



**CITY OF CARLTON**  
**CITY COUNCIL WORK SESSION AGENDA**  
**TUESDAY, DECEMBER 5, 2023, 6:00 P.M. TO 8:00 PM**  
**VIA ZOOM & 945 WEST GRANT STREET, CARLTON OR 97111**

*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.*

- |  | <u>Pages</u> |
|--|--------------|
| <b>1) CALL TO ORDER – ROLL CALL</b>  |              |
| A. Changes to the Agenda   |              |
| <b>2) WORK SESSION AGENDA ITEMS</b>  |              |
| Review of Draft code Divisions I (definitions and administration)<br>and II (zoning districts) | 3            |
| <b>3. FUTURE WORK SESSION AGENDA ITEMS</b>   |              |
| <b>4. ADJOURNMENT</b>  |              |

**The public is invited to join the meeting virtually using Zoom, please follow the directions below:**

To join using a computer, please use the link:

<https://us02web.zoom.us/j/89018881896?pwd=OVIDK0FoQ1JvNXBBSS9DUFBQQnB5UT09>

To join using a phone, please call: 1-253-215-8782 and enter Meeting ID: 890 1888 1896 and then enter Passcode: 555271



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# MEMO

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**DATE:** November 28, 2023  
**TO:** Mayor Linda Watkins and City Councilors  
Envision Carlton Project Advisory Committee Members  
Planning Commissioners  
**FROM:** Elizabeth Decker, JET Planning  
**SUBJECT:** Code Companion for Draft Carlton Code Updates, Divisions I and II  
**ATTACHED:** Carlton Development Code Division I – General Provisions and  
Division II – Zoning and Development Provisions  
Carlton Draft Zoning Map 2023

**Council Goal:** Action 2.2

## PURPOSE & BACKGROUND

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The City of Carlton is continuing its review of the proposed updates to the Carlton Development Code (CDC), with focused review of the first two divisions of code. The purpose of the December 5<sup>th</sup> work session is to review the draft code language and specific code provisions in more detail to confirm or revise the proposed direction.

The review schedule for the draft code includes:

- ✓ November 7, 2023: Review of key concepts
- **December 5, 2023:** Review of draft code for Division I (definitions and administration) and Division II (zoning districts)
- January 2, 2024: Review of draft code for Division III (development standards including streets and utilities, landscaping and design), Division IV (special uses including PUDs, vacation rentals)
- February 6, 2024: Review of draft code for Division V (general standards), Division VI (application requirements and review criteria) and Division VIII (administration)

Following the sequential review of the draft code, the City will begin the adoption process for the final code integrating refinements generated during the work sessions.

## KEY TOPICS

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Several topics that have been highlighted in previous conversations and that span multiple code sections merit further discussion to inform refinements to these code divisions and further sections to be discussed in coming months.

### A. Creating a Variety of Housing Types; Council Goal Action 2.3

**Code sections:** CDC 17.20.020, 17.22.020, 17.28.020, 17.52.020, 17.52.030

In addition to *permitting* a wider range of housing types in the residential zones—including accessory dwellings, duplexes, and cottage clusters, there has been discussion about how to further *encourage or require* a variety of these housing types within neighborhoods, particularly new subdivisions. Generally, permitting these new housing types with clear and objective standards and at higher intensities than comparable single-family dwellings support but do not ensure the emergence of these varied housing types. The local development community will also need time to develop expertise in building these housing types before they can become more common.

The City also has one existing tool to require a mix of dwelling types: the Mixed Density Residential district (MX) includes an explicit provision requiring at least 25% of dwellings within a development to be a different housing type. (CDC 17.52.020).

*Do you support a permissive approach to allow but not require more dwelling types, encouraging them through simplified standards and increased density? Or would you be interested to consider broader application of the MX district (currently limited to two sites) and/or introducing a similar housing variety requirement for all larger subdivisions in any residential zones, such as those with 30 units or more?*

A housing variety requirement for new subdivisions could support the kind of variety that we've heard interest in, but may add complexity and cost for developers who typically specialize in a single building type which could discourage overall development. This is not a common requirement for subdivisions: the more typical approach is to apply a variety of residential zones across the city to create a variety of housing at a larger, city-wide scale rather than at the individual project scale.

### B. Cottage Cluster Size

**Code sections:** CDC 17.12.020 “Cottage cluster” definition, 17.20.020, 17.22.020, 17.28.020, 17.52.030

Cottage clusters are proposed as a new use in all residential zones as an opportunity for more, smaller single-family homes in a clustered configuration around a common open space, rather than a more traditional linear street-facing arrangement. Cottages are defined as a cluster of four or more dwellings, and there was discussion last month about whether to set a maximum number of cottages per cluster. The state's minimum standards for middle housing require cities to allow at least eight cottages per cluster, and the Model Code provisions include no maximum.<sup>1</sup> Other cities have included a maximum of 12 or 16 cottages per cluster, sometimes scale by zone to allow more cottages in higher density zones. Because few cottage clusters have been built under the new provisions, it is too early to say whether the cluster size limits are useful or whether clusters would naturally tend towards smaller numbers in order to meet the other site configuration requirements—or even whether smaller or larger clusters have certain advantages for both development feasibility and day-to-day living.

*What cluster size limit, if any, would you like to consider for cottages in Carlton? Consider starting with a maximum of 12 cottages in the R-1 and R-2 zones, with no limit in the R-3 and MX zones where multifamily and townhouses are also unlimited.*

Additionally, more detailed development standards in Section 17.106.040 (to be reviewed in January) specify the arrangement of cottages on a lot including open space and parking requirements.

## C. Vacation Rental Dwelling Types; Council Goal Action 2.4

**Code sections:** CDC 17.20.020, 17.22.020, 17.28.020, 17.52.030

The expansion of different housing types within residential zones has sparked conversations about which housing types should be permitted to be rented as vacation rentals (VRs). Draft VR standards discussed earlier this fall by Council focused on allowing single-family, duplex and triplex dwellings to be used as VRs, but the proposed code also introduces accessory dwellings (ADUs) and cottages as new housing types. The VR standards are in Chapter 17.125 (to be reviewed in January).

*Would you like to see ADUs and cottages permitted to be used as VRs similar to other dwelling types, or restricted to encourage their use as long-term rental or ownership housing?*

Many cities have wrestled with this question, particularly around ADUs. ADUs can be particularly suited to use as a VR because of their smaller size and relationship to a primary dwelling housing the owner/operator. Allowing ADUs as VRs can spur the initial creation of ADUs by creating a greater income stream to cover the construction costs; anecdotally, many

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<sup>1</sup> OAR 660-046-0205(4)(d) sets a minimum of eight cottages per cluster. However, both the OARs and Model Code serve as a model rather than requirements for Carlton based on population size.

VR operators tire of the day-to-day work required to manage a VR and convert their ADUs to long-term rental housing after several years. However, there may legitimate public purpose to reserving these new housing types for longer-term occupancy to address local housing needs.

## D. Historic Sites; Council Goal Action 2.5

**Code sections:** CDC 17.12.020 “historic site” definition, 17.30.060.L

Within the scope of this update, changes to definitions and references to historic sites have been streamlined for consistency, tying to historic resources inventoried in the Comprehensive Plan that include both sites on the National Register of Historic Places and any locally designated historic sites. We understand that the City is considering a broader initiative to develop a local historic preservation program that could include additional local designations; future code updates may be needed as part of implementing such a program, but cannot be completed in advance of the broader work. There are nearby Yamhill County communities that can also be models or mentors in developing a local historic preservation program, such as Dayton, Newberg and McMinnville. Restore Oregon could also be a nonprofit partner providing resources for communities to create or expand historic preservation programs.<sup>2</sup>

## CODE SPECIFICS

The following table serves as a companion to review the proposed code updates, to explain the more significant changes. The draft code incorporates consultants’ and staff review, and is recommended as proposed. There are several areas noted below *in italics* for further review by Council, PAC and other reviewers to confirm the proposed direction or to suggest an alternative approach.

PROPOSED CODE UPDATES	
Code Section	Summary of Changes & Additional Issues
<b>CDC 17.08.010, Districts</b>	Align the Comprehensive Plan land use designations and the implementing zones.
<b>CDC 17.12.020, Definitions</b>	Generally clean up terms to ensure they are consistent with terms used in code, match state standards, and remove terms not used in code or defined elsewhere in code.
“Boarding, lodging or rooming house”	Term is not used in code. Similar short-term lodging options are addressed as vacation rentals.
“Campground”	Term is not used in code.

<sup>2</sup> See for example the Historic Resources Inventory Toolkit for local communities.  
<https://restoreoregon.org/historic-resources-inventory-toolkit/>

PROPOSED CODE UPDATES	
Code Section	Summary of Changes & Additional Issues
“Child care center,” “Day care center,” “Family child care home”	Added definition for “child care center” and revised “family child care home” definition to match state regulations, and used terms consistently throughout the code. “Day care facility” term not used in code, deleted.
“Cottage cluster,” “Dwelling” definitions, “Family”	Added and grouped definitions for proposed dwelling types: accessory dwellings, cottages, duplexes, multi-family, single-family, and townhouses, and used terms consistently throughout the code. Defined dwellings by the number of dwelling units on a lot rather than occupancy by number of families. Deleted definition of “Family” that set different occupancy limits based on familial or nonfamilial relationships between occupants, a form of discrimination prohibited by recent state law.
“Density,” “Density, gross,” “Density, net”	New, clearer terms to define net and gross density, then used to set density standards in all residential zones consistently.
“Flood” and related terms	The many terms specific to the Floodplain Management Overlay Zone in CDC 17.56 are proposed to be deleted from this section, to eliminate overlap with those terms in CDC 17.56. Future flood overlay updates may further modernize the definitions in 17.56.
“Historic site”	Streamline definition by removing overly complex statutory references, to highlight that historic sites are inventoried in the Comprehensive Plan and include both properties listed on the National Register of Historic Places and locally designated historic resources, if and when the City develops a local designation program.
“Manufactured dwelling” including related terms “Manufactured home,” “mobile home,” “prefabricated structure,” “residential trailer”	Updated to match state standards, and used consistently throughout code.
“Residential care facility” and “residential home”	Updated to match state standards, and used consistently throughout code.
<b>CDC 17.20, Residential-Low Density District (R-1)</b>	
17.20.020, Permitted uses	Expand the types of housing permitted in R-1 zone to include duplexes on all lots, cottage clusters and accessory dwellings.
17.20.020 and 17.20.030	Simplify references to vacation rental dwelling standards by permitting the use when consistent with VR standards in Chapter 17.125.

PROPOSED CODE UPDATES	
Code Section	Summary of Changes & Additional Issues
17.20.035, Density standards	<ul style="list-style-type: none"> <li>• Introduce a minimum density standard, equal to 80% of the effective maximum density for single-family dwellings based on minimum lot sizes, to encourage efficient use of land.</li> <li>• No maximum density proposed, with the different minimum lot sizes by dwelling type setting the effective maximum densities instead.</li> </ul>
17.20.040, Dimensional standards	<ul style="list-style-type: none"> <li>• Maintain existing minimum lot size for single-family dwellings</li> <li>• Permit duplexes on the same size lot as single-family dwellings by reducing current standard limited to corner lots</li> <li>• Introduce minimum lot size for a cottage cluster, which would allow 4+ units. The effective lot size needed would increase with the number of units to accommodate the dwelling, open space and parking area.</li> <li>• Simplify lot coverage standards with a single, combined coverage standard rather than separate standards for buildings and impervious surface, and locate with other dimensional standards in this table.</li> </ul>
17.20.060, Accessory dwelling standards	New standards proposed for accessory dwellings, allowing attached, detached or interior ADUs up to 800 SF, subject to the same dimensional standards as other dwellings in the district. No off-street parking is required for ADUs, per state law.
<b>CDC 17.22, Residential-Medium Density District (R-2)</b>	
17.22.020, Permitted uses	<ul style="list-style-type: none"> <li>• Expand the types of housing permitted in R-2 zone to include cottage clusters and accessory dwellings.</li> <li>• Continue to permit two attached townhouses and remove the requirement for Site Plan Review in front of Planning Commission (Chapter 17.156) to apply the residential design standards in Chapter 17.106. <i>Do you support exempting two townhouses from Site Design Review, so that they can be reviewed in the same way as single-family dwellings and duplexes? Most of the residential design standards are more applicable to larger townhouses projects that could be served by an alley or other unified site design, and have limited applicability for two townhouses. Simplifying the review requirements could encourage the construction of this housing type, making it as easy to build as a single-family dwelling.</i></li> </ul>
17.22.020 and 17.22.030	Simplify references to vacation rental dwelling standards.
17.22.035, Density standards	<ul style="list-style-type: none"> <li>• Introduce a minimum density standard.</li> </ul>



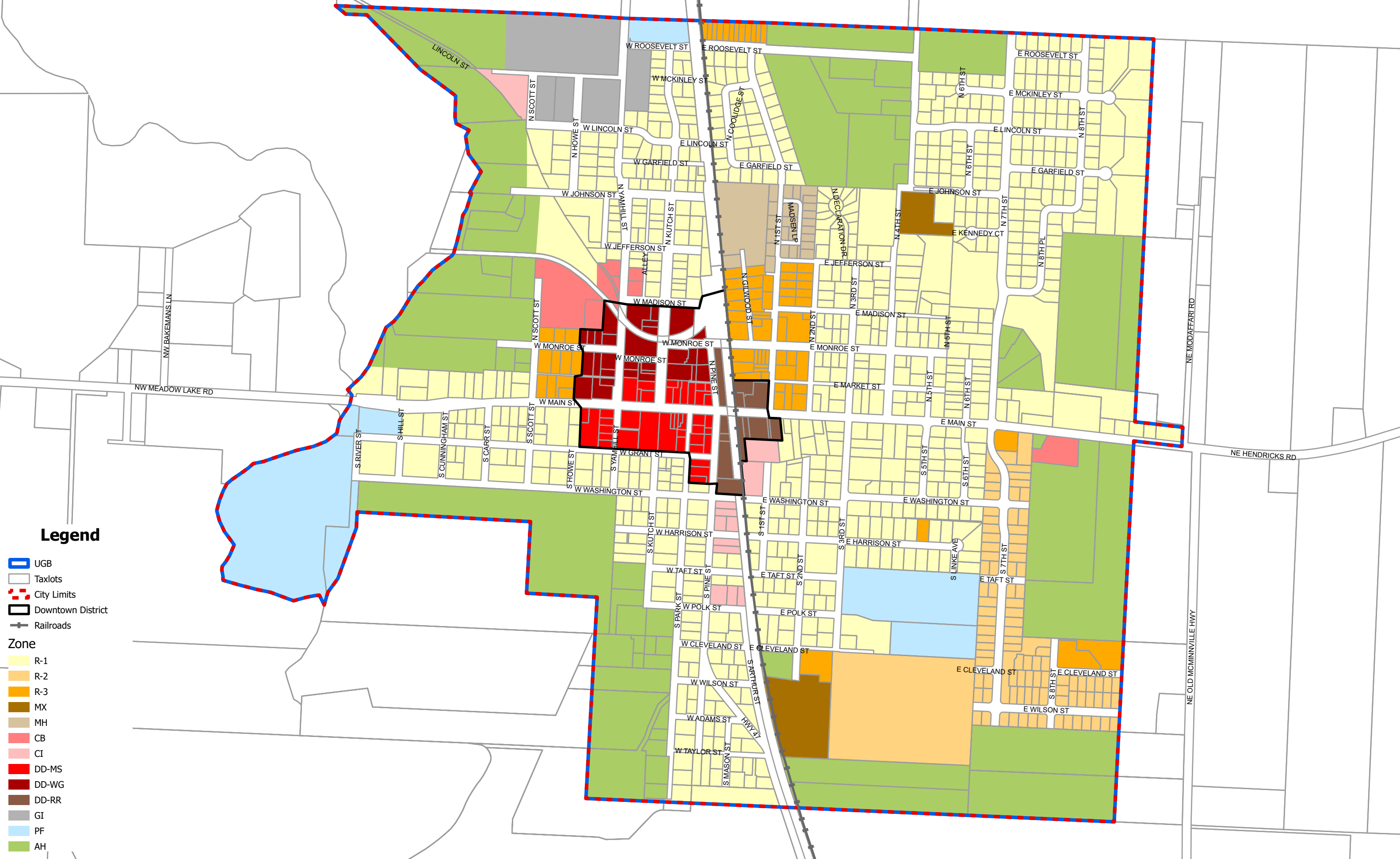
PROPOSED CODE UPDATES	
Code Section	Summary of Changes & Additional Issues
	<ul style="list-style-type: none"> <li>No maximum density proposed, controlled instead by the different minimum lot sizes by dwelling type.</li> </ul>
17.22.040, Dimensional standards	<ul style="list-style-type: none"> <li>Maintain existing minimum lot size for single-family dwellings</li> <li>Permit duplexes on the same size lot as single-family dwellings by reducing current standard</li> <li>Introduce minimum lot size for a cottage cluster with 4+ units.</li> <li>Simplify lot coverage standards with a single, combined coverage standard.</li> </ul>
<b>CDC 17.24, Manufactured Home District (MH)</b>	
17.24.020, Permitted uses	<ul style="list-style-type: none"> <li>Permit manufactured dwelling parks outright, rather than conditionally, as required to meet state standards for clear and objective review of residential uses.</li> <li>Permit accessory dwellings: these would be permitted with a single-family home or single manufactured home on its own lot, but not within a manufactured home park.</li> </ul>
17.24.040, Dimensional standards	Maintain existing dimensional standards for individual lots (not lots within a manufactured dwelling park), similar to R-1 zone. Revise minimum lot width and lot coverage standard the match proposed R-1 standards.
<b>CDC 17.28, Residential-Medium High Density District (R-3)</b>	
17.28.020, Permitted uses	<ul style="list-style-type: none"> <li>Expand the types of housing permitted in R-3 zone to include townhouses, cottage clusters and accessory dwellings, in addition to duplexes, multi-family and manufactured home parks currently permitted.</li> <li>Retain existing provision to allow single-family dwellings in new subdivisions, coupled with proposed minimum density standard and smaller minimum lot size to ensure such dwellings are smaller scaled and potentially mixed with other dwelling types. <i>Long term, the City may consider whether to continue to allow single-family dwellings in this zone, given it is the only zone where higher density development like apartments are permitted and those uses could be prioritized.</i></li> </ul>
17.28.020 and 17.22.030	Simplify references to vacation rental dwelling standards.
17.28.035, Density standards	<ul style="list-style-type: none"> <li>Move density references from purpose statement into explicit density standards.</li> <li>Increase the minimum density from 8 units/acre to 12 units/acre, more consistent with the zone's purpose to provide higher density housing opportunities. <i>Do you support the proposed increase to the minimum density,</i></li> </ul>

<b>PROPOSED CODE UPDATES</b>	
Code Section	Summary of Changes & Additional Issues
	<p><i>intended to support higher density, more diverse housing choices and use land efficiently?</i></p> <ul style="list-style-type: none"> <li>• No changes proposed to existing maximum density of 32 units/acre.</li> </ul>
17.28.040, Dimensional standards	<ul style="list-style-type: none"> <li>• Reduce minimum lot size for single-family dwellings from 4,000-5,000 to 3,000 square feet for all lots, to support smaller homes consistent with the proposed minimum density standard. <i>Do you support this change?</i></li> <li>• Reduce minimum lot sizes for townhouses to 2,000 square feet for interior lots and 2,400 for corner lots, allowing densities ~20 units/acre within the allowed density range; removing the limitation of 2 attached townhouses consistent with scale of development in this zone.</li> <li>• Permit duplexes on the same size lot as single-family dwellings by reducing current standard</li> <li>• Reduce minimum lot size for multi-family dwellings to align with allowed maximum density of 32 units/acre. Larger projects will need sites larger than 5,000 square feet, which will be controlled by the maximum density standard.</li> <li>• Introduce minimum lot size for a cottage cluster with 4+ units, sized to allow developments at up to the maximum density.</li> <li>• Introduce setbacks scaled to the size of lots, to make smaller proposed lots more feasible to develop while retaining setbacks and buffering for larger development sites. <i>Do you support this approach?</i></li> <li>• Simplify lot coverage standards with a single, combined coverage standard. Increase allowed lot coverage to 80%, however, note that multifamily is still required to provide 25% site landscaping which will decrease total coverage.</li> </ul>
CDC 17.28.050, Development Standards	Removed duplicative landscaping requirements and referenced central standards in Chapter 17.84; no change to the 25% site landscaping required for multi-family dwellings.
<b>CDC 17.30, Downtown District (D)</b>	
<ul style="list-style-type: none"> <li>• Maintain existing range of commercial uses, including retail, services and wineries with a production component, along with residential uses, within a walkable mixed-use environment built to pedestrian scale.</li> <li>• Maintain code structure creating three sub-districts: Main Steet, Winery Gallery and Railroad</li> <li>• Clarify the review process and applicable standards, rather than changing the design standards themselves, and remove standards that are repeated for various sub-districts.</li> </ul>	

PROPOSED CODE UPDATES	
Code Section	Summary of Changes & Additional Issues
	<ul style="list-style-type: none"> <li>Remove duplicate images and images not directly related to the standards throughout the chapter. Staff will save the existing images and may use them in future educational materials for prospective downtown developers.</li> </ul>
CDC 17.30.050, Dimensional Standards	<p>Maintain existing standards with clarification about applicable standards for the D-RR sub-district, which requires a minimum height of 21 feet based on sub-district standards in text of CDC 17.30.070.</p> <p><i>Should minimum height of 21 feet also apply to the D-WG subdistrict, like the other two sub-districts? Or does it have a different form and character?</i></p>
17.30.055, Design review requirements	<p>New section is compiled of existing sections 17.30.060.A, B and C to distinguish between the procedural design review requirements (17.30.055) and the actual design standards (17.30.060).</p>
17.30.060.L, Historic Building Alterations	<p>No changes are proposed to the standards for historic building alterations, which apply in addition to the requirements for Historic Sites. ‘Historic buildings’ are not defined in the code: it should include the specific listed historic sites but could include other older buildings in downtown as well. No changes are recommended at this time, but future work on historic resources should clarify which buildings are subject to these standards, and/or remove these standards entirely in favor of regulating historic resources through Chapter 17.104.</p>
17.30.065, General design guidelines	<p>New section is compiled of existing section 17.30.060.D to distinguish between the <b>design standards</b> (17.30.060) and the <b>general guidelines</b> to interpret the design standards and review alternative design proposals (17.30.065). This allows proposed development to choose one of two pathways to compliance, and provides flexibility for the City to review more creative projects.</p>
17.30.070 Subdistrict design guidelines	<p>The guidelines in this section have been lightly revised to remove duplicative standards (repeats of the general downtown standards in 17.30.060) and to fill in some missing details.</p>
<b>CDC 17.32, Commercial Business District (CB)</b>	
17.32.020 Permitted uses	<p>The zone permits a range of commercial uses include retail, service and office. Lodging uses are limited to bed and breakfasts and vacation rental dwellings in existing dwellings.</p> <p><i>Should lodging uses be expanded to allow more commercial lodging, including hotels and motels? In comparison, the downtown allows “Overnight accommodations, including hotels,</i></p>

PROPOSED CODE UPDATES	
Code Section	Summary of Changes & Additional Issues
	<i>motels, inn, and similar lodging uses,” which is a more typical range of lodging uses expected in a general commercial zone.</i>
<p><b>CDC 17.48, Agricultural Holding District (AH)</b> Enhance ‘holding’ function of this zone until properties are proposed for urban-level development by:</p> <ul style="list-style-type: none"> <li>• Limiting development of a single-family dwelling to existing lots served by public water and sewer.</li> <li>• Increasing minimum lot size from 7,500 square feet to 3 acres.</li> <li>• Prohibiting land division in the AH district, and instead requiring a rezone to an urban zone prior to land division or non-agricultural use.</li> </ul> <p>The above changes will require notice to be sent to all AH property owners prior to any public hearing on code adoption (Measure 56 notice).</p> <p>Parallel comprehensive plan policies will establish the purpose of the AH zone to conserve land prior to development, and direct the City to begin a land use planning process for all AH areas to assign comprehensive plan land use designations in advance of future rezoning.</p>	
<b>CDC 17.52, Mixed Density Residential District (MX)</b>	
17.52.010, Purpose	Refine purpose statement to reflect typical scale of MX application in Carlton, and focus on providing a mix of residential uses but not specifically a mix of uses such as commercial. Remove references to large-scale site design such as a “hierarchy of streets” because there are no supporting standards to implement the concept, and the zone is not applied to any large sites.
17.52.020, Residential density and variety	<ul style="list-style-type: none"> <li>• Establish minimum density of 8 units per acre, in between the current range of 6-9 units per acre for different types of single-family dwellings.</li> <li>• Introduce maximum density of 20 units per acre, which exceeds the current range of 9-12 for different single-family dwellings in order to permit a wider range of residential uses. The proposed maximum is in between the maximums for the R-2 and R-3 zones.</li> <li>• Rewrite residential variety standard to limit any single residential use to a maximum of 75% of units in a new development, to encompass the range of residential uses proposed.</li> </ul>
17.52.030, Permitted uses	Explicitly permit the broader range of residential uses introduced in other zones, rather than a more general reference to residential dwellings.
17.52.060, Lot requirements	Establish new minimum lot size requirements for the various residential types, generally in between the minimum lot size standards for the R-2 and R-3 zones. The proposed minimums are intended to provide flexibility within the maximum density: both standards must be met.

PROPOSED CODE UPDATES	
Code Section	Summary of Changes & Additional Issues
<b>CDC 17.56 Floodplain Management Overlay Zone (FP)</b>	<p>Minor changes are proposed specific to the floodplain development permit review process to improve its applicability, including substituting the updated term “area of special flood hazard” for the older “floodplain” term and requiring no net fill in the area of special flood hazard.</p> <p>Long term, the technical nature of this section—and its importance to ensure compliance with federal flood insurance programs—merits a separate, future project to modernize the flood hazard provisions to comply with most recent federal FEMA and state guidelines.</p>



### Legend

- UGB
- Taxlots
- City Limits
- Downtown District
- Railroads
- Zone**
- R-1
- R-2
- R-3
- MX
- MH
- CB
- CI
- DD-MS
- DD-WG
- DD-RR
- GI
- PF
- AH

## 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 202300; 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 <del>(Low Density)</del>	Residential-Low Density (R-1)	17.20
Residential <del>(Medium Density)</del>	Residential-Medium Density (R-2)	17.22
<del>Residential (Manufactured)</del> <b>Home</b>	Manufactured Home (MH)	17.24
Residential <del>(High Density)</del>	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 <b>Holding</b>	Agricultural Holding (AH)	17.48
<b>Mixed Density Residential</b>	<b>Mixed Density Residential (MX)</b>	<b>17.52</b>

**\* 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~~ **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.

~~"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.

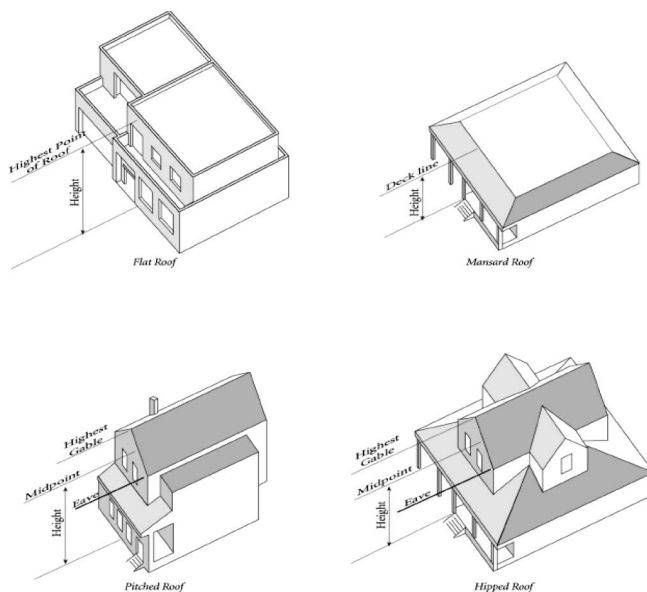
~~"Boarding, lodging, or rooming house" means a building where lodging with or without meals is provided for compensation for not more than five (5) persons in addition to members of the family occupying such building.~~

"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 per acre, each with a footprint of less than 900 square feet, 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, 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."**

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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.

"Face" means to front upon.

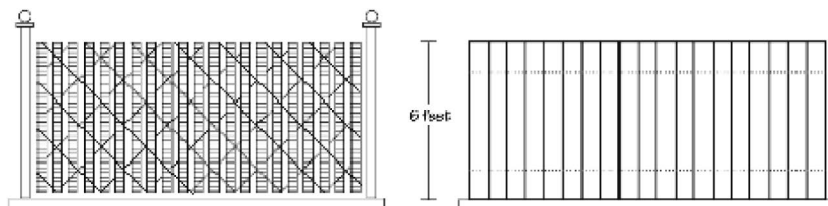
~~"Family" means an individual or two (2) or more persons related by blood or marriage, including adopted children or those pending adoption, or a group of not more than five (5) persons who need not be related by blood or marriage living as one housekeeping unit.~~

"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.



"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.

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



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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."

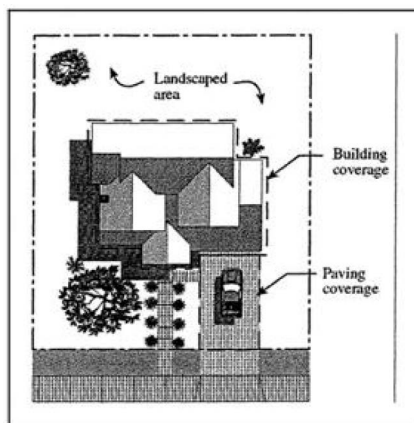
Lot, Corner. "Corner lot" means a parcel abutting on two (2) intersecting streets, other than an alley. In the event a street front lot line is a curve at its point of intersection with a side lot line, the tangent to the curve at that point shall be considered the direction of the front lot line.

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.



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

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"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 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.**

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"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 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.

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"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.~~

**"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 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.**

#### 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 <b>7,500</b> square feet lawfully created prior to <b>Ordinance #619 on November 10, 2003</b> <del>[effective date of Code]</del> are permitted
Duplex	9,000 <b>7,500</b> square feet, <del>provided duplexes on corner lots shall have each unit access a different street</del>
<b>Cottage cluster</b>	<b>15,000 square feet</b>
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	<b>75 50</b> feet, except lots narrower than <b>75 50</b> feet lawfully created prior to <b>Ordinance #619 on November 10, 2003</b> <del>[effective date of Code]</del> are permitted.

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<b>Maximum Lot Coverage</b>	<b>65 percent where a building exceeds 20 feet in height</b> <b>70 percent where all buildings on the site are 20 feet or less in height</b>
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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.~~
- DE.** Yards and Lots. Yards and lots shall conform to the standards of Chapter 17.92.
- EF.** Signs. Signs shall conform to the requirements of Chapter 17.80.
- FG.** Driveways. Driveways shall conform to the standards 17.68.060.
- GH.** 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.
- HI.** 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 17.106.030.A.**

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

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- 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.**

### 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	<b>6,000 square feet</b>
<del>(1) Non common wall dwelling</del>	<del>6,000 square feet</del>
<del>(2) Attached (townhome) dwelling—Maximum of two (2) consecutively attached units</del> <b>Townhouse dwelling</b>	2,400 square feet for an interior lot and 4,000 square feet for a corner lot
Duplex <b>dwelling</b>	7,000 <b>6,000</b> square feet, <del>provided duplexes on corner lots shall have each unit access a different street, unless the lot is located on an arterial street.</del>
<b>Cottage cluster</b>	<b>12,000 square feet</b>
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 <del>townhome units</del> <b>townhouses</b>
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, <del>except where a new building (any use) is proposed on a lot platted prior to [effective date</del>

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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
<b>Maximum Lot Coverage</b>	<b>80 percent where a building exceeds 20 feet in height</b> <b>85 percent where all buildings on site are 20 feet or less in height</b>

**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.~~~~
- DE.** Yards and Lots. Yards and lots shall conform to the standards of Chapter 17.92.
- EF.** Signs. Signs shall conform to the requirements of Chapter 17.80.
- FG.** Driveways. Driveways shall conform to the standards 17.68.060.
- GH.** 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.
- 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 17.106.030.A.**

## 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. ~~Public park and recreation area.~~ **Accessory dwelling, subject to the provisions of Section 17.20.070.**
- C. **Manufactured dwelling park subject to the provisions of Chapter 17.120.**
- ~~D.~~ Planned unit development subject to the provisions of Chapter 17.112.
- ~~E.~~ ~~Child care facilities, as defined by Oregon Revised Statutes Chapter 657A.~~ **Family child care home.**
- ~~F.~~ Residential ~~care homes, as defined by this ordinance. All residential care homes shall be duly licensed by the State of Oregon.~~
- ~~G.~~ Home occupation, subject to the provisions in Chapter 17.124.
- ~~H.~~ ~~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.
- I. **Public park and recreation area.**

### 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.

### 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.

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Minimum Lot Area	
Single-family 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	<b>75</b> <del>50</del> feet
<b>Maximum Lot Coverage</b>	<b>65 percent</b>

#### 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. Partitions. Land divisions shall be reviewed in accordance with the provisions of Chapter 17.172.
- ~~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;~~
  - ~~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.



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**1. Single-family dwellings shall comply with the garage or carport standards in Section 17.106.030.A.**

## 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 manufactured home and 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, and townhouses, 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.**

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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 density in the Residential-Medium High Density district shall be 12 dwelling units per net acre.**

**B. The maximum 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	<b>3,000 square feet</b>
<del>(1) Non common wall dwelling</del>	4,000 square feet for an interior lot and 5,000 square feet for corner lot
<del>(2) Attached (townhome) dwelling</del> <b>Townhouse</b> dwelling Maximum of two (2) consecutively attached units	2,400 <del>2,000</del> square feet for an interior lot and 5,000 <del>2,400</del> square feet for a corner lot
Duplex <del>or Single Dwelling with Accessory dwelling</del>	8,000 <b>3,000</b> square feet
Multi-family dwelling, <del>3-unit</del>	9,500 <b>5,000</b> square feet <del>plus 1,500 square feet per unit in excess of 3 units</del>
<b>Cottage cluster</b>	<b>6,000 square feet</b>
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	<b>Lots less than 5,000 square feet: 10 feet</b> <b>Lots 5,000-10,000 square feet: 15 feet, except 10 feet for uncovered porches and covered but</b>

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

### 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 17.106.030.A.**

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## 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)

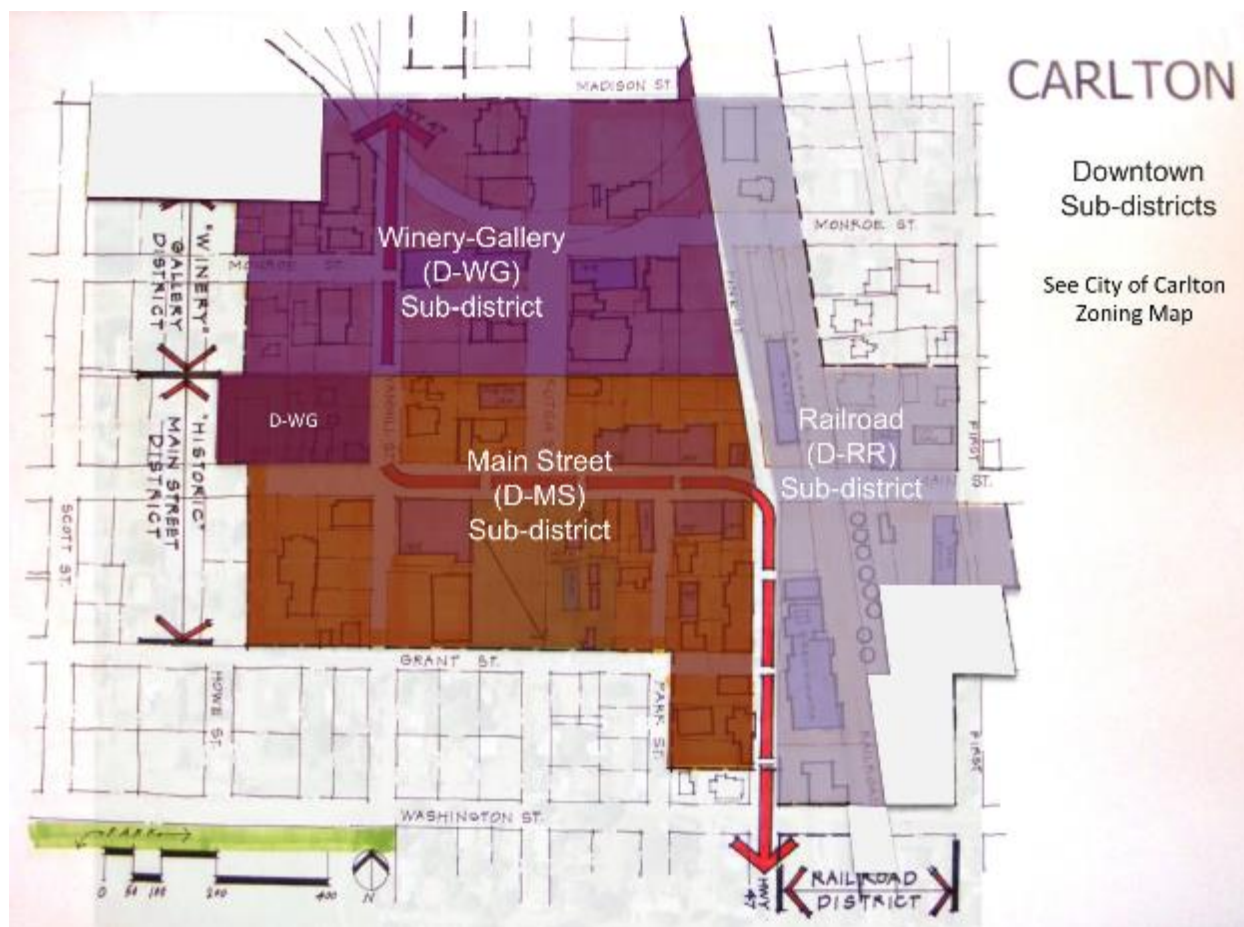


Figure 1 - Downtown Sub-districts

### 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 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 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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- 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><b>D-MS:</b> No front setback is allowed, except for a pedestrian plaza, landscaping, or similar purpose.</p> <p><b>D-WG:</b> 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><b>D-RR:</b> 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><b>D-MS:</b> 21 feet minimum and 35 <b>feet</b> maximum building height; or 45 feet with height bonus, subject to subsection 17.30.060(<b>H D</b>). Minimum 14 foot first floor ceiling height.</p> <p><b>D-WG:</b> <b>35 feet maximum building height.</b></p> <p><b>D-WG &amp; D-RR:</b> <b>21 feet minimum and 35 feet maximum building height</b>, 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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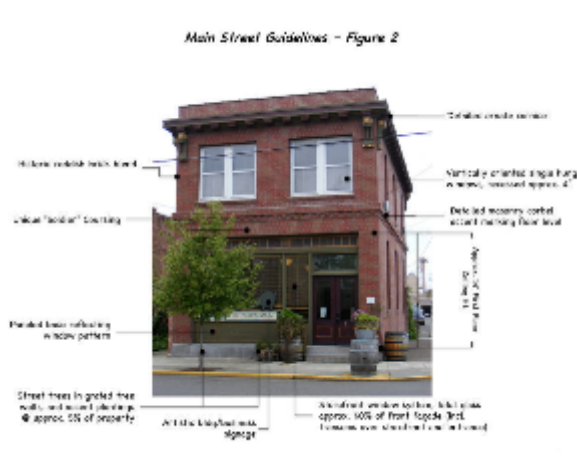
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D.—Design Guidelines. For the purpose of this Chapter, Design Guidelines describe and illustrate the standards contained in Section 17.30.060 and provide examples of how a project may comply with the standards. The Planning Commission shall rely upon 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

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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

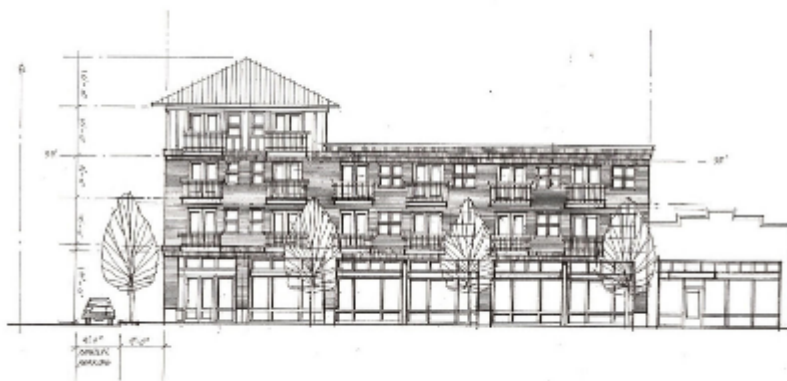


cornices. Paired or grouped windows that, together, are wider than they are tall, shall be visually divided to express the vertical orientation of individual windows. Except for transom windows and bay windows, windows and display cases shall not break the front plane of the building; projecting display 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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#### 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.

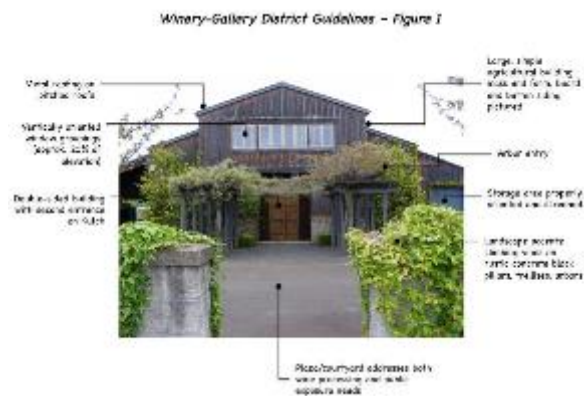
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- b. D-WG: Predominate roof form shall be pitched (4:12 minimum); gabled, hipped, modified pitched roof forms are allowed.
- c. D-RR: No restriction on roof form provided the form reflects historic precedence (e.g., depot, ranch/farm buildings, silos/granary 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.



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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 **of** 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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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.

**E. 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 may apply to properties within the Downtown Parking District, subject to the provisions of Section 17.68.020(E).

**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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**17.30.070 Subdistrict design guidelines.**

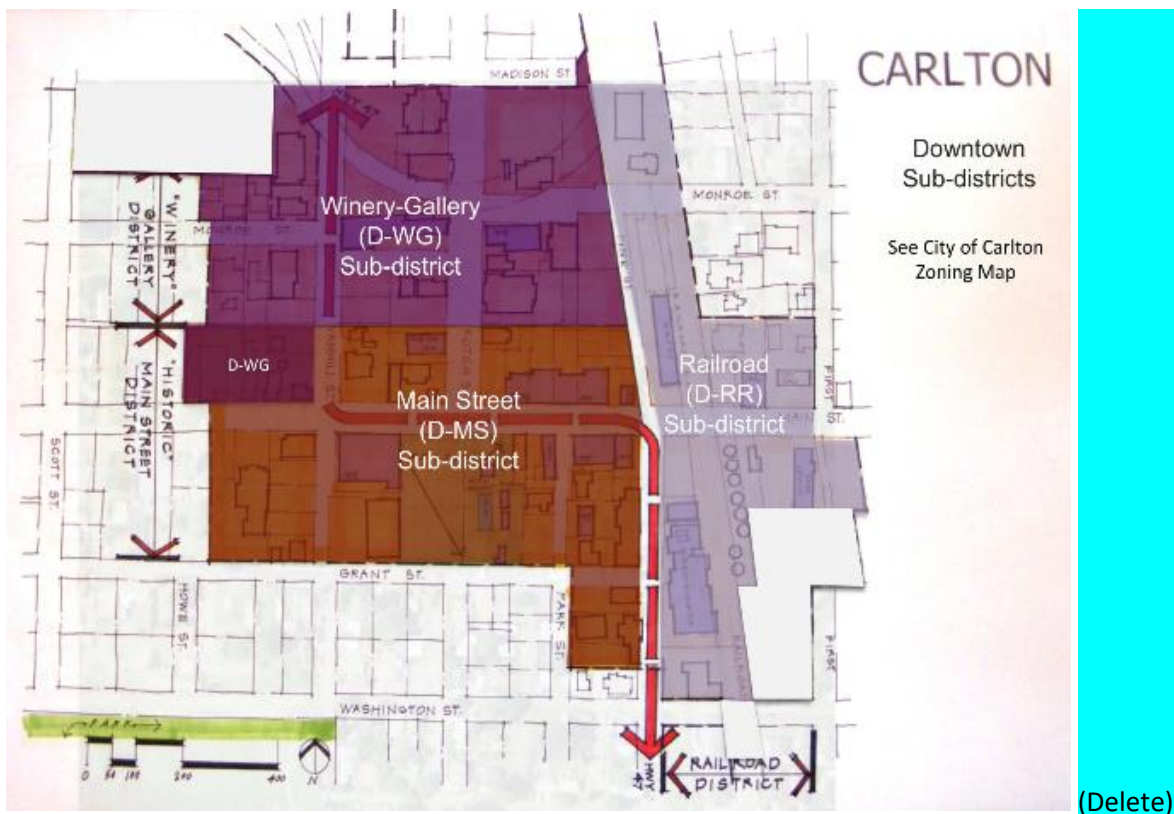
**The following design guidelines apply to development within each of the downtown sub-districts, in addition to the design standards on Section 17.30.060.**

**~~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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(Delete)

- 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.~~

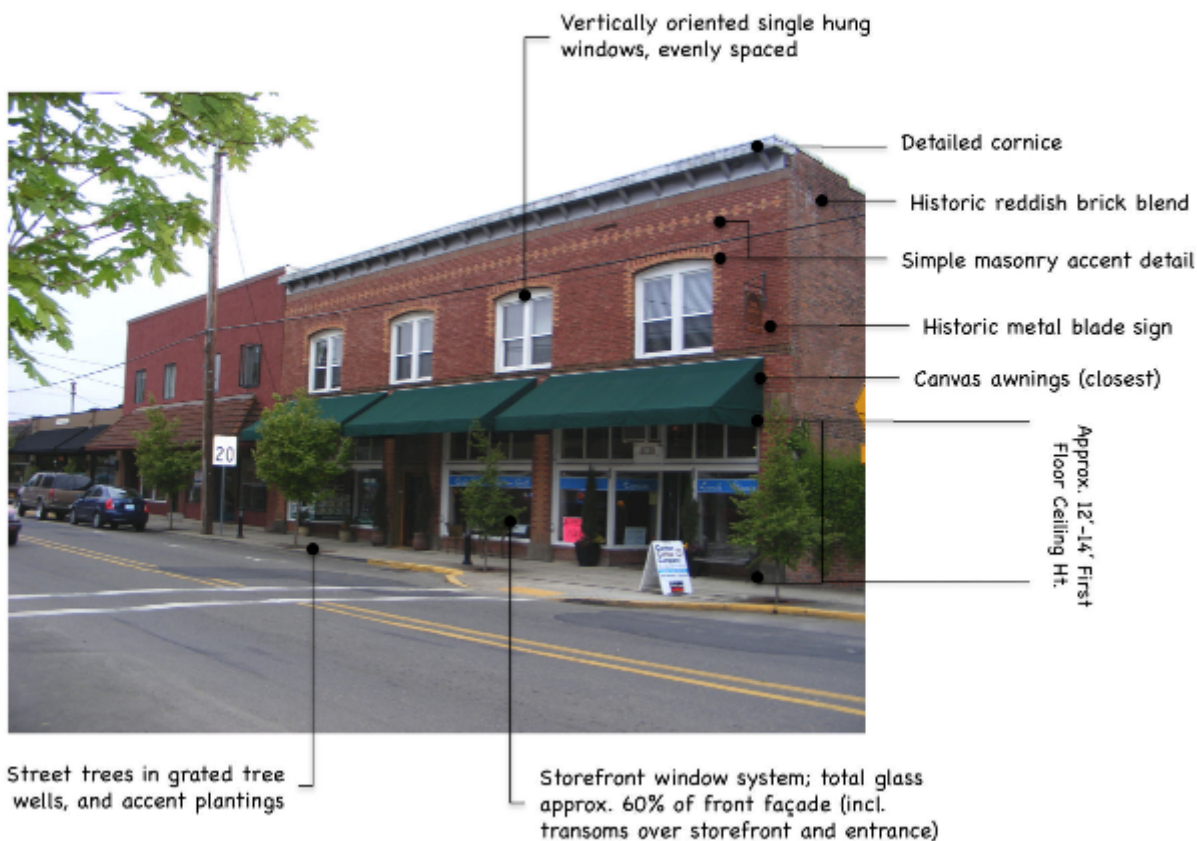
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**11.** No pole signs or internally-lit signs; ~~allow historically appropriate wall mounted light fixtures;~~ building-mounted metal or blade signs.

**12. Allow historically appropriate wall mounted light fixtures.**

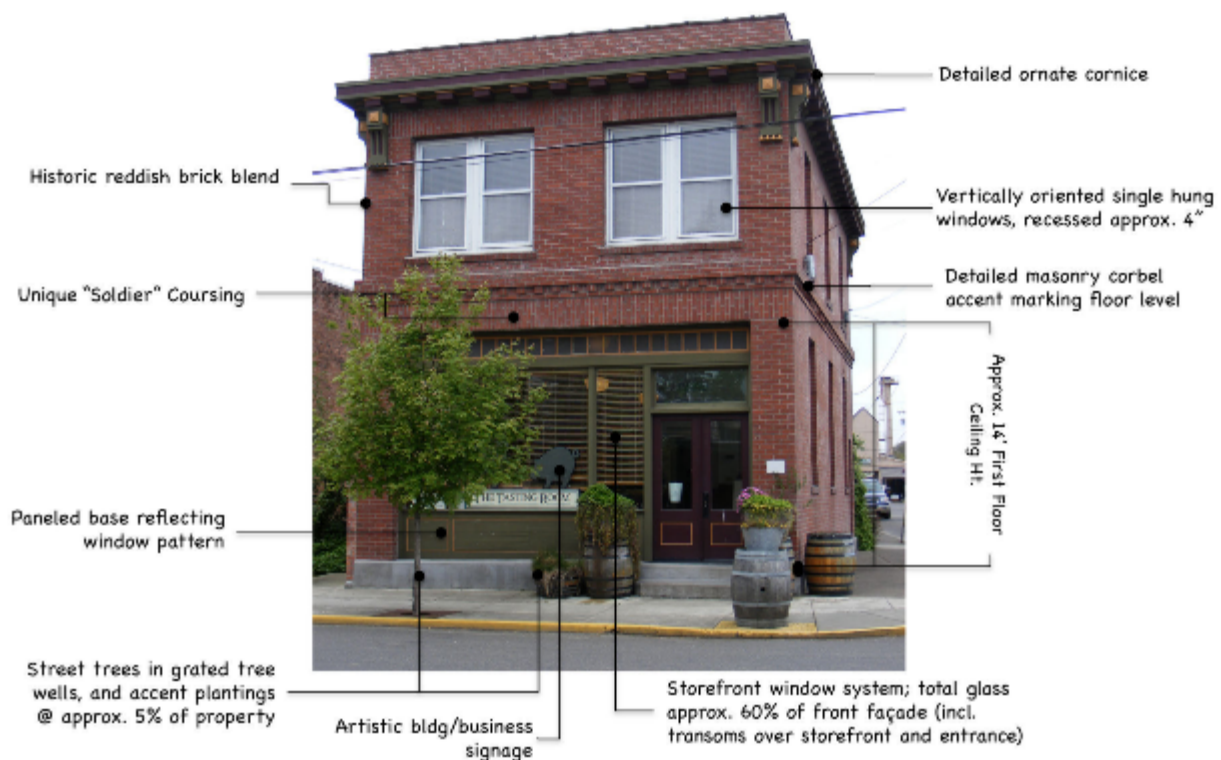
~~Allow flexibility for special opportunity sites through Design Review (e.g., performance standards or adjustments).~~

### Main Street Guidelines - Figure 1



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Main Street Guidelines – Figure 2



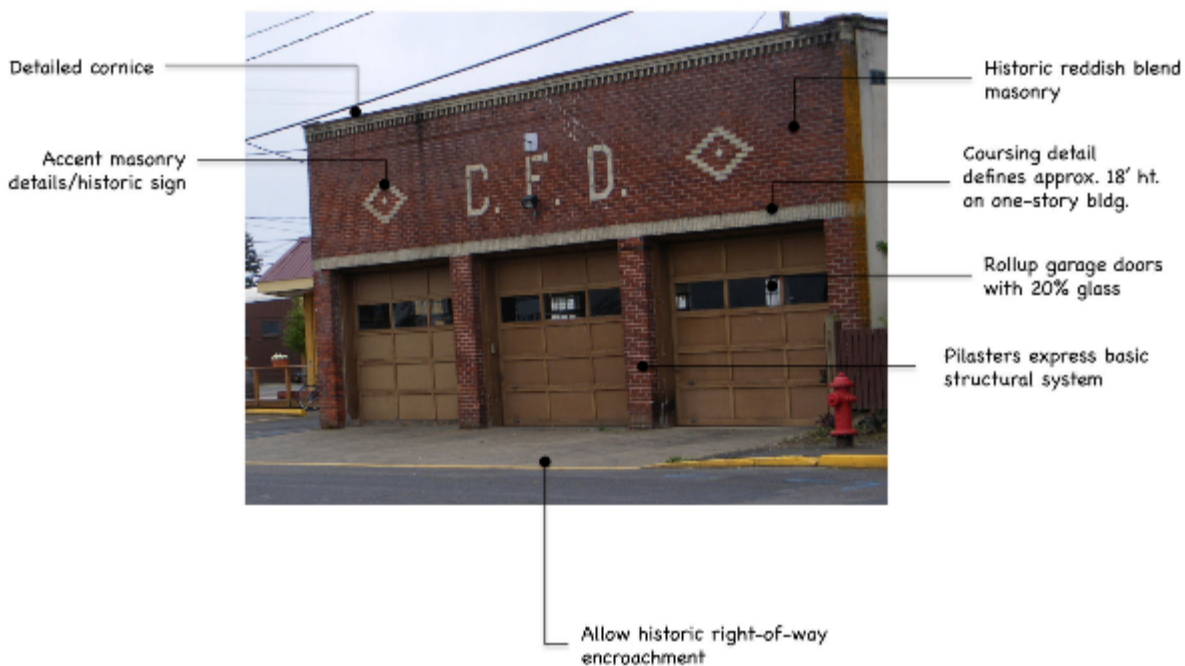
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### Main Street Guidelines - Figure 3



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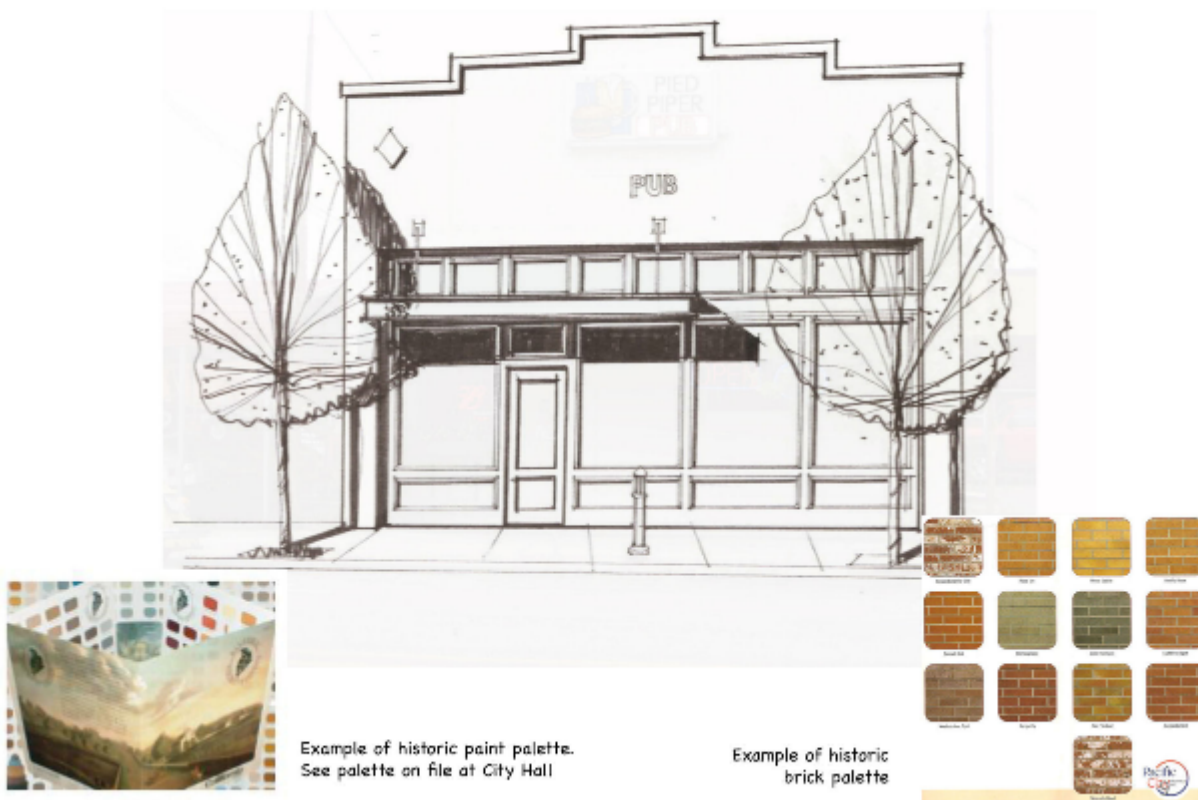
*Main Street Guidelines - Figure 4*





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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**

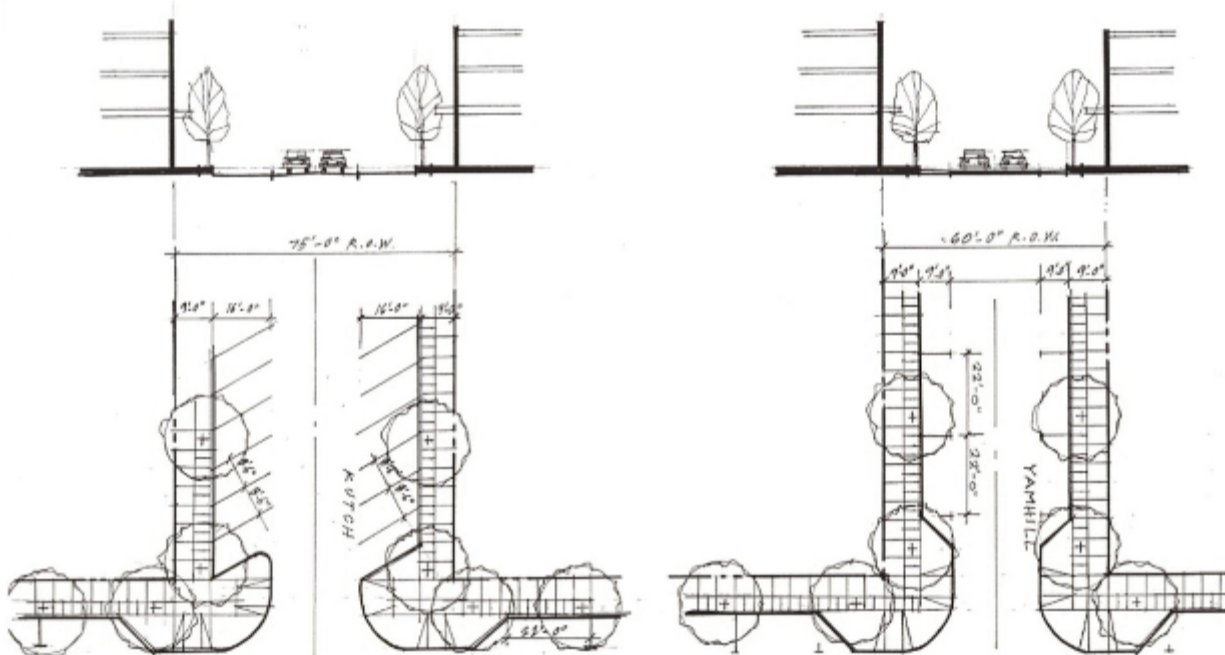


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Main Street Guidelines - Figure 9 (Corner Gateway/Height Bonus Example)



*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.



(Delete)

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.

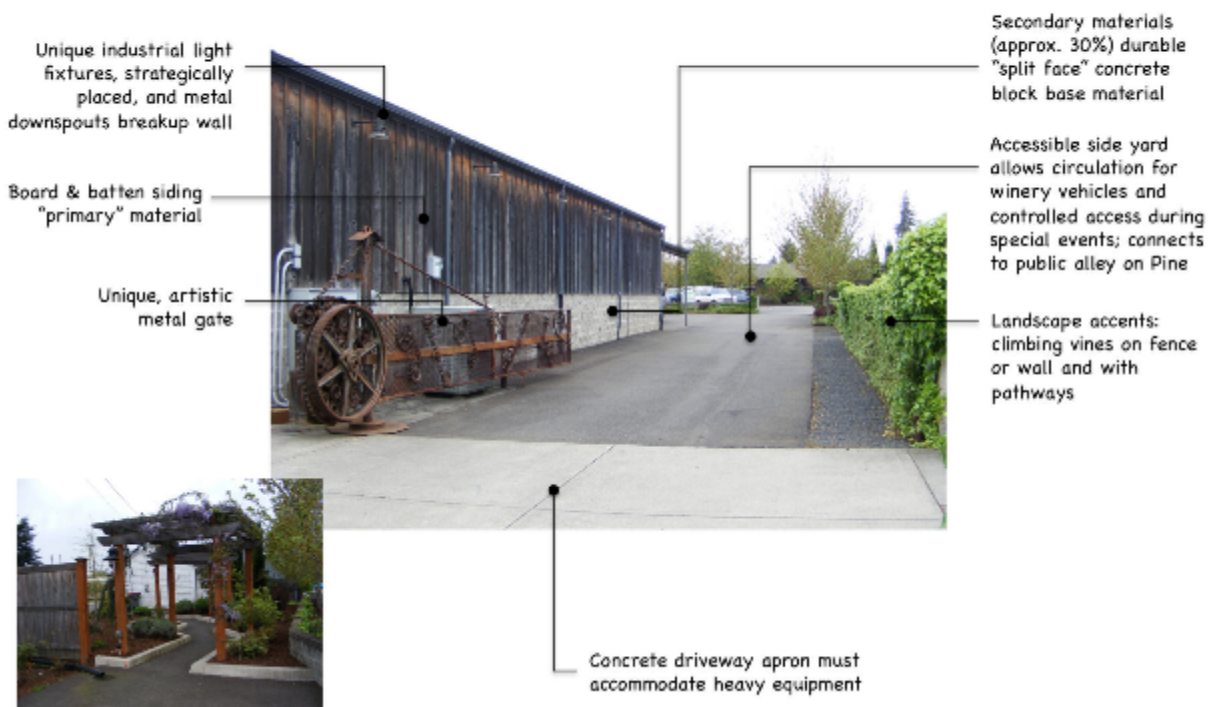
Allow flexibility for special opportunity sites through Design Review (e.g., performance standards or adjustments).

*Winery-Gallery District Guidelines - Figure 1*



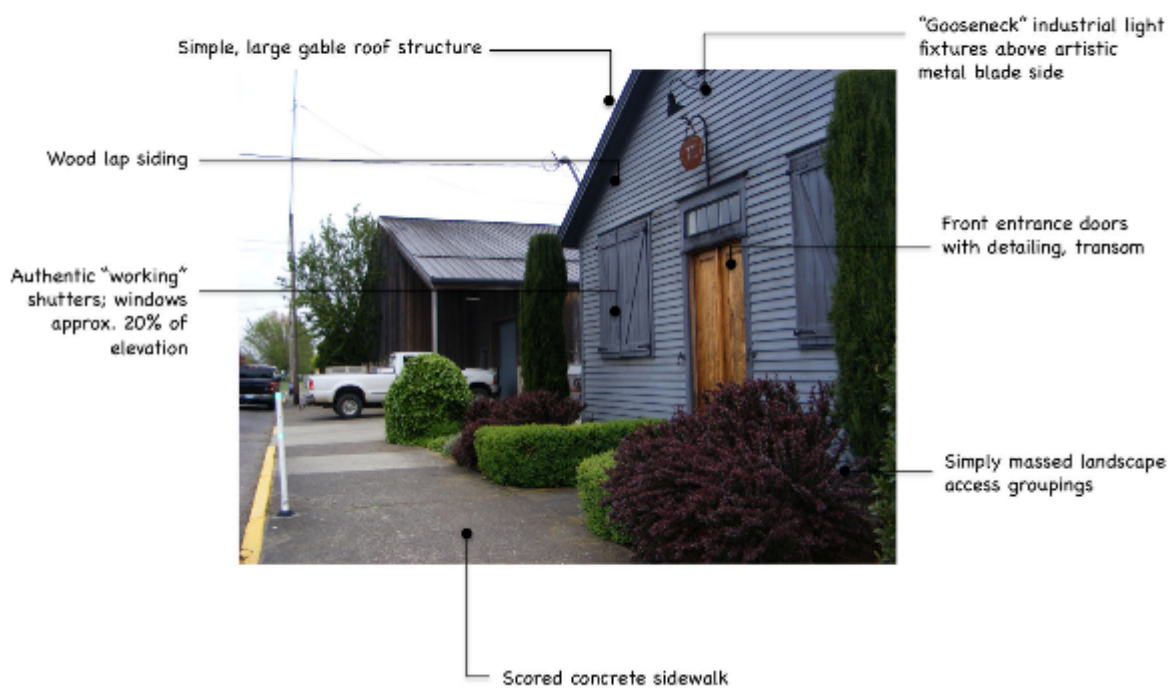
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*Winery-Gallery District Guidelines – Figure 2*



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*Winery-Gallery District Guidelines - Figure 3*



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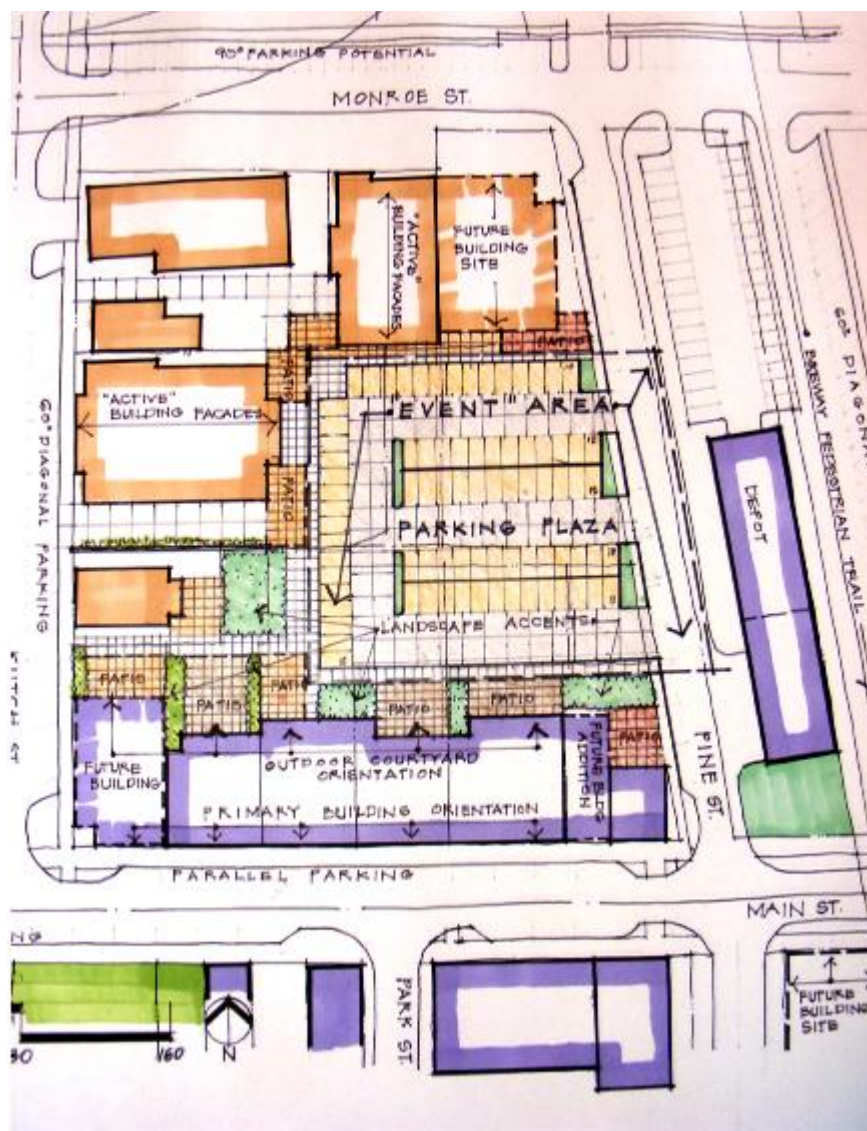
### Winery-Gallery District Guidelines - Figure 4



### Winery-Gallery Guidelines - Figure 5 Special Events Plaza-Convertible Parking Area Framework



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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.

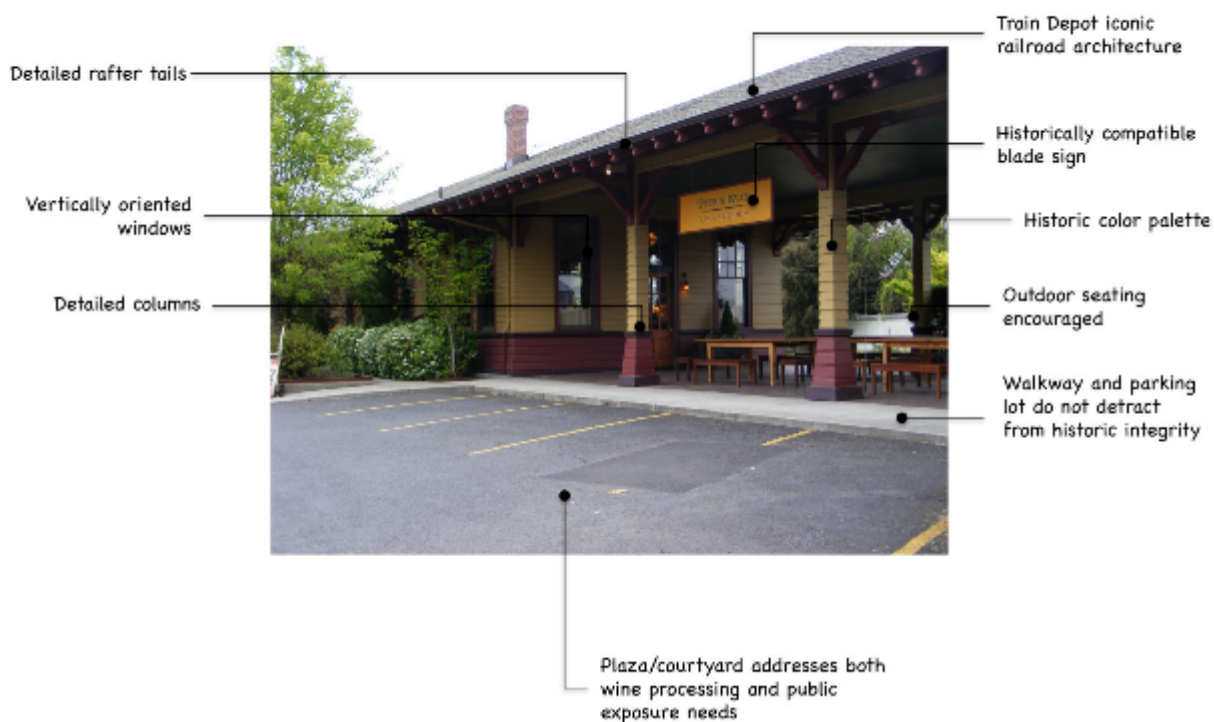
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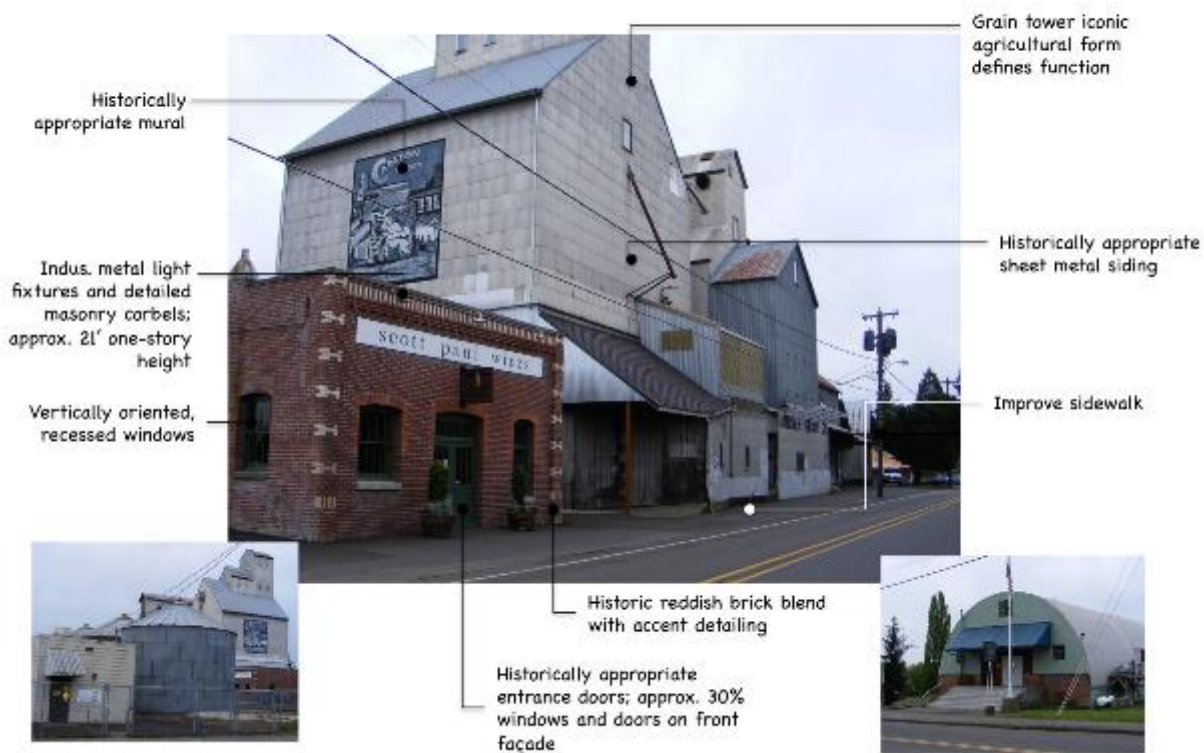
- 3.** Repeat building materials found on existing RR district buildings: ~~Metal siding, brick, wood and composite siding. No vinyl siding, cultured stone or wood panel siding except board-batten~~ **using materials permitted in subsection 17.30.060(F)(1)(c).** No chain link fences abutting streets.
- 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 craftsperson'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, 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 <b>street front lot</b> line may be permitted <b>subject to design review</b> for a pedestrian plaza, landscaping, or similar purpose. No outside storage, driveways, loading or parking shall be allowed <b>within the front yard setback.</b>
Rear yard	
Adjoining a nonresidential district	None
Adjoining a residential district	15 feet
Side yard	

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Adjoining a street	No side yard setback permitted except: A setback from the <del>street</del> <b>front lot</b> line may be permitted <del>subject to design review</del> for a pedestrian plaza, landscaping, or similar purpose. No outside storage, driveways, loading or parking shall be allowed <b>within the side yard setback</b>
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:



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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, 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:
  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.

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-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, 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	<del>7,500 square feet</del> <b>3 acres</b>
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. **Rezoning. 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. ~~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 density shall be 8 dwelling units per net acre, as measured for the entire development site.**
- B. **The maximum density shall be 20 dwelling units per net acre, as measured for the entire development site.**

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**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 structures, e.g., townhomes or duplexes. **No single residential use 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.

### 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.**
- 3. 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	100 feet	<del>25</del> <b>24</b> feet
Multi-family Residential	30 feet/unit	<b>6</b> feet/unit, min. <del>24</del> <b>40</b> 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.**
- E. Signs. Signs shall conform to the requirements of Chapter 17.80.**
- F. Driveways. Driveways shall conform to the standards 17.68.060.**

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**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 17.106.030.A.**

**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 action in accordance with the application procedures found in Section 17.188.010. If staff

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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.

**yellow highlighted** (proposed new) and ~~blue strike through~~ (proposed for delete)

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;

**yellow highlighted** (proposed new) and ~~blue strike through~~ (proposed for delete)

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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:

**yellow highlighted** (proposed new) and **blue strike through** (proposed for delete)

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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.

#### **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).





**CITY COUNCIL REGULAR SESSION AGENDA**  
**TUESDAY, DECEMBER 5, 2023**  
**VIA ZOOM & 945 WEST GRANT STREET, CARLTON OR**

*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.*

**8:00 PM CITY COUNCIL REGULAR MEETING**

**Page**

<b>1. CALL TO ORDER</b>	
<b>2. ROLL CALL</b>	
<b>3. PLEDGE OF ALLEGIANCE</b>	
<b>4. CHANGES OR ADDITIONS TO THE AGENDA</b>	
<b>5. CEREMONIES/APPOINTMENTS/ANNOUNCEMENTS</b>	
A. DLCD Housing Planning Assistance Grant award	
<b>6. CITIZEN COMMENTS</b>	
<i>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.</i>	
A. Items NOT on Agenda	
B. Items on the Agenda	
<b>7. CONSENT AGENDA</b>	
A. Meeting Minutes – <i>Approve</i>	
1. City Council – November 7, 2023 (Work and Regular session)	122
B. Accounts Payable report	125
C. Finance reports	128
D. Quarterly Grant update	135
<b>8. ORDINANCES/RESOLUTIONS/DISCUSSION/ACTION ITEMS</b>	
A. 2024 Draft Federal Agenda and check in with Michael Skipper of CFM Advocates	137
B. Community Room discussion continued	139
<b>9. ADJOURNMENT</b>	

**The public is welcome to join the meeting virtually using Zoom, please follow the directions below:**

To join using a computer, please use the link:

<https://us02web.zoom.us/j/89018881896?pwd=OVIDK0FoQ1JvNXBBSS9DUFBQQnB5UT09>

To join using a phone, please call: **1-253-215-8782** and enter Meeting ID: **890 1888 1896** and then enter Passcode: **555271**

*This facility is ADA accessible.*

*If you need special accommodations, please contact City Hall at 503.852.7575 at least 48 hours prior to this meeting.*



**City Council Work Session Minutes**  
**Tuesday, November 7, 2023**  
**Via Zoom and at 945 W Grant Street, Carlton, Oregon**

**WORK SESSION****6:00 PM****1. CALL TO ORDER and ROLL CALL****6:00 PM**

Mayor Linda Watkins called the meeting to order at 6:00 PM.

**ROLL CALL**

**Members Present:** Mayor Linda Watkins, Council President Shirley Ward-Mullen, Councilors Kevin Skipper, Grant Erickson, Guilherme Brandão, Carolyn Thompson-Rizer, and David Samuel Hill.

**Members Absent:** None.

**Staff Present:** City Manager Shannon Beaucaire, Assistant City Manager Christy Martinez, City Attorney Tyler Yeoman-Millette, City Planner Scott Whyte, City Recorder Aimee Amerson, and Utility Billing Specialist Ashlee Boyd

**Others Present:** Carrie Weibe, Suzy Turrell, Steve Faust of 3J Consulting, Elizabeth Decker of JET Planning, Noelle Amaya, Jim Bandy, Annette Madrid and Marie Frugia

**1. WORK SESSION AGENDA ITEMS****6:01 PM****A. DISCUSSION & REVIEW OF DEVELOPMENT CODE – Overview of Proposed Code Updates**

Steve Faust with 3J Consulting and Elizabeth Decker of JET Planning shared a presentation regarding the development code update that included the project background, key code concepts, and potential code changes for the Councilor's consideration. Councilors, Planning Commissioners and Project Advisory committee members gave input and asked questions.

Decker noted that there is a survey that will be available through November 17<sup>th</sup> on the City of Carlton website and asked that the link be shared to the community so that they can gather more input.

**2. FUTURE WORK SESSION AGENDA ITEMS**

None.

**3. ADJOURNMENT****7:29 PM**

The Work Session meeting adjourned at 7:29 PM.

**APPROVED** by the City of Carlton City Council on December 5, 2023.

ATTEST:

\_\_\_\_\_  
 Ashlee Boyd, Utility Billing Specialist

\_\_\_\_\_  
 Linda Watkins, Mayor



**City Council Minutes**  
**Tuesday, November 7, 2023**  
**Via Zoom and at 945 W Grant Street, Carlton, Oregon**

**REGULAR MEETING****7:31 PM****1. CALL TO ORDER**

Mayor Linda Watkins called the regular meeting to order at 7:31 PM.

**2. ROLL CALL**

**Members Present:** Mayor Linda Watkins, Council President Shirley Ward-Mullen, Councilors Kevin Skipper, Grant Erickson, Guilherme Brandão, Carolyn Thompson-Rizer, David Samuel Hill

**Members Absent:** None

**Staff Present:** City Manager Shannon Beaucaire, Assistant City Manager Christy Martinez, City Attorney Tyler Yeoman-Millette, City Recorder Aimee Amerson, and Accounting Specialist Ashlee Boyd

**Others Present:** J'Aime DuMauriee

**3. PLEDGE OF ALLEGIANCE****7:32 PM**

The Pledge of Allegiance was performed.

**4. CHANGES OR ADDITIONS TO THE AGENDA****7:33 PM**

City Manager Shannon Beaucaire stated the following additions to the agenda:

1. Street closures for bike parade and Christmas lighting
2. Recreational Immunity and the current updates to the existing law
3. Handling disruptive citizens during a public meeting

**5. CERMIONIES, APPOINTMENTS, AND ANNOUNCEMENTS****7:33 PM**

None.

**6. CITIZEN COMMENTS****7:34 PM****A. Items NOT on the Agenda**

None.

**B. Items on the Agenda****7:34 PM**

None.

**7. CONSENT AGENDA****7:35 PM****A. Meeting Minutes – Approve**

- City Council – October 5, 2023 (Work and Regular Session)

**B. Accounts Payable report****C. Finance reports****D. Upcoming event calendar**

**MOTION: Ward-Mullen/Thompson-Rizer:** to approve the consent agenda including City Council meeting minutes from October 5, 2023, the accounts payable report, financial reports and the upcoming event calendar as submitted.

Motion Carried. (7 Yes/ 0 No / 0 Absent /0 Abstain).

**8. ORDINANCES/RESOLUTIONS/DISCUSSION/ACTION ITEMS****7:37 PM**

- A. Road closure for bike route** – J'aime DuMauriee asked for Council approval of the Pine street road closure as presented for the annual bike ride on December 3, 2023.

**MOTION: Skipper/Thompson-Rizer:** That City Council approve the road closure for bike route Motion Carried. (7 Yes/ 0 No /0 Absent /0 Abstain).

- B. 2024 Meeting Dates Proposal** – City Manager Shannon Beaucaire gathered input from Councilors about the proposed 2024 meeting dates. Council agreed and the meeting dates were set for 2024.

**C. OR-47 Discussion continued from 10/5/2023****7:42 PM**

Councilors asked for updates on statistics and the status of OR-47 grant funding.

City Manager Shannon Beaucaire stated it was suggested that Council and/or City Staff, communicate to ODOT, (Oregon Department of Transportation) that the city would prefer to complete the Transportation Plan update before any decision about the OR-47 realignment is made. Councilors gave guidance to Beaucaire on information they would like presented at the November 8, 2023 ODOT meeting.

**D. Civic Center Community Room Discussion****8:08 PM**

Council discussed future uses for the Civic Center including, birthday parties, senior meetings, community meetings, business meetings, business training, CERT training, HOA meetings, bridge clubs, story hour/reading time, and art classes. Staff will draft an application for their review and the December meeting.

**E. Disruptive Citizens****8:37 PM**

City Attorney Tyler Yeoman-Millette presented information about how Council can intervene when citizens act disruptively. Methods included were restricting the type of speech allowed during our meetings without violating first amendment rights by stating the Council meeting rules before the meeting. Rules of Decorum and Council Meeting Rules are enforceable. Neutrality and consistency are to be taken when enforcing any rules.

**F. Recreational Immunity****8:48 PM**

City Attorney Tyler Yeoman-Millette provided Council with printed information on the use of City owned properties and the liabilities associated with the use of public space given current legislation decisions. Yeoman-Millette recommended additional signage at public properties/parks that include code and legal statements that remove liability from the City as a method to keep the parks open legally.

**9. ADJOURNMENT****9:13 PM**

The Regular Session meeting adjourned at 9:13 PM.

**APPROVED** by the City of Carlton City Council on December 5, 2023.

ATTEST:

\_\_\_\_\_  
Ashlee Boyd, Utility Billing Specialist

\_\_\_\_\_  
Linda Watkins, Mayor

## Accounts Payable

## Checks by Date - Summary by Check Date

User: aamerson  
 Printed: 11/27/2023 8:52 AM



Vendor No	Vendor Name	Check Date	Check Amount
BlaLar	Larry Blake	11/01/2023	500.00
CenLin	CenturyLink	11/01/2023	615.54
CmoPip	C-More Pipe Services	11/01/2023	2,150.00
Comcas	Comcast	11/01/2023	77.51
ConSys	Control Systems NW LLC	11/01/2023	9,119.75
DavAut	Davison Auto Parts	11/01/2023	20.10
DraAwa	Drain Away Rooter	11/01/2023	260.00
EdgAna	Edge Analytical Inc	11/01/2023	203.00
HauRue	Haugeberg, Rueter, Gowell	11/01/2023	7,990.15
Holst	Holst	11/01/2023	10,030.56
OnliNW	Hunter Communications	11/01/2023	491.25
VolJak	Jake Volz	11/01/2023	1,400.00
LesSch	Les Schwab Tire Center	11/01/2023	99.96
MarChr	Christy Martinez	11/01/2023	38.91
McCSco	McClure and Sons, Inc.	11/01/2023	153,229.55
OreRevCT	Oregon Department Of Revenue	11/01/2023	550.00
PriSys	Primisys	11/01/2023	6,338.40
PriUti	Private Utility Locating, LLC.	11/01/2023	450.00
Reece	Reece Complete Security Solutions	11/01/2023	5,638.50
RMSPum	RMS Pump	11/01/2023	21,900.24
SieSpr	Sierra Springs	11/01/2023	65.44
SolYes	Solutions Yes	11/01/2023	463.26
SpaStr	Spaniol's Striping & Signs	11/01/2023	4,815.00
VerWir	Verizon Wireless	11/01/2023	775.97
YamShe	Yamhill County Sheriff's Office	11/01/2023	160.00
YamSof	YC Softball	11/01/2023	90.00
Total for 11/1/2023:			227,473.09
9985	CIS	11/05/2023	29,751.38
9981	EFTPS	11/05/2023	12,876.95
OreRev	Oregon Dept. of Revenue	11/05/2023	3,862.10
9100	PERS	11/05/2023	11,746.06
10004	Attn: Voya Institutional Plan Services VOY	11/05/2023	1,300.00
10005	Attention: Voya Institutional Plan Services	11/05/2023	925.76
Total for 11/5/2023:			60,462.25
BotEqu	Botten's Equipment Rental	11/08/2023	59.00
VinBou	Brian Richardson	11/08/2023	700.00
CasInc	Caselle, Inc.	11/08/2023	340.00
CIT	CIT First-Citizens Bank & Trust Co	11/08/2023	511.00
Comcas	Comcast	11/08/2023	171.39
ConTri	CTGR	11/08/2023	140.00
EdgAna	Edge Analytical Inc	11/08/2023	204.00
JerRev	Jernstedt Revocable Trust	11/08/2023	66.75
LesSch	Les Schwab Tire Center	11/08/2023	602.96

Vendor No	Vendor Name	Check Date	Check Amount
NexCle	Nexus Commercial Cleaning LLC	11/08/2023	1,064.00
PorGen	Portland General Electric	11/08/2023	1,563.61
PriSys	Primisys	11/08/2023	9,396.40
RecWes	Recology Western Oregon	11/08/2023	480.15
SpaStr	Spaniol's Striping & Signs	11/08/2023	4,879.00
SprBro	Springbrook Holding Company LLC	11/08/2023	14.00
StaFor	State Forester	11/08/2023	63.26
TetTec	Tetra Tech, Inc	11/08/2023	15,675.48
UsaBlu	USABlueBook	11/08/2023	251.45
Ward J	Jill M Ward	11/08/2023	255.00
WesAll	Western Alliance Bank	11/08/2023	14,043.25
WilFar	Wilco Farmers	11/08/2023	2,486.92
YamCom	Yamhill Communications Agency	11/08/2023	2,433.58
Total for 11/8/2023:			55,401.20
3JCon	3J Consulting	11/15/2023	5,766.50
AirNor	Airgas USA, LLC	11/15/2023	4,267.66
AmiChr	Christine Amiel	11/15/2023	90.00
BusOre	Business Oregon	11/15/2023	374,204.67
CarCor	Carlton Corner Service	11/15/2023	1,203.01
CFMAdv	CFM Advocates	11/15/2023	4,200.00
ConSys	Control Systems NW LLC	11/15/2023	5,942.73
CraRoc	Crabtree Rock Company, Inc.	11/15/2023	1,016.05
DatPro	Dataprose	11/15/2023	688.02
EdgAna	Edge Analytical Inc	11/15/2023	621.00
IntPol	International Association of Chiefs of Polic	11/15/2023	275.00
JorRam	Jordan Ramis PC	11/15/2023	73.00
MotSol	Motorola Solutions	11/15/2023	469.80
OpeGov	OpenGov, Inc.	11/15/2023	12,500.00
PorGen	Portland General Electric	11/15/2023	4,092.19
SieSpr	Sierra Springs	11/15/2023	71.44
TetTec	Tetra Tech, Inc	11/15/2023	67,196.70
TranRis	Data Solutions, Inc TransUnion Risk and A	11/15/2023	75.00
Total for 11/15/2023:			482,752.77
9981	EFTPS	11/20/2023	13,358.20
OreRev	Oregon Dept. of Revenue	11/20/2023	3,986.39
9100	PERS	11/20/2023	12,160.11
10004	Attn: Voya Institutional Plan Services VOY	11/20/2023	1,300.00
10005	Attention: Voya Institutional Plan Services	11/20/2023	925.76
Total for 11/20/2023:			31,730.46
CarTes	Carlson Testing, Inc.	11/22/2023	892.00
UB*00571	Richard Ceder	11/22/2023	150.00
CFMAdv	CFM Advocates	11/22/2023	4,200.00
UB*00570	Mitch Chadwick	11/22/2023	150.00
Comcas	Comcast	11/22/2023	90.17
UB*00574	Carter Cooley	11/22/2023	150.00
UB*00577	Daniel Dugan	11/22/2023	150.00
EdgAna	Edge Analytical Inc	11/22/2023	366.40
UB*00576	Jacob Fields	11/22/2023	150.00
GovCom	Government Ethics Commission	11/22/2023	1,323.95
UB*00575	Jared Hall	11/22/2023	150.00

<b>Vendor No</b>	<b>Vendor Name</b>	<b>Check Date</b>	<b>Check Amount</b>
HawInc	Haworth Inc.	11/22/2023	653,884.05
UB*00572	Norvin & Susan Kenner	11/22/2023	150.00
CouGov	Mid-Willamette Valley Council Of Governr	11/22/2023	11,877.52
OreRev	Oregon Dept. of Revenue	11/22/2023	907.00
UB*00573	Michael Parlette	11/22/2023	150.00
PorGen	Portland General Electric	11/22/2023	101.80
QedLab	QED Lab Inc	11/22/2023	3,140.00
Reece	Reece Complete Security Solutions	11/22/2023	2,235.00
SolYes	Solutions Yes	11/22/2023	229.30
ZipFib	Ziply Fiber	11/22/2023	978.00
ZumInd	ZUMAR Industries	11/22/2023	262.96
Total for 11/22/2023:			681,688.15
Report Total (99 checks):			1,539,507.92

# General Ledger

## Expense vs Budget

User: aamerson  
 Printed: 11/27/2023 8:54:08 AM  
 Period 05 - 05  
 Fiscal Year 2024



Account Number	Description	Budget	Period Amt	End Bal	% Available	Account
<b>001</b>	<b>General</b>					
001	Administrative	-	-	-	-	
	Personal Services	63,352.00	5,245.21	26,143.92	58.73	505000
	Materials & Services	94,000.00	4,282.66	69,773.10	25.77	608801
	Transfers	<u>250,564.00</u>	<u>0.00</u>	<u>0.00</u>	<u>100.00</u>	630560
		-----	---	---	---	
001	Administrative	407,916.00	9,527.87	95,917.02	76.49	
<b>002</b>	<b>Finance</b>					
	Personal Services	124,180.00	11,336.81	52,197.87	57.97	505000
	Materials & Services	137,800.00	13,519.79	65,681.15	52.34	608601
	Capital Outlay	0.00	0.00	0.00	0.00	620100
	Contingencies	<u>246,266.00</u>	<u>0.00</u>	<u>0.00</u>	<u>100.00</u>	640000
		-----	---	---	---	
002	Finance	508,246.00	24,856.60	117,879.02	76.81	
<b>003</b>	<b>LandUse and Planning</b>					
	Personal Services	33,400.00	3,381.65	14,850.18	55.54	505000
	Materials & Services	<u>128,850.00</u>	<u>28,877.87</u>	<u>113,301.60</u>	<u>12.07</u>	608701
		-----	-----	-----	-----	
003	LandUse and Planning	162,250.00	32,259.52	128,151.78	21.02	
<b>004</b>	<b>Police</b>					
	Personal Services	559,400.00	44,763.21	240,634.73	56.98	505000
	Materials & Services	153,500.00	7,670.78	51,004.01	66.77	608925
	Capital Outlay	<u>0.00</u>	<u>0.00</u>	<u>0.00</u>	<u>0.00</u>	620500
		-----	-----	-----	-----	
004	Police	712,900.00	52,433.99	291,638.74	59.09	
<b>005</b>	<b>Municipal Court</b>					
	Personal Services	30,275.00	1,668.86	8,318.67	72.52	505000
	Materials & Services	<u>21,250.00</u>	<u>1,963.04</u>	<u>8,981.79</u>	<u>57.73</u>	608601
		-----	-----	-----	-----	



Account Number	Description	Budget	Period Amt	End Bal	% Available	Account
005	Municipal Court	51,525.00	3,631.90	17,300.46	66.42	
006	Parks					
	Personal Services	34,550.00	4,791.68	23,780.80	31.17	505000
	Materials & Services	39,650.00	817.82	33,059.02	16.62	608601
	Capital Outlay	<u>0.00</u>	<u>0.00</u>	<u>0.00</u>	<u>0.00</u>	620500
		---	---	---	---	
006	Parks	74,200.00	5,609.50	56,839.82	23.40	
007	Pool					
	Personal Services	56,060.00	0.00	55,352.34	1.26	504900
	Materials & Services	30,350.00	1,508.30	14,681.82	51.62	608100
	Capital Outlay	<u>0.00</u>	<u>0.00</u>	<u>0.00</u>	<u>0.00</u>	620500
		---	---	---	---	
007	Pool	86,410.00	1,508.30	70,034.16	18.95	
<b>001</b>	<b>General</b>	<b>2,003,447.00</b>	<b>129,827.68</b>	<b>777,761.00</b>	<b>61.18</b>	
<b>005</b>	<b>Tourism</b>					
500	Tourism					
	Materials & Services	<u>152,548.00</u>	<u>1,299.76</u>	<u>14,200.76</u>	<u>90.69</u>	601100
		---	---	---	---	
500	Tourism	152,548.00	1,299.76	14,200.76	90.69	
<b>005</b>	<b>Tourism</b>	<b>152,548.00</b>	<b>1,299.76</b>	<b>14,200.76</b>	<b>90.69</b>	
<b>011</b>	<b>Street</b>					
110	Streets					
	Personal Services	40,530.00	4,084.33	20,083.63	50.45	505000
	Materials & Services	134,160.00	15,147.89	42,659.25	68.20	608601
	Capital Outlay	10,000.00	0.00	0.00	100.00	620505
	Contingencies	176,473.00	0.00	0.00	100.00	640000
	Transfers	<u>53,800.00</u>	<u>0.00</u>	<u>0.00</u>	<u>100.00</u>	630600
		---	---	---	---	
110	Streets	414,963.00	19,232.22	62,742.88	84.88	
<b>011</b>	<b>Street</b>	<b>414,963.00</b>	<b>19,232.22</b>	<b>62,742.88</b>	<b>84.88</b>	
<b>012</b>	<b>Water</b>					
120	Water					
	Personal Services	533,325.00	42,616.68	209,758.49	60.67	505000
	Materials & Services	396,600.00	38,320.79	186,321.53	53.02	608600
	Capital Outlay	104,806.00	0.00	25,806.46	75.38	620510
	Contingencies	230,573.00	0.00	0.00	100.00	640000

Account Number	Description	Budget	Period Amt	End Bal	% Available	Account
	Transfers	861,802.00	0.00	0.00	100.00	630525
120	Water	2,127,106.00	80,937.47	421,886.48	80.17	
<b>012</b>	<b>Water</b>	<b>2,127,106.00</b>	<b>80,937.47</b>	<b>421,886.48</b>	<b>80.17</b>	
<b>013</b>	<b>Sewer</b>					
130	Sewer	-	-	-	-	
	Personal Services	465,300.00	41,322.99	200,701.45	56.87	505000
	Materials & Services	367,300.00	23,976.96	161,482.49	56.04	608600
	Capital Outlay	14,850.00	0.00	0.00	100.00	620500
	Contingencies	182,943.00	0.00	0.00	100.00	640000
	Transfers	402,328.00	0.00	0.00	100.00	630600
130	Sewer	1,432,721.00	65,299.95	362,183.94	74.72	
<b>013</b>	<b>Sewer</b>	<b>1,432,721.00</b>	<b>65,299.95</b>	<b>362,183.94</b>	<b>74.72</b>	
<b>017</b>	<b>Capital Improvement</b>					
	Transfers	0.00	0.00	0.00	0.00	400335
170	Capital Improvements Expense	-	-	-	-	
	Materials & Services	120,482.00	0.00	30,900.00	74.35	630700
	Contingencies	1,837,832.00	0.00	0.00	100.00	640000
170	Capital Improvements Expense	1,958,314.00	0.00	30,900.00	98.42	
171	FacilitiesSpecial Projects	-	-	-	-	
	Capital Outlay	7,070,000.00	689,357.09	1,854,850.12	73.76	630500
171	FacilitiesSpecial Projects	7,070,000.00	689,357.09	1,854,850.12	73.76	
172	Parks Projects	-	-	-	-	
	Capital Outlay	30,000.00	0.00	0.00	100.00	630500
172	Parks Projects	30,000.00	0.00	0.00	100.00	
173	Transportation Projects	-	-	-	-	
	Capital Outlay	1,870,000.00	0.00	4,702.47	99.75	630500
173	Transportation Projects	1,870,000.00	0.00	4,702.47	99.75	
174	Water Projects	-	-	-	-	
	Capital Outlay	3,020,000.00	37,429.19	60,648.84	97.99	630760

Account Number	Description	Budget	Period Amt	End Bal	% Available	Account
174	Water Projects	3,020,000.00	37,429.19	60,648.84	97.99	
175	Sewer Projects	-	-	-	-	
	Capital Outlay	<u>12,888,000.00</u>	<u>169,399.50</u>	<u>280,326.67</u>	<u>97.82</u>	631500
175	Sewer Projects	12,888,000.00	169,399.50	280,326.67	97.82	
176	Storm Water Projects	-	-	-	-	
	Capital Outlay	<u>100,000.00</u>	<u>0.00</u>	<u>0.00</u>	<u>100.00</u>	630500
176	Storm Water Projects	100,000.00	0.00	0.00	100.00	
<b>017</b>	<b>Capital Improvement</b>	<b>26,936,314.00</b>	<b>896,185.78</b>	<b>2,231,428.10</b>	<b>91.72</b>	
<b>020</b>	<b>SDC's</b>					
200	SDC Fund	-	-	-	-	
	Materials & Services	240,000.00	0.00	998.81	99.58	608300
	Capital Outlay	2,380,441.00	33,979.27	102,349.65	95.70	630500
	Contingencies	775,000.00	0.00	0.00	100.00	650400
	Transfers	<u>150,000.00</u>	<u>0.00</u>	<u>0.00</u>	<u>100.00</u>	630000
200	SDC Fund	3,545,441.00	33,979.27	103,348.46	97.09	
<b>020</b>	<b>SDC's</b>	<b>3,545,441.00</b>	<b>33,979.27</b>	<b>103,348.46</b>	<b>97.09</b>	
<b>024</b>	<b>Debt Service Pool Project</b>					
240	Capital Project Pool Bond	-	-	-	-	
	Contingencies	3,228.00	0.00	0.00	100.00	650000
	Debt Service	<u>68,087.00</u>	<u>14,043.25</u>	<u>14,043.25</u>	<u>79.37</u>	620550
240	Capital Project Pool Bond	71,315.00	14,043.25	14,043.25	80.31	
<b>024</b>	<b>Debt Service Pool Project</b>	<b>71,315.00</b>	<b>14,043.25</b>	<b>14,043.25</b>	<b>80.31</b>	
<b>026</b>	<b>Debt Service</b>					
260	Dept	-	-	-	-	
	Contingencies	163,854.00	0.00	0.00	100.00	650000
	Debt Service	<u>1,071,945.00</u>	<u>309,204.67</u>	<u>316,639.67</u>	<u>70.46</u>	620810
260	Dept	1,235,799.00	309,204.67	316,639.67	74.38	
<b>026</b>	<b>Debt Service</b>	<b>1,235,799.00</b>	<b>309,204.67</b>	<b>316,639.67</b>	<b>74.38</b>	
<b>027</b>	<b>VERF</b>					
127	Reserves	-	-	-	-	
	Capital Outlay	102,749.00	0.00	115,611.52	-12.52	620500

<u>Account Number</u>	<u>Description</u>	<u>Budget</u>	<u>Period Amt</u>	<u>End Bal</u>	<u>% Available</u>	<u>Account</u>
	Contingencies	<u>19,507.00</u>	<u>0.00</u>	<u>0.00</u>	<u>100.00</u>	650000
127	Reserves	122,256.00	0.00	115,611.52	5.43	
<b>027</b>	<b>VERF</b>	<b>122,256.00</b>	<b>0.00</b>	<b>115,611.52</b>	<b>5.43</b>	
<b>070</b>	<b>Urban Renewal</b>					
700	Urban Renewal	-	-	-	-	
	Materials & Services	6,500.00	0.00	0.00	100.00	608600
	Capital Outlay	536,477.00	0.00	9,237.50	98.2862	0705
	Contingencies	160,000.00	0.00	0.00	100.00	640000
	Debt Service	<u>65,000.00</u>	<u>65,000.00</u>	<u>65,000.00</u>	<u>0.00</u>	620900
700	Urban Renewal	767,977.00	65,000.00	74,237.50	90.33	
<b>070</b>	<b>Urban Renewal</b>	<b>767,977.00</b>	<b>65,000.00</b>	<b>74,237.50</b>	<b>90.33</b>	
<b>Expense Total</b>		<b>38,809,887.00</b>	<b>1,615,010.05</b>	<b>4,494,083.56</b>	<b>88.4203</b>	

# General Ledger Revenue vs Budget

User: aamerson  
Printed: 11/27/2023 8:55:30 AM  
Period 05 - 05  
Fiscal Year 2024



Account Number	Description	Budget	End Bal	% AvailUncollect
<b>001</b>	<b>General</b>			
	Revenue	2,003,447.00	187,216.50	90.66
<b>001</b>	<b>General</b>	<b>2,003,447.00</b>	<b>187,216.50</b>	<b>90.66</b>
<b>005</b>	<b>Tourism</b>			
	Revenue	152,548.00	24,656.35	83.84
<b>005</b>	<b>Tourism</b>	<b>152,548.00</b>	<b>24,656.35</b>	<b>83.84</b>
<b>011</b>	<b>Street</b>			
	Revenue	414,963.00	107,709.93	74.04
<b>011</b>	<b>Street</b>	<b>414,963.00</b>	<b>107,709.93</b>	<b>74.04</b>
<b>012</b>	<b>Water</b>			
	Revenue	2,127,106.00	816,557.71	61.61
<b>012</b>	<b>Water</b>	<b>2,127,106.00</b>	<b>816,557.71</b>	<b>61.61</b>
<b>013</b>	<b>Sewer</b>			
	Revenue	1,432,721.00	574,628.24	59.89
<b>013</b>	<b>Sewer</b>	<b>1,432,721.00</b>	<b>574,628.24</b>	<b>59.89</b>
<b>017</b>	<b>Capital Improvement</b>			
	Revenue	26,936,314.00	702,193.37	97.39
<b>017</b>	<b>Capital Improvement</b>	<b>26,936,314.00</b>	<b>702,193.37</b>	<b>97.39</b>
<b>020</b>	<b>SDC's</b>			
	Revenue	3,545,441.00	154,606.66	95.64
<b>020</b>	<b>SDC's</b>	<b>3,545,441.00</b>	<b>154,606.66</b>	<b>95.64</b>
<b>024</b>	<b>Debt Service Pool Project</b>			
	Revenue	71,315.00	1,316.96	98.15
<b>024</b>	<b>Debt Service Pool Project</b>	<b>71,315.00</b>	<b>1,316.96</b>	<b>98.15</b>
<b>026</b>	<b>Debt Service</b>			
	Revenue	1,235,799.00	0.00	100.00
<b>026</b>	<b>Debt Service</b>	<b>1,235,799.00</b>	<b>0.00</b>	<b>100.00</b>
<b>027</b>	<b>VERF</b>			
	Revenue	122,256.00	0.00	100.00
<b>027</b>	<b>VERF</b>	<b>122,256.00</b>	<b>0.00</b>	<b>100.00</b>

<u>Account Number</u>	<u>Description</u>	<u>Budget</u>	<u>End Bal</u>	<u>% AvailUncollect</u>
070	Urban Renewal			
	Revenue	767,977.00	16,752.30	97.82
070	Urban Renewal	767,977.00	16,752.30	97.82
Revenue Total		38,809,887.00	2,585,638.02	93.3377



**To:** The Mayor and Members of the City Council  
**From:** Aimee Amerson, City Recorder  
**Subject:** Quarterly Grant updates  
**Date:** December 5, 2023

## UPDATE

City staff are active in researching and applying for grants. Grant application submissions range and cover a variety of City improvements and projects. The applications submitted or received, or results recently are:

### Panther Creek Raw Water Reservoir Dredging grant

The City was awarded \$2.5 million in lottery grant funding to complete the necessary dredging of Carlton's raw water reservoir. This project has been completed closed out in May. This grant requires annual reporting for the next five years.

### High Visibility Overtime Enforcement grants

The Carlton Police Department was awarded \$19,500 in grant funds from the Department of Transportation's Transportation Safety Office. These funds are to be used starting late 2023 to cover: impaired driving overtime enforcement, speed enforcement, safety belts/child passenger safety enforcement, pedestrian safety enforcement, and distracted driving enforcement. This project is ongoing and monthly grant monies are received.

### State of Oregon ARPA grant- Capital funding

This grant has been awarded to the City for \$5.8 million. Grant funds are in part funding the upcoming Wastewater Treatment Plant upgrade project.

### Yamhill County ARPA grants

The City received funding for the Grant Street Wastewater Collection system project for planning and design in the amount of \$112,500. (City required to match \$37,500). Monies were also received for the Wastewater Headworks project in the amount of \$112,500 for planning and design. (City required to match \$37,500) The Headworks project also received \$325,000 for the Construction and Implementation of the Headworks facilities. (City is required to match \$325,000). This project is underway, and monies received.

West Main Street Revitalization Project

The City of Carlton is the recipient of \$1.5 million through Congressional funding to improve Western entrance into the City for citizens, tourists and business traffic.

2021 West Main Street Small City Allotment (SCA) grant

The City was also awarded \$100,000 in 2021 through ODOT SCA grant program which will aid the West Main Street revitalization project.

Sewer Collection Pipe Replacement Project

Also, through Congressional funding, the City will receive \$2.2 million for the repair or replacement of failing sewer infrastructure for the Grant Street Wastewater collection system.

TGM /DLCD Transportation Plan update grant

In September 2022, the City was awarded a grant in the amount of \$175,000 to update the aging Transportation System Plan.

DLCD Housing Planning Assistance grant

This grant was awarded in the amount of \$52,053 in November 2023. It will help in part fund the costs of the housing portions of the Comprehensive Plan and Development code update project. This project is underway for funding completion, due to be complete by end of 2024.

Patrick Leahy Bullet Proof Vest grant

This Federal grant reimburses Officer's Bullet Proof Vests by 50%. The City is to receive \$1,600 every three years.





**To:** The Mayor and Members of the City Council  
**From:** Michael Skipper, CFM Advocates  
**Subject:** Federal Agenda Update  
**Date:** November 28, 2023

## Background

The purpose of this presentation is to provide an update on the City of Carlton's federal advocacy efforts. Michael Skipper, CFM Advocates, will be present for discussion and questions.

CFM Advocates (CFM) has provided federal advocacy services for the City of Carlton since November 2021. In that capacity, CFM assists the City in developing and implementing a set of grant and appropriation priorities that reflect the needs of the community and are strategically interwoven with the pressing issues facing the federal government.

In addition, CFM helps the City develop and maintain relationships with members of Congress and federal agencies, coordinates project tours and meetings with federal officials in Carlton and DC, provides strategic guidance and assistance navigating federal bureaucracy, and provides frequent updates and political analysis to City staff and Council.

**Since November 2021, CFM has helped the City secure \$3.7 million in direct federal funding**, with an additional \$500,000 pending in the Fiscal Year 2024 federal spending bill. That represents more than a 42:1 return on the City's investment in federal advocacy services.

- **\$2.2 million** to replace approximately 15,800 feet of sewer collection pipe under Main and Grant Streets.
- **\$1.5 million** to increase capacity and improve safety on West Main Street.
- **\$500,000 (PENDING)** to upgrade additional aging sewer lines under Main Street.

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 Portland, OR 97223  
 503.294.9120



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 Second Floor  
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495 State Street  
 Suite 541  
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802D Officers Row  
 Vancouver, WA 98661



[cfmadvocates.com](http://cfmadvocates.com)



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**To:** The Mayor and Members of the City Council  
**From:** Aimee Amerson, City Recorder  
**Subject:** Community Room Discussion  
**Council Goal:** Goal 3: Citizen Involvement  
**Date:** December 5, 2023

## Background

At its November meeting the Mayor and Council began discussions regarding public utilization of the community room. Discussions ranged from birthday parties to HOA meetings, trainings, and yoga space.

Based upon the information received from Council, the team has begun drafting an outline of a policy document and application. This is a working document that will change as Council continues to discuss policy aspects of the room's use. We utilized the examples provided at the November meeting to incorporate Council's discussions into this draft outline.

To put together a draft application/alcohol contract for Council review, staff would like Council's consensus on the use of alcohol in the building when reserving and using the Community room. This will guide application conditions as well as any possible additional fees involved. The information will also determine some of the possible uses of the space.

If alcohol is allowed, what additional stipulations or parameters would you like to see in place and noted on the application, such as:

- Required security elements.
- Required Identification plan to be provided.
- Food requirements.
- Time limits or use restrictions.
- Additional fees and charges.

The other option is to ban alcohol use in the building for all events. This can also be stated on the Community room use application in lieu of the reference to an alcohol application/contract.

Attached is a draft Community Room application. Please note that all fees are currently TBD. Staff needs time to review and compare to other facilities in order to provide a recommended option to Council. Kitchen use and other fees will be reviewed and recommended to Council for further discussion.

**Exhibits**

Draft Community Room application (refers to separate alcohol contract on page 4)

Working Document  
Draft Community Room Policy Outline & Application

### **Making a Reservation:**

All reservations require submission of a Community Room Reservation application (application). The person signing the application must be present at the function and will be responsible for ensuring the room use policies and procedures are followed. Applicants must be 21 years of age or older. The completed Community Room Reservation application and rental fee(s) must be received a minimum of twenty-one (21) business days prior to the requested rental date. The City will let the applicant know if the application is complete and approved within two (2) business days when all application documents are received.

When required, the refundable security deposit(s) is also due a minimum of fourteen (14) business days in advance of the rental date.

### **Civic Center Community Room Rental Fees:**

The rental rates shown are hourly rates. Fees charged will be based on one (1) hour increments. The minimum reservation period is three (3) hours. Your reservation is based on the time that you are IN THE ROOM including setup and cleanup.

Room	Capacity	Group 1 Hourly Rate	Group 2 Hourly Rate
Community Room	Dining: TBD Seated: TBD Standing: TBD	Banquet set up: TBD Theatre set up: TBD Bare floor: TBD	TBD TBD TBD
Kitchen	TBD		
Entry/Hall open space	TBD	Bare floor:	Bare floor:

Capacities may be limited by the facility depending on the situation.

Set up Descriptions:

- Banquet – *Description pending*
- Theatre – *Description pending*
- Bare Floor - *Description pending*

•••Kitchen fees dependent on use (To be discussed in the future).

### **Community Center Deposit Fees:**

Alcohol Usage Fee \$125.00/2-hour minimum  
Kitchen deposit \$ TBD

### **Other Fees:**

Staff Fee\* \$TBD  
Security Fee \$TBD  
Police Fee\* \$TBD  
Equipment Fee -See List  
(To be developed)

Working Document  
Draft Community Room Policy Outline & Application

\*Additional staff fees may occur if event is outside of regular business hours or extra setup/teardown/event staffing is required.

**Group Classifications:**

Group 1: Carlton Residents and Resident Non-Profit Organizations.

Residency is determined by providing a copy of Driver's License or Carlton utility bill with the application.

For purposes of determining group classification:

- Resident: An individual whose primary residence is within the city limits of Carlton.
- An incorporated legal non-profit organization whose business office is located within the city limits of Carlton.

Group 2: General Public

Individuals and profit organizations located outside of the city limits of Carlton.

**Submitting an Application:**

The application, room rental fee, room set up plan, and security deposit must be turned into the Civic Center Main office at least fourteen (14) days prior to your event. Cash, Check, Visa or Mastercard may be used to make a rental fee payment. Only cash or check will be accepted for the security deposit. Please make checks payable to City of Carlton.

**Cancellations:**

Please submit cancellations no less than 5 business days prior to the scheduled event. A \$\_\_\_\_\_ service charge (*equivalent to 2 hours of staff time to be recommended at a later date*) to cover administrative costs processing and approving the application, will be retained for each cancellation. Room rental fees will be forfeited if an event is cancelled with less than five (5) business days' notice.

**Security Deposit:**

A refundable security deposit is required for all events. The deposit is due a minimum of fourteen (14) business days in advance of the rental date and must be accompanied by the completed and signed Community room reservation application. Refund of the security deposit is based on whether ALL policies and procedures have been followed.

Civic Center management will determine the amount of the security deposit to be refunded based on the applicant's checklist and input from the City of Carlton staff,

Working Document  
Draft Community Room Policy Outline & Application

janitorial service provider, security and/or police that were present at the event. If the City of Carlton keeps any portion of the deposit, a listing of how the deposit was applied will be provided to the renter along with the remaining balance of the deposit should there be any. Deposits will be refunded within three (3) weeks of the event or within three (3) weeks of cleaning and repairs being completed.

**General Information/Security Deposit Refund:**

**All conditions must be followed for continuation of room use privileges and /or security deposit refund:**

1. We prohibit nailing, tacking, taping, or stapling to any walls or surfaces. All decorations and rental items must be removed at the end of an event. We are not responsible for items left behind.
2. Rice, birdseed, glitter, or confetti type products are not allowed.
3. The reservation is only for the approved room or space(s) listed on application. This does not include additional areas, i.e. lobby, adjoining rooms, etc.
4. Use of open flames and candles are not allowed.
5. Red colored food or beverages may not be served in carpeted areas.
6. Smoking is not permitted in the facility or within ten (10) feet of any opening, door, or window.
7. Alcoholic beverages may be consumed on premises with prior authorization and fee payment. Alcohol usage form is required.
8. Rentals may not end later than 11:00pm.
9. Amplified sound is not permitted outside of the building. Amplified sounds may be used within the building but must not disturb other Civic Center users or surrounding neighbors.
10. Facilities must be cleaned immediately following the event. The facility must be left undamaged. The facility, including flooring, must be left clean and the furniture in the original configuration and condition. For complete information refer to your rental and *cleanup agreement form. (TBD)*

Working Document  
Draft Community Room Policy Outline & Application

**Community Room Reservation Application**

Organization/ Individual Requesting Use:

\_\_\_\_\_

Event Date: \_\_\_\_\_ Day of Week: \_\_\_\_\_

Event Type and Title: \_\_\_\_\_

Hours of Reservation: \_\_\_\_\_ to \_\_\_\_\_ **(Must include set-up and clean-up)**

Actual Event Start/End Time: \_\_\_\_\_ to \_\_\_\_\_

Room(s) Requested: \_\_\_\_\_

Expected Attendance: \_\_\_\_\_

Contact Person: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Day Phone: \_\_\_\_\_ Evening Phone: \_\_\_\_\_

Email: \_\_\_\_\_

FOOD SERVICE AND ALCOHOL: (Please circle your response)

Is food being served? YES NO If yes, will the event be catered? YES NO

Is alcohol being served? YES NO

If yes, you must complete and sign a separate alcohol contract and pay the Alcohol Usage Fee.

ROOM SET UP:

Will you be doing your own set up? YES NO

Please attach the Civic Center for room layout(s) to application.



Working Document  
Draft Community Room Policy Outline & Application

I understand and agree that I may forfeit my deposit if it is necessary for City of Carlton Staff or janitorial service, to extensively clean or repair facilities following our facility use, or if during the course of my rental I fail to enforce facility policies stated and those that may be presented to me by City of Carlton Staff during my event. I understand that variations in rental times and room requests, needs, or uses, may necessitate rental fee adjustments. I agree to assume full responsibility for the conduct of my guests, members and employees or third parties hired to provide services to my group or myself. I understand that my event must be conducted in accordance with the regulations set forth in these documents and if a violation is to occur that all violators may be required to leave, and my event may be terminated immediately in its entirety. I further agree to indemnify, defend, and hold harmless City of Carlton for any damage, injury, suits, or claims which may arise from intentional acts, negligence or omissions of the group, its guests, members, employees or third parties hired to provide services for the group.

**RENTAL CLEAN-UP AGREEMENT**

To receive full refund of the cleaning deposit(s), the rented area(s) will be left free of debris. The floor will be swept and free of food. Spills will be wiped up before leaving. All tables and chairs will be wiped down and cleaned. All bottles, cans and trash will be removed from the facility at the end of the event. There are recycling bins and trash cans just outside the back of the facility. The Civic Center prohibits nailing, tacking, taping, or stapling to any of the walls or surfaces. The City of Carlton is not responsible for items left behind. All decorations and rental items must be removed from the facility immediately following the event. This includes flowers, votives, and cake stands. Please be aware that there is an additional charge for damage done to any surfaces, equipment, or flooring and is subject to additional charges and loss of deposit(s). This is a smoke free facility. Please make guests aware they must go outside to smoke.

The contents of the above arrangements meet with my approval. I consider our contract definite and confirmed.

Customer/Renter Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Facility Representative: \_\_\_\_\_ Date: \_\_\_\_\_

**\*No equipment or furniture shall under any circumstances be removed from the facility\***

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For Staff use only:

\_\_\_ Group 1 fees to be charged

\_\_\_ Group 2 fees to be charged

Deposits (Note amount and date paid)

Community Room Deposit: \_\_\_\_\_

Kitchen use Deposit: \_\_\_\_\_

Entry/ Hall/Lobby Deposit: \_\_\_\_\_ Total deposit charges: \_\_\_\_\_

Other Fee charges (Hourly rate totals)

Room Rental Fee: \_\_\_\_\_

Kitchen Fee: \_\_\_\_\_

Staff fee: \_\_\_\_\_

Security fee: \_\_\_\_\_

Police fee: \_\_\_\_\_

Alcohol fee: \_\_\_\_\_

Equipment fees (list all equipment and fees):

\_\_\_\_\_  
\_\_\_\_\_

Total other fee charges: \_\_\_\_\_

Date deposits and fees paid: \_\_\_\_\_

Staff Review and Approval: \_\_\_\_\_ Date: \_\_\_\_\_

Staff Notes: