportation system (see file no. CP/AC 2010-01). Consequently, the City Council decision included Condition no. 2 which states that the “Transportation System Plan (TSP) shall be amended by adopting *Supplemental Scenario A*.”

The most recent update of the City of Estacada’s Transportation System Plan (TSP) was conducted in 2007. The traffic forecasts and transportation system planning were based on land use assumptions that were consistent with the city’s adopted comprehensive plan, growth projections and system needs through the year 2030. *Supplemental Scenario A*, prepared during the 2007 TSP update but not adopted, specifically looks at transportation needs based on the 130 acre

UGB expansion. Adoption of *Supplemental Scenario A* amended the City of Estacada's TSP to include transportation network extensions and transportation projects to support the proposed UGB expansion and M-1 zoning designation. The city adopted *Supplemental Scenario A* as part of the Estacada TSP in December of 2010 (see file no. ZDO 2010-01). Therefore, through adoption of *Supplemental Scenario A* Goal 12 is met.

ODOT has been provided the opportunity to review and respond to the amendment proposals. In an email response to staff ODOT commented that there are no transportation issues for the proposed text amendments.

This proposal is consistent with Goal 12.

Goal 13; Energy Conservation: *To conserve energy.*

The proposed ordinance will have no impact on any identified energy sites or resources.

Goal 13 is not applicable.

Goal 14; Urbanization: *To provide for an orderly and efficient transition from rural to urban land uses.*

This proposal does not involve a conversion or transition from rural land to urban land, or a change in the urban growth boundary or affect a change in the process to do so. The proposal involves a change to the text of the City Development Code that affects development on 130 acres that is within the Estacada UGB and was recently annexed to the city limits. The property is considered urban and is currently zoned M-1: Light Industrial.

Goal 14 is not applicable.

Goal 15: Willamette River Greenway: *To protect, conserve, enhance and maintain the natural scenic, historical, agricultural, economic and recreational qualities of lands along the Willamette River as the Willamette River Greenway.*

No portion of the City of Estacada is located along or near the Willamette River.

Goal 15 is not applicable.

Goal 16 (Estuarine Resources), Goal 17 (Coastal Shorelands), Goal 18 (Beaches and Dunes) and Goal 19 (Ocean Resources) are not applicable to the City of Estacada or Clackamas County.

Statewide Goals Conclusions: The Planning Staff finds this application is consistent with all applicable Statewide Planning Goals.

PART 2. ESTACADA COMPREHENSIVE PLAN POLICIES

Compliance with the Estacada Comprehensive Plan was evaluated in-depth during the 130 acre UGB expansion and the public hearings associated with that action. The Comprehensive Plan (CP) does not have any *specific* policies or criteria for evaluating changes to the text of the Development Code. There are, however, a few policies in the Comprehensive Plan that can be considered generally applicable to the proposed ordinance. The Planning Commission has reviewed each Chapter/Goal of the CP and in the following sections addresses each policy found to be applicable to this application.

Goal 1. Citizen Involvement Element: The purpose of this goal is to ensure an opportunity for citizens residing in Estacada and the planning area to be involved in all phases of the planning process. Policy 4. Both City and privately sponsored proposals may suggest changes in either the policy texts or the plan map, or both. Policy 5. All proposed amendments to the plan shall be subject to public hearing by the Planning Commission and City Council.

The city has initiated this application and is following all applicable public notification and involvement procedures. Notice of this proposal has been provided to affected agencies, including DLCD; the Oregon Department of Transportation (ODOT) and the local newspaper.

Notice of the Planning Commission and City Council public hearings has been provided to property owners consistent with this plan policy, State law and Section 16.132 of the City Code. In addition, notice of the public hearings has been published in the local newspaper consistent with Section 16.132.020 of the City Code. These public notices will ensure an opportunity for all citizens to be involved in the review process.

This application is consistent with the goals and policies of Goal 1: Citizen Involvement of the Comprehensive Plan.

Goals 5 and 8. Open Spaces, Natural Resources, Cultural and Recreation Resources Element: The purpose of this Goal is to 1) conserve open space and protect natural and cultural resources and 2) satisfy the recreational needs of citizens of Estacada and [the] state, and visitors.

During the UGB amendment process, the National Wetlands Inventory maps identified wetlands on the 130 acre site. Estacada City Code 16.56 requires state and federal permits for proposed development on these sites to protect significant resources. The City of Estacada and land owner are in the process of

conducting a Local Wetlands Inventory (LWI) for the property; a wetlands delineation has already been prepared. Following the results of the LWI, the city will implement any necessary protection measures in compliance with Goal 5.

This proposal does not involve any designated recreational or open space lands, or affect access to any significant recreational uses in the area. This project will have no impact on the recreational needs of the City, County or State.

This application is consistent with Goals 5 and 8 of the Comprehensive Plan.

Goal 9. Economics Element: The purpose of this Goal is to diversify and improve the economy of Estacada. Objective 1: Protect those areas zoned for industrial development from encroachment of incompatible land uses. Objective 2: Encourage diversified, non-polluting, highly-skilled, labor-intensive industrial development in order to provide a larger job market for area residents.

The proposed text amendment to the M-1: Light Industrial zoning district will provide development standards for the 130 acre industrial sanctuary. The M-1 amendments are required pursuant to the City Council decision on the UGB expansion. The 130 acre site addresses a local, regional and state-wide need for large-lot industrial sites. This area is relatively flat and well suited for the siting of industrial uses due to its proximity to the Hwy. 224 and the existing industrial park located to the south. In addition, water and sewer infrastructure suitable for industrial use is developed to the property line and readily available for expansion onto the site.

The amendments resulting from this application will improve the economy of Estacada by increasing local employment opportunities. The amendments will help to ensure the 130 acre site is preserved for industrial uses according to the local and regional needs identified in the 2009 Economic Opportunities Analysis. Limiting the commercial activity will make certain the area is developed as an industrial sanctuary and not with big box retail or strip highway commercial development. Further, the proposed minimum lot sizes will ensure that large lot industrial sites are available.

This proposal is consistent with Goal 9 of the Comprehensive Plan.

Goal 11; Public Facilities and Services: "Provide orderly and efficient public facilities and services to adequately meet the needs of Estacada residents."

The proposed text amendments add development standards to the M-1: Light Industrial zone for the 130 acre UGB expansion site. The 130 acres is relatively

flat and well suited for industrial uses. Industrial-level water and sewer infrastructure is developed to the property line and readily available for expansion onto the site. In addition, the parcels abut Hwy. 224 and are well served by transportation infrastructure.

Goal 11 provides guidelines for cities and counties in planning for the timely, orderly and efficient arrangement of public facilities and services. The applicable part of this Goal as it relates to the proposed action and the 130 acre subject property is Guideline A (3), which requires adequate public facilities and services such as sewer, water, solid waste, storm drainage etc. to be provided at levels necessary and suitable for urban uses. The 2008 Estacada Water System Master Plan and the 2000 Estacada Wastewater Facility Plan show 8" mainline pipes developed to the property line at the northern terminus of NW Campus Drive. This urban infrastructure is sufficient to serve industrial uses and ready for extension to the industrial sanctuary area. The City supports extension of services to this area.

The subject site is located in the Estacada Fire District and the Clackamas County Sheriff provides police protection. The existing public facilities and services are adequate to support urban level land uses on the subject property.

Therefore, this proposal is consistent with Goal 11.

Goal 12; Transportation; "To provide and encourage a safe, convenient and economic transportation system. Policy 1: Off-street parking will be required in new commercial and industrial developments in conformance with the standards set forth in the zoning ordinance."

This Goal provides guidance to cities and counties for the planning and implementation of transportation plans and changes to major transportation facilities. As discussed under the Statewide Planning Goals section, the City of Estacada's Transportation System Plan (TSP) was updated in 2007 and in 2010 the City adopted *Supplemental Scenario A* which considers transportation needs based on the 130 acre UGB expansion. By adopting *Supplemental Scenario A* the City complies with the Oregon Transportation Planning Rule (TPR) and Goal 12.

The off-street parking standards required for industrial development are set forth in Subsection 16.76 of the Development Ordinance. No change to the parking requirements for new industrial development is proposed under this amendment package.

ODOT has been provided the opportunity to review and respond to the amendment proposals. In an email response to staff ODOT commented that there are no transportation issues for the proposed text amendments.

This proposal is consistent with Goal 12.

**PART 3. SUMMARY AND CONCLUSIONS OF
COMPREHENSIVE PLAN POLICIES**

Based on the findings and conclusions provided above, the City Council finds the proposed amendments to the text of the Estacada Development Code are consistent with the Estacada Comprehensive Plan and the Oregon Statewide Planning Goals.

PART 4. ESTACADA DEVELOPMENT CODE

Amendment Criteria: Section 16.128 identifies the requirements for an amendment to the Estacada Development Code.

16.128.010 Authorization to initiate amendments.

The purpose of this chapter and Chapter 16.132 is to describe general requirements and criteria to be considered in reviewing an application for an amendment to the provisions of this title. An amendment may be made to the text of the code or to the zoning maps in either a legislative or quasi-judicial manner as follows:

A. Legislative amendments may be initiated only by the planning commission or city council.

The City Council initiated this amendment upon approval of the UGB amendment on June 14, 2010. At the June 14, 2010 meeting the City Council placed a condition of approval on the UGB amendment to amend the M-1: Light Industrial zone (see condition #3 for file no. CP/AC 2010-01). The condition of approval specifically states that development standards for the 130 acre industrial site should be added to the M-1: Light Industrial section of the Development Code. The City Council initiated this amendment and directed staff to provide public notice, prepare written findings, and schedule public hearings for the proposed ordinance.

This procedural criterion is met.

16.128.020 Amendment procedure.

A. Legislative Amendments. Proceedings initiated by the city council shall be by resolution and shall be referred first to the planning commission. The commission shall make a recommendation to the council upon completion of a public hearing. The planning commission and city council shall adopt findings to establish that the legislative amendment will not conflict with other provisions of the development code or with the comprehensive plan. A legislative amendment may be made by the city council after recommendation by the planning commission and after a public hearing held pursuant to Section 16.132.020 through 16.132.090.

The proposed text amendment is by resolution (ordinance) and was heard at a public hearings held by the City Planning Commission on November 17, 2011. The City Council public hearing was held on December 12, 2011 pursuant to Section 16.132.020 through 16.132.090. As provided in the findings contained in Parts 2 and 3 of this report, the proposed amendment will not conflict with any other provisions of the development code or with the Comprehensive Plan. Those findings are adopted to address this criterion by reference therein.

This criterion is met.

16.128.030 Findings.

Findings made by the decision-making body supporting or justifying any action authorized pursuant to this code shall be made in writing and shall be provided to the applicant. Findings shall be made which are consistent and in conformance with the applicable regulations of this code and the comprehensive plan.

Written findings will be made by the decision making body supporting or justifying the proposed amendment to the Estacada Development Code to ensure consistency and conformance and to create a record demonstrating that the applicable regulations of the code and comprehensive plan are satisfied.

This criterion is met.

16.128.040 Limitation.

No application of a property owner for an amendment to the text of this title or to the zone map shall be considered by the planning commission within a one-year period immediately following a previous denial of a request or substantially similar request, except the planning commission may permit a new application, if in the opinion of the planning commission, new evidence or a change of circumstances warrant it.

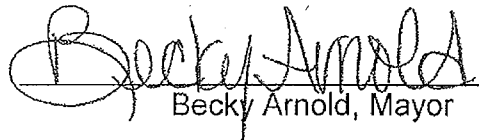
No similar proposal for an amendment to the City of Estacada Development Code has been proposed or considered by the Planning Commission within a one year period.

This criterion does not apply.

DECISION: Based on the above findings, the Estacada City Council approves the M-1: Light Industrial Code Amendments (ordinance no. 2011-004) as shown on pages 3-7 of this decision.

Approved on December 12, 2011

Signed this 12th day of December, 2011


Becky Arnold, Mayor

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Land Use and Zoning
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DEPT OF
JAN 13 2012
LAND CONSERVATION
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Salem, OR 97301
Attn: Plan Amendment Specialist