



# Oregon

Kate Brown, Governor

Department of Land Conservation and Development

635 Capitol Street NE, Suite 150

Salem, Oregon 97301-2540

Phone: 503-373-0050

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[www.oregon.gov/LCD](http://www.oregon.gov/LCD)



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

Date: January 19, 2016

Jurisdiction: City of Estacada

Local file no.: 2015-006

DLCD file no.: 003-15

The Department of Land Conservation and Development (DLCD) received the attached notice of adopted amendment to a comprehensive plan or land use regulation on 01/14/2016. A copy of the adopted amendment is available for review at the DLCD office in Salem and the local government office.

Notice of the proposed amendment was submitted to DLCD 35 days prior to the first evidentiary hearing.

### Appeal Procedures

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

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

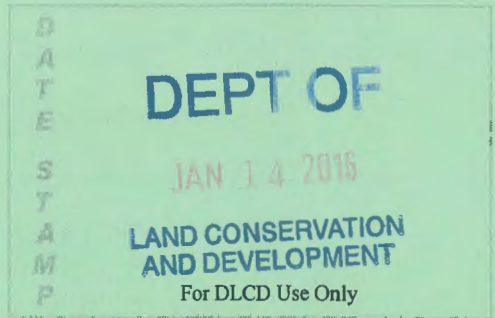
If the amendment is not appealed, it will be deemed acknowledged as set forth in ORS 197.625(1)(a). Please call LUBA at 503-373-1265, if you have questions about appeal procedures.

### DLCD Contact

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

# FORM 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 2015-006  
Date of Adoption: 1/11/2016 Date Mailed: 1/12/2016  
Date original Notice of Proposed Amendment was mailed to DLCD: 10/19/2015

- |   |   |
|---|---|
| <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 checked="" type="checkbox"/> New Land Use Regulation | <input type="checkbox"/> Other: _____                     |

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

**Amend the Estacada Municipal Code - Section 16: Development. The adopted amendments are to Chapter 16.26:D-Downtown. Changes include adding several new allowed uses to Subsection 16.26.020: Uses permitted outright and moving the Downtown Zone design standards to a new table, which will be utilized to review new development. In addition, a new design review process involving assigning points to certain criteris was adopted.**

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: \_\_\_\_\_ to: \_\_\_\_\_

Location: Downtown zoning district Acres Involved: \_\_\_\_\_

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

Applicable Statewide Planning Goals: \_\_\_\_\_

Was and Exception Adopted?  YES  NO

DLCD File No.: \_\_\_\_\_

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:

**Clackamas County, Estacada Fire Dept, ODOT**

Local Contact: **Denise Carey** Phone: **(503) 630-8270** Extension: **204**

Address: **PO Box 958** City: **Estacada**

Zip Code + 4: **97023-** Email Address: **carey@cityofestacada.org**

## 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 2015, No. 006**

**An Ordinance amending Chapter 16.26 Downtown (D) of the Estacada Municipal Code.**

**The City of Estacada ordains as follows:**

**Section 1.** Section 16.26.010 Downtown zone (D) is hereby amended to read as follows:

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

**Section 2.** Section 16.26.020 Uses permitted outright is hereby amended to read as follows:

The following uses and their accessory uses are permitted in the D zone:

- A. Retail store or shop such as food stores, drug stores, apparel stores, hardware stores, furniture stores or similar establishments;
- B. Repair shop for the type of goods offered for sale in retail trade establishments permitted in the D zone provided all repair and storage shall occur entirely within an enclosed building;
- C. Personal or business service establishments such as barber or beauty shop, laundry or dry cleaning establishment, print shop or similar establishment;
- D. Multifamily residential uses shall be permitted provided that groundfloor residential uses do not front Broadway Street, Main Street, or OR 224, the residential density of the development is not less than sixteen (16) dwelling units per acre and the standards of Section 16.26.040 (H) are met.
- E. Professional offices or medical facilities;
- F. Hotel, motel or resort;
- G. Indoor commercial amusement or recreation establishment such as a bowling alley, theater or pool hall;
- H. Mortuary;
- I. Private museum, art gallery or similar facility;
- J. Restaurant, bar or tavern; includes brewery or distillery in conjunction with primary permitted use;
- K. Automobile service station, existing as of September 1, 2012, subject to subsection 16.26.040(H);
- L. Governmental uses such as city hall, fire stations, police stations and offices of governmental agencies;
- M. Public parks and plazas;

- N. Public transportation facilities including streets, transit stops and stations, park and ride facilities, and bicycle and pedestrian facilities;
- O. Live/work space provided that work activities are uses permitted outright and work space exclusively fronts the street most likely to receive the most pedestrian traffic;
- P. Manufacturing shop in conjunction with retail trade establishments permitted in the D zone, except for processing and packaging of explosive chemical materials and environmentally hazardous materials provided retail trade exclusively fronts the street most likely to receive the most pedestrian traffic;
- Q. Day care facility as defined in ORS Chapter 418.

**Section 3.** Section 16.26.040 Development standards – B. Parking Requirements is hereby amended to read as follows:

B. Parking Requirements. There is no minimum off-street parking requirement for uses located within one hundred (100) feet of Broadway Street between OR 224 and 2nd Avenue. Uses in the D zone but located outside the above described area are required to provide off-street parking in accordance with Chapter 16.76, except that the number of required off-street parking spaces may be reduced by twenty (20) percent in the D zone, per Section 16.76(Q)(19), off-street parking exemptions.

Off-street parking shall not be located between a primary building entrance and the street(s) to which it is oriented; off-street parking shall be oriented internally to the block (beside or behind a building) and accessed by an alley or local street to the extent practicable. Exception: Off-street parking may be located between a primary building entrance and a street where the existing pattern of commercial development along OR 224 precludes compliance with the above standard; in which case, the proposed parking lot shall connect to and establish by deed reciprocal access easements for adjoining parking lots where feasible. (See also, Section 16.116.010) In addition, the above standard does not apply to projects that are oriented to the Clackamas River.

**Section 4.** Section 16.26.040 Development standards – F. Building Height is hereby amended to read as follows:

- F. Building Height. Buildings shall exceed the minimum height of 17 feet and shall not exceed the maximum height of sixty-five (65) feet.

**Section 5.** Section 16.26.050 Downtown design guidelines and standards is hereby amended to read as follows:

- A. Purpose. Section 16.26.050 is intended to facilitate downtown development and revitalization through the application of development and design standards, consistent with the Estacada Downtown and Riverside Area Plan (adopted 2011).
- B. Applicability. The standards of Section 16.26.050 apply to new structures and exterior remodels of structures in the Downtown zone, as follows:

1. Site plan approval by the city of Estacada is required prior to building permit approval and prior to commencing any exterior building remodel in the Downtown zone;
2. City planning staff shall review proposed site plans for compliance with the requirements of this chapter. Proposed site plans are subject to the review procedures in Sections 16.132.015.
3. The city may appoint a design review committee comprised of downtown property owners, merchants, and/or design professionals to assist and advise the city in applying the Downtown Design Guidelines and Standards. Site plan review is required only for that portion of a structure or development that is proposed to change.
4. A design review application shall be considered to be compatible if 16.26.050B (6-9) is met, if a minimum of 65 percent of the total possible points on Table 16.26.050 are accumulated, and if one point in each category on Table 16.26.050 is received.
5. Signs shall comply with requirements of Chapter 16.72 signs;
6. Primary entrances shall face the street likely to have the greatest pedestrian traffic; Exception: Buildings adjacent to the Clackamas River need not have their primary entrance oriented to a street, provided that the building itself is oriented to the river; this standard is met when proposed offices, overnight accommodations, restaurant, dwellings, or other permitted use incorporates a river overlook and pedestrian connection to the river pathway.
7. Buildings on Broadway Street, Main Street, 2<sup>nd</sup> Ave, 3<sup>rd</sup> Ave, 4<sup>th</sup> Ave, Acacia Ave, or OR 224, shall not contain less than 60% transparent windows on ground floor of street-facing elevations, upper building stories shall not have less than forty (40) percent transparent windows on street-facing elevation, and shall not have less than thirty (30) percent on all side elevations (except common walls). The city planning staff may grant up to a 15% adjustment to the window transparency standards without the need for a variance. The city planning staff may provide an adjustment to parking garages without a variance, provided the building design shall incorporate openings, screening, or other detailing subject to site plan review.
8. Development abutting Broadway Street shall orient to Broadway Street. Where a development does not abut Broadway Street, it shall provide a primary entrance facing the street that is likely to have the most pedestrian traffic, as determined by the city decision-making body.

TABLE 16.26.051

CRITERIA

Scores

BUILDING LOCATION AND ORIENTATION				
All building entrances shall be recessed or covered by pedestrian shelters: No = 0, Yes = 2	N/A	0	1	2
Primary building entrances shall be least fifty (50) percent transparent so that two-way views, in and out of a building, are possible. This standard can be met by a door with a window, a transom window above the door, or sidelights beside the door: No = 0, Yes = 2	N/A	0	1	2

Possible \_\_\_\_\_

Received \_\_\_\_\_

BUILDING OPENINGS				
Architectural detailing shall define building entrances, No = 0, Yes = 2	N/A	0	1	2
Windows on buildings fronting Broadway Street shall contain trim, reveals or recesses of not less than four inches in width or depth.				
Wall mounted lighting consistent with the architecture of the building shall illuminate primary building entrances and building mounted signage No = 0, Yes = 1	N/A	0	1	2

Possible \_\_\_\_\_

Received \_\_\_\_\_

BUILDING LINE AND RHYTHM				
New buildings shall follow prominent horizontal lines on existing adjacent buildings, such as window trim, parapet line, or awning line: No = 0, Yes = 2	N/A	0	1	2
New buildings shall maintain clear visual division between ground floor and upper floors: No = 0, Yes = 1	N/A	0	1	2
New buildings shall incorporate rhythmic divisions relating to historic building patterns and proportions. For example, front elevations should be articulated (e.g. defined by an offset, recess, projection or similar "break" in the wall plane) not less than once every twenty-five feet: No = 0, Yes = 2	N/A	0	1	2
New buildings shall reflect vertical orientation through volume, roof form, and/or surface detail, such as vertically oriented sash windows, brick or stucco cladding and trim, or board and batten siding: No = 0, Yes = 2	N/A	0	1	2

Possible \_\_\_\_\_

Received \_\_\_\_\_

MATERIALS AND COLOR				
Exterior cladding shall be consistent with historic building design. Materials may consist of brick, brick veneer, stone, split-face concrete block, clapboard siding, board and batten siding or similar materials : No = 0, Yes = 2	N/A	O	1	2
All four sides of the building shall contain complementary exteriors: No = 0, Yes = 1	N/A	O	1	2
Pitched roofs shall be wood, slate, cement tile, asphalt shingles, flat metal or standing rib seam sheet metal. No = 0, Yes = 2	N/A	O	1	2
Buildings fronting Broadway Street shall have cornices or parapets that incorporate materials that are consistent with overall composition of the building. No: 0, Yes = 2	N/A	O	1	2

Possible \_\_\_\_\_

Received \_\_\_\_\_

PEDESTRIAN SHELTERS, PUBLIC SPACE				
Buildings fronting Broadway Street shall contain pedestrian shelters such as awnings, canopies, or recesses at least 5 feet over the pedestrian area along a minimum sixty percent (60%) of ground floor elevation: No = 0, Yes = 2	N/A	O	1	2
At least three percent (3%) and not less than three hundred (300) square feet of each new development site shall be designated and improved as ADA accessible civic space.: No = 0 Yes = 1	N/A	O	1	2
Street frontages shall be improved with pedestrian amenities equal to are greater than .5% of the estimated construction cost of the proposed building(s), No = 0, Yes = 2	N/A	O	1	2

Possible \_\_\_\_\_

Received \_\_\_\_\_

Total Possible \_\_\_\_\_ Total Received \_\_\_\_\_ Percentage \_\_\_\_\_

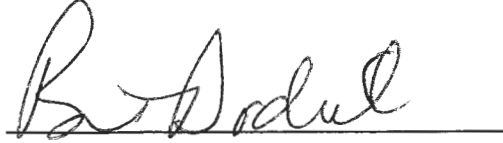
Is a minimum of one point in each category received? Y \_\_\_\_\_ N \_\_\_\_\_

Are the standards in 16.26.050B (6-8) met? Y \_\_\_\_\_ N \_\_\_\_\_



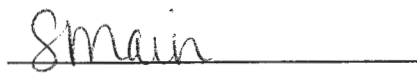
Considered at the Council meeting of December 14, 2015, passed by a vote of 6 ayes and 0 nays, and considered for the second time at the meeting of January 11, 2016 and passed by a vote of 7 ayes and 0 nays.

DULY ADOPTED by the City Council of the City of Estacada this 11<sup>th</sup> day of January, 2016.

A handwritten signature in cursive script, appearing to read "B. Dodrill", written over a horizontal line.

Brent Dodrill, Mayor

ATTEST:

A handwritten signature in cursive script, appearing to read "S. Main", written over a horizontal line.

Sadie Main, City Recorder



PORTLAND, OR 97212  
TUE 12 JAN 2016

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

**DEPT OF**  
LAND CONSERVATION  
AND DEVELOPMENT  
JAN 14 2016