



**CITY COUNCIL SPECIAL MEETING AGENDA
TUESDAY, JUNE 25, 2024
VIA ZOOM**

The Mission of the City of Carlton is to safeguard and enhance the vitality and livability of the community by providing essential services with professionalism and integrity.

6:00 PM CITY COUNCIL SPECIAL MEETING

Page

- 1. CALL TO ORDER**
- 2. ROLL CALL**
- 3. PLEDGE OF ALLEGIANCE**
- 4. CHANGES OR ADDITIONS TO THE AGENDA**
- 5. CEREMONIES/APPOINTMENTS/ANNOUNCEMENTS**
- 6. CITIZEN COMMENTS**

This section of the agenda allows members of the public to address the City Council on any items off or on the agenda. When invited by the Mayor, members of the public shall come forward, state their name and street address, and direct all comments to the Mayor. Comments are typically limited to three (3) minutes unless additional time is allowed by the Mayor.

- A. Items NOT on the Agenda
- B. Items on the Agenda

7. ORDINANCES/RESOLUTIONS/DISCUSSION/ACTION ITEMS

- A. LA 2024-02; Development Code update; *2nd Reading*

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8. ADJOURNMENT

This meeting is being held virtually using Zoom. Please use the following directions to access and join the meeting:

To join using a computer, please use this link:

<https://us02web.zoom.us/j/82592374175?pwd=elrvsY2lhzfQ8r60L3XASI9Cdc7zWI.1>

To join using a phone, call: 1-253-215-8782 and enter Meeting ID: 825 9237 4175 and enter Passcode: 366648



To: Mayor and Members of the Carlton City Council
From: Scott Whyte, Contract City Planner, MWVCOG
Subject: Second Reading of Ordinance No. 2024-751 - Carlton Development Code Update
Date: June 18, 2024, for special meeting date of June 25, 2024

Recommended Motion

I move to authorize second reading of Ordinance No. 2024-751 by title only as shown.

I move to accept the second reading of Ordinance No. 2024-751 as read.

Background

On June 4, 2024, the City Council approved the Carlton Development Code Update, case file LA 2024-02, and approved first reading of an Ordinance for adoption (No. 2024-751, Exhibit 8 of the staff report dated May 24, 2024). Thereafter, the Council voted in favor of holding a special meeting on June 25, 2024, at 6:00p.m., for second reading of the Ordinance.

Section 4.2 of the Carlton Charter explains how adoption of an ordinance requires approval by a majority of the Council at two meetings. Section 4.2 also explains how any substantive amendment to a proposed ordinance must be read aloud or made available in writing to the public before the Council adopts the ordinance at that meeting.

Staff proposes no substantive amendment to Ordinance No. 2024-751 as approved for first reading but proposes a minor change to Section 1 thereof to reflect Council action on June 4, specific to: 1) street tree spacing, 2) open space as part of subdivision, and 3) AH zone changes. In summary, Council action on June 4, approved all changes as shown in Exhibits 1, in addition to all changes as shown in Exhibit 2, except in favor of the following (in summary):

- Street Tree Spacing – to range from minimum of 25-feet to maximum of 40-feet based on mature canopy spread and adjustable only if utility / safety issues present (E. of 17.84.090).
- Open Space as part of Subdivisions – Set 5% threshold at 28 lots or more.
- AH zone changes – Increase minimum lot size to 3 acres and prohibit land division.

No changes have been made to Exhibits 1 and 2 as shown to the staff reports of April 30 and May 24 except to merge both exhibits into one document (for a new Exhibit 1) and to incorporate text reflective of Council decision on the above topics.

Attachments

Ordinance No. 2024-751

Exhibit 1 (with Exhibits 1 and 2 merged from said staff reports & includes June 4 action items).

ORDINANCE 2024-751

AN ORDINANCE AMENDING THE CARLTON DEVELOPMENT CODE, TITLE 17 OF THE MUNICIPAL CODE, ITS ENTIRETY AND ADOPTING THE AMENDED DEVELOPMENT CODE LANGUAGE

WHEREAS, the City of Carlton deemed it necessary and prudent to update the Carlton Development Code; and

WHEREAS, beginning in November of 2021, the City began the necessary work to update the Carlton Development Code, which included robust community engagement and the support of consultants to propose updates to the Carlton Development Code and to solicit input from the City Council to ensure policy goals were addressed in the amended code language; and

WHEREAS, the City has prepared a proposed major text amendment to the Carlton Development Code, replacing the current Title 17 of the Carlton Municipal Code in its entirety, which implements the City’s land use goals and policies by laying out development and procedural standards for land use development within the City; and

WHEREAS, as required by statute, notice of a public hearing on the adoption of the updated Carlton Development Code was published in the News Register and was otherwise provided to the public as is required; and

WHEREAS, the Carlton Planning Commission held a public hearing on the updated Development Code on April 22, 2024, at which time the public was given full opportunity to be present and heard on the matter; and

WHEREAS, the Carlton Planning Commission passed a motion recommending that the Carlton City Council adopt the updated Development Code with certain changes to the proposed language; and

WHEREAS, the Carlton City Council held a public hearing on the adoption of the updated Development Code on May 7, 2024 and June 4, 2024, at which time the public was given full opportunity to be present and heard on the matter; and

WHEREAS, following the public hearing and further Council deliberation, including the opportunity to ask questions of City staff, the Council desires to adopt the updated Development Code.

NOW THEREFORE, BE IT ORDAINED AND ENACTED BY THE CITY COUNCIL OF THE CITY OF CARLTON, OREGON, as follows:

Section 1. The updated Carlton Development Code, Title 17 of the Carlton Municipal Code, is hereby amended in its entirety, as shown in Exhibit 1. Attached hereto.

Section 2. Title 3, Chapter 3.16 of the Carlton Municipal Code specific to the definition of short term rental in subsection 3.16.010 – Definitions is revised to read as follows: “Short-term rental” means Vacation Rental as defined in Title 17.

Section 3. This Ordinance shall go into effect on the thirtieth day following its adoption by the Carlton City Council.

ADOPTED by the City Council of the City of Carlton, Oregon, on June ____, 2024, by the following votes:

AYES: _____

NAYS: _____

ABSENT: _____

ABSTAIN: _____

Linda Watkins, Mayor

ATTEST:

Aimee Amerson, City Recorder

Division I. GENERAL PROVISIONS

Chapter 17.04 TITLE AND PURPOSE

17.04.010 Title.

The ordinance codified in this title shall be known and may be referred to as the City of Carlton Development Code, 2000.

17.04.020 Purpose.

The ordinance codified in this title is enacted to:

- A. Implement the goals and policies of the City of Carlton, Comprehensive Plan 202400; June 2001 (Reprint), as amended;
- B. Provide methods of administering and enforcing the provisions of this title; and
- C. Promote the public health, safety, and general welfare of the community.

17.04.030 Conformance required.

Except as provided by Section 17.128.060 Nonconforming Situations, the use of all land, as well as the construction, reconstruction, enlargement, structural alteration, movement, use, or occupation of any structure within the City of Carlton shall conform to the requirements of this title.

17.04.040 Remedies for unlawful structures or land use.

- A. No person shall locate, construct, maintain, repair, alter, or use a building or other structure or use or transfer land in violation of this City of Carlton development code or any ordinance lawfully adopted by the City of Carlton.
- B. In the event a building or other structure is, or is proposed to be, located, constructed, maintained, repaired, altered, or used, or any land is, or is proposed to be, used, in violation of an ordinance or regulation designed to implement the City of Carlton Development Code, the City of Carlton or a person whose interest in real property in the city is or may be affected by the violation, may, in addition to other remedies provided by law, institute injunction, mandamus, abatement, stop order or other appropriate proceedings to prevent, temporarily or permanently enjoin, abate, or remove the unlawful location, construction, maintenance, repair, alteration or use.
- C. In addition to the enforcement provisions set forth in this development code, a person violating any of the provisions of this title may be cited into the City of Carlton Municipal Court, or any other court of competent jurisdiction to adjudicate such violation, and **be subject to fines set by City Council Resolution for such violations.:**
 - 1. ~~Upon the first conviction thereof be punishable by a fine not to exceed the sum of one hundred fifty dollars (\$150.00);~~
 - 2. ~~Upon the second conviction thereof, be punishable by a fine not to exceed the sum of three hundred dollars (\$300.00);~~

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~~3. Upon the third or further conviction thereof, be punishable by a fine not to exceed the sum of three hundred dollars (\$300.00), or by imprisonment for a period not to exceed thirty (30) days, or both.~~

Each day's violation of any provision of this title shall constitute a separate offense, punishable as set forth in this section. The penalties imposed by this section are in addition to and not in lieu of any other remedies.

17.04.050 Interpretation.

The provisions of this title shall be interpreted as minimum requirements. Where this title imposes a greater restriction than is required by other provisions of law, or by other regulations, resolutions, easements, covenants or agreements between parties, the provisions of this title shall control. When there is doubt regarding the intent of this title as interpreted by the city staff, the Planning Commission may issue an interpretation of the question if they have first determined that such interpretation is within their power and is not a legislative act. The Planning Commission may request an interpretation of this title by the City Council.

17.04.060 Severability.

The provisions of this title are severable. Should any section, clause, or provision of this title be adjudged invalid by a court of competent jurisdiction, that decision shall not affect the validity of any remaining portion of the title.

17.04.070 Conflicting ordinances.

City of Carlton Ordinance No. 350 as amended, zone code; Ordinance No. 549 as amended, subdivision code; Ordinance No. 473 and all other ordinances or parts of ordinances in conflict herewith are hereby repealed.

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Chapter 17.08 ESTABLISHMENT OF ZONING DISTRICTS

17.08.010 Districts.

For the purposes of this title, the incorporated area of the City of Carlton, Oregon, is hereby divided into the following zoning districts **which implement the corresponding Carlton Comprehensive Plan land use map designations:**

Plan Designation	Zoning District Name	Chapter
Residential (Low Density)	Residential-Low Density (R-1)	17.20
Residential (Medium Density)	Residential-Medium Density (R-2)	17.22
Residential (Manufactured) Home	Manufactured Home (MH)	17.24
Residential (High Density)	Residential-Medium High Density (R-3)	17.28
Commercial	Downtown (D) *	17.30
Commercial	Commercial Business (CB)	17.32
Commercial	Commercial Industrial (CI)	17.36
Industrial	General Industrial (IG)	17.40
Public Facility	Public Facility (PF)	17.44
Agricultural Holding	Agricultural Holding (AH)	17.48
Mixed Density Residential	Mixed Density Residential (MX)	17.52

*** The Downtown (D) zone includes three sub-districts, described in Chapter 17.30.**

For the purposes of this title, the following overlay zones are placed in certain areas of the City of Carlton:

	Chapter
Floodplain Management Overlay Zone (FP)	17.56

17.08.020 Boundaries.

- A. The zoning district boundaries are shown on the official zoning map of the City of Carlton Zoning Map ~~for 2000~~ **as amended**. This map is hereby made a part of this title by reference. Any future changes to the zoning of land within the City of Carlton that are approved under the provisions of this title shall be annotated on an amending zoning map.
- B. In interpreting the location of such boundaries on the zoning map, the Planning Commission shall rely on the City of Carlton, Comprehensive Plan ~~2000 Map, as amended~~, and the following guidelines for the location of zoning district boundaries; section lines; property lines; lot lines; center lines of streets, alleys, streams, or railroad rights-of-way; city boundaries; or other planning criteria determined appropriate by the Planning Commission. Any decision of the Planning Commission regarding the location of a zoning district boundary may be appealed to the City Council pursuant to the general procedures outlined for appeal requests in Chapter 17.204.
- C. Whenever any public right-of-way is lawfully vacated, and the lands formerly served as a land use district boundary, the lands formerly within the vacated right-of-way shall be allocated proportionately between the subject land use districts.

Chapter 17.12 DEFINITIONS

17.12.010 Grammatical interpretation.

Words used in the masculine include the feminine, and feminine the masculine. Words used in the present tense include the future; the singular number includes the plural. The word "shall" is mandatory and not directory. The word "may" is permissive. All terms in this code have their commonly accepted, dictionary meaning unless they are specifically defined in the following section or the context in which they are used clearly indicates to the contrary.

17.12.020 Definitions.

The following words and phrases, when used in this title, shall have the meanings set forth in this section, except in those instances where the context clearly indicates a different meaning.

"Access" means the way or means by which pedestrians and/or vehicles shall have safe, adequate and usable ingress and egress to property. A private access is an access not in public ownership and is controlled by means of deed, dedications or easement.

"Access classification" means a ranking system for streets used to determine the appropriate degree of access management. Factors considered include functional classification, the adopted plan for the roadway, subdivision or abutting properties, and existing level of access control.

"Access management" means the process of providing and managing access to land development while preserving the regional flow of traffic in term of safety, capacity, and speed.

"Accessory structure" means a detached, subordinate building or portion of a main structure, the use of which is incidental to that of the main structure or to the use of the land.

"Accessory use" means a use incidental, appropriate and subordinate to the main use of the parcel, lot or structure.

"Addition" means a modification to an existing building or structure that increases the site coverage.

"Adjoining" means contiguous or abutting, exclusive of street width. It shall include the terms adjacent, abutting, or contiguous.

"Administrative review" means a decision affecting land use within the city that is based on the application and/or enforcement of existing standards contained in this title.

Alteration, Structural. "Structural alteration" means any change in the exterior dimensions of a building or a change or repair that would affect or materially change a supporting member of a building, such as a bearing wall, column, beam, or girder.

"Annexation" means the incorporation of a land area into the city with a resulting change in the boundaries of the city.

"Appeal" means a request for a review of the decision-making authority's action on an application or interpretation.

"Applicant" means the owner of record or contract purchaser who submits an application for approval of a permit or land use action.

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~~"Area of special flood hazard" means the land in the floodplain subject to a one percent or greater chance of flooding in any given year.~~

~~"Base flood" means the flood having a one percent chance of being equaled or exceeded in any given year.~~

"Basement" means that portion of a building between floor and ceiling that is partly below and partly above grade, but so located that the vertical distance from grade to the floor below is equal to or greater than the vertical distance from grade to ceiling. If such portion of a building is not a basement, it shall be considered a story.

"Bed and breakfast" means a structure designed and occupied as a residence and in which sleeping rooms are provided on a daily or weekly basis for use by travelers or transients for a charge or fee paid for the rental or use of the facilities. An operator of a bed and breakfast must be a permanent, full time resident of the structure where the use takes place.

"Bike lane" means a four to six-foot (6 ft.) portion of a roadway that has been designated by striping and pavement markings for the preferential or exclusive use of bicyclists.

"Block" means a parcel of land bounded by three (3) or more streets, railroad rights-of-way, waterways, or combination thereof.

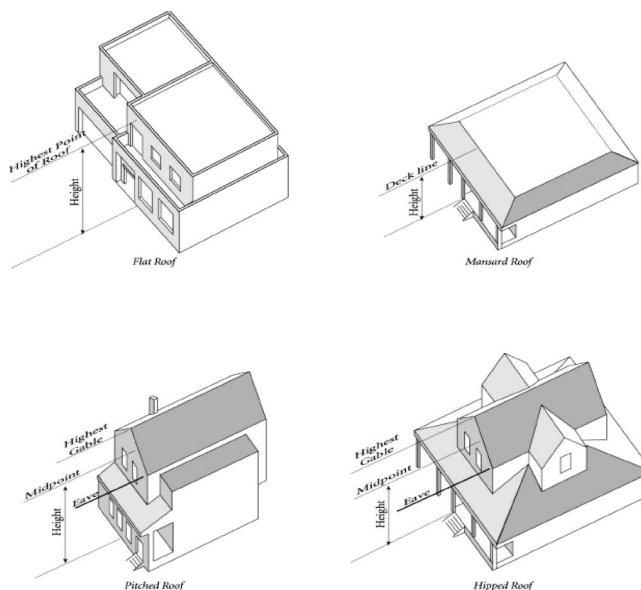
~~"Boarding, lodging, or rooming house" means a building where lodging with or without meals is provided for compensation for not more than five (5) persons in addition to members of the family occupying such building.~~

"Building" means a structure having a roof and built for the support, shelter, or enclosure of persons, animals, or property of any kind.

"Building height" means the vertical distance from a reference datum measured to the highest point of the coping of a flat roof or the deck line of a mansard roof or to the average height of the highest gable of a pitched or hipped roof. The reference datum shall be selected by either of the following; whichever yields a greater height of building:

1. The elevation of the highest adjoining sidewalk or ground surface within five-foot horizontal distance of exterior wall of building when such sidewalk or ground surface is not more than ten (10) feet above lowest grade.
2. An elevation ten (10) feet higher than the lowest grade when the sidewalk or ground surface described in subsection (1) of this section is more than ten (10) feet above lowest grade. The height of a stepped or terraced building is the maximum height of any segment of the building.

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"Building line" means a line established by plat or ordinance a certain distance from a lot line or the street right-of-way beyond which a building cannot extend. The equivalent of a setback line.

"Building official" means an individual empowered by the City Council to administer and enforce the State Building Code (ORS 456.806 (1)).

Building, Primary. "Primary building" means a building in which is conducted a principal or main use of the building site on which it is situated.

"Building site" means a parcel, lot, or plot of land occupied or to be occupied by a principal use and accessory uses and/or building or group of buildings, which parcel, lot, or plot of land complies with all the requirements of this title relating to building sites.

"Cabana" means a stationary structure that may be prefabricated or demountable, with two (2) or more walls, used in conjunction with a manufactured home to provide additional living space and meant to be moved with the manufactured home.

~~"Campground" means a premises under one ownership where persons camp or live in any manner other than a permanent building constructed entirely of wood or more lasting materials, excepting a recreational vehicle park.~~

"Carport" means a stationary structure consisting of a roof with its supports and not more than one wall or storage cabinet substituting for a wall and used for covering a vehicle parking space.

"Cemetery" means land used or intended to be used for the burial of the dead, and dedicated for cemetery purposes, including a columbarium, crematory, mausoleum, or mortuary, when operated in conjunction with and within the boundary of such cemetery.

"Change of use" means any use that differs from the previous use.

"Child care center" means a childcare facility, other than a "family child care home," that is certified under ORS 329A.280(3).

"City" means the City of Carlton, Oregon.

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“City Manager” means the person appointed by City Council to the position and duties described in Chapter 2.08 of the Carlton Municipal Code.

"Clinic" means a facility for examination and treatment of human ailments by a group of physicians, dentists, or other licensed practitioners on an out-patient basis and not involving overnight housing of patients.

"Club" means an organization, group, or association supported by the members thereof, the purpose of which is to render a service primarily for members and their guests, but shall not include any organization, group, or association the primary activity of which is to render a service customarily carried on as a business for profit.

“Cottage cluster” means a grouping of no fewer than four detached dwelling units, located on a single lot or parcel that includes a common courtyard. Cottage cluster may also be known as “cluster housing,” “cottage housing,” “bungalow court,” “cottage court,” or “pocket neighborhood.”

"Commercial retail marijuana" means all parts of the plant cannabis family cannabaceae, genus cannabis whether growing or not, and the seed of such plants.

"Commercial retail marijuana facility" means a commercial retail marijuana facility licensed under Section 22, Chapter 1, Oregon Laws, 2015, that sells, distributes, transmits, gives, dispenses or otherwise provides medical marijuana to qualifying patients.

"Commission" means the Planning Commission of the City of Carlton, Oregon.

"Common area" means an area, feature, or building or other facility within a development designed and intended for the use or enjoyment of all occupants of the development or for the use and enjoyment of the general public.

"Community building" means a publicly owned and operated facility used for meetings, recreation, or education.

"Comprehensive plan" means the comprehensive plan of the City of Carlton, Oregon including all adopted supporting documents.

"Conditional use" means a use that requires a conditional use permit. See Chapter 17.152.

"Condominium" means property submitting to the provisions of ORS Chapter 100.

"Conforming" means in compliance with the regulations of this title.

~~“Conveyance” means the carrying capacity of all or a part of the floodplain. It reflects the quantity and velocity of floodwaters. Conveyance is measured in cubic feet per second (CFS). If the flow is thirty thousand (30,000) CFS at a cross section, this means that thirty thousand (30,000) cubic feet of water pass through the cross section each second.~~

"Council" means the City Council of Carlton, Oregon.

~~“Critical feature” means an integral and readily identifiable part of a flood protection system, without which the flood protection provided by the entire system would be compromised.~~

"Cross access" means a service drive providing vehicular access between two or more contiguous sites so the driver need not enter the public street system.

"Cultivation" means a location where marijuana is produced or cultivated for use by a medical marijuana qualifying patient including within a building, structure or premises used for the cultivation or

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storage of medical marijuana that is physically separate and off site from a medical marijuana dispensary.

"Day care facility" means an institution, establishment or place, not a part of a public school system, in which are commonly received three or more children, not of common parentage, under the age of fourteen (14) years, for a period not exceeding twelve (12) hours per day for the purpose of being given board, care, or training apart from their parents or guardians for compensation or reward.

"Dedication" means the limited grant by a property owner allowing the use of property by the public for specified purposes.

"Density" **means the number of units per a given amount of land.** ~~Means a measure of the number of dwelling units per gross acre.~~

"Density, gross" means density calculated including all buildable and unbuildable land such as streets, streams, slopes, open space, easements, and other rights-of-way. Generally expressed in units per gross acre.

"Density, net" means density calculated excluding non-buildable land, such as streets, streams, slopes, open space, easements, and other rights-of-way. Generally expressed in units per net acre.

"Development" means any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, drilling, and site alteration such as that due to grading, paving, or excavation.

"Drive-through facility" means a drive-through use is a business activity involving buying or selling of goods or the provision of services where one of the parties conducts the activity from within a motor vehicle. Facilities usually associated with a drive through use are queuing lanes, service windows, and service islands for vehicular use.

"Driveway" means a minor private way used by vehicles and pedestrians to gain access from an approved public access or right-of-way onto a lot or parcel of land.

"Dwelling" means a structure or portion thereof that is used for human habitation including permanent provisions for living, sleeping, eating, cooking and sanitation.

"Dwelling, Accessory" means an interior, attached, or detached residential structure that is used in connection with, or that is accessory to, a single-family dwelling and is located on the same lot.

"Dwelling, Cottage" means an individual dwelling unit that is part of a cottage cluster.

"Dwelling, Duplex or Two-Family" means a detached building containing two dwelling units **on a single lot.** ~~designed exclusively for occupancy by two families living independently of each other.~~

"Dwelling, Multi-Family" means a building containing three or more dwelling units **on a single lot.** ~~designed for occupancy by three or more families living independently of each other.~~

"Dwelling, Single-Family" means a detached building containing one dwelling unit **on a single lot.** ~~designed exclusively for occupancy by one family.~~

"Dwelling, Single Room Occupancy" means a residential development with no fewer than four attached units that are independently rented and lockable and provide living and sleeping space for the exclusive use of an occupant, but require that the occupant share sanitary or food preparation facilities with other units in the occupancy.

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"Dwelling, Townhouse" means a dwelling unit constructed in a row of two or more attached units where each dwelling unit is located on an individual lot and shares at least one common wall with an adjacent unit, also commonly called a "single-family attached dwelling," "row house" or "common-wall house."

Dwelling, Vacation Rental. **"Vacation rental dwelling" means a dwelling unit, which is rented, or is available for rent on a daily or weekly basis or is advertised, or is listed with an agent as a vacation rental. See Chapter 17.125.**

"Dwelling unit" **means one or more habitable rooms designed for occupancy by one family. means a single unit of one or more habitable rooms providing complete independent facilities for occupants, including permanent provisions for living, sleeping, eating, cooking and sanitation.**

"Easement" means a grant of right to use an area of land for a specific purpose.

"Eating and drinking establishment" means a retail service establishment where meals and/or beverages are prepared and served to the public generally for primarily indoor consumption on the premises.

"Employees" means all persons normally working on the premises during the largest shift. The Planning Commission shall determine the estimated number of employees of a new business and the number of employees of an established business shall be determined from an examination of the payroll.

"Encroachment" means any obstruction in the floodplain that affects flood flows.

"Expedited land division" means a division of land as defined in ORS 197.360.

"Face" means to front upon.

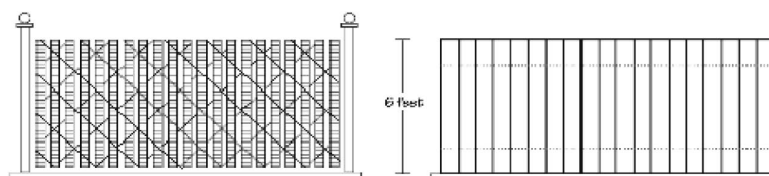
"Family" means an individual or two (2) or more persons related by blood or marriage, including adopted children or those pending adoption, or a group of not more than five (5) persons who need not be related by blood or marriage living as one housekeeping unit.

"Family Child Care Home" means a child care facility in a dwelling that is caring for not more than 16 children and is certified under ORS 329A.280(2) or is registered under ORS 329A.330. provides care for not more than sixteen (16) children in a home. See ORS 657A.440(4) for applicable requirements.

"Farming" means the use of land for purposes defined in ORS Chapter 215.

"Fence" means an unroofed barrier or an unroofed enclosing structure or obstruction constructed of any materials including but not limited to, wire, wood, cement, brick, and plastic.

Fence, Sight-Obscuring. "Sight-obscuring fence" means a fence or evergreen planting arranged in such a way as to obstruct vision. The example above at left is partially (approximately fifty (50) percent) sight obscuring, and the example above at right (e.g., solid wood, vinyl, etc.) is fully sight obscuring. Under either example, if the fence were constructed at less than four (4) feet in height it would not be considered sight-obscuring.



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"Flood" or "flooding." means a general and temporary condition of partial or complete inundation of normally dry land areas from the unusual and rapid accumulation of runoff of surface waters from any source. **See Chapter 17.56.**

"Flood insurance rate map (FIRM)" means the official map on which the Federal Insurance Administration has delineated both the areas of special flood hazards (floodplain) and the risk premium zones.

"Flood Insurance Study (FIS)" means the official report provided by the Federal Insurance Administration that includes flood profiles, the flood boundary floodway map, and the water surface elevation of the base flood.

"Floodplain" means lands that are subject to a one percent or greater chance of flooding in any given year or a regional flood.

"Floodproofing" means a combination of structural or non-structural provisions, changes, or adjustments to structures, land or waterways for the reduction or elimination of flood damage to properties, water and sanitary facilities, structures and contents of buildings in a flood hazard area.

"Floodway" means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one (1) foot.

"Floodway fringe" means the area of a floodplain lying outside of the floodway, but subject to periodic inundation.

"Floor area" means the gross horizontal area under a roof of all floors of a building, measured from the exterior faces of the exterior walls or from the centerline of walls separating two buildings, but not including:

1. Attic space providing headroom of less than seven (7) feet;
2. Basement, if the floor above is less than six (6) feet above grade;
3. Uncovered steps or fire escapes;
4. Private garages, carports, or porches;
5. Accessory water towers or cooling towers;
6. Off-street parking or loading spaces.

"Food cart" means the sale of food and/or non-alcoholic beverages from an enclosed mobile unit located on private property which is used for the purpose of preparing, processing or converting food for immediate consumption as a drive-in or walk-up service. Examples include trailers designed to prepare and serve food but does not include outdoor barbecue grills, street vendors. Exceptions include:

1. Residential lemonade stands and similar short-term sales associated with residential uses, and
2. Temporary uses that last less than seven days in a calendar year that are directed toward a specific event.

"Frontage" means that dimension of a property that abuts a public or private street right-of-way.

"Functional area (intersection)" means that area beyond the physical intersection of two (2) streets that comprises decision and maneuver distance, plus any required vehicle storage length.

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"Functional classification" means a system used to group public roadways into classes according to their purpose in moving vehicles and providing access.

Garage, Private. "Private garage" means an accessory building or portion of a main building used for the parking or temporary storage of automobiles in which no business, occupation, or service is provided.

Garage, Public. "Public garage" means a building, other than a private garage, used for the care, repair, or equipping of motor vehicles, or where such vehicles are parked or stored for compensation, hire, or sale.

"Grade" means the average elevation of the finished ground at the centers of all walls of a building, except that if a wall is parallel to and within five (5) feet of a sidewalk, the sidewalk elevation opposite the center of the wall shall constitute the ground elevation.

~~"Group care home" means a home or private institution maintained and operated for the care, boarding or training of one or more persons.~~

~~"Guest house" means a detached accessory building used as sleeping quarters for guests of the occupants of the main dwelling on a noncommercial basis and having no cooking facilities.~~

"Historic site" means a site or structure, generally fifty (50) years old or older, listed in the comprehensive land use plan as a historic or cultural resource. ~~An inventory of properties done in conjunction with Oregon Land Conservation and Development Commission Goal 5 to include~~ **and/or** properties listed individually in the National Register of Historic Places ~~established and maintained under the National Historic Preservation Act of 1966 (P.L. 89-665);~~ or a contributing property in a National Register Historic district, or property designated by local ordinance as an individual historic property or as a contributing property in a historic district ~~and that the State Historic Preservation Officer (SHPO) finds is eligible for listing in the National Register of Historic Places. Such designation is subject to the provisions of ORS 197.772.~~

"Home occupation" means a lawful occupation carried on by a resident of a dwelling as a secondary use within the same dwelling. The residential character of the property is maintained in a manner as not to give an outward appearance nor manifest any characteristic of a business in the ordinary meaning of the term. A home occupation shall not include the outside storage of equipment or materials.

"Homeowners association" means an association operating under recorded land agreements through which each lot owner of a planned development, condominium development, subdivision or other described land are automatically subject to a charge for a proportionate share of the expenses for the organization's activities, such as maintaining a common property.

"Hospital" means an establishment that provides sleeping and eating facilities to persons receiving medical, obstetrical, or surgical care with nursing service on a continuous basis.

"Hotel" means any building in which lodging is provided to guests for compensation and in which no provision is made for cooking in individual rooms.

"Improvement" means any permanent structure that becomes part of, placed upon, or is affixed to property.

"Industrial" means any enterprise involving the manufacturing, processing, or assembly of semi-finished or finished products from raw materials or similar treatment or packaging of previously prepared materials.

"Infusion" means a facility or business that incorporates marijuana (cannabis) by means of cooking, blending, or incorporation into consumable/edible goods.

"Joint access (or shared access)" means a driveway connecting two (2) or more contiguous sites to the public street system.

"Junk yard" means the use of more than two hundred (200) square feet of the area of any lot for the storage of salvage materials, including scrap metals or other scrap materials, or for the dismantling or "wrecking" of automobiles or other vehicles or machinery, whether or not such uses are conducted as a business for profit or otherwise.

"Kennel" means any lot or premises, on which four (4) or more dogs and/or cats over the age of six (6) months are kept for sale, lease, boarding, or training.

"Land division" means the process of dividing land to create lots or parcels.

"Livestock" means domestic animals of types customarily raised or kept on farms.

"Loading space" means an off-street space on the same lot with a building, or contiguous to a group of buildings, used for the temporary parking of a commercial vehicle while loading or unloading merchandise or materials, and which abuts upon a street, alley or other appropriate means of access.

"Lot" means a unit of land created by a subdivision or partitioning of land. Except where otherwise stated, the term "lot" includes the term "parcel."

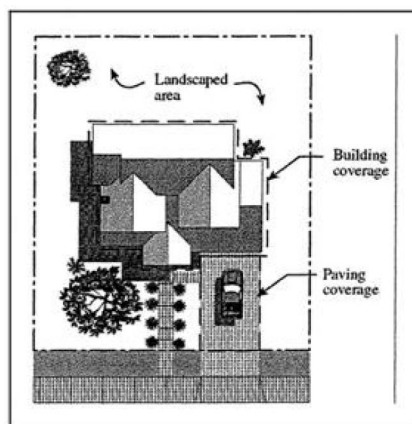
Lot, Corner. "Corner lot" means a parcel abutting on two (2) intersecting streets, other than an alley. In the event a street front lot line is a curve at its point of intersection with a side lot line, the tangent to the curve at that point shall be considered the direction of the front lot line.

Lot, Flag. "Flag lot" means a parcel of land taking access by a relatively narrow strip of land between the major portion of the parcel and the point of public access to the parcel, all of which is in the same ownership or title.

Lot, Interior. "Interior lot" means a parcel other than a corner lot.

Lot, Through. "Through lot" means an interior lot having frontage on two (2) streets.

"Lot area" means the total area of a parcel, measured in a horizontal plane within the boundary lines. For flag lots, the access strip shall not be included in lot area for the purposes of minimum lot area requirements of this title.



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"Lot coverage" means the portion of a parcel covered or occupied by buildings, roofed structures, and impervious paved surfaces.

"Lot depth" means the horizontal distance measured from the midpoint of the front lot line to the midpoint of the rear lot line.

"Lot frontage" means the distance between the two (2) side lot lines measured at the minimum front setback line, parallel to the street line.

Lot Line, Front. "Front lot line" means the property line separating the lot from a street, other than an alley. In the case of a corner lot, the shortest property line along a street, other than an alley.

Lot Line, Rear. "Rear lot line" means a property line that is opposite and most distant from the front lot line. In the case of an irregular, triangular or other-shaped lot, a line ten (10) feet in length within the lot, parallel to and at a maximum distance from the front lot line.

Lot Line, Side. "Side lot line" means any property line that is not a front or rear lot line.

"Lot line adjustment" means the relocation of a common property line between two (2) abutting properties that does not involve the creation of a new lot or parcel.

"Lot of record" means a lawfully created lot or parcel established by plat, deed, or contract as duly recorded in Yamhill County property records.

"Lot width" means the average horizontal distance between the side lot lines, ordinarily measured parallel to the front lot line.

"Lowest floor" means the lowest floor of the lowest enclosed area, including basement, of a building or structure. For purposes of Chapter 17.56, Floodplain Management Overlay Zone only, an unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage, in an area other than a basement area, is not considered a building's lowest floor.

"Manufactured home" means a structure constructed for movement on the public highways that has sleeping, cooking and plumbing facilities, that is intended for human occupancy, that is being used for residential purposes and that was constructed in accordance with federal manufactured housing construction and safety standards and regulations in effect at the time of construction.

1. A residential trailer, a structure constructed for movement on the public highways that has sleeping, cooking and plumbing facilities, that is intended for human occupancy, that is being used for residential purposes and that was constructed before January 1, 1962.

2. A mobile home, a structure constructed for movement on the public highways that has sleeping, cooking and plumbing facilities, that is intended for human occupancy, that is being used for residential purposes and that was constructed between January 1, 1962 and June 15, 1976, and met the construction requirements of Oregon mobile home law in effect at the time of construction.

3. A manufactured home, a structure with a Department of Housing and Urban Development label certifying that the structure is constructed in accordance with the National Housing Construction and Safety Standards Act of 1974 (42 U.S.C. 5401 et seq.), as amended August 22, 1981 and constructed after June 15, 1976.

"Manufactured dwelling" means a residential trailer, mobile home, prefabricated structure, or manufactured home. A manufactured dwelling does not include any building or structure constructed to conform to the Oregon Structural Specialty Code or the One and Two Family Dwelling Code

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adopted pursuant to ORS 455.100 to 455.450 and 455.610 to 455.630, or any unit identified as a recreational vehicle by the manufacturer.

"Manufactured **dwelling home park**" means any place where four (4) or more manufactured homes are located within five hundred (500) feet of one another on a lot, tract, or parcel of land under the same ownership, the primary purpose of which is to rent or lease space or keep space for rent or lease to any person for a charge or fee paid or to be paid for the rental, lease, or use of facilities or to offer space free in connection with securing the trade or patronage of such person. **Manufactured dwelling park does not include a lot or lots located within a subdivision being rented or leased for occupancy by no more than one manufactured dwelling per lot.**

~~"Marginal access street" means a public or private drive that generally parallels a public street between the right-of-way and the front building setback line. The marginal access street provides access to private properties while separating them from the arterial street.~~

"Master plan" means a sketch or other presentation showing the ultimate location of lot lines and other details of layout such that future division may readily be made without violating the requirements of this title. It is intended that the lot lines and other details of future subdivision or partition be advisory only, and shall not be binding on the applicant or city; however, any restriction of building within future street locations may be imposed and be set forth in recorded deed restrictions.

"Medical marijuana" means all parts of the genus cannabis whether growing or not, and the seed of such plants that may be administered to treat or alleviate a qualifying patient's debilitating medical condition or symptoms associated with the patient's debilitating medical condition.

"Medical marijuana dispensary" means a medical marijuana facility registered by the Oregon Health Authority under ORS 475.300 to 475.346 and that sells, distributes, transmits, gives, dispenses or otherwise provides medical marijuana to qualifying patients.

"Medical marijuana qualifying patient" means a registry identification cardholder (person who has been diagnosed by a physician as having a debilitating medical condition) as further defined by ORS 475.302(3) or the designated primary caregiver of the cardholder as defined by ORS 475.302(5).

"Mini-warehouse storage" means an area or areas located within an enclosed building or structure designed and intended to be used for the rental of storage units to individuals for the safekeeping of personal items.

"Mobile home" means a structure constructed for movement on the public highways that has sleeping, cooking and plumbing facilities, that is intended for human occupancy, that is being used for residential purposes and that was constructed between January 1, 1962, and June 15, 1976, and met the construction requirements of Oregon mobile home law in effect at the time of construction.

~~"Modular or prefabricated home" means a dwelling unit whose components are assembled and brought to the site and erected. The dwelling unit is intended and designed to be placed upon a permanent foundation and substantial construction is needed before it is complete and ready for permanent occupancy. The Uniform Building Code (UBC) regulates modular or prefabricated homes.~~

"Motel" means a building or group of buildings on the same lot containing rooms designed for lodging, with or without cooking facilities, which are available for rent and in which each lodging unit is separate. The term includes auto courts, tourist courts, tourist homes, and motor lodges.

"New construction" means any remodeling of an existing structure, any construction of a new structure, or any placement of a manufactured home or building requiring a building or placement permit initiated on or after the effective date of the ordinance codified in this title.

"Nonconforming structure or use" means a lawfully existing structure or use at the time this title or any amendments thereto becomes effective, which does not conform to the requirements of the zone in which it is located.

"Nursing home" means any home, place or institution which operates and maintains facilities providing convalescent or nursing care, or both, for a period exceeding twenty-four (24) hours for two (2) or more ill or infirm patients not related to the nursing home administrator, or owner, by blood or marriage. Convalescent care may include, but is not limited to, the procedures commonly employed in nursing and caring for the sick and includes rest homes and convalescent homes, but does not include a boarding home for the aged, a retirement home, hotel, hospital, or a chiropractic facility licensed under Oregon Revised Statutes.

"NWI/LWI Maps" means a National Wetland Inventory (NWI) Map or, if available, a Local Wetland Inventory (LWI).

"Official zoning map" means the map or maps upon which the zoning districts in the City of Carlton are indicated.

"Outdoor storage" means the keeping, not within a building, of any goods, junk, material, merchandise or vehicles in the same place for more than twenty-four (24) hours.

"Owner" means the owner of record of real property as shown on the latest tax rolls or deed records of Yamhill County, and includes a person who furnishes evidence that they are purchasing a parcel of property under a written recorded or unrecorded land sale contract.

Parking Area, Private. "Private parking area" means an open area, building or structure, other than a street or alley, used for the parking of the automobiles of residents and guests of a building.

Parking Area, Public. "Public parking area" means an open area, building or structure, other than a private parking area, street or alley, used for the parking of automobiles and other motor vehicles, and available for use by persons patronizing a particular building or establishment.

"Parking space" means an enclosed or unenclosed surfaced area, exclusive of maneuvering and access area, permanently reserved for the temporary storage of an automobile and connected with a street or alley by a surfaced driveway that affords ingress and egress for automobiles.

"Partition" means to divide an area or tract of land into two (2) or three (3) parcels within a calendar year when such area or tract of land exists as a unit or contiguous units of land under single ownership at the beginning of such year. "Partition" does not include:

1. Divisions of land resulting from lien foreclosures, divisions of land resulting from contracts for the sale of real property, and divisions of land resulting from the creation of cemetery lots; or
2. A sale or grant by a person to a public agency or public body for state highway, county road, or other right-of-way purposes provided that such road or right-of-way complies with the applicable comprehensive plan and ORS 215.213(2)(q) to (s) and 215.283(2)(p) to (r).

"Pedestrian circulation system" means pedestrian connection(s) between entrance(s) of the proposed development and adjacent street(s), the parking area, and the existing or future development on adjacent properties.

"Pedestrian connection" means a continuous, unobstructed, reasonably direct route between two (2) points that is intended and suitable for pedestrian use. Pedestrian connections include but are not limited to sidewalks, walkways, accessways, stairways and pedestrian bridges. On developed parcels, pedestrian connections are generally hard surfaced. In parks and natural areas, pedestrian connections may be soft-surfaced pathways. On undeveloped parcels intended for redevelopment, pedestrian connections may also include right-of-way or easements for future pedestrian improvements.

"Pedestrian facilities" means improvements that provide for public pedestrian foot traffic including sidewalks, walkways, crosswalks and other improvements, such as lighting or benches, which provide safe, convenient and attractive walking conditions.

"Pedestrian plaza" means a small semi-enclosed area usually adjoining a sidewalk or a transit stop that provides a place for pedestrians to sit, stand, or rest. They are usually paved with concrete, paving stones or similar material and include seating, pedestrian scale lighting and similar improvements. Low walls or planters and landscaping are usually provided to create a semi-enclosed space and to buffer and separate the plaza from adjoining parking lots and vehicle maneuvering areas.

"Pedestrian scale lighting" means light standards or placement no greater than fourteen (14) feet in height located along walkways.

"Pedestrian way" means a right-of-way for pedestrian traffic.

"Permit" means any form of written approval pertaining to the use of land.

"Permitted use" means any use allowed in a zoning district and subject to the restrictions applicable to that zoning district as provided in the development code.

"Person" means every natural person, firm, partnership, association, social or fraternal organization, corporation, estate, trust, receiver, syndicate, branch of government, or any other group or combination acting as a unit.

"Place of worship" means a church, synagogue, temple, mosque, chapel, meeting house or other nonresidential place used for activities customarily associated with the practices of the religious activity, including worship services, religion classes, weddings, funerals, child care and meal programs.

"Planned unit development" means a type of development of a site that, as a single project, is based on a design that incorporates all elements of land, structures and uses in conformance with the applicable standards of this title.

"Planning Commission" means the Planning Commission of Carlton, Oregon.

"Plat" means the final map which is a diagram, drawing, re-plat or other writing containing all the descriptions, locations, specifications, dedications, provisions, and information concerning a subdivision or partition.

"Portable accessory structure" means a structure intended for the shelter or storage of self-propelled vehicles, which is comprised of a self-supporting assemblage of material and is not permanently attached to a footing and foundation in compliance with the Uniform Building Code.

"Prefabricated structure" means a prefabricated structure, as defined in ORS 455.010, that is relocatable, more than eight and one-half feet wide and designed for use as a single-family dwelling.

"Professional office" means an office occupied by an accountant, architect, artist, attorney-at-law, professional engineer, land surveyor, land use planner, insurance agent, real estate broker, landscape

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architect, or practitioner of the human healing arts, or other professional business similar in type, scale and character.

"Quasi-judicial review" means an action or decision that requires substantial discretion or judgment in applying the standards or criteria of this title.

"Ramada" means a stationary structure having a roof extending over a manufactured home, which may also extend over a patio or parking space and is used principally for protection from the elements.

"Recreational vehicle" means a vacation trailer or other vehicular or portable unit which is either self-propelled, towed or is carried by a motor vehicle and which is intended for temporary human occupancy and is designed for vacation or recreational purposes but not residential use.

"Recreational vehicle park" means any area operated and maintained for the purposes of parking or providing space for overnight use by recreational vehicles.

"Remodeling" means any structural improvement or addition made to an existing structure which adds more than twenty (20) percent to the useable floor area; or adds more than five hundred (500) square feet to the useable floor area; or which permit value exceeds thirty-five (35) percent of the current year assessed improvement value.

"Reserve strip" means a strip of land, usually one foot in width, deeded to the city, reserved across the end of a street or alley at the boundary of a subdivision or partition; or a strip of land deeded to the city between a dedicated street and adjacent property; in either case reserved or held by the city for future street extension or widening, or to prohibit access from property adjacent to a street.

"Residential care facility" **means a residential care, residential training or residential treatment facility, as those terms are defined in ORS 443.400, that provides residential care alone or in conjunction with treatment or training or a combination thereof for six to 15 individuals who need not be related. Staff persons required to meet licensing requirements shall not be counted in the number of facility residents, and need not be related to each other or to any resident of the residential care facility.** ~~means a facility licensed by or under the authority of the Department of Human Resources under ORS 443.400 to 443.460 which provides residential care alone or in conjunction with treatment or training or a combination thereof for six to fifteen (15) individuals who need not be related. Staff persons required meeting Department of Human Resources licensing requirements shall not be counted in the number of facility residents, and need not be related to each other or to any resident of the residential facility.~~

"Residential home" **means a residential treatment or training home, as defined in ORS 443.400 (Definitions for ORS 443.400 to 443.455), a residential facility registered under ORS 443.480 (Definitions for ORS 443.480 to 443.500) to 443.500 (Investigation of registered facilities) or an adult foster home licensed under ORS 443.705 (Definitions for ORS 443.705 to 443.825) to 443.825 (Disposition of penalties recovered) that provides residential care alone or in conjunction with treatment or training or a combination thereof for five or fewer individuals who need not be related. Staff persons required to meet licensing requirements shall not be counted in the number of facility residents, and need not be related to each other or to any resident of the residential home.** ~~means a home licensed by or under the authority of the Department of Human Resources under ORS 443.400 to 443.825 that provides residential care alone or in conjunction with treatment or training or a combination thereof for five or fewer individuals who need not be related. Staff persons required to meet Department of Human Resources licensing requirements shall not be counted in the number of facility residents, and need not be related to each other or to any resident of the residential facility.~~

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“Residential trailer” means a structure constructed for movement on the public highways that has sleeping, cooking and plumbing facilities, that is intended for human occupancy, that is being used for residential purposes and that was constructed before January 1, 1962.

"Retail cultivation" means a location where commercial retail marijuana is produced or cultivated including within a building, structure or premises used for the cultivation or storage of commercial retail marijuana that is physically separate and off site from a commercial retail marijuana facility.

"Retail trade" means the process of selling to the consumer for direct consumption and not for resale.

"Right-of-way" means land that is owned in fee simple by the public and usually used for transportation facilities.

School, Elementary; Middle School or High School. "Elementary school, middle school or high school" means an institution public or parochial, offering instruction in the several branches of learning and study, in accordance with the rules and regulations of the State Department of Education.

School, Trade or Commercial. "Trade or commercial school" means a building where the instruction is given to pupils for a fee in money or otherwise, which fee is the principal reason for the existence of the school.

"Service station" means any lot used primarily for the retail sales of motor vehicle fuels and lubricants for delivery on premises, and minor automobile repair and service.

"Setback" means the distance between a specified lot line and the foundation or exterior wall of a building or structure.

"Sign" means any writing, including letter, word, or numeral; pictorial presentation, including mural, illustration or decoration; emblem, including device, symbol or trademark; flag, including banner or pennant; or any other device, figure or similar thing which is a structure or any part thereof, or is attached to, painted on, or in any other manner represented on a building or structure or device; and is used to announce, direct attention to, or advertise; and is visible from any public right-of-way. Sign does not include house numbers. For purposes of Chapter 17.80, the following definitions apply:

1. "Alteration" means any change in the size, shape, or method of illumination, position, location, construction, or supporting structure of a sign. A change in sign copy or sign face alone, including replacement of damaged or worn materials with like materials, shall not be considered an alteration.
2. "Area" means the area of a sign shall be the entire area within any type of perimeter or border which encloses the outer limits of any writing, representation, emblem, figure, or character. If the sign is enclosed in a frame or cabinet the area is based on the inner dimensions of the frame or cabinet surrounding the sign face. When a sign is on a base material and attached without a frame, such as a wood board or Plexiglas panel, the dimensions of the base material are to be used. The area of a sign having no such perimeter, border, or base material shall be computed by enclosing the entire area within a parallelogram or a triangle of the smallest size sufficient to cover the entire message of the sign and computing the area of the parallelogram or a triangle. For the purpose of computing the number of signs, all writing included within such a border shall be considered one sign, except for multi-faced signs on a single sign structure, which shall be counted as one sign per structure. The area of multi-faced signs shall be calculated by including the total area of all sign faces.

3. "Awning" means a shelter supported entirely from the exterior wall of a building and composed of non-rigid materials, except for the supporting framework.
4. "Building face" means the single wall surface of a building facing a given direction.
5. "Building frontage" means the portion of a building face most closely in alignment with an adjacent right-of-way or fronting a parking lot when so defined. A service station may use the overhanging canopy as a substitute for building frontage when computing the allowable sign area. The longest side of the canopy shall be used to compute the allowable sign area.
6. "Canopy sign" means a sign hanging from a canopy or eaves, at any angle relative to the adjacent wall, the lowest portion of which is at least eight (8) feet above the underlying grade.
7. "Flashing sign" means a sign any part of which pulsates or blinks on and off, except time and temperature signs and message signs allowed by conditional use.
8. "Freestanding sign" means a sign supported by one or more uprights, poles or braces placed in or upon the ground, or a sign supported by any structure primarily for the display and support of the sign.
9. "Incidental signs" means a sign that is normally incidental to the allowed use of the property, but can contain any message or content. Such signs can be used for, but are not limited to, nameplate signs, warning or prohibition signs, and directional signs not otherwise allowed.
10. "Indirect illumination" means a source of illumination directed toward such sign so that the beam of light falls upon the exterior surface of the sign.
11. "Internal illumination" means a source of illumination from within a sign.
12. "Message sign" means a sign that can change its message electronically and is designed to display various messages, including but not limited to signs displaying time and temperature.
13. "Monument sign" means a square or rectangular sign that sits directly on the ground without pole or uprights.
14. "Multi-faced sign" means a sign that has two or more sign faces, contained in a single sign structure.
15. "Mural" means an illustration (with or without words or numbers) that is painted or otherwise applied (without projections) to an outside wall of a structure.
16. "Nonconforming sign" means any sign that lawfully exists prior to the effective date of the ordinance codified in this title but which due to the requirements adopted herein, no longer complies with the height, area and placement regulations or other provisions of these regulations.
17. "Owner" means as used in these regulations, "owner" means owner or lessee of the sign. If the owner or lessee of the sign cannot be determined, then "owner" means owner or purchaser of the land on which the sign is placed.
18. "Official sign" means a sign erected by a governmental agency or its designee, setting forth information pursuant to law.
19. "Portable sign" means any sign that is not originally designed, regardless of any subsequent modification, to be permanently affixed to a building, structure, or the ground. These signs

primarily include, but are not limited to, A-frame or sandwich board signs; signs attached to wood or metal frames and designed to be self-supporting and movable, including trailer mounted reader boards. Portable signs are considered temporary signs as defined and used in this title.

20. "Projecting sign" means a sign the face of which is not parallel to the wall on which it is mounted, projecting more than eight (8) inches from a structure.
21. "Real estate sign" means a sign for the purpose of rent, lease, sale, etc. of real property, building opportunities, or building space.
22. "Roof line" means either the eaves of the roof or the top of the parapet, at the exterior wall. (A "mansard roof" is below the top of a parapet and is considered a wall for sign purposes.)
23. "Roof sign" means a sign or any portion of which is displayed above the highest point of the roof, whether or not such sign also is a wall sign.
24. "Rotating/revolving sign" means a sign, all or a portion of which, moves in some manner.
25. "Sign face" means surface of a sign containing the message. The sign face shall be measured as set forth in the definition for "sign area."
26. "Sign height" is measured from the grade of the curb line lowest to the base of the sign to the highest portion of the sign, sign structure or frame; whichever is greater highest point of the sign. In the absence of a curb line, the edge of the street pavement shall be used. In the absence of street pavement, the ground level shall be used to measure the height.
27. "Sign structure" means the supports, uprights, braces, framework and other structural components of the sign.
28. "Temporary sign" means a sign not permanently affixed to a structure on a property. These signs primarily include, but are not limited to, canvas, cloth, or paper banners or posters hung on a building wall or on a permanent pole such as on a freestanding sign support.
29. "Wall sign" means a sign attached to, erected against or painted on a wall of a building or structure, with the exposed face of the sign in a plane approximately parallel to the face of said wall and not projecting more than eight (8) inches. A sign painted on an awning in which the face of the sign is approximately parallel to the wall shall also be considered a wall sign.

"Significant change in trip generation" means a change or expansion in the use of property, land, structures or facilities causing an increase in the trip generation of the property exceeding: (1) local: ten (10) percent more trip generation (either peak or daily) and one hundred (100) vehicles per day more than the existing use for all roads under local jurisdiction; or (2) state: exceeding twenty-five (25) percent more trip generation (either peak or daily) and one hundred (100) vehicles per day more than the existing use for all roads under state jurisdiction.

Space, Manufactured Home. "Manufactured home space" means an area reserved exclusively for the use of a single manufactured home.

"Start of construction" means the date a building permit is issued, provided that the actual start of construction, repair, reconstruction, placement or other improvement occurs within one hundred eighty (180) days of the permit date.

"Story" means that portion of a building included between the upper surface of any floor and the upper surface of the floor next above, except that the top-most story shall be that portion of a building

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included between the upper surface of the top-most floor and the ceiling or roof above. If the finished floor level directly above a basement or cellar is more than six (6) feet above grade as defined herein, such basement or cellar shall constitute a story.

"Street" means the entire width between the boundary lines of a public or private way of travel for the purpose of providing ingress and egress for vehicular and pedestrian traffic and the placement of utilities to one or more lots, parcels, areas, or tracts of land. A private way is excluded that is created to provide ingress and egress to land in conjunction with the use of such land for forestry, mining, or agricultural purposes.

1. "Alley" means a thoroughfare not more than twenty (20) feet and not less than ten (10) feet in width, which has been dedicated or deeded to the public for public use providing a secondary means of access to abutting property.
2. "Arterial" means a street of considerable continuity that is used primarily for through traffic and interconnection between major areas and designated on the current Carlton comprehensive plan.
3. "Boundary" means a street that abuts the boundary of a development or site of a land use action.
4. "Collector" means a street supplementary to the arterial street system, used partly by through traffic and partly for access to abutting properties and designated on the current Carlton comprehensive plan.
5. "Cul-de-sac (dead-end)" means a short street with one end open to traffic and the other terminated by a vehicle turn-around.
6. "Frontage road" means a ~~service road~~ **public or private drive** parallel and adjacent to an arterial street providing access to abutting properties, but protected from through traffic.
7. "Local access street" means a street intended primarily for access to abutting properties, but protected from through traffic.
8. "Private street" means a street or right-of-way serving a subdivision or planned unit development that is not dedicated to the public or accepted by the city.

"Structural alteration" means any change to the supporting members of a structure, including foundation bearing walls or partitions, columns, beams or girders, or any structural change in the roof or in the exterior walls.

"Structure" means that which is built or constructed, an edifice or building of any kind, or a piece of work artificially built up or composed of parts joined together in some definite manner.

"Stub-out (stub-street)" means a portion of a street or cross access drive used as an extension to an abutting property that may be developed in the future.

"Subdivision" means to divide a tract of land into four or more lots within a single calendar year when such land exists as a unit or contiguous units under a single ownership at the beginning of the year.

~~"Substantial improvement" means the cost of any repair, reconstruction or improvement of a structure equal to or greater than fifty (50) percent of its market value before such alteration occurred.~~

"Tax lot" means a lot designation created by the county assessor for the purpose of levying property taxes.

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"Temporary use" means a use that is: (1) seasonal or directed toward a specific event; or (2) occasioned by an unforeseen event.

~~Trailer (Travel or Vacation). See "Recreational vehicle."~~

~~Travel Trailer Parks. See "Campground" or "Recreational vehicle park."~~

"Unstable soil" means any soil type, as defined by the U.S. Natural Resources Conservation Service and identified in the comprehensive plan, which has severe limitations for development due to potential flooding, erosion, structural instability or inadequate sewage waste disposal.

"Urban growth boundary" means an adopted boundary around the city that defines the area in which the city expects to grow, where public facilities will be extended, and where joint planning responsibilities are exercised with Yamhill County.

"Use" means the purpose for which land or a structure is designed, arranged, or intended, or for which it is occupied or maintained.

"Veterinary clinic" means a facility designed to contain treatment and temporary care facilities for the cure and prevention of ailments or injuries of domestic animals, including both domestic pets and farm animals, under the direction of a licensed veterinarian.

"Vision clearance area" means a triangular area on a lot at the intersection of two (2) streets or a street and a railroad, two (2) sides of which are lines measured from the corner intersection of the right-of-way lines. The third side of the triangle is a line across the corner of the lot joining the ends of the other two (2) sides. Where the lines at the intersections have rounded corners the right-of-way lines will be extended in a straight line to a point of intersection.

"Visual obstruction" means any fence, hedge, tree, shrub, device, wall or structure between the elevations of three (3) and eight (8) feet above the adjacent curb height or above the elevation of the street edge where there is no curb, as determined by the city engineer, as so located at a street, drive, or alley intersection as to limit the visibility of pedestrians or persons in motor vehicles on said streets, drives, or alleys.

"Walkway" means a right-of-way deeded, dedicated, and designated for the use of nonmotorized vehicles and pedestrians.

"Warehouse" means a place for the safekeeping of goods and materials necessary for the functioning of an industrial or commercial enterprise.

"Wholesale" means the bulk sale of goods for resale to a person other than the direct consumer.

"Yard" means an open space on a lot that is unobstructed from the ground upward except as otherwise provided in this title.

Yard, Front. "Front yard" means a yard extending across the full width of the lot, the depth of which is the minimum horizontal distance between the front lot line and a line parallel thereto at the nearest point of the foundation of the main structure.

Yard, Rear. "Rear yard" means a yard extending across the full width of the lot, the depth of which is the minimum horizontal distance between the rear lot line and a line parallel thereto at the nearest point of the foundation of the main structure.

Yard, Side. "Side yard" means a yard, between the main structure and the side lot line, extending from the front yard, or front lot line where no front yard is required, to the rear yard or the rear lot line

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if no rear yard is required; the width of the required side yard shall be measured horizontally from the nearest point of the side lot line toward the nearest part of the foundation of the main structure.

"Zero side yard" means no required set back from the adjacent property line.

Chapter 17.16 FILES AND RECORDS RETENTION

17.16.010 Purpose.

The preservation of land use records is essential to meet the needs of the City of Carlton and to conform to the requirements of the Secretary of State, Archives Division.

17.16.020 General.

The following constitutes the minimum records retention for various categories of land use records. When the requirements of the Secretary of State, Archives Division, are greater, those guidelines shall prevail. Records may be created and retained in a variety of media and physical formats, including but not limited to paper, microfilm, sound recordings, video recordings, magnetic tape and disk, and optical disk.

17.16.030 Records retention.

- A. Council Meeting Records. Records documenting the proceedings of the council and may include minutes, agendas, tape recordings, exhibits, materials distributed by citizens, and other records. Minimum retention: (1) minutes, agendas, resolutions, and exhibits: permanent; (2) audio or visual recordings: one year after minutes prepared; (3) other records: five years.
- B. Planning Records. Records relating to general or comprehensive plan amendments, land use map changes, annexations, development code amendments and code interpretations. Any other documents adopted to guide long term city growth and development of the city. May include public hearings records, plans, amendments, staff reports, periodic review records, maps, and other related records. Minimum retention: permanent.
- C. Historic Structures Inventory Records. Records documenting the results of inventory projects to designate historic properties within the city in conjunction with Oregon Land Conservation and Development Commission Goal 5 procedures. Minimum retention: Permanent.
- D. Zone Change Records. Applications and decisions related to rezoning land. May include applications, staff reports, technical notes, approval orders, and related records. Minimum retention: (1) findings of fact, and decision documents: permanent; (2) other records: ten (10) years after approval or denial.
- E. Subdivision and Planned Unit Development Records. May include applications, site locations, site plans, staff reports, appeals reports, decision statements, maps, and related records. Minimum retention: (1) if approved and city conditions met: permanent; (2) if not approved: ten (10) years after expiration or revocation.
- F. Partition and Lot Line Adjustment Records. Applications, staff reports, technical notes, approval orders, maps, and related records. Minimum retention: (1) if approved and filed: permanent; (2) if not: ten (10) years after denial, expiration or revocation.
- G. Conditional Use Permit Records. Applications and decisions related to conditional use permit requests. May include applications, site plans, staff reports, and related records. Minimum retention: ten (10) years after expiration, revocation, or discontinuance of use.

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- H. Variance Records. May include applications, site plans, descriptions of requests, site plans, staff reports, and related records. Minimum retention: ten (10) years after expiration, revocation, or discontinuance of use.
- I. Development Review Records. Records also may include applications, site plans, staff reports, maps, and related documents. Three-dimensional exhibits such as sample boards of brick, tile, and other building materials are not public records. Minimum retention: five years.
- J. Sign Review Records. May include, descriptions, drawings, photographs, reports, applications, and related records. Minimum retention: life of the structure.
- K. Temporary Use Records. Records documenting actions relating to home occupations, fence permits, and nonconforming uses. May include applications, permits, staff reports, approval orders, and other documents. Minimum retention: five years after discontinuance of use.

Division II. ZONING AND DEVELOPMENT PROVISIONS

Chapter 17.20 RESIDENTIAL-LOW DENSITY (R-1) DISTRICT

17.20.010 Purpose.

The Residential-Low Density (R-1) district preserves existing ~~single-family~~ **neighborhood** residential areas and provides for future ~~single-family~~ **neighborhood residential** housing opportunities **including single-family detached homes, duplexes, and other similarly scaled dwellings**. The R-1 district is consistent with the Residential comprehensive plan designation.

17.20.020 Permitted uses.

The following uses are permitted in the Residential-Low Density District:

- A. Single-family dwelling, including a single-family manufactured home ~~subject to Chapter 17.116~~ **and a prefabricated structure.**
- B. Duplex dwelling ~~on a corner lot.~~
- C. ~~Public park and recreation area.~~ **Accessory dwelling, subject to the provisions of Section 17.20.060.**
- D. Cottage cluster, subject to the provisions of Section 17.106.040.**
- ~~D E.~~ Planned unit development subject to the provisions of Chapter 17.112.
- ~~E F.~~ ~~Child care facilities, as defined by Oregon Revised Statutes Chapter 657A.~~ **Family child care home.**
- ~~F G.~~ Residential ~~care home.s,~~ ~~as defined by this ordinance. All residential care homes shall be duly licensed by the State of Oregon.~~
- G H.** Home Occupation, subject to the provisions of Chapter 17.124.
- ~~H I.~~ A single-family ~~Vacation rental dwelling unit, when such dwelling obtains a vacation rental dwelling permit in accordance with the vacation rental dwelling conditional use standards and procedures set forth in~~ **subject to the provisions of** Chapter 17.125.
- J. Public park and recreation area.**
- K. Single Room Occupancy – one per lot size of at least 7,500 sq. ft.**

17.20.030 Conditional uses.

The following uses are permitted as conditional uses, provided that such uses are approved in accordance with Chapter 17.152.

- A. Place of worship.
- B. Public or private school.
- C. Community building.
- D. Utility facility including utility rights-of-way.
- E. Bed and breakfast.

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~~F. A two-family vacation rental dwelling when such dwelling obtains a vacation rental permit for both units, unless one of the units is owner occupied, in accordance with the vacation rental dwelling standards set forth in Section 17.125.010.~~

17.20.035 Density standards.

A. The minimum net density in the Residential-Low Density District shall be 4.6 dwelling units per net acre.

B. The maximum net density in the Residential-Low Density District shall be determined by the allowed minimum lot areas.

17.20.040 Dimensional standards.

The following dimensional standards shall be the minimum requirements for all development in the R-1 district except for modifications permitted under Chapter 17.132.

Minimum Lot Area	
Single-family dwelling	7,500 square feet, except lots smaller than 7,500 square feet lawfully created prior to Ordinance #619 on November 10, 2003 [effective date of Code] are permitted
Duplex	9,000 7,500 square feet, provided duplexes on corner lots shall have each unit access a different street
Cottage cluster	15,000 square feet
Public utility structures	Lot area shall be adequate to contain all proposed structures within the required yard setbacks
Minimum Yard Setback Requirements, except as provided for Accessory Structures under Chapter 17.96:	
Front yard	20 feet, except 15 feet for uncovered porches and covered but unenclosed porches not more than one story high
Rear yard	15 feet
Side yard (interior)	5 feet
Side yard (adjacent to street)	Same as Front Yard
Nonconforming structures	Where an existing structure on an abutting parcel is placed closer than 5 feet to a side property line, the minimum separation between the existing structure and any new construction shall conform to the applicable building code
Maximum structure height	35 feet
Minimum lot width at building line	75 50 feet, except lots narrower than 75 50 feet lawfully created prior to Ordinance #619 on November 10, 2003 [effective date of Code] are permitted.

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Maximum Lot Coverage	65 percent where a building exceeds 20 feet in height 70 percent where all buildings on the site are 20 feet or less in height
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17.20.050 Development standards.

All development in the R-1 district shall comply with the applicable provisions of Chapters 17.128 through 17.140. In addition, the following specific standards shall apply:

- A. Accessory Structures. Accessory structures as provided for in Chapter 17.96.
- B. Off-Street Parking. Parking shall be as specified in Chapter 17.68.
- C. Subdivisions and Partitions. Land divisions shall be reviewed in accordance with the provisions of Chapters 17.172 through 17.176, as applicable.
- ~~D. Lot Coverage. The following standards are applied to parcel area or lot area, as applicable:

 - 1. Maximum lot coverage by buildings: thirty-five (35) percent where a building exceeds 20 feet in height, and forty (40) percent where all buildings on the site are 20 feet or less in height;
 - 2. Maximum lot coverage by impervious surfaces, including pavement and roofed areas not otherwise considered buildings: thirty (30) percent;
 - 3. Combined maximum lot coverage: sixty-five (65) percent where a building exceeds 20 feet in height, and seventy (70) percent where all buildings on the site are 20 feet or less in height.~~
 - D. Cottage clusters shall be subject to the Site Design Review procedures of Chapter 17.156.**
- E. Yards and Lots. Yards and lots shall conform to the standards of Chapter 17.92.
- F. Signs. Signs shall conform to the requirements of Chapter 17.80.
- G. Driveways. Driveways shall conform to the standards 17.68.060.
- H. Landscaping and Screening. Where landscaping, fencing or other screening is required pursuant to land division approval or other land use approval, all such landscaping shall be installed in accordance with Chapter 17.84 and approved plans prior to issuance of building occupancy permits.
- I. Building and Site Design. All residential structures shall conform to the design standards of Chapter 17.106.
 - 1. Single-family dwellings shall comply with the garage or carport standards in Section 17.106.025.**

17.20.060 Accessory dwelling standards.

Accessory dwellings shall conform to all of the following standards:

- A. A maximum of one accessory dwelling is allowed per single-family dwelling. The unit may be a detached building, in a portion of a detached accessory building (e.g., above a garage**

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or workshop), or a unit attached or interior to the primary dwelling (e.g., an addition or the conversion of an existing floor).

B. Size. An accessory dwelling shall not exceed 800 square feet of floor area. However, accessory dwellings that result from the conversion of a level or floor (e.g., basement, attic, or second story) of the primary dwelling may occupy the entire level or floor, even if the floor area of the accessory dwelling would be more than 800 square feet.

C. Other Development Standards. Accessory dwellings shall meet all other development standards (e.g., height, setbacks, lot coverage, etc.) for buildings in the zoning district, except that:

1. Conversion of an existing legal non-conforming structure to an accessory dwelling is allowed, provided that the conversion does not increase the non-conformity.

2. Conversion of an existing legal accessory structure to an accessory dwelling is allowed.

3. Accessory dwellings are not included in minimum or maximum density calculations.

D. Parking. No off-street parking is required for an accessory dwelling.

Chapter 17.22 RESIDENTIAL-MEDIUM DENSITY (R-2) DISTRICT

17.22.010 Purpose.

The Residential-Medium Density (R-2) district provides for ~~single family and duplex~~ neighborhood residential housing at an average density of ten (10) dwelling units per acre or less including single-family dwellings, duplexes, townhouses and cottages at compatible scale. The R-2 district is consistent with the new Residential Medium-Density comprehensive plan designation.

17.22.020 Permitted uses.

The following uses are permitted in the Residential-Medium Density District:

- A. Single-family dwelling, including a single-family manufactured home subject to Chapter 17.116 and a prefabricated structure.
- B. Duplex dwelling.
- C. Accessory dwelling, subject to the provisions of Section 17.20.060.**
- ~~C D.~~ Attached single family **Townhouse** dwelling (maximum of two (2) consecutively attached townhome **townhouse** units), subject to Chapter 17.156.
- ~~D E.~~ Public park and recreation area. **Cottage cluster, subject to the provisions of Section 17.106.040.**
- ~~E F.~~ Planned unit development subject to the provisions of Chapter 17.112.
- ~~F G.~~ Child care facilities, as defined by Oregon Revised Statutes Chapter 657A. **Family child care home.**
- ~~G H.~~ Residential care homes, as defined by this ordinance. All residential care homes shall be duly licensed by the State of Oregon.
- ~~H I.~~ Home Occupation, subject to the provisions of Chapter 17.124.
- ~~I J.~~ A single family Vacation rental dwelling unit, when such dwelling obtains a vacation rental dwelling permit in accordance with the vacation rental dwelling conditional use standards and procedures set forth in **subject to the provisions of** Chapter 17.125.
- K. Public park and recreation area.**
- L. Single Room Occupancy – one per lot size of at least 6,000 sq. ft.**

17.22.030 Conditional uses.

The following uses are permitted as conditional uses, provided that such uses are approved in accordance with Chapter 17.152.

- A. Place of worship.
- B. Public or private school.
- C. Community building.
- D. Utility facility including utility rights-of-way.
- E. Bed and breakfast.

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~~F. A two-family vacation rental dwelling when such dwelling obtains a vacation rental permit for both units, unless one of the units is owner occupied, in accordance with the vacation rental dwelling standards set forth in Section 17.125.010.~~

17.22.035 Density standards.

A. The minimum net density in the Residential-Medium Density District shall be 5.8 dwelling units per net acre.

B. The maximum net density in the Residential-Medium Density District shall be determined by the allowed minimum lot areas.

17.22.040 Dimensional standards.

The following dimensional standards shall be the minimum requirements for all development in the R-2 district except for modifications permitted under Chapter 17.132.

Minimum Lot Area	
Single-family dwelling	6,000 square feet
(1) Non common wall dwelling	6,000 square feet
(2) Attached (townhome) dwelling—Maximum of two (2) consecutively attached units Townhouse dwelling	2,400 square feet for an interior lot and 4,000 square feet for a corner lot
Duplex dwelling	7,000 6,000 square feet, provided duplexes on corner lots shall have each unit access a different street, unless the lot is located on an arterial street.
Cottage cluster	12,000 square feet
Public utility structures	Lot area shall be adequate to contain all proposed structures within the required yard setbacks
Minimum Yard Setback Requirements, except as provided for Accessory Structures under Chapter 17.96:	
Front yard	Front yard 15 feet, except 20 feet for a garage or carport opening when facing street, and 10 feet for uncovered porches and covered but unenclosed porches not more than one story high (except where easements preclude closer setback)
Rear yard	15 feet
Side yard (interior)	3 feet, except 0 feet for adjoining townhome units townhouses
Side yard (adjacent to street)	10 feet
Nonconforming structures	Regardless of the above the minimum distance between a proposed structure and an existing structure on another parcel shall be 6 feet
Maximum structure height	35 feet, except where a new building (any use) is proposed on a lot platted prior to [effective date]

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	of Code], the height of the new building shall not exceed the average height of all dwellings (residential uses) located within 50 feet of the subject lot, plus 5 feet.
Minimum lot width at building line	24 feet, except 40 feet for corner lot
Maximum Lot Coverage	80 percent where a building exceeds 20 feet in height 85 percent where all buildings on site are 20 feet or less in height

17.22.050 Development standards.

All development in the R-2 district shall comply with the applicable provisions of Chapters 17.128 through 17.140. In addition, the following specific standards shall apply:

- A. Accessory Structures. Accessory structures as provided for in Chapter 17.96.
- B. Off-Street Parking. Parking shall be as specified in Chapter 17.68.
- C. Subdivisions and Partitions. Land divisions shall be reviewed in accordance with the provisions of Chapters 17.172 through 17.176 as applicable.
- ~~D. Lot Coverage. The following standards are applied to parcel area or lot area, as applicable:

 - 1. Maximum lot coverage by buildings: fifty (50) percent where a building exceeds twenty (20) feet in height, and sixty (60) percent where all buildings on the site are twenty (20) feet or less in height;
 - 2. Maximum lot coverage by impervious surfaces, including pavement and roofed areas not considered buildings: thirty (30) percent;
 - 3. Combined maximum lot coverage: eighty (80) percent where a building exceeds twenty (20) feet in height, and eighty-five (85) percent where all buildings on the site are twenty (20) feet or less in height.~~
 - D. Cottage clusters shall be subject to the Site Design Review procedures of Chapter 17.156.**
- E. Yards and Lots. Yards and lots shall conform to the standards of Chapter 17.92.
- F. Signs. Signs shall conform to the requirements of Chapter 17.80.
- G. Driveways. Driveways shall conform to the standards 17.68.060.
- H. Landscaping and Screening. All front and street side yards shall be landscaped pursuant to Section 17.84.050. Other landscaping, fencing or other screening may be required pursuant to land division approval or other land use approval. All landscaping shall be installed in accordance with Chapter 17.84 and approved plans prior to issuance of building occupancy permits.
- I. Building and Site Design. All residential structures shall conform to the design standards of Chapter 17.106.
 - 1. Single-family dwellings shall comply with the garage or carport standards in Section 17.106.025.**

Chapter 17.24 MANUFACTURED HOME (MH) DISTRICT

17.24.010 Purpose.

The manufactured home (MH) district provides areas for the development of residential manufactured home dwelling parks to increase the choice and mixture of single-family housing opportunities. The MH district is consistent with the residential **Manufactured Home** comprehensive plan designation.

17.24.020 Permitted uses.

The following uses are permitted in the Manufactured Home District:

- A. Single-family dwelling; including a single-family manufactured home ~~subject to Chapter 17.116~~ **and a prefabricated structure.**
- B. Duplex dwelling.**
- ~~B.C. Public park and recreation area.~~ **Accessory dwelling, subject to the provisions of Section 17.20.070.**
- D. Manufactured dwelling park subject to the provisions of Chapter 17.120.**
- ~~C.E.~~ Planned unit development subject to the provisions of Chapter 17.112.
- ~~D.F.~~ ~~Child care facilities, as defined by Oregon Revised Statutes Chapter 657A.~~ **Family child care home.**
- ~~E.G.~~ Residential care homes, as defined by this ordinance. All residential care homes shall be duly licensed by the State of Oregon.
- ~~F.H.~~ Home occupation, subject to the provisions in Chapter 17.124.
- ~~G.I.~~ A single-family vacation rental dwelling unit, when such dwelling obtains a vacation rental dwelling permit in accordance with the vacation rental dwelling conditional use standards and procedures set forth in ~~subject to the provisions of~~ Chapter 17.125.
- J. Public park and recreation area.**
- K. Single Room Occupancy – one per lot size of at least 7,500 sq. ft.**

17.24.030 Conditional uses.

The following uses are permitted as conditional uses, provided that such uses are approved in accordance with Chapter 17.152.

- ~~A. Manufactured home park subject to the provisions of Chapter 17.120.~~
- ~~B.A.~~ Place of worship.
- ~~C.B.~~ Public or private school.
- ~~D.C.~~ Community building.
- ~~E.D.~~ Utility facility including utility rights-of-way.

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17.24.035 Density standards.

- A. The minimum net density in the Manufactured Home District shall be 4.6 dwelling units per net acre.**
- B. The maximum net density in the Manufactured Home District shall be determined by the allowed minimum lot areas. Maximum net density for manufactured dwelling parks shall be as specified in Chapter 17.120.**

17.24.040 Dimensional standards.

The following dimensional standards shall be the minimum requirements for all development in the MH district except as provided for manufactured **home dwelling** parks under Chapter 17.120 or for modifications permitted under Chapter 17.132.

Minimum Lot Area	
Single-family dwelling	7,500 square feet
Duplex dwelling	7,500 square feet
Public utility structures	Lot area shall be adequate to contain all proposed structures within the required yard setbacks
Minimum Yard Setback Requirements, except as provided for Accessory Structures under Chapter 17.96:	
Front yard	20 feet, except 15 feet for uncovered porches and covered but unenclosed porches not more than one story high
Rear yard	15 feet
Side yard (interior)	5 feet
Side yard (adjacent to street)	Same as Front Yard
Maximum structure height	35 feet
Minimum lot width at building line	75 50 feet
Maximum Lot Coverage	65 percent

17.24.050 Development standards.

Except as otherwise provided for manufactured **home dwelling** parks under Chapter 17.120, all development in the MH district shall comply with the applicable provisions of Chapters 17.128 through 17.140. In addition, the following specific standards shall apply:

- A. Accessory Structures. Accessory structures as provided for in Chapter 17.96.
- B. Off-Street Parking. Parking shall be as specified in Chapter 17.68.
- C. **Subdivisions and** Partitions. Land divisions shall be reviewed in accordance with the provisions of Chapter 17.172 **through 17.176 as applicable.**
- ~~D. Lot Coverage. The following standards are applied to parcel area or lot area, as applicable:~~
 - ~~1. Maximum lot coverage by buildings: thirty-five (35) percent;~~

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~~2. Maximum lot coverage by impervious surfaces, including pavement and roofed areas not considered buildings: thirty (30) percent;~~

~~3. Combined maximum lot coverage: sixty five (65) percent.~~

DF. Yards and Lots. Yards and lots shall conform to the standards of Chapter 17.92.

EG. Signs. Signs shall conform to the requirements of Chapter 17.80.

FH. Driveways. Driveways shall conform to the standards 17.68.060.

GI. Landscaping and Screening. Where landscaping, fencing or other screening is required pursuant to land division approval or other land use approval, all such landscaping shall be installed in accordance with Chapter 17.84 and approved plans prior to issuance of building occupancy permits.

HJ. Building and Site Design. All residential structures shall conform to the design standards of Chapter 17.106.

1. Single-family dwellings shall comply with the garage or carport standards in Section 17.106.025.

Chapter 17.28 RESIDENTIAL-MEDIUM HIGH DENSITY (R-3) DISTRICT

17.28.010 Purpose.

The Residential-Medium High Density (R-3) district provides opportunities for higher density housing in close proximity to substantial commercial and public development where full urban services are available. The R-3 district, which generally accommodates residential development of eight (8) to thirty-two (32) units per acre, is consistent with the Residential comprehensive plan designation.

17.28.020 Permitted uses.

The following uses are permitted in the Residential-Medium High Density district:

- A. Duplex dwelling, ~~Multi-family dwellings, Manufactured Home Parks subject to Chapter 17.120.~~
- B. Townhouse dwelling.**
- C. Multi-family dwelling.**
- D. Manufactured dwelling park subject to the provisions of Chapter 17.120.**
- E. Cottage cluster subject to the provisions of Section 17.106.040.**
- ~~B. Public park and recreation area.~~
- ~~C.F.~~ Planned unit development subject to the provisions of Chapter 17.112.
- ~~D. Boarding, lodging, or rooming house.~~
- E.G. Child care facilities, as defined by Oregon Revised Statutes Chapter 657A Family child care home.**
- F.H. Residential care homes and residential care facilities, as defined by this ordinance. All residential care homes and residential care facilities shall be duly licensed by the State of Oregon.**
- ~~G.I~~ Home occupation, subject to the provisions of Chapter 17.124.
- H.J. Single-family dwelling subdivisions platted after [effective date of amended code] provided subdivision achieves a density of not less than eight (8) dwelling unit per acre. Single-family dwelling, including a manufactured home and a prefabricated structure, on a lot within a subdivision platted after adoption of Ordinance #619 on November 10, 2003.**
- I.K. Single-family dwellings (attached or non-attached), including single-family manufactured dwelling subject to Chapter 17.116, lawfully existing as of adoption of Ordinance #619 on November 10, 2003 [effective date of amended code].**
- L. Accessory dwelling, subject to the provisions of Section 17.20.070.**
- J.M. A single-family Vacation rental dwelling unit, when such dwelling obtains a vacation rental dwelling permit in accordance with the vacation rental dwelling conditional use standards and procedures set forth in subject to the provisions of Chapter 17.125.**
- N. Public park and recreation area.**
- O. Single Room Occupancy – one per lot size of at least 3,000 sq. ft.**

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17.28.030 Conditional uses.

The following uses are permitted as conditional uses, provided that such uses are approved in accordance with Chapter 17.152.

- A. Place of worship.
- B. Public or private school.
- C. Community building.
- D. Utility facility including utility rights-of-way.
- E. Bed and breakfast.
- F. ~~A two-family vacation rental dwelling when such dwelling obtains a vacation rental permit for both units, unless one of the units is owner-occupied, in accordance with the vacation rental dwelling standards set forth in Section 17.125.010.~~

17.28.035 Density standards.

- A. The minimum net density in the Residential-Medium High Density district shall be 12 dwelling units per net acre.**
- B. The maximum net density in the Residential-Medium High Density district shall be 32 dwelling units per net acre.**

17.28.040 Dimensional standards.

The following dimensional standards shall be the minimum requirements for all development in the R-3 district except for modifications permitted under Chapter 17.132.

Minimum Lot Area	
Single-family dwelling	3,000 square feet
(1) Non-common wall dwelling	4,000 square feet for an interior lot and 5,000 square feet for corner lot
(2) Attached (townhome) Townhouse dwelling — Maximum of two (2) consecutively attached units	2,400 2,000 square feet for an interior lot and 5,000 2,400 square feet for a corner lot
Duplex or Single Dwelling with Accessory dwelling	8,000 3,000 square feet
Multi-family dwelling, 3-unit	9,500 5,000 square feet plus 1,500 square feet per unit in excess of 3 units
Cottage cluster	6,000 square feet
Public utility structures	Lot area shall be adequate to contain all proposed structures within the required yard setbacks
Minimum Yard Setback Requirements, except as provided for Accessory Structures under Chapter 17.96:	
Front yard	Lots less than 5,000 square feet: 10 feet Lots 5,000-10,000 square feet: 15 feet, except 10 feet for uncovered porches and covered but

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	<p>unenclosed porches not more than one story high</p> <p>Lots greater than 10,000 square feet: 20 feet, except 15 feet for uncovered porches and covered but unenclosed porches not more than one story high</p> <p>All lots: 20 feet for a garage or carport opening when facing street</p>
Rear yard	<p>Lots less than 5,000 square feet: 10 feet</p> <p>Lots equal to or greater than 5,000 square feet: 15 feet</p>
Side yard (interior)	<p>Lots less than 5,000 square feet: 3 feet, except 0 feet for adjoining townhouses</p> <p>Lots 5,000-10,000 square feet: 5 feet</p> <p>Lots greater than 10,000 square feet: 7 feet</p>
Side yard (adjacent to street)	<p>20 feet, except 15 feet for uncovered porches and covered but unenclosed porches not more than one story high</p> <p>Same as Front Yard</p>
Minimum lot width at building line	<p>40 feet for interior lot and 50 feet for corner lot, except 24 feet for interior lot with attached dwelling</p> <p>20 feet for townhouse dwelling, except 24 feet for corner lots</p> <p>30 feet for single-family and duplex dwelling</p> <p>50 feet for multi-family dwelling and cottage cluster</p>
Maximum structure height	35 feet
Maximum Lot Coverage	80 percent, provided, all landscaping and open space requirements must be met

17.28.050 Development standards.

All development in the R-3 district shall comply with the applicable provisions of Chapters 17.128 through 17.140. In addition, the following specific standards shall apply:

- A. Accessory Structures. Accessory structures as provided for in Chapter 17.96.
- B. Off-street Parking. Parking shall be as specified in Chapter 17.68.
- C. Subdivisions and Partitions. Land divisions shall be reviewed in accordance with the provisions of Chapters 17.172 through 17.176, as applicable.
- ~~D. Lot Coverage. The following standards are applied to parcel area or lot area, as applicable:~~
 - ~~1. Maximum building coverage by buildings: forty (40) percent;~~
 - ~~2. Maximum lot coverage by impervious surfaces, including pavement and roofed areas not considered buildings: thirty (30) percent;~~

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- ~~3. Combined maximum lot coverage: seventy (70) percent.~~
- DE.** Multi-family residential uses **and townhouse dwellings** (three or more units) **and cottage clusters** shall be subject to the Site Design Review procedures of Chapter 17.156.
- ~~F. Landscaping. Multi-family dwelling developments shall provide a minimum landscaped area equal to twenty five (25) percent of the gross site area. Landscaping improvements shall be installed and maintained in accordance with Chapter 17.84.~~
- EG.** Signs. Signs shall conform to the requirements of Chapter 17.80.
- FH.** Driveways. Driveways shall conform to the standards 17.68.060.
- GI.** Landscaping and Screening. **Minimum landscaped area requirements of Section 17.84.050 shall be met, including landscaping requirements for** all front and street side yards **shall be landscaped pursuant to Section 17.84.050.** Other landscaping, fencing or other screening may be required pursuant to land division approval or other land use approval. All landscaping shall be installed in accordance with Chapter 17.84 and approved plans prior to issuance of building occupancy permits.
- ~~J. The minimum landscape area standard of twenty five (25) percent for multifamily development may be reduced to ten (10) percent where the development plan dedicates one quarter (¼) acre or more land for a neighborhood park, consistent with an adopted city parks plan.~~
- HK.** Building and Site Design. All residential structures shall conform to the design standards of Chapter 17.106.
- 1. Single-family dwellings shall comply with the garage or carport standards in Section 17.106.025.**

Chapter 17.30 DOWNTOWN (D) DISTRICT

17.30.010 Purpose and applicability.

- A. Chapter 17.30 establishes land use and design standards for downtown Carlton. The Downtown (D) district is the historic, commercial and civic core of Carlton. It is also a major wine-processing center for the region. As such, it offers a unique opportunity to combine local commercial services, wine making, tourism-oriented services, and public amenities in an attractive, walkable, mixed-use environment. Chapter 17.30 is intended to guide land use, development, redevelopment, and historic restoration consistent with the Comprehensive Plan and the objectives described above.
- B. Chapter 17.30 applies to properties designated Downtown (D) district on the City of Carlton Zoning Map. Within the Downtown district, the provisions of this Chapter apply to three distinct subareas or "sub-districts," the Historic Main Street (D-MS), Winery Gallery (D-WG), and Railroad (D-RR) sub-districts, as indicated in Figure 1.

- 1. Main Street Sub-district (D-MS)
- 2. Winery Gallery Sub-district (D-WG)
- 3. Railroad Sub-district (D-RR)

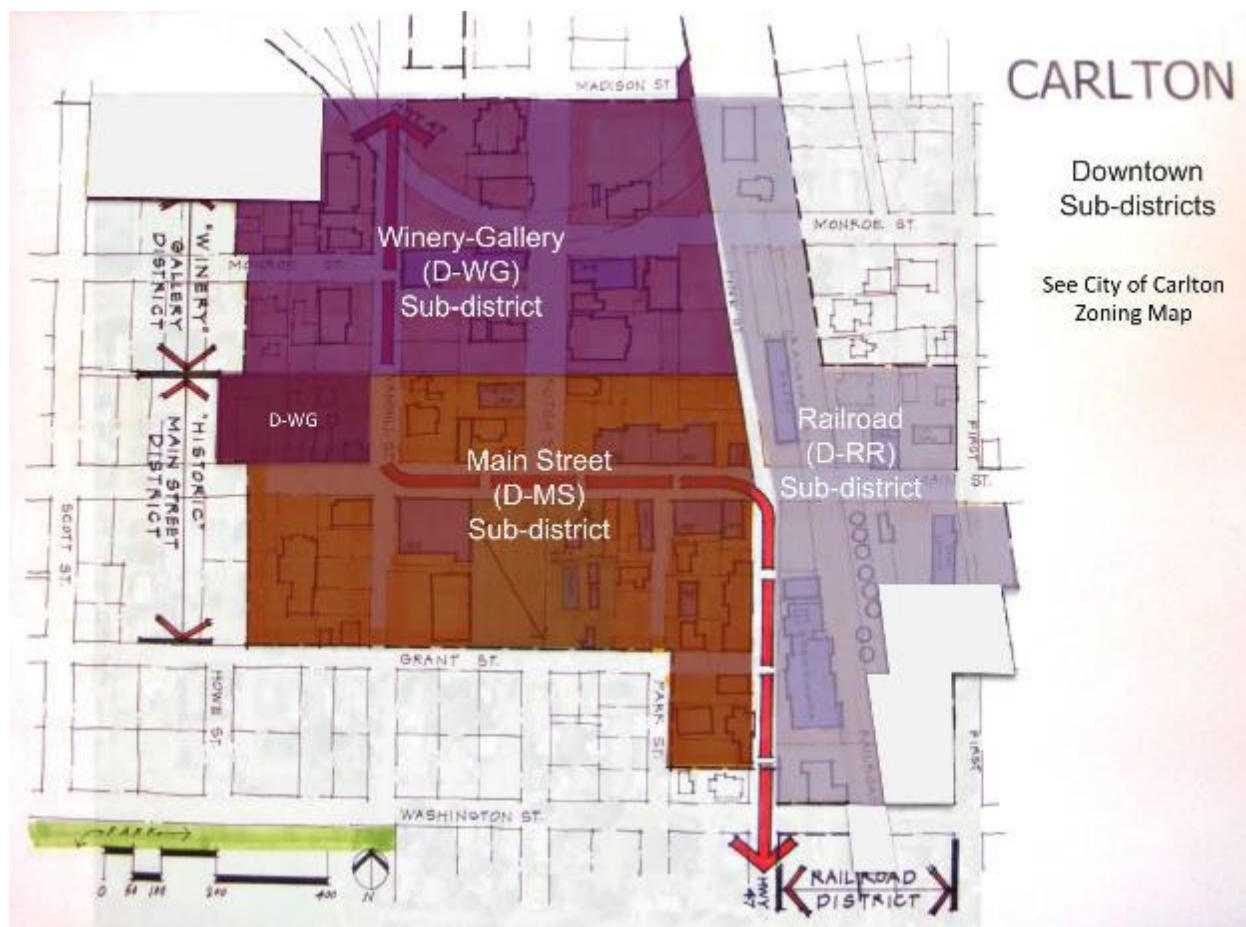


Figure 1 - Downtown Sub-districts

17.30.020 Permitted uses.

The following uses are permitted in the Downtown district subject to the Site **Design** Review (Chapter 17.156), provided such uses are primarily conducted indoors, do not include drive-through facilities, and are not otherwise subject to conditional use permit approval (Section 17.30.030).

- A. Art galleries and artist studios.
- B. Banks and similar financial institutions.
- C. Commercial services, including retail sales and personal and professional services.
- D. Bed and breakfast inn.
- E. Dwellings, provided dwelling units within one hundred (100) feet of Main Street shall be located on the second story, or above, in a building meeting the design standards of this chapter.
- F. Eating and drinking establishments (not including food carts or drive-through facilities).
- G. Offices, including professional, administrative, medical, governmental, and similar office uses.
- H. Outdoor (unenclosed) uses subject to the limitations of Section 17.30.040.
- I. Overnight accommodations, including hotels, motels, inn, and similar lodging uses.
- J. Parks, plazas, outdoor dining areas, sidewalk café seating and sales (permit required), and similar outdoor uses, subject to the limitations of Section 17.30.040.
- K. Public and/or institutional uses, including public parking; and new on-premise parking subject to a public shared parking agreement.
- L. Retail sales and commercial services.
- M. Theaters, including movie theaters, subject to a public shared parking agreement when on premise parking is provided.
- N. Manufacturing and/or processing of food, beverages, arts, crafts, and/or similar goods, including wineries, subject to the limitations of Section 17.30.040.

O. Child care centers and family child care homes.

P. Residential care facilities.

- QQ.** Other uses the **city planning official** **City Manager** or Planning Commission, as applicable, determines to be similar to those uses listed above.

17.30.030 Conditional uses.

The following uses and uses determined by the city to be similar to those listed are allowed with a conditional use permit, except such uses located within one hundred (100) feet of Main Street are limited to those lawfully existing as of February 9, 2011; such lawfully created nonconforming uses are allowed to continue pursuant to Chapter 17.164.

- A. Veterinary clinics and animal boarding facilities.
- B. Drive-through facility, including but not limited to drive-up windows (e.g., restaurants, banks, and pharmacies), automatic teller machines and similar facilities. Electric fueling stations for plug-in electric vehicles do not require a conditional use permit but are subject to site review.

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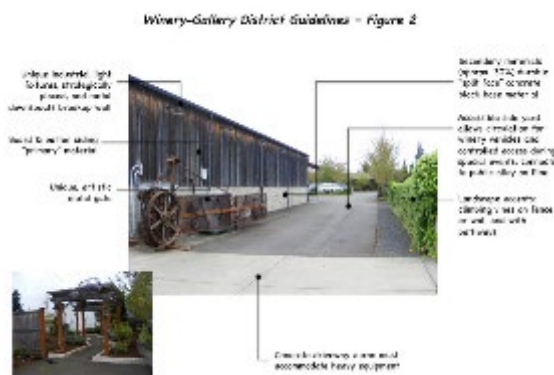
- C. Manufacturing and/or processing uses that meet any one of the following criteria require a conditional use permit:
 1. Uses with shift(s) arriving or departing earlier than 7:00 a.m. or later than 9:00 p.m. on thirty (30) or more days during a calendar year.
 2. Processing or packaging of meat, fish, dairy, or other animal products.
 3. Taxidermy.
 4. Uses the **city planning official** **City Manager** or Planning Commission, as applicable, determines to be similar to those listed in subsections 1—3, above.
- D. Food carts, subject to the provisions in Chapter 17.126.

17.30.040 Prohibited uses and uses permitted with limitations.

- A. Prohibited Uses.
 1. Self-storage units, including mini-storage warehouses, portable storage units and similar facilities are prohibited, except temporary storage facilities that are accessory to a primary permitted use are permitted when setback at least one hundred (100) feet from Main Street and screened from all public rights-of-way.
 2. Commercial parking facilities on surface parking lots when not subject to a public shared parking agreement.
 3. Unenclosed commercial or industrial uses that do not meet the standards and limitations of this Chapter.
- B. Permitted Outdoor Display, Storage and/or Sales. Except as permitted under Section 17.30.020, or as approved with a conditional use permit under Section 17.30.030, outdoor display, storage, and/or sales of merchandise shall not exceed three (3) days in any seven (7) day period, and shall be located under cover of a projecting roof, canopy, awning, or other City-approved shelter. None of the uses permitted herein shall interfere with pedestrian, bicycle, or automobile circulation.
- C. Permitted manufacturing, processing and/or packaging and distribution activities are permitted provided such activities shall meet all of the following standards:
 1. Manufacturing, processing, packaging, and storage, including waste/recycling handling and storage, and similar activities must be enclosed within a building; except as approved with a conditional use permit, or as permitted for wineries under subsection 17.30.040(C)(2).
 2. Outdoor processing, packaging, bottling, and storage directly related to winery operations is permitted pursuant to subsection 17.30.040(D), provided such activity is not located within one hundred (100) feet of Main Street.
 3. Where a parcel is located within one hundred (100) feet of Main Street, manufacturing and processing uses shall comprise not more than fifty (50) percent of the total site area. The balance of the site area must contain permitted commercial, residential (e.g., upper story) public, institutional, or open space use, pursuant to subsection 17.30.040(C)(5).
 4. Where a parcel is located more than one hundred (100) feet from Main Street, manufacturing and processing uses shall comprise not more than eighty (80) percent of total site. The balance of the site area must be in a permitted commercial, residential (e.g., upper story), public, institutional, or open space use, pursuant to subsection 17.30.040(C)(5).

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5. Shared parking and open space areas may be used to satisfy the requirements of subsections 17.30.040(C)(3) or 17.30.040(C)(4) where such areas are improved to city standards and allow public access, either through dedication to the city or through a public access easement with a maintenance agreement. Examples of open space areas include plazas, outdoor seating/dining areas, convertible plazas that may be used for parking or special events/community gatherings, and similar uses.
 6. Adequate water, sanitary sewer, and fire protection services must be available to the proposed use, as determined by the applicable local decision making body.
 7. All applicable building code, state licensing, and health and safety requirements must be met.
 8. The city decision-making body may require conditions of approval to ensure compliance with the above use requirements.
- D. Winery-Related Land Use Standards. The following requirements apply to wineries in the Downtown district. The requirements apply twenty-four (24) hours per day, seven (7) days per week, year-round.



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1. Use of street for loading and unloading of trucks:
 - a. Not permitted within twenty (20) feet of Highway 47 right-of-way.
 - b. Position truck at least twenty (20) feet from any intersection.
 - c. Position truck so that traffic is not impeded. If needed have designated person to direct traffic around area.
 - d. Place markers and/or cones to designate loading area.
 - e. If using forklifts, have safety lights turned on.
 - f. Don't block sidewalk access.
 - g. Clean up any material left on street or sidewalks.
2. Use of street for truck mounted bottling or processing operations:
 - a. Obtain Police Department approval in advance of using street for this purpose.
 - b. Position truck at least twenty (20) feet from any intersection.
 - c. Position truck so that traffic is not impeded. If needed have designated person to direct traffic around area.

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- d. Place markers and/or cones to designate loading area.
 - e. If using forklifts, have safety lights turned on.
 - f. Don't block sidewalk access.
 - g. Clean up any material left on street or sidewalks.
3. Use of street for dumpster/containers of grape pumices or other material:
- a. Obtain Police Department approval in advance of using street for this purpose.
 - b. Place container at least twenty (20) feet from any intersection. Position truck so that traffic is not impeded. If needed have designated person to direct traffic around area.
 - c. Comply with 72-hour maximum placement ordinance if on right of way.
 - d. Don't block sidewalk access.
 - e. Place markers and/or cones to alert drivers especially at night.
 - f. Use only four (4) foot or lower containers to allow better sight lines.
 - g. Insure that any runoff of liquid is contained and cleaned up so that no runoff goes into storm sewers.
 - h. If using forklifts, have safety lights turned on.
 - i. Clean up any material left on street or sidewalks.
4. Wineries may add on-site food service, subject to Site **Design** Review to ensure compliance with applicable land use requirements and building codes.

17.30.050 Dimensional standards.

The following dimensional standards **shall apply to all development in the Downtown district**, with the exception of **except for** modifications permitted under Chapter 17.132.

Table 17.30.050 - Downtown District Dimensional Standards	
Minimum Lot Area	None
Minimum Front/Street Side Yards	<p>D-MS: No front setback is allowed, except for a pedestrian plaza, landscaping, or similar purpose.</p> <p>D-WG: 5-foot minimum. Setback must be landscaped or serve as an extension of the sidewalk (e.g., outdoor café or plaza), except where access drives/alleys preclude landscaping.</p> <p>D-RR: None, except setback area provided must be landscaped or serve as an extension of the sidewalk (e.g., outdoor café or plaza), except where access drives/alleys preclude landscaping.</p>
Minimum Rear Yard	None, except 15 feet when abutting a residential district or city-owned plaza or parking lot.

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Minimum Side Yard	None, except 10 feet required when abutting a residential district or city-owned plaza or parking lot, and as required for Street Side Yards (above).
Minimum and Maximum Structure Height	<p>D-MS: 21 feet minimum and 35 feet maximum building height; or 45 feet with height bonus, subject to subsection 17.30.060(H D). Minimum 14 foot first floor ceiling height.</p> <p>D-WG: 35 feet maximum building height.</p> <p>D-WG & D-RR: 21 feet minimum and 35 feet maximum building height, except existing grain elevator is permitted and may be rebuilt in current location to original height.</p>

17.30.055 Design review requirements.

- A. Purpose. ~~Section 17.30.060 is~~ **Downtown design standards and sub-district design guidelines are** intended to support downtown development and revitalization consistent with Carlton's historical context and its vision for the future. Because much of Carlton's historic downtown is intact, the standards and guidelines build on that historic integrity while allowing contemporary interpretations of building forms and styles scaled to specific downtown sub-districts.
- B. Applicability.
- The **design** standards of Section 17.30.060, **general design guidelines of Section 17.30.065, and sub-district design guidelines of Section 17.30.070** apply to all new structures and exterior remodels of structures in the Downtown district that are subject to Site **Design** Review **per Chapter 17.156**. Site **Design** Review is required only for that portion of a structure or development that is proposed to change.
 - The regulations related to building materials and colors under subsection 17.30.060(~~J F~~) apply to all exterior building projects **regardless of whether the project is subject to Site Review for all new development and alternation of existing buildings.**
- C. Adjustments. The Planning Commission may adjust the **design** standards of Section 17.30.060, without the need for a variance, upon finding that the proposed design is not expressly prohibited by this Chapter, is consistent with the purpose in subsection ~~17.30.060(A)~~ **17.30.055(A)** and the **general design** guidelines in ~~subsection 17.30.060(D)~~ **Section 17.30.065**, and meets the intent of the standard for which the adjustment is requested.

17.30.060 ~~Development and~~ Downtown design standards.

- A. ~~Purpose. Section 17.30.060 is intended to support downtown development and revitalization consistent with Carlton's historical context and its vision for the future. Because much of Carlton's historic downtown is intact, the standards build on that historic integrity while allowing contemporary interpretations of building forms and styles scaled to specific downtown sub-districts.~~
- B. ~~Applicability. The standards of Section 17.30.060 apply to all new structures and exterior remodels of structures in the Downtown district that are subject to Site Review. Site Review is required only for that portion of a structure or development that is proposed to change. The regulations related~~

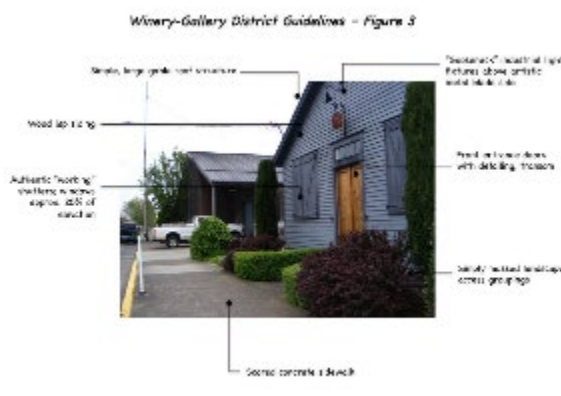
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to building materials and colors under subsection 17.30.060(J) apply to all exterior building projects, regardless of whether the project is subject to Site Review.

C. ~~Adjustments. The Planning Commission may adjust the standards of Section 17.30.060, without the need for a variance, upon finding that the proposed design is not expressly prohibited by this Chapter, is consistent with the Purpose in subsection 17.30.060(A) and the Guidelines in subsection 17.30.060(D), and meets the intent of the standard for which the adjustment is requested.~~



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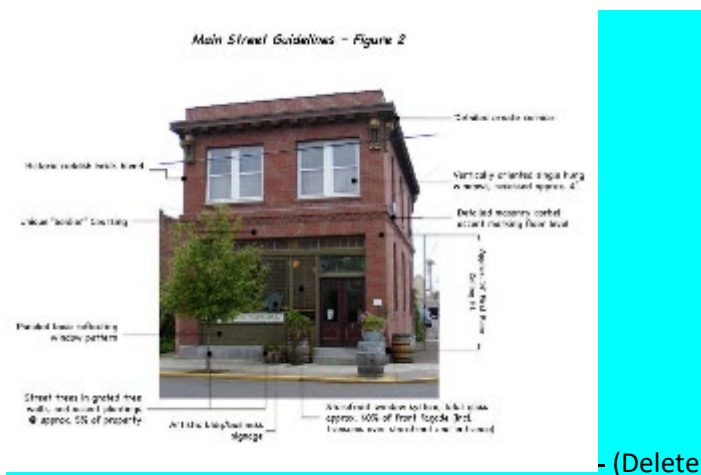
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D. ~~Design Guidelines. For the purpose of this Chapter, Design Guidelines describe and illustrate the standards contained in Section 17.30.060 and provide examples of how a project may comply with the standards. The Planning Commission shall rely upon the guidelines below and the illustrations in Section 17.30.070 in interpreting the discretionary standards contained in this Section (Section 17.30.060 only) or in granting adjustments to Section 17.30.060. The Commission may approve an adjustment only upon making affirmative findings on each of the following guidelines, as it deems applicable. The illustrations in Section 17.30.060 are provided for reference only. Please see the complete set of guideline illustrations in Section 17.30.070.~~

1. ~~Does the proposal contribute to the attributes that make the subject downtown sub-district (D-MS, D-WG, and/or D-RR) distinct? For example, does the proposal respond to the building forms, scale, setbacks, orientation, architectural style, materials, detailing, color, signage, parking, and/or other elements that distinguish the sub-district without mimicking other building designs? Is the proposal compatible with existing structures that have retained their historic integrity? It is not the City's intent to create an architectural theme, but rather to ensure that new buildings and alterations fit the historic context.~~

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2. If the proposal involves remodeling a building listed on a local, state, or national historical register, is the remodel consistent with the guidelines for altering such historic resources?
3. Does the proposal enhance the streetscape or other public spaces with appropriate building placement, orientation, height, architectural detailing and landscaping?
4. If located at the intersection of Main Street/Pine Street, Main Street/Yamhill Street, or Pine Street/Grant Street, does the design enhance the "gateway" location with a corner plaza or vertical building elements (e.g., increased height) at the corner?



5. Does the structure have a compatible building scale relationship with adjacent residences? For example, does the structure step-down in height adjacent to single family dwellings?
6. Does the building design address all four sides of the building with a unified design? For example, are the materials, textures and colors on each elevation coordinated?
7. Where a zero setback is proposed, does the side elevation facilitate common wall development in the future?
8. Where the proposal includes an adjustment to the window transparency standards or other detailing standards, does the proposed design adequately break up the building elevation (avoid creating a blank wall) and express storefront character in other ways?
9. Does the building contain openings (doors or windows) adjacent public spaces or parking areas, including those that may also serve as plazas or community gathering places during special events?
10. Do the facade and roofline have a rhythm that is consistent with adjacent buildings, or appropriately transition from one building to another?
11. Does the proposal contain adequate sidewalks? Sidewalks must contain a sufficient pedestrian through zone (clearance) and Americans with Disabilities Act accessibility. Sidewalks within the MS sub-district must also contain a furnishing zone, per Section 17.30.070.
12. If located adjacent to a plazas or area with curb extension or widened sidewalk, does the proposal include benches, café seating, or public art, per Section 17.30.070?

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13. ~~If the proposal adjusts the lot coverage standard or contains on-premise parking, does it manage storm water drainage more effectively than would be possible under a conventional design? Does it utilize on-site retention with water quality features?~~
14. ~~Does the proposal promote water conservation, for example, through drought-tolerant plantings or capturing rainwater for use in landscape irrigation?~~
15. ~~If the proposal leaves a gap between buildings (non-common wall development), does it provide landscaping (e.g., courtyard garden), or a plaza, with seating in that area?~~

The following design standards apply to development in the Downtown District.

- E. A.** Building Orientation, Parking, and Entrance Standards. The following standards are intended to facilitate safe, direct, and convenient pedestrian access to buildings and uses, enhance the appearance of the downtown, and facilitate redevelopment without compromising the historic integrity of the downtown. All of the standards below must be met, or adjustments approved, as applicable, for Site **Design** Review approval:



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1. Comply with the dimensional standards in subsection 17.30.050.
2. Provide at least one primary building entrance facing an abutting street (i.e., within 45 degrees of the street property line); or if the building entrance is turned more than 45 degrees from the street (i.e., front door is on a side elevation), the primary entrance shall open onto a pedestrian plaza or courtyard and a walkway shall connect the primary entrance to the plaza and sidewalk.
3. Development abutting Main Street shall orient to Main Street. Where a development does not abut Main Street, it shall provide a primary entrance facing the street that is likely to have the most pedestrian traffic, as determined by the Planning Commission.
4. Buildings on lots abutting a plaza or a parking/plaza area shall have at least one secondary entrance oriented to such plaza or parking/plaza area.
5. Building entrances shall be recessed or otherwise covered by pedestrian shelters, consistent with subsection 17.30.060(**K G**).
6. Rear building entrances, and entrances facing a plaza or parking area that may also serve as a plaza or community gathering space during special events, shall incorporate patios with decorative landscape structures, such as garden walls, arbors, trellises, porticos, or pergolas with lighted pathways. Such patios and structures shall comprise not less than thirty (30) percent of the building frontage where it abuts the plaza/parking area.

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7. Off-street parking, trash pick-up, and above ground utilities, including but not limited to utility vaults and propane tanks, shall not be placed between building entrances and the street(s) to which they are oriented, but shall be oriented internally to the block, screened, and accessed by alleys to the extent practicable.
8. Where off-street parking is provided, it shall conform to the dimensional standards and landscape standards of Chapter 17.68.
9. Street access points, including new or modified driveway approaches, shall conform to the Access Control Standards in Section 17.100. Uses and development located outside the Downtown District shall not receive vehicle access through the Downtown District, except driveway approaches lawfully established prior to **February 9, 2011** ~~Effective date of Downtown District~~ are permitted, subject to the requirements of Chapter 17.100.
10. Where a development contains multiple buildings and there is insufficient street frontage to which buildings can be oriented, a primary entrance may be oriented to plaza, courtyard, or similar space containing pedestrian amenities. When oriented this way, the primary entrance(s), plaza, or courtyard shall be connected to the street by a landscaped and lighted walkway with an approved surface not less than five (5) feet in width.
11. Buildings on corner lots shall have corner entrances or contain architectural features that emphasize the corner (e.g., chamfered/rounded edge, windows, molding, art).
12. Primary building entrances shall be at least fifty percent (50%) 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. Where ATMs or kiosks are proposed, they shall be visible from the street for security and have a canopy, awning, or other weather protection shelter.

F. B Front Façade. Materials used on the front façade shall turn the building corners and extend for a length of at least 12-inches across each side elevations to avoid the appearance of a false front building.

G. C. Building Openings. The following standards are intended to facilitate safe, direct, and convenient pedestrian access to buildings and uses, enhance the appearance of the downtown, and protect the historic integrity of the downtown. For the purposes of this Chapter, "transparent" means

allowing two-way views in and out of a building. All of the following standards must be met, or adjustments approved, as applicable:

1. Architectural detailing shall define building entrances. Detailing may include, but is not necessarily limited to, a stoop or recess behind the front plane of the building, a canopy or awning cover, an entryway plaza (e.g., with pavers and seating), planter beds, window boxes, or similar detailing.
2. The ground floor, street- or plaza-facing elevation(s) of buildings located within one hundred (100) feet of Main Street shall comprise not less than sixty (60) percent transparent windows. Building abutting Main Street shall have windowed doors and transom windows, except where historical precedence dictates otherwise.



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3. All ground floor building elevations located more than one hundred (100) feet from Main Street and facing a street, plaza, or courtyard shall comprise not less than thirty (30) percent transparent windows.
4. All side building elevations not otherwise subject to the provisions of subsection 2 or 3, above, shall comprise not less than twenty (20) percent transparency; except zero-lot line/common wall elevations are not required to provide windows.
5. Window coverage shall be measured along the width of the street-facing elevation, between the building base (twenty-four (24) inches above the sidewalk grade, whichever is less) and a plane seventy-two (72) inches above the sidewalk grade.
6. The Planning Commission may grant exceptions (no adjustment required) to the window transparency standards for buildings containing industrial processing uses, provided the subject elevation contains detailing (e.g., false windows, offsets, projections, bays, changes in materials and/or texturing, or similar details) that break up the wall into smaller components.
7. Windows shall contain trim, reveals or recesses of not less than four (4) inches in width or depth as applicable. The use of sills and decorative detailing and ornamentation around windows (e.g., patterning, corbels, medallions, pediments, shutters, or similar features), as appropriate for the sub-district, is required. This provision also applies to false windows.
8. Windows in the D-MS Sub-district. In the D-MS sub-district, upper story windows shall be vertically oriented, their height greater than their width. Upper story windows shall follow the vertical lines of the lower level piers and the horizontal definition of spandrels and any

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cornices. Paired or grouped windows that, together, are wider than they are tall, shall be visually divided to express the vertical orientation of individual windows. Except for transom windows and bay windows, windows and display cases shall not break the front plane of the building; projecting display boxes and bay windows are not allowed on elevations facing Main Street. For reasons of durability and historic compatibility, display cases, when provided, shall be flush with the building façade (not affixed to the exterior) and integrated into the building design with trim or other detailing. Window flower boxes are allowed provided they do not encroach into the pedestrian through-zone.

- 9. Decorative wall-mounted lighting, consistent with the architectural of the building, shall be provided for signage and at primary entrances.
- 10. The Planning Commission may require security lighting at rear entries.
- 11. The Planning Commission may grant an exception to the window transparency requirement for parking garages, provided the building design shall incorporate openings, screening, or other detailing, subject to Site **Design** Review.

H.D. Building Height Bonus (Option). The following standards are intended to support the urban design objectives for downtown and facilitate mixed-use development through increased building height, while protecting the historic integrity of downtown buildings. All of the standards below must be met, or adjustments approved, as applicable, for approval of a building height bonus:

- 1. The maximum allowable height may be increased from thirty-five (35) feet to forty-five (45) feet on corner lots located within one hundred (100) feet of the following intersections, pursuant to subsections 2 and 3, below: Main Street/Pine Street, Main Street/Kutch Street, Main Street/Yamhill Street, and Pine Street/Grant Street.
- 2. The portion of the building exceeding thirty-five (35) feet shall cover not more than thirty (30) percent of the building floor plate, as defined by the building foundation perimeter except the height increase may be extended to up to one hundred (100) percent of the floor plate for a mixed-use building where the upper story incorporates multifamily dwelling units or overnight accommodations (e.g., hotel) and civic space is provided pursuant to subsection 17.30.060(L).
- 3. The portion of the building exceeding thirty-five (35) feet in height shall step-back from (recess behind) the building plane of the ground floor by at least four (4) feet.



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F. E. Building Line and Rhythm.

1. Horizontal Rhythm. Buildings facing a street or plaza must incorporate rhythmic divisions that relate to historic building patterns. Front elevations should be articulated (e.g., offset, recess, projection, or similar "break" in the wall plane) not less than once every twenty-five (25) feet. (This standard does not apply to building elevations that are less than fifty (50) feet in width.) Articulation should be subtle. For example, slight offsets in a building elevation, roofline and/or the rhythmic placement of windows, pilasters, awnings/canopies, trim, art/medallions, or other detailing and ornamentation can satisfy the standard. Changes in paint color do not satisfy this standard. Side and rear elevations may be articulated less frequently but should complement the overall building design. The Planning Commission may allow alternative detailing, such as a mural or landscape trellis where other detailing is impractical, such as on a zero-lot line elevation to reduce the apparent scale and avoid blank walls (i.e., until an abutting property develops). See examples in Section 17.30.070.



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2. Horizontal Lines. Building elevations within one hundred (100) feet of Main Street shall follow prominent horizontal lines existing on adjacent buildings at similar levels along the street frontage. Examples of such horizontal lines include but are not ~~necessary~~ necessarily limited to the base below a series of storefront windows; an existing awning or canopy line; a belt course between building stories; and/or an existing cornice or parapet line. See examples in Section 17.30.070. Exceptions: Where adjacent buildings do not provide a historically appropriate reference, the development may establish new horizontal lines consistent with historical precedence. See examples in Section 17.30.070.
3. Ground Floor/Upper Floor Division. Building elevations within one hundred (100) feet of Main Street shall maintain clear visual division between the ground level floor and upper floors; this is accomplished, for example, through the use of a belt course, transom, awnings or canopies in the D-MS sub-district, and through the use of wood trim and other detailing in the D-WG and D-RR sub-districts, consistent with historical precedence.
4. Vertical Rhythm. Buildings shall reflect a vertical orientation, through either actual volume, roof form, and/or the use of surface detail; for example, the use of vertically oriented sash windows and masonry trim in the D-MS sub-district, and pitched roofs and/or board and batten siding and corrugated metal detailing in the D-WG and D-RR sub-districts. See examples in Section 17.30.070.
5. Roof Form.
 - a. D-MS: Predominate roof form shall be a flat roof with appropriately scaled cornice or stepped parapet top.

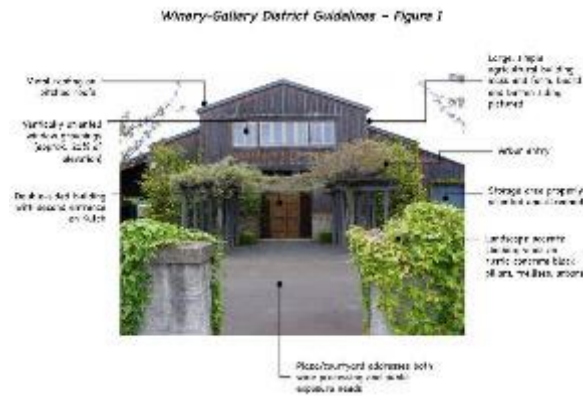
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- b. D-WG: Predominate roof form shall be pitched (4:12 minimum); gabled, hipped, modified pitched roof forms are allowed.
- c. D-RR: No restriction on roof form provided the form reflects historic precedence (e.g., depot, ranch/farm buildings, silos/granary tower, historic main street, etc.) and is not an artificial or applied roof form.

J. F. Materials and Color. ~~City approval of proposed exterior materials and colors is required for all exterior remodels and alterations regardless of whether Site Review is required. The Planning Commission may approve adjustments to the following standards pursuant to Section 17.20.070.~~

1. Exterior Cladding.
 - a. D-MS: Except as permitted under subsection 'd', below, exterior cladding on new buildings shall predominately consist of durable reddish brick blends, as generally illustrated in Section 17.30.070; brick veneer is also permitted, except as otherwise required for designated historic buildings.
 - b. D-WG: Except as permitted under subsection 'd', below, exterior cladding of buildings shall predominately consist of wood or fiber cement (lap, panel, board and batten, shingle or similar siding), stucco, stone, textured concrete, split-face concrete block, and/or similar masonry. Corrugated metal may be used as a secondary material only; vinyl siding and faux/cultured stone are not permitted.
 - c. D-RR: ~~There is no restriction on exterior cladding, provided the design reflects historic precedence of the sub-district (e.g., wood lap, panel, board and batten, shingle, stucco, stone, split-face concrete block, corrugated or sheet metal, etc.) and does not include vinyl siding.~~ **Except as permitted under subsection 'd', below, exterior cladding of buildings shall predominately consist of wood or fiber cement (lap, panel, board and batten, shingle or similar siding), stucco, stone, split-face concrete block, brick, corrugated or sheet metal. Vinyl siding and faux/cultured stone are not permitted.**
 - d. Building Additions: Building additions shall conform to the above standards or contain cladding similar to the original cladding of the structure. For purposes of this subsection, "original" means the cladding (material and detailing) used when the building was first constructed.
 - e. Secondary Cladding. Any material permitted above may be used as secondary exterior cladding in the respective sub-district. Metals such as copper, steel, iron, bronze and similar appearance metals may be used as trims or accents (e.g., flashing, wainscoting, weather protection features, ornamentation, etc.) when non-reflective and consistent with historic precedence. In addition, rough-hewn wood, and timbers may be used as accents in the D-WG and D-RR sub-districts.
2. Four Sides of Building. New buildings shall be designed so that all four sides contain complementary exteriors. Changes in material, texture or detailing (e.g., use of two or more different types of material) shall break up otherwise blank walls and define a building's base, middle and top. Side and rear elevations that do not face a street, plaza, patio, or pedestrian access way need not have two or more types of material where changes in texture or detailing break up the wall, consistent with the overall composition of the building.

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3. Roofs.
 - a. Where pitched roofs are proposed, roof surfaces shall be wood, slate, cement tile, asphalt shingles, flat metal, or standing rib seam sheet metal.
 - b. Metal roofing shall have a non-glare (e.g., matte finish).
 - c. Where flat roofs are proposed, cornices and parapets shall incorporate materials that are consistent with historic precedence, as applicable, or otherwise consistent with the overall composition of the building.
 - d. Roofs must be non-reflective and light in color (e.g., light gray or ash, brown, or other earth-tone), and not clash with exterior cladding.
 4. Windows and Doors. All windows and doors must have wood or vinyl-coated wood trim, or masonry trim and sills. See also, Pedestrian Shelter requirements under subsection 17.30.060(K).
 5. Substitute Materials. The Planning Commission may approve an adjustment allowing substitute materials that are equal in appearance and durability to those listed above, provided such materials are historically appropriate. The applicant will be required to provide specifications from the manufacturer.
 6. Color. Paint **and materials** colors shall be consistent with the historic color palette **as generally illustrated in Section 17.30.070 and** on file at Carlton City Hall. **Painting Color** schemes shall be simple and coordinated over the entire building to establish a sense of overall composition. Reflective, luminescent, sparkling, and "day-glow" colors and finishes, and clashing paint colors or patterns are prohibited. Metals shall be matte finish, earth-tone color, or burnished/non-reflective (e.g., metal that has a non-reflective finish is allowed in the RR sub-district).
- K. G.** Pedestrian Shelters. Within the D-MS sub-district, awnings, canopies, recesses or similar pedestrian shelters shall be provided along at least sixty (60) percent of a building's ground floor elevation(s) where the building abuts a sidewalk or civic space (e.g., plaza). Within the D-WG and D-RR sub-districts, the minimum pedestrian shelter requirement is forty (40) percent.
1. Pedestrian shelters used to meet the above standard shall extend at least five (5) feet over the pedestrian area, be proportionate to the building in its dimensions, and not obscure the building's architectural details.
 2. Pedestrian shelters shall align with one another to the extent practical.

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3. Shelters shall not conflict with mezzanine or transom windows.
4. Colored canvas (not plastic) awnings and metal or plexi-glass canopies, when consistent with historical styles, are allowed.

Exceptions: Pedestrian shelters are not required where historical precedence dictates otherwise. In addition, the Planning Commission may reduce the minimum shelter depth upon finding that existing right-of-way, easements, or building code requirements preclude a standard shelter.

L.H. Civic Space and Pedestrian Amenities.

1. Purpose. The City encourages the provision of civic space in new development through regulatory incentives. Civic space such as plazas, courtyards, patios, and expanded sidewalks/outdoor seating areas should be provided along street frontages and where gaps between buildings occur. Civic spaces can make the downtown more attractive and inviting while providing informal gathering places for rest and socialization.



(Delete)

2. Applicability. The following applies to Site **Design** Review proposals involving: (a) a height bonus pursuant to subsection 17.30.060(H); (b) an adjustment to a code standard under site review; or (c) where the applicant voluntarily provides civic space.
3. Civic Space Standards. At least three (3) percent, or not less than three hundred (300) square feet, of the site should be designated and improved as civic space (plaza, landscaped courtyard, sidewalk extension, or similar space). Such areas should be accessible to the general public, with the highest priority locations being those areas with the highest pedestrian activity. Civic spaces should be connected to a public right-of-way by a sidewalk or pedestrian access way. All civic spaces shall have dimensions that allow for reasonable pedestrian access. For example, a small site may provide a 4-foot wide strip adjoining and adding on to the sidewalk for a small café seating area, whereas a larger site at a street corner may provide a plaza adjacent to a building entrance. Civic spaces shall include pedestrian amenities, per subsection 4, below. See also, Chapter 17.84 Site and Landscaping Design.
4. Pedestrian Amenities Standards. Where street frontage improvements are required to comply with the Transportation System Plan, or where **or** civic space is required under subsection 17.30.060(**L.H.**), street frontages shall be improved with pedestrian amenities such as benches, public art, pedestrian-scale lighting, shade structures, way finding signs, or similar pedestrian facilities in an amount equal to or greater than one-half of one percent (0.5%) of the estimated construction cost of the proposed building(s), subject to review and approval by the Planning Commission. Where a civic space adjoins a building entrance, the cost of providing a weather protection canopy, awning, arcade, overhanging eave, arbor, portico, or similar feature, consistent subsection 17.30.060(K), may be credited toward the one-half of one percent (0.5%) requirement. Pedestrian amenities such as seating, planters, public art

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and pedestrian lighting (e.g., street lamps or pathway bollard lights) at street corners or paved mid-block pedestrian access ways between buildings may also be counted toward the one-half of one percent (0.5%) requirement. The cost of a proposed public-private parking facility may be subtracted from building costs used in the assessment of civic space improvements. A licensed architect, landscape architect, or other qualified professional, shall prepare cost estimates for civic space improvements, which shall be subject to review and approval by the Planning Commission.

M. I. Signs. In addition to complying with requirements of Chapter 17.80 Signs, conformance to following standards is required in the Downtown district:

1. Building designs shall incorporate a sign band or otherwise provide for blade signs, awning signs, marquees, or other compatible sign types.
2. Pole signs are prohibited.
3. Monument signs shall not exceed six (6) feet in height and forty-eight (48) square feet of sign face for each side of a two-sided sign. A minimum of fifty (50) feet of street frontage is required for one monument sign.
4. On multitenant buildings, signs shall be designed to accommodate multiple tenants.



(Delete)

N. J. Landscaping. In addition to complying with requirements of Chapter 17.84 Site and Landscaping Design, conformance to following standards is required in the Downtown district:

1. All Downtown Sub-districts: Landscape designs must be compatible with the downtown, where buildings are generally placed closer together than in other districts. Designs take into consideration exposure to sun and wind, opportunities for pedestrian safety and comfort (e.g., buffering vehicle areas, summer shade, etc.), maintenance requirements, and downtown beautification objectives. These factors are to be balanced so that the resulting design is functional, attractive, and cost-effective. For example, landscaping must define pedestrian pathways, buffer parking lots from outdoor seating areas, break up large blank walls, and add color and interest to streetscapes, parking lots, and plaza areas.
2. D-MS: Zero (0) percent, minimum, except for required street trees (twenty-five (25) square feet per tree planting area), required civic space, and any required screening, as applicable, subject to site review.
3. D-WG and D-RR: Ten (10) percent, minimum; may include required street trees (twenty-five (25) square feet per tree), planter beds, plant containers or window boxes, arbors, trellises, and climbing vines on garden walls and fences, as applicable. Where landscape structures

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such as arbors are proposed, the Planning Commission may count the total surface area to be covered by plants within two (2) years of planting.

4. Maintenance: All landscape and civic space areas shall be maintained and, as necessary, replaced by the property owner to ensure plant survival and upkeep of street furnishings, paving, and other built features. The use of water-conserving features, such small parking lot perimeter swales, and rain gardens fed by cisterns or roof drains is encouraged.

Ø. K. Mechanical Equipment.

1. Building Walls. Mechanical equipment shall not be mounted on any building where it will be visible within one hundred (100) feet of Main Street. When mechanical equipment, such as utility vaults, air compressors, generators, antennae, satellite dishes, or similar equipment, must be installed on a rooftop or adjacent to a building wall, it shall be screened from view. Where such equipment is installed on a side or rear building elevation and is adjacent to a plaza, pathway, or other public space, it shall be screened in accordance with Chapter 17.84. Standpipes, meters, vaults and similar incidental equipment need not be screened but shall not be placed on a front elevation when other practical alternatives exist; such equipment shall be placed low on a side or rear elevation to the extent practical.
2. Rooftops. Except as provided below, rooftop mechanical units shall not be visible from the street or any alley, pedestrian access way or civic space. Such units should be screened behind a parapet wall or painted with muted, earth-tone colors that make them visually subordinate to their backgrounds. Exception: Equipment for small-scale renewable energy (e.g., mini-wind turbines, solar panels, and similar features) is allowed subject to site review; the Planning Commission may exempt such a facility from the screening standard upon finding that the screening would interfere with its operation, and the facility does not adversely impact any buildings of local historic significance.
3. Ground-Mounted Mechanical Equipment. Ground-mounted equipment (e.g., generators and air compressors) shall be limited to side or rear yards and screened in accordance with Chapter 17.84. The **City Planning Commission** may require additional setbacks and/or noise attenuating equipment to promote compatibility with adjacent uses.
4. Plazas and Open Spaces. Mechanical equipment and garbage storage areas are not permitted within plazas or other public open spaces, except as approved with an **conditional use permit Adjustment**. Where such facilities are allowed, the Planning Commission may require that such facilities be screened completely from view and set back from a civic space for aesthetic reasons and to minimize odors or noise.

P. L. Historic Building Alterations. In addition to complying with requirements of Chapter 17.104 Historic Sites, conformance to following standards is required **for** historic building alterations in the Downtown district:

1. Restoration, rehabilitation or remodeling projects shall incorporate, whenever possible, original design elements that have been removed, changed, or covered over.
2. Scale, proportion and materials used in alteration or additions to existing structures, such as the size and relationship of new windows, doors, entrances and other building features, shall be visually compatible with the original architecture on buildings of local historical significance.

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M. Off-Street Parking. Parking shall conform to the standards in Chapter 17.68. Exemptions apply to properties within the Downtown Parking District, subject to the provisions of Section 17.68.120.

17.30.065 General design guidelines for downtown design standards.

A. **Design Guidelines. Purpose.** For the purpose of this Chapter, Design Guidelines **The general design guidelines contained in this section** describe and illustrate the standards contained in Section 17.30.060 and provide examples of how a project may comply with the standards. The Planning Commission shall rely upon the guidelines below and the illustrations in Section 17.30.070 **in order to:**

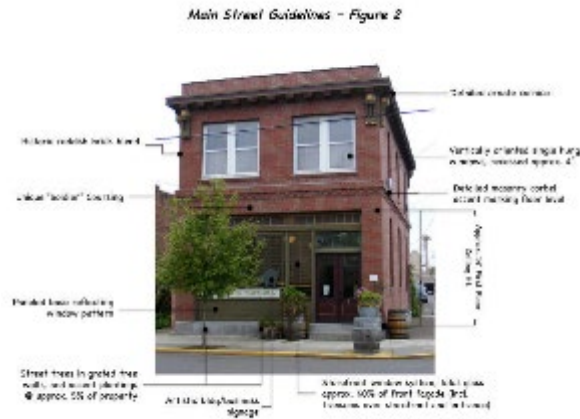
1. **in interpreting Interpret** the discretionary standards contained in **this Section** (Section 17.30.060 **only**); or
2. **in granting Grant** adjustments to Section 17.30.060. The Commission may approve an adjustment only upon making affirmative findings on each of the following guidelines, as it deems applicable.

The illustrations in Section 17.30.060 are provided for reference only. Please see the complete set of guideline illustrations in Section 17.30.070.

B. General Design Guidelines.

1. Does the proposal contribute to the attributes that make the subject downtown sub-district (D-MS, D-WG, and/or D-RR) distinct? For example, does the proposal respond to the building forms, scale, setbacks, orientation, architectural style, materials, detailing, color, signage, parking, and/or other elements that distinguish the sub-district without mimicking other building designs? Is the proposal compatible with existing structures that have retained their historic integrity? It is not the City's intent to create an architectural theme, but rather to ensure that new buildings and alterations fit the historic context.
2. If the proposal involves remodeling a building listed on a local state, or national historical register, is the remodel consistent with the guidelines for altering such historic resources?
3. Does the proposal enhance the streetscape or other public spaces with appropriate building placement, orientation, height, architectural detailing and landscaping?
4. If located at the intersection of Main Street/Pine Street, Main Street/Yamhill Street, or Pine Street/Grant Street, does the design enhance the "gateway" location with a corner plaza or vertical building elements (e.g., increased height) at the corner? **(See Main Street Guidelines – Figure 2 in Section 17.30.070.)**

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5. Does the structure have a compatible building scale relationship with adjacent residences? For example, does the structure step-down in height adjacent to single family dwellings?
6. Does the building design address all four sides of the building with a unified design? For example, are the materials, textures and colors on each elevation coordinated?
7. Where a zero-setback is proposed, does the side elevation facilitate common wall development in the future?
8. Where the proposal includes an adjustment to the window transparency standards or other detailing standards, does the proposed design adequately break up the building elevation (avoid creating a blank wall) and express storefront character in other ways?
9. Does the building contain openings (doors or windows) adjacent public spaces or parking areas, including those that may also serve as plazas or community gathering places during special events?
10. Do the facade and roofline have a rhythm that is consistent with adjacent buildings, or appropriately transition from one building to another?
11. Does the proposal contain adequate sidewalks? Sidewalks must contain a sufficient pedestrian through zone (clearance) and Americans with Disabilities Act accessibility. Sidewalks within the MS sub-district must also contain a furnishing zone, per Section 17.30.070.
12. If located adjacent to a plazas or area with curb extension or widened sidewalk, does the proposal include benches, café seating, or public art, per Section 17.30.070?
13. If the proposal adjusts the lot coverage standard or contains on-premise parking, does it manage storm water drainage more effectively than would be possible under a conventional design? Does it utilize on-site retention with water quality features?
14. Does the proposal promote water conservation, for example, through drought-tolerant plantings or capturing rainwater for use in landscape irrigation?
15. If the proposal leaves a gap between buildings (non-common wall development), does it provide landscaping (e.g., courtyard garden), or a plaza, with seating in that area?

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17.30.070 Subdistrict design guidelines.

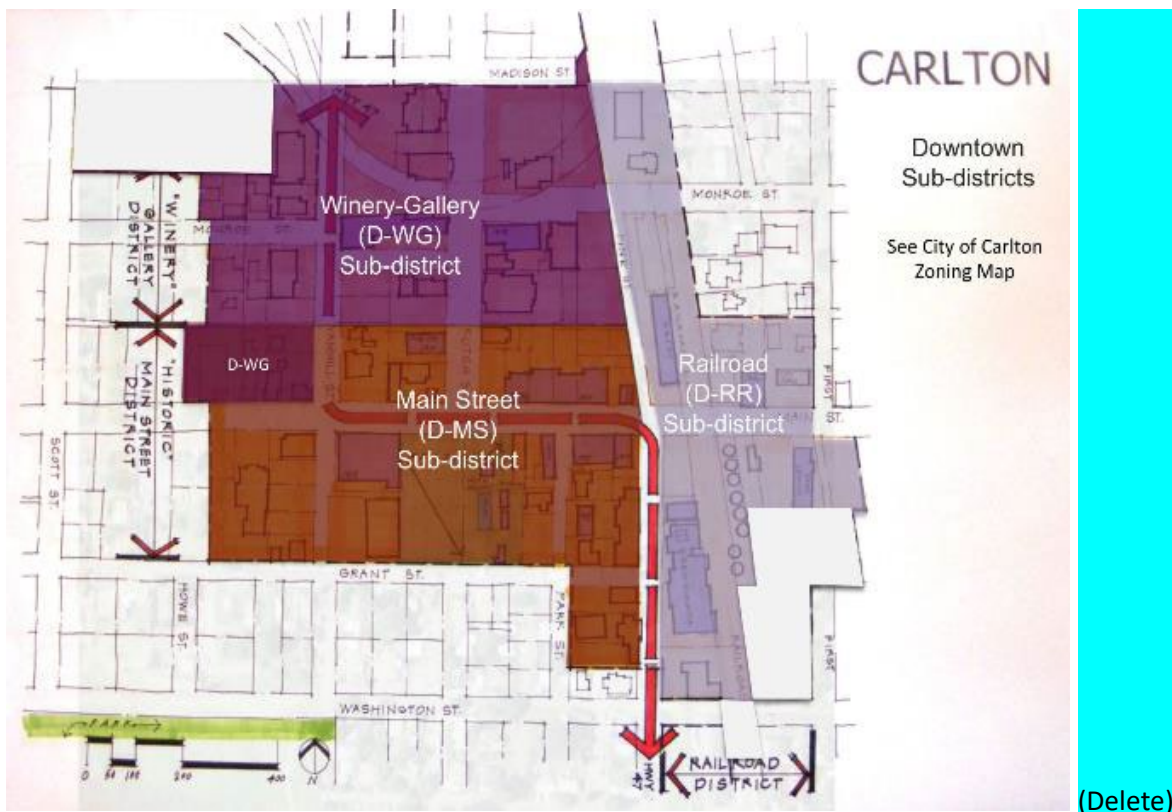
The following design guidelines apply to development within each of the downtown sub-districts, in addition to the design standards on Section 17.30.060.

Design Guidelines—Downtown Context



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A. Main Street ~~Historic~~ Sub-District Guidelines

- 1. Building entrances orient to street with access to future Plaza and Upper Ladd Park.**
- 2. Buildings must be one to three stories tall, with division between the first and second stories, meeting the dimensional standards of Section 17.30.050. 1—3 stories; 14' min. first floor ceiling height; if one story, 21' min. to top of coping; division between 1st & 2nd stories; "step back" 3rd story min. 4' 0".**

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- 3.** Brick masonry predominant material, except as historic precedence dictates; note brick detailing and "patterns."
- 4.** Flat roof with cornice or parapet on Main Street; secondary shed okay; gable okay on other streets if gable faces front and side setback is met.
- 5.** Canvas awnings or flat & shed painted metal canopies, except where historic buildings have no awning or canopy.
- 6.** Storefront windows with transom, with standards based on historic height, detailing, orientation, proportions, and percentages of glass. Upper story windows: vertical orientation, detailing & proportions.
- 7.** Sidewalk: Scored concrete (8'—12') with option for paver inlay.
- 8.** Furnishing area with benches, lighting (bollards or lamps), planters/baskets.
- 9.** Street trees in cutouts with grates; **provide list of acceptable trees & grates** **trees to be selected from the adopted approved street tree list.**
- 10.** Curb extensions at intersections and at mid-block pedestrian crossings.

New development exempt from off-street parking standard; pay in lieu fee to go toward public parking reserve.

Historically appropriate color palette.

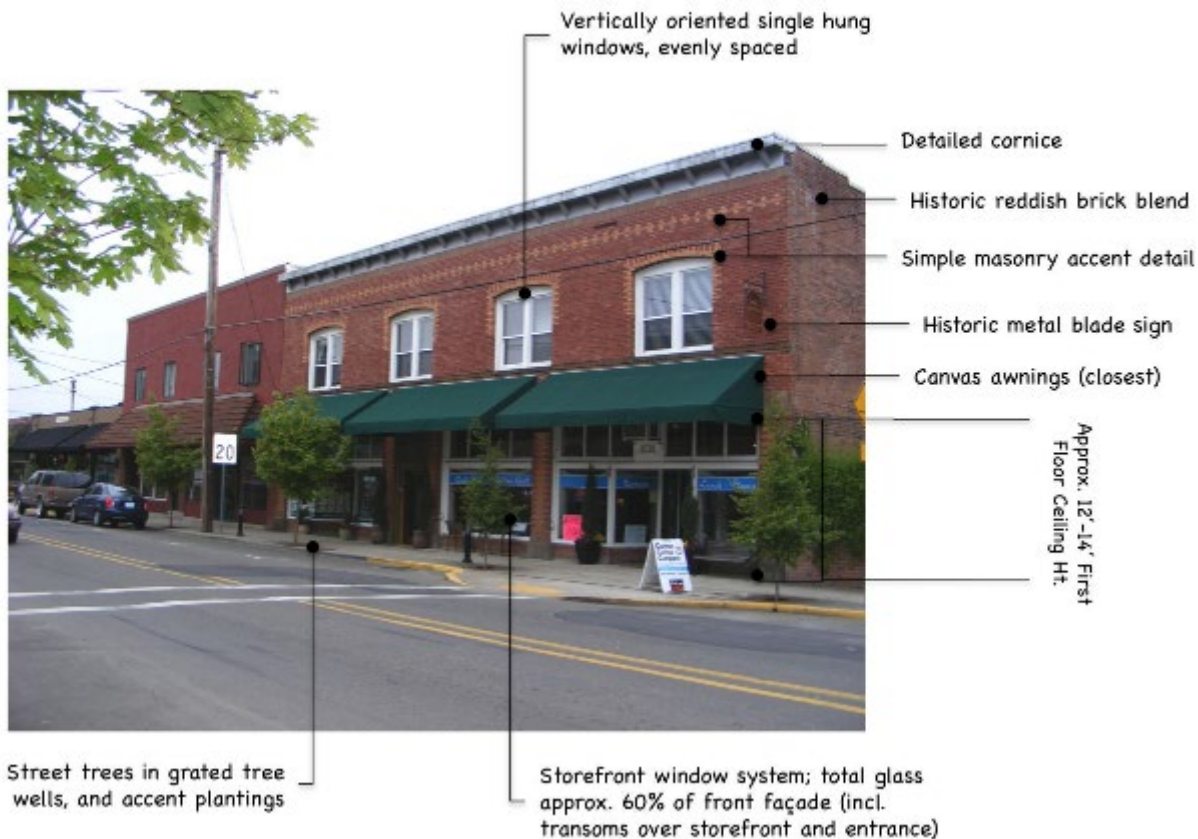
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11. No pole signs or internally-lit signs; ~~allow historically appropriate wall mounted light fixtures;~~ building-mounted metal or blade signs.

12. Allow historically appropriate wall mounted light fixtures.

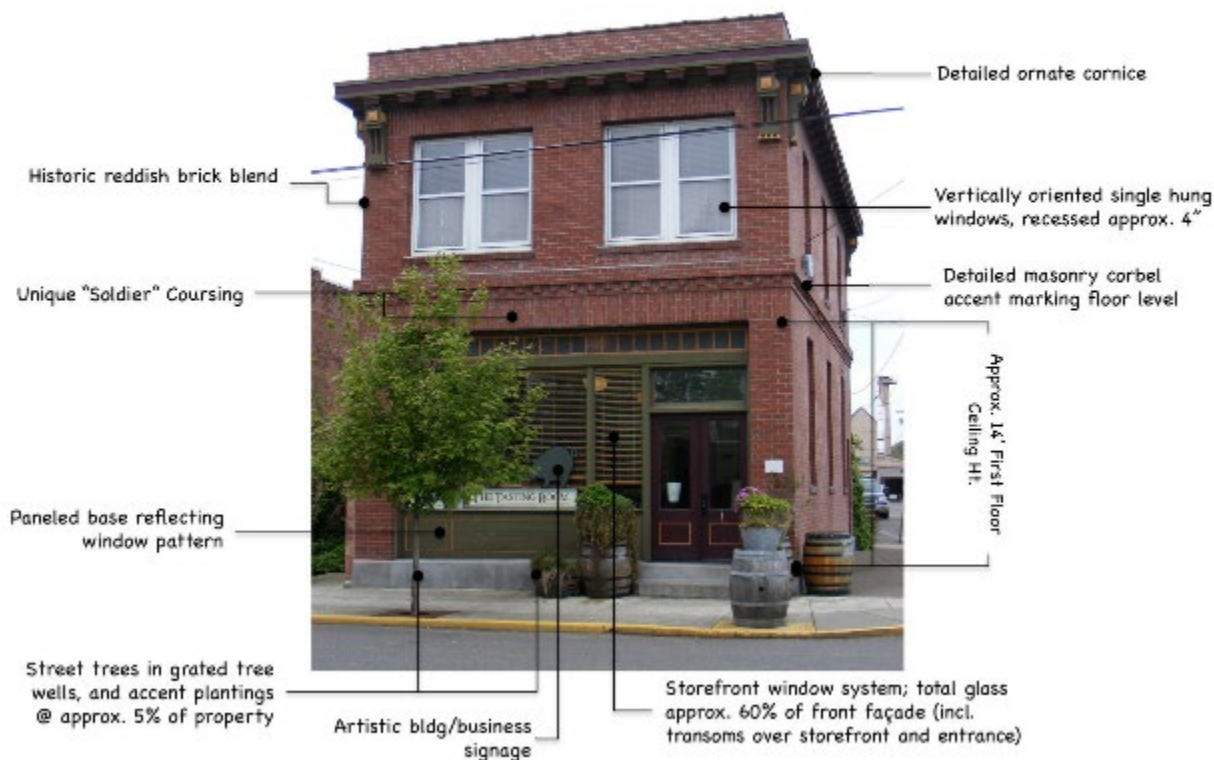
~~Allow flexibility for special opportunity sites through Design Review (e.g., performance standards or adjustments).~~

Main Street Guidelines - Figure 1



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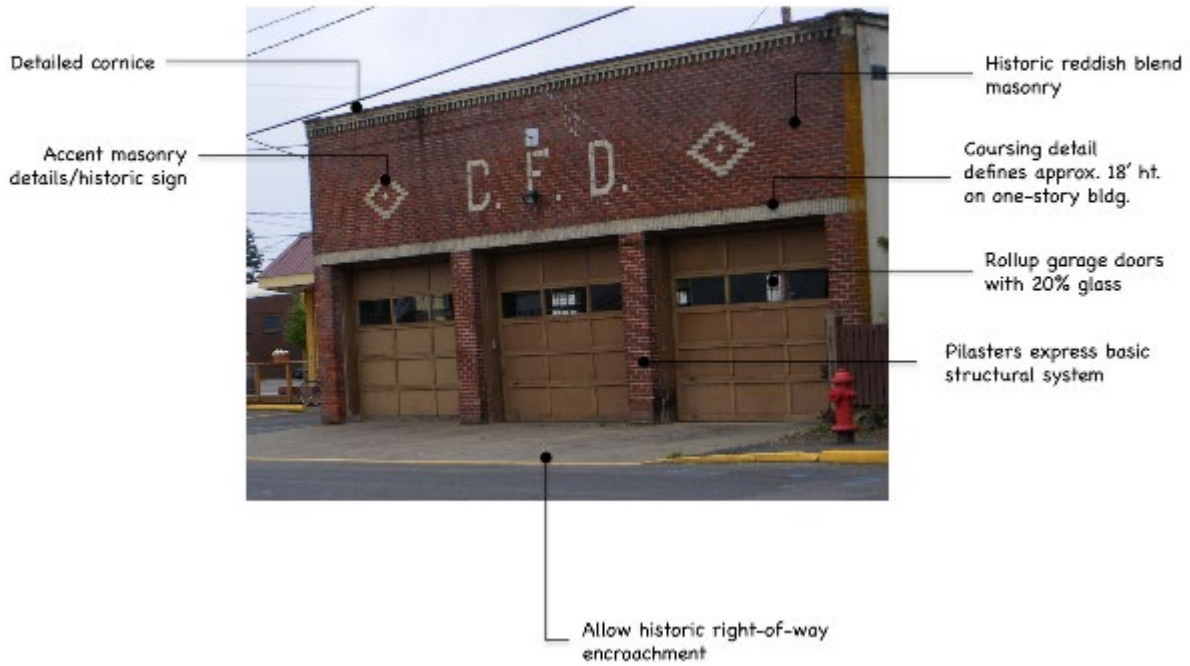
Main Street Guidelines - Figure 2



Main Street Guidelines - Figure 3

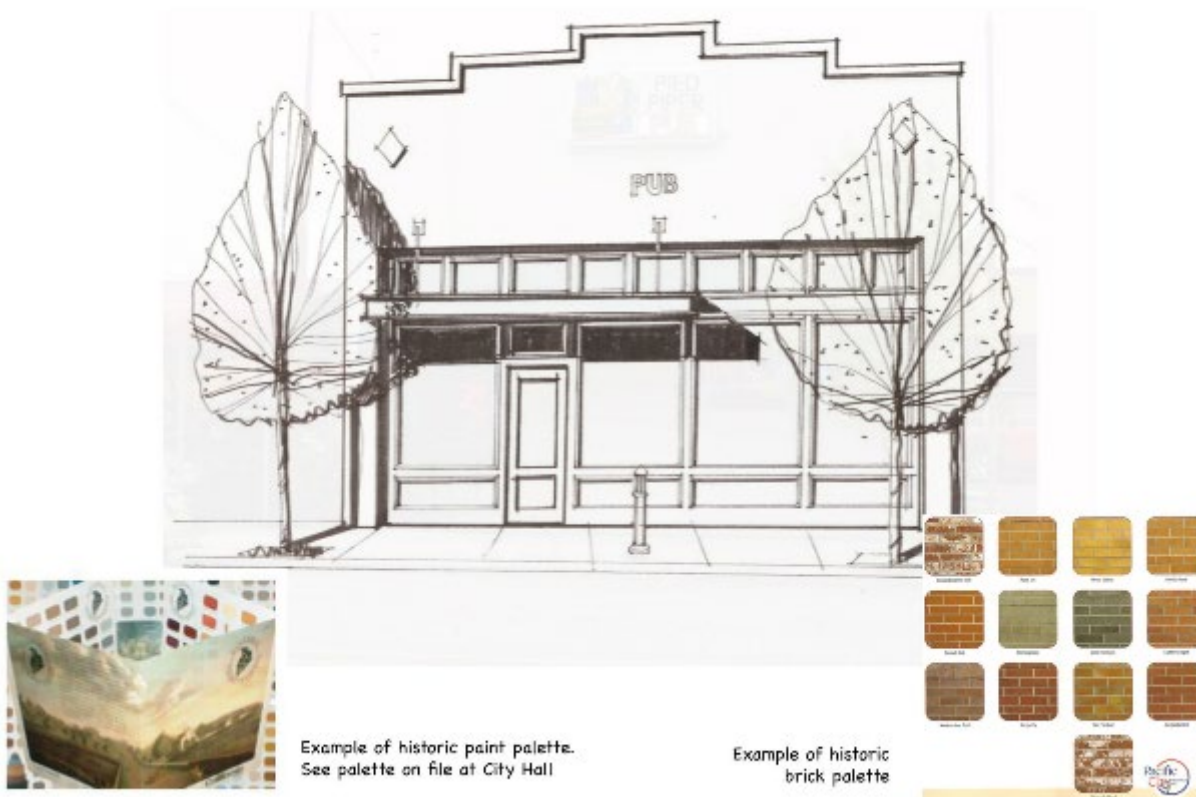


Main Street Guidelines - Figure 4

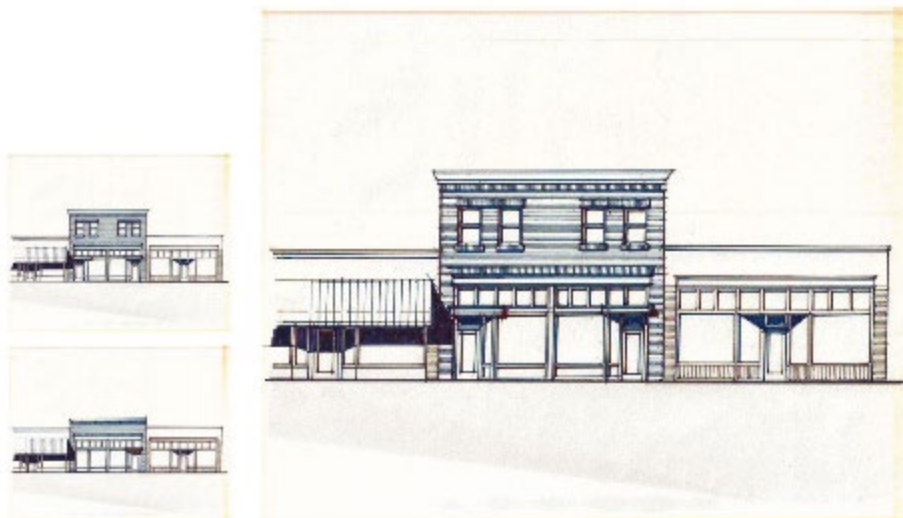


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Main Street Guidelines – Figure 5 (Remodel Example)



Main Street Guidelines – Figure 6 (Infill Building Example)



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Main Street Guidelines - Figure 7 (Corner Building Example)



Main Street Guidelines - Figure 8

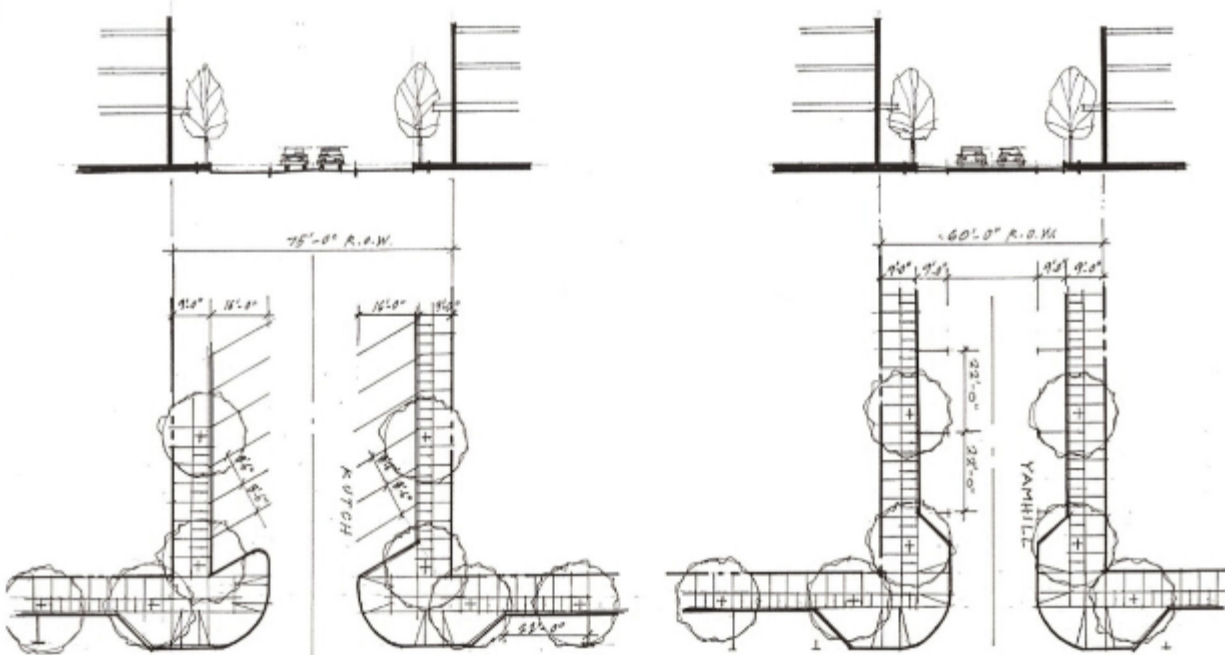


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Main Street Guidelines - Figure 9 (Corner Gateway/Height Bonus Example)



*Downtown Streetscapes Standards
Main Street Intersections and Typical Cross-Street Sections*



B. Winery-Gallery Sub-District Guidelines

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1. Balances "public/tourism" exposure with "production" exposure needs.
2. Larger, simpler building forms; predominately agricultural building materials **(no vinyl)**; uses artistic building elements as accents, "iconic" forms.



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3. Buildings orient to plaza; buildings fronting Kutch **Street** or Pine **Street** should also orient to respective street with entrance or detailing and connecting pathway.
4. Repeat forms found on existing buildings in the district; includes flat roof, gable roof and shed roof buildings; does not include mansard or Quonset building forms in this district.
5. Roof materials to include selected metal colors, composition (dark), flat roof materials; do not include tile or wood shake or shingle roofs.
6. Windows: **At least two wall elevations contain % windows**; windows may include storefronts (vertical or square); garage doors with glass **on at least % of doors**; fixed windows; single or double hung windows.
7. Materials: Minimum of at least two materials **permitted in subsection 17.30.060(F)(1)(b)** each covering **a minimum of 30 percent %** of exterior: **metal siding, wood board-batten, wood shingle siding, stucco, masonry, concrete block (split faced or stone ground), cementitious siding. No vinyl siding.** No chain link fences abutting streets or plazas.
Landscaping required as nominal % of site; allow planters, beds, climbing gardens/green fences, water gardens (e.g., drain roof water into planters).

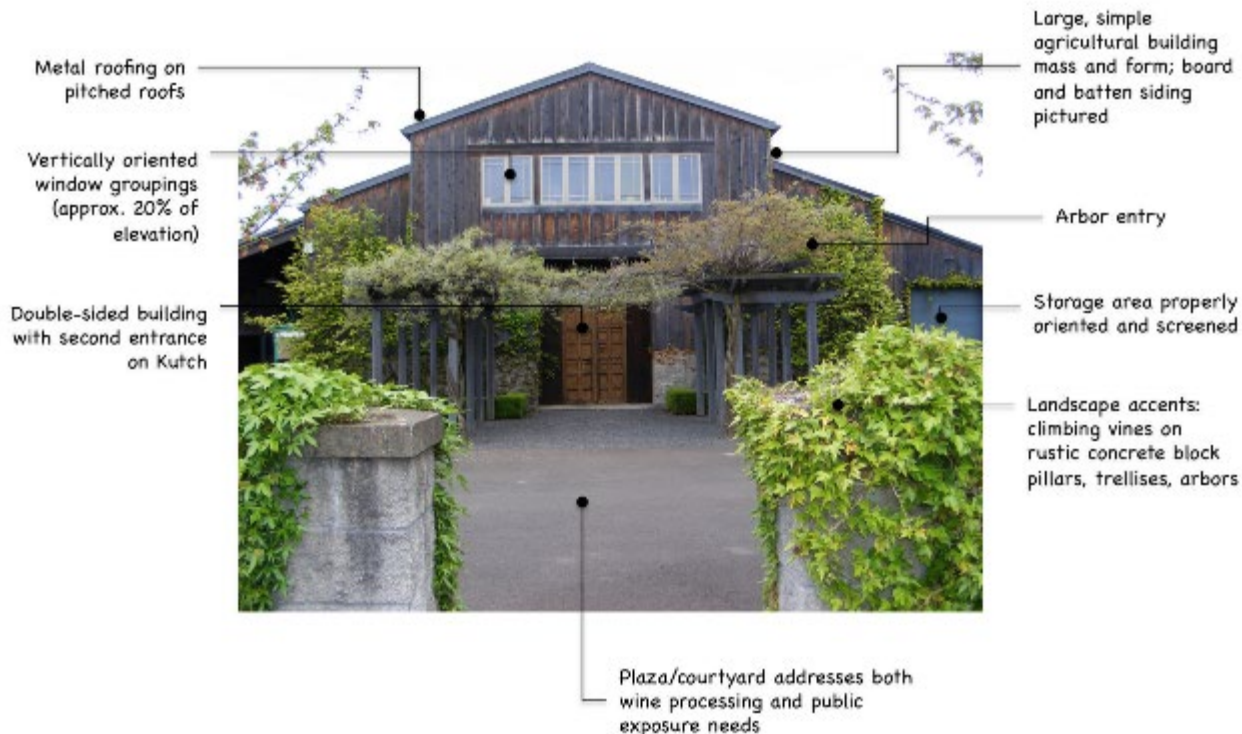
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Off street parking may be met on-site, or by a combination of on- and off-site lots (e.g., employee parking), or pay in lieu fee to go toward public parking reserves.

Colors should be based on existing/historic palette or natural materials.

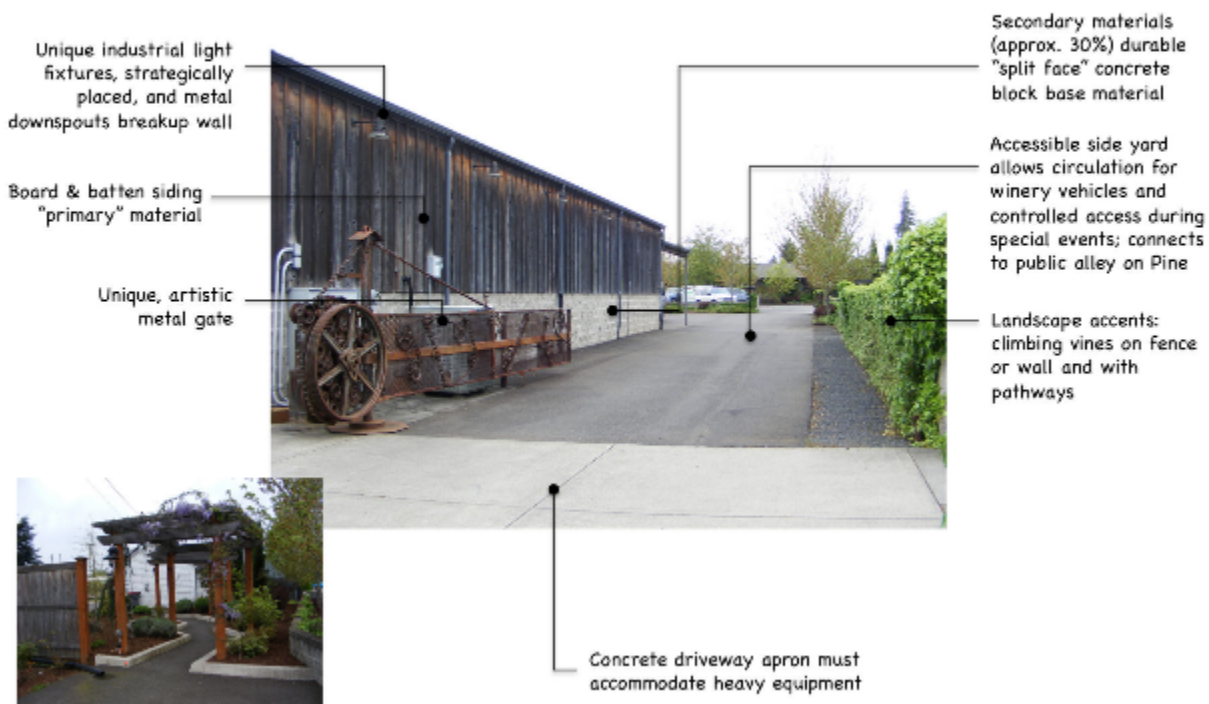
Allow flexibility for special opportunity sites through Design Review (e.g., performance standards or adjustments).

Winery-Gallery District Guidelines - Figure 1



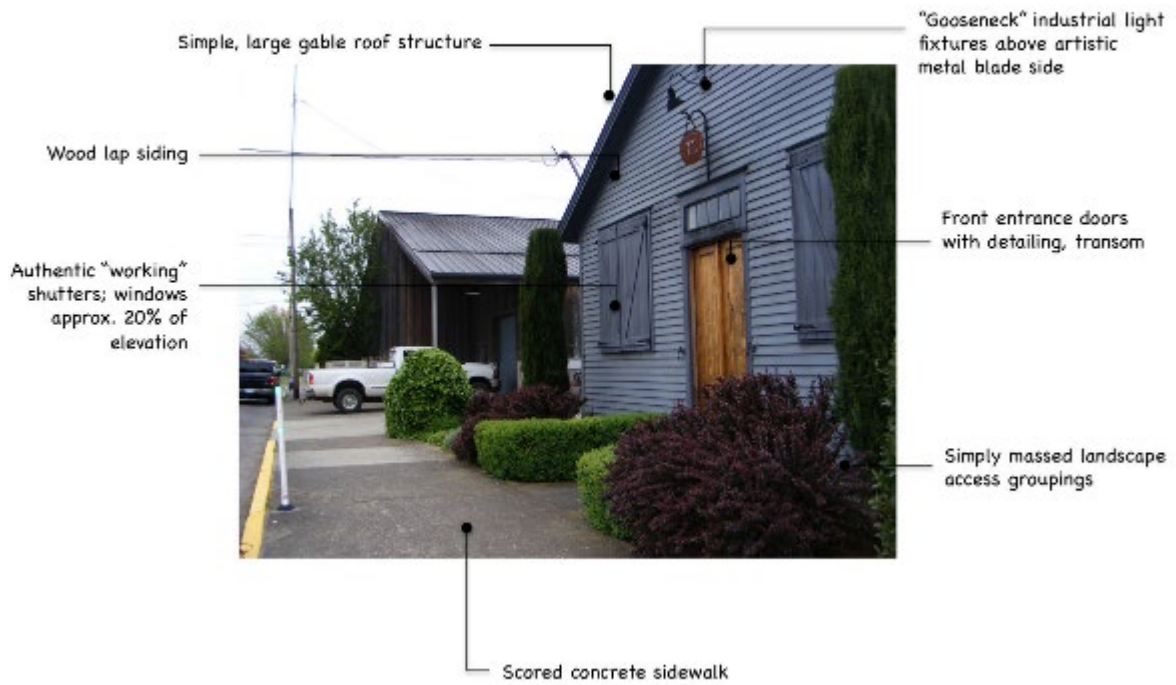
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Winery-Gallery District Guidelines – Figure 2



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Winery-Gallery District Guidelines - Figure 3



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C. Railroad **Sub-District Guidelines**

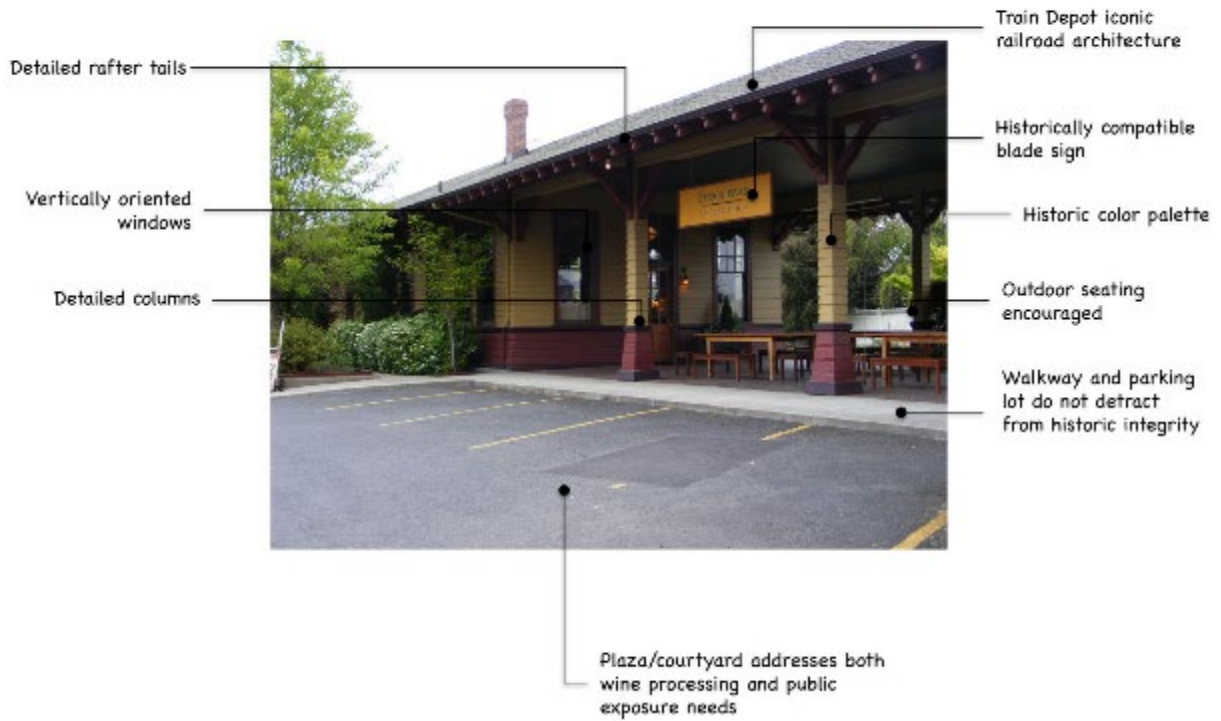
- 1.** Iconic forms (grain elevator, depot, Quonset, grain silos); asymmetrical, agricultural.
- 2.** Repeat or adapt forms found on existing buildings from railroad era.



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- 3.** Repeat building materials found on existing RR district buildings: ~~Metal siding, brick, wood and composite siding. No vinyl siding, cultured stone or wood panel siding except board batten~~ **using materials permitted in subsection 17.30.060(F)(1)(c).** No chain link fences abutting streets.
- 4.** Roof materials: Historic metal finish or painted metal, composition (dark). No wood shakes or shingle roofs. No tile roofs.
- 5.** Windows: ~~Ground floor min % windows;~~ Windows may vertical or square proportions; fixed windows; single or double hung windows.
~~Awnings or Canopies: Over primary entrance and min % of building frontage at street or plaza; may be canvas, metal (flat and shed).~~
~~Height: 21' minimum and 35' maximum, except existing grain elevator.~~
- 6.** Sidewalks scored concrete (6'—8').
~~Landscaping required as nominal % of site; allow planters, beds, climbing gardens/green fences, water gardens (e.g., drain roof water into planters).~~
~~Off-street parking may be met on-site, or by a combination of on- and off-site lots (e.g., employee parking), or pay in lieu fee to go toward public parking reserves.~~
~~Colors shall be based on existing/historic palette.~~
~~Allow flexibility for special opportunity sites through Design Review (e.g., performance standards or adjustments).~~

Railroad District Guidelines - Figure 1



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Railroad District Guidelines – Figure 2



Chapter 17.32 COMMERCIAL BUSINESS (CB) DISTRICT

17.32.010 Purpose.

The commercial business (CB) district provides an area for commercial uses outside Downtown Carlton. It provides a broad range of commercial uses appropriate within a shopping district, and a visual attraction for visitors.

17.32.020 Permitted uses.

The following uses are permitted outright in the commercial business district, subject to ~~the~~ Site Design Review in accordance with Chapter 17.156:

- A. Residences that are located on the second story above a permitted use commercial building.
- B. Business offices including, but not limited to, insurance, real estate and title insurance; credit agencies, brokerages, loan companies, and investment companies; and, miscellaneous offices such as detective agencies, drafting services or contractors offices.
- C. Professional offices including, but not limited to, medical, dental, engineering and legal services.
- D. Art gallery, artisan's or craftsman's studio, photographic studio, picture framing.
- E. Banks and other financial institutions.
- F. Retail sales outlet including, but not limited to, food stores, pharmacy, furniture store, hobby or photography store, florist, liquor store, hardware store, appliance or stereo equipment store, pet shop, sporting goods, department store, jewelry, gift, and other types retail activities.
- G. Eating and drinking establishment, such as a restaurant, delicatessen, tavern, or snack shop, but not including drive-through facility or food cart.
- H. Bakery, butcher shop, candy manufacturing when retail sales are provided on the premises.
- I. Retail and service related stores such as TV and radio sales and service, bicycle shop, gunsmith, equipment rental, upholstery shop or other similar activities where a service department is customarily a secondary activity to the retail use.
- J. Service related businesses such as barber shops, beauty shops, advertising agencies, printing or photocopying, dancing or music school, health and fitness club, or other activities where the primary activity is the providing of a service to retail customers.
- K. Bed and breakfast.
- L. Place of worship, club lodge, or fraternal organizations.
- M. ~~A single family~~ Vacation rental dwelling unit, when such dwelling is a legal nonconforming use and obtains a vacation rental dwelling permit in accordance with the vacation rental dwelling conditional use standards and procedures set forth in ~~, subject to the provisions of~~ Chapter 17.125.

N. Child care centers.

O. Family child care homes in a dwelling that is a legal nonconforming use.

17.32.030 Conditional uses.

The following conditional uses are allowed in the commercial business district subject to obtaining a conditional use permit per Chapter 17.152 and completing a Site Design Review in accordance with Chapter 17.156:

- A. Automobile, truck, motorcycle, trailer, recreational vehicle and boat sales or repair, except retail and service uses entirely enclosed in a building and setback one hundred (100) feet or more from a residential zone are permitted under Section 17.32.020
- B. Retail tire sales, service and repair; tire recapping, service and repair, paint and body shop.
- C. Automobile service station, including towing services and vehicle washing and polishing facilities, and services.
- D. Parts and accessory sales for automobiles, trucks, motorcycles, trailers, recreational vehicles and boats, except retail and service uses entirely enclosed in a building and setback one hundred (100) feet or more from a residential zone are permitted under Section 17.32.020.
- E. Lumberyard and contracting supplies for lumber, stone, masonry or metal (sales only).
- F. Special trade contracting facilities such as floor laying, building equipment, masonry and stone, plumbing, electrical, metal work or painting, except showrooms and similar office or retail uses entirely enclosed in a building and setback one hundred (100) feet or more from a residential zone are permitted under Section 17.32.020.
- G. Welding shop and blacksmith where activities are conducted wholly within a building.
- H. Newspaper, periodical, publishing and printing, except such uses entirely enclosed in a building and setback one hundred (100) feet or more from a residential zone are permitted under Section 17.32.020.
- I. Tractor and farm equipment, logging equipment sales and service.
- J. Veterinary clinics, except such uses entirely enclosed in a building and setback one hundred (100) feet or more from a residential zone are permitted under Section 17.32.020.
- K. Drive-through facility.
- L. Cabinet manufacturing shop, except such uses entirely enclosed in a building and setback one hundred (100) feet or more from a residential zone are permitted under Section 17.32.020.
- M. Tent and awning shop, except such uses entirely enclosed in a building and setback one hundred (100) feet or more from a residential zone are permitted under Section 17.32.020.
- N. Public utility buildings and structures, including community centers, except such uses entirely enclosed in a building and setback one hundred (100) feet or more from a residential zone are permitted under Section 17.32.020.
- O. Theaters, including movie theaters, except such uses entirely enclosed in a building and setback one hundred (100) feet or more from a residential zone are permitted under Section 17.32.020.
- P. Commercial (private) automobile parking facilities, except as accessory to a primary permitted use, as specified in Chapter 17.68.
- Q. Wineries, and wine sales and tasting rooms operated in conjunction with a winery.

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- R. Food carts, subject to the provisions in Chapter 17.126.
- S. Medical marijuana dispensary subject to the conditional use criteria listed in Section 17.152.035.
- R. Commercial retail marijuana facility subject to the conditional use criteria listed in Section 17.152.035.

17.32.040 Limitations on use.

- A. All business, services, processing, or merchandise displays shall be conducted wholly within an enclosed building except for the following:
 - 1. Off-street parking or loading;
 - 2. Drive-through facility;
 - 3. Temporary display and sales of merchandise, not exceeding three (3) days in any seven (7) day period, provided it is under cover of a projecting roof and does not interfere with pedestrian, bicycle, or automobile circulation;
 - 4. Businesses, which, in all cases, require outdoor storage of merchandise, e.g., automobile, RV sales lots, or gas stations.
 - 5. Outdoor **entertainment and outdoor** events, such as weddings, music concerts, religious gatherings, public gatherings, sporting events, and similar uses and activities, when not accessory to a permitted use, require approval of a special event permit. Special event permits are staff-level approvals; except that use of a public right-of-way requires City Council approval.
- B. Not more than fifty (50) percent of the floor area of the building and not more than twenty-five (25) percent of the lot area of the commercial enterprise shall be used in the manufacturing, processing, or compounding of products.

17.32.050 Dimensional standards.

The following minimum dimensional standards **apply to development in the CB district**, with the exception of modifications permitted under Chapter 17.132.

Minimum Lot Area	None
Minimum Yard Setbacks, except as provided for Accessory Structures under Chapter 17.96	
Front yard	No front yard setback permitted except: A setback from the street front lot line may be permitted subject to design review for a pedestrian plaza, landscaping, or similar purpose. No outside storage, driveways, loading or parking shall be allowed within the front yard setback.
Rear yard	
Adjoining a nonresidential district	None
Adjoining a residential district	15 feet
Side yard	

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Side yard, Adjoining a street	No side yard setback permitted except: A setback from the street front lot line may be permitted subject to design review for a pedestrian plaza, landscaping, or similar purpose. No outside storage, driveways, loading or parking shall be allowed within the side yard setback
Adjoining a nonresidential district	None
Adjoining a residential district	10 feet
Maximum structure height	35 feet

17.32.060 Development standards.

All developments in the CB district shall comply with the applicable provisions of Chapters 17.128 through 17.140. In addition, the following specific standards shall apply:

- A. Off-Street Parking. Off-street parking, if provided, shall be located at the rear of the property in accordance with Chapter 17.68.
- B. Signs. Signs in the CB district shall be subject to the provisions of Chapter 17.80.
- C. Subdivisions and Partitions. All land divisions shall be reviewed in accordance with the provisions of Chapters 17.172 through 17.176, as applicable.
- D. Site Design Review. New development and expansion of existing structures or uses may be subject to Site Design Review. See Chapter 17.156 for requirements.
- E. Landscaping. Landscaping improvements shall be installed and maintained in all yard areas accordance with Chapter 17.84. Additionally, screening shall be required for the following:
 1. All outdoor storage areas shall be screened by a six-foot (6 ft.) sight-obscuring fence or wall;
 2. Where a commercial use abuts a residential zone, a six-foot (6 ft.) sight-obscuring fence or wall shall be installed along the full length of the property line. This requirement shall not cause the placement of a fence or wall in the vision clearance area **required by Section 17.92.070**.

Where landscaping, fencing or other screening is required pursuant to site design review approval or other land use approval, all such landscaping shall be installed in accordance with Chapter 17.84 and approved plans prior to issuance of building occupancy permits.

- F. Standards for Wineries, Outdoor Entertainment, and Outdoor **Events Gatherings**. In addition to the requirements set forth in Chapter 17.152 Conditional Use Permits, an application for a winery, winery-related use, or outdoor **event entertainment**/outdoor gathering shall include an analysis of projected attendance or occupancy of the venue/site, access and egress in compliance with applicable fire code requirements, projected parking demand during peak periods of use, sanitary facilities, evidence of compliance with Oregon Health Department requirements, as applicable, and information on existing and projected noise levels above ambient noise levels. The above information shall be provided at a sufficient level of detail so that the Planning Commission can make findings of compliance with Chapter 17.152. At a minimum, the following standards shall apply:

1. Off-street parking shall be sufficient so that public ways are not obstructed and vehicles are not required to back onto a public way. Off-street parking facilities need not be paved or striped, but at a minimum shall have a gravel or crushed rock surface conforming to the city's public works design standards.
2. A minimum buffer yard of twenty (20) feet shall be provided between all parking areas and adjacent residential districts. The buffer yard shall provide a partially sight-obscuring screen of shrubs, trees, and ground cover plantings. The buffer yard may be reduced to ten (10) feet where a fully sight-obscuring fence is also provided around the perimeter of the parking area.
3. A minimum buffer yard of twenty (20) feet shall be provided between all outdoor entertainment/gathering areas and adjacent residential districts. The buffer yard shall provide a partially sight-obscuring screen of shrubs, trees, and ground cover plantings. The buffer yard may be reduced to ten (10) feet where a fully sight-obscuring fence is also provided around the perimeter of the parking area.
4. Uses that are expected to sustain noise levels exceeds 60 dBA beyond the subject property for more than three (3) hours cumulatively in any twenty-four (24) hour period may be limited to specific daytime hours. The Planning Commission shall consider the proximity of residential districts and public testimony in establishing conditions, which may include monitoring of noise levels.
5. Sanitary facilities shall be sufficient for projected usage and all State licensing requirements shall be met.
6. The Planning Commission may modify the off-street parking and/or buffer yard requirements in subsections F.1.—3., above, where it finds that additional or less mitigation is required for the use to comply with the conditional use criteria of Chapter 17.152.

Chapter 17.36 COMMERCIAL INDUSTRIAL (CI) DISTRICT

17.36.010 Purpose.

The commercial industrial (CI) district provides areas for a range of commercial light manufacturing, wholesale, transportation, and service uses. To assure compatibility between these uses and adjacent residential and industrial uses, special design standards are specified.

17.36.020 Permitted uses.

The following uses are permitted in the CI district, subject to a Site Design Review in accordance with Chapter 17.156:

- A. All uses permitted in the CB district, Section 17.32.020.
- B. All conditional uses in the CB district (except food carts) and without the CB district standards for residential district setbacks or building enclosure, Section 17.32.030.
- C. Warehouses including mini-warehouse storage; assembly, including light manufacturing, processing, packaging, treatment, fabrication of goods or merchandise; laboratories, offices, bottling and distribution centers, light repair facilities, wholesale businesses, and similar uses. These uses must be located and arranged according to a plan providing for aesthetic and other conditions in harmony with the neighborhood, and not be offensive or obnoxious by reason of emission of odor, dust, smoke, gas, light, noise or vibration. All such uses must first be approved by the Planning Commission.
- D. Commercial retail marijuana facility subject to the conditional use criteria listed in Section 17.152.035.

17.36.030 Conditional uses.

The following conditional uses are allowed in the Commercial Industrial district subject to obtaining a conditional use permit per Chapter 17.152 and completing a Site Design Review in accordance with Chapter 17.156:

- A. Public utility structures, such as pump stations, reservoirs, and electric substations.
- B. Food carts, subject to the provisions in Chapter 17.126.
- C. Medical marijuana dispensary subject to the conditional use criteria listed in Section 17.152.035.

17.36.040 Limitations on use.

All business, services, processing, or merchandise displays shall be conducted wholly within an enclosed building except for the following:

- A. Off-street parking or loading;
- B. Drive-through windows or service stations;
- C. Temporary display and sales of merchandise provided it is under cover of a projecting roof and does not interfere with pedestrian, bicycle, or automobile circulation;

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- D. Businesses, which, in all cases, require outdoor storage of merchandise, e.g., automobile, RV sales lots, or gas stations.

17.36.050 Dimensional standards.

The following minimum dimensional standards **apply to development in the CI district**, with the exception of modifications permitted under Chapter 17.132.

Minimum Lot Area	None
Minimum Yard Setbacks, except as provided for Accessory Structures under Chapter 17.96	
Front yard	
Adjoining a nonresidential district	None
Adjoining a residential district	20 feet
Rear yard	
Adjoining a nonresidential district	None
Adjoining a residential district	20 feet
Side yard	
Adjoining a nonresidential district	None
Adjoining a residential district	20 feet
Maximum structure height	45 feet

17.36.060 Development standards.

All developments in the CI district shall comply with the applicable provisions of Chapters 17.128 through 17.140. In addition, the following specific standards shall apply:

- A. Off-Street Parking. Off-street parking shall be as specified in Chapter 17.68.
- B. Signs. Signs shall be subject to the provisions of Chapter 17.80.
- C. Subdivisions and Partitions. All land divisions shall be reviewed in accordance with the provisions of Chapters 17.172 through 17.176, as applicable.
- D. Site Design Review. New development and expansion of an existing structures or uses may be subject to Site Design Review. See Chapter 17.156 for requirements.
- E. Landscaping. Landscaping improvements shall be installed and maintained in all yard areas accordance with Chapter 17.84. Additionally, screening shall be required for the following:
- All outdoor storage areas shall be screened by a six-foot (6 ft.) sight-obscuring fence or wall;
 - Where a commercial use abuts a residential zone, a six-foot (6 ft.) sight-obscuring fence or wall shall be installed along the full length of the property line. This requirement shall not cause the placement of a fence or wall in the vision clearance area.

Where landscaping, fencing or other screening is required pursuant to Site Design Review approval or other land use approval, all such landscaping shall be installed in accordance with Chapter 17.84 and approved plans prior to issuance of building occupancy permits.

- F. Standards for Wineries, Outdoor Entertainment, and Outdoor ~~Events~~ **Gatherings**. In addition to the requirements set forth in Chapter 17.152 Conditional Use Permits, an application for a winery, winery-related use, or outdoor ~~event~~ **entertainment**/outdoor gathering shall include an analysis of projected attendance or occupancy of the venue/site, access and egress in compliance with applicable fire code requirements, projected parking demand during peak periods of use, need for sanitary facilities, evidence of compliance with Oregon Health Department requirements, as applicable, and information on existing and projected noise levels above ambient noise levels. The above information shall be provided at a sufficient level of detail so that the Planning Commission can make findings of compliance with Chapter 17.152. At a minimum, the following standards shall apply:
1. Off-street parking shall be sufficient so that public ways are not obstructed and vehicles are not required to back onto a public way. Off-street parking facilities need not be paved or striped, but at a minimum shall have a gravel or crushed rock surface conforming to the city's public works design standards.
 2. A minimum buffer yard of twenty (20) feet shall be provided between all parking areas and adjacent residential districts. The buffer yard shall provide a partially sight-obscuring screen of shrubs, trees, and ground cover plantings. The buffer yard may be reduced to ten (10) feet where a fully sight-obscuring fence is also provided around the perimeter of the parking area.
 3. A minimum buffer yard of twenty (20) feet shall be provided between all outdoor entertainment/gathering areas and adjacent residential districts. The buffer yard shall provide a partially sight-obscuring screen of shrubs, trees, and ground cover plantings. The buffer yard may be reduced to ten (10) feet where a fully sight-obscuring fence is also provided around the perimeter of the parking area.
 4. Uses that are expected to sustain noise levels exceeds 60 dBA beyond the subject property for more than three (3) hours cumulatively in any twenty-four (24) hour period may be limited to specific daytime hours. The planning commission shall consider the proximity of residential districts and public testimony in establishing conditions, which may include monitoring of noise levels.
 5. Sanitary facilities shall be sufficient for projected usage and all State licensing requirements shall be met.
 6. The Planning Commission may modify the off-street parking and/or buffer yard requirements in subsections F.1.—3., above, where it finds that additional or less mitigation is required for the use to comply with the conditional use criteria of Chapter 17.152.

Chapter 17.40 GENERAL INDUSTRIAL (~~IG-GI~~) DISTRICT

17.40.010 Purpose.

The General Industrial (~~IG-GI~~) district provides land for and to encourage the grouping together of warehousing, manufacturing, and other industrial uses which, because of their normal characteristics, would be relatively objectionable when operated in close proximity to business commercial and residential uses.

17.40.020 Permitted uses.

The following uses are permitted in the GI district, subject to Site Design Review in accordance with Chapter 17.156:

- A. Public utility and public service installations, including repair and storage facilities and personal wireless service facilities.
- B. Warehouses including mini-warehouse storage; assembly, including light manufacturing, processing, packaging, treatment, fabrication of goods or merchandise; laboratories, offices, bottling and distribution centers, light repair facilities, wholesale businesses, and similar uses. These uses must be located and arranged according to a plan providing for aesthetic and other conditions in harmony with the neighborhood, and not be offensive or obnoxious by reason of emission of odor, dust, smoke, gas, light, noise or vibration. ~~All such uses must first be approved by the Planning Commission.~~

17.40.030 Conditional uses.

The following uses may be allowed in ~~an IG~~ **the GI** district subject to obtaining a conditional use permit per Chapter 17.152:

- A. Junk yard.
- B. Bulk storage of flammable liquids or gases.
- C. Concrete or asphalt batch plants.
- D. Chemical, fertilizer, insecticide, or paint product manufacturing.
- E. Extraction and processing of minerals, rocks, sand, gravel, or other earth products.
- F. Food carts, subject to the provisions in Chapter 17.126.
- G. Medical marijuana dispensary subject to the conditional use criteria listed in Section 17.152.035.
- H. Commercial retail marijuana facility subject to the conditional use criteria listed in Section 17.152.035.

17.40.040 Prohibited uses.

- A. Rendering plants.
- B. Any other use which is or can be operated in such a manner as to create a dangerous, injurious, noxious or otherwise objectionable fire, explosive or other hazard; noise or vibration, smoke, dust,

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dirt, or other forms of air pollution; electrical or other disturbance; glare; or other substance, condition or element in such amount as to adversely affect the surrounding area or premises.

17.40.050 Limitations on use.

The following special development limitations shall apply:

- A. Outside storage abutting or facing a residential or commercial zone shall be enclosed by a fully sight-obscuring fence or wall.
- B. Requirements.
 - 1. The fence or wall shall fully obstruct the storage from view on the sides of the property abutting or facing these zones and shall be at least six (6) feet in height or the maximum height of the stored materials, whichever is greater;
 - 2. The fence or wall shall be of such material and design that it will reduce noise emanating from the site; and have an appearance and be maintained so as not to detract from the adjacent residences or commercial activities;
 - 3. The fence or wall shall be free of advertising, graffiti or extraneous markings.
- C. Outside storage in a required yard shall not exceed eight (8) feet in height.

17.40.060 Dimensional standards.

The following **are** minimum dimensional standards **apply to development in the General Industrial district**, with the exception of modifications permitted under Chapter 17.132:

Minimum Lot Size	None
Setback Requirements, except as provided for Accessory Structures under Chapter 17.96	
Front yard	
Adjoining a nonresidential district	None
Adjoining a residential district	20 feet
Side yard	
Adjoining a nonresidential district	None
Adjoining a residential district	20 feet
Rear yard	
Adjoining a nonresidential district	None
Adjoining a residential district	20 feet
Maximum building height	Shall not exceed 45 feet except a greater height may be approved as part of a conditional use permit

17.40.070 Development standards.

All development in the General Industrial district shall comply with the applicable provisions of Chapters 17.128 through 17.140. In addition, the following specific standards shall apply:

- A. Off-Street Parking. Off-street parking shall conform to the standards of Chapter 17.68.

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- B. Signs. Signs shall conform to the provisions of Chapter 17.80.
- C. Site Design Review. New development or expansion of existing structures or uses may be subject to Site Design Review. See Chapter 17.156 for requirements.
- D. Subdivisions and Partitions. All land divisions shall be reviewed in accordance with the provisions of Chapters 17.172 through 17.176, as applicable.
- E. Landscaping. Landscaping improvements shall be installed and maintained in all yard areas accordance with Chapter 17.84. Where landscaping, fencing or other screening is required pursuant to site design review approval or other land use approval, all such landscaping shall be installed in accordance with Chapter 17.84 and approved plans prior to issuance of building occupancy permits.

Chapter 17.44 PUBLIC FACILITY (PF) DISTRICT

17.44.010 Purpose.

The Public Facility (PF) district provides for the location of large public and semi-public lands, buildings, facilities and uses in a manner that will not unreasonably disrupt or alter areas of the community.

17.44.020 Permitted uses.

The following uses are permitted in the PF district and subject to a Site Design Review, in accordance with Chapter 17.156:

- A. Publicly owned buildings and facilities such as city halls, community centers, libraries, schools, fire stations and police stations.
- B. Public outdoor recreation facilities such as parks, swimming pools, golf courses and playgrounds.
- C. Public utility structures and buildings, such as pump stations, communication or transmission towers, reservoirs, electric substations, water and sewage treatment facilities and necessary right-of-way for identified public utilities; including office or administrative buildings.
- D. Lands designated for public open space such as nature preserves or scenic areas.
- E. Uses clearly accessory and subordinate to the above.

17.44.030 Reserved.

17.44.040 Reserved.

17.44.050 Dimensional standards.

The following dimensional standards, with the exception of modifications allowed under Chapter 17.132, shall be required for all development in the Public Facility district:

Minimum Lot Area	None
Minimum Yard Setbacks, except as provided for Accessory Structures under Chapter 17.96	
Front yard	
Adjoining a nonresidential district	None
Adjoining a residential district	20 feet
Side yard	
Adjoining a nonresidential district	None
Adjoining a residential district	20 feet
Rear yard	
Adjoining a nonresidential district	None
Adjoining a residential district	20 feet
Maximum building height	45 feet

17.44.060 Development standards.

All development in the Public Facility district shall comply with the applicable provisions of Chapters 17.128 through 17.140. In addition, the following specific standards shall apply:

- A. Off-street Parking. Off-street parking shall conform to the standards of Chapter 17.68.
- B. Signs. Signs shall conform to the provisions of Chapter 17.80.
- C. **Site** Design Review. All new development or expansion of existing structure or use shall be subject to the Site Design Review procedures of Chapter 17.156.
- D. Subdivisions and Partitions. All land divisions shall be reviewed in accordance with the provisions of Chapters 17.172 through 17.176, as applicable.
- E. Landscaping. Landscaping improvements shall be installed and maintained in all yard areas accordance with Chapter 17.84. Where landscaping, fencing or other screening is required pursuant to site design review approval or other land use approval, all such landscaping shall be installed in accordance with Chapter 17.84 and approved plans prior to issuance of building occupancy permits.

Chapter 17.48 AGRICULTURAL HOLDING (AH) DISTRICT

17.48.010 Purpose.

The Agricultural Holding (AH) district allows an orderly phasing of urban development of land. It is a holding district that allows agricultural uses to continue until such time that the agricultural lands are needed for urban uses and public facilities and services are available. ~~Conversion of AH property to a non-agricultural use requires a zone change in accordance with Chapter 17.180.~~

17.48.020 Permitted uses.

No building, structure, or land shall be used and no building or structure shall be hereafter erected, altered, or enlarged in this district except for the following uses:

- A. Raising or harvesting crops; for the feeding, breeding, and management of livestock; for dairy; or for any other agricultural or horticultural use or any combination thereof. Includes the preparation of the products raised thereon for man's use and disposal by marketing or otherwise.
- B. Wineries, and wine sales and tasting rooms when operated in conjunction with a winery.
- C. One single-family dwelling, **a prefabricated structure**, or a single-family manufactured home ~~subject to Chapter 17.116~~ for owners, operators, or help required to carry out a use specified in subsection A of this section, **on a lot lawfully created prior to (effective date of Ordinance)**, contingent upon the availability of **public** sewer and water services.
- D. Accessory buildings as are needed and normally required in connections with a use specified in subsection A of this section.

17.48.030 Conditional uses.

The following uses are permitted as conditional uses, provided that such uses are approved in accordance with Chapter 17.152:

- A. The establishment of more than one dwelling in conjunction with farm use.
- B. Utility facility including utility rights-of-way.

17.48.040 Limitations on use.

- A. The term "livestock", as used in this district, shall not include swine.
- B. No livestock shall be kept on parcels of less than three (3) acres.
- C. Poultry or bees shall not be kept on parcels of less than one acre.
- D. The total livestock permitted per parcel shall be limited to the square footage of the parcel divided by the minimum area required for each animal listed as follows:
 1. Livestock: twenty-five thousand (25,000) square feet per animal over six (6) months of age;
 2. Poultry: five hundred (500) square feet per animal;
 3. Bees: one thousand (1,000) square feet per colony.

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- E. If a residence is located on a parcel described in subsection D of this section, the lot area per animal shall be in addition to a seven thousand five hundred (7,500) square foot per residence requirement.
- F. Animal shelters shall not be located closer than seventy (70) feet to an abutting street or non-agricultural district.

17.48.050 Dimensional standards.

The following minimum dimensional standards, with the exception of modifications permitted under Chapter 17.132, shall be required for all development in the agricultural holding district:

Minimum Lot Area	7,500 square feet 3 acres
Minimum Yard Setbacks, except as provided for Accessory Structures under Chapter 17.96	
Front yard	20 feet
Rear yard	15 feet
Side yard (interior)	5 feet
Side yard (adjacent to street)	20 feet
Maximum structure height	45 feet

17.48.060 Development standards.

All developments in the AH district shall comply with the applicable provisions of Chapters 17.128 through 17.140. In addition, the following specific standards shall apply:

- A. Accessory Structures. Accessory structures as provided for in Chapter 17.96.
- B. Off-Street Parking. Off-street parking, as specified in Chapter 17.68.
- C. Signs. Signs shall be subject to the provisions of Chapter 17.80.
- D. ~~Partitions. Land divisions shall be reviewed in accordance with the provisions of Chapter 17.172.~~ **Land divisions shall be prohibited in the AH district.**
- E. **Rezone. A zone change in accordance with Chapter 17.180 shall be required prior to land division or conversion of AH property to non-agricultural use.**

Chapter 17.52 MIXED DENSITY RESIDENTIAL (MX) DISTRICT

17.52.010 Purpose.

- A. The City of Carlton recognizes that land is a precious, non-renewable resource, and that conventional zoning tends to foster a pattern of development that excessively separates land uses and results in the requirement of extensive vehicular travel. The Mixed Density Residential (MX) zone is intended primarily as residential area with supporting and complementary commercial and public uses **to support a mix of residential uses.** The purpose of the Mixed Density Residential (MX) zone is to provide the development option of a subdivision that will promote:
1. The physical and social integration of citizens diverse in age, lifestyle and economic status;
 2. An adequate supply of housing that is affordable by households at all income levels;
 3. A greater diversity than found in other Carlton neighborhoods of **Diverse** types of housing;
 4. An alternative means of developing land and otherwise promote public health, safety and welfare that fosters a strong sense of neighborhood identity based on a shared, coherent, functionally efficient physical environment; and
 5. The distinctive, small-town character of Carlton.
- B. The MX zone is designed to provide a coordinated and attractive living environment that responds to local conditions and emphasizes a range of good circulation opportunities for walking, bicycling, and driving personal vehicles. Essential development characteristics within the MX zone are:
1. A mixing of residential housing types including ~~detached~~ single-family dwellings, apartments, and townhouses **and multi-family options, in both attached and detached configurations;**
 2. ~~Studio apartment units in the same structure with single family dwellings or their detached garage;~~
 3. Generally regular geometric network of streets, alleys and blocks arranged to provide easy orientation and alternative routes for each destination;
 4. ~~A hierarchy of streets, including narrow streets convenient for a balanced mix of pedestrians and automobiles, and wider streets to carry greater traffic;~~
 - 5-4. Well configured squares, gardens, and **Common and private** open spaces woven into street and block patterns and dedicated to collective social activity, recreation and visual enjoyment.

17.52.020 Residential density **and variety.**

To achieve balance and integration of a range of housing types, sizes, and densities, the mixed density residential (MX) zone relies on three (3) criteria **the following standards apply.**

- A. ~~The intent of the MX zone is to achieve an overall density of nine (9) dwelling units per net acre of residential land.~~ **The minimum net density shall be 8 dwelling units per net acre.**
- B. Except for duplex, the maximum net density shall be 20 dwelling units per net acre.**
- B C.** ~~To reflect the demand for rental and higher density housing within the region, at least twenty-five (25) percent of the units must be either in multi-family or attached single-family~~

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~~structures, e.g., townhomes or duplexes.~~ **No single residential dwelling type may account for more than 75 percent of the units in a proposed development.**

~~C. To meet the continuing demand for single family housing while reducing land costs, the majority of residential land in each neighborhood should be for higher density single family housing, either detached (generally between six (6) to nine (9) dwellings per net acre) or attached (generally between nine (9) to twelve (12) dwellings per net acre).~~

17.52.030 Permitted uses.

Within any MX zone, no structure shall be used, constructed, erected, or altered, and no lot shall be used or occupied for any purposes except the following: **The following uses are permitted in the Mixed Density Residential District:**

- A. ~~Residential dwellings, including single family, manufactured homes, and multifamily structures.~~ **Single-family dwelling, including a manufactured home or a prefabricated structure.**
- B. Accessory dwelling, subject to Section 17.20.070.**
- C. Duplex dwelling.**
- D. Townhouse dwelling.**
- E. Multi-family dwelling.**
- F. Cottage cluster subject to the provisions of Section 17.106.040.**
- ~~B G.~~ Open space uses.
- ~~C H.~~ Licensed residential care homes and facilities as defined by ORS 197.660. All residential care homes and residential care facilities shall be duly licensed by the State of Oregon prior to occupancy. **Residential homes and residential care facilities.**
- ~~D I.~~ Child care facilities, as defined by this title, with ORS 657A.030 and 657A.250 to 657A.450. **Family child care homes.**
- J. Home occupation, subject to the provisions of Chapter 17.124.**
- ~~E K.~~ A single family vacation rental dwelling unit, when such dwelling obtains a vacation rental dwelling permit in accordance with the vacation rental dwelling conditional use standards and procedures set forth in **subject to the provisions of** Chapter 17.125.
- L. Single Room Occupancy – one per lot size of at least 4,000 sq. ft.**

17.52.040 Conditional uses.

If authorized under the procedures provided for conditional uses in this title, the following uses will be permitted in the MX zone:

- A. Manufactured dwelling park, in accordance with the provisions of Chapter 17.120.
- ~~B. A two family vacation rental dwelling when such dwelling obtains a vacation rental permit for both units, unless one of the units is owner occupied, in accordance with the vacation rental dwelling standards set forth in Section 17.125.010.~~

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17.52.050 Building setbacks.

A minimum of five (5) foot setback is required from all alleys. For residential uses, a minimum of ten (10) foot setback is required for a front yard (street side) setback, **except 20 feet for a garage or carport opening when facing street**. Open covered and uncovered porches may extend within the front setback to within five (5) feet of the front property line. Except as may otherwise be required with the MX zone, there shall be no other minimum building setbacks.

17.52.060 Lot requirements.

A. ~~There are no minimum lot size requirements, except as lot size is controlled by overall MX zone density and lot coverage requirements.~~ **Minimum lot size requirements for the MX District are:**

- 1. Single-family and duplex dwelling: 4,000 square feet.**
- 2. Townhouse dwelling: 2,000 square feet and 2,400 square feet for corner lots.**
- 3. Cottage cluster: 8,000 square feet.**
- 4. All other lots: 5,000 square feet.**

The minimum lot size requirements shall apply in conjunction with the maximum density standard; the more restrictive standard shall control.

B. Lot Frontage. Lots within the MX zone shall have the following street frontage requirements:

	Maximum	Minimum
Single-Family Residential, Duplex, Cottage Cluster	100 feet	25 24 feet
Townhouse	40 feet	20 feet except 24 feet for corner lots
Multi-family Residential	30 feet/unit	6 feet/unit, min. 24 40 feet

C. Lot Coverage ~~in the MX Zone~~. The total lot coverage ~~including area covered by buildings, roofed structures, and impervious paved surfaces,~~ shall not exceed seventy-five (75) percent.

17.52.070 Building height.

No building height shall exceed three (3) stories or thirty-five (35) feet in height.

17.52.080 ~~Building and site design~~ Development standards.

~~All residential structures shall conform to the design standards of Chapter 17.106.~~ **All development in the MX district shall comply with the applicable provisions of Chapters 17.128 through 17.140. In addition, the following specific standards shall apply:**

- A. Accessory Structures. Accessory structures as provided for in Chapter 17.96.**
- B. Off-street Parking. Parking shall be as specified in Chapter 17.68.**
- C. Subdivisions and Partitions. Land divisions shall be reviewed in accordance with the provisions of Chapters 17.172 through 17.176, as applicable.**
- D. Multi-family and townhouse dwellings (three or more units) and cottage clusters shall be subject to the Site Design Review procedures of Chapter 17.156.**

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E. Signs. Signs shall conform to the requirements of Chapter 17.80.

F. Driveways. Driveways shall conform to the standards 17.68.060.

G. Landscaping and Screening. Minimum landscaped area requirements of Section 17.84.050 shall be met, including landscaping requirements for all front and street side yards. Other landscaping, fencing or other screening may be required pursuant to land division approval or other land use approval. All landscaping shall be installed in accordance with Chapter 17.84 and approved plans prior to issuance of building occupancy permits.

H. Building and Site Design. All residential structures shall conform to the design standards of Chapter 17.106.

1. Single-family dwellings shall comply with the garage or carport standards in Section 17.106.025.

17.52.090 Reserved.

Editor's note(s)—Ord. No. 693, § 1(Exh. A), adopted Dec. 12, 2011, repealed § 17.52.090, which pertained to architectural guidelines and standards and derived from Ord. No. 642, § 1, adopted 2005.

17.52.100 Reserved.

Editor's note(s)—Ord. No. 693, § 1(Exh. A), adopted Dec. 12, 2011, repealed § 17.52.100, which pertained to special standards for certain uses and derived from Ord. No. 642, § 1, adopted 2005.

Chapter 17.56 FLOODPLAIN MANAGEMENT (FP) OVERLAY ZONE

17.56.010 Purpose.

The purpose of the floodplain management overlay zone is to:

- A. Restrict or prohibit uses which are dangerous to health, safety, and property due to water or erosion hazards or which result in damaging increases in erosion or in flood heights or velocities.
- B. Require that uses vulnerable to floods, including facilities that serve such uses, be protected against flood damage at the time of initial construction.
- C. Control the alteration of natural floodplains, stream channels and natural protective barriers, which help accommodate or channel flood waters.
- D. Control filling, grading, dredging and other development that may be subject to or increase flood damage.
- E. Prevent or regulate the construction of flood barriers which will unnaturally divert floodwaters or which may increase flood hazards in other areas.

17.56.015 Definitions.

For the purpose of this overlay zone, the following terms shall mean:

- A. "Appeal" means a request for a review of the interpretation of any provision of this chapter or a request for a variance.
- B. "Area of Shallow Flooding" means a designated AO, or AH Zone on the flood insurance rate map (FIRM). The base flood depths range from one (1) to three (3) feet; a clearly defined channel does not exist; the path of flooding is unpredictable and indeterminate; and, velocity flow may be evident. AO is characterized as sheet flow and AH indicates ponding.
- C. "Area of Special Flood Hazard" means the land in the flood plain within a community subject to a one (1) percent or greater chance of flooding in any given year. Designation on maps always includes the letters A or V.
- D. "Base Flood" means the flood having a one (1) percent chance of being equaled or exceeded in any given year. Also referred to as the "100-year flood." Designation on maps always includes the letters A or V.
- E. "Basement" means any area of the building having its floor subgrade (below ground level) on all sides.
- F. "Below-Grade Crawl Space" means an enclosed area below the base flood elevation in which the interior grade is not more than two (2) feet below the lowest adjacent exterior grade and the height, measured from the interior grade of the crawlspace to the top of the crawlspace foundation, does not exceed four (4) feet at any point.
- G. "Critical Facility" means a facility for which even a slight chance of flooding might be too great. Critical facilities include, but are not limited to schools, nursing homes, hospitals police, fire and emergency response installations, installations which produce, use or store hazardous materials or hazardous waste.

- H. "Development" means any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials located within the area of special flood hazard.
- I. "Elevated Building" means for insurance purposes, a nonbasement building that has its lowest elevated floor raised above ground level by foundation walls, shear walls, post, piers, pilings, or columns.
- J. "Existing Manufactured Home Park or Subdivision" means a manufactured home park subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the adopted floodplain management regulations.
- K. "Expansion to an Existing Manufactured Home Park or Subdivision" means the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).
- L. "Flood" or "Flooding" means a general and temporary condition of partial or complete inundation of normally dry land areas from:
1. The overflow of inland or tidal waters, and/or
 2. The unusual and rapid accumulation of runoff of surface waters from any source.
- M. "Flood Insurance Rate Map (FIRM)" means the official map on which the Federal Insurance Administration has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.
- N. "Flood Insurance Study" means the official report provided by the Federal Insurance Administration that includes flood profiles, the flood boundary-floodway map, and the water surface elevation of the base flood.
- O. "Floodway" means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one (1) foot.
- P. "Lowest Floor" means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage, in an area other than a basement area, is not considered a building's lowest floor, provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this chapter found at Subsection 17.56.060 A.2.
- Q. "Manufactured Home" means a structure, transportable in one (1) or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term "manufactured home" does not include a "recreational vehicle."
- R. "Manufactured Home Park or Subdivision" means a parcel (or contiguous parcels) of land divided into two (2) or more manufactured home lots for rent or sale.

- S. "Mean Sea Level (MSL)" means, for purposes of the National Flood Insurance Program, the North American Vertical Datum of 1988 or other datum, to which base flood elevations shown on a community's flood insurance rate map are referenced.
- T. "New Construction" means structures for which the "start of construction" commenced on or after the effective date of this chapter.
- U. "New Manufactured Home Park or Subdivision" means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of adopted floodplain management regulations.
- V. "Recreational Vehicle" means a vehicle which is:
1. Built on a single chassis;
 2. Four hundred (400) square feet or less when measured at the largest horizontal projection;
 3. Designed to be self-propelled or permanently towable by a light duty truck; and
 4. Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.
- W. "Start of Construction" includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, placement or other improvement was within one hundred eighty (180) days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.
- X. "State Building Code" means the combined specialty codes adopted by the State of Oregon.
- Y. "Structure" means a walled and roofed building including a gas or liquid storage tank that is principally above ground.
- Z. "Substantial Damage" means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed fifty (50) percent of the market value of the structure before the damage occurred.
- AA. "Substantial Improvement" means any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds fifty (50) percent of the market value of the structure either:
1. Before the improvement or repair is started; or

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2. If the structure has been damaged and is being restored, before the damage occurred. For the purposes of this definition, "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure.

The term does not, however, include either:

1. Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions, or
 2. Any alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places.
- AB. "Water Dependent" means a structure for commerce or industry, which cannot exist in any other location and is dependent on the water by reason of the intrinsic nature of its operations.

17.56.020 Applicability.

- A. Lands To Which This Chapter Applies. This chapter shall apply to all areas of special flood hazards within the jurisdiction of the City of Carlton, Yamhill County, Oregon.
- B. Basis for Establishing the Areas of Special Flood Hazard. The areas of special flood hazard identified by the Federal Insurance Administration in a scientific and engineering report entitled "The Flood Insurance Study for Yamhill County, Oregon and Incorporated Areas, dated March 2, 2010," with accompanying flood insurance map (FIRM) is hereby adopted by reference and declared to be part of this chapter. The flood insurance study and the FIRM are on file at the City Hall. The best available information for flood hazard area identification as outlined in Subsection 17.56.070 A. shall be the basis for regulation until a new FIRM is issued which incorporates the data utilized under Subsection 17.56.070 A.

17.56.030 Warning and disclaimer.

The degree of flood protection required by this chapter is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This chapter does not imply that land outside the areas of special flood hazards or uses permitted within such areas will be free from flooding or flood damages. This chapter shall not create liability on the part of the City of Carlton, any officer or employee thereof, or the Federal Insurance Administration, for any flood damages that result from reliance on this chapter or any administrative decision lawfully made thereunder.

17.56.040 Development procedures.

- A. **Floodplain** Development Permit Required. A development permit shall be obtained before construction or development begins within any area of special flood hazard established in Subsection 17.56.020 B.
- B. Review Procedure. A **floodplain** development permit required by this chapter shall be reviewed as a Type **I II** action in accordance with the application procedures found in Section ~~17.188.010~~

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17.188.020. ~~If staff finds that the facts of the particular application require interpretation, then a public hearing before the Planning Commission shall be scheduled and notice given in accordance with the procedures for Type II actions.~~

- C. Application for **Floodplain** Development Permit. Application for a **floodplain** development permit shall ~~be made on forms furnished by the city manager and may~~ include but not be limited to plans in duplicate drawn to scale showing the nature, location, dimensions, and elevations of the area in question; existing or proposed structures, fill, storage of materials, drainage facilities, and the location of the foregoing. Specifically, the following information is required:

1. Elevation in relation to mean sea level, of the lowest floor (including basement) of all structures;
2. Elevation in relation to mean sea level of floodproofing in any structure;
3. Certification by a registered professional engineer or architect that the floodproofing methods for any nonresidential structure meet the floodproofing criteria in Subsection 17.56.060 B.; and
4. Description of the extent to which a watercourse will be altered or relocated as a result of proposed development.

5. Calculations showing that there will be no net cut or fill in the area of special flood hazard.

6. Site plan showing: the location and elevation of the area of special flood hazard, existing site contours, proposed site contours, location of proposed improvements, existing site features.

7. FIRM map of the area of the proposed development.

8. Written document addressing the standards as set forth in 17.56.050 and 17.56.060.

17.56.045 Local administrator.

The City Manager ~~or designee~~ is hereby appointed to administer and implement this chapter by granting or denying development permit applications in accordance with its provisions.

- A. Duties and responsibilities of the local administrator shall include, but not be limited to:
1. Review all **floodplain** development permits to determine that the permit requirements and conditions of this chapter have been satisfied.
 2. Review all **floodplain** development permits to determine that all necessary permits have been obtained from those federal, state, or local governmental agencies from which prior approval is required.
 3. Review all **floodplain** development permits to determine if the proposed development is located in the floodway. If located in the floodway, assure that the encroachment provisions of Subsection 17.56.060 E.1. are met.
- B. Information to be Obtained and Maintained.
1. From the developer of the property, obtain and record the actual (as-built) elevation (in relation to mean sea level) of the lowest floor (including basements and below-grade crawlspaces) of all new or substantially improved structures, and whether or not the structure contains a basement.

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2. For all new or substantially improved floodproofed structures where elevation data is provided through the flood insurance study, FIRM, or as required in Subsection 17.56.070 A.:
 - a. Verify and record the actual elevation as furnished by the developer (in relation to mean sea level) to which the structure was floodproofed, and
 - b. Maintain the floodproofing certifications required in Subsection 17.56.040 C.3.
3. Maintain for public inspection all records pertaining to the provision of this chapter.

17.56.050 General standards.

In all areas of special flood hazards, the following standards are required:

- A. Anchoring. All new construction and substantial improvements shall be anchored to prevent flotation, collapse or lateral movement of the structure, and shall be installed using methods and practices that minimize flood damage. Anchoring methods may include, but are not limited to, use of over-the-top or frame ties to ground anchors.
- B. Construction Materials and Methods.
 1. All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage;
 2. All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage;
 3. Electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities shall be designed and/or otherwise elevated or located so as to prevent water from entering or accumulating within the components during conditions of flooding.
- C. Utilities.
 1. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the system;
 2. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharge from the systems into floodwaters; and
 3. On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

D. Grading.

- 1. Grading shall be accomplished such that there is no net cut or fill within the area of special flood hazard.**
- 2. Grading shall be accomplished such that flow paths are not interrupted.**
- 3. Grading and improvements shall be accomplished such that the floodplain elevation is not impacted.**

D.E. Subdivision Proposals.

1. All subdivision proposals shall be consistent with the need to minimize flood damage;

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2. All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize flood damage;
3. All subdivision proposals shall have adequate drainage provided to reduce exposure to flood damage; and
4. Base flood elevation data shall be provided for subdivision and planned unit development proposals.

E-F. Review of Building Permits. Where elevation data is not available, applications for building permits shall be reviewed to assure that proposed construction will be reasonably safe from flooding. The test of reasonableness is a local judgment and includes use of historical data, high water marks, photographs of past flooding, etc., where available.

17.56.060 Specific standards.

In all areas of special flood hazards where base flood elevation data has been provided the following provisions are required:

- A. Residential Construction.
 1. New construction and substantial improvement of any residential structure shall have the lowest floor, including basement, elevated a minimum of one (1) foot above the base flood elevation.
 2. Fully enclosed areas below the lowest floor that are subject to flooding are prohibited, or shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or must meet or exceed the following minimum criteria:
 - a. A minimum of two (2) openings having a total net area of not less than one (1) square inch for every square foot of enclosed area subject to flooding shall be provided.
 - b. The bottom of all openings shall be no higher than one (1) foot above grade.
 - c. Openings may be equipped with screens, louvers, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.
- B. Nonresidential Construction. New construction and substantial improvement of any commercial, industrial or other nonresidential structure shall either have the lowest floor including basement, elevated to the level of the base flood elevation; or, together with attendant utility and sanitary facilities, shall:
 1. Be floodproofed so that below the base flood level the structure walls shall be substantially impermeable to the passage of water;
 2. Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy;
 3. Be certified by a registered professional engineer or architect that the design and methods of construction are in accordance with accepted standards of practice for meeting provisions of this chapter based on their development and/or review of the

structural design, specifications and plans. Such certification shall be provided to the official as set forth in Subsection 17.56.045 B.

4. Nonresidential structures that are elevated, not floodproofed, must meet the same standards for space below the lowest floor as described in Subsection A.2.
 5. Applicants floodproofing nonresidential buildings shall be notified that flood insurance premiums will be based on rates that are one (1) foot below the floodproofed level (e.g. a building floodproofed to the base flood level will be rated as one (1) foot below the base flood level).
- C. Manufactured Homes.
1. All manufactured homes to be placed or substantially improved on sites:
 - a. Outside of a manufactured home park or subdivision;
 - b. In a new manufactured home park or subdivision;
 - c. In an expansion to an existing manufactured home park or subdivision; or
 - d. In an existing manufactured home park or subdivision on which a manufactured home has incurred "substantial damage" as the result of a flood;

shall be elevated on a permanent foundation such that the finished floor of the manufactured home is elevated a minimum of eighteen (18) inches (forty-six (46) cm) above the base flood elevation and be securely anchored to an adequately anchored foundation system to resist flotation, collapse and lateral movement.

2. Manufactured homes to be placed or substantially improved on sites in an existing manufactured home park or subdivision that are not subject to the provisions of subsection 1. above, be elevated so that either:
 - a. The finished floor of the manufactured home is eighteen (18) inches (forty-six (46) cm) above the base flood elevation, or
 - b. The manufactured home chassis is supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than thirty-six (36) inches in height above grade and be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.
- D. Recreational Vehicles. Recreational vehicles placed on sites are required to either:
1. Be on the site for fewer than one hundred eighty (180) consecutive days;
 2. Be fully licensed and ready for highway use, on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions; or
 3. Meet the requirements of Subsection C. above and the elevation and anchoring requirements for manufactured homes.
- E. Floodways. Located within areas of special flood hazard are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of floodwaters that carry debris, potential projectiles and erosion potential, the following provisions apply:

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1. Prohibit encroachments, including fill, new construction, substantial improvements, and other development, ~~unless certification by a registered professional engineer or architect is provided demonstrating that encroachments shall not result in any increase in flood levels during the occurrence of the base flood discharge;~~
2. If Subsection E.1. of this section is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of this section and Section 17.56.050;
3. Prohibit the placement of any manufactured housing, except in an existing mobile home park or existing mobile home subdivision.
- 4. Encroachments may be permitted if certified by a registered professional engineer provides documents demonstrating that the encroachments shall not result in any increase in flood levels during the occurrence of the base flood for the following:**
 - a. The construction, maintenance, preservation, repair or replacement of public facilities including roads, bridges, paths and trails, drainage improvements, public water system, public sanitary sewer system, slope stabilization or other such improvements.**
 - b. Habitat enhancement or restoration projects.**
 - c. Repair, restoration or modification to an existing structure that does not expand the footprint, is pre-FIRM or was approved through the floodway development permit.**

17.56.070 Other considerations.

- A. Use of Other Base Flood Data. When base flood elevation data has not been provided in accordance with Section 17.56.020, the local administrator shall obtain, review and reasonably utilize any base flood elevation and floodway data available from a federal, state or other source, in order to administer this chapter.
- B. Alteration of Watercourses.
 1. Adjacent affected communities, the State Department of Land Conservation and Development and other appropriate state and federal agencies shall be notified prior to any alteration or relocation of a watercourse, and evidence of such notification shall be submitted to the Federal Insurance Administration.
 2. Maintenance shall be required within the altered or relocated portion of said watercourse so that the flood carrying capacity is not diminished.
- C. Interpretation of FIRM Boundaries. Interpretations where needed, as to exact location of the boundaries of the areas of special flood hazards (for example, where there appears to be a conflict between a mapped boundary and actual field conditions). The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation. Such appeals shall be granted consistent with the standards of Section 60.6 of the Rules and Regulations of the National Flood Insurance Program (44 CFR).

Division III. GENERAL DEVELOPMENT STANDARDS

Chapter 17.60 GENERAL PROVISIONS

17.60.010 Purpose.

The purpose of this chapter is to:

- A. Carry out the comprehensive plan with respect to development standards and policies.
- B. ~~Insure~~ **Ensure** that natural features of the landscape, such as landforms, natural drainage-ways, trees and wooded areas, are preserved as much as possible and protected during construction.
- C. Promote energy conservation and efficiency in development through site planning and landscaping.
- D. Promote and maintain healthy environments and minimize development impacts upon surrounding properties and neighborhoods.
- E. Provide an economical, safe, accessible, and multi-modal transportation system for the community.

17.60.020 Application of standards.

- A. The standards set forth in this chapter shall apply to partitions; subdivisions; planned unit developments; commercial, **institutional** and industrial projects; ~~single-family dwellings, duplexes, and multi-family~~ **residential** structures. Developments outside the city which will tie into or take access from city streets, or increase the flow or change the point of discharge to the city storm drainage system shall be subject to the improvement standards set forth in this title to the extent necessary to mitigate the impacts to these systems.
- B. The application of these standards to a particular development shall be modified as follows:
 1. Development standards that are unique to a particular use, or special use, shall be set forth within the district;
 2. Those development standards which are unique to a particular district shall be set forth in the section governing that district.
- C. No public works construction shall be undertaken until an agreement is executed between the developer and the city specifying the period within which required improvements and repairs shall be completed, as well as referencing the terms and conditions under which the city has approved the development. The agreement shall be in the form acceptable to the city ~~attorney~~.

17.60.030 Application of public facility standards.

- A.** Standards for the provision and utilization of public facilities or services available within the City of Carlton shall apply to all land developments in accordance with the following table of reference. No development permit shall be approved unless the following improvements are provided for prior to occupancy or operation, or unless future provision is assured in accordance with Chapter 17.216.

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Public Facilities Improvement Requirements Table

	Fire Hydrant	Streets	Water Hookup	Sewer Hookup	Storm Drainage	Street Lights
Single-family Dwelling, Townhouse (2 units) and Duplex	No	C-2	Yes	Yes	Yes	No
Accessory Dwelling Unit	No	No	No	No	No	No
Multifamily Dwelling, Cottage Cluster and Townhouse (3 or more units)	C-1	Yes	Yes	Yes	Yes	Yes
New Commercial, Institutional or Industrial Development Building	C-1	Yes	Yes	Yes	Yes	Yes
Commercial, Institutional or Industrial Change of Use or Expansion	C-1	C-3	Yes	Yes	Yes	Yes
New Industrial Building	C-1	Yes	Yes	Yes	Yes	Yes
Industrial Change of Use or Expansion	C-1	C-3	Yes	Yes	Yes	Yes
Partition, Subdivisions, PUD, or Manufactured Home Park	C-1	Yes	Yes	Yes	Yes	Yes

Legend:

C-1 Fire Hydrants for Commercial, Industrial Expansions, or Residential Uses: One or more fire hydrants are required as per the Uniform Building Code and **Uniform Oregon** Fire Code or if adequate fire flows are not available to the site. If the existing water lines are insufficient to provide adequate fire flows, water lines shall be upgraded to provide sufficient capacity at the developer's expense.

C-2 **New** Single-Family Dwellings, **Townhouses (2 units)** or Duplexes: **New dwellings** are responsible for sidewalk construction across all property frontages including curb and gutter where necessary. In addition, if so required by the city engineer, a three-quarter street improvement to city street standards for all boundary streets (See Section 17.128.050).

- a. **Demolition of an existing dwelling, and construction of a replacement dwelling is considered a new dwelling with regard to improvements.**
- b. **Improvements are required for additions which exceed fifty percent of the existing square footage of dwellings or remodels where the value of the alterations and improvements exceeds fifty percent of the current home value, as measured by the County Assessor. Garages, carports, sheds, and porches may not be included in the calculation of square footage if these spaces are not living spaces.**

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C-3 Street Improvements for Commercial, **Institutional** or Industrial Change of Use or Expansions: The city will require improvement to full city standards when the use meets any of the following criteria:

- a. The expanded use generates an average of 100+ trips per day as documented in the Trip Generation Manual of the Institute of Transportation engineers or other qualified source; or
- b. The expanded use includes at least weekly shipping and delivery trips by vehicles over twenty thousand (20,000) pounds gross vehicle weight; or
- c. The subject use expands by at least twenty-five (25) percent **based upon volume of business or footprint of facilities.**

~~Lots fronting on Highway 47 must obtain access permits from the Oregon Department of Transportation (ODOT).~~

17.60.040 Design standards.

The design of all improvements within existing and proposed rights-of-way and easements, all improvements to be maintained by the city, and all improvements for which city approval is required, shall comply with the requirements of the most recently adopted ~~Standard Specifications for~~ Public Works **Design Standards Construction** in the City of Carlton.

Chapter 17.64 STREET STANDARDS

17.64.010 Purpose.

- A. To provide for safe, efficient, and convenient vehicular movement in the city.
- B. To provide adequate access to all proposed and anticipated developments in the city.
- C. To provide adequate area in all public rights-of-way for sidewalks, bikeways, landscape strips, sanitary sewers, storm sewers, water lines, natural gas lines, power lines, and other utilities commonly and appropriately placed in such rights-of-way.
- D. Preserve and protect the existing and intended function of the road and other transportation facilities.
- E. Ensure that land uses authorized under Comprehensive Plan Map and Zoning Map amendments are consistent with the identified function, capacity, and level of service of transportation facilities.

17.64.020 Scope.

The provisions of this chapter shall be applicable to:

- A. The creation, dedication, or construction of all new public or private streets, pedestrian facilities, and bikeways in all subdivisions, partitions, or other developments in the city.
- B. The extension or widening of existing public or private street rights-of-way, easements, or street improvements including those which may be proposed by an individual or the city, or which may be required by the city in association with other development approvals.
- C. The construction or modification of any utilities, bikeways, or sidewalks in public rights-of-way or private street easements.
- ~~D. The planting of street trees or other landscape materials in public rights of way (landscape strip).~~

17.64.030 General provisions.

The following provisions shall apply to the dedication, construction, improvement, or other development of all public streets in the city, and are intended to provide a general overview of typical minimum design standards. All streets shall be designed in conformance with the specific requirements of the most recently adopted Standard Specifications for Public Works Design Standards Construction in the City of Carlton and the Transportation System Plan.

The standard sections contained in Standard Specifications for Public Works Design Standards Construction in the City of Carlton and the Transportation System Plan are minimum requirements only and shall not be construed as prohibiting the city engineer from requiring thicker sections or engineer designed pavement sections in lieu of standard sections where conditions warrant.

- A. The location, width, and grade of streets shall be considered in their relation to existing and planned streets, to topographical conditions, to public convenience and safety, and to the proposed use of the land to be served by the streets.

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- B. Development proposals shall provide for the continuation, and connection to, all streets, bikeways and pedestrian facilities within the development and to existing streets, bikeways and pedestrian facilities outside the development.
- C. Alignment. All streets other than minor streets or culs-de-sac, as far as practical, shall be in alignment with existing streets by continuation of the centerline thereof. The staggering of street alignments resulting in "T" intersections shall leave a minimum distance recommended by the city engineer.
- D. Future Extension of Streets. In order to promote the development of an efficient network of city streets and connections to state and county roads, development shall provide future street extensions as shown on the Future Street Plan found in the Carlton Transportation System Plan.

In addition to providing for future street extensions shown on the Future Street Plan, streets, bikeways and pedestrian facilities, shall also be extended to the boundary of a tract being developed, where necessary to give access to or permit a satisfactory future development of adjoining land. Reserve strips and street plugs may be required to preserve the objectives of street extensions.

E. Existing Streets.

1. Three-quarter **street** improvements to all existing streets adjacent to, within or necessary to serve the property, **as outlined in Section 17.128.050**, shall be required at the time of partitioning or subdivision, ~~unless the applicant demonstrates to the satisfaction of the city engineer that the condition and sections of the existing streets meet city standards and are in satisfactory condition to handle projected traffic loads.~~

Full street improvements to all existing streets adjacent to, within or necessary to serve the property, shall be required when it is determined that the vehicular and/or pedestrian impacts from the proposed development necessitate such improvements.

2. For infill development that does not include partitioning or subdivision, construction of sidewalks, including curb and gutter where necessary, along all property frontages shall be the minimum requirement of development. A three-quarter street improvement **(see Section 17.128.050)** shall be required if the city engineer determines that the existing streets are not in condition to handle projected traffic loads.
3. The city shall require the applicant to record an approved improvement deferral agreement or non-remonstrance agreement, see Section 17.216.030, in lieu of street improvements, where the following criteria are met:
 - a. The existing roadway condition and sections are adequate to handle existing and projected traffic loads; and
 - b. Existing public utilities (water, sanitary sewer and storm sewer) located within the existing roadway are adequate, or can be improved without damaging the existing roadway surface.

- F. New Streets. Where new streets are created, full street improvements shall be required. Three-quarter streets **(see Section 17.128.050)** may be approved in lieu of full street improvements on boundary streets when the city finds it to be practical to require the completion of the other one-quarter street improvement when the adjoining property is

developed. The city may allow three-quarter street improvements if all of the following criteria are met:

1. The adjoining land abutting the opposite side of the street is undeveloped; and
2. Storm water drainage is provided for on the non-curbed side of three-quarter street improvements in areas judged by the city engineer to have drainage concerns.

One-foot wide reserve strips and street plugs may be required to preserve the objectives of three-quarter streets.

- G. Culs-de-Sac. Culs-de-sac shall have maximum lengths of four hundred (400) feet and serve no more than eighteen (18) dwelling units. All culs-de-sac shall terminate with circular turn-arounds.
- H. Dead-End Streets. When it appears necessary to continue a street or public access way into a future subdivision or adjacent acreage, streets, or public access way shall be platted to a boundary of a subdivision or partition. The street may be platted without a turnaround unless the Planning Commission finds that a turnaround is necessary.
- I. Street Names. Street names and numbers shall conform to the established pattern in the city and shall be subject to the approval of the city. Street names shall be required for all new publicly dedicated streets and private streets.
- J. Grades and Curves. **Grades and curves shall meet the standards defined in the current Public Works Design Standards.** ~~Grades shall not exceed six percent on arterials, ten (10) percent on collectors, or twelve (12) percent on any other public or private street. To provide for adequate drainage, all streets shall have a minimum slope of 0.5 percent. Center line radii of curves shall not be less than three hundred (300) feet on major arterials, two hundred (200) feet on minor arterials, or one hundred (100) feet on other streets, and shall be to an even ten (10) feet. On arterials there shall be a tangent of not less than one hundred (100) feet between reversed curves. Where existing conditions, particularly topography, make it otherwise impractical to provide buildable lots, the Planning Commission may accept steeper grades and sharper curves.~~
- K. **Marginal Access Frontage** Streets. If a development abuts or contains an existing or proposed arterial street or railroad right-of-way, the city may require **marginal access frontage** streets, reverse frontage lots with suitable depth, screen planting contained in a non-access reservation along the rear or side property line, or such other treatment as may be necessary for adequate protection of residential properties and to afford separation of through and local traffic.
- L. Vision Clearance Area. Vision clearance areas shall be maintained on corner lots at the intersection of all public streets and at the intersections of a public street with a private street as outlined in Section 17.92.080.
- M. Spacing Between Public Road Intersections. Spacing between public road intersections for each functional class of road shall conform to access spacing standards found in Section 17.100.030.
- N. Landscape Strip. The landscape strip includes the area located between a sidewalk and the curb, ~~(see figure below). This area serves many important functions including creating space for a variety of underground utilities such as telephone, cable television, fiber optic cables,~~

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etc. The landscape strip is also beneficial for locating utility poles, fire hydrants, benches, bus shelters and other features that might otherwise block or obstruct pedestrian travel along sidewalks. Landscaping helps to soften the hard edge created by pavement and curbs. Large trees can also provide cooling summer shade for parked cars and pedestrians. A canopy of street trees can help to slow traffic and enhance the beauty of the community. The physical separation from the street also improves the design of sidewalks by maintaining a constant grade without dipping at driveways, and makes American with Disabilities Act compliance easier. During winter months, snow can be plowed into these areas from the street and not block sidewalks. The landscape strip provides a physical separation from the adjacent roadway, providing enhanced pedestrian comfort and improved walking experience.



Landscaping and plant materials used in the landscape strip are subject to the provisions of Chapter 17.84. Maintenance of landscape strips in the right-of-way is the continuing obligation of the adjacent property owner.

17.64.040 Right-of-way and improvement widths.

The following standards are general criteria for all types of public streets, bikeways, landscape strips and sidewalks in the city. These standards shall be the minimum requirements for all streets, except where modifications are permitted under Section 17.64.050.

Street Classification		ROW Width (ft.)	Pavement Width (ft.)	Sidewalk Width (ft.)	Landscape Strip (ft.)	Bikeway Width (ft.)	Parking
Local	Typical Residential	47-57 50	34	5 ¹	5 (optional)	N/R	2 sides
	Commercial/ Industrial Districts	60	36	5 ¹	5 (optional)	N/R	2 sides
	Local Narrow Option ²	39-49	26	5	5 (optional)	N/R	1 side
Collector	Existing Street	55	40	6 ¹	N/R	None ⁴	2 sides
	New Street	71	46	6 ¹	5	5	2 sides
	School Zone ³	49	34	6	N/R	5	None ⁵

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Arterials	Highway 47 (N. and S. of Main St.)	65	50	6 ¹	N/R	6	None
	Highway 47 (Main Street - STA)	60	40	10	N/R	None	2 sides
	Main Street (E. and W. of Highway 47)	65	50	6 ¹	N/R	5	2 sides
Alley		20	12 feet	N/R	N/R	N/R	N/R
Cul-de-sac bulb		45 foot radius	38 foot radius	5	N/R	N/R	N/R

¹ Ten-foot sidewalks required along commercially zoned property.

² Local narrow option **may be requested** ~~allowed~~ in residential areas only that provide access to nineteen (19) or fewer dwelling units. **May only be used with approval of the City.**

³ Applies to 3rd Street from Main Street to Polk Street and Polk Street from Pine Street to 3rd Street.

⁴ Bicycle lanes required on Grant Street from Yamhill Street to Pine Street and Yamhill Street from Main Street to Grant Street.

⁵ On-street parking permitted to be included during design phase where ROW available.

The property line radius at intersections of local streets shall be twenty (20) feet. All other intersection property line radii shall be according to the specifications of the city engineer.

17.64.050 Modification of right-of-way and improvement width.

The ~~city, pursuant to the review procedures of Chapter 17.196, may allow modification to the public street standards of Section 17.64.040~~ **may be modified through either a major modification or a minor modification, when both of the following criteria are satisfied: Consideration shall be given to public safety, durability, cost of maintenance, function, appearance, and other appropriate factors to advance the goals of the adopted Carlton Comprehensive Plan and Transportation System Plan as a whole.**

A. Major Modification. When a major modification is desired as part of a development application, the modifications shall be processed as a Type III modification and shall meet the following criteria:

A1. The modification is necessary to provide design flexibility in instances where:

- 1a.** Unusual topographic, **geographic or physical** conditions ~~require a reduced width or grade separation of improved surfaces~~ **impose an unusual hardship on the applicant, and an equivalent alternative which can accomplish the same design purpose is available;** or
- 2b.** Parcel shape or configuration precludes accessing a proposed development with a street which meets the full standards of Section 17.64.040; or
- 3c.** A modification is necessary to preserve trees or other natural features determined by the city to be significant to the aesthetic character of the area; or

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4d. A planned unit development is proposed and the modification of street standards is necessary to provide greater privacy or aesthetic quality to the development; **or**

e. A minor change to a specification or standard is required to address a specific design or construction problem which, if not enacted, will result in an unusual hardship. Self-imposed hardships shall not be used as a reason to grant a modification request; or

f. Application of the standards of this chapter to the development would be grossly disproportional to the impacts created.

B2. Modification of the standards of Section 17.64.040 shall only be approved if the city finds that the specific design proposed provides adequate vehicular access based on anticipated traffic volumes.

B. Minor Modification. When a minor change to an approved development application is required to address a specific design or construction problem the modifications shall be processed as a Type I modification by the city engineer using the criteria:

1. Modifications to driveway location, size, and sharing standards;

2. Modifications to sidewalk and planter strips widths and location that preserve existing street trees, trees on private property, or to ensure compliance with ADA standards.

3. Other modifications that do not expand or reduce a quantifiable standard by more than twenty (20) percent. This may include sight distance, vertical alignment, horizontal alignment, geometric design, access spacing, and grades.

4. The modification is the minimum necessary to achieve the purpose.

17.64.060 Private streets.

A. Streets and other rights-of-way **servicing a planned unit development** that are not dedicated for public use shall comply with the following:

1. Private streets shall only be allowed where the applicable criteria of Section 17.88.030(**DC**) are satisfied. Private streets shall have a minimum easement width of twenty (20) feet and a minimum paved or curbed width of eighteen (**18 20**) feet. **Private streets shall serve a maximum of ten (10) dwelling units.**

2. Unless otherwise specified in the **Standard Specifications for Public Works Design Standards Construction** in the City of Carlton, all private streets serving more than two dwelling units shall be constructed to the same pavement **structural** section specifications required for public streets. Provision for the maintenance of the street shall be provided in the form of a maintenance agreement, homeowners association, or other instrument acceptable to the city attorney.

3. A turn-around shall be required for any private street which has only one outlet and which is in excess of two hundred (200) feet long or which serves more than two residences. Turn-arounds for private streets shall be either a circular turn-around with a minimum paved radius of thirty-five (35) feet, or a "tee" or "hammerhead" turn-around with a minimum paved dimension across the "tee" of seventy (70) feet and a twenty (20) foot width with appropriate radius at the corners.

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- B. Any grant of a private street or land functioning as an easement shall not be accepted by the city and dedicated for public use except upon approval of the council and upon meeting the specifications of Sections 17.64.020 and 17.64.040.

17.64.070 Access easements.

A private access easement created as the result of an approved partitioning shall conform to the following:

- A. Partition access easements shall only be allowed where the applicable criteria of Section 17.88.030(D) are satisfied. The easement shall comply with the following standards:
1. Minimum width: twenty (20) feet;
 2. Minimum paved or curb to curb width: twenty (20) feet;
 3. Maximum length: two hundred fifty (250) feet;
 4. No more than three dwelling units shall have sole access to the easement.
- B. Unless otherwise specified in the ~~Standard Specifications for~~ Public Works **Design Standards Construction** in the City of Carlton, all private streets serving more than two dwelling units shall be constructed to the same pavement **structural** section specifications required for public streets. Provision for the maintenance of the street shall be provided in the form of a maintenance agreement, homeowners association, or other instrument acceptable to the city attorney.
- C. A turn-around shall be required for any access easement which has only one outlet and which is in excess of two hundred (200) feet long or which serves more than two residences. Turn-arounds shall be either a circular turn-around with a minimum paved radius of thirty-five (35) feet, or a "tee" or "hammerhead" turn-around with a minimum paved dimension across the "tee" of seventy (70) feet and a twenty (20) foot width with appropriate radius at the corners.
- D. All private access easements serving more than two residences shall be designated as fire lanes and signed for no parking.

Chapter 17.68 OFF-STREET PARKING AND LOADING

17.68.010 Purpose.

The purpose of this chapter is to provide adequate areas for the parking, maneuvering, loading and unloading of vehicles for all land uses in the city.

17.68.020 Scope.

Development of off-street parking and loading areas for commercial, industrial, or multi-family development shall be subject to the Site Design Review procedures of Chapter 17.156. The provisions of this chapter shall apply to the following types of development:

- A. Any new building or structure erected after the effective date of the ordinance codified in this title, except as provided in subsection E of this section.
- B. The construction or provision of additional floor area, seating capacity, or other expansion of an existing building or structure.
- C. A change in the use of a building or structure that would require additional parking spaces or off-street loading areas under the provisions of this chapter.
- D. As a condition of approval in a land use decision.
- E. Off-street parking and off-street loading areas ~~requirements for a particular use as enumerated in this chapter~~ are not required for a new or expanding use when located within the **Downtown** Parking District ~~delineated in this chapter~~ **per Section 17.68.120**. ~~See also, the requirements of Chapter 17.30 Downtown (D) District.~~

17.68.030 Location.

Off-street parking and loading areas shall be provided on the same lot with the main building or structure or use except that:

- A. In any residential zone or for any residential use permitted in a nonresidential zone, automobile parking areas may be located on another lot if such lot is within two hundred (200) feet of the lot containing the main building, structure or use.
- B. In any nonresidential zone, the parking area may be located off the site of the main building, structure or use if it is within five hundred (500) feet of such site.

17.68.040 Joint use.

Parking area may be used for a loading area during those times when the parking area is not needed or used. Parking areas may be shared subject to city approval for nonresidential uses where hours of operation or use are staggered such that peak demand periods do not occur simultaneously. The requirements of Section 17.68.050 may be reduced accordingly. Such joint use shall not be approved unless satisfactory legal evidence is presented which demonstrates the access and parking rights of parties.

17.68.050 Off-street parking requirements.

Except where other city code provisions waive off-street parking requirements or allow credit for on-street parking in lieu of off-street parking, developments and changes in use that are subject to site

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design review shall provide off-street parking as required by Section 17.68.080 and approved by the city in the amount not less than listed below. ~~The Planning Commission may reduce the off-street parking requirements contained herein without the need for a variance upon finding that the specific characteristics of a proposed use are different than a typical use regulated by this section and the proposed use warrants less parking, as demonstrated by evidence in the record.~~

Residential

A. 1 and 2 family dwellings Single family dwelling and townhouse	2 spaces/dwelling unit
B. Accessory dwelling unit	0 spaces
C. Duplex	1 space/dwelling unit (2 total)
D. Cottage cluster	1 space/dwelling unit
B E. Multi-family dwellings	1 space/dwelling unit
C. Boarding house, lodging house, or rooming house	1 space/guest accommodation

Public Uses

A. Hospitals, nursing home, sanitarium, rest home, home for the aged, assisted living facility	1 space per 2 beds plus 1 space/2 employees
B. Library, reading room	1 space per 400 s.f.
C. Day care facility Child Care Center	2 spaces/classroom
D. Elementary or junior high school	2 spaces/classroom
E. High school	5 spaces/classroom
F. Other places of public assembly, including places of worship	1 space/4 seats or 8 feet of bench length
G. Government buildings	1 spaces/300 s.f. plus one space /2 employees

Commercial Uses

A. Movie theater, theater	1 space per 4 seats
B. Amusement and recreational services	1 space/200 s.f. of gross floor area
C. Retail store	1 space/400 s.f. of gross floor area plus one-space/2 employees.
D. Service or repair shop, retail store handling exclusively bulky merchandise such as automobiles and furniture	1 space/600 s.f. of gross floor area plus one-space/2 employees.
E. Banks, financial institutions, professional offices	1 space/200 s.f. of gross floor area plus one-space/2 employees.
F. Motel or hotel	1 space/guest room
G. Eating and drinking establishment, for consumption on the premises or drive-through facility	1 space/4 seats or 8 feet of bench length OR 1 space/4 seats or 1 space/200 s.f. of floor area, whichever is greater
H. Food cart	1 space/200 s.f. of gross outdoor seating area plus one-space/2 employees.

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Industrial Uses

Manufacturing establishment	1 space/employee or 1 space per 5,000 s.f. of gross floor area, which ever is greater
Wholesale establishment, warehouse, rail or truck freight terminal	1 space/employee.

17.68.055 Adjustment of parking standards.

A. An applicant may apply for an up to a twenty (20) percent reduction to the off-street parking requirements as a minor variance as set forth in Section 17.148.040.

B. An applicant may apply for a reduction to the off-street parking requirements greater than twenty (20) percent as a major variance as set forth in Section 17.148.050. The applicant shall demonstrate compliance with the following standards in lieu of the approval criteria in Section 17.148.050:

1. The application shall be accompanied by a site plan, drawn to scale, showing the dimensions and arrangement of the proposed development and parking plan, the extent of the adjustment requested along with findings for each applicable approval criteria.

2. Approval criteria for the adjustment are as follows:

a. Documentation. The applicant shall document that the individual project can be served by the proposed amount of parking and available on-street parking by completing a parking analysis for surrounding uses and on-street parking availability. The applicant shall show that there is a continued fifteen (15) percent on-street parking vacancy in the area adjacent to the use during peak parking periods.

i. For the purposes of demonstrating the availability of on street parking, the applicant shall undertake a parking study during time periods specified by the community development director. The time periods shall include those during which the highest parking demand is anticipated by the proposed use. Multiple observations during multiple days shall be required. Distances are to be calculated as traversed by a pedestrian that utilizes sidewalks and legal crosswalks or an alternative manner as accepted by the community development director.

ii. The on-site parking requirements may be reduced based on the parking vacancy identified in the parking study. The amount of the reduction in on-site parking shall be calculated as follows:

(a) Vacant on-street parking spaces within three hundred feet of the site will reduce on-site parking requirements by 0.5 parking spaces; and

(b) Vacant on-street parking spaces between three hundred and six hundred feet of the site will reduce on-site parking requirements by 0.2 parking spaces.

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- b. Function and Use of Site. The applicant shall demonstrate that modifying the amount of required parking spaces will not significantly impact the use or function of the site and/or adjacent sites.**
- c. Compatibility. The proposal is compatible with the character, scale and existing or planned uses of the surrounding neighborhood.**
- d. Safety. The proposal does not significantly impact the safety of adjacent properties and rights-of-way.**
- e. Services. The proposal will not create a significant impact to public services, including fire and emergency services.**

17.68.060 Residential driveways.

All single and joint use residential driveways shall be paved and have **a minimum of twelve (12) foot and** maximum twenty-**four (20-24)** foot approach width from the curb line.

17.68.070 Off-street loading requirements.

Buildings or structures to be built or substantially altered which receive and distribute materials and merchandise by trucks shall provide and maintain off-street loading berths in sufficient number and size to adequately handle the needs of the particular use.

- A. The following standards shall be used in establishing the minimum number of berths required:

Gross Floor Area	Number of Berths
Up to 10,000 s.f. square feet	1
10,000 s.f. square feet and over	2

Note: For buildings or structures up to six thousand (6,000) **s.f. square feet** regular off-street parking areas may be used to meet the off-street loading requirements.

- B. A loading berth shall contain a space a minimum of twelve (12) feet wide and thirty-five (35) feet long and have a vertical clearance of fourteen (14) feet. Where the vehicles generally used for loading and unloading exceed these dimensions, the required size of these berths shall be increased.

17.68.080 Parking and loading area requirements.

All parking and loading areas, except those for single-family dwellings, **townhouses and duplexes**, shall be developed and maintained as follows:

- A. Surfacing: all driveways, parking, and loading areas shall have a durable, hard surface.
- B. Parking spaces: parking spaces shall be a minimum nine feet wide and eighteen (18) feet in length.
- C. **Driveways Drive Aisles.** The following **driveway drive aisle** dimensions shall apply:
 - 1. Without adjacent parking, **driveway drive aisle** width:
 - a. One-way: ten (10) feet;

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b. Two-way: sixteen (16) feet.

2. With adjacent parking:

Parking Angle	Driveway Drive Aisle Width
0 to 40°	12 feet
41 to 45°	13 feet
46 to 55°	15 feet
56 to 70°	18 feet
71 to 90°	24 feet

- D. Areas used for parking and maneuvering of vehicles shall be drained as to avoid flow of water across sidewalks.
- E. Except for parking to serve residential uses, parking and loading areas adjacent to residential zones or adjacent to residential uses shall be designed to minimize disturbance of residents.
- F. Groups of more than four parking spaces shall be so located and served by a driveway that their use will require no backing movements or other maneuvering within a street right-of-way other than an alley.
- G. Service drives to off-street parking areas shall be designed and constructed to facilitate the flow of traffic, provide maximum safety of traffic access and egress and the maximum safety of pedestrians and vehicular traffic on the site.
- H. Service drive exits shall have a minimum triangular vision clearance area two (2) sides of which are formed by the intersection of the driveway centerline and the street right-of-way line, which shall be fifteen (15) feet.
- I. Parking spaces along the outer boundaries of a parking area shall be contained by a curb or a bumper rail at least four (4) inches high, located a minimum of three (3) feet from the property line, to prevent a motor vehicle from extending over an adjacent property or a street.
- J. Where a street(s) abutting a proposed development does not contain on-street parking and the classification of the subject street includes on-street parking, where practicable, the Planning Commission may require the developer to provide on-street parking as a condition of site design review or land division (subdivision or partition) approval. Where a developer is required to create on-street parking spaces, the Planning Commission may reduce off-street parking requirements for the subject development by up to an equal number of spaces.

17.68.090 General provisions—Off-street parking and loading.

- A. The provision and maintenance of off-street parking and loading space is a continuing obligation of the property owner. No building permit shall be issued until plans are presented that show an area that is and will remain available for exclusive use as off-street parking and loading space. The subsequent use of property for which the building permit is issued shall be conditional upon the unqualified continuance and availability of the amount of parking and loading space required by this title. Should the owner or occupant of any lot or building change the use to which the lot or building is put, thereby increasing off-street parking and loading requirements, it shall be unlawful

and a violation of this title to begin or maintain such altered use until such time as the increased off-street parking and loading requirements are observed.

- B. Requirements for types of buildings and uses not specifically listed herein shall be determined by the Planning Commission based upon the requirements of comparable uses listed and expectations of parking and loading need.
- C. In the event several uses occupy a single structure or parcel of land, the total requirements for off-street parking shall be the sum of the requirements of the several uses computed separately, unless a reduction is approved for shared parking pursuant to Section 17.68.040.
- D. Required parking spaces shall be available for the parking of operable passenger automobiles of residents, customers, patrons, and employees only, and shall not be used for storage of vehicles or materials or for the parking of trucks used in conducting the business or use.

17.68.100 Parking lot landscaping and screening standards.

All parking lots, which for purposes of this section include areas of vehicle maneuvering, parking, and loading, shall be landscaped and screened as follows:

- A. Lighting. Any light used to illuminate parking or loading area shall be arranged to be directed entirely onto the loading or parking area, shall be deflected away from any residential use and shall not cast a glare or reflection onto moving vehicles on the public rights-of-way.
- B. Screening Abutting Property Lines. Parking for commercial, industrial and multifamily uses which abut a residential use or zone property line shall be screened by a five-foot landscaped strip. Where a buffer between zones is required, the screening should be incorporated into the required buffer strip, and will not be an additional requirement. The screen shall grow to be at least thirty-six (36) inches higher than the finished grade of the parking areas, except for required vision clearance areas.
- C. Landscape Standards. Landscaping within or adjacent to a parking lot shall consist of a minimum of ten (10) percent of the total parking area plus a ratio of one tree per ten (10) parking spaces. Trees and landscaping shall be installed as follows:
 1. The tree species shall be an appropriate large canopied shade tree and shall be selected from the street tree list to avoid root damage to pavement and utilities, and damage from droppings to parked cars and pedestrians;
 2. The tree shall be planted in a landscaped area such that the tree bole is at least three (3) feet from any curb or paved area;
 3. The landscaped area shall be planted with shrubs, grass, or living groundcover to assure ninety (90) percent coverage within two years;
 4. That portion of a required landscaped yard, buffer strip or screening strip abutting parking stalls may be counted toward required parking lot landscaping as long as the tree species, living plant material coverage and placement distribution criteria are also met;
 5. **Landscaping should be evenly distributed throughout the parking area and perimeter A parking or loading area or drive aisle which runs adjacent to a property line shall be separated from an adjacent public or private street by a landscaped area a minimum**

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of 10 feet in width and shall be separated from an adjacent property by a landscaped area a minimum of five feet in width;

6. Landscaped areas in parking lots, service drives or loading areas shall have an interior width of not less than five feet;

7. A landscaped area shall be located to separate blocks of parking spaces at a minimum of one landscaped area per 10 parking spaces.

- D. Wheel Guards. Parking lot landscaping shall be protected from damage by a secured wheel guards to prevent vehicles entering into landscaped areas.
- E. Hedge Screening. The required hedge screen shall be installed as follows:
 - 1. Evergreen shrubs shall be planted so that eighty (80) percent of the desired screening is achieved within two (2) years, one hundred (100) percent within four (4) years;
 - 2. Living ground cover in the screen strip such that ninety (90) percent coverage is achieved within two (2) years.

17.68.110 Bicycle parking.

[A.] The following minimum number of bicycle parking spaces shall be provided:

Type of Use	Minimum Number
Single-Family Residential Dwelling, Townhouse, Duplex	-0-
Duplex, Triplex and Multi-Family and Cottage Cluster	Minimum two or one per every two dwelling units, whichever is greater.
Retail, Office and Institutional	Minimum of two or one per every 20 vehicle parking spaces, whichever is greater.
Industrial	Minimum of two or one per every 40 vehicle parking spaces, whichever is greater.
Schools and Parks	Minimum of two or one per every 10 vehicle parking spaces, whichever is greater.

Bicycle parking shall also be required for expansions and other remodeling that increases the required level of automobile parking.

- B. At a minimum bicycle parking facilities shall be consistent with the following design guidelines:
 - 1. All bicycle parking shall be within one hundred (100) feet from a building entrance and located within a well-lit and clearly visible area;
 - 2. Bicycle parking shall be convenient and easy to find. Where necessary, a sign shall be used to direct users to the parking facility;
 - 3. Each bicycle parking space shall be at least two (2) feet by six (6) feet with a vertical clearance of six (6) feet;
 - 4. An access aisle of at least five (5) feet shall be provided in each bicycle parking facility;
 - 5. Bicycle parking facilities shall offer security in the form of either a lockable enclosure in which the bicycle can be stored or a stationary object, i.e., a "rack," upon which the bicycle can be

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locked. Structures that require a user-supplied lock shall accommodate both cables and U-shaped locks and shall permit the frame and both wheels to be secured (removing the front wheel may be necessary.) Note: businesses may provide long-term, employee parking by allowing access to a secure room within a building.

6. For multi-family residential development, all bicycle parking shall be covered by a roof structure.

17.68.120 Downtown Parking District.

A. New or expanded development within the Downtown Parking District as established in Figure 17.68.120-1 are exempt from the minimum off-street parking requirements of Section 17.68.050 and the off-street loading requirements of Section 17.68.070.

B. If off-street parking or loading is provided, the development standards of Section 17.68.080 and parking lot landscaping and screening standards of Section 17.68.100 shall apply.

Figure 17.68.120-1



Chapter 17.72 STORM DRAINAGE

17.72.010 Purpose.

To provide for the drainage of surface water from all residential, commercial and industrial development; to minimize erosion; to reduce degradation of water quality due to sediments and pollutants in storm water runoff.

17.72.020 Scope.

- A. The provisions of this chapter shall apply to all new residential land partitions and subdivisions, planned unit developments, multi-family developments, commercial developments, **institutional developments** and industrial developments; and to the reconstruction or expansion of such developments.
- B. The provisions of this chapter shall apply to all drainage facilities that impact any public storm drain system, public right-of-way or easement dedicated to or located within all off-street parking and loading areas.
- C. All storm water runoff shall be conveyed to a public storm sewer or natural drainage channel having adequate capacity to carry the flow without overflowing or otherwise causing damage to public and/or private property. In the case of private development, the developer shall pay all costs associated with designing and constructing the facilities necessary to meet this requirement.

D. The storm drainage facilities for new developments and redevelopment with over five-thousand (5,000) square feet of impervious surface shall include both detention and treatment.

17.72.030 Plan for storm drainage and erosion control.

No construction of any facilities in a development included in Section 17.72.020 shall be permitted until a storm drainage and erosion control plan for the project is prepared by an engineer registered in the State of Oregon and approved by the city. This plan shall contain at a minimum:

- A. The methods to be used to minimize the amount of runoff, siltation, and pollution created from the development both during and after construction.
- B. Plans for the construction of storm sewers, open drainage channels, and other facilities that depict line sizes, profiles, construction specifications, and other such information as is necessary for the city to review the adequacy of the storm drainage plans.
- C. **A storm drainage report shall be submitted with the land use application. It shall include at a minimum: upstream basins, on-site basins, topography, soils, land use, existing systems and discharges, existing capacity, design storm, existing conditions and post development conditions. The report shall be done in compliance with the current city Design Standards. The report shall be stamped by a registered professional engineer in Oregon.** ~~Design calculations shall be submitted for all drainage facilities. These drainage calculations shall be included on the site plan drawings and shall be stamped by a licensed professional engineer in the State of Oregon. Peak design discharges shall be computed using the rational formula and based upon the design criteria outlined in the Standard Specifications for Public Works Construction in the City of Carlton and the most current adopted storm drainage master plan.~~

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D. The erosion control plan shall be in accordance with the requirements of the 1200-C or 1200-Z permits. These permits shall be acquired by the developer prior to construction and copies sent to the City.

17.72.040 General standards.

- A. All development shall be planned, designed, constructed and maintained to:
1. Protect and preserve existing natural drainage channels **to the maximum practicable extent;**
 2. Protect development from flood hazards;
 3. Provide a system by which water within the development will be controlled without causing damage or harm to the natural environment, or to property or persons within the drainage basin;
 4. Assure that waters drained from the development are **substantially free of pollutants, through such construction and drainage techniques as sedimentation ponds, reseeding, phasing or grading treated to industry standard using industry accepted stormwater treatment techniques and as shown in the Public Works Design Standards. This may include standard treatment facilities as well as low impact development (LID) facilities. Hard filters are considered the last option for public facilities;**
 5. Assure that waters are drained from the development in such a manner that will not cause erosion to any greater extent than would occur in the absence of development;
 - ~~6. Provide dry wells, French drains, or similar methods, as necessary to supplement storm drainage systems;~~
 - ~~7.6.~~ **7. Avoid placement of surface detention or retention facilities in road rights-of-way. Public underground detention or retention facilities are considered a last option.**
 - 7. Where downstream system capacity is insufficient, additional detention or system improvements are required.**
- B. Where culverts cannot provide sufficient capacity without significant environmental degradation, the city may require the watercourse to be bridged or spanned.
- C. In the event a development or any part thereof is traversed by any watercourse, channel, stream or creek, gulch, or other natural drainage channel, adequate easements for storm drainage purposes shall be provided to the city. This does not imply maintenance by the city.
- D. Channel obstructions are not allowed except as approved for the creation of detention or retention facilities approved under the provisions of this title. Fences with swing gates may be utilized.
- E. Prior to acceptance of a storm sewer system by the city, the storm sewers shall be flushed and inspected by the city. All costs shall be borne by the developer.
- F. Easements for creeks and other watercourses shall be provided and shall extend fifteen (15) feet in each direction from the waterway centerline, ten (10) feet from the top of a recognizable bank, or sufficient width to pass 10-year flood flows or 100-year floodway on FEMA regulated stream, whichever is greater. The easements required by this chapter shall be held to prohibit the placement of any building on or over the easement, but shall not preclude landscaping, and shall be held to require restoration of the site following any excavation or other disturbance permitted by the easement.

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- G. ~~All storm drainage facilities shall be sized to provide adequate capacity during peak flows from the entire area potentially served by such facilities. The city will not expect the developer to pay for the extra pipe size required to accommodate future upstream development. Excavation and installation costs shall remain entirely the developer's responsibility.~~ **The specific location, size and capacity of storm drain facilities will be subject to the approval of the city engineer with reference to the applicable Public Works Design Standards and storm drainage master plan. In the absence of an adopted plan, the location, size and capacity will be subject to the hydrologic and hydraulic analysis by the developer's engineer and approved by the city engineer.**

Chapter 17.76 UTILITY LINES AND FACILITIES

17.76.010 Purpose.

To provide adequate services and facilities appropriate to the scale and type of development.

17.76.020 Standards.

- A. The design of all improvements within existing and proposed rights-of-way and easements, all improvements to be maintained by the city, and all improvements for which city approval is required, shall comply with the requirements of the most current adopted Standard Specifications for Public Works Construction in the City of Carlton.
- B. The location, design, installation and maintenance of all utility lines and facilities shall be carried out with minimum feasible disturbance of soil and site.
- C. Standards for Water Improvements.
 - 1. All developments shall be required to be linked to existing water facilities adequately sized to serve their intended area by the construction of water distribution lines, reservoirs and pumping station which connect to such water service facilities. All necessary easements required for the construction of these facilities shall be obtained by the developer and granted to the city pursuant to the requirements of the city.
 - 2. Specific location, size and capacity of such facilities will be subject to the approval of the city engineer with reference to the most current adopted City of Carlton water master plan. All water facilities shall conform with existing city pressure zones and shall be looped where **possible and** necessary to provide adequate **pressure capacity** and fire flows during peak demand at every point within the system in the development to which the water facilities will be connected. The city will not expect the developer to pay for the extra pipe material cost for waterlines exceeding eight inches in size. Installation costs shall remain entirely the developer's responsibility.
 - 3. The design of the water facilities shall take into account provisions for the future extension beyond the development to serve adjacent properties that, in the judgment of the city, cannot be feasibly served otherwise.
 - 4. Design, construction and material standards shall be as specified **in the Public Works Design Standards and** by the city engineer for the construction of such public water facilities in the city.
 - 5. The developer shall provide evidence of fire flow capability through fire hydrant tests and/or a hydraulic model.**
- D. Standards for Sanitary Sewer Improvements.
 - 1. All developments shall be required to be linked to existing sanitary sewer collection facilities adequately sized to serve their intended area by the construction of sewer lines which connect to existing adequately sized sewer facilities. All necessary easements required for the construction of these facilities shall be obtained by the developer and granted to the city pursuant to the requirements of the city.
 - 2. Specific location, size and capacity of such facilities will be subject to the approval of the city engineer with reference to the most current adopted wastewater facilities plan. All sewer

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facilities shall be sized to provide adequate capacity during peak flows from the entire area potentially served by such facilities. The city will not expect the developer to pay for the extra pipe material cost for sanitary sewer lines exceeding twelve (12) inches in size. Installation costs shall remain entirely the developer's responsibility.

3. All properties shall be provided with gravity sanitary sewer service to a public sanitary sewer system except for parcels that have unique topographic or other natural features that make gravity sewer extension impractical as determined by the city engineer. Pumping stations will be allowed only when it has been demonstrated to the satisfaction of the city engineer that the development cannot be served by gravity. Maintenance of residential pumping station **(serving a single dwelling, multi-family unit or facility)** is the responsibility of the property owner.
4. Temporary sewer service facilities, including pumping stations, will be permitted only if the city engineer approves the temporary facilities, including all facilities necessary for transition to permanent facilities.
5. The design of the sewer facilities shall take into account provisions for the future extension beyond the development to serve upstream properties that, in the judgment of the city, cannot be feasibly served otherwise.
6. All land divisions or other developments requiring subsurface sanitary sewer disposal systems shall be prohibited.
7. Design, construction and material standards shall be as specified by the city engineer for the construction of such sewer facilities in the city.
8. Prior to acceptance of the sanitary sewer system by the city, the sewers shall be flushed and inspected by the city as required by the Standard Specifications for Public Works Construction in the City of Carlton. All costs shall be borne by the developer.

9. Industrial facilities that produce wastewater in greater capacity or stronger than standard residential wastewater shall provide a pretreatment system per the requirements of Chapter 13.08 of this code.

- E. Street Lights. All developments shall include underground electric service, light standards, wiring and lamps for street lights according to the specifications and standards of the city engineer. The developer shall install all such facilities and make the necessary arrangements with the serving electric utility for the street lighting system.
- F. Private Utilities. All development which has a need for private utilities, including but not limited to electricity, gas, and communications services shall install them pursuant to the requirements of the district or company serving the development.
 1. Except as otherwise provided herein, all utility lines, cables or wires, including but not limited to those used for electricity, communications services and street lighting which are on or adjacent to land partitioned, subdivided or developed within the City of Carlton after the effective date of the ordinance codified in this title, shall be required to be placed underground. The intent of the city is that no poles, towers, or other structures associated with utility facilities shall be permitted on any street or lot within or adjacent to such partition, subdivision or development.

2. Exceptions. Above ground facilities shall be permitted for the following in which case the above provisions shall not apply:
 - a. Emergency installations or electric transmission lines or to through feeders operating at distribution voltages which act as a main source of supply to primary lateral and to direct connected distribution transformers and primary loads. Should it be necessary to increase the capacity of major power transmission facilities for service to the area, such new or revised installations shall be made only on rights-of-way or easements on which existing overhead facilities exist at the time of such capacity increase;
 - b. Appurtenances and associated equipment such as surface-mounted transformers, pedestal-mounted terminal boxes, meter cabinets, telephone cable closures, connection boxes and the like;
 - c. Structures without overhead wires, used exclusively for fire alarm boxes, streetlights, or municipal equipment installed under the supervision and with the approval of the city engineer;
 - d. Power substations, pumping plants, and similar facilities necessary for transmission or distribution of utility services shall be permitted subject to compliance with all zoning regulations and other applicable land use regulations. The engineer for all such facilities, prior to any construction being started, shall approve plans showing landscaping and screening;
 - e. Certain industries requiring exceptionally large power supplies may request direct overhead power as a condition;
 - f. If existing overhead utilities within or adjacent to the development total less than one hundred fifty (150) linear feet, the city may allow the applicant to record an approved improvement deferral agreement, see Section 17.216.030, in lieu of relocating existing private utilities underground at the time of development.
3. Information on Development Plans. The developer or subdivider shall show on the development plan or in his or her explanatory information, easements for all underground utility facilities. Plans showing the location of all underground facilities as described herein shall be submitted to the city engineer for review and approval. Care shall be taken in all cases to ensure that aboveground equipment does not obstruct vision clearance areas for vehicular traffic.
4. Future Installations. The owner(s) or contract purchaser(s) of subdivided real property within a subdivision shall, upon conveyance or transfer of any interest including a leasehold interest in or to any lot or parcel of land, provide in the instrument conveying such interest a covenant running with and appurtenant to the land transferred under which grantee(s) or lessee(s), their heirs, successors, or assigns mutually covenant not to erect or allow to be erected upon the property conveyed any overhead utility facilities, including electric, communication, and cable television lines, poles, guys, or related facilities, except such facilities as are exempt from underground installation under this title or are owned or operated by the city. Such covenant shall require grantees to install, maintain, and use underground electric, telephone, cable television, or other utility services used or to be used to serve the premises. A copy of the covenant shall be submitted with the final plats.

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K.G. Easements for public and private utilities shall be provided as deemed necessary by the city, special districts, and utility companies. Easements for special purpose uses shall be of a width deemed appropriate by the responsible agency. Such easements shall be recorded on easement forms approved by the city attorney and designated on the final plat of all subdivisions and partitions. Minimum required easement width and locations are as follows:

Easement Type	Minimum Width	Location
Water	10 15 feet	(1)(2)
Sewer	10 15 feet	(1)(2) (6)
Storm (piped)	10 15 feet	(1)(2)
Storm (other)	5 as required	(5)
Private Utility	5 feet (parallel to ROW)	(3)(4)
	10 15 feet (other)	(1)

- (1) Centered on utility line.
- (2) Centered on property line, where possible.
- (3) All property lines fronting existing or proposed street rights-of-way.
- (4) Measured from edge of right-of-way.
- (5) Determined on a case-by-case basis.

(6) Sanitary sewers over ten (10) feet deep shall have wider easements as needed per depth.

Chapter 17.78 GRADING AND EROSION CONTROL

17.78.010 Purpose

- A. The purpose of this chapter is to mitigate, minimize or eliminate the adverse impacts caused by grading, fill and excavation activities on public or private property. It establishes policies, procedures and minimum requirements for grading and earthwork construction. It is intended to promote the general health, safety and welfare of the public and requires the applicant to follow sound land development practices.**

17.78.020 Grading Permit

- A. Permit Required. A city-issued grading permit shall be required before the commencement of any of the following filling or grading activities:**
- 1. Grading activities in excess of fifty (50) cubic yards of earth;**
 - 2. Grading activities which may result in the diversion of existing drainage courses, both natural and human-made, from their natural point of entry or exit from the grading site;**
 - 3. Grading and paving activities resulting in the creation of impervious surfaces greater than two thousand (2,000) square feet or more in area;**
 - 4. Any excavation beyond the limits of a basement or footing excavation, having an unsupported soil height greater than five (5) feet after the completion of such a structure; or**
 - 5. Grading activities involving the clearing or disturbance of one-half acres (twenty-one thousand seven hundred eighty (21,780) square feet) or more of land.**
- B. Applicability. Those fill, excavation and grading activities proposed to be undertaken in conjunction with a land use application, including but not limited to subdivisions, planned unit developments, partitions and site plan reviews, are subject to the standards of this chapter. However, a separate grading permit is not required. Approval of the construction plans submitted through the land use application process shall constitute the grading plan.**
- C. Grading permit exemptions. The following filling, excavation and grading activities shall not require the issuance of a grading permit:**
- 1. Excavation for utilities, or for wells or tunnels allowed under separate permit by other governmental agencies;**
 - 2. An excavation below finished grade for basements and footings of a building, retaining wall or other structure authorized by a valid building permit. The placement of any fill material removed from such an excavation requires a grading permit if:**
 - a. It exceeds fifty (50) cubic yards,**
 - b. More than fifty (50) cubic yards are removed from the site, or**
 - c. The fill is placed on the site to a depth greater than one (1) foot;**

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3. Farming practices as defined in ORS 30.930 and farm uses as defined in ORS 215.203, except that buildings associated with farm practices and farm uses are subject to the requirements of this chapter;
4. Excavation for cemetery graves;
5. Sandbagging, diking, ditching, filling or similar work when done to protect life or property during an emergency;
6. Repaving of existing paved surfaces that does not alter existing drainage patterns; or
7. Maintenance work on public roads performed under the direction of the City, County or Oregon State Department of Transportation personnel.

17.78.030 Excavations

- A. Maximum Slope.** The slope of cut surfaces shall not be steeper than is safe for the intended use, and shall not be more than one unit vertical in two units horizontal unless the owner or owner's authorized agent furnishes a geotechnical report (developed by a certified engineering geologist, or a professional engineer who is also a geotechnical engineer), justifying a steeper slope, with the following exceptions:
1. A cut surface shall be permitted to be at a slope of 1.5 units horizontal to one unit vertical provided that the geotechnical report supports this slope and all of following are met:
 - a. It is not intended to support structure of surcharges.
 - b. It is adequately protected against erosion.
 - c. It is not more than five (5) feet in height.
 - d. It is approved by the building code official.
 - e. Ground water is not encountered.
 2. A cut surface in bedrock shall be permitted to be at a slope if one horizontal unit to one vertical unit provided that the geotechnical report supports this slope.

17.78.040 Fills

- A. Maximum Slope.** The slope of fill surfaces shall not be steeper than the natural repose of the material and it shall be safe for the intended use. The slope shall not be more than one unit vertical in two units horizontal unless the owner or owner's authorized agent furnishes a geotechnical report justifying a steeper slope, with the following exceptions:
1. A fill surface shall be permitted to be at a slope of 1.5 units horizontal to one unit vertical provided that the geotechnical report (developed by a certified engineering geologist, or a professional engineer who is also a geotechnical engineer) supports this slope and all of following are met:
 - a. It is not intended to support structure of surcharges.
 - b. It is adequately protected against erosion.
 - c. It is not more than five (5) feet in height.

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d. It is approved by the building code official.

e. Ground water is diverted.

B. Benching. Where existing grade is at a slope steeper than one unit vertical in five units horizontal, and the depth of the fill exceeds five (5) feet, benching shall be provided in accordance with the design standards and be not less than ten (10) feet in width and two (2) feet in depth.

17.78.050 Setbacks

A. Cut and fill slopes shall be set back from the property lines in accordance with this section. Setback dimensions shall be measured perpendicular to the property line and shall be:

Minimum of 2-feet

Maximum of 10-feet

Distance equals H/5, where H = height of slope

Distance required for an interceptor drain or ditch

B. Slope Protection. Where required to protect adjacent properties at the toe of a slope from adverse effects of the grading, additional protection, approved by the building official and/or City Engineer, shall be included. Examples of such protection include, but are not limited to:

1. Setbacks greater than those required by subsection (A) of this Section;

2. Provisions for retaining walls of similar construction;

3. Erosion protection of the fill slopes; or

4. Provision for the control of surface waters.

17.78.060 Conflicts and Greater Restrictions.

A. Where the provisions of this chapter are less restrictive or conflict with comparable provisions of this code, regional, state or federal law, the provisions that are more restrictive shall govern. Where this chapter imposes restrictions that are more stringent than regional, state and federal law, the provisions of this chapter shall govern. However, nothing in this chapter shall relieve any party from the obligation to comply with any applicable federal, state or local regulations or permit requirements.

B. Compliance with this chapter and the minimum requirements, minimum standards, and design procedures as set forth in the city's adopted Public Works Design Standards does not relieve the designer, owner, or developer of the responsibility to apply conservative and sound professional judgement to protect the health, safety, and welfare of the public. It is not the intent of this chapter to make the city a guarantor or protector of public or private property in regard to land development activity.

17.78.070 Submittal Requirements.

A. An engineered grading plan or an abbreviated grading plan shall be prepared in compliance with the submittal requirements of the Public Works Design Standards and the Grading Permit whenever a city-approved grading permit is required. In addition, a geotechnical engineering report and/or residential lot grading plan may be required pursuant to the criteria listed below.

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- B. Abbreviated Grading Plan.** The city shall allow the applicant to submit an abbreviated grading plan in compliance with the submittal requirements of the Public Works Design Standards if the following criteria are met:
- 1. No portion of the proposed site is within Sensitive Lands including but not limited to: unstable conditions, 100-year flood plain, steep slopes, uncontrolled fill has been placed, or poor soils.**
 - 2. The proposed filling or grading activity does not involve more than fifty (50) cubic yards of earth.**
- C. Engineered Grading Plan.** The city shall require an engineered grading plan in compliance with the submittal requirements of the Public Works Design Standards to be prepared by a professional engineer if the proposed activities do not qualify for abbreviated grading plan.
- D. Geotechnical Engineering Report.** The city shall require a geotechnical engineering report in compliance with the minimum report requirements of the Public Works Design Standards to be prepared by a professional engineer who specializes in geotechnical work (certified engineering geologist, or a professional engineer who is also a geotechnical engineer) when any of the following site conditions may exist in the development area:
- 1. When any publicly maintained facility (structure, street, pond, utility, park, etc.) will be supported by any engineered fill;**
 - 2. When an embankment for a stormwater pond is created by the placement of fill;**
 - 3. When, by excavation or fill, the soils remaining in place are greater than three (3) feet high.**
- E. Residential Lot Grading Plan.** The city shall require a residential lot grading plan in compliance with the minimum report requirements of the Public Works Design Standards to be prepared by a professional engineer for all land divisions creating new residential building lots or where a public improvement project is required to provide access to an existing residential lot.

Chapter 17.80 SIGNS

17.80.010 Purpose.

- A. The purpose of these sign regulations is to provide equitable signage rights, promote traffic and pedestrian safety, and increase the economic viability of the city, by classifying and regulating the location, size, type and number of signs, in a content-neutral manner.
- B. Within the commercial areas, the city recognizes the need for businesses and organizations to inform the public about their location and their services. It also recognizes that a sign is a relative low cost form of business advertising.
- C. The city recognizes that the citizens of Carlton want to retain their unique small-town quality. One method of preserving the look of a small town is by controlling the number, size and type of signs allowed within the commercial district and to provide design guidelines that benefit the citizens and the businesses in improving the visual quality of the community.

17.80.020 Definitions.

See Signs, Section 17.12.020.

17.80.030 General provisions.

- A. **Conflicting Standards.** Signs shall be allowed subject to the provisions of this chapter, except when these provisions conflict with the specific standards for signs in the subject district.
- B. **Signs Subject to State Approval.** Off-premise advertising signs visible to the traveling public from state highways are further subject to the regulations and permit requirements of the State of Oregon, Department of Transportation.
- C. **Uniform Sign Code.** All signs shall comply with the provisions of the Uniform Sign Code of the Uniform Building Code.
- D. **Sign Clearances.** A minimum of eight (8) feet above sidewalks and fifteen (15) feet above driveways shall be provided under all free standing or wall mounted signs.

17.80.040 Signs allowed.

The following signs and sign work are allowed outright in all zones. These signs shall not require a permit, and shall not be included when determining compliance with total allowed area:

- A. **Re-painting, changes to the sign face or copy and maintenance of signs legally existing on the effective date of the ordinance codified in this chapter.**
- B. **Temporary Signs.**
 - 1. Real estate signs not exceeding six (6) square feet that advertise the sale, rental, or lease of premises upon which the sign is located. Real estate signs may be used up to two (2) years without a permit. Only one (1) real estate sign per lot may be displayed at any time, except on corner lots. Two (2) signs are permitted on corner lots; however only one (1) sign per street frontage is permitted.

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2. Political signs shall not exceed six (6) square feet. Political signs may be used up to sixty (60) days prior to an election but shall be removed not later than seven (7) days following the date of the election.
 3. Portable signs and other temporary signs that do not exceed six (6) square feet in area.
 4. Balloons that do not exceed a total cumulative diameter of twenty-four (24) inches.
- C. Signs posted by or under governmental authority including legal notices, traffic, danger, no trespassing, emergency and signs related to public services or safety.
 - D. Directional or informational signs bearing no advertising message and not exceeding four (4) square feet in area erected for the convenience of the public such as signs identifying restrooms, public telephones, walkways and similar features or facilities.
 - E. Flags with a total cumulative area not to exceed seventy-five (75) square feet per lot.
 - F. Signs within a building.
 - G. In a commercial or industrial zone, signs painted or hung on the inside of windows.
 - H. Reserved.
 - I. Memorial signs or tablets and names of buildings and dates of erection when cut into or attached to the surface or facade of the building.
 - J. Signs placed by a public utility showing the location of underground facilities.
 - K. Government Signs. Signs posted by or under governmental authority including legal notices, traffic, danger, no trespassing, emergency and signs related to public services or safety.
 - L. Building or freestanding signs that display or reflect the history or character of Carlton, as approved by the City Council, after recommendation by the Planning Commission.

17.80.050 Signs prohibited.

The following signs are prohibited in all zones:

- A. Portable signs within the public right-of-way, except for sidewalk or sandwich board signs that comply with Section 17.80.080(D).
- B. Signs that emit odor, visible matter, or sound, however an intercom system for customers remaining in their vehicles, such as used in banks and "drive thru" restaurants, shall be allowed.
- C. Signs that use or employ side guy lines of any type.
- D. Signs that obstruct any fire escape, required exit, window or door opening used as a means of egress.
- E. Signs closer than twenty-four (24) inches horizontally or vertically from any overhead power line or public utility guy wire.
- F. No vehicle or trailer shall be parked on a public right-of-way or public property, or on private property so as to be visible from a public right-of-way which has attached thereto or located thereon any sign or advertising device for the basic purpose of providing advertisement of products or directing people to a business or activity located on the same or nearby premises. This provision applies where the primary purpose of a vehicle is for advertising purposes and

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- is not intended to prohibit any form of vehicular sign, such as a sign attached to a motor vehicle which is primarily used for business purposes, other than advertising.
- G. Rotating/revolving signs, except by conditional use permit.
 - H. Flashing signs.
 - I. Private signs that project into public rights-of-way, except signs under a canopy that project over a public sidewalk where the sign is not less than eight (8) feet above the sidewalk.
 - J. Signs that obstruct required vision clearance area as defined in Section 17.92.080 or obstruct a vehicle driver's view of official traffic control signs and approaching or merging traffic, or which present a traffic hazard.
 - K. Signs that interfere with, imitate, or resemble any official traffic control sign, signal or device, emergency lights, or appears to direct traffic, such as a beacon light.
 - L. Signs attached to any pole, post, utility pole, or otherwise placed in the public right-of-way.
 - M. Signs or sign structures placed on or over private property without the written consent of the owner or agent thereof.
 - N. Pennants, banner signs and streamers except in nonresidential zones, which do not exceed a total cumulative area of twelve (12) square feet.
 - O. Billboard signs.
 - P. Roof signs, except by variance.
 - Q. Signs attached to trees, shrubs, stones or fences.
 - R. Bench signs, except as a conditional use, or those designating donor(s).
 - S. Any sign on unimproved property unless allowed as a real estate or temporary sign.
 - T. Any illegible sign or sign that has twenty-five (25) percent or more of its surface destroyed, defaced or missing.
 - U. Message signs, except by conditional use permit.

17.80.060 Signs in noncommercial zones.

The following regulations apply to signs in the AH, R-1, **R-2, PF**, MH, MX, and R-3 zones:

- A. Maximum Number. Any combination of signs not exceeding the sign area and height limitations of this section; plus signs allowed in Section 17.80.040.
- B. Maximum total sign area for property on which the building or buildings are located:
 1. Single-family and two-family (duplex) dwelling: six (6) square feet;
 2. Multiple family dwelling: twenty-four (24) square feet;
 3. Public and semi-public: thirty-two (32) square feet.
- C. Maximum sign height of freestanding signs: six (6) feet.
- D. Location of freestanding signs: where fences are allowed.
- E. Illumination. Signs may only be indirectly illuminated by a concealed light source, and shall not flash, blink, fluctuate or produce glare.

17.80.070 Review procedures in noncommercial zones.

- A. Permit Required. No property owner, lessee or contractor shall construct or alter any sign without first obtaining a valid sign permit.
- B. Current Signs. Owners of conforming or nonconforming signs existing as of the date of adoption of this title are not required to obtain a permit.
- C. Permit Fees. Permit fees may be established by City Council resolution.
- D. Application Requirements.
 - 1. An application for a sign permit shall be made on a form prescribed by the City Manager. The application shall include, at a minimum, a sketch drawn to scale indicating the proposed sign and identifying existing signs on the premises, the sign's location, graphic design, structural and mechanical design and engineering data which ensures its structural stability. The application shall also contain the names and address of the sign company, person authorizing erection of the sign and the owner of the subject property.
 - 2. The City Manager shall issue a permit for a sign unless the sign does not comply with the provisions of these regulations or other provisions of this title. Sign permits mistakenly issued in violation of these regulations or other provisions of this title are void. The City Manager may revoke a sign permit if he or she finds that there was a material and misleading false statement of fact in the application for the permit.
- E. Design, Construction, and Maintenance. All signs shall be designed, constructed, and maintained according to the following standards:
 - 1. All signs shall comply with the applicable provisions of Uniform Building Code in effect at the time of the sign permit application and all other applicable structural, electrical and other regulations. The issuance of a sign permit under these regulations does not relieve the applicant of complying with all other permit requirements;
 - 2. All signs shall be maintained in a good structural condition at all times;
 - 3. The owner shall be responsible for its erection and maintenance and its compliance with the provisions of these regulations or other laws or ordinances regulating signs.

17.80.080 Signs in commercial and industrial zones.

All signs in the Commercial Business, Commercial Industrial, **Downtown** and General Industrial zones shall conform to Sections 17.80.020 through 17.80.050 and the following standards:

- A. Signs or sign structures located in commercial and industrial zones which are within seventy-five (75) feet of a residentially zone property shall be set back so as to meet the side and front yard setback requirements of the adjoining residential district.
- B. Accessory temporary signs are permitted provided such signs are securely affixed to the surface of a building wall or window, and must have the date of initial posting clearly written on the face of the sign. Such signs, including but not limited to sale signs and special product announcements, must be removed not later than ten (10) days after initial posting. Such signs shall not exceed the permitted ratio of sign area, including temporary signs, to building face area.

- C. Historical signs that are an integral part of a building design, or signs with a cultural significance to the community, as determined by the Planning Commission, may be exempted from the standards for signs.
- D. Sidewalk signs or sandwich boards are permitted provided:
 1. There is only one (1) sidewalk or sandwich board sign per business entrance. Vacant lots may have one (1) sandwich board sign per lot.
 2. The sign is professional in appearance with a maximum height of three (3) feet and a maximum width of two (2) feet in width. The height of the sign is measured from the grade of the curb line lowest to the base of the sign, to the highest point of the sign, sign structure or frame; whichever is greater.
 3. The total sign area does not exceed six (6) square feet per side. The base material used to support a sign shall be included in the dimensions used to calculate the sign area.
 4. The sign is removed at the close of each business day.
 5. Reserved.
 6. Sidewalk or sandwich board signs shall only be allowed within an adjacent public right-of-way along the frontage of the business displaying the sign, when they can be placed so that a minimum clear width of three (3) feet within the right-of-way is available for pedestrians immediately adjacent to the sign. Adjacent private property may be used to provide the three (3) foot clear width area when approved by the City Manager.
 7. The sign is not to be located within a sidewalk bulb-out area or a location that interferes with traffic visibility.
- E. Reserved.
- F. Suspended signs that are suspended from the underside of a horizontal plane surface and is supported by that surface, shall have a maximum area of three (3) square feet and shall not project more than thirty (30) inches from the face of the building.

17.80.090 Signs in commercial and industrial zones—Appearance.

Signs shall be constructed of wood, brick, tile, masonry, synthetic materials, canvas, vinyl, glass, wrought iron, or metal. Signs shall be constructed of materials consistent with the age, appearance and purpose of the buildings adjacent to the sign. The design shall reflect and be consistent with the appearance, design, architecture and historical character of adjacent buildings and uses. Fluorescent or unusually bright colors shall not be permitted.

17.80.100 Signs in commercial and industrial zones—Size.

- A. Businesses with Two or More Street Frontages.
 1. Land abutting more than one street shall be allowed its quota of signs on each of the streets, and up to ten (10) percent of the permitted quota on any street may be deducted there from and added to the other street frontage.
 2. Where a business located on a corner erects an attached sign designated to be read from both intersecting public streets, the total aggregate area of such sign shall not exceed one-

- half that which would be allowed for separate signs fronting on the intersecting public streets.
3. Where a business located on a corner is allowed a monument sign, it may have one such sign designed to be read from both intersecting public streets, or two such freestanding signs, provided that each sign is designed to be read from only one of the intersecting streets.
- B. Area.
1. Wall signs shall not exceed ten (10) percent of the building face facing a street. For purposes of the area, the height of the lower level or story or twenty (20) feet, whichever is larger, shall be multiplied by the building frontage. Height of lettering cannot exceed twenty-four (24) inches.
 2. Awning signs shall not exceed ten (10) percent of the awning area. For purposes of calculating the awning area, the height shall be multiplied by the width of the awning.
 3. Projecting signs shall not exceed five (5) percent of the building face facing a street. For purposes of calculating the area, the height of the lower level or story, or twenty (20) feet, whichever is less, shall be multiplied by the building frontage. Height of lettering cannot exceed eight inches.
 4. Roof signs are not permitted except by variance.
 5. Freestanding signs: one square foot of sign area for each linear foot of property frontage upon a city street or a total of fifty (50) square feet for each street frontage, whichever is lesser.
- C. Height. Not more than four (4) feet above the eave line provided the maximum height above the ground line shall not exceed twenty (20) feet.
- D. Location. Attached to the building, except such signs shall not be roof signs.

17.80.110 Signs in commercial and industrial zones—Design review requirements.

All signs permitted within the commercial or industrial zones of the city shall conform with the following design review criteria, unless otherwise provided for in this title:

- A. Signs must be compatible in design and color with the architectural and historical qualities of Carlton and with the buildings with which they are associated.
- B. Signs illuminated by spotlights or indirect lighting shall be lighted so that glare from the light source is not visible to pedestrian or vehicle traffic.
- C. Directory signs (wall, projecting, and freestanding), and the individual signs comprising a directory sign shall be uniform or consistent in size, shape, and design. Individual signs in a directory sign may be added, moved, or substituted with signs for new businesses or uses without going through the design review process, provided that the design is consistent and the provisions of the original permit are met.

17.80.120 Signs in commercial and industrial zones—Permit application.

- A. Permit Required. No property owner, lessee or contractor shall construct, alter or relocate any sign without first obtaining a valid sign permit.

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- B. Current Signs. Owners of conforming or nonconforming signs existing as of the date of adoption of this title are not required to obtain a permit.
- C. Permit Fees. Permit fees may be established from time to time by City Council resolution.
- D. Application Requirements. An application for a sign permit shall be made on a form prescribed by the City Manager. The application shall include the following information:
 1. The names and addresses of the sign company, person authorizing erection of the sign and the owner of the subject property;
 2. The location by street address of the proposed sign;
 3. A drawing suitable for folding for file storage, accurately colored and to scale showing the details of the sign, including all mounting structures and devices, materials from which constructed, lighting, and the name of the proposed lettering style, along with detailed illustration of the sign face;
 4. An accurate scaled site plan, showing the location of building(s), street(s) and other existing sign(s);
 5. In the case of wall and projecting signs, an accurate scaled drawing of all building faces to be signed, including the scaled outlines of all existing a proposed signs.
- E. Design, Construction, and Maintenance. All signs shall be designed, constructed, and maintained according to the following standards:
 1. All signs shall comply with the applicable provisions of Uniform Building Code in effect at the time of the sign permit application and all other applicable structural, electrical and other regulations. The issuance of a sign permit under these regulations does not relieve the applicant of complying with all other permit requirements;
 2. All signs shall be maintained in a good structural condition at all times;
 3. The owner shall be responsible for its erection and maintenance and its compliance with the provisions of these regulations or other laws regulating signs.

17.80.130 Sign in commercial and industrial zones—Review procedure.

- A. All signs requiring a permit shall be reviewed by the City staff. Staff shall consider the design, lettering, arrangement, size, texture, materials, colors, lighting, placement, and appropriateness of the proposed sign in relation to other signs and other structures on the premises and contiguous area in keeping with the intent of this title. City staff shall approve, modify or deny the permit.
- B. In the event the permit is modified or denied by the City staff, the applicant may appeal to the Planning Commission by giving written notice of the appeal to the City Recorder no later than ten (10) days following the modification or denial of the sign permit application by the City staff. The Planning Commission shall hear the matter at its next regularly scheduled meeting. The City staff shall furnish to the Planning Commission its findings and conclusions with respect to the permit. The Planning Commission may modify or deny the permit.

17.80.140 Nonconforming signs.

Signs that were legally established prior to the adoption of this Code on October 8, 2003, and no longer meet the sign code standards are considered nonconforming signs. Nonconforming signs may continue to be in use, subject to the restrictions in this section:

- A. General Requirements for Nonconforming Signs.
 - 1. A nonconforming sign shall not be:
 - a. Modified, unless the modification brings the sign into compliance with this chapter. A change of copy is allowed, except that any change in a wall sign that is painted on a structure shall comply with the requirements of this chapter.
 - b. Expanded.
 - c. Relocated.
 - 2. A nonconforming sign may undergo normal maintenance, except:
 - a. "Normal maintenance" excludes major structure repairs designed to extend the useful life of the nonconforming sign.
 - b. If a nonconforming sign is damaged by wind, fire, neglect or by any other cause, and such damage exceeds sixty (60) percent of its replacement value, the nonconforming sign shall not be repaired and shall be removed.
 - 3. Upon change of use of a business or premises, a nonconforming sign shall be brought into compliance with this Code within one hundred eighty (180) days.
- B. Abandoned Signs. All signs and sign structures for a business shall be removed within thirty (30) days after that business ceases to operate on a regular basis. Abandoned signs that are not removed may be removed by the city following notice to the property owner. The property owner will be assessed the cost of sign removal if the owner fails to remove the abandoned sign and the city exercises its authority under this provision.

17.80.150 Variances—Signs.

Any allowance for signs not complying with the standards set forth in these regulations shall be by variance. Variances to this chapter will be processed according to the procedures in Chapter 17.148; however, the criteria in Chapter 17.148 shall not be used, but instead the following criteria shall be used to review and decide sign variance applications:

- A. There are unique circumstances or conditions of the lot, building or traffic pattern such that the existing sign regulations create an undue hardship;
- B. The requested variance is consistent with the purpose of this chapter as stated in Section 17.80.010;
- C. The granting of the variance compensates for those circumstances in a manner equitable with other property owners and is thus not a special privilege to any other business. The variance requested shall be the minimum necessary to compensate for those conditions and achieve the purpose of this chapter;
- D. The granting of the variance shall not decrease pedestrian or traffic safety; and
- E. The variance request shall not be the result of a self-imposed condition or hardship.

17.80.160 Unlawful sign removal.

- A. Any unlawful sign that has not been removed within thirty (30) days after notification of the property owner may be removed by the city and the costs charged to the property owner. If removal costs have not been paid and the sign reclaimed within thirty (30) days of its removal by the city, the city is entitled to file a lien against the property on which the sign was located to secure payment of such costs and expenses of removal by the city. The city may sell or otherwise dispose of the sign so removed and apply the proceeds towards the cost of removal.
- B. Signs which are found upon public streets, sidewalks, rights-of-way, or other public property, or which present an immediate and serious danger to the public may be removed without prior notice.

17.80.170 Conditional uses.

- A. Procedures. Applications for conditional use permits for rotating/revolving signs or message signs shall be processed according to the procedure set forth in Chapter 17.156 of this title. The criteria to be reviewed and applied in conditional use permit proceedings are set forth in this section, and the criteria of Chapter 17.152 shall not be applied.
- B. Decision Criteria. The following criteria shall be used to review and decide conditional use permit applications for rotating/revolving, and message signs:
 - 1. The proposed sign is located in the CB, CI, or IG zones;
 - 2. The proposed sign, when conditioned, will not significantly increase or lead to street level sign clutter, or to signs adversely dominating the visual image of the area;
 - 3. The proposed sign, as conditioned, will not adversely impact the surrounding area to a significant degree;
 - 4. The proposed sign will not present a traffic or safety hazard;
 - 5. If the application is for a message sign, no rotary beacon lights, zip lights, strobe lights, or similar devices shall be allowed. No chaser effect or other flashing effect consisting of external lights, lamps, bulbs or neon tubes are allowed;
 - 6. If the application is for a rotating/revolving sign, such sign cannot flash or be illuminated by intermittent light. Rotating/revolving signs shall revolve at a speed no greater than five (5) revolutions per minute;
 - 7. The total allowed sign area for a business shall be reduced by twenty-five (25) percent if the business has a rotating/revolving or message sign;
 - 8. The proposed sign will comply with all other regulations, including, but not limited to height and placement restrictions.

Chapter 17.84 SITE AND LANDSCAPING DESIGN

17.84.010 Purpose.

The purpose of this chapter is to establish standards to encourage quality landscaping that will contribute to the appearance and aesthetic appeal of the City of Carlton.

17.84.020 Scope.

All construction, expansion, or redevelopment of structures or parking lots for commercial, multi-family, or industrial uses shall be subject to the landscaping requirements of this chapter. The construction of new streets containing landscape strips shall also be subject to the landscaping requirements of this chapter.

Properties within the Downtown Parking District (~~Exhibit A of Chapter 17.68~~ **Figure 17.68.120-1**) are exempt from landscaping requirements, except as specifically required by Chapter 17.30 Downtown (D) District design standards and guidelines.

17.84.030 Approval process.

- A. Landscaping plans shall be submitted as required by the Site Design Review of Chapter 17.156.
- B. Submittal Requirements. The applicant shall submit a landscape plan for approval that includes:
 1. The percentage of the **gross lot** area to be landscaped;
 2. The location, type, size, and species of existing and proposed plant materials;
 3. All existing and proposed site features including walkways, graveled areas, mailboxes, street lamps, patios, terraces, courts, fences, decks, foundations, potted trees and potted plants, and other open spaces;
 4. The location and height of fences, buffers, and screening;
 5. The location of underground irrigation system sprinkler heads where applicable;
 6. A narrative that addresses soil conditions and erosion control measures that will be used.

17.84.040 Landscaping installation and compliance.

All landscaping required by this title and approved by the Planning Commission shall be installed prior to issuance of a final occupancy permit unless security equal to one hundred twenty (120) percent of the cost of the landscaping is filed with the city assuring such installation within six (6) months of occupancy. The applicant will obtain cost estimates for landscape materials and installation to the satisfaction of the city prior to approval of the security. "Security" may consist of a faithful performance bond payable to the city, cash, certified checks, time certificates of deposit, assignment of a savings account or other such assurance of completion as shall meet with the approval of the city attorney. The city staff prior to any security being returned shall make the final landscape inspection. Any portions of the plan not installed, not installed properly, or not properly maintained shall cause the inspection to be postponed until the project is completed. If the installation of the landscaping is not completed within the six (6) month time period or within an extension of time authorized by the city, the security may be used by the city to complete the installation. Any portion of the security that remains after installation of the landscaping shall be returned to the applicant.

17.84.050 Minimum landscaped area requirements.

Except as modified by the development standards of the underlying zoning district, the following area requirements shall be the minimum areas devoted to landscaping:

- A. Multi-Family Developments: A minimum of twenty-five (25) percent of the ~~gross land lot~~ area shall be devoted to landscaping in multi-family developments. **The minimum landscaped area may be reduced to ten (10) percent where the development dedicates one-quarter acre or more land for a neighborhood park, consistent with the adopted Parks Development Plan.**
- B. Commercial Developments: A minimum of ten (10) percent of the ~~gross land lot~~ area shall be devoted to landscaping in commercial developments.
- C. Industrial Developments: A minimum of ten (10) percent of the ~~gross land lot~~ area shall be devoted to landscaping in industrial developments.
- D. Developments within Public Zones: A minimum of ten (10) percent of the ~~gross land lot~~ area shall be devoted to landscaping in public zones.
- E. Single-Family, **Townhouse** and Duplex Dwellings: All yard areas not otherwise improved with structures, parking, and circulation (driveways, walkways, etc.) shall be landscaped. At least fifty (50) percent of front yard areas not covered with driveways, patios, or paths shall contain planted areas (includes any trees retained in the development).
- F. Construction Clean-up: Contractors shall remove all equipment, signage, and debris, including excess soil, rock, building materials, and planting materials and containers, from the premises within seven (7) days of completing construction/landscape installation.

For expansions of existing developments and parking lots, the minimum new landscaped area shall be determined by: First calculating the percentage of the increase of total floor area or parking area; multiplying the ~~gross site lot~~ area by this percentage of increase; multiplying the resulting area by the minimum percentage for the type of development.

17.84.060 General provisions.

- A. For purposes of satisfying the minimum requirements of this title, a "landscaped area" must at a minimum be fifty (50) percent comprised of plant canopy area (at maturity); ~~drought tolerant plants (e.g., grasses, ground cover plants, shrubs, annuals, perennials or trees, or desirable native vegetation) are recommended.~~ **Landscaping materials should be selected and sited to produce a hardy and drought-resistant landscaped area. Selection should include consideration of soil type and depth, the amount of maintenance required, spacing, exposure to sun and wind, the slope and contours of the site, and compatibility with existing native vegetation preserved on the site. Within the minimum plant canopy area, the following plant start size and variety standards shall apply.**
 - 1. For all new residential development, and for every twenty-five (25) feet of linear street frontage:**
 - a. One tree.**
 - b. Four one-gallon shrubs or accent plants.**

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- c. **The remaining area shall consist of grasses, ground cover plants, shrubs, bark, rock, annuals or perennials.**
2. **For all new non-residential development, and for every twenty-five (25) feet of linear street frontage:**
 - a. **One tree.**
 - b. **Five five-gallon or eight one-gallon shrubs or accent plants.**
 - c. **The remaining area shall consist of grasses, ground cover plants, shrubs, bark, rock, annuals or perennials.**
 3. **For all landscaped areas, a minimum of fifty (50) percent of plant materials shall be native species selected from the Oregon Flora Native Plant List, as adopted by City Council. (<http://oregonflora.org/garden/index.php>).**
- B. Required landscape areas not otherwise planted, per subsection 17.84.060(A), shall consist of one or more of the following: outdoor recreation area, islands and perimeter planting areas in parking and loading areas, screening walls or fences as required in this Section and elsewhere in this title, interior courtyards, solariums, greenhouses, and/or outdoor recreation facilities.
- ~~C. Landscaping shall be designed, developed, and maintained to satisfy the specific functional and aesthetic objectives appropriate to the development and the district, considering the following:~~
- ~~1. Type, variety, scale and number of plants used;~~
 - ~~2. Placement and spacing of plants;~~
 - ~~3. Size and location of landscaped areas;~~
 - ~~4. Contouring, shaping and preparation of landscaped areas;~~
 - ~~5. Use and placement of non-plant elements within the landscaping.~~
- ~~D C.~~ **The city may grant the applicant credit for Landscaping to be done in the adjacent landscape strips within the public right-of-way shall be counted toward the required on-site landscaping for non-residential development** provided the applicant meets the elements set forth for the granting of a variance **the landscaping meets the standards of this section.** It shall not be necessary to hold a public hearing to grant this credit. The city shall consider the need for future use of the right of way for street purposes when granting approval for credit under this chapter.
- D. Nuisance plants. Plants listed on the Nuisance Plant List, as adopted by City Council, are prohibited from being planted in landscaping areas. All new landscaping areas must be cleared of groundcovers and shrubs on the Nuisance Plant List. Trees listed on the Nuisance Plant List are not required to be removed.**
- E. The landscape design shall incorporate existing significant trees and vegetation preserved on the site.
- F. Landscaping shall be used to create an attractive streetscape along property frontage, particularly for commercial and industrial developments located along arterial or collector streets.

17.84.070 Screening and buffering.

Where required by ordinance, or where placed as a condition of approval, screening and buffering shall meet the following minimum requirements:

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- A. Screening shall be used to eliminate or reduce the visual and noise impacts of the following uses:
1. Commercial and industrial uses when abutting residential uses;
 2. Industrial uses when abutting commercial uses;
 3. Service areas and facilities, including garbage and waste disposal containers, recycling bins, and loading areas;
 4. Outdoor storage areas;
 - ~~5. Parking areas for ten (10) or more vehicles for multi-family developments, or twenty (20) or more vehicles for commercial or industrial uses;~~
 6. At and above-grade electrical and mechanical equipment, such as transformers, heat pumps, and air conditioners;
 7. Any other area or use as required by this title.
- B. Screening may be accomplished by the use of sight-obscuring plant materials (generally evergreens), earth berms, walls, fences, building parapets, building placement, or other design techniques.
- C. Buffering shall be used to mitigate adverse visual impacts, dust, noise or pollution, and to provide for compatibility between dissimilar adjoining uses. Where buffering is **determined to be necessary** **required in subsection 17.84.070(A)**, one of the following buffering alternatives shall be employed:
1. Planting area: width not less than twenty (20) feet, planted with the following materials:
 - a. At least two (2) rows of deciduous or evergreen trees staggered and spaced not more than ten (10) feet apart; and
 - b. At least one (1) row of evergreen shrubs which will grow to form a continuous hedge at least five (5) feet in height within one (1) year of planting; and
 - c. Lawn, low-growing evergreen shrubs or evergreen ground cover covering the balance of the area.
 2. Berm plus planting area: width not less than fifteen (15) feet, developed in accordance with the following standards:
 - a. Berm form shall not slope more than forty (40) percent (2.5 Horizontal Run : 1 Vertical Run) on the side away from the area screened from view, and
 - b. A dense evergreen hedge shall be located so as to most effectively buffer the proposed use; and
 - c. Combined total height of the berm plus the hedge shall be at least five (5) feet within one year of planting.
 3. Wall plus planting area: width must not be less than five (5) feet developed in accordance with the following standards:
 - a. A masonry wall or fence not less than six (6) feet in height; and

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- b. Lawn, low-growing evergreen shrubs, and evergreen ground cover covering the balance of the area.
4. Other methods that produce an adequate buffer considering the nature of the impacts to be mitigated, as approved by the city.

17.84.080 Planting and maintenance.

All landscaping shall be continually maintained, including necessary watering, weeding, pruning, mowing, and replacement, in a substantially similar manner as found on the landscape plan that was approved by the City staff. In addition, the following shall apply:

- A. No sight-obscuring plantings exceeding twenty-four (24) inches in height shall be located within any required vision clearance area as defined in Subsection 17.92.080.
- B. Plant materials shall not cause a hazard. Landscape plant materials over walks, pedestrian paths, and seating areas shall be pruned to a minimum height of eight (8) feet and to a minimum height of fifteen (15) feet over streets and vehicular traffic areas.
- C. Landscape plant materials shall be selected which does not generally interfere with utilities above or below ground.
- D. Landscape plant material shall be installed to current nursery industry standards.
- E. Landscape plant materials shall be properly guyed and staked to current industry standards as necessary. Stakes and guy wires shall not interfere with vehicular or pedestrian traffic.
- F. All landscape material shall be guaranteed by the developer for a period of one year from the date of installation. A copy of the guarantee shall be furnished to the city by the developer.
- G. Plant materials shall be suited to the conditions under which they will be growing. As an example, plants to be grown in exposed, windy areas that will not be irrigated should be sufficiently hardy to thrive under these conditions. Plants should have vigorous root systems and be sound, healthy, and free from defects, diseases, and infections.
- H. Deciduous trees ~~should~~ **shall** be fully branched, have a minimum caliper of one and one-quarter ~~half~~ inches, and a minimum height of eight (8) feet at the time of planting.
- I. Evergreen trees shall be a minimum of six (6) feet in height, fully branched.
- J. Shrubs shall be supplied in minimum one (1) gallon containers or eight-inch burlap balls with a minimum spread of fifteen (15) inches and a minimum height of eighteen (18) inches.
- K. Ground cover plants shall be spaced in accordance with current nursery industry standards to achieve covering of the planting area. Rows of plants are to be staggered for a more effective covering. Ground cover shall be supplied in a minimum four-inch size container or equivalent if planted eighteen (18) inches on center.
- L. All developments are required to provide appropriate methods of irrigation for the landscaping. Sites with over one thousand (1,000) square feet of total landscaped area shall be irrigated with automatic sprinkler systems to insure the continued health and attractiveness of the plant materials. Hose bibs and manually operated methods of irrigation may be used for landscaped areas totaling less than one thousand (1,000) square feet. Irrigation shall not be required in wooded areas, wetlands, floodplains, or along natural drainage channels or stream banks. Sprinkler heads shall not be a hazard to the public.

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- M. Appropriate methods of care and maintenance of landscaped plant material shall be provided by the owner of the property.
- N. Landscape plant material shall be protected from damage due to heavy foot traffic or vehicular traffic by protective tree grates, pavers or other suitable methods.

17.84.090 ~~Recommended and prohibited s~~ Street trees.

A. All new residential developments shall install a minimum of one street tree per mature canopy spread, to range between twenty-five (25) feet and forty (40) feet of street frontage, or fraction thereof.

B. Street trees shall be planted within the landscape strip, if present, or within the front yard.

C. All street trees must be a species listed in the adopted approved street tree list. ~~A list of recommended and prohibited street trees will be provided by the City of Carlton.~~

D. To create a variety of street trees:

1. If there are fewer than eight (8) or fewer required trees, they may all be the same species.

2. If there are between eight (8) and twenty-four (24) required trees, no more than forty (40) percent of new street trees on a single block can be of one species; or

2. If there are more than twenty-four (24) required trees, no more than twenty-four (24) percent of them can be of one species.

E. As determined by the City Engineer in review of detailed site improvement plans, street trees may be spaced more than forty (40) feet apart, if tree spacing is shown to conflict with required placement of streetlights, street signs, utilities and street access at minimum width. In these cases, options for relocating lights, signs, utilities and driveway access are to be first explored along with selection of a different species of tree shown to the approved street tree list.

Chapter 17.88 DEVELOPMENT STANDARDS FOR LAND DIVISIONS

17.88.010 Purpose.

To provide for the orderly, safe, efficient and livable development of land within the City of Carlton.

17.88.020 Scope.

The provisions of this chapter shall apply to all subdivisions, planned unit developments and partitions within the City of Carlton.

17.88.030 Standards for lots or parcels.

- A. Minimum Lot Area. Minimum lot area shall conform to the requirements of the zoning district in which the parcel is located **unless lot size averaging is approved according to the provisions of subsection 17.176.030(A)(12).**
- B. ~~Maximum Lot Area~~ **Oversized Lots**. When single-family residential use is proposed for a lot with an area double or greater than the minimum density of the underlying zone the **applicant shall provide a shadow plat Master Plan-demonstrating** ~~Planning Commission may take into consideration~~ the potential for further division of the lot at a future date.
- C. Lot Width and Depth. The depth of a lot or parcel shall not be more than three times the width of the parcel, with the following exceptions:
1. Parcels created for public utility uses or in zones where there is no minimum lot area requirement shall be exempt from width to depth ratio provisions.
 2. Lots within residential zones where the permitted minimum lot width is less than forty (40) feet may be permitted to have a width-depth ratio of no greater than 5:1.
- D. Access. All lots and parcels created after the effective date of the ordinance codified in this title shall provide a minimum frontage, on an existing or proposed public street, equal to twenty (20) feet, **or as required by the underlying zone, whichever is greater.** ~~An~~ **The city may approve an** exception ~~shall apply~~ when residential lots or parcels and planned unit developments, ~~may be~~ **are** accessed via a private street or easement developed in accordance with the provisions of Chapter 17.64.**060** or when the City finds that public street access is:
1. Infeasible due to parcel shape, terrain, or location of existing structures; and
 2. Not necessary to provide for the future development of adjoining property.
- E. Flag Lots. ~~If a flag lot is permitted~~ **Where flag lots are proposed consistent with subsection 17.176.030(A)(10),** the following standards shall be met:
1. The access strip shall not be less than twenty (20) feet wide. The access strip shall be improved with minimum twelve (12) foot wide paved driveways that meet applicable City standards. If said access strip is over ~~two hundred~~ **one hundred fifty (200-150)** feet in length, the driveway shall terminate in a turn-around capable of accommodating emergency fire vehicles **consistent with Oregon Fire Code standards;**
 2. The access strip shall not be included in the calculation of lot area for purposes of determining compliance with any minimum lot size provision of this title.

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- F. Through Lots. Through lots **are prohibited.** ~~shall be avoided except~~ **The City may approve an exception** where essential to provide separation of residential development from major traffic arteries, adjacent nonresidential activities, or to overcome specific disadvantages of topography and orientation. A ten (10) foot wide screening or buffering easement, pursuant to the provision of Chapter 17.84, may be required by the city during the review of the land division request.
- G. Lot Side Lines. The side lines of lots, as far as practicable, shall run at right angles to the right-of-way line of the street upon which the lots face.
- H. Lot Grading. The minimum elevation at which a structure may be erected, taking into consideration the topography of the lot, the surrounding area, drainage patterns and other pertinent data, shall be established by the building inspector.
- I. Utility Easements. Utility easements shall be provided on lot areas where necessary to accommodate public utilities. Such easements shall have a minimum total width as specified in Section 17.76.020.

17.88.040 Standards for blocks.

- A. General. The length, width, and shape of blocks shall be designed with regard to providing adequate building sites for the use contemplated; consideration of needs for convenient access, circulation, control, and safety of street traffic; and recognition of limitations and opportunities of topography.
- B. Sizes.
1. Block Length. Except as provided in Section 17.100.030 for the Main Street Special Transportation Area (STA), blocks in residential and commercial districts shall be a minimum of one hundred (100) feet long and shall not exceed six hundred (600) feet in length between street right-of-way lines, unless the previous adjacent development pattern or topographical conditions justify a variation. Blocks that exceed six hundred (600) feet in length shall provide **additional a pedestrian/ and bicycle accessways located within one hundred (100) feet of the midpoint of the block and designed to meet the standards of section 17.88.050.I.**
 2. Block Perimeter. Block perimeters in residential and commercial districts shall not exceed one thousand four hundred (1,400) feet.
- C. Alleys. Alleys may be provided in all districts, however, alleys shall be provided in commercial and industrial areas, unless other permanent provisions for access to off-street parking and loading facilities are provided.

17.88.050 Improvement requirements.

All improvements required by this title or as conditions of approval of any subdivision or partition shall be completed prior to the issuance of any building permits for any structures within the subject development. If the developer requests approval to record the final plat before all required improvements have been constructed and all conditions of approval have been met by the developer and accepted by the city, the developer shall provide a security guarantee satisfactory to the city that all improvements will be constructed in conformance with all city standards and ordinances and all conditions of approval will be satisfied **in compliance with Section 17.216.030.** If the total street frontage of the development is less than or equal to two hundred fifty (250) feet, the applicant may

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request to sign and the city may grant an improvement deferral agreement or non-remonstrance agreement.

- A. Frontage Improvements. Street improvements shall be required for all public streets on which a proposed land division fronts in accordance with Chapter 17.64. ~~Such improvements shall be designed to match with existing improved surfaces for a reasonable distance beyond the frontage of the property.~~ Frontage improvements shall include: sidewalks, curbing, **pavement**, storm sewer, sanitary sewer, water lines, other public utilities as necessary, and such other improvements as the city shall determine to be reasonably necessary to serve the development or the immediate neighborhood.
- B. **Street Improvements.**
- 1.** Internal Streets. All public or private streets within the land division shall be constructed as required by the provisions of Chapter 17.64. Private driveways serving flag lots or private streets shall be surfaced as per the requirements of this title.
- 2. Boundary Streets. All public or private streets along the boundary of the land division shall be constructed as required by the provisions of Chapter 17.64. The pavement and sidewalk shall be extended beyond the frontage of the development sufficiently to transition the width. At a minimum this shall be a three (parallel) to one (perpendicular) slope.**
- C. Monuments. Upon completion of street improvements, centerline monuments shall be established and protected in monument boxes at every street intersection at all points of curvature, points of tangency of street center lines, and other points required by state law.
- D. Bench Marks. Elevation benchmarks shall be set at intervals established by the city engineer. The benchmarks shall consist of a brass cap set in a curb or other immovable structure.
- E. Surface Drainage and Storm Sewer System. Drainage facilities shall be provided within the land division and to connect the land division drainage to drainage-ways or to storm sewers outside the land division and shall be consistent with the most current adopted storm water master plan, **Public Works Design Standards and Chapter 17.72**. Design of drainage within the land division shall take into account the capacity and grade necessary to maintain unrestricted flow from areas draining through the land division and to provide extension of the system to serve such areas. The design shall take into account provisions for the future extension beyond the land division to serve upstream properties that, in the judgment of the city, cannot be served otherwise.
- F. Sanitary Sewers. Sanitary sewer shall be installed to serve the land division and to connect the land division to existing mains both on and off the property being divided, **and shall be consistent with the most current adopted wastewater facilities plan, Public Works Design Standards and Chapter 17.76**. The design shall take into account provisions for the future extension beyond the land division to serve upstream properties that, in the judgment of the city, cannot be served otherwise. The city may require that the construction of sewage lines of a size in excess of that necessary to adequately service the development in question, where such facilities are or will be necessary to serve the entire area within which the development is located when the area is ultimately developed.
- G. Water System. Water lines with valves and fire hydrants serving the land division and connecting the land division to the city mains shall be installed, **and shall be consistent with**

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- the most current adopted water master plan, Public Works Design Standards and Chapter 17.76.** The design shall take into account provisions for extension beyond the land division to adequately **loop grid** the city system and to serve the area within which the development is located when the area is ultimately developed. However, the city will not expect the developer to pay for the extra pipe material cost of mains exceeding eight inches in size. Installation costs shall remain entirely the developer's responsibility.
- H. **Pedestrian Facilities and Bicycle Ways Sidewalks.** Sidewalks shall be installed along both sides of each public street **and in any pedestrian or bicycle ways** within the land division as well as along all frontages to existing streets. Sidewalks shall be extended as required to connect to other sidewalk systems. The city may defer sidewalk construction until the dwellings or structures fronting the sidewalk are constructed. Any required off-site sidewalks, sidewalks fronting public property, or sidewalks adjacent to existing structures shall not be deferred.
- I. Pedestrian/Bicycle **Access Way** Design Standards. Pedestrian/bicycle access ways **shall be installed where required based on block length or other locations elected by the applicant and** shall meet the following design standards:
1. Minimum dedicated width: **ten twenty (10 20)** feet;
 2. Minimum **improved paved** width: five (5) **to ten (10)** feet;
 - 3. Minimum landscape strip: five (5) feet on either side of pavement or one ten (10) foot wide landscape strip, planted with a minimum of one tree and five shrubs per 35 linear feet meeting the minimum standards of Section 17.84.080.**
 - 3-4.** Vision clearance: a clear line of visions for the entire length of the access way shall be required;
 - 4-5.** Pedestrian scale lighting fixtures shall be provided along the walkway and lighted to a level where the system can be used at night;
 - 5-6.** The access way shall be designed to prohibit vehicle traffic.
- J. Other.
1. Curb cuts and driveway installations, excluding common drives, are not required of the land divider but, if installed, shall be according to the city standards;
 2. Street trees **planting is not required of the land divider but, if planted, shall be in accordance with city requirements and of a species compatible with the width of the planting strip; shall be planted in accordance with Section 17.84.090. The city may defer street tree planting until the dwellings or structures fronting the street are constructed.**
 3. Streetlights. The installation of underground electric service, light standards, wiring, and lamps for streetlights of a type required by city standards following the making of necessary arrangements with the serving electric;
 4. Street Signs. The installation of street name signs and traffic control signs is required at locations determined to be appropriate by the city and shall be of a type required by city standards.
 - 5. Utility lines and facilities shall be installed in accordance with Chapter 17.76.**

17.88.060 Improvement procedures.

In addition to other requirements, improvements installed by a developer for any land division, either as a requirement of these regulations or at his or her own option, shall conform to the requirements of this title and improvement standards and specifications adopted by the city, and shall be installed in accordance with the following procedure:

- A. Improvement work shall not commence until plans have been checked for adequacy and approved by the city engineer. Plans shall be prepared in accordance with requirements of the city. **Other agency approvals shall be obtained as required which may include ODOT, Yamhill County, DEQ and OHA.**
Improvement work shall not commence until all permits have been obtained, fees been paid and a preconstruction meeting held with the City.
- B. Improvement work shall not commence until the city has been notified in advance; and, if work has been discontinued for any reason, it shall not be resumed until the city has been notified.
- C. Improvements shall be constructed under the inspection and to the satisfaction of the city engineer, **and other agencies as required**. The city may require changes in typical sections and details in the public interest, if unusual conditions arise during construction to warrant the change.
- D. All underground utilities, sanitary sewers, and storm drains installed in streets by the developer shall be constructed prior to the surfacing of the streets. Stubs for service connections for underground utilities and sanitary sewers shall be placed to a length eliminating the necessity for disturbing the street improvements when service connections are made. Unless otherwise approved by the city, this shall be interpreted as extending to the right-of-way or easement line.
- E. Upon completion of the public improvements and prior to final acceptance of the improvements by the city, the developer shall provide two certified as-built drawings of all public utility improvements to the city. As-built conditions and information shall be reflected on one set of Mylar base as-built drawings. The developer's engineer shall submit the as-built drawings to the city.

Chapter 17.92 YARD, FENCE AND LOT STANDARDS

17.92.010 New buildings—Required to be located on a lot.

Every building erected shall be located on a lot as herein defined.

17.92.020 Yards apply only to one building.

No required yard or other open space or required driveway provided around or for any building or structure for the purpose of complying with the provisions of this title shall be considered as providing a yard or open space for any other building, nor shall any yard or other required space on an adjoining lot be considered as providing a yard or open space on the lot whereon the building is to be erected.

17.92.030 No parking in yard areas.

Exclusive of city-approved paved or gravel driveways, no parking shall be allowed within the required front yard area or yards located adjacent to a street. The side yard and rear yard areas may not be used for parking of vehicles, except in city-approved parking areas. The yard areas adjacent to a street shall not be used for the permanent storage of utility trailers, house or vacation trailers, boats, or other similar vehicles.

17.92.040 Front yard projections.

Planter boxes, chimneys and flues, steps, cornices, eaves, gutters, belt courses, leaders, sills, pilasters, lintels, and other ornamental features which extend not more than eighteen (18) inches from main buildings are exempt from the front yard setback provisions and need not be included when determining the setback.

17.92.050 Side yard projections.

- A. Cornices, eaves, gutters, and fire escapes, when not prohibited by any other code or ordinance, may project into a required side yard not more than one-third ($\frac{1}{3}$) of the width of the side yard provided a minimum setback of thirty-six (36) inches is maintained.
- B. Chimneys, flues, belt courses, leaders, sills, pilasters, lintels, and ornamental features may project not more than eighteen (18) inches into a required side yard, provided, however, chimneys and flues shall not exceed six (6) feet in width.
- C. Uncovered decks and patios attached to the main building when measured directly beneath the outside edge of the deck or patio may be extended to the side yard property line when they are thirty-six (36) inches or less in height from ground level.

17.92.060 Rear yard projections.

- A. Chimneys, flues, belt courses, leaders, sills, pilasters, lintels, gutters and other ornamental features, may project not more than eighteen (18) inches into a required rear yard, provided, however, chimneys and flues shall not exceed six (6) feet in width.
- B. A fire escape, balcony, outside stairway, cornice or other unenclosed, unroofed projections may project not more than five (5) feet into a required rear yard and set back at least six (6) feet from any property line.

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- C. Planter boxes, steps, uncovered porches when not more than thirty-six (36) inches above grade are exempt from the minimum rear yard depth requirements.
- D. Uncovered decks and patios attached to the main building when measured directly beneath the outside edge of the deck or patio may be extended to the rear yard property line when they are thirty-six (36) inches or less in height from ground level.

17.92.070 Vision clearance.

- A. A vision clearance area shall be maintained at each access to a public street and on each corner of property at the intersection of two streets or a street and a railroad. A vision clearance area shall contain no planting, sight-obscuring fence (open chain link excluded), wall, structure, or temporary or permanent obstruction exceeding three (3) feet in height, measured from the ground. The preceding provisions shall not apply to the following:
 1. Public utility poles;
 2. A tree trimmed (to the trunk) to a line at least eight (8) feet above the level of the intersection;
 3. Another plant species of open growth habit that is not planted in the form of a hedge and which is so planted and trimmed as to leave at all seasons a clear and unobstructed cross-view;
 4. A supporting member or appurtenance to a permanent building lawfully existing on the date this standard becomes effective;
 5. An official warning sign or signal;
 6. A place where the natural contour of the ground is such that there can be no cross-visibility at the intersection;
 7. The post section of a pole sign when there are no more than two posts and any post is less than eight inches in diameter;
 8. Telephone switch boxes provided they are less than ten (10) inches wide at the widest dimension.
- B. For single use residential driveways, the vision clearance area shall consist of a triangular area, two sides of which are the curb line and the edge of the driveway. Where no curbs exist, the future location of the curb, based on future full street improvements shall be used.
- C. The following measurements shall establish the vision clearance areas:

Type of Intersection	Measurement Along Each Lot Line or Drive Edge*
Controlled intersection (stop sign or signal)	15 feet
Uncontrolled intersection	40 feet
Commercial and industrial driveways	20 feet
Shared residential driveway (2+ units)	20 feet
Residential driveways	10 feet
Alley	15 feet

*When there is an intersection of two or more streets of different right-of-way width, the distance to be measured along the lot lines shall be the distance specified for each type street.

17.92.080 Fences, walls and hedges.

A. Materials.

1. Fences and walls shall not be constructed of nor contain any material that could cause bodily harm, such as barbed wire, broken glass, spikes, or any other hazardous or dangerous materials. Electric fences are not permitted;
2. Electric or barbed wire fences intended to contain or restrict cattle, sheep, horses or other livestock, and existing prior to annexation to the city, may remain;
3. All required swimming pool and hot tub fencing shall be a minimum of four (4) feet in height and be equipped with a self-locking gate that closes automatically.

B. Standards.

1. Every fence shall be maintained in a condition of reasonable repair and shall not be allowed to become and remain in a condition of disrepair including noticeable leaning, missing sections, broken supports, non-uniform height, and uncontrolled growth of vegetation;
2. Fences shall not exceed four (4) feet in height in any front yard;
3. The maximum fence height in a street side yard shall not exceed six (6) feet;
4. Fences within a front or street side yard shall also conform to the clear vision requirements at intersections, which further restrict the use or height of sight-obscuring fences;
5. In no instance shall a fence extend beyond the property line including into a public right-of-way. It is the responsibility of the property owner to determine the property line.
6. Fences shall not exceed seven (7) feet in height.

Chapter 17.96 ACCESSORY STRUCTURES

17.96.010 Generally.

Accessory structures shall comply with the requirements of this chapter.

17.96.020 R-1 district.

- A. Location and Number. Except as provided in Section 17.96.040, accessory structures shall not be located within a front or street side yard. A maximum of one accessory structure providing enclosed or partially enclosed space (e.g., garage, carport, shed, workshop, or similar structure) is permitted for every three thousand seven hundred fifty (3,750) square feet of lot area.
- B. Height. The maximum allowable height is twenty (20) feet, except that no accessory structure shall exceed the height of the primary building.
- C. Property Setbacks. For structures ten (10) feet or less in height there shall be a minimum five-foot setback from the nearest property line. For buildings greater than ten (10) feet in height there shall be a setback of five (5) feet along each side property line and ten (10) feet along the rear property line.
- D. Building Separation. Accessory structure shall be separated from the primary buildings by a minimum of six (6) feet.
- E. Building Size. The accessory structure(s) shall be limited to the greater of the following: on a lot that is less than one-quarter (0.25) acre, twenty (20) percent of the floor area (excluding any attached garage) of the primary building or four hundred eighty (480) square feet, whichever is greater; and on a lot that is one-quarter (0.25) acre in size or larger, forty (40) percent of the floor area (excluding any attached garage) of the primary building or nine hundred sixty (960) square feet, whichever is greater.
- F. Rear Yard Limitation. In no case shall the accessory structure(s) occupy more than twenty (20) percent of the rear yard. The building size limitation shall be considered the maximum allowable area permitted for all accessory structures.
- G. Exterior Finish. The accessory structure shall have an exterior finish that is similar in appearance to the primary structure.

17.96.030 AH, MH, R-2, R-3, CB, D, CI, PF and GIG districts.

- A. Location and Number. Except as provided in Section 17.96.040, accessory structures may be located anywhere the primary structure may be placed. There is no limit to the number of permitted accessory structures.
- B. Height. Accessory structures shall comply with the height provisions in the underlying zone for the primary structure.
- C. Setbacks. Accessory structures shall comply with the setback provisions in the underlying zone for the primary structure.
- D. Building Size. There is no limitation.
- E. Design Standards. Design standards may apply, subject to Chapter 17.156 Site Design Review and provisions of the underlying zone.

17.96.040 Portable accessory structures.

- A. Portable accessory structures, as defined by this title, shall be structurally sound and shall be anchored. Such structures shall be maintained in good condition using only original manufacturer's coverings. No plastic sheeting, tarpaulins, or other materials shall be used as a covering. Such structures shall meet all applicable Uniform Building Code requirements.
- B. In residential zones, one portable accessory structure, used as a private garage, as defined by this title, may be located within the side portion of a front yard, but must maintain the required front and side yard setbacks, including clear vision setbacks for corner lots.
- C. If located within a rear yard the following setbacks apply: for structures ten (10) feet or less in height there shall be a minimum five-foot setback along the side and rear property lines. For structures greater than ten (10) feet in height there shall be a setback of five (5) feet along each side property line and ten (10) feet along the rear property line.
- D. In commercial and industrial zones, portable accessory structures may be located on any portion of the lot or parcel, subject to applicable setback and Building Code requirements.

Chapter 17.100 ACCESS CONTROL STANDARDS

17.100.010 Purpose.

The purpose is to implement the access management policies of the City of Carlton, Transportation System Plan. Access control standards manage access to land development while preserving the flow of traffic in terms of safety, capacity, functional classification, and level of service. Major roadways, including highways, arterials, and collectors serve as the primary network for moving people and goods. These transportation corridors also provide access to businesses and homes and have served as the focus for commercial and residential development. If access points are not properly designed, these roadways will be unable to accommodate the needs of development and retain their primary transportation function. To achieve this purpose, state and local roadways have been categorized in the City of Carlton, Transportation System Plan by function and classified for access purposes based upon their level of importance and function. Regulations are applied to these roadways for the purpose of reducing traffic accidents, personal injury, and property damage attributable to poorly designed access systems, and to thereby improve the safety and operation of the roadway network. This protects the substantial public investment in the existing transportation system and reduces the need for expensive remedial measures.

17.100.020 Applicability.

This title shall apply to all public streets within Carlton and to all properties that abut these roadways.

17.100.030 Access spacing standards.

A hierarchy of spacing standards is established that is dependent on the functional classification of the street.

Function Street Classification	Posted Speed Range	Minimum Spacing Between Driveways and/or Streets (1)	Minimum Spacing Between Driveways (2)
Highway 47 (subject to ODOT standards)			
Yamhill to Pine Street (Main Street STA)	20 mph	Streets: Existing city block spacing Driveways: 175 feet or mid-block if block is less than 350 feet	175 feet or mid-block if block is less than 350 feet
North city limits to Main Street	20 30 mph	450 600 feet (new) Existing block spacing	600 feet (new) Existing driveways
South city limits to Main Street	20 mph 30 mph	450 feet (new) 600 feet (new) Existing block spacing	450 feet (new) 600 feet (new) Existing driveways
Arterial	25 mph	220 feet	110 feet or mid-block if the block is less than 220 feet
Collector (3)	20–25 mph	200 feet	30 feet for single family dwelling

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		50 feet for single family detached units, 25 feet for attached units.	20 feet for townhouse dwelling (4)
Local (3)	20—25 mph	200 feet 50 feet for single family detached units, and 25 feet for attached units.	30 feet for single family dwelling 20 feet for townhouse dwelling (4)

(1) Measured between street centerlines.

(2) Measured between edge of driveways.

(3) The intersection and driveway spacing standards have been updated from the 2009 TSP.

(4) Where minimum spacing between driveways on adjacent lots cannot be achieved due to lot width, driveways on adjacent lots shall be combined. Combined driveways are encouraged for all townhouse dwellings.

17.100.040 General standards.

- A. Lots that front on more than one street shall be required to locate motor vehicle accesses on the street with the lower functional classification.
- B. When a residential subdivision is proposed that would abut an arterial, it shall be designed to provide through lots along the arterial with access from a **marginal access frontage** or local street. Access rights of these lots, to the arterial shall be dedicated to the City of Carlton and recorded with the deed. A berm or buffer yard may be required at the rear of through lots to buffer residences from traffic on the arterial.
- C. Subdivisions with frontage on the state highway system shall be designed to share access points to and from the highway. If access off of a secondary street is possible, then access should not be allowed onto the state highway.
- D. Wherever a proposed development abuts unplatted developable land within the urban growth boundary, street stubs shall be provided to provide access to abutting properties or to logically extend the street system into the surrounding area.
- E. Local streets shall connect with surrounding streets to permit the convenient movement of traffic between residential neighborhoods or facilitate emergency access and evacuation. Connections shall be designed to avoid or minimize through traffic on local streets. Appropriate design and traffic control such as four-way stops and traffic calming measures are the preferred means of discouraging through traffic.
- F. In all cases reasonable access or the minimum number of access connections, direct or indirect, necessary to provide safe access to and from a street shall be granted.

1. Single family or townhouse dwelling shall have one driveway.

2. Duplex dwelling may have two driveways if minimum spacing standards in Section 17.100.030 are met, or a single combined driveway.

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3. A multi-family dwelling site or cottage cluster shall have one driveway unless a second is required for circulation on large lots. Driveways shall meet minimum spacing standards in Section 17.100.030.

4. Commercial and industrial facilities shall have one driveway unless a second is required for circulation or loading on large lots. Driveways shall meet minimum spacing standards in section 17.100.030.

- G. New connections shall not be permitted within the functional area of an intersection as defined by the connection spacing standards of this title, unless no other reasonable access to the property is available.

17.100.050 Joint and cross access.

- A. Adjacent commercial properties classified as major traffic generators (i.e. shopping plazas, office parks), shall provide a cross access drive and pedestrian access to allow circulation between sites.
- B. Systems of joint use driveways and cross access easements shall be established wherever feasible and shall incorporate the following:
1. A continuous service drive or cross access corridor extending the entire length of each block served to provide for driveway separation consistent with the access management classification system and standards;
 2. A design speed of ten (10) mph and a maximum width of twenty **four** (~~20-24~~) feet to accommodate two-way travel aisles designated to accommodate automobiles, service vehicles, and loading vehicles;
 3. Stub-outs and other design features to make it visually obvious that the abutting properties may be tied in to provide cross-access via a service drive;
 4. A unified access and circulation system plan for coordinated or shared parking areas is encouraged.
- C. Pursuant to this section, property owners shall:
1. 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;
 2. Record an agreement with the deed that remaining access rights along the roadway will be dedicated to the City of Carlton and pre-existing driveways will be closed and eliminated after construction of the joint-use driveway;
 3. Record a joint maintenance agreement with the deed defining maintenance responsibilities of property owners.
- D. The City of Carlton may reduce required separation distance of access points where they prove impractical, provided all of the following requirements are met:
1. Joint access driveways and cross access easements are provided in accordance with this section;
 2. The site plan incorporates a unified access and circulation system in accordance with this section;

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3. The property owner enters into a written agreement with the City of Carlton, recorded with the deed, that pre-existing connections on the site will be closed and eliminated after construction on each side of the joint use driveway.

17.100.060 Nonconforming access features.

Legal access connections in place as of the effective date of the ordinance codified in this title that do not conform with the standards herein are considered nonconforming features and shall be brought into compliance with applicable standards under the following conditions:

- A. When new access connection permits are requested;
- B. Change in use or enlargements or improvements that will increase trip generation.

17.100.070 Review procedures.

- A. Access Permit Required. Access to a public street (e.g., a new curb cut or driveway approach) requires an access permit. An access permit may be in the form of a letter to the applicant, or it may be attached to a land use decision notice as a condition of approval. In either case, approval of an access permit shall follow the procedures and requirements of the applicable road authority, as determined through the Type I review procedures found in Section 17.188.010.
- B. Traffic Study Requirements.
 1. The City shall require a traffic impact analysis (TIA) prepared by a qualified professional to determine access, circulation, and other transportation requirements when:
 - a. The development generates twenty-five (25) or more peak-hour trips or two hundred fifty (250) or more daily trips.
 - b. An access spacing exception is required for the site access driveway(s) and the development generates ten (10) or more peak-hour trips or one hundred (100) or more daily trips.
 - c. The development is expected to impact intersections that are currently operating at the upper limits of the acceptable range of level of service during the peak operating hour.
 - d. The development is expected to significantly impact adjacent roadways and intersections that have previously been identified as high crash locations or areas that contain a high concentration of pedestrians or bicyclists such as a schools.
 - 2. The scope of the TIA shall be in accordance with the direction and approval of the City Engineer. If impacted streets includes ODOT or Yamhill County, then the scope must meet their requirements as well. At a minimum the TIA shall include the following items: project description, current conditions (street condition, traffic control) trip generation, traffic volumes for the existing conditions and development and build-out, safety analysis including geometry, operational analysis current and post development, site specific conditions and impacts (schools, parks, other large traffic or pedestrian generators), and recommendations.**
 - 3.** Transportation Assessment. If a TIA is not required, the applicant's traffic engineer shall submit a transportation assessment letter to the City indicating the proposed land use action is exempt.

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- a.** This letter shall outline the trip-generating characteristics of the proposed land use and verify that the site-access driveways or roadways meet City of Carlton sight-distance requirements and roadway design standards.
 - b.** The ~~Pubic~~ **Public** Works Director may waive the requirement for a transportation assessment letter if a clear finding can be made that the proposed land use action does not generate twenty-five (25) or more peak-hour trips or two hundred fifty (250) or more daily trips and the existing and or proposed driveway(s) meet the City's sight-distance requirements and access spacing standards.
- C. Conditions of Approval. The City may require the closing or consolidation of existing curb cuts or other vehicle access points, recording of reciprocal access easements (i.e., for shared driveways), development of a frontage street, installation of traffic control devices, and/or other mitigation as a condition of granting an access permit, to ensure the safe and efficient operation of the street and highway system.
- D. Access permit reviews shall address the following criteria:
 - 1. Access shall be properly placed in relation to sight distance, driveway spacing, and other related considerations, including opportunities for joint and cross access;
 - 2. The road system shall provide adequate access to buildings for residents, visitors, deliveries, emergency vehicles, and service vehicles;
 - 3. The access shall be consistent with the access management standards in the most current adopted City of Carlton Transportation System Plan.
- E. Any application that involves access to the State Highway System shall be reviewed by the Oregon Department of Transportation for conformance with state access management standards.

Chapter 17.104 HISTORIC SITES

17.104.010 Applicability.

This chapter is applicable to all sites or structures **listed in the City of Carlton, Comprehensive Land Use Plan as a historic or cultural resource** **defined as historic sites in Section 17.12.020**.

17.104.020 Review procedures.

- A. Upon receipt of a land use application or demolition permit a determination shall be made if the site has historical significance by being listed as a historic or cultural resource. If the site is of historical significance the Planning Commission shall conduct a site design review and consider the following:
1. The state of repair of the building and cost of restoration or repair;
 2. The character of the neighborhood;
 3. Other factors the Planning Commission feels appropriate.
- B. Following review and hearing, the Planning Commission shall make a recommendation for approval, approval with mitigation, or denial of the land use action.

17.104.030 Preservation of historical record.

If a site with historical significance is to be demolished or significantly altered, the Planning Commission may direct that an acceptable detailed pictorial and graphic record be prepared prior to demolition or alteration.

Chapter 17.106 RESIDENTIAL DESIGN STANDARDS

17.106.010 Purpose.

The following standards are intended to promote human-scale design in new development, while ensuring visibility of adjacent public ways to encourage crime prevention, traffic calming, and safe and convenient walking in neighborhoods. The standards are intended to provide flexibility in building style and detailing.

17.106.020 Applicability.

This **section chapter** applies to the following building types:

- A. Single-family **non-attached (non-common wall) dwellings, duplexes and two attached townhouse dwellings** are not subject to Site **development Design** Review, but new dwellings are required to comply with **subSection 17.106.030(A) 17.106.025**; no other provisions of Chapter 17.106 apply to **non-attached** single-family dwellings, **duplexes or two attached townhouse dwellings**;
- B. **Duplexes, triplexes, and attached single-family dwellings (e.g., townhomes) Three or more attached townhouse dwellings** are subject to all provisions of Chapter 17.106;
- C. Multi-family housing, including residential care facilities, are subject to all provisions of Chapter 17.106;
- D. Mixed-use buildings (residential and other use combined) are subject to all provisions of Chapter 17.106.
- E. **Cottage clusters are subject to the provisions of Section 17.106.040.**

17.106.025 Single-family dwelling garage standards.

- A. **All single-family dwellings shall have a garage or carport containing not less than two hundred (200) square feet of covered vehicle/storage space. The garage shall be constructed of materials that are similar in color, material, and appearance to the primary structure. The garage or carport shall be constructed prior to occupancy.**

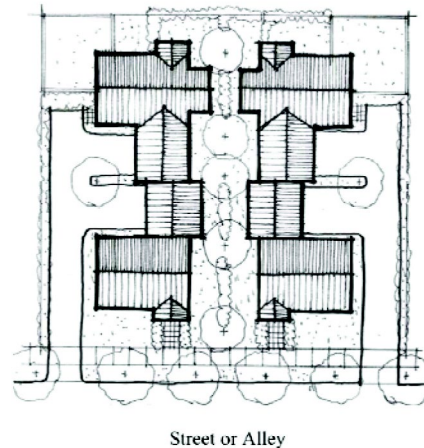
17.106.030 Design standards.

- A. **Single-Family Dwellings — Not Attached (non-common wall).** All single-family dwellings shall have a garage or carport containing not less than two hundred (200) square feet of covered vehicle/storage space. The garage shall be constructed of materials that are similar in color, material, and appearance to the primary structure. The garage or carport shall be constructed prior to occupancy. **The standards of this section apply to multi-family dwellings, mixed-use buildings and three or more attached townhouse dwellings.**
- B. Building Orientation Standard. All residential buildings, **except single-family non-attached (non-common wall) dwellings and accessory structures**, shall be oriented to a street. This standard is met when at least one building on a site is placed within twenty (20) feet of a street right-of-way ("street"), and such building contains a dwelling entrance facing the street. Multi-family building entrances may include entrances to individual units, lobby entrances, or breezeway/courtyard entrances (i.e., to a cluster of units). Alternatively, a building may have its entrance oriented to a side yard **or central courtyard** when a direct pedestrian walkway is provided between the building

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entrance and the street, and the elevation facing the street contains windows, a porch and/or **other detailing** **a balcony** to avoid a blank wall appearance and to provide visibility of the street from the dwelling or garage, as applicable.

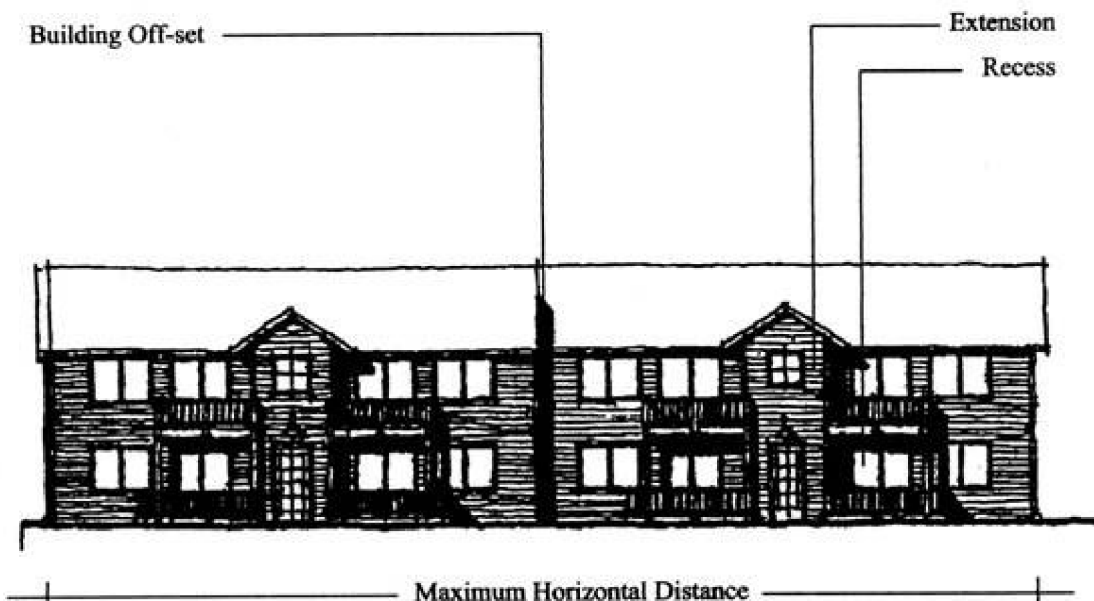
Figure 17.106.030(B-1)
Building Orientation



- C. Except as allowed for ~~single family attached dwellings~~ **townhouse dwellings** under subsection 17.106.030(E), for the purposes of complying with subsection 17.106.030(B), no off-street parking, garage or carport entrance, drive, or other vehicle areas shall be placed between any building and the street to which it is oriented.
- D. Building form and detailing. New buildings and building additions subject to site development review shall conform to all of the following standards, as applicable. The graphics provided with each standard are intended to show examples of how to comply. Other building styles and designs can be used to comply, so long as they are consistent with the text of this section. An architectural feature (i.e., as shown in the graphics) may be used to comply with more than one standard.
1. Building Form. The continuous horizontal distance (i.e., as measured from end-wall to end-wall) of individual buildings shall not exceed one hundred sixty (160) feet. All buildings shall incorporate design features, **including one or more of the following:** ~~such as~~ offsets, balconies, **covered porches**, projections, **or** window reveals, ~~or similar elements~~ to preclude large expanses of uninterrupted building surfaces, as generally shown in Figure 17.106.030(D). Along the vertical face of a structure, such features shall occur at a minimum of once every forty (40) feet, and on each floor shall contain at least two (2) of the following features:
 - a. Recess (~~e.g.,~~ deck, patio, courtyard, **or** entrance ~~or similar feature~~) that has a minimum depth of four (4) feet;
 - b. Extension (~~e.g.,~~ floor area, deck, patio, **or** entrance, ~~or similar feature~~) that projects a minimum of two (2) feet and runs horizontally for a minimum length of four (4) feet; and/or
 - c. Offsets or breaks in roof elevation of two (2) feet or greater in height.

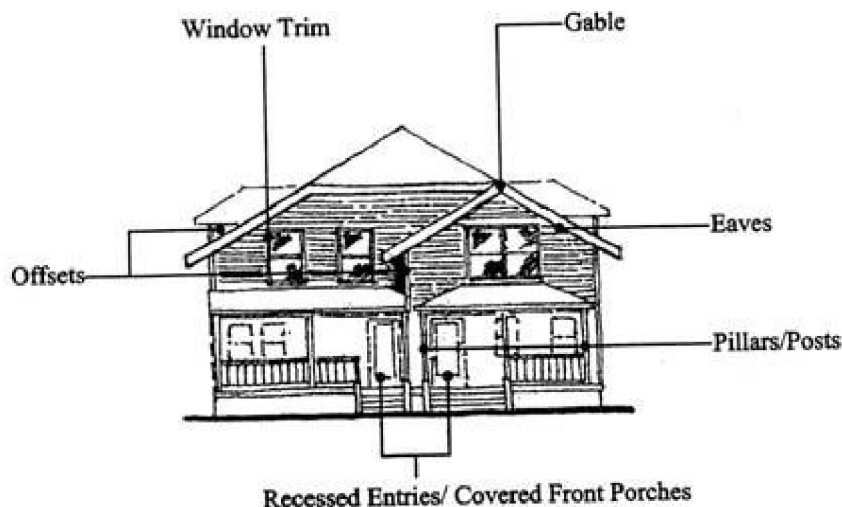
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**Figure 17.106.030(D-1)
Building Form (Multifamily Housing Example)**



2. Eyes on the Street. All building elevations visible from a street right-of-way shall provide doors, porches, balconies, and/or windows. A minimum of fifty (50) percent of front (i.e., street-facing) elevations, and a minimum of twenty-five (25) percent of side and rear building elevations, as applicable, shall meet this standard. "Percent of elevation" is measured as the horizontal plane (lineal feet) containing doors, porches, balconies, terraces and/or windows. The standard applies to each full and partial building story.

**Figure 17.106.030(D-2)
Examples of Architectural Details**



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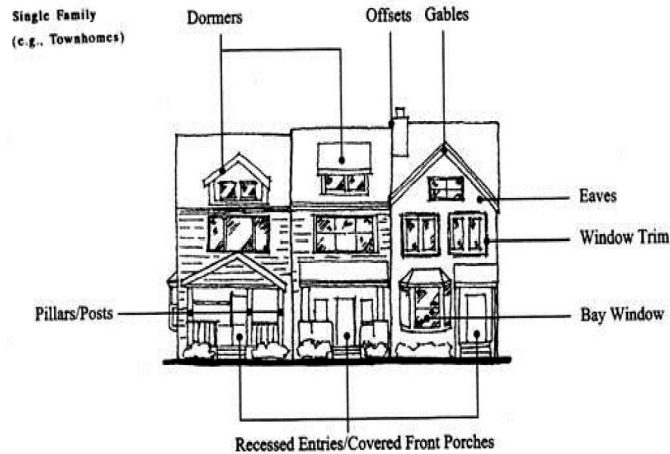
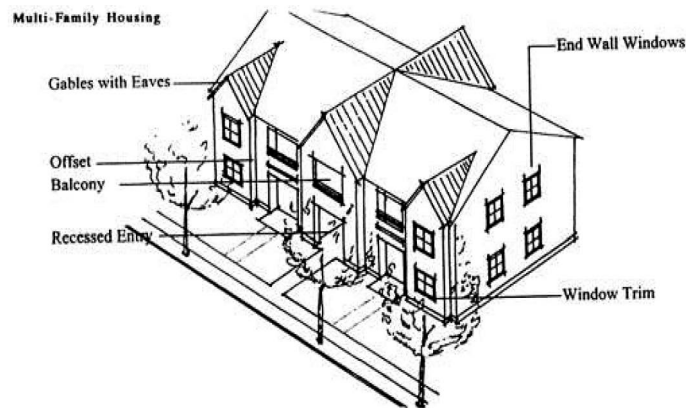


Figure 17.106.030(D-3)
Examples of Architectural Details (Continued)

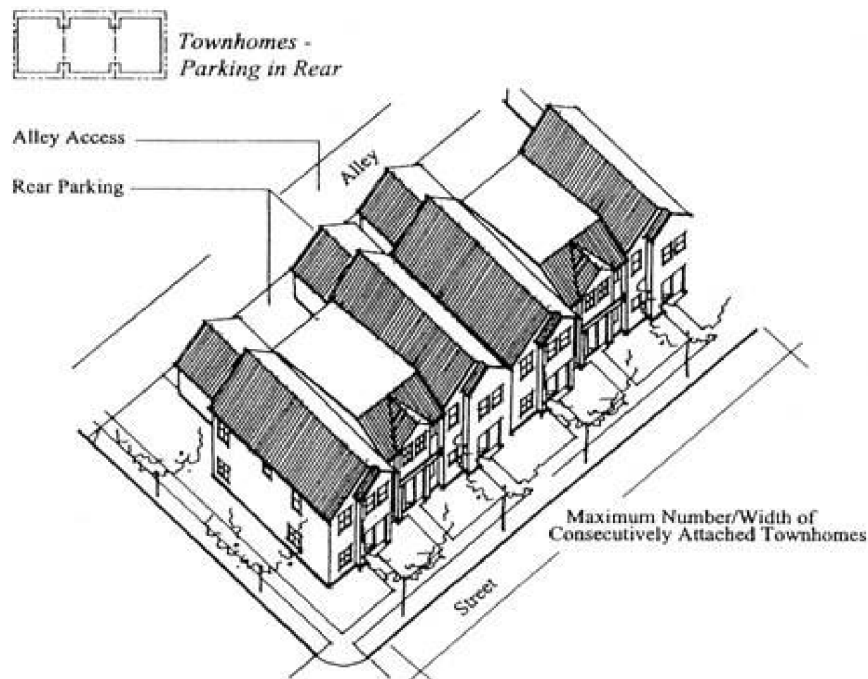


3. Detailed Design. All buildings shall provide detailed design along all elevations (i.e., front, rear and sides). Detailed design shall be provided by using at least two (2) of the following architectural features on all elevations, as appropriate for the proposed building type and style (may vary features on rear/side/front elevations):
 - a. Dormers;
 - b. Gables;
 - c. Recessed entries;
 - d. Covered porch entries;
 - e. Cupolas or towers;
 - f. Pillars or posts;
 - g. Eaves (minimum six-inch projection);
 - h. Off-sets in building face or roof (minimum sixteen (16) inches);
 - i. Window trim (minimum four inches wide);
 - j. Bay windows;
 - k. Balconies;

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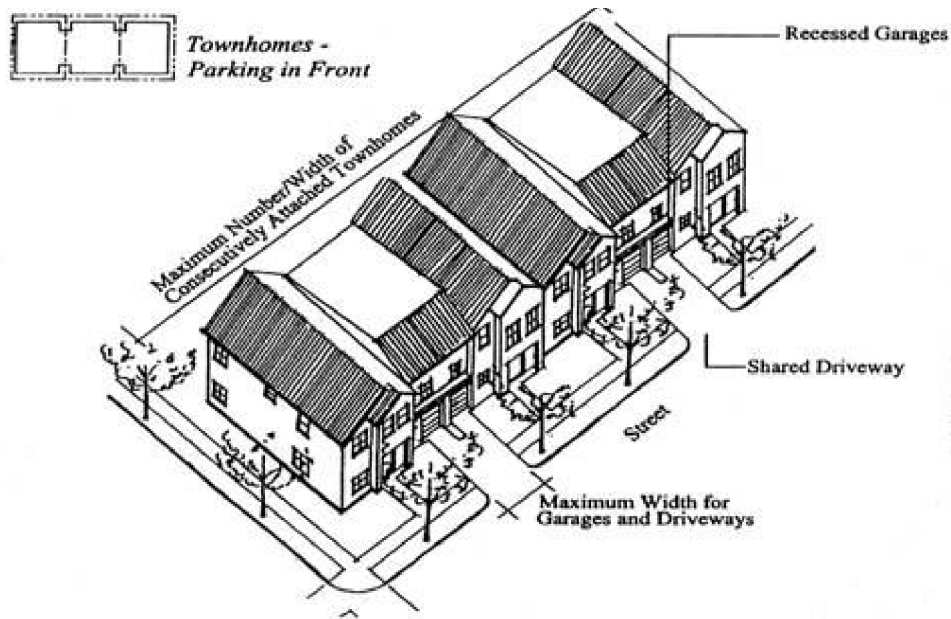
- l. Decorative patterns on exterior finish (e.g., scales/shingles, wainscoting, **or** ornamentation, **and similar features**);
 - m. Decorative cornices and roof lines (e.g., for flat roofs);
 - n. An alternative feature providing visual relief, similar to options in subsections (3)(a) through (m) of this section.
- 4. Façade Variety. Duplicative front façades of townhouse dwellings in a development with three or more attached dwellings are prohibited. Variety shall be created by incorporating a minimum of two of the following design features:**
- a. Varied or staggered front setbacks, with variations of at least five feet;**
 - b. Different building heights, with the two heights varying by at least five feet;**
 - c. Varied rooflines such as hipped or pitched roofs;**
 - d. Varied architectural features listed in subsections (3)(a) through (m) of this section, with each dwelling including at least one architectural feature not repeated more frequently than once every four dwellings.**
- E. Standard Vehicle Access. Except as provided under subsection 17.106.030(F), dwellings **subject to the provisions of Section 17.106.030** shall have garages or other covered parking accessed from a shared driveway or alley oriented to a side or rear yard, **as applicable**. Such access shall be created at the time of subdivision or site development review approval, as applicable. **An exception to this standard is permitted when existing development patterns or topography makes compliance impracticable. As provided by Chapter 17.100, the city may require the construction of pathways between townhome lots (e.g., between building breaks) to implement code standards for access and circulation.**

Figure 17.106.030(E-1)
Attached Single Family and Multiplex Housing Townhouses With Alley Access



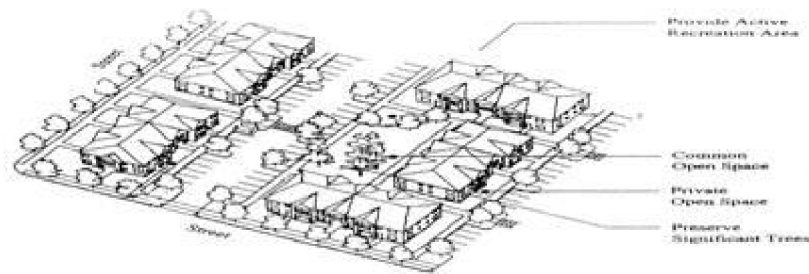
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Figure 17.106.030(E-2)
Attached Single-Family and Multiplex Housing Townhouses With Street Access



- F. Alternative (Front) Vehicle Access. **Where compliance with subsection 17.106.030(E) is not practical due to topographic or other site constraints, or an applicant requests an adjustment to said subsection, the city through site development review may approve** a garage or other parking area **may be located** adjacent to a front yard, subject to the following standards, which are intended to minimize interruption of adjacent sidewalks by driveway entrances, slow traffic, improve appearance of the streets, and to minimize paved surfaces and reduce storm water runoff.
1. When a garage opening faces a street, it shall be setback from the street property line by not less than twenty (20) feet or recessed behind the front elevation (i.e., living area or covered front porch) by a minimum of four (4) feet.
 2. The maximum allowable driveway within a front or street side setback is twenty (20) feet.
 3. The total width of all garage openings on any street-facing building elevation shall not exceed fifty (50) percent of the total width of the building elevation on which the opening(s) are located, or 22 feet, whichever is less. For example, a twenty-four (24) foot wide unit may have one twelve (12) foot wide recessed garage facing the street.
 4. Two adjacent garages shall share one driveway when individual driveways would otherwise be separated by less than twenty (20) feet (i.e., the width of one on-street parking space). When a driveway serves more than one lot, the developer shall record an access and maintenance easement/agreement to benefit each lot, before building permit issuance.
- G. Open Space. New **multi-family developments** subject to the provisions of this Chapter shall provide open space in compliance with all of the following requirements:

**Figure 17.106.030(G)
Multifamily Housing (Open Space)**



1. Common Open Space Standard. ~~Inclusive of required setback yards, a~~ **A** minimum of fifteen (15) percent of the site area shall be designated and permanently reserved as usable common open space in developments that are at least ~~three~~ **one (1)** acres in size with more than ten (10) dwelling units. The site area is defined as the lot or parcel on which the development is planned, after subtracting any required dedication of street right-of-way and other land for public purposes (e.g., public park or school grounds, etc.).
 - a. Required setback yards and landscaped area required by Chapter 17.84 may be counted toward meeting the common open space requirement if they meet all common open space requirements of this subsection.**
 - b.** Sensitive lands and historic buildings or landmarks open to the public and designated by the comprehensive plan may be counted toward meeting the common open space requirements.
 - c. To ensure usable open space, at least one common open space area shall be provided within the development that is at least 500 square feet in size and has a minimum dimension of 20 feet for all sides.**
2. Private Open Space Standard. Private open space areas shall be required for dwelling units based on all of the following standards:
 - a. A minimum of fifty (50) percent of all ground-floor housing units shall have front or rear patios or decks measuring at least forty-eight (48) square feet. Ground-floor housing means the housing unit entrance (front or rear) is within five (5) feet of the finished ground elevation (i.e., after grading and landscaping);
 - b. A minimum of fifty (50) percent of all upper-floor housing units shall have balconies or porches measuring at least twenty-four (24) square feet. Upper-floor housing means housing units that are more than five (5) feet above the finished grade; and
 - c. ~~Where private~~ Private open space areas ~~face~~ shall be oriented toward common open space areas and away from adjacent single-family residences, **a combination of landscaping and screening shall be provided as a buffer. This buffer shall include a minimum of one tree, not less than 1.5 inches in caliper, for every twenty-five (25) linear feet of abutting property width and a minimum six-foot-tall decorative, sight obscuring fence or wall made of wood, stone, brick or vegetation (chain link fencing with or without slats is not permitted to meet this standard).** ~~trash receptacles, parking and drives to the greatest extent practicable.~~

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3. Common Areas. "Common areas" (e.g., landscaping in private tracts, shared driveways, private alleys, and similar uses) shall be maintained by a homeowners association or other legal entity. A homeowners association may also be responsible for exterior building maintenance. A copy of any applicable covenants, restrictions and conditions shall be recorded and provided to the city before building permit approval.
 4. Exemptions. Exemptions to the common open space standard **may be granted for multi-unit developments of up to ten (10) units. Exemptions** may be granted for the first twenty (20) units of a larger project when the development is located within one-quarter mile (measured walking distance) of a public park, and there is a direct, accessible (i.e., Americans With Disabilities Act-compliant), lighted, and maintained pedestrian trail or sidewalk between the site and the park. An exemption shall be granted only when the nearby park provides active recreation areas such as play fields; children's play area, sports courts, walking/fitness course, or similar facilities.
- H. Landscaping and Screening. All yards not otherwise improved with buildings, parking, circulation, or recreation facilities shall be landscaped pursuant to Section 17.84.050. **Additional landscaping, fencing or other screening may be required through site development review.** All landscaping shall be installed in accordance with Chapter 17.84 and approved plans prior to issuance of building occupancy permits.
- I. Trash Receptacles. Trash receptacles shall be oriented away from adjacent residences and shall be fully screened with an evergreen hedge or solid fence or wall of not less than six (6) feet in height.

17.106.040 Cottage clusters.

A. Cottage clusters shall meet the design standards of this subsection. No other design standards shall apply to cottage clusters unless noted in this subsection.

B. Dimensional Standards. The dimensional standards of the zone where the cottage cluster is located shall apply with the following exceptions:

- 1. The maximum height for a cottage dwelling is twenty-five (25) feet.**
- 2. The maximum footprint for a cottage dwelling is nine hundred (900) square feet.**
- 3. The maximum gross floor area for a cottage dwelling is one thousand six hundred (1,600) square feet.**
- 4. Cottages shall be separated by a minimum distance of six (6) feet. The minimum distance between all other structures, including accessory structures, shall be in accordance with building code requirements.**
- 5. Cottages shall meet the minimum setbacks of the underlying zone or a minimum perimeter setback of 10 feet, whichever is less.**
- 6. No maximum net density shall apply to cottage clusters.**

C. Cluster Size.

- 1. Cottage clusters shall have a minimum of four cottage dwellings.**
- 2. Cottage clusters in the R-1 and R-2 zones shall have a maximum of 12 cottage dwellings per cluster. Cottage clusters in the R-3 and MX zones shall have no maximum number of cottage dwellings per cluster. Multiple clusters are permitted on a single development site.**

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D. Cottage Orientation. Cottages must be clustered around a common courtyard, meaning they abut the associated common courtyard or are directly connected to it by a pedestrian path, and must meet the following standards (see Figure 17.106.040-1):

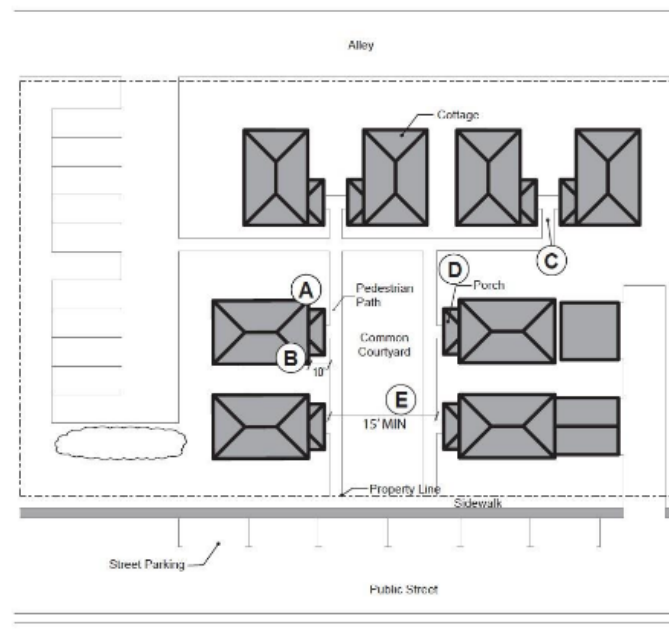
- 1. Each cottage within a cluster must either abut the common courtyard or must be directly connected to it by a pedestrian path.**
- 2. A minimum of 50 percent of cottages within a cluster must be oriented to the common courtyard and must:**
 - a. Have a main entrance facing the common courtyard;**
 - b. Be within 10 feet from the common courtyard, measured from the façade of the cottage to the nearest edge of the common courtyard; and**
 - c. Be connected to the common courtyard by a pedestrian path.**
- 3. Cottages within 20 feet of a street property line may have their entrances facing the street.**
- 4. Cottages not facing the common courtyard or the street must have their main entrances facing a pedestrian path that is directly connected to the common courtyard.**

E. Common Courtyard Design Standards. Each cottage cluster must share a common courtyard in order to provide a sense of openness and community of residents. Common courtyards must meet the following standards (see Figure 17.106.040-1):

- 1. The common courtyard must be a single, contiguous piece.**
- 2. Cottages must abut the common courtyard on at least two sides of the courtyard.**
- 3. The common courtyard must contain a minimum of 150 square feet per cottage within the associated cluster.**
- 4. The common courtyard must be a minimum of 15 feet wide at its narrowest dimension.**
- 5. The common courtyard shall be developed with a mix of landscaping, lawn area, pedestrian paths, and/or paved courtyard area, and may also include recreational amenities. Impervious elements of the common courtyard shall not exceed 75 percent of the total common courtyard area.**
- 6. Pedestrian paths must be included in a common courtyard. Paths that are contiguous to a courtyard shall count toward the courtyard's minimum dimension and area. Parking areas, required setbacks, and driveways do not qualify as part of a common courtyard.**

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Figure 17.106.040-1: Cottage Cluster Orientation and Common Courtyard Standards



- (A) A minimum of 50% of cottages must be oriented to the common courtyard.
- (B) Cottages oriented to the common courtyard must be within 10 feet of the courtyard.
- (C) Cottages must be connected to the common courtyard by a pedestrian path.
- (D) Cottages must abut the courtyard on at least two sides of the courtyard.
- (E) The common courtyard must be at least 15 feet wide at its narrowest width.

F. Community Buildings. Cottage cluster projects may include community buildings for the shared use of residents that provide space for accessory uses such as community meeting rooms, guest housing, exercise rooms, day care, or community eating areas. Community buildings must meet the following standards:

1. Each cottage cluster is permitted one community building, which shall count towards the maximum average floor area, pursuant to subsection (D)(5).
2. A community building that meets the development code's definition of a dwelling unit must meet the maximum 900 square foot footprint limitation that applies to cottages, unless a covenant is recorded against the property stating that the structure is not a legal dwelling unit and will not be used as a primary dwelling.

G. Pedestrian Access.

1. An accessible pedestrian path must be provided that connects the main entrance of each cottage to the following:
 - a. The common courtyard;
 - b. Shared parking areas;

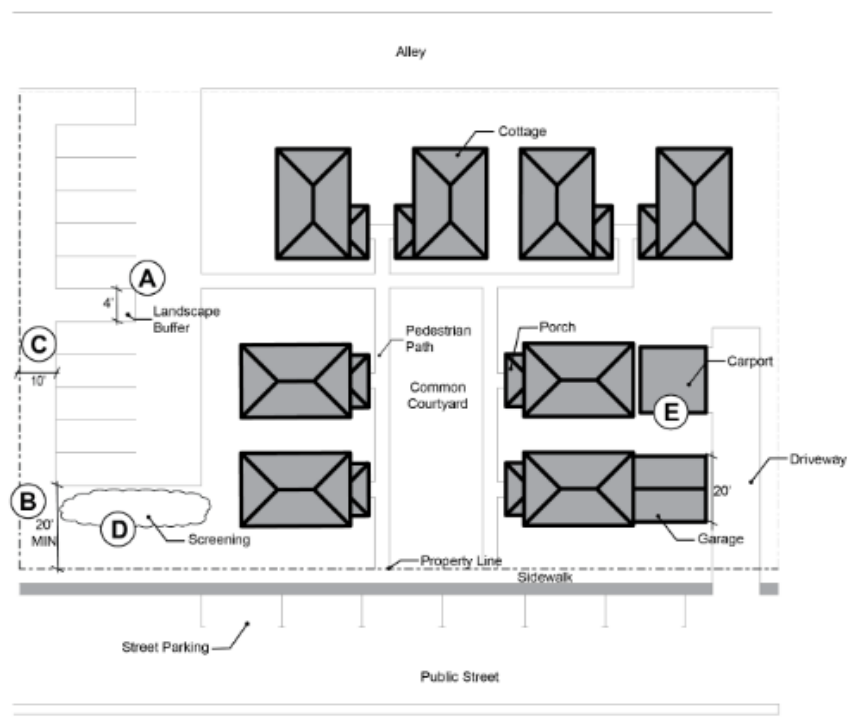
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- c. **Community buildings; and**
 - d. **Sidewalks in public rights-of-way abutting the site or rights-of-way if there are no sidewalks.**
- 2. The pedestrian path must be hard-surfaced and a minimum of four (4) feet wide.**
- H. Parking Design (see Figure 17.106.040-2).**
- 1. Clustered parking. Off-street parking may be arranged in clusters, subject to the following standards:**
 - a. **Cottage cluster projects with fewer than 12 cottages are permitted parking clusters of not more than five (5) contiguous spaces.**
 - b. **Cottage cluster projects with 12 cottages or more are permitted parking clusters of not more than eight (8) contiguous spaces.**
 - c. **Parking clusters must be separated from other spaces by at least four (4) feet of landscaping.**
 - d. **Clustered parking areas may be covered.**
 - 2. Parking location and access.**
 - a. **Off-street parking spaces and vehicle maneuvering areas shall not be located:**
 - i. **Within of 20 feet from any street property line, except alley property lines; or**
 - ii. **Between a street property line and the front façade of cottages located closest to the street property line. This standard does not apply to alleys.**
 - b. **Off-street parking spaces shall not be located within 10 feet of any other property line, except alley property lines. Driveways and drive aisles are permitted within 10 feet of other property lines.**
 - 3. Screening. Landscaping, fencing, or walls at least three feet tall shall separate clustered parking areas and parking structures from common courtyards and public streets.**
 - 4. Garages and carports.**
 - a. **Garages and carports (whether shared or individual) must not abut common courtyards.**
 - b. **Individual attached garages up to 200 square feet shall be exempted from the calculation of maximum building footprint for cottages.**
 - c. **Individual detached garages must not exceed 400 square feet in floor area.**
 - d. **Garage doors for attached and detached individual garages must not exceed 20 feet in width.**
- I. Accessory Structures. Accessory structures must not exceed 400 square feet in floor area.**
- J. Existing Structures. On a lot or parcel to be used for a cottage cluster project, an existing single-family dwelling on the same lot at the time of proposed development of the cottage cluster may remain within the cottage cluster project area under the following conditions:**

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- a. **The existing dwelling may be nonconforming with respect to the requirements of this code.**
- b. **The existing dwelling may be expanded up to the maximum dimensions in subsection (B); however, existing dwellings that exceed the maximum height and/or footprint of this code may not be expanded.**
- c. **The floor area of the existing dwelling shall not count towards the maximum average floor area of a cottage cluster.**
- d. **The existing dwelling shall be excluded from the calculation of orientation toward the common courtyard, per subsection (1)(a) of this section (E).**

Figure 17.106.040-2: Cottage Cluster Parking Design Standards



- (A)** Parking allowed in clusters of up to 5 spaces. Clusters separated by minimum 4 feet of landscaping.
- (B)** No parking or vehicle area within 20 feet from street property line (except alley).
- (C)** No parking within 10 feet from other property lines (except alley). Driveways and drive aisles permitted within 10 feet.
- (D)** Screening required between clustered parking areas or parking structures and public streets or common courtyards.
- (E)** Garages and carports must not abut common courtyards. Garage doors for individual garages must not exceed 20 feet in width.

Division IV. SUPPLEMENTAL STANDARDS FOR SPECIAL USES

Chapter 17.108 SPECIAL USES—GENERAL PROVISIONS

17.108.010 Applicability of special use standards.

Special uses included in this chapter are uses, which, due to their effect on surrounding properties, must be developed in accordance with special conditions and standards. These special use standards may differ from the development standards established for other uses in the same zoning district. When a dimensional standard for a special use differs from that of the underlying district, the standard for the special use shall apply.

17.108.020 Process.

The status of a special use as a permitted or conditional use is set forth in the underlying zoning district. Conditional uses shall be processed in accordance with the criteria and procedures specified in Chapter 17.152. Permitted uses shall be reviewed for compliance with the standards of Chapters 17.60 through 17.104 of this title in the manner specified in the particular special use section. Special uses that are conditional uses in the underlying zoning district shall be reviewed for compliance with the standards of Chapters 17.60 through 17.104 during the review of the conditional use permit. In addition to any specific requirements under the special use, the following information shall be included with the application submittal:

- A. A description of the proposed use and specific reason for the request.
- B. A vicinity map indicating the relationship of the proposed use to the surrounding area.
- C. A site plan of the property, including existing and proposed improvements, and other information necessary to address the requirements and conditions associated with the use.
- D. A building profile of proposed new or remodeled structures, as applicable.
- E. Information addressing the criteria set forth under Chapter 17.152.

Chapter 17.112 PLANNED UNIT DEVELOPMENT (PUD)

17.112.010 Purpose.

- A. To produce a development which would provide development opportunities not easily achieved from traditional lot-by-lot development while protecting the city's goals of overall density and character.
- B. To allow flexibility which will encourage a more creative approach that will result in a more efficient, aesthetic, and desirable use of open area, while substantially maintaining the same population density and area coverage permitted in the district in which the project is located.
- C. To allow flexibility in design, placement of buildings, use of open spaces, circulation facilities, off-street parking areas, and to best utilize the site potential characterized by special features of geography, topography, size and shape.

17.112.020 Area of application.

Planned unit developments may be established on parcels of land that are suitable for and of sufficient size to be planned and developed in a manner consistent with the purposes and objectives of this chapter.

17.112.030 Applicant.

Planned unit development projects may be applied for:

- A. By the owner of all the property involved, if under one ownership; or
- B. Jointly by all owners of the property in the area proposed for the planned unit development project, if there is more than one owner.

17.112.040 Uses permitted.

In a planned unit development only the following uses are permitted:

- A. Residential uses.
- B. Recreational facilities including, but not limited to, tennis courts, swimming pools, and playgrounds.
- C. Open space uses.
- D. Schools, libraries, community halls, and places of worship.
- E. Offices, buildings, and facilities required for the operation, administration, and maintenance of any planned unit development and for recreation purposes such as: golf courses, recreation rooms, and vehicle storage areas.
- F. Convenience establishments of a commercial and service nature, including delicatessen, coffee shops, convenience stores, restaurants, laundry, and dry-cleaning establishments, beauty shops and barber shops, (but specifically excluding drive-in services gas stations and a repair garage) provided:

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1. Such convenience establishments are an integral part of the general plan of development for the planned unit development and provide facilities related to the needs of the prospective residents;
2. Such convenience establishments and their parking areas will not collectively occupy more than one acre per one hundred (100) dwelling units;
3. Such convenience establishments will be located, designed, and operated to efficiently serve frequent trade and to serve the needs of persons residing in the planned unit developments;
4. Such convenience establishments will not, by reason of their location, construction, or operation, have adverse effects on residential uses within or adjoining the district, or create traffic congestion or hazards to vehicular or pedestrian traffic.

17.112.050 Development requirements.

Planned unit developments shall comply with the applicable general development standards of Chapters 17.60 through 17.104 of this title. Underlying zoning lot dimensions and areas need not be met in a planned unit development.

- A. Site Adaptation. To the maximum extent possible, the plan and design of the development shall assure that natural or unique features of the land and environment are preserved.
- B. Lot Arrangement. All lots within the development shall be designed and arranged to have a maximum of two hundred (200) feet walking distance, or frontage on, open space or recreation areas.
- C. Density of Development. ~~Permitted density of development in all PUD's shall be determined in accordance with the following procedures:~~ **PUDs shall meet the minimum and maximum net density specified for the subject zoning district.**
 - ~~1. Determine total gross site area (G.S.A.);~~
 - ~~2. Multiply the G.S.A. by .85 to determine the net site area (NSA);~~
 - ~~3. Deduct from the N.S.A. Any acres of twenty (20) percent or greater slope that will be developed, proposed commercial areas, and other nonresidential uses to determine net developable site area (NDSA). Open space areas and hillside areas that will be in open space areas are not required to be deducted;~~
 - ~~4. Determine maximum density of development in accordance with the appropriate method below:~~
 - ~~a. SR district developments: Multiply NDSA by six units per acre.~~
 - ~~b. R-3 district: Multiply NDSA by fourteen (14) units per acre.~~
- D. Amount of Open Space. The required amount of open space or outdoor recreational area shall be at least twenty (20) percent of the gross area.
- E. Structure Setback Provisions. Yard setbacks for lots on the perimeter of the project shall be the same as that required for the subject-zoning district. Detached structures shall maintain a minimum side yard setback from interior space lines of three (3) feet or meet the Uniform Building Code requirement for firewalls. A minimum front yard setback of twenty (20) feet

- shall be required for any garage opening facing a public street. Otherwise the minimum setbacks of the underlying zone do not apply.
- F. Zero Side Yard Setback. Zero side yard dwelling units authorized in a planned unit developments shall meet the following use and development standards:
1. Number of Attached Units. No more than six dwelling units, each on a lot held in separate ownership.
 2. Yards Adjacent to a Street. This chapter does not relieve the requirements of this title for yards adjacent to a street.
 3. Maintenance Easement. As a condition of issuance of a permit for any building having an exterior wall contiguous to a property line, the applicant shall furnish an easement from the owner of the property adjacent to said wall providing for ingress, egress, and use of such adjacent property for the purpose of maintaining, repairing, and replacing the building. Said easement shall be appurtenant to the property on which the building is located and shall be approved as to form by the city attorney and shall be recorded with Yamhill County prior to issuance of the permit.
- G. Circulation.
1. Streets within a PUD shall comply with the applicable standards of Chapter 17.64;
 2. Roads and pedestrian and bikeway paths shall be an integrated system designed to provide efficient and safe circulation to all users. Developments should be designed to minimize the length of roadway;
 3. Pedestrian/bikeways shall be clearly signed and have adequate crossing facilities where warranted.
- H. Off-Street Parking. Off-street parking requirements shall be as specified in Chapter 17.68. Parking may be provided on each lot or in clustered parking areas. The city if warranted by reduced lot sizes, type of street, and/or traffic volumes, may require additional off-street parking for guests and recreational vehicles.
- I. Utilities. In addition to other requirements set forth herein, the following shall apply:
1. All sewer and water provisions shall be approved by the city before construction of such improvements;
 2. All utility services shall be placed underground;
 3. Provisions shall be made for fire prevention, including service water lines, non-freeze hydrants, and free emergency access for fire fighting equipment around buildings;
 4. Provision shall be made for control of site storm water drainage, as required by Chapter 17.72.
- J. Homeowners Association. A non-profit incorporated homeowners association, or an alternative acceptable to the city attorney, shall be required for improving, operating, and maintaining common facilities, including open space, streets, drives, service and parking areas, and recreation areas. The following principles shall be observed in the formation of any homeowners association and shall be reviewed by the city attorney:

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1. A homeowners association shall be set up before approval of the final plat, or any portion thereof;
2. Membership shall be mandatory for each homeowner and any successive buyer;
3. The open space restrictions shall be in perpetuity;
4. The homeowners association shall be responsible for liability insurance, local taxes, and the maintenance of recreational and other facilities;
5. Home owners shall pay their pro rated share of the cost or the assessment levied by the association shall become a lien on the property;
6. The association shall be able to adjust the assessment to meet changes needed;
7. No change in open space use or dissolution of homeowners association shall occur without a public hearing before the Planning Commission and approval by the City Council.

17.112.060 Process.

Planned unit developments shall be processed in accordance with the submittal requirements and procedures established in Chapter 17.176. Approval shall only be granted if the requirements of this chapter and all other applicable requirements of this title are met.

17.112.070 Modification of approval.

A new public hearing shall be required if any one of the following changes is proposed to an approved planned unit development site plan:

- A. Increase or decrease of ten (10) percent (or more) in the number of dwelling units.
- B. Increase or decrease of ten (10) percent (or more) in the area devoted to open space or recreational space.

Chapter 17.116 MANUFACTURED HOMES

17.116.010 Purpose.

The following general standards are applicable to all manufactured homes sited on individual lots within the City of Carlton.

17.116.020 General standards.

- A. The manufactured home shall be multi-sectional and shall enclose a space of no less than one thousand (1,000) square feet.
- B. The manufactured home shall be placed on an excavated and back-filled foundation and enclosed at the perimeter such that the manufactured home is located not more than eighteen (18) inches above grade. The foundation must be constructed of concrete or concrete block.
- C. The manufactured home shall have a roof with a nominal pitch of no less than three (3) feet in height for each twelve (12) feet in width.
- D. Roofing material shall be composition asphalt, fiberglass, wood shake, or tile.
- E. The exterior siding must be horizontal lapped wood siding or a siding of equivalent appearance.
- F. The manufactured home shall be certified by the manufacturer to have an exterior thermal envelope meeting current performance standards specified by state law for single family dwellings.
- G. The manufactured home shall have a garage or carport containing not less than two hundred (200) square feet of covered vehicle/storage space. The garage shall be constructed of materials that are similar in color, material, and appearance to the manufactured home. The garage or carport shall be constructed prior to occupancy.
- H. Transportation mechanisms, including wheels, axles, and hitch must be removed prior to occupancy.
- I. The manufactured home shall be provided with gutters and downspouts to direct storm water away from the placement site.
- J. All utilities shall be connected to the manufactured home in compliance with city and state requirements prior to occupancy.
- K. The manufactured home shall be constructed and maintained in conformance with the state and federal safety construction standards, applicable at the time of placing the manufactured home. The home shall bear the Oregon "Insignia of Compliance".
- L. A manufactured home shall not be placed within an acknowledged historical district or adjacent to a historic landmark.

17.116.030 Process.

The city shall review compliance with the standards of this chapter administratively during the review of applicable building permits and set-up permits.

Chapter 17.120 MANUFACTURED HOME DWELLING PARKS

17.120.010 Purpose.

The following standards shall apply to the design and development of all manufactured home dwelling parks in the City of Carlton.

17.120.020 General standards.

- A. Any lot or site used for a manufactured home dwelling park and any modifications to a manufactured home dwelling park shall comply with the provisions of ORS 446.002 to ORS 446.210 and Manufactured Home Dwelling Park Standards, adopted as Oregon Administrative Rule, Chapter 814, Subdivision 3, Manufactured Home Dwelling Parks, Sections 28.010 to 28.170, inclusive.
- B. All parks shall require a minimum of ~~three~~ one acres.
- C. Density. The maximum net density of a manufactured home dwelling park shall not exceed ~~ten~~ (10) twelve (12) units per gross net acre.
- D. Minimum Area. The minimum area to be contained on a manufactured home space by a manufactured home and its accessory structures shall be three thousand five hundred (3,500) square feet.
- E. Setbacks. The following setback standards shall apply:
 1. General park development: setbacks for structures other than manufactured homes, carports and related accessory buildings shall comply with the minimum residential setbacks in the underlying zone.
 2. Manufactured homes:
 - a. Front: five (5) feet minimum to the sidewalk; eight (8) feet minimum to the curb;
 - b. Side and rear: fifteen (15) feet minimum to any adjacent manufactured home; ten (10) feet minimum to any adjacent nonresidential structure;
 - c. Manufactured homes on the periphery of a manufactured home park shall maintain the same setback as required for the front, side and rear yard in the underlying zone.
 3. Accessory structures:
 - a. Front: five (5) feet minimum to the sidewalk; eight (8) feet minimum to the curb;
 - b. Adjacent side and rear: six (6) feet minimum to any adjacent manufactured home, or, nonresidential structure.
 4. Carports:
 - a. Front: twenty (20) feet minimum to the sidewalk or curb, if a sidewalk is not provided;
 - b. Side and rear: carports attached to, or within three (3) feet of, the manufactured home shall comply with the setbacks for the manufactured home. Otherwise, the setback provisions for accessory structures shall apply.
- F. Minimum Width. No manufactured home space shall be less than forty (40) feet in width at its driveway frontage.

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- G. Boundaries of Space. The boundaries of each manufactured home space shall be clearly marked by permanent markers.
- H. ~~Driveways~~ **Drive Aisles**. All ~~driveways~~ **drive aisles** shall be paved with an asphaltic material or concrete and shall be a minimum of twenty (20) feet in width. In addition, if parking is to be permitted along the ~~driveways~~ **drive aisles**, a minimum width of thirty (30) feet is required. All ~~driveways~~ **drive aisles** shall be adequately designed as to permit safe, easy access by emergency vehicles.
- I. Parking. A minimum of two off-driveway parking spaces shall be provided for each manufactured home space.
- J. Walks. Provisions shall be made for a walk from each manufactured home to each ~~driveways~~ **drive aisles**. All walks must be hard surfaced, well-drained and not less than thirty-six (36) inches in width.
- K. Patio. Each manufactured home space shall have a slab or patio or concrete, asphalt or flagstone or similar substance not less than twenty (20) feet in length and ten (10) feet in width adjacent to each manufactured home parking site.
- L. Storage Area. A storage space in a building having a gross floor area of at least sixty (60) square feet shall be constructed and completed prior to occupancy of the manufactured home for storing the outdoor equipment and accessories necessary to residential living.
- M. Accessory Buildings. Accessory buildings that are placed on a manufactured home space shall be sited in a manner so as not to hinder or restrict access to the side and rear yard areas adjacent to the manufactured home.
- N. Manufactured Home Space Coverage. Not more than forty-five (45) percent of a manufactured home space may be occupied by a manufactured home and its accessory structures.
- O. Signs. All signs shall be in accordance with Chapter 17.80 of this title.
- P. Lighting. Common driveways and walkways must be adequately lighted.
- Q. Skirting. All manufactured homes shall have skirting around the exterior of the manufactured home or they may be situated upon a continuous foundation meeting the approval of the city building code.
- R. Open Space. A minimum of at least five thousand (5,000) square feet per twenty-five (25) manufactured home spaces or portion thereof shall be provided for a recreational play area group or community activities. No approved open space area shall contain less than five thousand (5,000) square feet. The floor area of indoor facilities, such as a community building, may be included in calculating the open space requirement.
- S. Utilities. All utility services shall be underground. The applicant shall furnish the city with proper easements for reading the meters and for inspecting water and sewer lines. All meters and water lines shall be inspected while being installed and the installation shall meet city standards. The park owners to city standards shall maintain all meters and water and sewer lines.
- T. Sewer and Surface Drainage. Adequate provisions shall be for sewage disposal and surface drainage and plans for such must have prior approval of the health department and the city engineer before a manufactured home park is approved. All sewer lines and drainage facilities shall be inspected while being installed and the installation shall meet city standards.

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- U. Additions to Manufactured Homes. Carports, cabanas, ramadas, awning and all other structures, whether defined herein or not, which are situated upon a manufactured home space and are attached to the manufactured home, shall conform to the requirements of the city building code. Such additions and structures shall be considered as a portion of the manufactured home for determining the extent of lot coverage, setback lines and all other requirements for manufactured homes, as if such additions and structures were a part of such manufactured home.
- V. No part of any manufactured **home dwelling** park shall be used for the parking or storage of any heavy equipment, or trucks with a rated capacity exceeding two tons.
- W. A caretaker, owner or manager shall be responsible for keeping the manufactured ~~home~~ **dwelling** park, its facilities and equipment in a clean, orderly and sanitary condition.
- X. Landscaped buffer areas shall be developed around the perimeter of all manufactured ~~home~~ **dwelling** parks. Buffering shall comply with the standards of Chapter 17.84.
- Y. All units placed within a manufactured ~~home~~ **dwelling** park after the effective date of the ordinance codified in this title shall be "manufactured ~~homes~~ **dwelling**s" as defined in Section 17.12.020.

17.120.030 Process.

Manufactured ~~home~~ **dwelling** parks shall be subject to the Site Design Review procedures of Chapter 17.156. Submittal requirements and review procedures shall be as specified in that section. Approval shall not be granted unless all provisions of this chapter and other applicable requirements of this title are met.

Chapter 17.124 HOME OCCUPATIONS

17.124.010 Standards.

Home occupations may be allowed as an accessory use on any property on which there is a residence, subject to the following standards and restrictions:

- A. Participation. No more than one person shall be employed whom is not a member of the family residing on the premises.
- B. Character. The character and primary use of the residence and premises shall not be changed by the use of colors, materials design, construction, lighting, landscaping or lack of landscaping.
- C. Traffic. A home occupation located on a local street, or privately maintained road serving three or more residences, shall not generate more than twenty (20) vehicle trips in one day. A "trip" is a vehicle traveling in one direction to or from a source. Twenty (20) trips are equivalent to ten (10) round trips.
- D. Noise. A home occupation shall not create noise of a type, duration or intensity that, measured at the property line, exceeds sixty (60) DBA between the hours of seven a.m. and six p.m. No noise shall be created by the home occupation between the hours of six p.m. and seven a.m. that is detectable to normal sensory perception, off the premises of the home occupation.
- E. Equipment and Process Restrictions. No home occupation shall create vibration, glare, fumes, odors, or electrical interference detectable to normal sensory perception outside the dwelling unit. In the case of electrical interference, nothing shall be used which creates visual or auditory interference in any radio or television off the premises.
- F. Hazards. No equipment, process or material shall be used which will change the fire rating or structure separation, firewall, or ventilation requirements for the structure in which the home occupation is located. No hazardous materials shall be used or stored on the property on which a home occupation located in quantities not typical of those customarily used in conjunction with activities or primary uses allowed in the zoning district.
- G. Signs. Signage shall be as provided in Chapter 17.80.
- H. On-Premise Client Contact. Customer and client contact shall be primarily by electronic media, telephone or mail, and not on the premises of the home occupation, except those home occupations, such as tutoring, counseling or personal services, which cannot be conducted except by personal contact. Services or sales conducted on the premises shall be by appointment only, and shall not be oriented toward, or attract, off-the-street customer or client traffic.
- I. Deliveries and Large Vehicle Storage. Delivery of materials to and from the premises shall not involve the use of vehicles over two ton capacity, except parcel post or private parcel delivery trucks. Vehicles over one ton capacity and used in conjunction with a home occupation shall be stored within an enclosed structure on the property. Regardless of capacity, storage of vehicles within the public right-of-way shall be prohibited.
- J. Parking. Parking spaces needed for the conduct of a home occupation shall be provided off the street, in defined areas which are appropriately designed and surfaced for that purpose,

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and not located within the side or rear yard setbacks of the district. No more than two home occupation-related vehicles shall be located on the property at one time.

- K. Storage and Use of Yard Areas. Storage of tools, equipment and materials, and display of merchandise and all other activities associated with a home occupation, except as provided above for parking, shall be contained and conducted wholly within covered and enclosed structures and shall not be visible from the exterior of the containing structure(s). Home occupations that involve the care of children may use rear yard areas for playground equipment.
- L. Family **day child** care **facilities homes**, as permitted by this Code, shall not be subject to the provisions of this section.
- M. As a condition of approval, prior to commencing business, the home occupation proprietor shall obtain a business license from the City of Carlton.

17.124.020 Process.

- A. Home occupations that meet the General Standards of Section 17.124.010 and that are fully enclosed within a primary residential use are permitted outright as an accessory use to the residential use.
- B. A home occupation that is not fully enclosed within a primary structure (residence) but meets all of the General Standards of Section 17.124.010 may be permitted subject to review and approval of a minor conditional use permit pursuant to Chapter 17.152.
- C. A home occupation that exceeds one or more of the General Standards of Section 17.124.010 may be permitted subject to review and approval of a major conditional use permit pursuant to Chapter 17.152.
- D. The standards of this chapter shall govern all home occupations.
- E. If the City Manager **or city manager's designee** finds that the facts of the particular case require interpretation of existing standards, then a public hearing before the Planning Commission shall be scheduled. The procedures for conducting the public hearing shall comply with the standards in Chapter 17.196.

17.124.030 Noncompliance.

Any home occupation that does not comply with the requirement of this chapter and the provisions of the underlying district shall be a violation of this title and shall be subject to the enforcement remedies of Section 17.04.040.

Chapter 17.125 VACATION RENTAL DWELLINGS

17.125.010 Purpose.

Vacation rental dwellings are intended to meet the desire of many owners to rent their property on a short-term basis and to provide for the orderly use and regulation of such rentals to preserve the health, safety and welfare of the community. This use shall not adversely affect the residential character of the neighborhood where they are located. These standards and procedures are in addition to City ordinances and Federal and State laws and regulations.

17.125.020 Definitions

The following words and phrases shall have the meaning set forth in this Chapter.

“Incident” means an offensive activity or breach of the standards.

“Local representative” means a person with the authority to take action or make decisions concerning the management of a licensed vacation rental property.

“Overnight” means anytime between the hours of 10:00 p.m. and 7:00 a.m. on the following day.

“Rental occupant” means a person over the age of four (4) years who occupies a rented vacation rental.

“Sleeping area” means a bedroom or loft within a dwelling unit which meets the requirements of the building code as adopted by the State of Oregon.

“Surfaced” means a gravel, paved, tile, brick or concrete surface suitable for parking a vehicle.

“Vacation rental” means a dwelling unit, or any portion thereof, which is rented, or held out as available for rent, for periods of less than thirty (30) days, such as by the day or week. A dwelling which is listed with an agent as a vacation rental, advertised, available by referral, word of mouth, commendation and reputation are some of, but not limited to, the ways of identifying a vacation rental. It shall be a rebuttable presumption that a dwelling unit is a vacation rental if it is visited overnight by at least four (4) different vehicles over the course of a month, for three (3) consecutive months. The exchange of consideration is not necessary to meet the definition of a vacation rental if the dwelling otherwise is held out as available for occupancy for periods of less than thirty (30) days.

17.125.0130 - Standards.

A vacation rental dwelling permit license shall be issued as an accessory use provided the following standards are met:

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- A. **A vacation rental shall comply with all applicable laws.** There must be no offensive noise, smoke, dust, litter or odor noticeable at or beyond the property line resulting from the use of the dwelling as a vacation rental **dwelling that violates the Carlton Municipal Code.**
- B. The use shall not adversely affect the residential character of the neighborhood.
- C. There shall not be an excessive generation of traffic created by the vacation rental **dwelling.**
- D. One (1) off-street parking space will be provided for each bedroom **/sleeping area** in the **dwelling vacation rental**, but in no event shall less than two (2) spaces be provided for each **dwelling separate vacation rental. All off-street parking spaces shall be surfaced.**
- E. The **dwelling vacation rental** must maintain the residential nature of the front and side yards. The lot must be landscaped and maintained as a permanent residence similar to the surrounding area.
- F. The **permittee licensee** must provide receptacles for the deposit of garbage and subscribe to a solid waste collection service for the vacation rental **dwelling.**
- ~~G. The permittee must obtain a business registration license from the City of Carlton.~~
- H.G.** Signs for vacation rental **s dwellings** shall comply with requirements **in, of** Chapter 17.80.
- I.H.** The property owner shall designate a local representative who permanently resides within the Carlton Urban Growth Boundary, or a licensed property management company with a physically staffed office within ten (10) vehicular miles of the Carlton Urban Growth Boundary. The **property** owner may be the designated representative where the owner resides in the Carlton Urban Growth Boundary.

The local representative must be authorized by the owner of the dwelling to respond to the tenant and neighborhood questions or concerns. The local representative shall serve as the initial contact person if there are questions or complaints regarding the operation of the dwelling for vacation rental purposes. The local representative must respond to complaints in a timely manner to ensure the dwelling complies with the standards for vacation rental dwellings and other city ordinances pertaining to noise, disturbances, nuisances, as well as state laws pertaining to the consumption of alcohol, or the use of illegal drugs.

- I.I.** The following information shall be posted within the vacation rental dwelling adjacent to the front door:
1. The name of the local representative and a telephone number where the representative may be reached;
 2. The telephone number and web site address of the City of Carlton and the Carlton Police Department;
 3. The maximum number of occupants permitted to stay in the dwelling;
 4. The maximum number of vehicles allowed to be parked on the property;
 5. The number and location of off-street parking spaces; and
 6. The solid waste collection day.

J. All pets must be under control at all times. Methods of control include a leash or demonstrated effective voice command. The person having the control, custody or

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possession of a dog shall clean up after the dog by using a dog waste bag or other suitable method.

K. The licensee must comply with the requirements of the occupancy tax ordinance as a condition for issuance or renewal of a vacation rental license.

L. Vacation rentals shall comply with the standards in this section, whether or not the vacation rental is occupied by a renter, owner, or other person.

17.125.0240 - Process.

A. Step One Process.

1. Notice. Upon receipt of an application for a vacation rental dwelling permit, notice must be mailed at the applicant's expense to all owners of property within one hundred (100) feet of the exterior boundary of the property for which the application is made, giving the property owners notified twenty (20) days in which to respond to the city.

2. Staff review.

a. If no objections or complaints are received regarding the proposed use of the property as a vacation rental dwelling, staff may issue a vacation rental dwelling permit to the applicant. However, if staff finds that the facts of the particular case requires interpretation of existing standards, then a public hearing before the Planning Commission shall be scheduled. The procedures for conducting the public hearing shall comply with the standards found in Chapter 17.196.

b. If staff receives one (1) or more written objections from individuals affected by the proposed use regarding compliance with any of the vacation rental standards listed above, after the notice requirements of the Step One process have been met, no permit shall be issued at that time and a hearing shall be set before the Planning Commission in accordance with the Step Two process specified below.

B. Step Two Process. If the staff refers the matter to the Planning Commission for hearing, or a hearing is required as a result of a Step One mandatory referral, the application will be deemed an application for a conditional use and the conditional use requirements of Chapter 17.152 shall apply, as well as the standards for issuance of a vacation rental dwelling permit. The Development Code public hearing notice provisions and application fee requirements for a conditional use shall also apply.

Applications for vacation rental license are subject to the Type II process as described in 17.188.020 including notice to property owners as described in 17.192.020, except that notice shall be mailed at the applicant's expense to all owners of property within two hundred and fifty (250) feet of the exterior boundary of the property to where an application for vacation rental license is sought. Appeals of a Type II decision are subject appeal provisions as described in Chapter 17.204.

17.125.0350 Permit License issuance.

A vacation rental **permit license** shall be issued in the name of the property owner and is not transferable. **A vacation rental license shall be specific to an individual dwelling; separate licenses shall**

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be required in the event that an owner seeks to use multiple dwellings at a single address as vacation rentals. The **permit license** shall terminate and be deemed void when the **permit license** holder sells or transfers the property occupied or rented as a vacation rental **dwelling**. **A conditional use permit approved for a two-family duplex vacation rental will automatically terminate if the other half of the duplex is rented out for non-vacation use.**

A. Upon receipt of the completed application, the annual license fee and attestation that the licensing standards have been met, the City shall issue a license to the applicant (not the dwelling) for a period of one year. The license may be renewed annually if all standards are met. A vacation rental licensee shall not be required to pay a business license fee in addition to the annual vacation rental license fee. The license application and annual fees established under this Chapter shall be set by the City Council, and may be changed by resolution. All fees are non-refundable.

B. All licenses shall be obtained prior to any rental of the property. The required application and license fee are due on January 1 of each year for the fiscal year commencing with that date and are delinquent on February 1. The delinquency fee will be set by resolution.

17.125.0460 Non-compliance and complaints.

A. Non-Compliance. Any vacation rental **dwelling** unit that does not comply with the requirements of this Section and the provisions of the underlying district shall be a violation of this Ordinance and shall be subject to the enforcement remedies of Section 17.04.040.

~~B. Complaint Procedures. In addition to penalties specified in Section 17.04.040, the city may determine that an appropriate penalty is the revocation of a vacation rental permit in accordance with the following complaint procedures:~~

~~1. The Planning Commission shall review the vacation rental dwelling permit upon receipt of one (1) written complaint from an individual who is adversely affected by the proposed use. The complaint shall clearly state the nature of the objection to the vacation rental dwelling. Staff shall investigate all such complaints and the results of the investigation shall be reported to the Planning Commission at a regular meeting. The complainant and owner of the vacation rental dwelling shall be notified of the meeting. Standards of judging objections shall include, but are not limited to, the following:~~

~~i. Generation of excessive traffic;~~

~~ii. Monopoly of on-street parking spaces;~~

~~iii. Other offensive activities not in harmony with the residential neighborhood as may be determined by the Planning Commission;~~

~~iv. Compliance with vacation rental dwelling permit standards, including conditions required by the Planning Commission as a result of issuance of a vacation rental permit through the conditional use process;~~

~~2. The Planning Commission, upon hearing the evidence, may: approve the use as it exists; require the use to be terminated; or impose appropriate restrictions on the operation of the vacation rental dwelling.~~

~~3. The determination of the Planning Commission shall become final ten (10) days after the date of its written decision unless appealed to the City Council.~~

Chapter 17.126 FOOD CART PERMITS

17.126.010 Applicability.

The provisions of this section apply to food carts used in the preparation and/or sales of food and beverage items to the general public on private property. A food cart that remains on one lot for more than four hours in any one day and for more than ninety (90) days in any 12-month period must be approved following the procedures identified in Section 17.126.

17.126.020 Approval required.

Food carts are allowed as conditional uses in the DD, CB, CI and GI zoning districts and must be reviewed and approved by the planning commission following a major conditional use permit review procedure for compliance with the use and dimensional provisions of the underlying zone (not including design standards), the criteria for a conditional use permit and the provisions of Section 17.126. Food carts must also obtain approval of a city business license and all relevant county and state permits and licenses for a mobile food unit.

17.126.030 Application submission requirements.

An application for approval for the placement and operation of a food cart in the City of Carlton must include the following:

- A. A completed application form for a conditional use permit in addition to any other land use applications required by the underlying zoning district and an application fee.
- B. The initial application and each annual renewal requires the signature of the property owner authorizing the use on the site.
- C. Site plan drawn to scale including:
 1. Site dimensions.
 2. Relationship of the site to adjoining properties, streets, alleys, structures, public utilities, and drainage ways.
 3. Number and location of food carts on the site.
 4. Individual square footage of all food carts.
 5. Accessible pedestrian routes.
 6. Size and location of customer seating areas.
 7. Vehicular circulation and ingress/egress points.
 8. Parking and loading areas.
 9. Location and design elevation of all proposed structures and landscaped areas.
 10. Location and specifications of food cart pads.
 11. Location and design of fences and walls.
 12. Number and location of trash and recycling areas.
 13. Location and type of auxiliary storage.

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- D. Pictures of all sides of proposed food cart(s).
- E. Proximity to bathroom and written permission for use of hand-washing facilities and bathroom(s).
- F. Disposal plan for wastewater and gray water.
- G. Exterior lighting plan indicating location, size, height, typical design, material, color, and method of illumination.
- H. Written verification that the food cart has been permitted, inspected and meets applicable county health regulations.
- I. Any additional information that may be required by the city manager to properly evaluate the proposed site plan. The city manager may waive any of the requirements above where determined that the information required is unnecessary to properly evaluate the proposal.

17.126.040 Permit terms and conditions.

Each food cart permit issued shall terminate December 31 of the year in which it is issued and shall be subject to the following minimum conditions:

- A. Food cart permits are valid for the calendar year in which they are issued and will be renewed through a minor conditional use permit application procedure, except if the use was the subject of a city code enforcement action. If an enforcement action has occurred, the use shall be reviewed at the time of renewal following the major conditional use permit review procedure.
- B. The initial application and each annual renewal requires the signature of the property owner authorizing the use on the site.
- C. The permit issued shall be specific to one property and specific to the permittee only and the permit is not transferable to others in any manner. The permittee will be responsible for compliance with all conditions of approval.
- D. The permit is specifically limited to the area approved or as modified by the City Manager, and will include a site plan indicating the area approved for the operation of one or more food carts and the location of common seating areas.
- E. A Class I—IV mobile food unit license issued by the Yamhill County Department of Health must be must be displayed on the unit at all times so it can be read from the outside. The registration must be current and valid. The vehicle registration of the mobile food unit must be displayed on the unit at all times so it can be read from the outside. The registration must be current and valid.
- F. Each food cart shall be inspected by the New Carlton Fire District once per calendar year, or as warranted by the Carlton Fire District.
- G. All food carts are subject to all applicable city, county, and state codes and regulations.
- H. It is the responsibility of the permittee holder to notify the City Manager if the food cart will be closed for more than thirty (30) days.

17.126.050 Use limitations and development standards.

The following limitations and standards shall apply to all food carts permitted after the effective date of this chapter.

- A. Use Limitations.
 - 1. Food carts shall not provide drive-through facilities and are not allowed to provide internal floor space to customers.
 - 2. Food carts must be mobile units but are not permitted to operate from a motorized vehicle. An example of a mobile unit that meets this standard includes a trailer modified for the purpose of selling food but does not include a push-cart.
- B. Size and Placement.
 - 1. Carts shall not exceed twenty-six (26) feet in length, not including the trailer hitch, or be greater than two hundred sixty (260) square feet.
 - 2. All carts shall be placed on a paved surface such as but not limited to concrete, asphalt or pavers, or other approved material excluding gravel. If new paved surface is added to a site to accommodate a cart, the parking area shall comply with applicable parking design standards contained in Chapter 17.98.
 - 3. All seating areas shall be located on the subject property at least ten (10) feet from a food cart and seating areas shall be separated from parking areas by an approved fence or barrier.
 - 4. Ingress and egress shall be safe and adequate when combined with the other uses of the property and will comply with provisions of Section 17.68.
 - 5. Food carts shall provide adequate vision clearance as required by Section 17.92.070.
 - 6. Carts shall not occupy parking needed to meet minimum vehicle and bicycle parking requirements, and shall not occupy pedestrian walkways or required landscape areas. Blocking automobile access to parking spaces shall be considered occupying the spaces.
 - 7. Carts shall be located at least three feet from the public right-of-way or back of sidewalk, whichever provides the greater distance from the public right-of-way.
 - 8. Carts shall remain at least ten (10) feet away from other food carts, buildings and parking stalls.
 - 9. Carts shall not be located within twenty-five (25) feet of an active driveway entrance as measured in all directions from where the driveway enters the site at the edge of the street right-of-way. Carts shall not occupy fire lanes or drive aisles necessary for vehicular circulation or fire/emergency vehicle access. Customer service windows shall be located at least five feet from an active drive aisle used by cars. Each cart shall provide an awning for shelter to customers with a minimum clearance of seven feet between the ground and the awning.
 - 10. Only one cart shall be allowed on any legal lot of record.
- C. Operation and Maintenance.
 - 1. Carts shall limit the visual effect of accessory items not used by customers, including but not limited to tanks, barrels, etc. by screening with a site-obscuring fence or

landscaping, or containing them within a storage shed not to exceed one hundred (100) square feet.

2. The exterior surfaces of all carts shall be clean and free from dents, rust, peeling paint, and deterioration, and windows shall not be cracked or broken.
 3. The exterior surface of all food carts proposed to be located in the Downtown district shall be a color that is consistent with the Carlton Downtown historic color palette.
 4. Carts shall not have missing siding, skirting or roofing.
 5. Structures used to provide shelter to customers shall only be tents, canopies and similar membrane structures. Other structures for customer shelter are not allowed. This does not preclude the use of awnings attached to and supported by a mobile unit or umbrellas designed for café or picnic tables. All canopies, tents and other membrane structures erected on food and beverage cart sites shall comply with building code anchoring and engineering standards and fire code standards. Tents and canopies shall not have not tears, mold, or broken or non-functioning supports and shall be securely anchored.
 6. Unenclosed areas intended to be occupied by customers, such as areas near food cart service windows and customer seating, shall be illuminated when carts are in operation during hours of darkness;
 7. No source of outdoor lighting shall be visible at the property line adjacent to residential uses at three feet above ground level.
 8. Outdoor lighting fixtures shall be oriented and/or shielded so as not to create glare on abutting properties.
 9. Food carts are exempt from land-use district density, floor-area ratio and Downtown district design guidelines and standards. Accessory items to the food cart that are not for customer use, such as barrels, tanks or containers shall be screened to substantially limit the views of such items from the street.
 10. Signage shall comply with sign code regulations. Each cart is permitted one A-Frame sign.
- D. Fire and Safety.
1. Carts shall not have components or attachments in disrepair in a manner that causes an unsafe condition.
 2. Uses shall not create tripping hazards in pedestrian or vehicular areas with items such as cords, cables and pipes.
 3. If external electric service is necessary, an underground electric service outlet providing electricity to the unit may be used. The outlet must have a ground fault interrupter and meet all applicable city, state and federal codes. The extension cord from the outlet to the mobile food unit must not be longer than ten (10) feet and must meet all city, state and federal codes.
 4. Carts shall meet fire code requirements regarding distances from other structures or combustible materials.

5. Any cooking device within a food cart that creates grease-laden vapors shall provide an approved hood and extinguishing system, or be the type with a self-closing lid as approved by the fire marshal. Appropriate fire extinguishers are required.
 6. Propane tanks shall be stored and handled properly and be located at least ten (10) feet from combustible vegetation and trash receptacles and twenty (20) feet from a potential ignition source. Propane tanks shall remain outdoors and be secured from falling.
- E. Health and Sanitation.
1. Trash and recycle receptacles shall be provided on site, and must be emptied and maintained. Trash and recycle receptacles shall be provided at a rate of one receptacle for every food cart. Where the food cart operator proposes to provide an outdoor seating area a minimum of one twenty-gallon trash receptacle and one twenty-gallon recycle receptacle shall be provided in the common seating area.
 2. Restrooms with hand washing facilities shall be provided for employees and customers. The restroom can be on-site or within one-quarter mile or a five-minute walk (such as at a neighboring business) and must be available during the cart's hours of operation. If the restroom is not on-site, the food cart operator shall submit written permission from an adjacent business or property owner where the facility is located.
 3. Sites containing more than one food cart shall provide a restroom facility on the same lot as the food cart.
 4. Wastewater and gray water shall be disposed of properly without harm to the environment or city infrastructure. An approved disposal plan shall detail storage and removal methods.
 5. Food carts that are fully contained; i.e., carts that provide their own water, power, and waste disposal, are permitted with no additional utility considerations beyond the permitting process and site plan approval described herein. Food carts that require a water source, power source, or waste disposal location are permitted only where the City Manager has approved site plans that show safe access and location of the aforementioned provisions. Such provisions shall be subject to all applicable building permits and system development charge requirements.

17.126.060 Legal non-conforming food carts.

- A. Food cart permits issued prior to September 14, 2015 may be renewed under the code provisions that existed at the time they were permitted, except the following new standards apply and supersede the standards in effect prior to September 14, 2015 and Section 17.126.020.
- B. Food carts shall not have any internal floor space available to customers.
- C. Food carts mobile units shall not exceed twenty-six (26) feet in length or exceed two hundred sixty (260) square feet in area.
- D. Food carts shall comply with the vision clearance requirements of Section 17.92.070.
- E. Awnings attached to a food and/or beverage cart shall have a minimum of seven feet of clearance between the ground and the awning to allow access for pedestrians under the awning.

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- F. Carts shall be located at least three feet from the right-of-way or back of sidewalk, whichever provides the greater distance from the right-of-way.
 - G. Carts shall provide at least five feet between service windows or other customer service points and an active drive aisle.
 - H. Carts shall remain at least ten (10) feet away from other food carts, buildings and parking stalls.
 - I. Carts shall not occupy off-street parking spaces, fire lanes or drive aisles necessary for vehicular circulation or fire/emergency vehicle access as determined by the manager. Carts may occupy other drive aisles. In cases where a portion of a drive aisle is occupied, at least four feet of clear maneuvering space shall be provided between the closed portion of the drive aisle and the abutting active parking spaces.
 - J. Unless otherwise specified in this section, legal non-conforming food carts shall be exempt from a finding of adequate public facilities unless it is determined that the proposed use exceeds the capacity of existing public facilities or causes unsafe conditions.
 - K. Food carts are exempt from land-use district density, floor-area ratio and Downtown district design guidelines and standards. Accessory items to the food cart that are not for customer use, such as barrels, tanks or containers shall be screened to substantially limit the views of such items from the street.
 - L. Structures used to provide shelter to customers shall only be tents, canopies and similar membrane structures. Other structures for customer shelter are not allowed. This does not preclude the use of awnings attached to and supported by a mobile unit or umbrellas designed for café or picnic tables. All canopies, tents and other membrane structures erected on food and beverage cart sites shall comply with building code anchoring and engineering standards and fire code standards. Tents and canopies associated with a food cart shall not have visible tears or mold, missing anchoring or broken and/or non-functioning supports.
 - M. Unenclosed areas intended to be occupied by customers, such as areas near food cart service windows and customer seating, shall be illuminated when carts are in operation during hours of darkness.
 - N. No source of outdoor lighting shall be visible at the property line adjacent to residential uses at three feet above ground level.
 - O. Outdoor lighting fixtures shall be oriented and/or shielded so as not to create glare on abutting properties.
 - P. Carts shall not have missing siding, skirting or roofing.
 - Q. Permits are not transferrable to new owners of the food cart. Non-conforming status is non-transferable to a new owner or operator. Legal non-conforming status of pre-existing food carts will expire on December 31, 2020.
 - R. Restrooms with hand washing facilities shall be provided for employees and customers. The restroom can be on-site or within one-quarter mile or a five-minute walk (such as at a neighboring business) and must be available during the cart's hours of operation. If the restroom is not on-site, the food cart operator shall submit written permission from an adjacent business or property owner where the facility is located.

17.126.070 Revocation or suspension of permit.

- A. A food cart permit shall be subject to revocation by the city if the application is found to include false information.
- B. A food cart permit shall be suspended if the food cart is closed for more than ninety (90) days without providing advance written notice to the City Manager.

Division V. GENERAL STANDARDS

Chapter 17.128 GENERAL STANDARDS

17.128.010 Minimum requirements.

In interpreting and applying this title, the provisions herein shall be held to be the minimum requirements adopted for the promotion of the public health, safety, comfort, convenience, and general welfare.

17.128.020 Completion of a structure.

A structure not completed within one year of beginning construction shall constitute a violation of this title unless a performance guarantee is provided to the city in accordance with Section 17.216.010.

17.128.030 Lots of record.

A lot of record is a plot of land that meets one or more of the following criteria, pursuant to ORS 92.010 to 92.190:

- A. The plot of land was lawfully created through a subdivision or partition plat prior to annexation to the city;
- B. The plot of land was created through a deed or land sales contract recorded with Yamhill County prior to adoption of the first City of Carlton Zoning Ordinance (Dec. 11, 1969); or
- C. The plot of land was created through a deed or land sales contract recorded with Yamhill County prior to January 1, 2007 and the subject plot of land would have complied with the applicable planning, zoning, subdivision or partition regulations in effect, if any existed, at the time it was created.
- D. Requests to validate a lot of record shall follow the procedures in ORS 92.010 to 92.190, **and are subject to the Type I ministerial procedure per Section 17.188.010.**

17.128.040 Lots abutting a partial street.

New structures ~~that are proposed to be~~ constructed on lots abutting an existing public street that does not meet the minimum standards of Chapter 17.64 for right-of-way width shall ~~provide setbacks~~ **sufficient be set back** to allow for the future widening of the right-of-way. **For this purpose, the Future Street Plan of the Carlton Transportation System Plan shall be used for identifying the appropriate street classification, shown as existing or proposed. In addition to the minimum front and street side yard setbacks of the underlying zone, all new structures shall be set back to at least half the minimum right-of-way width of the respective street classification. Measurements for this purpose shall be taken from existing street centerline at a 90-degree angle toward the subject property.** Building permits shall not be issued unless yard setbacks equal to the minimum yard requirements of the zoning district plus **half** the required minimum ~~additional~~ right-of-way width ~~is~~ **are** provided.

17.128.050 Boundary street requirements.

- A. The owner(s) of property upon which application for permits for new construction shall be responsible, at a minimum, for sidewalk construction and improvement along all property frontages of all boundary streets.
- B. Prior to approval of an application for a permit for new construction where all boundary streets do not meet or exceed the requirements of Standard Specifications for Public Works Construction in the City of Carlton the following action shall be taken:
 - 1. A partial street improvement, including curbing, sidewalk and piped storm drainage shall be installed in conformance with plans reviewed and approved by the city engineer in all boundary streets; or an improvement deferral agreement or non-remonstrance agreement, see Section 17.128.030, shall be filed.
 - 2. A partial street improvement, referenced in subsection (B)(1) of this section, shall consist of a pavement width equal to three-fourths of the width designated for the boundary street by the City of Carlton, Transportation System Plan or twenty-four (24) feet, which ever is the greater.
 - 3. The city may require all or a portion of the improvements be deferred if it is in the interest of the city to do so because of programmed future construction or safety considerations.

17.128.060 Reserved.**17.128.070 Unsafe building.**

Nothing in this title shall prevent the strengthening or restoring to a safe condition of any part of any building or structure declared unsafe.

~~17.128.080 Limitations on buildings.~~

~~In an R-1 district there shall be only one main building on a lot.~~

Chapter 17.132 GENERAL EXCEPTIONS

17.132.010 General exception to building height.

Projections such as chimneys, spires, domes, elevator shaft housing, flagpoles, and other similar objects not used for human occupancy are not subject to the building height limitations of the underlying zone.

17.132.020 Height exceptions for public buildings.

Public or quasi-public buildings, hospitals, places of worship, and educational institutions may be constructed to a height not to exceed forty-five (45) feet provided the required yards are increased one foot for each foot of additional building height above the height regulation for the zone.

17.132.030 Public dedications.

~~Setback restrictions of this title shall not apply to existing structures whose setback is reduced by a public dedication.~~ **Where an existing street setback or required landscaping must be reduced by a public dedication, the setback or landscaping requirements of this ordinance which are no longer met as a result of the dedication shall not apply to the structure or landscaping. Further encroachment into the setback or reduction of landscaping beyond the reduction caused by the public dedication is not permitted.**

17.132.040 Miscellaneous setback exceptions.

Setback limitations stipulated elsewhere in this title may be modified as follows:

- A. Bus shelters that are intended for use by the general public and are under public ownership and/or control shall be exempt from setback requirements.
- B. Side and rear yards of underground structures may be reduced to three (3) feet except all openings into the structure, including doors, windows, skylights, plumbing, intake and exhaust vents, shall meet the minimum setbacks of the district.

Chapter 17.136 TRANSPORTATION IMPROVEMENT PROJECTS

17.136.010 Purpose.

The transportation improvement projects process is intended to provide for the approval of projects identified in the adopted City of Carlton, Transportation System Plan and for the review of other transportation improvement projects.

17.136.020 Permitted uses.

Except where otherwise specifically regulated by this title, the following improvements are permitted outright in all districts **and are not subject to land use approval.**

- A. Normal operation, maintenance, repair, and preservation activities on existing transportation facilities.
- B. Installation of culverts, sidewalks, curbing, median fencing, guardrails, lighting and similar types of improvements within existing rights-of-way.
- C. **Improvement** ~~Pr~~ projects specifically identified in the City of Carlton, Transportation System Plan.
- D. Acquisition of right-of-way for public road, highways, and other transportation improvements designated in the City of Carlton, Transportation System Plan.
- ~~E. Construction of a street or road as part of an approved subdivision or partitioning.~~

17.136.030 ~~Conditional uses~~ **Reserved.**

~~Construction, reconstruction, or widening of highways, road, bridges or other transportation projects that are:~~

- ~~A. Not improvements designated in the City of Carlton, Transportation System Plan.~~
- ~~B. Not designed and constructed as a part of an approved subdivision, partitioning or planned unit development.~~

17.136.040 ~~Review standards~~ **Reserved.**

~~Projects requiring a conditional use permit shall be reviewed and findings made to comply with the following criteria:~~

- ~~A. The project is compatible with existing land use and social patterns, including noise generation and safety.~~
- ~~B. The project is designed to minimize avoidable environmental impacts to wetlands, wildlife habitat, air and water quality, cultural resources, and scenic qualities.~~
- ~~C. The project preserves or improves the safety and function of the facility through access management and other design features.~~
- ~~D. The project includes provision for bicycle and pedestrian circulation as consistent with the comprehensive plans and other requirements of this title.~~

Chapter 17.140 USES PERMITTED IN ALL ZONES

17.140.010 Permitted uses.

The following uses and activities are permitted in all zones:

- A. Placement and maintenance of underground or above ground wires, cables, pipes, guys, support structures, pump stations, drains, and detention basins within rights-of-ways by public agencies and utility companies for telephone, TV cable, or electrical power transmission, or transmission of natural gas, petroleum products, geothermal water, water, wastewaters, sewage and rainwater.
- B. Railroad tracks and related structures and facilities located within rights-of-ways controlled by a railroad operator.

Division VI. APPLICATION REQUIREMENTS AND REVIEW CRITERIA

Chapter 17.144 SUMMARY OF APPLICATION TYPES

17.144.010 Generally.

All development permits and land use actions are processed under the administrative procedures provided for in this chapter. There are four types of actions, each with its own procedures.

17.144.020 Type I action.

A Type I action is subject to A ministerial action reviewed by staff the City Manager, where development proposals are limited in scope and decisions are based on the ability to meet clear and objective standards. No conditions may be placed on the decision and notice of the decision is sent only to the applicant. Appeal is to the Planning Commission. Procedures for Type I action are described in Chapters 17.188 and 17.192. The following actions are processed under the Type I procedure:

- A. Minor variance;
- B. Lot line adjustment/Lot consolidation;
- C. Fence permit;
- D. Sign permit;
- E. Floodplain permit;
- F. Home occupation;
- G. Access permit;
- H. Conditional use permit, minor;
- I. Site development design review, minor;
- J. Nonconforming use, Type I modification - for restoration or repair;
- G. Grading permit;
- H. Subdivision or partition final plat.

17.144.030 Type II action.

A Type II action is a quasi-judicial review in which the Planning Commission applies a mix of subject to administrative review by the City Manager, where development proposals are limited in scope objective and subjective standards that allow considerable and where limited discretion is applied. Public notice and a public hearing is provided, see as described in Chapter 17.188 and Chapter 17.192. Appeal of a Type II decision is to the City Council. The following actions are processed under a Type II procedure:

- A. Major/Minor variance;
- B. Conditional use permit, major, minor;
- C. Site design review, major;
- D. Code interpretation;

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- ~~E. Nonconforming uses, Type II modification;~~
- F.C. Partitions preliminary plat / Replat of 2-3 lots;**
- ~~G. Subdivision;~~
- ~~H. Planned unit development.~~
- D. Floodplain development permit.**

17.144.040 Type III action.

A Type III action is a quasi-judicial process in which the ~~City Council~~ **Planning Commission** exercises ~~substantive~~ discretion and may apply subjective standards in land use decision making and **evaluates facts and evidence presented in response to applicable standards and criteria.** ~~The Planning Commission has an advisory role. Public notice is provided and a public hearings are is held at the Planning Commission and City Council, per Chapter 17.192 in accordance with procedures for Type III action described in Chapters 17.188 and 17.192. For zone change, annexation and street vacation applications, the Planning Commission acts in an advisory role to the City Council, which holds an additional public hearing per Chapter 17.192 before making a final decision. Appeal of the decision is to the land use board of appeals (LUBA).~~ The following actions are processed under a Type III procedure:

- A. Zone change;
- B. Annexation;
- C. **Street** vacation;
- ~~D. Road dedication.~~
- D. Major variance;**
- E. Conditional use permit, major;**
- F. Site design review, major;**
- G. Subdivision preliminary plat;**
- H. Planned unit development;**
- I. Code interpretation / similar use determination;**
- J. Nonconforming use – for alteration and expansion;**
- K. Sign permit variance.**

17.144.050 Type IV action.

A Type IV action is a legislative review in which the city considers and enacts or amends laws and policies. Type IV actions are initiated by the City of Carlton; other parties may request the City Council consider a proposal requiring Type IV review. Public notice and hearings are provided in a Type IV process. **Procedures for Type IV action are described in Chapters 17.188 and 17.192.** Appeal is to the land use board of appeals (LUBA).

- A. Comprehensive plan amendment;
- B. Land use district map changes;
- C. Development code amendments.

Chapter 17.148 VARIANCE

17.148.010 Purpose.

The development standards in this title protect the public health, safety and welfare by establishing standard setbacks, maximum building heights and other development standards that apply to various uses. For lands or uses with unique characteristics the intent and purpose of the development standards may be maintained while allowing for a variance to quantifiable requirements.

17.148.020 Applicability.

Under the following provisions, a property owner or his or her designate may propose a modification or variance from a standard or requirement of this title, except when one or more of the following applies:

- A. The proposed variance would allow a use that is not permitted in the district;
- B. Another procedure and/or criteria is specified in this title for modifying or waiving the particular requirement or standard; or
- C. Modification of the requirement or standard is prohibited within the district.

17.148.030 Application and fee.

An application for a variance shall be filed with the city and accompanied by the appropriate fee. It shall be the applicant's responsibility to submit a complete application, including findings that address relevant review criteria of this chapter.

17.148.040 Criteria and procedure—Minor variance.

- A. The City Manager may approve a minor variance from a requirement or standard of this title in accordance with the Type I review procedures provided that **the variance proposal does not expand or reduce a quantifiable standard by more than twenty (20) percent, and** the applicant provides evidence that the following circumstances substantially exist:
 1. The intent and purpose behind the specific provision sought to be varied is either clearly inapplicable under the circumstances of the particularly proposed development; or
 2. The particular development as proposed otherwise clearly satisfies the intent and purpose for the provision sought to be varied; and
 3. The variance does not result in a development, or any portion of a development, moving closer to an existing dwelling (i.e., reduced setback adjacent to a dwelling); and
 - ~~4. The minor variance does not expand or reduce a quantifiable standard by more than twenty (20) percent~~
 - ~~5.4.~~ The variance is the minimum necessary to achieve the purpose of the minor variance; and
 - ~~6.5.~~ There has not been a previous land use action approved on the basis that a minor variance would not be allowed.
- B. ~~When the approval criteria in subsection A, above, are not met, or it is unclear to the city manager whether the criteria can be met, the city manager shall advise the applicant in a timely manner that the request is likely to be denied unless it is modified to be consistent with the approval~~

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criteria. The applicant may then modify the application, withdraw it, or ask that it be elevated to a Type II review. Where a request is made **by the applicant** to elevate the application to a Type ~~II~~ III review, the City Manager shall do so without unreasonable delay and the previously paid fee for the Type ~~II~~ III review shall be credited toward the Type ~~II~~ III review.

- C. When a minor variance application is submitted concurrently with an application requiring a Type ~~II~~ III review, such as a **partition**, subdivision, or planned unit development, the City Manager may refer the minor variance application to the Planning Commission for their review.

17.148.050 Criteria and procedure—Major variance.

Major variances apply to proposals that expand or reduce the quantifiable standard by more than twenty (20) percent. The Planning Commission may allow a major variance ~~(greater than 20 percent deviation from a numerical standard)~~ from a requirement or standard of this title after a public hearing conducted in accordance with the Type ~~II~~ III review procedures provided that the applicant provides evidence that the following circumstances substantially exist:

- A. Exceptional or extraordinary circumstances apply to the property that do not apply generally to other properties in the same zone or vicinity, and result from lot size or shape, legally existing prior to the date of the ordinance codified in this title, topography, or other circumstances over which the applicant has no control.
- B. Such variance is necessary for the preservation and enjoyment of a substantial property right of the applicant possessed by the owners of other properties in the same vicinity or district.
- C. The authorization of such variance will not be materially detrimental to the public welfare or injurious to property in the vicinity or district in which the property is located, or otherwise conflict with the objectives of any city plan or policy.
- D. That the special conditions and circumstances on which the application is based does not result from the negligent or knowing violation of this title by the applicant.
- E. The variance requested is the minimum variance that would alleviate the hardship.

17.148.060 Expiration of approval.

- A. Variance approval shall be effective for a period of eighteen (18) months from the date of approval. If the variance has not been implemented within the 18-month period, the approval shall expire.
- B. Variance approval shall be voided immediately if the use established on site does not substantially conform to the approval granted by the Planning Commission.
- C. The City Manager shall upon written request by the applicant and payment of the required fee, grant an extension of the approval for a period not to exceed six (6) months provided that:
 1. No changes are made to the approved variance;
 2. The applicant can show intent to implement the variance within the six-month extension period; and
 3. There have been no changes in existing conditions, facts, or applicable policies or ordinance provisions on which the original approval was based;

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4. The request for extension shall be submitted, in writing, thirty (30) days prior to the expiration of the approval period.

Chapter 17.152 CONDITIONAL USE PERMITS

17.152.010 Purpose.

The conditional use permit process is intended to:

- A. Guide future growth and development in accordance with the comprehensive plan and other related ordinances;
- B. Provide an efficient process and framework to review development proposals;
- C. Ensure safe, functional, energy-efficient developments which are compatible with the natural and man-made environment; and
- D. Resolve potential conflicts that may arise between proposed developments and adjacent uses.

17.152.020 Process.

This chapter provides for two types conditional use permit reviews: "major conditional use permit" applications shall be reviewed in accordance with the Type ~~II~~ **III** review procedures, and "minor conditional use permit" applications are reviewed in accordance with the Type ~~I~~ **II** review procedures. An application for a conditional use permit shall be filed with the city recorder and accompanied by the appropriate fee. It shall be the applicant's responsibility to submit a complete application that addresses the review criteria of this chapter.

- A. Major Conditional Use Permit. Major conditional use permit review shall be applicable to all new conditional uses proposed where the subject site does not currently have a conditional use on it, and to changes to existing conditional uses that meet the threshold criteria for major site design review under Section 17.156. ~~020~~ **040**.
- B. Minor Conditional Use Permit. Minor conditional use permit review shall be applicable to ~~all new developments, exterior alterations to existing developments, and changes~~ **or expansions in to existing conditional uses** that do not otherwise meet the threshold criteria for major conditional use permit review under ~~[Section] 17.152.020~~ **that are less than twenty-five (25) percent of the existing floor area, and not exceeding a total floor area of 1,000 square feet.**
- C. All of the provisions and regulations of the underlying zone shall apply unless modified by other sections of this title.
- D. Where a proposal is subject to both site design review and conditional use permit review, the applications may be consolidated and processed by the city concurrently, though the Planning Commission shall make findings and reach a decision individually for each application.

17.152.030 Criteria for approval.

Conditional use permits shall be approved if the applicant provides evidence substantiating that all the requirements of this title relative to the proposed use are satisfied, and demonstrates that the proposed use also satisfies the following criteria:

- A. The use is listed as a conditional use in the underlying district or the approval body finds that the use is similar to a conditional use listed in the underlying district.

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- B. The site size, dimensions, location, topography and access are adequate for the needs of the proposed use, considering the proposed building mass, parking, traffic, noise, vibration, exhaust/emissions, light, glare, erosion, odor, dust, visibility, safety, and aesthetic considerations.
- C. All required public facilities, including water, sanitary sewer, and streets, have adequate capacity or are to be improved to serve the proposal, consistent with City standards.
- D. The proposed use will not alter the character of the surrounding area in a manner that substantially limits, impairs, or precludes the use of surrounding properties for the primary uses listed in the underlying district.
- E. The negative impacts of the proposed use, if any, on adjacent properties and on the public can be mitigated through application of other Code standards, or other reasonable conditions of approval.

17.152.035 Criteria for approval of medical marijuana dispensary or commercial retail marijuana facility.

- A. The lot on which the business is proposed shall only be located on property zoned and classified as Commercial Business, Commercial Industrial, or General Industrial;
- B. The business shall be located in a permanent building and may not locate in a trailer, cargo container or motor vehicle;
- C. The lot is not within one thousand (1,000) feet of any lot upon which there is located an educational institution primarily attended by minors, including kindergarten, elementary and secondary schools;
- D. If the use is a medical marijuana dispensary the lot is not within one thousand (1,000) feet of any lot upon which there is located another marijuana dispensary business;
- E. The lot is not within one thousand (1,000) feet of the exterior boundaries of a city park.
- F. The exterior appearance of the structure shall be consistent with the appearance of existing commercial structures on abutting lots or within the immediate neighborhood, so as not to cause blight, deterioration, or avoidable depreciation in property values within the general vicinity;
- G. No marijuana dispensary business or commercial retail marijuana facility shall have operating hours earlier than 8:00 a.m. or later than 8:00 p.m. of the same day;
- H. Cultivation, retail cultivation or infusion of marijuana at the site of the dispensary or commercial retail facility is prohibited;
- I. The business shall provide for secure disposal of marijuana remnants or by-products; such remnants or by-products shall not be placed within the facility's exterior refuse containers;
- J. Drive-through services are prohibited.

17.152.040 Conditions of approval.

The approval body may impose conditions that it finds necessary to ensure that the use is compatible with other uses in the vicinity, and that the negative impact of the proposed use, if any, on the surrounding uses and public facilities is minimized. These conditions include, but are not limited to, one or more of the following:

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- A. Limiting the hours, days, place and/or manner of operation;
- B. Requiring site or architectural design features which minimize environmental impacts such as noise, vibration, exhaust/emissions, light, glare, erosion, odor and/or dust;
- C. Requiring larger setback areas, lot area, and/or lot depth or width;
- D. Limiting the building or structure height, size, lot coverage, and/or location on the site;
- E. Designating the size, number, location and/or design of vehicle access points or parking and loading areas;
- F. Requiring street right-of-way to be dedicated and street improvements made, or the installation of pathways or sidewalks, as applicable;
- G. Requiring landscaping, screening, drainage, water quality facilities, and/or improvement of parking and loading areas;
- H. Limiting the number, size, location, height and/or lighting of signs;
- I. Limiting or setting standards for the location, type, design, and/or intensity of outdoor lighting;
- J. Requiring berms, screening or landscaping and the establishment of standards for their installation and maintenance;
- K. Requiring and designating the size, height, location and/or materials for fences;
- L. Requiring the protection and preservation of existing trees, soils, vegetation, watercourses, habitat areas, drainage areas, historic resources, cultural resources, and/or sensitive lands;
- M. Requiring improvements to water, sanitary sewer, or storm drainage systems, in conformance with City standards; and
- N. Establish a timetable for periodic review and renewal, or expiration, of the conditional use permit to ensure compliance with conditions of approval; such periodic review may occur through Type I or Type II review process, as specified by the approval.

17.152.050 Expiration of approval.

- A. Conditional use permit approval shall be effective for a period of eighteen (18) months from the date of approval. If the approved use has not been established or substantial construction of buildings associated with the approved use has not begun within the 18-month period, the approval shall expire.
- B. Conditional use permit approval shall be voided immediately if the use established on site does not substantially conform to the approval granted by the Planning Commission.
- C. The City Manager shall upon written request by the applicant and payment of the required fee, grant an extension of the approval for a period not to exceed six (6) months provided that:
 - 1. No changes are made to the approved conditional use;
 - 2. The applicant can show intent to establish the use within the six-month extension period;
 - 3. There have been no changes in existing conditions, facts, or applicable policies or ordinance provisions on which the original approval was based; and

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4. The request for extension is submitted, in writing, thirty (30) days prior to the expiration of the approval period.

Chapter 17.156 SITE DESIGN REVIEW

17.156.010 Purpose.

The site design review process is intended to:

- A. Guide future growth and development in accordance with the comprehensive plan and other related ordinances;
- B. Provide an efficient process and framework to review development proposals;
- C. Ensure safe, functional, energy-efficient developments which are compatible with the natural and man-made environment; and
- D. Resolve potential conflicts that may arise between proposed developments and adjacent uses.
- E. The site design review provisions are not intended to preclude uses that are permitted in the underlying zones.
- F. Implement design standards contained in this title, which are intended to allow new development that is visually compatible with the historic context of commercial development within Carlton.

17.156.020 Process.

This chapter provides for two types of site design review. "Major site design review" applications shall be reviewed in accordance with the Type III review procedures, and "minor site design review" applications are reviewed in accordance with the Type I review procedures. An application for site design review shall be filed with the city recorder and accompanied by the appropriate fee. It shall be the applicant's responsibility to submit a complete application that addresses the review criteria of this chapter.

17.156.030 Application and fee.

An application for site design review shall be filed with the city recorder and accompanied by the appropriate fee. It shall be the applicant's responsibility to submit a complete application that addresses the review criteria of this chapter.

17.156.040 Applicability of provisions.

- A. Major Site Design Review. Major site design review shall be applicable to all new **non-residential** developments and major expansion or remodel (twenty-five (25) percent or more increase in total square footage) of existing **non-residential** developments ~~except single family detached dwellings and individual duplex dwellings (not part of a subdivision proposal) do not require site design review.~~ **For residential development, major site design review shall apply when the development plan is shown not to meet one or more applicable residential design standards as contained in Chapter 17.106.** Major site design review also applies to a development or change in use that requires a new access permit for access onto a state highway, requires the development of additional off-street parking, or increases AM or PM peak hour automobile trips to/from the site by more than ten (10) percent or ten (10) vehicles, whichever is greater. For purposes of this criterion, the current use as of the time of site design review application submittal shall provide the basis for calculating vehicle trips. Where the subject development is not currently in use, the most intensive

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use of the site during the past twelve (12) months shall serve as the basis for calculating proposed changes in parking and traffic.

- B. Minor Site Design Review. Minor site design review shall be applicable to all new developments, exterior alterations to existing developments, **minor expansion or remodel (less than twenty-five (25) percent increase in total square footage) of existing non-residential developments**, and changes in use that do not otherwise meet the threshold criteria for major site design review under 17.156.040(A), except for **exterior alterations actions** listed as exempt under subsection 17.156.040(C). **Minor site design review shall be applicable to all new and expanded residential developments, unless exempt, where shown to comply with all applicable design standards in Chapter 17.106.**
- C. Exemptions.
- 1.** Changes in use that do not involve development and do not increase AM or PM peak hour automobile trips are exempt from site design review.
 - 2.** Routine building maintenance and repair work (e.g., painting, weatherization, window replacement, and similar maintenance and repair) that do not expand the building envelope and are not otherwise subject to site design review under Chapter 17.30 Downtown (D) District, are exempt; provided all building code requirements shall be met. Projects within the Downtown (D) District shall additionally conform to the standards for building materials and colors contained in Chapter 17.30.
 - 3. Any new or remodeled single-family detached dwelling, duplex dwelling, or two attached townhouse dwellings.**
- D. Notwithstanding the exceptions under subsection 17.156.040(C), all of the provisions and regulations of the underlying zone and other provisions of this title, as applicable, shall apply.

17.156.050 Submittal requirements.

The following information shall be submitted as part of a complete application for site design review:

- A. Site Analysis:
1. Existing site topography;
 2. Identification of areas exceeding ten (10) percent slopes;
 3. Site drainage, areas of potential flooding;
 4. Areas with significant natural vegetation;
 5. Classification of soil types;
 6. Existing structures, roadway access, utilities, and easements on the subject site;
 7. Fire flow information;
 8. Existing and proposed streets, bikeways, and pedestrian facilities within three hundred (300) feet.
- B. Site Plan:
1. Proposed grading and topographical changes;

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2. All proposed structures including finished floor elevations, setbacks, exterior elevations, and exterior finishing;
3. Vehicular and pedestrian circulation patterns, parking, loading and service areas;
4. Proposed access to public roads and highways, railroads or transportation systems;
5. Site drainage plan including methods of storm drainage, sanitary sewer system, water supply system and electrical services. Invert elevations may be required for all underground transmission lines;
6. Proposed landscape plan, to include appropriate visual screening and noise buffering, where necessary, to ensure compatibility with surrounding properties and uses;
7. Proposed on-premise signs, fencing or other fabricated barriers, together with their heights and setbacks;
8. Proof of ownership and signed authorization for the proposed development if applicant is not the owner of the site; and
9. A schedule of expected development;
10. A traffic impact analysis if **requested by the City Manager** **required by subsection 17.100.070(B)**;

11. A grading plan and/or geotechnical engineering report if required by Section 17.78.070;

- 11-12.** Other appropriate studies and information that may be required by the City Manager to adequately evaluate the project, **including Traffic Impact Analyses**, as applicable.

17.156.060 Evaluation of site plan Approval criteria.

~~The review of a site plan shall be based upon consideration of the following:~~

~~A. Conformance~~ **All applications for site design review shall comply with the standards of this chapter, the standards in the base zone,** General Development Standards, **Division III** (Chapters 17.60 through 17.106) of this title, **and any applicable Special Use Standards in Division IV.**

~~B. Application of the standards of this title relative to the characteristics of adjoining and surrounding uses;~~

~~C. Drainage and erosion control requirements relative to applicable city and DEQ standards, and engineering best practices;~~

~~D. Public health factors relative to applicable building codes, sanitation requirements, and city standards;~~

~~E. Parking, traffic safety, and connectivity of internal circulation to existing and proposed streets, bikeways and pedestrian facilities;~~

~~F. Provision for adequate noise and/or visual buffering from non-compatible uses or activities;~~

~~G. Balancing retention of natural features with individual property rights and growth management policies; and~~

~~H. Avoidance of natural hazards.~~

17.156.070 ~~Public improvements~~ Reserved.

~~As part of a design review approval, the decision body may impose the following conditions on a new or expanding development to ensure compliance with the city's public facility standards:~~

- ~~A. Limit or prohibit access to streets, including requiring consolidation or reconfiguration of existing accesses;~~
- ~~B. Require transportation improvements, including but not limited to new or widened streets, sidewalks, bicycle lanes, on-street parking, roadway markings, traffic controls, bus transit waiting areas, or other improvements consistent with the city's transportation system plan or as recommended in a traffic impact analysis pursuant to Chapter 17.100;~~
- ~~C. Require the dedication of additional right-of-way and/or street improvements where necessary to meet city street standards.~~
- ~~D. Require the replacement, extension, and/or upgrade of other essential infrastructure, public or private, including but not limited to water, sewer and storm drainage facilities, provided the required improvements must be necessary to serve the proposed development in conformance with city standards, and the cost borne by the developer/applicant must be roughly proportional to the impact the development is expected to have on those facilities.~~

17.156.080 Expiration of approval.

- A. Site design review approval shall be effective for a period of eighteen (18) months from the date of approval. If substantial construction of the approved plan has not begun within the 18-month period, the approval shall expire.
- B. Site design review approval shall be voided immediately if construction on the site is a departure from the approved plan.
- C. The City Manager shall upon written request by the applicant and payment of the required fee, grant an extension of the approval for a period not to exceed six (6) months provided that:
 - 1. No changes are made to the approved site design plan;
 - 2. The applicant can show intent to initiate construction on the site within the six-month extension period;
 - 3. There have been no changes in existing conditions, facts, or applicable policies or ordinance provisions on which the original approval was based; and
 - 4. The request for extension is submitted, in writing, thirty (30) days prior to the expiration of the approval period.

17.156.090 Performance guarantees.

All public improvements required as a condition of approval site design review approval shall be completed prior to the issuance of any building permits for any structures within the subject development, unless there exists a performance guarantee acceptable to the city attorney, as provided for in Chapter 17.216. In addition to requiring a performance guarantee for public improvements, the city may require a performance guarantee to ensure completion landscaping, screening, fences, walls, and/or other improvements required to ensure compliance with the requirements of this title.

17.156.100 Design standards in the commercial business and commercial industrial zones.

As part of the site design review process, all developments subject to site design review, pursuant to Section 17.156.040, in the commercial business district or commercial industrial district shall be subject to compliance with ~~the~~ all of following design standards. (Note: Section 17.156.100 does not apply to development in the downtown (D) district. Development in the D district shall conform with the design standards of Chapter 17.30).

- A. Building Orientation. The primary entrance to a business shall be oriented toward the major street frontage. Businesses on corner lots may be oriented toward the street corner **with an entry within 10 feet of right-of-way in lieu of orientation towards the major street frontage.**
- B. Building Height.
 - 1. Building heights shall vary from adjacent buildings, using either "stepped" parapets or ~~slightly dissimilar overall~~ **building** height **that varies a minimum of two feet** to maintain the traditional "staggered" streetscape appearance;
 - 2. Multi-story development is the standard without a variance and shall be required on corner lots.
- C. Setbacks. All buildings shall extend to the side lot line, except to accommodate areas specifically designed and maintained as plaza spaces, courtyards, or rear access for pedestrian walkways.
- D. Building Openings.
 - 1. The primary ground level street access shall be recessed from the public right-of-way to create a sense of entry ~~through design or use of materials;~~
 - 2. Ground level entry doors shall be ~~primarily~~ **a minimum of 60%** transparent;
 - 3. Ground level elevation shall maintain a consistent proportion of transparency (~~i.e. windows~~) with ~~the pattern found in the commercial business area~~ **a minimum requirement of windows for 60 percent of the ground floor façade along public street frontages;**
 - 4. ~~Scale, proportion and materials used in alteration or additions to existing structures, such as the size and relationship of new windows, doors, entrances and other building features shall be visually compatible with the original architecture of the building~~ **Each building facade adjacent to a street shall be articulated through recessing, projecting, banding, articulation of exterior materials, or change of materials, by incorporating patterns that are offset by a minimum depth (projecting or recessing) of at least 16 inches from one exterior wall surface to the other and the offset shall extend the length and height of its module. Articulation patterns shall repeat a minimum of every 20 feet for the entire length of the facade. This standard shall only apply to facades that exceed 40 feet in length;**
 - 5. Upper floor windows shall be vertically orientated, their height greater than their width;
 - 6. Except for transom windows, windows shall not break the front plane of the building;
 - 7. ~~Blank walls adjacent to a public sidewalk shall be prohibited in new structures.~~
- E. Rear and Alley Entrances.

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1. ~~Where applicable, alley~~ **Alley** entrances shall be designed to encourage pedestrian access;
 - ~~2. Signs shall be of modest scale to fit the visual characters of an alley or rear entrance;~~
 - 23.** Security lighting shall be provided and focused on rear entries;
 - 34.** Refuse containers and service facilities shall be screened from view.
- F. Rhythms.
1. ~~Prominent horizontal lines at similar levels along the street front shall be maintained~~ **Where a wall of a proposed building is 10 feet or more taller than an adjacent building, the taller building must follow the horizontal lines of the shorter building along the ground floor. This requirement is met by incorporating corncing or a similar architectural feature that projects a minimum of 2 inches from the façade between the full length of all upper story floors;**
 2. ~~A clear visual division shall be maintained between the ground level floor and upper floors;~~ **Multi-story buildings must have designs that establish prominent horizontal lines and avoid blank walls by incorporating one or more of the following:**
 - (A) A series of storefront windows;**
 - (B) Awning or canopy along the ground floor;**
 - (C) Belt course between building stories; and/or**
 - (D) Cornice or parapet line.**
 - ~~3. Buildings shall provide a foundation or base from ground level to the bottom of the lower windowsills, with changes in volume or material;~~
 - ~~34. Buildings shall reflect a vertical orientation, through either actual volume or the use of surface detail to divide large walls.~~ **For buildings three stories or more, elevations must incorporate changes in material that define a building's base, middle, and top and create visual interest and relief.**
- G. Roof Forms.
1. Sloped or residential style roof forms are prohibited unless visually screened from the right-of-way by either parapet or false fronts incorporating a ~~well-defined~~ cornice line **made of different material and color than the predominate siding of the building, except that brick siding may include matching brick cornices;**
 2. Roof mounted equipment shall not be seen from street level and shall not extend above the parapet of a building.
- H. Building Materials and Color.
1. Exterior building materials shall consist of traditional building materials originally found on buildings in the commercial business area or new materials that closely approximate traditional building materials;
 2. Glass, metal panels, smooth stucco, metal shingles or highly polished surfaces **may not be used as a majority of the on more than 40 percent of a** building's exterior surface ~~is prohibited;~~

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- ~~3. Traditional materials shall not be used in non-traditional applications;~~
- 34.** Masonry facades shall not be painted;
- 45.** Subdued colors are encouraged and bright "neon" paint colors or intense white shall be avoided.
- I. ~~Awnings and Marquees. Awnings, marquees or similar pedestrian shelter over sidewalk areas shall be provided and placed giving due consideration to the building architectures such as using the prominent horizontal lines of the building. The use of illuminated, barrel shaped or plastic awnings shall be prohibited.~~ **Pedestrian shelters.**
- 1. Pedestrian shelters such as a canopy or overhang shall be provided over all adjacent public sidewalks so that 50 percent of the length of the building frontage and adjacent sidewalk has weather protection.**
- 2. Pedestrian shelters must be at least the same width of storefronts or window openings and meet any and all additional building code requirements.**
- 3. The minimum horizontal projection (depth) is 3 feet.**
- 4. All portions of any pedestrian shelter shall be at least 8 but not more than 12 feet above any public walkway.**
- J. Remodeling, restoration, rehabilitation or remodeling projects shall incorporate, whenever possible, original design elements that were previously removed, changed or covered over.

17.156.110 Exception to design standards in the commercial business and commercial industrial zones.

- A.** The **applicant may request and the** Planning Commission may grant an exception to the design standards in the commercial business and commercial industrial zones ~~if all of the following circumstances exist:~~ **as part of the site design review for an alternative design that accomplishes the purpose of Section 17.156.100 in a manner that is equal or superior to a project designed pursuant these standards or historical precedent.**
- B. The applicant may apply for a variance for specific relief from the requirements of Section 17.156.100.**
- ~~A. There is demonstrable difficulty in meeting the specific requirements of Section 17.156.100 due to a unique or unusual aspect of the site, an existing structure or proposed use.~~
- ~~B. There is demonstrable evidence that an alternative design accomplishes the purpose of Section 17.156.100 in a manner that is equal or superior to a project designed pursuant these standards or historical precedent.~~
- ~~C. The exception requested is the minimum necessary to alleviate the difficulty of meeting the standards of Section 17.156.100.~~

Chapter 17.160 ~~CODE INTERPRETATION~~ SIMILAR USE DETERMINATION

17.160.010 Purpose.

The purpose of this chapter is to provide ~~for a code interpretation for~~ a process for determining those uses not specifically listed in a particular zoning district but which are similar in character, scale and performance to the permitted uses specified therein.

17.160.020 Process.

Similar use requests shall be reviewed in accordance with the Type ~~II~~ III review procedures.

17.160.030 Application and fee.

Any application for a similar use shall be filed with the City Manager and accompanied by the appropriate fee. It shall be the applicant's responsibility to submit a complete application that addresses the review criteria of this chapter.

17.160.040 Review criteria.

A similar use may be authorized provided that the applicant demonstrates that the proposed use satisfies the following criteria:

- A. The use is consistent with the purpose of the underlying zoning district and is similar in character, scale and performance to uses specified in the underlying district.
- B. The use conforms to the applicable standards and limitations of the underlying zoning district.

17.160.050 Determination.

- A. In approving an application for a similar use, the Planning Commission may:
 1. Determine whether the use is prohibited, permitted or conditionally permitted in the specified zone;
 2. Determine whether the use is permitted or conditionally permitted in a different zone;
 - ~~3. Consistent with the development requirements of the identified zone, determine whether additional land use actions, such as conditional use approval or a site plan review, are required.~~
- B. The determination by the Planning Commission that a proposed similar use cannot be accommodated in a given zone does not preclude an ~~application, by the appropriate party, for an amendment to the text of the comprehensive plan and/or development code.~~ appeal of the determination further to the City Council through the process described in Chapter 17.204. As explained in Chapter 17.04.070, the Planning Commission may issue an interpretation of the question if they have first determined that such interpretation is within their power and is not a legislative act.

Chapter 17.164 NONCONFORMING USES

17.164.010 Purpose.

Within the zoning districts established by this title and amendments thereto, uses and structures may exist which were lawful before the date of adoption or amendment of this title but which would be prohibited or restricted under the terms of this title. The general purpose of this chapter is to encourage the conversion of such nonconforming uses to conforming uses. However, this chapter allows nonconforming uses and structures to be continued, altered, restored or replaced subject to satisfaction of the review criteria specified. This chapter is also intended to facilitate changes over time that would bring properties into closer conformity with this title. Nothing contained in this title shall require any change in the plans, construction, or designated use of any structure for which a building permit was issued and actual construction commenced prior to the date of adoption of this title or any amendment thereto. No alteration of a nonconforming use shall be permitted except in compliance with the provisions of this chapter.

17.164.020 Process.

Proposals to alter a nonconforming situation shall be reviewed in accordance with the Type ~~II~~ III review procedures, except that proposals that would bring a property into closer conformity with this Title are reviewed in accordance with the Type I review procedures.

17.164.030 Application and fee.

An application for an alteration or expansion of a nonconforming use shall be filed with the City Manager and accompanied by the appropriate fee. It shall be the applicant's responsibility to submit a complete application that addresses the review criteria of this chapter.

17.164.040 Discontinuation of use.

If a nonconforming use is discontinued for a period of more than twelve (12) consecutive months, the use shall not be resumed unless the new or resumed use conforms to the requirements of this title. A nonconforming single-family dwelling may be continued, altered, or restored for residential purposes without review. A single-family dwelling does not lose its nonconforming status due to vacancy. For purposes of calculating the twelve (12) month period, a use is discontinued or abandoned upon the occurrence of the first of any of the following events:

1. On the date when the use of land is physically vacated;
2. On the date the use ceases to be actively involved in the sale of merchandise or the provision of services;
3. On the date of termination of any lease or contract under which the nonconforming use has occupied the land; or
4. On the date a request for final reading of water and power meters is made to the applicable utility districts.

17.164.050 Alterations required by law.

The alteration of any nonconforming use when necessary to comply with any lawful requirement for alteration of the use or structure, or to bring the use or structure into closer compliance with this title shall be permitted, subject to all other laws, ordinance and regulations.

17.164.060 Maintenance.

Normal maintenance of a nonconforming use is permitted provided there are not major structural alterations as determined by the building official.

17.164.070 Alteration, restoration, or replacement.

- A. The City Manager shall authorize restoration or replacement of any nonresidential nonconforming use when restoration or replacement is made necessary by fire, casualty, or natural disaster and does not exceed forty (40) percent of the value of the original structure, provided the physical restoration or replacement is lawfully commenced within six months of the damage or destruction.
- B. The City Manager shall authorize restoration or repair of any residential nonconforming use when restoration or replacement is made necessary by fire, casualty, or natural disaster provided the physical restoration or replacement is lawfully commenced within six months of the damage or destruction.
- C. If the use is discontinued or abandoned for any reason for a period of more than 12 months, any subsequent use of land shall conform to the applicable standards and criteria specified by this Code for the land use district in which such land is located.
- D. The Planning Commission, subject to the Type ~~II~~ III review procedure, may extend the restoration or replacement period for an additional six months. In no case shall the total restoration or replacement period exceed one year. Requests for extension of restoration or replacement period shall be submitted in writing thirty (30) days prior to the expiration date of the restoration or replacement period.
- E. The alteration of a nonconforming use may be authorized by the Planning Commission, subject to the Type ~~II~~ III review procedure, provided that the applicant demonstrates that the proposal satisfies the following criteria:
 - 1. That the alteration of the structure or development would not expand a nonconformity by more than twenty (20) percent of floor area or site area, as applicable, and would have no greater adverse impact on the neighborhood; an alteration that brings a nonconforming situation into closer conformity with this title may be approved through the Type I review procedure; **or**
 - 2. ~~That the~~ A change in use to another nonconforming use ~~may be permitted subject to the Type II review procedure if it is~~ **would be** of the same or less intensity of use.
- G.** ~~3.~~—The alteration of a nonconforming single-family residence that does not involve a change in use is authorized without Planning Commission approval.
- H.** ~~4.~~—Should a nonconforming structure be moved on- or off-site for any reason, and by any distance, it shall thereafter conform to the regulations of this title.

17.164.080 Conditions of approval.

In approving the alteration, restoration, or replacement of a nonconforming use, the Planning Commission may impose such conditions, as it deems appropriate to ensure that the intent of this chapter is carried out.

Chapter 17.168 LOT LINE ADJUSTMENTS

17.168.010 Applicability.

The procedures and requirements in this chapter apply to the relocation of a common property line between two abutting properties.

17.168.020 Standards.

- A. The number of lots or parcels as large as the minimum lot size in the affected zone is at least the same after the adjustment as before the adjustment.
- B. The number of lots or parcels resulting from the adjustment is the same or less than the number of lots or parcels existing prior to the adjustment.
- C. Following the lot line adjustment, all lots must comply with lot size and dimensional standards of the applicable land use district. For nonconforming lots, the adjustment shall not increase the degree of non-conformance of the subject property or surrounding properties.
- D. All lots or parcels having access to a public or private street before the adjustment must retain access after the adjustment.
- E. The lot line adjustment shall not reduce any required development feature or standard, such as parking, landscaping, or building setbacks, to a size or dimension that does not meet the minimum standards of this title.

17.168.030 Submittal requirements.

The applicant must submit the following information and materials:

- A. Applications for lot line adjustments shall be submitted on forms provided by the city to the city recorder and accompanied by the appropriate fee. A lot line adjustment application shall be signed by the property owner, contract purchaser or an authorized agent of the owner or contract purchaser of all lots impacted by the lot line adjustment.
- B. Each application shall be accompanied by a preliminary map drawn to scale of not less than one inch equals fifty (50) feet, and containing at a minimum, the following:
 1. A written statement that explains the applicants reasons for adjusting the boundaries and demonstrating that the adjustment conforms to city land use policies and regulations of the applicable zone;
 2. North point, scale and date;
 3. Name and addresses of landowners, applicants, engineer, surveyor, planner, architect or other individuals responsible for the plan;
 4. Map number and tax lot or tax account number of subject property;
 5. Dimensions and size in square feet or acres of each parcel before the proposed adjustment and of each parcel after the proposed adjustment;
 6. The approximate location and identification of existing streets, easements or rights-of-way adjacent to, or within, the subject property, and, existing improvements on the property.

17.168.040 Process.

- A. A lot line adjustment is subject to a Type I review. After a lot line adjustment is approved, the new boundary becomes effective only if within one year of the written approval the following steps are completed:
 - 1. A metes and bounds legal description of the adjusted lots is recorded with the Yamhill County clerk.
 - 2. If required by ORS Chapter 92, a final plat and boundary survey are prepared and all new boundaries are monumented as required by ORS Chapters 92 and 209.
- B. The applicant shall submit a copy of the recorded lot line adjustment survey map to the city prior to issuance of any building permits on the re-configured lots.

Chapter 17.172 PARTITIONS

17.172.010 Applicability.

A partition is required for any land division that creates two or three parcels in a calendar year. ~~The parcels shall meet the Development Standards for Land Division of Chapter 17.88, other applicable development standards and the following additional requirements:~~

~~A. Each parcel shall satisfy the dimensional standards of the applicable zoning district, unless a variance from these standards is approved.~~

~~B. Adequate public facilities shall be available to serve the existing and newly created parcels.~~

17.172.020 General provisions.

A. The partition shall meet the Development Standards for Land Division of Chapter 17.88.

B. Each parcel shall satisfy the dimensional standards of the applicable zoning district, unless a variance from these standards is approved.

A.C. Partition approval is valid in perpetuity, upon recording of the final surveyed plat.

B.D. No parcel within an approved partition may be redivided within the same calendar year in which it was recorded, except through the subdivision process.

C.E. A master plan for development is required for any application that ~~leaves a portion of the subject property capable of replatting~~ **creates an oversized lot which is greater than twice the required minimum lot size allowed by the subject zone.**

17.172.030 Process.

Preliminary plats for partitions shall be reviewed in accordance with the Type II review procedures.

17.172.040 Application and fee.

A. Applications for partitions shall be submitted on forms provided by the city to the city recorder and accompanied by the appropriate fee. It shall be the applicant's responsibility to submit a complete application that addresses the review criteria of this chapter.

B. The applicant shall submit ten (10) clear and legible copies of the preliminary plan on sheets not less than eleven (11) inches by seventeen (17) inches and no more than twenty-four (24) inches by thirty-six (36) inches in size. Preliminary plans shall be drawn to a scale of one-inch equals fifty (50) feet or larger.

1. General Information. The following general information shall be shown on the tentative plan:

- a. Vicinity map extending eight hundred (800) feet in each direction showing all streets, property lines, streams, and other pertinent data to locate the proposal;
- b. North arrow, scale of drawing and date of preparation;
- c. Tax map and tax lot number or tax account of the subject property;
- d. Dimensions and size in square feet or acres of the subject property;

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- e. The names and addresses of the property owner, partitioner and engineer, surveyor, or other individual responsible for laying out the partition.
2. Existing Conditions.
 - a. Location of all existing easements within the property;
 - b. Location of city utilities (water, sanitary sewer, storm drainage) within or adjacent to the property proposed for use to serve the development;
 - c. The location and direction of watercourses or drainage swales. The location and disposition of any wells, wetlands identified on the State Wetland Inventory, septic tanks, and drain fields in the partition;
 - d. Existing uses of the property, including location of existing structures on the property. It should be noted whether the existing structures are to be removed or to remain on the property.
3. Proposed Plan. A detailed plan of the propose partition clearly showing the following:
 - a. Locations, approximate dimensions and area in square feet of all proposed parcels. All parcels shall be numbered consecutively;
 - b. Location, width and purpose of any proposed easements.
4. Supplemental Information. Proposed deed restrictions, if any, in outline form.

17.172.050 Final plat approval.

- A. Within **eighteen (18) months two (2) years** of the final decision approving a preliminary plat, a final survey of the approved plat shall be recorded **submitted to the city**. If the final survey is not submitted within **eighteen (18) months two (2) years**, the preliminary approval shall lapse. Final plats requirements for partitions are the same as for subdivisions. Both are reviewed in accordance with Section 17.176.050.
- B. The City Manager shall upon written request by the applicant and payment of the required fee, grant an extension of the approval for a period not to exceed six (6) months provided that:
 1. No changes are made to the approved preliminary plat; and
 2. There have been no changes in existing conditions, facts, or applicable policies or ordinance provisions on which the original approval was based.

~~17.172.060 Expedited land division.~~

~~A. Definition. An expedited land division:~~

~~1. Is an action of the city that:~~

- ~~a. Includes land that is zoned for residential uses and is within an urban growth boundary;~~
- ~~b. Is solely for the purposes of residential use, including recreational or open space uses accessory to residential use;~~
- ~~c. Does not provide for dwellings or accessory buildings to be located on land that is specifically mapped and designated in the comprehensive plan and land use regulations~~

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for full or partial protection of natural features under the statewide planning goals that protect open spaces, scenic historic areas, natural resources, and estuarine resources;

d. Satisfies minimum street or other right-of-way connectivity standards established by acknowledged land use regulations or, if such standards are not contained in the applicable regulations, as required by statewide planning goals or rules;

e. Creates enough lots or parcels to allow building residential units at eighty (80) percent or more of the maximum net density permitted by the zoning designation of the site.

2. Is a land division that:

a. Will create three or fewer parcels; and

b. Meets the criteria set forth for an action under Section 17.172.060(A)(1)(a) through (e).

B. Exclusion.

1. Property and process exclusions include properties specifically mapped and designated in the comprehensive plan or development ordinance for full or partial protection of natural features under the statewide planning goals that protect open space, scenic and historic areas and natural features and not eligible for the construction of dwelling units or accessory buildings;

2. The expedited land division process is not a land use or limited land use decision and is not subject to the permit requirements of city enabling legislation. Decisions are not subject to the comprehensive plan and not eligible for appeal to the land use board of appeals (LUBA).

C. Complete Application. The city shall review an application and makes a decision on its completeness within twenty-one (21) days of submittal. Upon determination of an incomplete application, the applicant has one hundred eighty (180) days to submit the missing information.

D. Public Notice. Upon submittal of a complete application, the city shall send written notice to affected governmental agencies and property owners within two hundred (200) feet of the site proposed for the land division. The notice shall include the following:

1. A fourteen (14) day deadline for submission of written comments;

2. The time and place where all copies of evidence submitted by the applicant will be available for review;

3. The name, address, and telephone number of the city's staff person available to comment on the application;

4. Summary of the local decision making process for such a decision;

5. Applicable decision criteria;

6. Notification that participants must raise all issues during the written comment period.

E. Initial Decision. The Planning Commission shall allow at least fourteen (14) days for written comments and shall render a decision within sixty-three (63) days of a complete application. No public hearing may be held during the initial decision making phase.

F. Notice of Final Decision. A notice of decision must be given to the applicant and other participants of the decision. The notice of decision shall state the appeal process.

G. Time Extension.

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1. Applicant. If a decision is not made within sixty three (63) days, the applicant may seek review by writ of mandamus;
 2. City. The city may extend the sixty three (63) day period up to one hundred twenty (120) days based on the determination that an unexpected or extraordinary increase in applications makes the sixty three (63) day period impracticable. Following a seven day notice to the applicant, consideration of an extension is considered at a regularly scheduled City Council meeting. That determination is specifically declared not to be a land use decision or limited land use decision.
- H. Decision Criteria. Criteria for approving the partition shall be as follows:
1. The criteria established in Section 17.172.010;
 2. Density. The application must be able to establish at least eighty (80) percent of the allowable density of the applicable residential zone;
 3. Street Standards. The application must comply with the most recent transportation plan or provide evidence of meeting the city's minimum street connectivity standards;
- I. Appeal of Initial Decision. A decision may be appealed to a local hearings officer within fourteen (14) days of filing the notice of decision by the applicant or any person or organization that filed comments on the initial decision.
- J. Appeal Fee. Filing an appeal requires a deposit of three hundred dollars (\$300.00) to cover costs. An appellant faces the possibility of an assessment of five hundred dollars (\$500.00) for the total costs of local proceedings if the appellant does not prevail. If an appellant materially improves its position, the deposit and appeal fee shall be refunded.
- K. Basis of an Appeal of the Initial Decision. The local appeal shall be based on the following:
1. The failure to meet local substantive and procedural requirements;
 2. Unconstitutionality;
 3. The decision was not within the expedited land division category; or
 4. A party's substantive rights have been substantially prejudiced by an error in procedure of the local government.
- L. Hearings Officer. A city designated hearings officer shall hear the appeal of the initial expedited land use decision. The hearings officer may not be a city officer or city employee.
- M. Hearings Officer Notification. Within seven days of the hearings officer's appointment, the city shall notify the appellant, the applicant (if not the appellant), and the persons or organizations entitled to notice and which provided written comments, of the hearing date before the hearings officer. If a person submitting comments did not appeal, the issues presented by that person are limited to those in their submitted comments.
- N. Appeal Hearing. The hearings officer conducts a hearing that:
1. Follows the commission proceeding requirements;
 2. Allows the local government's explanation of its decision; and
 3. May consider evidence not previously considered.

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~~O. — Hearings Officer Decision. In all cases, not involving a procedural issue, the hearings officer shall seek to identify means by which the application can satisfy the applicable requirements. The hearings officer may not reduce the density of the application or remand the application to the city, but shall make a written decision on the appeal within forty two (42) days of the filing of the appeal. Unless the local government determines that exigent circumstances exist, a hearings officer who fails to decide a case within the forty two (42) day period shall receive no compensation for services as the hearings officer. If the decision was not an expedited land division, the hearings officer must remand the decision for proper procedural determination.~~

~~P. — Appeal of Hearings Officer Decision. Appeals of the hearings officer decision are to the Oregon Court of Appeals.~~

~~Q. — Basis of an Appeal of the Hearings Officer Decision. The grounds for review of a hearings officer's decision are limited to:~~

- ~~1. — Whether the decision followed the process for an expedited land division and appellant raised that issue;~~
- ~~2. — Unconstitutionality; and~~
- ~~3. — Certain bias or interest on the part of the hearings officer or local government.~~

~~R. — Process for Final Plat Approval. Final plats for expedite land divisions shall be reviewed consistent with the requirements in Section 17.172.050.~~

Chapter 17.174 EXPEDITED LAND DIVISIONS

17.174.010 Definition.

An expedited land division, consistent with ORS 197.360, is division of land into two or more parcels that:

- A. Includes land that is zoned for residential uses and is within an urban growth boundary;**
- B. Is solely for the purposes of residential use, including recreational or open space uses accessory to residential use;**
- C. Does not provide for dwellings or accessory buildings to be located on land that is specifically mapped and designated in the comprehensive plan and land use regulations for full or partial protection of natural features under the statewide planning goals that protect open spaces, scenic historic areas, natural resources, and estuarine resources;**
- D. Satisfies minimum street or other right-of-way connectivity standards established by acknowledged land use regulations or, if such standards are not contained in the applicable regulations, as required by statewide planning goals or rules;**
- E. Will result in development that either:**
 - 1. Creates enough lots or parcels to allow building residential units at 80 percent or more of the maximum net density permitted by the zoning designation of the site; or**
 - 2. All dwellings will be sold or rented to households with incomes below 120 percent of the median family income for Yamhill County. A copy of a deed restriction or other legal mechanism approved by the City Manager shall be submitted.**

17.174.020 Process.

- A. The expedited land division process is not a land use or limited land use decision and is not subject to the permit requirements of city enabling legislation. Decisions are not subject to the comprehensive plan and not eligible for appeal to the land use board of appeals (LUBA).**
- B. Complete Application. The city shall review an application and makes a decision on its completeness within twenty-one (21) days of submittal. Upon determination of an incomplete application, the applicant has one hundred eighty (180) days to submit the missing information.**
- C. Public Notice. Upon submittal of a complete application, the city shall send written notice to affected governmental agencies and property owners within two hundred (200) feet of the site proposed for the land division. The notice shall include the following:**
 - 1. A fourteen (14)-day deadline for submission of written comments;**
 - 2. The time and place where all copies of evidence submitted by the applicant will be available for review;**
 - 3. The name, address, and telephone number of the city's staff person available to comment on the application;**
 - 4. Summary of the local decision making process for such a decision;**
 - 5. Applicable decision criteria;**

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6. Notification that participants must raise all issues during the written comment period.

D. Initial Decision. The City Manager shall allow at least fourteen (14) days for written comments and shall render a decision within sixty-three (63) days of a complete application. No public hearing may be held during the initial decision making phase.

E. Notice of Final Decision. A notice of decision must be given to the applicant and other participants of the decision. The notice of decision shall state the appeal process.

F. Time Extension.

1. Applicant. If a decision is not made within sixty-three (63) days, the applicant may seek review by writ of mandamus;

2. City. The city may extend the sixty-three (63) day period up to one hundred twenty (120) days based on the determination that an unexpected or extraordinary increase in applications makes the sixty-three (63)-day period impracticable. Following a seven-day notice to the applicant, consideration of an extension is considered at a regularly scheduled City Council meeting. That determination is specifically declared not to be a land use decision or limited land use decision.

17.174.030 Decision criteria.

The City Manager's decision must be based on compliance with the standards of this Chapter and the applicable development standards of this code. An approval may include conditions to ensure that the application meets applicable land use regulations.

17.174.040 Appeal.

A. A decision may be appealed within fourteen (14) days of the mailing of the decision notice by the applicant or a person or organization who submitted written comments during the written comment period allowed by Section 17.174.020.C. The appeal must include the appeal application and a \$300.00 deposit for costs.

B. An appeal must be based solely on one or more of the allegations:

1. The decision violates the substantive provisions of the applicable land use regulations;

2. The decision is unconstitutional;

3. The application was not eligible for review under this Chapter, Expedited Land Divisions, and should be reviewed as a land use decision or limited land use decision;

4. The appellant's substantive rights were substantially prejudiced by a procedural error.

C. The City must appoint a Hearings Officer to decide the appeal decision and the appointed Hearings Officer must comply with ORS 197.375(3) through (6) when issuing a decision.

17.174.050 Final plat.

Final plats for expedited land divisions shall be reviewed consistent with the requirements in Section 17.176.050.

Chapter 17.176 SUBDIVISIONS AND PLANNED UNIT DEVELOPMENTS

17.176.010 General provisions.

- A. All subdivisions and planned unit developments (PUDs) shall conform to all applicable zoning district Standards, development standards and other provisions of this title.
- B. A master plan for development is required for any application that leaves a portion of the subject property capable of redevelopment.

C. All subdivisions and PUDs shall be reviewed in accordance with the Type III review procedures.

17.176.020 Application ~~and fee~~ requirements.

- A. The following submittal requirements shall apply to all preliminary plan applications for subdivisions and PUDs:
 - 1. All applications shall be submitted on forms provided by the city to the city recorder along with the appropriate fee. It shall be the applicant's responsibility to submit a complete application that addresses the review criteria of this chapter;
 - 2. The applicant shall submit ten (10) clear and legible copies of the preliminary plan on sheets that are twenty-four (24) inches by thirty-six (36) inches in size. Preliminary plans shall be drawn to a scale of one-inch equals one hundred (100) feet or larger;
 - 3. General Information. The following general information shall be shown on the preliminary plan:
 - a. Vicinity map extending one thousand two hundred (1,200) feet in each direction showing all streets, property lines, streams, and other pertinent data to locate the proposal;
 - b. North arrow, scale of drawing and date of preparation;
 - c. Tax map and tax lot number or tax account of the subject property;
 - d. Dimensions and size in square feet or acres of the subject property;
 - e. The names and addresses of the property owner, partitioner and engineer, surveyor, or other individual responsible for laying out the partition.
 - 4. Existing Conditions. The preliminary plan shall show:
 - a. Location of all existing easements within the property;
 - b. Location of city utilities (water, sanitary sewer, storm drainage) within or adjacent to the property proposed for use to serve the development;
 - c. The location and direction of watercourses or drainage swales. The location and disposition of any wells, wetlands identified on the State Wetland Inventory, septic tanks, and drain fields in the development;
 - d. Existing uses of the property, including location of existing structures on the property. It should be noted whether the existing structures are to be removed or to remain on the property;

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- e. Contour lines related to an established benchmark, having the following minimum intervals:
 - i. Areas with less than five percent slope: one-foot contours;
 - ii. Areas with slope between five percent and ten (10) percent: two-foot contours;
 - iii. Areas with slope greater than ten (10) percent: five-foot contours;
 5. Proposed Plan. The preliminary plan shall clearly show to scale the following:
 - a. Proposed name of the PUD or subdivision;
 - b. Locations, approximate dimensions and area in square feet of all proposed lots. Identification of each lot and block by number;
 - c. Proposed streets and their names, approximate grade, radius of curves, and right-of-way widths;
 - d. Any other legal access to the subdivision or PUD, other than a public street;
 - e. Location, width and purpose of any proposed easements;
 - f. If the development is to be constructed in phases, indicate the area of each phase.
 6. Supplemental Information. Proposed deed restrictions, if any, in outline form.
 7. A traffic impact analysis if **requested by the City Manager** **required by subsection 17.100.070(B).**
 - 8. A grading plan and/or geotechnical engineering report if required by Section 17.78.070.**
 - 9. Concept Plan for Building Orientation, Open Space and Vehicle Access. When lots within a proposed subdivision are intended for future construction of three or more attached townhouse dwellings, multi-family dwellings, cottage clusters or any nonresidential development, the plan submittal shall include either:**
 - a. Application for Site Design Review in accordance with Chapter 17.156 for concurrent review; or**
 - b. A concept plan, depicting the general location of buildings, orientation to the street, open space and vehicle access points for demonstrating feasibility of meeting applicable design standards in Chapter 17.106 and other relevant standards.**
 - 10. Tree Survey and Arborist Report. A survey indicating location of all trees on the property having a ten-inch trunk diameter 4.5 feet above grade or greater and their diameter. The plan shall show which trees are proposed for removal and the location of replacement trees relative to the proposed lots, streets and other improvements. The plan shall be accompanied by a certified arborist report documenting the health and species of all surveyed trees, noting any dead, dying, diseased or hazardous trees.**
- B. The following supplemental information shall be required for all PUD preliminary plan applications:
- 1. Calculations justifying the proposed density of development as required by Section 17.112.050(C);**

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12. Proposed uses of the property, including **all proposed residential uses and** sites, if any, for **attached dwelling units**, recreational facilities, parks and playgrounds or other public or semi-public uses, with the purpose, condition and limitations of such reservations clearly indicated;
23. The approximate location and dimensions of all commercial **or multi-family** structures proposed to be located on the site;
34. Statement of improvements to be made or installed including streets, sidewalks, bikeways, trails, lighting, tree planting, landscaping, and time such improvements are to be made or completed;
45. Written statement-outlining proposals for ownership and maintenance of all open space areas, private streets and any commonly owned facilities.

17.176.030 ~~Process~~ Preliminary Plat Approval Criteria.

- ~~A. Preliminary plans for subdivisions and PUDs shall be reviewed in accordance with the Type II review procedures.~~
- ~~B. Approvals of any preliminary plans for a subdivision or PUD shall be valid for eighteen (18) months after the date of the written decision. A final plat for a subdivision shall be recorded within this time period or the approvals shall lapse. PUDs that do not involve the subdivision of property shall show substantial progress toward the construction of the project within the 18-month period or the approval shall lapse.~~
- ~~C. The Planning Commission may extend the approval period for any subdivision or PUD for not more than one additional year at a time. Requests for extension of approval time shall be submitted in writing thirty (30) days prior to the expiration date of the approval period.~~
- ~~D. If the approval period is allowed to lapse, the applicant must resubmit the proposal, including all applicable fees, for public hearing before the Planning Commission. The applicant will be subject to all applicable standards currently in effect.~~
- A. The Planning Commission may approve, approve with conditions, or deny a preliminary plat. The Planning Commission decision shall be based on findings of compliance with all of the following approval criteria:**
 - 1. The land division application shall conform to the requirements of Chapter 17.176;**
 - 2. All proposed lots and land uses shall conform to the applicable provisions of Division II (Zoning and Development Provisions);**
 - 3. Access to individual lots, block configuration and public improvements necessary to serve the development, including but not limited to water, sewer, and streets, shall conform to Division III (General Development Standards);**
 - 4. The proposed plat name is not already recorded for another subdivision, and satisfies the provisions of ORS Chapter 92;**
 - 5. The proposed streets, utilities, and surface water drainage facilities conform to City of Carlton adopted plans and applicable engineering standards, and allow for transitions to**

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- existing and potential future development on adjacent lands. The preliminary plat shall identify all proposed public improvements and dedications;**
- 7. All proposed private common areas and improvements, if any, are identified on the preliminary plat and maintenance of such areas is assured through appropriate legal instrument;**
 - 8. Evidence that any required state and federal permits, as applicable, have been obtained or can reasonably be obtained prior to development;**
 - 9. Evidence that improvements or conditions required by the City, road authority, Yamhill County, special districts, utilities, and/or other service providers, as applicable to the project, have been or can be met.**
 - 10. Flag Lots. Flag lots may be created only when a through street cannot be extended to serve abutting uses or future development. A flag lot driveway (“flag pole”) shall serve not more than four dwelling units, including accessory dwellings and dwellings on individual lots. The layout of flag lots, the placement of buildings on such lots, and the alignment of shared drives shall be designed so that future street connections can be made as adjacent properties develop, to the extent practicable, and in accordance with the transportation connectivity and block length standards of Section 17.88.040.**
 - 11. Emergency Vehicle Access. A drive serving more than one lot shall have a reciprocal access and maintenance easement recorded for all lots it serves. No fence, structure, or other obstacle shall be placed within the drive area. Where required, emergency vehicle apparatus lanes, including any required turn-around, shall conform to applicable building and fire code requirements. Fire sprinklers may also be required for buildings that cannot be fully served by fire hydrants (i.e., due to distance from hydrant or insufficient fire flow).**
 - 12. Lot Size Averaging. To allow flexibility in subdivision design and to address physical constraints, such as topography, existing development, significant trees, and other natural and built features, the approval body may grant without a variance a 10 percent modification to the lot area and/or lot dimension (width/depth) standards in Division II, provided that the overall density of the subdivision does not exceed the allowable density of the district and the approval body finds that all of the following are met:**
 - a. Where a proposed subdivision would abut an existing subdivision with standard-, or larger-, sized lots, the perimeter of the proposed subdivision shall contain standard-, or larger-, sized lots; except that this provision does not apply where the existing lots are larger than 20,000 square feet; and**
 - b. The Planning Commission may require screening, buffering, or other transitions in site design where lots are proposed to abut standard-, or larger-, sized lots.**
 - 13. Housing Variety. To promote a variety of housing options, no single residential dwelling type may account for more than seventy five (75) percent of the dwelling units in any proposed subdivision with 28 or more dwelling units.**

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- 14. Preservation and Replacement of Trees. All existing trees having a ten-inch trunk diameter 4.5 feet above grade or greater, as documented in the tree survey per subsection 17.156.020(A)(10), are considered significant and shall be preserved or replaced at a 'one-to-one' ratio.**
- a. Replacement trees shall meet the size specifications of subsections 17.84.080(H) or (I).**
 - b. Any trees planted to meet the requirements of Chapter 17.84 including street trees shall be counted as replacement trees.**
 - c. Trees removed for installation of public infrastructure shall not required to be replaced, however they should be preserved where possible.**
 - d. Dead, dying, diseased or hazardous trees, as documented in the arborists report per subsection 17.156.020(A)(10), shall not be required to be replaced.**

17.176.035 Open space requirements.

- A. For subdivisions that create 28 or more lots, a minimum of five percent (5%) of the total lot area based on net density as defined, shall be maintained as open space. Cottage cluster development is subject to the open space requirements of Section 17.106.040 and not to the requirements of this section. The following may not be counted as open space:**
 - 1. Required yards or setbacks of private lots. However, trees and natural areas intended for preservation in private lots may count as open space if located within conservation easement(s) shown to the final plat, along with recorded documents declaring a homeowner association or the City of Carlton as beneficiary of the easement and maintenance provider.**
 - 2. Submerged lands, including storm drainage facilities. However, vegetated storm drainage treatment facilities and special flood hazard areas may count as open space if located within a tract(s) of land or easement(s) shown to the final plat, along with recorded documents declaring a homeowner association or the City of Carlton as beneficiary of the easement and maintenance provider.**
- B. Open space must be developed as either 'active-style,' 'passive-style,' 'boulevard style,' or any combination thereof.**
 - 1. Active-style open spaces shall be a minimum of five thousand (5,000) square feet in size, have a minimum average width and depth no less than fifty (50) feet, and be developed with grass areas for picnics and recreational play, sports courts, walking paths, seating areas, pet areas, and other similar features. Open space must have a minimum of ten (10) feet of street frontage to ensure access, or other similar means of access.**
 - 2. Passive-style open spaces may be any configuration or shape, and shall be intended to retain trees identified by an arborist report or retain natural areas or shall be landscaped without the use of any irrigated turf. Open space must have a minimum of ten (10) feet of street frontage to ensure access, or other similar means of access such as a trail easement.**
 - 3. 'Boulevard style' open spaces may be created as enhanced streetscapes in excess of the minimum public street requirements and may count toward a maximum of ten thousand (10,000) square feet of the open space requirement.**

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Example: if a 50-foot-wide right-of-way is required for a 1,000 foot-long street and a 60-foot wide ROW with 5-foot additional plantings/meandering pathway is provided on each side of the street, the additional 10-foot-wide area x 1,000 linear feet, or 10,000 square feet, counts toward the open space requirement.

C. The open space shall be conveyed in accordance with one of the following methods:

- 1. By dedication to the City as public open space (if acceptable to the City). Open space proposed for dedication to the City must be acceptable to the City Manager with regard to the size, shape, location, improvement, environmental condition, and budgetary and maintenance abilities.**
- 2. By leasing or conveying title (including easement beneficiary) to the City, homeowners' association or other legal entity, given the ability to access and maintain the open space. The terms of such lease or other instrument of conveyance must include provisions (e.g., maintenance, property tax payment, etc.) suitable to the City.**

D. If the subdivision is to be constructed in phases, the area of open space and purpose is to be shown to each phase.

E. The required open space is ineligible for Parks System Development Charges (SDCs) credits unless abutting a city designated park or trail system and associated with a project funded by park SCDs. Credits would be based on the methodology identified in the most current Parks Development Plan.

17.176.040 Final plat requirements.

- A. Preparation. The final plat shall be submitted to the city in a form and with information consistent with this title, county survey and map standards and state laws including ORS 92.010-160 for plats of record and ORS 209.250 for surveys.
- B. Number of Copies. The applicant shall submit three identical reproducible copies of the final plat for signature. The plats shall be Mylar, meeting the requirements of the county recorder and the county surveyor.
- C. Information Required. In addition to any information specified by current state law or county regulations, the following information shall be shown on the final plat:
 1. The area of each lot shall be shown in square feet. For parcels larger than one acre, the area shall be shown to the nearest hundredth of an acre. When front lot lines are on a curve or arc, the front lot line distance shall be indicated by bearing and chord distance;
 2. Identification of land to be dedicated for any purpose, public or private, to distinguish it from lots or parcels intended for sale. The following phrases shall be used when identifying open space dedications:
 - a. Common open space: used to identify those parcels of land created for the purpose of common ownership, enjoyment and maintenance by an approved homeowner's association or is listed as being held in common ownership, with appropriate deed restrictions and responsibilities, by owner's of property within the development;
 - b. Public open space: used when identifying those parcels of land dedicated to the city for open space purposes.

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17.176.050 Final plat approval.

- A. Within ~~eighteen (18) months~~ **two (2) years** of the final decision approving a preliminary plat, a final plat shall be ~~recorded~~ **submitted to the city**. If the final plat is not ~~recorded~~ **submitted** within ~~eighteen (18) months~~ **two (2) years**, the preliminary approval shall lapse.
- B. The City Manager shall upon written request by the applicant and payment of the required fee, grant an extension of the approval for a period not to exceed six (6) months provided that:
1. No changes are made to the approved preliminary plat; and
 2. There have been no changes in existing conditions, facts, or applicable policies or ordinance provisions on which the original approval was based.
- C. After the final plat has been submitted, the city staff shall review ~~and compare it with the approved preliminary plan to ascertain whether the final plat conforms substantially to preliminary plan and to the~~ **the final plat by means of a Type I review to determine compliance or noncompliance with the preliminary plat and any** conditions of approval as were imposed. ~~The chairperson shall signify Planning Commission approval of the final plat by signing all three reproducible copies of the plat.~~
- D. No final plat shall be approved unless:
1. The plat is in substantial conformance with this title and the provisions of the preliminary plan as approved, including any conditions imposed in connection therewith;
 2. The plat contains free and clear of all liens and encumbrances a donation to the public of all common improvements, including but not limited to streets, roads, sewage disposal and water supply systems, the donation of which is required by this title or was made a condition of the approval of the preliminary plat;
 3. Explanations of all common improvements required as conditions of approval of the preliminary plan have been recorded and referenced on the plat;
 4. All reserve blocks shown on the preliminary plan or required as conditions of approval have been deeded in fee simple to the city;
 5. The City Engineer certifies as follows:
 - a. All required public improvements are completed and approved by the city; or
 - b. All required public improvements are ~~substantially~~ **at least ninety (90) percent** complete and a performance guarantee is provided **for incomplete work** pursuant to Section 17.216.010.
- E. If the city recorder finds that conditions specified in subsection D of this section have not been met, the applicant shall be advised of the changes that must be made and afforded the opportunity to comply. Rejection of a final plat shall not affect the preliminary plan approval.
- F. When the city recorder finds that the final plat is in substantial conformity to the approved preliminary plan and is otherwise in lawful form, the city recorder shall sign and date all three reproducible copies of the plat.
- G. Following endorsement of the plat by the city recorder, the mayor and the city engineer, the applicant shall:
1. Pay all required review fees;

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2. Complete all action required by ORS 92.100;
 3. Obtain any other approval signature required by state or county laws, ordinances or regulations;
 4. Deliver the approved subdivision plat and accompanying documents to the county clerk for recording;
 5. Deliver a signed Mylar copy and three (3) copies of the recorded subdivision plat to the city recorder's office.
- H. Effective Date for Final Plat Approval. The approval process for a development shall become final upon the recording of the approved final plat together with any required documents with the county clerk. Approved final plats shall become void eighteen (18) months after final city approval if they are not recorded.

17.176.060 Subdivision of a mobile home park.

The proposed subdivision of manufactured or mobile home parks under the requirements of ORS 92.830 to 92.845 shall be processed as follows.

- A. The subdivision of an existing mobile home park shall be approved provided:
 1. The park is in compliance with all standards for a mobile dwelling park or is an approved nonconforming use. A park is in compliance if the city has not issued a written notice of noncompliance on or before July 2, 2001;
 2. The tentative subdivision plan does not increase the number of lots approved for the park, change the boundary lines, or setback requirements, or make other development changes; and
 3. A plat is prepared and recorded in compliance with all regulations of this title and Oregon Revised Statutes.
- B. A subdivision of an existing mobile home park is not required to meet the minimum lot size, frontage, setback requirements, or street standards of this title, with the following exception that new structures located within yards abutting properties outside of the subdivision must meet all setback requirements or be approved for a variance.
- C. A subdivision of an existing mobile home park shall be subject to formation of a homeowners association for continued maintenance of streets and open space areas within the subdivision.

Chapter 17.180 ZONE CHANGE

17.180.010 Process.

Rezoning or zone changes shall be reviewed in accordance with the Type III review procedures.

17.180.020 Zone change defined.

A "zone change" is a reclassification of any area from one zone or district to another, after the proposed change has been reviewed and a recommendation made by the Planning Commission. Such change shall be passed in ordinance form by the City Council after proceedings have been accomplished in accordance with the following provisions.

~~17.180.030 Zone change procedure.~~

- ~~A. That there is a lack of other comparatively zoned property to satisfy the proposed use;~~
- ~~B. That the change of zone is in conformance with comprehensive plan, the Carlton development code, and any applicable street and highway plans;~~
- ~~C. That the proposed property is adequate in size and shape to facilitate those uses allowed in the proposed zone;~~
- ~~D. That the proposed property related to streets and highways is adequate to serve the type of traffic that will be generated by uses in proposed zone; and~~
- ~~E. That the proposed change of zone will have no substantial impact on the abutting property or the uses thereof.~~

17.180.040 Application and fee.

An application for a zone change shall be filed with the city recorder and accompanied by the appropriate fee. It shall be the applicant's responsibility to submit a complete application that addresses the review criteria of this chapter.

17.180.050 Criteria for approval.

Zone change proposals shall be approved if the applicant provides evidence substantiating the following:

- A. The proposed zone is appropriate for the comprehensive plan land use designation on the property and is consistent with the description and policies for the applicable comprehensive plan land use classification.
- B. The uses permitted in the proposed zone can be accommodated on the proposed site without exceeding its physical capacity.
- C. Allowed uses in the proposed zone can be established in compliance with the development requirements in this title.
- D. Adequate public facilities, services, and transportation networks are in place or are planned to be provided concurrently with the development of the property.
- E. There is a lack of other comparatively zoned property to satisfy the purpose of the proposed zone;**

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F. The change of zone is in conformance with the Carlton development code, and any applicable street and highway plans;

G. The proposed property related to streets and highways is adequate to serve the type of traffic that will be generated by uses in proposed zone; and

H. The proposed change of zone will have no substantial impact on the abutting property or the uses thereof.

- I. For residential zone changes, the criteria listed in the purpose statement for the proposed zone shall be met.
- J. The following additional criteria shall be used to review all nonresidential changes:
 - 1. The supply of vacant land in the proposed zone is inadequate to accommodate the projected rate of development of uses allowed in the zone during the next five years, or the location of the appropriately zoned land is not physically suited to the particular uses proposed for the subject property, or lack site specific amenities required by the proposed use;
 - 2. The proposed zone, if it allows uses more intensive than other zones appropriate for the land use designation, will not allow uses that would destabilize the land use pattern of the area or significantly adversely affect adjacent properties.

Chapter 17.184 ANNEXATION

17.184.010 Authority of city to annex.

The boundary of the city may be extended by the annexation of territory not then within the city and which territory is within the city's urban growth boundary and contiguous to the city or separated from it by a stream or right-of-way only.

17.184.020 Process.

Annexations shall be reviewed in accordance with the Type III review procedures.

- A. Following submission of annexation proposal or initiation, the city recorder shall set a date for hearing. Notice shall be pursuant to the proposed method of annexation.
- B. The Planning Commission shall hear testimony and shall recommend approval or denial of the proposed annexation and submit such recommendation to the council within ten (10) days for the hearing. The Planning Commission's decision shall, in a written form, state the rationale used in justifying the decision, and that the decision is in conformance with the city's comprehensive plan. For all annexations the decision shall state how the proposal will:
 1. Promote an orderly, timely and economical transition of rural and agricultural lands into urbanized lands;
 2. Relate to areas with natural hazards;
 3. Protect open spaces and scenic views and areas;
 4. Provide for transportation needs in a safe, orderly and economic manner;
 5. Provide for an orderly and efficient arrangement of public services;
 6. Affect identified historical sites and structures and provide for the preservation of such sites and structures;
 7. Improve and enhance the economy of the city; and
 8. Provide quality, safe housing through a variety of housing types and price ranges.
- C. The city recorder shall set a date for a public hearing with the council upon receipt of the Planning Commission's recommendation. Notice shall be pursuant to the proposed method of annexation. After considering all testimony the council shall sustain or reverse the Planning Commission's recommendation. The council shall, in a written form, state the rationale used in justifying the decision, and that the decision is in conformance with the city's comprehensive plan. The decision shall state how the proposed annexation will address the criteria stated in Section 17.184.020(B).

17.184.030 ~~Annexation by election~~ Reserved.

- ~~A. The council, upon approval of the annexation proposal, has the authority to submit the proposal for annexation to the registered voters of the city.~~
- ~~B. The proposal for annexation may be voted upon at a general election or at a special election to be held for that purpose. The voters of the city and of the territory may vote upon the proposal for annexation simultaneously or at different times not more than twelve (12) months apart.~~

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- C. ~~Two or more proposals for annexation may be voted upon simultaneously; however in the city each proposal shall be stated separately on the ballot and voted on separately, and in the territory proposed for annexation no proposal for annexing other territory shall appear on the ballot.~~
- D. ~~The council shall give notice of each annexation election by publication prior to such election one each week for four successive weeks in a newspaper of general circulation in the city. Whenever simultaneous elections are held, the same notice and publication shall fulfill the requirements of publication for the city election and the election held in the territory. Notice shall also be given by posting notices of the election in four public places within the city if votes are to be cast therein and four public places in each territory proposed to be annexed for a like period as provided in this chapter for publication of notice. The notice shall distinctly state the proposition to be submitted, shall contain a legal description of, and a map indicating the boundaries of each territory proposed to be annexed, and the registered voters shall be invited thereby to vote upon such annexation. The council shall also designate and the notice shall state the hours during which the polls will be open within the city and each territory proposed to be annexed. If the election is to be held at the usual precinct polling places designated for a general election held at that time, or if the election is not held at the same time as a general election, but is held at the same polling places used for the last preceding general election, the notice shall so state; if any polling place is to be different than the regular polling places, the notice shall describe the location of the polling places to be used in the area or precincts in which the polling places are different.~~

17.184.040 Annexation **without city election.**

- A. ~~By ordinance, the council may elect to dispense with submitting the annexation proposal to the registered voters of the city, set a date for public hearing, at which time the registered voters of the city can be heard on the annexation proposal. **An annexation shall be subject to the review procedures for Type III actions in Chapter 17.188.**~~
- B. **In addition to the public notice requirements for Type III actions in Chapter 17.192:**
- 1.** Notice of the public hearing shall be published once a week for two successive weeks prior to the day of the hearing, in a newspaper of general circulation in the city, and posted in four public places in the city for a like period.
 - A 2.** Written notice shall be given to all property owners within the boundaries of the proposed annexation and within two hundred (200) feet of the external boundaries of the proposed annexation.
- D. ~~After the public hearing the council, by ordinance subject to referendum, and containing a legal description of the proposed annexation:~~
- ~~1. Declare that the territory is annexed to the city upon the condition that the majority of the votes cast in the territory is in favor of annexation;~~
 - ~~2. Declare that the territory is annexed to the city where persons with land ownership in the proposed territory consent in writing to such annexation.~~

17.184.050 **Annexation with election in proposed territory Reserved.**

- A. ~~The council need not call or hold an election in any contiguous territory proposed to be annexed, or post notice in the contiguous territory, if more than half the owners of land in the territory, who also own more than half of the land in the contiguous territory and of real property therein~~

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representing more than half of the assessed value of all real property in the contiguous territory consent in writing to the annexation of their land in the territory and file the annexation proposal on or before the day:

1. ~~The public hearing procedure shall be pursuant to Sections 17.184.020(A) and (B); and Sections 17.184.040(B) and (C). If the council dispenses with submitting the question to the registered voters of the city; or~~
2. ~~The council takes action to call an annexation election in the city under Section 17.184.030(D), if the council submits the question to the registered voters of the city.~~

17.184.060 Island annexation.

- A. It is within the power and authority of the city by ordinance subject to referendum, to annex land that is surrounded by the corporate limits or boundaries of the city, with or without consent of any property owner or resident in the territory.
- B. Notice and procedure for public hearing shall be provided pursuant to the provisions of Section 17.184.040.
- ~~C. If the council elects to submit the questions to the registered voters of the city, procedure shall be pursuant to Section 17.184.030.~~

17.184.070 Submission of annexation reports.

- A. The city shall report all changes in the boundaries or limits of the city to the county clerk, county assessor and Oregon Department of Revenue. The report shall contain a legal description of the new boundaries and shall be filed within ten (10) days from the effective date of the change of any boundary lines.
- B. With the exception of "island annexation" the city recorder shall submit to the Secretary of State:
 1. A copy of the annexation ordinance;
 2. An abstract of the vote within the city if votes were cast therein, which shall show the whole number of registered voters voting therein on the annexation, the number of votes cast in favor of, and against the annexation;
 3. A copy of the statement of consent of landowners in the territory annexed;
 4. A copy of the ordinance of the city declaring that no election is required in the city; and
 5. An abstract of the vote upon the referendum if a referendum petition was filed with respect to the deferred ordinance.

17.184.080 Effective date of annexation.

The annexation shall be complete from the date of filing with the Secretary of State as provided in ORS 222.150, 222.160, 222.170, and 111.900. Thereafter, the annexed territory shall be and remain part of the city. The date of such filing shall be the effective date of annexation, provided such filing is not made later than ninety (90) days prior to any general or primary election; otherwise, the effective date of such annexation shall be the day after the primary or general election next following the date of filing.

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17.184.090 Zone designation of annexed property.

The City Council shall establish the appropriate zoning, in conformance to the comprehensive plan, effective upon the effective date of the annexation of property to the city.

Division VII. ADMINISTRATIVE PROCEDURES

Chapter 17.188 APPLICATION PROCEDURES

17.188.005 Pre-application conference.

- A. A pre-application conference is recommended for Type II administrative applications and is required for Type III permits. The City Manager may waive this requirement in writing.
- B. The applicant shall file the appropriate application, pay the review fee and meet with the City Planner, other city staff and affected agencies. At the conference, the City Planner shall identify the relevant Comprehensive Plan policies, map designations, zone and development standards and procedural requirements that apply to the application. The Planner, staff and affected agencies shall provide technical direction and identify opportunities or constraints concerning the application.
- C. Failure of the city to provide any information required by this section does not constitute a waiver of any of the standards, criteria or requirements for the application. Due to possible changes in federal, state, regional and local law, the applicant is responsible for assuring the application complies with all applicable laws on the day the application is deemed complete.

17.188.010 Procedures for Type I action.

Applications subject to administrative review shall be reviewed and decided by the City Manager.

- A. Upon receipt of an application for a Type I ministerial land use action, the city staff shall review the application for completeness; the City Manager shall notify the applicant in writing of exactly what information is missing within thirty (30) days of receipt of the application.
 - 1. Incomplete applications shall not be reviewed until all required information has been submitted by the applicant;
 - 2. If incomplete, the applicant shall be notified and provided additional time of up to thirty (30) days to submit supplemental information as necessary.

On the one-hundred-eighty-first (181st) day after first being submitted, the application is void if the applicant has been notified of missing information within the thirty (30)-day period and has not submitted:

 - 1. All of the missing information; or
 - 2. Some of the missing information and written notice that no other information will be provided; or
 - 3. Written notice that none of the missing information will be provided.
- B. The application shall be deemed complete either:
 - 1. Upon receipt of the all additional information; or, if the applicant refuses to submit written notice indicating no other the information will be provided; or

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2. On the thirty-first (31st) day after the original submittal ~~the application shall be deemed complete for review purposes.~~ **date if the city has not informed the applicant of missing information.**
- C. Referrals may be sent to interested agencies such as city departments, the school district, utility companies, and applicable state agencies. If a county road or state highway might be impacted, referrals should be sent to Yamhill County public works and/or ODOT.
- D. ~~All subdivisions, permits for new structures, conditional use permits and planned unit developments on any land illustrated on the NWI/LWI Maps shall be referred within five days of receipt, to~~ **If applications for Type I ministerial review include the scope of work described under ORS 227.350, the Oregon Division Department of State Lands shall be notified, and** ~~the applicant shall be notified of the referral.~~
- E. If the City Manager finds that the facts of the particular case require interpretation of city policy or application of discretionary standards, then the City Manager shall inform the applicant in a timely manner that the application, as submitted, may be processed only through a Type II **quasi-judicial** review. The applicant shall then have the option of modifying the application to conform to the requirements for a Type I **ministerial** review, withdrawing the application, or proceeding with a Type III **quasi-judicial** review, including a public hearing before the Planning Commission. Where the applicant consents to elevating the application to a Type III **quasi-judicial** review, the applicant shall pay a fee to the city for the **Type II applicable** review but shall be credited in an amount equal to the **Type I review** fee previously paid. ~~Finally, the procedures for conducting a public hearing shall comply with the standards in Chapter 17.196.~~
- F. ~~Within thirty (30) days of~~ **Following** receipt of a complete application ~~or such longer period mutually agreed to by both staff and the applicant,~~ **staff the City Manager** shall review the application and shall make a decision based on an evaluation of the proposal and on applicable criteria. **The city shall take final action on an application for Type I ministerial permit, including resolution of all appeals in accordance with ORS 227.180, within one hundred twenty (120) days after the application is deemed complete, unless the applicant voluntarily extends the time period.**
- G. Written notice of a Type I **ministerial** decision shall be mailed to the applicant.
- H. The applicant for a Type I **ministerial** review may appeal city staff's decision on the application to the Planning Commission. The appeal shall be filed, pursuant to the provisions of Chapter 17.204, within **ten (10)** days from the date of the decision.
- I. ~~The timing requirements established in this section are intended to allow a final action, including resolution of any appeals, within one hundred twenty (120) days of receipt of a complete application. If for any reason it appears that such final action may not be completed within the one hundred twenty (120) day period, unless the applicant voluntarily extends the time period, the following procedures shall be followed regardless of other processes set forth elsewhere in this title.~~
 1. ~~The city staff shall notify the City Council of the timing conflict by the ninety-fifth (95th) day. The City Council shall, in accordance with its own procedures, set a time for an emergency meeting within the one hundred twenty (120) day period;~~
 2. ~~Public notice shall be mailed to affected parties as specified in Chapter 17.192;~~

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~~3. The City Council shall hold a public hearing on the specified date, in accordance with the provisions of Chapter 17.200 and render a decision approving or denying the request within the one hundred twenty (120) day period.~~

17.188.020 Procedures for Type II and Type III actions.

- A. Upon receipt of an application for Type II **administrative** or Type III **quasi-judicial** land use action, the city staff shall review the application for completeness.
1. Incomplete applications shall not be scheduled for Type II **administrative** or Type III **quasi-judicial** review until all required information has been submitted by the applicant;
 2. If incomplete, the ~~applicant shall be notified and provided additional time of up to thirty (30) days to submit supplemental information as necessary.~~ **City Manager shall notify the applicant in writing of exactly what information is missing within 30 days of receipt of the application to submit the missing information.**

On the 181st day after first being submitted, the application is void if the applicant has been notified of missing information within the 30-day period and has not submitted:

 - a. All of the missing information; or**
 - b. Some of the missing information and written notice that no other information will be provided; or**
 - c. Written notice that none of the missing information will be provided.**
- B. The application shall be deemed complete for the purposes of scheduling the hearing and all related timing provisions either:
1. Upon receipt of the additional information; or, if the applicant ~~refuses to~~ submits **written notice indicating no other** ~~the~~ information **will be provided; or**
 2. On the thirty-first (31st) day after the original submittal ~~the application shall be deemed complete for scheduling purposes only.~~ **date if the city has not informed the applicant of missing information.**
- C. Applications for more than one Type II **administrative** or Type III **quasi-judicial** land use action for the same property may, at the applicant's discretion, be combined and heard or reviewed concurrently.
- D. Referrals may be sent to interested agencies such as city departments, the school district, utility companies, and applicable state agencies. If a county road or state highway might be impacted, referrals should be sent to Yamhill County public works and/or ODOT.
- E. All **work described in ORS 227.350, including but not limited the applications for** subdivisions, permits for new structures, conditional use permits and planned unit developments on any land illustrated on the NWI/LWI Maps shall be referred within five days of receipt to the Oregon **Division Department** of State Lands. The applicant shall be notified of the referral.
- F. ~~The public hearing shall be scheduled and notice shall be mailed to the applicant and adjacent property owners.~~ Notice requirements shall comply with Section 17.192.020.
- G. **For applications subject to the Type III quasi-judicial procedure,** ~~S~~ staff shall prepare and have available within seven days of the scheduled hearing a written recommendation concerning the

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- proposed action. This report shall be mailed to the applicant and be available at City Hall for all interested parties.
- H. **For applications subject to the Type III quasi-judicial procedure,** ~~the~~ the public hearing before the Planning Commission shall comply with the provisions in Chapter 17.196.
- I. Approvals of any Type II **administrative** or Type III **quasi-judicial** action may be granted subject to conditions. The following limitations shall be applicable to conditional approvals:
1. Conditions shall be designed to protect public health, safety and general welfare from potential adverse impacts caused by a proposed land use described in an application. Conditions shall be related to the following:
 - a. Protection of the public from the potentially deleterious effects of the proposed use; or
 - b. Fulfillment of the need for public service demands created by the proposed use;
 2. Changes or alterations of conditions shall be processed as a new administrative action;
 3. All conditions of approval required by the city for a Type II **administrative** or Type III **quasi-judicial** approval shall be completed prior to the issuance of building permits, except that the Planning Commission may stipulate that some conditions be completed prior to issuance of building occupancy permits when the former is impractical. When an applicant provides information demonstrating to the satisfaction of the Planning Commission that it is not practical to fulfill all conditions prior to issuance of a building permit, the applicant must complete a performance guarantee for required improvements pursuant to Chapter 17.216.
- J. **For applications subject to the Type II administrative procedure,** ~~the~~ the applicant shall be notified in writing of the ~~Planning Commission~~ **City Manager**'s decision ~~or recommendation~~. In addition, notice of the ~~commission~~ **City Manager**'s decision shall be mailed to individuals, ~~who request such notice at the public hearing, or, by those individuals who submitted a written request for notice prior to the public hearing~~ **comments during the 20-day comment period as described in Chapter 17.192.020. For applications subject to the Type III quasi-judicial procedure, the Planning Commission's or City Council's decision shall be mailed to the applicant and all individuals having submitted written comments during the 20-day notice period as described in Chapter 17.192.030, and to individuals having submitted written or oral comments during the public hearing(s).**
- K. ~~Either the applicant or persons receiving notice of the decision may appeal a Type II land use decision to the City Council. The appeal shall be filed within days from the date of the decision, pursuant to the provisions of Chapter 17.204. Type III land use applications are automatically reviewed by the City Council.~~ **Standing to appeal a Type II or Type III decision and requisite timing to submit an appeal is governed by procedures identified in Chapter 17.204.**
- L. The timing requirements established by this section are intended to allow a final action, including resolution of appeals for all land use actions within one hundred twenty (120) days of receipt of a complete application, ~~except for Type III~~ **quasi-judicial** actions. If for any reason it appears that such final action may not be completed within the one hundred twenty (120) day period, unless the applicant voluntarily extends the time period, the following procedures shall be followed regardless of other processes set forth elsewhere in this title.

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1. The city staff shall notify the City Council of the timing conflict by the ninety-fifth (95th) day. The City Council shall, in accordance with its own procedures, set a time for an emergency meeting within the one hundred twenty (120) day period;
2. Public notice shall be mailed to affected parties as specified in Chapter 17.192;
3. The City Council shall hold a public hearing on the specified date, in accordance with the provisions of Chapter 17.200 and render a decision approving or denying the request within the one hundred twenty (120) day period.

17.188.030 Consolidated review.

When an applicant applies for more than one type of land use or development permit for the same one or more contiguous parcels of land, the proceedings may be consolidated for review and decision at the applicant's request. When proceedings are consolidated, the highest level of review shall be applied to the consolidated application. Required notices may be consolidated, provided the notice shall identify each application to be decided. When more than one application is reviewed in a hearing, separate findings and decisions shall be made on each application.

Chapter 17.192 PUBLIC NOTICE REQUIREMENTS

17.192.010 Type I ~~actions~~ public notice requirements.

Not all Type I ministerial actions require ~~are not subject to~~ public notice; only those that involve the exercise of discretion require notice. Where written notice of a Type I ministerial decision is required or otherwise provided it ~~and~~ shall be mailed to the applicant.

17.192.020 Type II ~~actions~~ public notice requirements.

- A. Written public notice of ~~the initial public hearing on a~~ pending Type II administrative action shall be mailed ~~at least twenty (20) days prior to the hearing date~~ to the owners of property within one hundred (100) feet of the boundaries of the subject property **at least twenty (20) days before the City Manager issues a written decision**; the City Manager at his or her discretion may mail notices to owners of property within a larger radius, where the project is likely to a wider impact (e.g., traffic, noise, parking, etc.). Applicants shall be responsible for providing a certified list of property owners within the notice area prepared by Yamhill County or a title company. The list must be current within the last thirty (30) days.
- B. Type II administrative actions do not require notice in a newspaper, but the city may publish such notice at the City Manager's discretion. ~~Notice for annexations shall be as set forth in Chapter 17.184.~~

C. **Written notice of a pending Type II administrative action shall include the following:**

- 1. The city case file number of the application(s), the nature of application(s) and proposed use or uses which could be authorized.**
- 2. A list of applicable standards and criteria from the Development Code and Comprehensive Plan that apply to the application(s) at issue.**
- 3. Street address or other easily understood geographical reference to the subject property.**
- 4. A statement that advises submitting written comments for consideration no later than the end of the comment period for standing to appeal the decision. The comment deadline date and time shall also be shown.**
- 5. State that failure of an issue to be raised, in person or by letter, or failure to provide statements or evidence sufficient to afford the decision maker an opportunity to respond to the issue precludes appeal to the Land Use Board of Appeals, based on that issue.**
- 6. Name of the city representative to contact and the telephone number where additional information may be obtained.**
- 7. State that a copy of the application, all documents and evidence relied upon by the applicant and application criteria are available for inspection at no cost and a copy will be available at reasonable cost.**
- 8. State that a decision by the City Manager shall be made after the comment closing date and will be mailed to the applicant and those individuals having provided written comments during the comment period.**

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17.192.030 Type III and Type IV ~~actions~~ public notice requirements.

- A. Written notice of the initial public hearing on a Type III **quasi-judicial** or Type IV **legislative** action shall be mailed at least twenty (20) days prior to the hearing date to the owners of property within one hundred (100) feet of the boundaries of the subject property, as applicable; the City Manager at his or her discretion may mail notices to owners of property within a larger radius, where the project is likely to a wider impact (e.g., traffic, noise, parking, etc.). Applicants for Type III **quasi-judicial** reviews shall be responsible for providing a certified list of property owners within the notice area prepared by Yamhill County or a title company. The list must be current within the last thirty (30) days.
- B. At least thirty-five (35) days before the date of the first hearing on an **ordinance application** that proposes to amend the comprehensive plan, **development code**, or any element thereof, or ~~to adopt~~ an **ordinance application** for any zone change, the city shall notify **the Department of Land Conservation and Development (DLCD)** of the proposed action.
- C. At least twenty (20) days, but not more than forty (40) days, before the date of the first hearing on an **ordinance application** that proposes to amend the comprehensive plan, **development code**, or any element thereof, or ~~to adopt~~ an **ordinance application** for any zone change, a notice shall be prepared in conformance with ORS 227.175 and mailed to:
1. Each owner whose property would be directly affected by a rezoning or a change from one comprehensive plan land use category to another, as applicable;
 2. Each property owner whose property value may be diminished if the proposed amendment is adopted because the amendment limits or prohibits a previously allowed use;
 2. Any affected governmental agency;
 3. Any person who requests notice in writing; and
 4. For a zone change affecting a manufactured home or mobile home park, all mailing addresses within the park, in accordance with ORS 227.175;
- ~~C.~~**D.** At least ten (10) days before the scheduled public hearing date **for a Type III quasi-judicial or Type IV legislative action**, public notice shall be published in a newspaper of general circulation in the City.
- ~~D.~~**E.** For each mailing and publication of notice, the city shall keep an affidavit of mailing/publication in the record.

17.192.040 Notice for appeals.

Notice of hearings on appeal to the City Council shall be pursuant to Section 17.192.020, and shall include written notice at least ten (10) days prior to hearing to the appellant, the applicant and any other individuals who received notice of the original decision.

17.192.050 Notice requirements.

- ~~A.~~**F.** Public notices for Type ~~II and~~ III **quasi-judicial** and **Type IV legislative** actions shall **include the following**:
1. **Case file number of the application(s)**, ~~explain the~~ nature of the applications, and the proposed use or uses that could be authorized;

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2. Cite the applicable criteria from this title and the plan that apply to the application at issue;
3. **Set forth the A** street address or other easily understood geographical reference to the subject property;
4. State the date, time and location of the hearing;
5. **A Sstatement** that failure of an issue to be raised in a hearing, in person or by letter, or failure to provide **statements or evidence** sufficient **specificity** to afford the decision maker an opportunity to respond to the issue precludes appeal to the land use board of appeals **based on that issue**;
6. Include the name of the city representative to contact and the telephone number where additional information may be obtained;
7. State that a copy of the application, all documents and evidence relied upon by the applicant and application criteria are available for inspection at no cost and a copy will be available at reasonable cost;
8. State that a copy of the staff report will be available for inspection at no cost at least seven days prior to the hearing and a copy will be provided at reasonable cost;
9. Include a general explanation of the requirements for submission of testimony and the procedure for conduct of hearing.

B.G. Public notices for Type IV **legislative** actions that **potentially limit or prohibit land uses previously allowed in the affected zone or** "rezone property" as defined **in a manner as described** by ORS 227.186(9), **shall be approved in advance by the City Council and** shall **contain additional information as described by ORS 227.186 and shall** be mailed to the owner of each lot or parcel of property that the ordinance proposes to rezone, at least twenty (20) days, but not more than forty (40) days, before the date of the first public hearing. **The notice shall:**

1. **Include the following language in boldfaced type extending from the left hand margin to the right hand margin across the top of the face page of the notice:**

This is to notify you that the City of Carlton has proposed a land use regulation that will affect the permissible uses of your land.

2. **Include in the body of the notice:**

On (date of public hearing), the City of Carlton will hold a public hearing regarding the adoption of Ordinance Number _____. The City of Carlton has determined that adoption of this title will affect the permissible uses of your property and may reduce the value of your property.

Ordinance Number _____ is available for inspection at the Carlton City Hall located at 191 E. Main Street. A copy of Ordinance Number _____ also is available for purchase at a cost of _____.

For additional information concerning Ordinance Number _____, you may call the Carlton City Recorder 503-852-_____.

3. **If notice is pursuant to a requirement of periodic review, the body of the notice shall include in lieu of subsection (B)(2) of this section:**

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As a result of an order of the Land Conservation and Development Commission, has proposed Ordinance Number _____. The City of Carlton has determined that adoption of this title will affect the permissible uses of your property and may reduce the value of your property.

Ordinance Number _____ will become effective on _____.

Ordinance Number _____ is available for inspection at the Carlton City Hall located at 191E Main Street. A copy of Ordinance Number _____ also is available for purchase at a cost of _____.

For additional information concerning Ordinance Number _____, you may call the Carlton City Recorder 503-852-_____.

- C. ~~Notice of public hearing by the Planning Commission or City Council on any Type IV action shall be published in a newspaper of general circulation a minimum of ten (10) days prior to the date of the hearing.~~
- D. ~~Notice of a Type IV hearing shall be provided to the Oregon Department of Land Conservation and Development at least thirty-five (35) days prior to the first evidentiary hearing by the city on any Type IV action.~~

Chapter 17.196 PUBLIC HEARING BEFORE THE PLANNING COMMISSION

17.196.010 General provisions.

- A. Land use actions that require a public hearing by the Planning Commission shall be initially heard by the Planning Commission within sixty (60) days of the receipt of a complete application or appeal.
- B. The Planning Commission may continue a public hearing for additional, information, testimony or for decision, to its next regular meeting or to a special meeting. In no instance, however, shall the decision be continued more than sixty (60) days beyond the initial hearing date.
- C. Unless there is a continuance, if a participant so requests before the conclusion of the initial evidentiary hearing, the record shall remain open for at least seven days after the hearing.
- D. The decisions of the Planning Commission on applications for Type II **quasi-judicial** actions shall be final unless appealed to the City Council pursuant to Chapter 17.204.
- E. The recommendations of the Planning Commission on applications for Type III **quasi-judicial** actions **that pertain to Zone Change, Annexation or Street Vacation** shall be referred to the City Council for final determination, pursuant to Chapter 17.200.
- F. An issue that may be the basis for an appeal to the land use board of appeals (LUBA) may be raised not later than the close of the record at or following the final evidentiary hearing on the proposal before the city. Such issues shall be raised with sufficient specificity so as to afford the City Council or Planning Commission, and the parties, an adequate opportunity to respond to each issue.
- G. Appeal of a Type I **ministerial** action shall be heard by the Planning Commission in accordance with provisions of Chapter 17.204. Findings of the Planning Commission on such appeal shall be final **unless further appealed to the City Council.**

17.196.020 Public hearing procedures.

- A. The public hearing shall be conducted under the following procedures:
 1. Open the public hearing, announce the purpose, and explain the process.
 2. A prepared statement shall be made to all in attendance that conforms to ORS 197.763 **797**(5).
 3. Ask for objections to jurisdiction.
 4. ~~Call for abstentions.~~ **Call for decision makers to declare any bias, conflicts of interests or exparte contacts.**
 5. Staff report with initial recommendation.
 6. Letters.
 7. Public agencies.
 8. Proponents' testimony.
 - a. Principal;
 - b. Others.

9. Opponents' testimony.
10. Questions of proponents and opponents from the floor and commission/council directed through chair/mayor.
11. Proponent rebuttal.
12. Staff final recommendation.
13. Close of hearing.
14. Deliberation of commission/council of findings of fact.
15. Decision.

17.196.030 Evidence.

- A. All evidence offered and not objected to may be received unless excluded by the Planning Commission on its own motion. Evidence may be received subject to a later ruling as to its admissibility.
- B. The Planning Commission may exclude irrelevant, unduly repetitious, immaterial or cumulative evidence; but erroneous admission of evidence by the commission shall not preclude action or cause reversal on appeal unless shown to have substantially prejudiced the rights of a party. When a hearing will be expedited, any part of the evidence may be received in written form.
- C. All evidence shall be offered and made a part of the public record in the case.
- D. The Planning Commission may take notice of judicially recognizable facts, and members may take notice of general, technical or scientific facts within their specialized knowledge. Parties shall be notified at any time during the proceeding, but in any event prior to the final decision, of the material so noticed. Parties shall be afforded an opportunity to contest the facts so noticed. **For quasi-judicial hearings, The** Planning Commission members **shall not introduce evidence but** may utilize their experience, technical competence and specialized knowledge in evaluation of the evidence presented.
- E. Every party is entitled to an opportunity to be heard and to present and rebut evidence.
- F. All interested persons shall be allowed to testify.

17.196.040 Record of hearing.

A verbatim record of the proceeding shall be made by written, mechanical or electronic means, which record need not be transcribed except upon review of the record.

17.196.050 Limits on oral testimony.

The Planning Commission chair may set consistent, reasonable time limits for oral presentations to the end that parties are encouraged to submit as much evidence as possible in writing prior to the hearing.

17.196.060 Exhibits.

All exhibits received shall be marked so as to provide identification upon review. The city shall retain such exhibits.

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17.196.070 Continued hearing.

The Planning Commission may during the course of the hearing, continue a hearing to a date, time and place announced at the hearing without additional notification.

Chapter 17.200 REVIEWS AND PUBLIC HEARING BY CITY COUNCIL

17.200.010 General provisions.

- A. Type III **quasi-judicial** Reviews. The City Council shall hear all Type III **quasi-judicial** actions **that pertain to Zone Change, Annexation or Street Vacation**. The City Council action on such requests shall be the final action of the city on the request.
- B. Appeals. The City Council shall hear appeals of all Planning Commission actions conducted pursuant to Chapter 17.204. The appeal hearing shall be conducted in a manner consistent with Chapter 17.196. The action of the Planning Commission shall be final and the council shall not hear the appeal if the appeal period has lapsed.
- C. All hearings or reviews required by the City Council shall be heard within thirty (30) days of the Planning Commission's written decision or appeal request. In no instance, however, shall this period extend the date of the hearing and final action beyond one hundred twenty (120) days from the date of the initial submission of a complete application, unless voluntarily agreed to by the applicant.
- D. The decision shall be made by the City Council and written findings prepared listing findings for approval or denial, and any conditions of approval, within two weeks of the hearing by the City Council. In no case, however, shall this decision and the preparation of written findings extend beyond one hundred twenty (120) days from the date of initial submittal of a complete application, unless voluntarily agreed to by the applicant.

17.200.020 Hearing by City Council.

Actions on quasi-judicial requests shall be conducted at public hearing pursuant to the City Council's adopted rules of procedure. The City Council shall allow opportunity for all parties to be heard and may accept new evidence.

17.200.030 Review of the record and action by City Council for appeals.

- A. Review on Record. Except as set forth in Section 17.200.030(B), the City Council review of an appeal on an action by the Planning Commission shall be confined to the record of the initial proceeding. Parties may offer testimony regarding alleged errors in the Planning Commission action. The meeting shall be conducted as set forth in the City Council's adopted rules of procedures. The record of the initial proceeding shall include:
 1. All materials, pleadings, memoranda, stipulations and motions submitted by any party to the proceeding and received or considered by the Planning Commission as evidence;
 2. All exhibits submitted by the city staff with respect to the application;
 3. The transcript of the hearing; and
 4. The findings and action of the Planning Commission and the notice of decision.
- B. Submission of New Testimony and De Novo Hearings. The City Council may admit additional testimony and other evidence by holding a de novo hearing. Upon the decision to admit additional testimony or other evidence and to hear the entire matter de novo, the presentation of such testimony and evidence shall be governed by the procedures applicable to the presentation of such matters at the initial hearing.

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- C. City Council Action. The City Council may affirm, rescind or amend the action of the Planning Commission and may grant approval subject to conditions necessary to carry out the comprehensive plan. The City Council may also remand the matter back to the Planning Commission for additional information, subject to the agreement of the applicant to extend the 120-day review period.

Chapter 17.204 APPEAL PROVISIONS

17.204.010 Standing to Appeal and time period.

- A. **Appeal of a Type I Ministerial Decision.** The decision of the City Manager shall be final for a Type I ministerial land use decision unless a notice of appeal from an appropriate aggrieved party the applicant is received by the city within ten (10) days of the date of the final written notice, or unless the City Council, on its own motion, orders review within ten (10) days of initial action. An appeal stays the proceedings in the matter appealed until the determination of the appeal. **The final appellate decision-making authority on appeal of a Type I decision shall be the Planning Commission.**
- B. **Appeal of a Type II Administrative Decision.** The decision of the Planning Commission City Manager for a Type II administrative land use decision, or the appeal of a Type I decision, shall be final unless a notice of appeal from an aggrieved party is received by the city the decision is appealed by the applicant or by any person who submitted written testimony prior to mailing the notice of decision. **Appeal of a Type II administrative decision must be received by the city within ten (10) days of the date of the final written notice, or unless the City Council, on its own motion, orders review within ten (10) days of initial action. An appeal stays the proceedings in the matter appealed until the determination of the appeal. The final appellate decision-making authority on appeal of a Type II decision shall be the Planning Commission.**
- C. **Appeal of a Type III Quasi-Judicial Decision. The decision of the Planning Commission for a Type II quasi-judicial decision shall be final unless the decision is appealed by the applicant or by any person who provided either oral or written testimony to the record leading to the decision. Appeal of a Type III quasi-judicial decision must be received by the city within ten (10) days of the date of the final written notice, or unless the City Council, on its own motion, orders review within ten (10) days of initial action. An appeal stays the proceedings in the matter appealed until the determination of the appeal. The appellate decision-making authority on appeal of a Type III decision shall be the City Council.**
- D. **Type IV legislative land use decisions can be appealed to LUBA within twenty-one (21) days after the land use decision becomes final as described by OAR 661-010-0010(3).**

17.204.020 Form of appeal.

Appeal requests shall be made on forms provided by the city and shall state the alleged errors in the Planning Commission action.

17.204.030 Notice requirements.

- A. Notice of hearings by the Planning Commission on appeal requests shall be as specified in Chapter 17.192.
- B. Notice of hearings by the City Council on appeal requests shall be as specified in Chapter 17.192.

17.204.040 Supplemental application for remaining permitted uses following denial of initial application

As described in ORS 227.184, following denial of an initial application an applicant may submit a supplemental application for remaining permitted uses.

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- A. A person whose application for a permit is denied by the city may submit to the city a supplemental application for any or all other uses allowed under the city's comprehensive plan and land use regulations in the zone that was the subject of the denied application.
- B. The city or its designee shall take final action on a supplemental application submitted under this section, including resolution of all appeals, within two hundred forty (240) days after the application is deemed complete. Except that two hundred forty (240) days shall substitute for one hundred twenty (120) days, all other applicable provisions of ORS 227.178 ("The 120-Day Rule") shall apply to a supplemental application submitted under this section. See Section 17.188.010.
- C. A supplemental application submitted under this section shall include a request for any rezoning or variance that may be required to issue a permit under the city's comprehensive plan and land use regulations.
- D. The city shall adopt specific findings describing the reasons for approving or denying:
 - 1. A use for which approval is sought under this section; and
 - 2. A rezoning or variance requested in the application.

17.204.050 Review of the record and action by the Planning Commission for appeals.

A. Review on Record. Planning Commission review of an appeal on an action by the City Manager shall be confined to the record of the initial proceeding. Parties may offer testimony regarding alleged errors in the City Manager decision. The record shall include:

- 1. All materials, pleadings, memoranda, stipulations and motions submitted by any party to the proceeding and received or considered by the City Manager as evidence;**
- 2. All exhibits submitted by the city staff with respect to the application;**
- 3. Notice of decision issued by the City Manager.**

B. Planning Commission Action on Appeal. The Planning Commission may affirm, rescind or amend the decision of the City Manager, in addition to amending conditions of approval.

Chapter 17.208 FEES

17.208.010 Purpose.

Fees are for the purpose of defraying administrative costs.

17.208.020 General provisions.

- A. Fees shall be payable at the time of application and shall be set forth by resolution of the City Council. There shall be no fee required for an application initiated by the Planning Commission or the City Council.
- B. The failure to submit the required fee with an application or notice of appeal, including return of checks unpaid or other failure of consideration, shall be a jurisdictional defect.
- C. Fees are not refundable unless the application is withdrawn prior to the notification of the hearing.
- D. The City Council may reduce or waive the fees upon showing of just cause to do so.

17.208.030 Transcript fees.

In addition to other fees for appeal requests, any person requesting a verbatim transcript shall pay a fee equal to the actual cost of the preparation of the transcript. The cost of the transcript fee shall be determined by the cost per page for the preparation of such transcripts, at an appropriate rate. The city shall estimate the cost of the transcript at the time of the filing of the appeal request and shall receive a deposit in that amount. Any person requesting a verbatim transcript shall be billed for actual costs in excess of the deposit or receive a refund for surplus deposit funds in excess of transcript fees authorized by this section.

Chapter 17.212 TYPE IV ACTIONS

17.212.010 Initiation.

Type IV **legislative proceedings** may be initiated by:

- A. Majority vote of the City Council.
- B. Majority vote of the Planning Commission.

17.212.020 Procedure for Type IV actions.

~~A. Public Hearings by Planning Commission.~~

~~1. A public hearing shall be held by the Planning Commission on all proposed amendments to this title and on all legislative amendments and revisions of the comprehensive plan.~~

~~2. The Planning Commission may continue any hearing in order to make a reasonable decision.~~

~~B. Public Hearing by City Council. Following Planning Commission action, the City Council shall hold a public hearing to consider the Planning Commission's recommendation on proposed amendments. Notice shall be as specified in Chapter 17.192.~~

A. All Type IV legislative actions require two hearings, one before the Planning Commission and one before the City Council. The public hearings shall be scheduled and notice shall be mailed to the affected property owners. Notice requirements shall comply with Section 17.192.030.

B. Staff shall prepare and have available within seven days of the scheduled hearing a written recommendation concerning the proposed action. This report shall be available at City Hall for all interested parties.

C. The public hearing before the Planning Commission shall comply with the provisions in Chapter 17.196. The Planning Commission shall make a recommendation to the City Council to adopt, adopt with modifications, adopt an alternative, or deny the Type IV action.

D. The City Council shall hold a public hearing and comply with the provisions in Chapter 17.200. The City Council shall vote to adopt, adopt with modifications, adopt an alternative, deny, or remand to the Planning Commission for rehearing and reconsideration on all or part of the Type IV action. The City Council may consider the recommendation of the Planning Commission, however, it is not bound by the Planning Commission's recommendation.

E. The City Council's decision shall be mailed to all individuals having submitted written or oral comments during the public hearing(s).

F. The decision on a Type IV action is final and effective on the date specified in the enacting ordinance.

Chapter 17.216 PERFORMANCE GUARANTEES

17.216.010 Performance guarantee.

When required, the applicant shall file a performance guarantee to insure the full and faithful performance of all terms of an improvement agreement, if any, or to ensure completion of all work for which permits are required. The guarantee shall contain an agreement between the developer and city that no building permit for any structure within the development will be issued until the city finds that all required improvements are complete, except where the Planning Commission has stipulated differently **in a final land use decision**, per Section 17.188.120. The agreement shall provide one of the following:

- A. A surety bond executed by a surety company authorized to transact business in the State of Oregon, in a form approved by the city attorney in an amount equal to one hundred twenty (120) percent of the construction cost of required improvements, as verified by the city.
- B. A deposit with the city, or at the option of the city, a verified deposit with a responsible escrow agent or trust company, of cash or negotiable bonds in an amount equal to one hundred twenty (120) percent of the construction costs of the required improvements, together with an agreement that the deposit may be disbursed only upon city approval of disbursement. The agreement shall include a provision that the city shall allow release of the deposit in such amounts and at such times as a corresponding proportion of the required improvements are completed to the satisfaction of the city engineer following an inspection by the city engineer or the engineer's authorized representative.
- C. An irrevocable letter of credit pledging that funds equal to one hundred twenty (120) percent of the construction cost of all required improvements are available to the applicant and are guaranteed for payment for the improvements. An irrevocable letter of credit is acceptable.

17.216.020 Failure to complete improvements.

If the applicant fails to complete all improvements required by the city, the city shall estimate the cost of completing any required improvement(s). The city shall then call on the bond or deposit for the funds necessary to complete the improvement. If the amount obtained from the bond or deposit is insufficient to complete the improvement, or no bond or deposit was obtained, the city may either hold the collected funds until additional funds are available from the applicant or, the city may perform improvement on a portion of the improvement as determined reasonable. Following final inspection of the improvement, and if the bond or deposit exceeds the actual cost to the city of completing the improvement, the remainder shall be released. If collected funds were inadequate to compensate the city for all reasonable costs, then the city may pursue all legal and appropriate remedies to collect any funds due to the city. These remedies shall include placing a lien on the real property where the city paid improvement was performed. Funds payable to the city shall also be a personal debt and obligation of the owner.

17.216.030 Improvement deferral.

- A. If public improvements are required as a condition of approval of a land division action under this title, such improvements shall be the obligation of the applicant, and but may not be deferred except by specific approval by the city council or planning commission. Such approval shall not be granted where the required improvements are necessary to provide adequate access or utility

service to the proposed development, or where it will compromise the health or safety of the public, or result in violations of City or state codes.

- B. Upon approval of a variance to allow a construction deferral agreement, the improvements may be deferred on all or a portion of the public improvements specifically approved by the city council or planning commission required as a part of the condition of approval under this title, until the a stated time such as the owner applies for a building permit or certificate of occupancy, or until required by council, whichever is earlier indicated in the notice of decision. A property owner seeking deferral under this title shall sign an improvement construction deferral agreement that runs with the property, until the owner installs the required improvements or until such improvements are required to be completed by the city council or planning commission. Said construction deferral agreement shall be in a form approved by the city attorney, shall be recorded with Yamhill County, and shall be filed in the office of the city recorder. The deferral agreement shall be subject to requirements of Section 17.88.050 relating to prohibition against issuance of building permits prior to completion of said improvements.
- C. Where allowed under Section 17.88.050, In lieu of an improvement deferral agreement, the council or planning commission may approve require a non-remonstrance agreement in lieu of an improvement deferral agreement. Such a non-remonstrance agreement shall be in for approved by the city attorney, and shall be recorded with Yamhill County and would run with the property until the city installs the improvements and assesses the property owner the owner's proportionate cost of the improvements.

Chapter 17.220 REVOCATION OF DECISION

17.220.010 Compliance with conditions.

Compliance with conditions imposed by the City Manager, Planning Commission or City Council in granting a permit for any land use action shall be required. Any departure from these conditions of approval and approved plans constitutes a violation of this title.

17.220.020 General provisions.

- A. The City ~~recorder~~ **Manager** may initiate ~~a~~ **proceedings for** revocation of any land use permit or approval issued for failure to comply with any prescribed condition of approval. The hearing shall be conducted as a Type III **quasi-judicial** hearing and in accordance with the procedures for a Type III **quasi-judicial** hearing.
- B. Final decisions regarding comprehensive plan text or map amendments, development code text amendments or zone changes shall not be subject to revocation.