



CITY OF CARLTON
CITY COUNCIL WORK SESSION AGENDA
TUESDAY, MARCH 5, 2024, 6:00 – 8:00 P.M.
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>
1) CALL TO ORDER – ROLL CALL	
A. Changes to the Agenda	
2) WORK SESSION AGENDA ITEMS	
A. Draft Development code update- <i>City Planner Scott Whyte</i>	2
3) FUTURE WORK SESSION AGENDA ITEMS	
4) ADJOURNMENT	

The public is encouraged to join the meeting virtually using Zoom due to lack of seating available in the meeting room. Please follow the directions below:

To join using a computer, please use the link:

<https://us02web.zoom.us/j/84101879642?pwd=eVdZcHJJZW15SEncRWWhNWU1ubU41QT09>

To join using a phone, please call: 1-253-215-8782 and enter Meeting ID: **841 0187 9642** and then enter Passcode: **850206**



To: Mayor and Members of the City Council and Advisory Committee
From: Scott Whyte, Contract City Planner, MWVCOG
Subject: Final Work Session on Pending Draft Changes to the Carlton Development Code
Date: February 27, 2024, for March 5, 2024, meeting

Background and Discussion

At the City Council work session of February 6, 2024, City Manager Shannon Beaucaire explained how all draft chapters of the Carlton Development Code (Divisions I through VII) have been addressed via work sessions held to date. To move comfortably into the adoption stage, staff asked the Mayor and Council if there were topics worth revisiting, via final work session, prior to conducting required public hearings.

The Council identified three topics:

- Clarify the lot size averaging proposal (i.e., ability vary lot sizes by up to 10% without Variance application) in concert with the minimum lot size standards as proposed for each residential zone.
- Further explain options pertaining to tree planting standards, the species native vs. non-native; tree lists from other towns; what is a native tree?
- Clarify the existing and proposed commercial lodging use / standards, showing where (via map) hotels and motels are currently allowed (zones) and proposed changes.

The City Manager explained how these topics will be addressed by Scott Whyte on March 5. Included with this memo are relevant extractions from the Draft Carlton Development Code, specific to the three topics identified by Council. **Yellow highlighted text in bold** indicates a proposed addition. ~~Blue highlighted struck through~~ indicates a proposed deletion.

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- Clarify the lot size averaging proposal (i.e., ability vary lot sizes by up to 10% without Variance application) in concert with the minimum lot size standards as proposed for each residential zone.

In response to the first bulleted item, staff observe how Division II of the Carlton Development Code (subject to Council work session on December 5, 2023) currently identifies development standards applicable to each residential zone (R-1, R-2, R-3, MH and MX). For each zone, minimum lot size is dependent on the type of housing unit intended for development (e.g., single-

family detached, duplex, etc.). On December 5, project consultant Elizabeth Decker of JET Planning presented a table that summarized existing and proposed minimum lot sizes for each type of residential unit (existing and proposed) per existing residential zone. The table (via PowerPoint) is not found in current code or proposed changes but is a helpful summary for understanding lot size averaging relative to minimum lot size of each zone, according to unit type.

Table – Minimum Lot Size for Each Type of Residential Unit per Residential Zone. -10% shown.

	R-1	[-10%]	R-2	[-10%]	R-3	[-10%]	MH	MX
Minimum lot size for...								
Single-family detached home	7,500	[6,750]	6,000	[5,400]	4 5,000 3,000	[2,700]	7,500 3,500*	4,000 **
Duplex	9,000 7,500	[6,750]	7,000 6,000	[5,400]	8,000 3,000	[2,700]	--	4,000 **
Townhouse (interior)	--		2,400	[2,160]	2,400 2,000	[1,800]	--	2,000 **
Townhouse (corner)	--		4,000	[3,600]	5,000 2,400	[2,160]	--	2,400 **
Cottage cluster	15,000	[13,750]	12,000	[10,800]	6,000	[5,400]	--	8,000 **
Minimum density (units/net acre)	4.6		5.8		8 12		--	8 **
Maximum density (units/net acre)	Set by lot size		Set by lot size		32		--	20 **

* Existing code in Section 17.120 (Manufactured Dwelling Parks) requires leasable area inside the park of 3,500 sq. ft. for each unit. This number is not proposed for change. In MH, three acres is the current minimum for creation of a manufactured dwelling park; via draft presented to Council, a minimum of one acre is proposed.

** Existing code in Section 17.52 (Mixed Density Residential) does not describe minimum lot size though some dimensional lot standards exist. Minimum lot size standards are introduced (above). Existing minimum density is currently 9 units / acre (gross) and existing maximum density is unclear. Development of property zoned MX would also be eligible for lot size averaging via land division application and size #s [-10%] are not shown above.

Above, staff added a column to right of each zone to show minimum lot size reduced further by 10%. Proposed code changes to land division approval criteria (Section 17.176.030) limit the ability to reduce lot size (i.e., to no more than 10%) when lot size averaging is proposed as part of the land division application.

The intent of lot size averaging is not to allow more, smaller lots than would otherwise be permitted, but to allow flexibility to vary lot sizes within a development while still bound by the overall maximum density of site. No additional lots would be permitted, just different sized lots.

To be eligible for lot size averaging, applicants must show how the minimum lot size of the zone is met on average. For example, a four-lot subdivision of property zoned R-1 (minimum lot size of 7,500 sq. ft.) intended for single-family detached, might show: Lot #1 at 6,750 sq. ft. [-10%], and Lot #2 at 8,250 sq. ft. [+10%], and Lot #3 at 7,125 sq. ft. [-5%] and #4 at 7,875 sq. ft. [+5%]. The average size in this example would be 7,500 sq. ft., consistent with the minimum lot size of the zone for the type of unit proposed. No Variance application (to lot size) would be necessary.

Below are relevant extractions from the Carlton Development Code with proposed changes, specific to lot size and lot size averaging.

17.88.030 Standards for lots or parcels.

- A. Minimum Lot Area. Minimum lot area shall conform to the requirements of the zoning district in which the parcel is located **unless lot size averaging is approved according to the provisions of section 17.176.030.A.12.**
- B. ~~Maximum Lot Area~~ **Oversized Lots**. When single-family residential use is proposed for a lot with an area double or greater than the minimum density of the underlying zone the **applicant shall provide Master Plan demonstrating** ~~Planning Commission may take into consideration~~ the potential for further division of the lot at a future date.

17.176.030 ~~Process~~ **Preliminary Plat Approval Criteria.**

17.176.030.A

12. Lot Size Averaging. To allow flexibility in subdivision design and to address physical constraints, such as topography, existing development, significant trees, and other natural and built features, the approval body may grant without a variance a 10 percent modification to the lot area and/or lot dimension (width/depth) standards in Division II, provided that the overall density of the subdivision does not exceed the allowable density of the district and the approval body finds that all of the following are met:

- a. **Where a proposed subdivision would abut an existing subdivision with standard or larger sized lots, the perimeter of the proposed subdivision shall contain standard or larger sized lots; except that this provision does not apply where the existing lots are larger than 20,000 square feet; and**

b. The Planning Commission may require screening, buffering, or other transitions in site design where substandard lots are proposed to abut standard or larger sized lots.

Additionally, staff has prepared the following Q & A to further explain code changes specific to lot size averaging and the table above.

Q: Under what circumstances do applicants / developers typically seek lot size averaging?

A: Lot size averaging is typically sought when applicants want to keep an existing dwelling or preserve a natural feature (e.g., healthy tree). Also, sometimes the parcel of land subject to land division has an unusual shape making it difficult to meet the lot size standard to one part of the site, but not to another area where the standard is easily met with extra area.

Q: Is lot size averaging mandated by state law for cities to implement? A: No.

Questions by Council? At the work session on March 5, staff will address the above topic in further detail and ask if Council and Advisory Committee members have additional questions.

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- Further explain options pertaining to tree planting standards, native vs. non-native species; tree lists from other towns; what is a native tree?

At the City Council work session of January 9, 2024, project consultant Elizabeth Decker asked the following:

Do you support the proposed 50% minimum for native species or would you like to see a different requirement? How would the City like to select or develop a native and invasive species list to adopt by reference?

Ms. Decker explained how proposed landscaping standards (shown in Division III, Section 17.84.060) include new standards requiring a minimum 50% of native species (trees and plants) in landscaped areas and that nuisance trees / plants would be prohibited. Ms. Decker further clarified that to implement these standards, Carlton must select an existing plant list for reference or create its own list as it has already done for street trees. The Council agenda packet for the January 9 meeting identified some initial options (i.e., existing lists and website where found). These include:

Gardening with Oregon Native Plants West of the Cascades, OSU Extension Service.
https://extension.oregonstate.edu/sites/default/files/documents/12581/native-plants-westcascades-final0_0.pdf

Native Plants for Willamette Valley Yards, Metro.

<https://www.oregonmetro.gov/sites/default/files/2020/06/30/native-plants-for-WillametteValley-yards-booklet-high-res-20200107.pdf>

Portland Plant List, City of Portland. Includes both native and nuisance plants.

<https://www.portland.gov/bps/documents/portland-plant-list/download>

Invasive Species Prohibited Plant List, City of Eugene.

https://www.eugeneor.gov/DocumentCenter/View/53051/Invasive-Species-Prohibited-9_2020?bidId=

Nuisance Plant List, City of Oregon City.

<https://www.orcity.org/DocumentCenter/View/5196/Nuisance-Plant-List-PDF?bidId=>

Native Plant List, City of Oregon City.

<https://www.orcity.org/DocumentCenter/View/5195/Native-Plant-List-PDF?bidId=>

On January 9, Ms. Decker conveyed the recommendation of selecting an established, trusted list for consistent reference and how staff does not have a specific preference / recommendation about which list(s) to select. After the January 9 meeting, staff met to discuss an option where the Council could adopt (as part of current amendments) a code reference to “Carlton Native Species/Invasive Species List, as adopted” for a placeholder and then develop and refine this list at a later date.

Below are relevant extractions of existing / proposed Carlton Development Code, pertaining to landscaping (i.e., draft subject to Council consideration on January 9).

17.84.060 General provisions.

- A. For purposes of satisfying the minimum requirements of this title, a "landscaped area" must at a minimum be fifty (50) percent comprised of plant canopy area (at maturity); ~~drought-tolerant plants (e.g., grasses, ground cover plants, shrubs, annuals, perennials or trees, or desirable native vegetation) are recommended.~~ **Landscaping materials should be selected and sited to produce a hardy and drought-resistant landscaped area. Selection should include consideration of soil type and depth, the amount of maintenance required, spacing, exposure to sun and wind, the slope and contours of the site, and compatibility with existing native vegetation preserved on the site. Within the minimum plant canopy area, the following plant start size and variety standards shall apply.**
- 1. For all new residential development, and for every 50-feet of linear street frontage:**
 - a. One tree.**
 - b. Four one-gallon shrubs or accent plants.**
 - c. The remaining area shall consist of grasses, ground cover plants, shrubs, bark, rock, annuals or perennials.**
 - 2. For all new non-residential development, and for every 30 feet of street frontage:**
 - a. One tree.**

b. Five five-gallon or eight one-gallon shrubs or accent plants.

c. The remaining area shall consist of grasses, ground cover plants, shrubs, bark, rock, annuals or perennials.

3. For all landscaped areas, a minimum of fifty (50) percent of plant materials shall be native species selected from the Native Plant List.

Below, staff has prepared the following Q & A to further explain proposed code changes pertaining to this topic.

Q: What are native trees?

A: Generally, native trees and plants live, grow, and reproduce naturally in a particular region. The OSU website (*Gardening with Oregon Native Plants...* listed above) explains how native plant are adapted to habitat and climate conditions and provide benefits to native pollinators and wildlife.

Q: If Carlton were to adopt a native plant / tree list of another agency, does that agency control the list?

A: Yes, that agency would control the list. Some agencies like Clean Water Services (CWS) of Washington County, once provided a detailed list of native trees / plants. Many cities in Washington County adopted the list. Today, CWS provides a link to Oregon Flora (affiliated with Oregon State University) a native plant finder website:
<https://oregonflora.org/garden/index.php>

Staff observe the Oregon Flora website to include several pull-down menus accounting for different plant needs, size, habitat, growth and maintenance. Trees / plants intended for water quality purposes (i.e., Low impact design alternatives) are different and subject to separate standards. Oregon Flora is one option for adding specificity to the standard in "3" (above) that currently refers to the Native Plant List (unspecified).

Q: If the city were to support a 50% minimum for native species, as proposed, what are the potential pitfalls and problems - for developers and others?

A: Communication and follow-through inspection are key. Staff can craft / apply conditions of development approval to require 50% native planting. To effectively execute, developers and others need to know where to find the list (via website link, City Hall, etc.). The list should be periodically updated to ensure that trees are in stock at local nurseries. Tree selection / planting should also be discussed at pre-construction meetings with the subcontractor hired to plant. Oregon Flora (website above) also includes commercial availability (i.e., an auto-select function showing which local nursery has tree availability).

Q: How can the City of Carlton effectively enforce planting and preservation?

A: Some city codes specify a monetary penalty for persons found responsible for causing the removal or pruning of a protected tree in violation of city standards. Some city codes require extensive tree protection measures after planting or for protection of existing trees (e.g., City of Beaverton, **Exhibit A**) requires four-foot-tall orange plastic or snow fence, secured to six-foot-tall metal posts. Some city codes require bonding. These methods are not necessarily effective for assuring protection and preservation.

It should be noted that certain larger cities (e.g., Portland and Beaverton) have specialize city staff positions (City Arborist and Urban Forestry Tree Inspector) assigned to review development plans and assist residents and developers in selecting certain landscape tree and plant types, depending on circumstances and conditions.

Questions by Council? At the work session on March 5, staff will address the above topic in further detail and ask if Council and Advisory Committee members have additional questions.

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- Clarify the existing and proposed commercial lodging use / standards, showing where (via map) hotels and motels are currently allowed (zones) and proposed changes.

On December 5, 2023, Elizabeth Decker led discussion about proposed changes shown to Division II of the Carlton Development Code. Division II governs allowed uses in each city zone. To each zone, some uses are shown permitted outright while other uses are allowed via Conditional Use permit. If not shown as permitted or conditionally permitted, the use is prohibited in the zone.

In review of uses shown to be permitted outright and conditionally permitted in the Commercial Business District (or CB zone) Ms. Decker observed how this zone allows a wide range of commercial uses including retail, service and office. Ms. Decker further observed how commercial lodging types in the CB zone are limited to *Bed and Breakfasts* and *Vacation rental dwellings in existing dwellings*.

Ms. Decker inquired if lodging uses in the CB zone should be expanded to allow more commercial lodging, inclusive of hotels and motels. Ms. Decker also commented how Carlton's Downtown District / (DD) allows *Overnight accommodations, including hotels, motels, inn, and similar lodging uses*, which is a broader range of lodging types, common to general commercial zones (like CB) allowed in the other city Development Codes.

Below are relevant extractions of existing / proposed Carlton Development Code, pertaining to lodging uses. Carlton Development Code currently includes definitions for "Bed and breakfast", "Hotel" and "Motel" found in Section 17.12.020. These definitions are not proposed for change via the draft code update.

17.12.020 Definitions.

"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.

"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.

"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.

While existing code definitions of "Bed and Breakfast," "Hotel" and "Motel" are not proposed for change, the current definition of "Dwelling, Vacation Rental" (also listed under Section 17.12.020) is proposed for change as shown below.

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.**


17.125.020 Definitions

The following words and phrases shall have the meaning set forth in this Chapter.

"Vacation rental" means a dwelling unit, or any portion thereof, which is rented, or held out as available for rent, for periods of less than thirty (30) days, such as by the day or week. A dwelling which is listed with an agent as a vacation rental, advertised, available by referral, word of mouth, commendation and reputation are some of, but not limited to, the ways of identifying a vacation rental. It shall be a rebuttable presumption that a dwelling unit is a vacation rental if it is visited overnight by at least four (4) different vehicles over the course of a month, for three (3) consecutive months. The exchange of consideration is not necessary to meet the definition of a vacation rental if the dwelling otherwise is held out as available for occupancy for periods of less than thirty (30) days.

Staff has prepared the following table (next page) summarizing which zones permit the type of lodging as defined by code (outright, conditionally permit or not allowed).

Table – Type of Commercial Lodging – where currently allowed in all existing zones of the city.

City Zone 	CB	CI *	DD **	GI	AH	R-1	R-2	R-3	MX	MH	PF
Type of Lodging											
Bed & Breakfast	P	P	P	N	N	C	C	C	N	N	N
Hotel	N	N	P	N	N	N	N	N	N	N	N
Motel	N	N	P	N	N	N	N	N	N	N	N
Vacation Rental Dwelling	N 2	N 2	N	N	N	P 1	P 1	P 1	P 1	P 1	N


P = Permitted outright by zone.

C = Conditionally Permitted (requiring Conditional Use permit approval, hearing, etc.)

N = Not Permitted by zone / Prohibited

* According to Section 17.36.020, the CI zone allows all uses permitted in the CB district.

** The DD (Downtown District /zone) has three sub areas and all three allow the same uses.

 Observation by Elizabeth Decker of JET Planning – DD only zone that allows Hotel & Motel.

1 In respective residential zones where P is shown above, Vacation Rental Dwelling is currently listed under permitted uses. The draft / proposed change (to the existing use description) is as follows:

~~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.

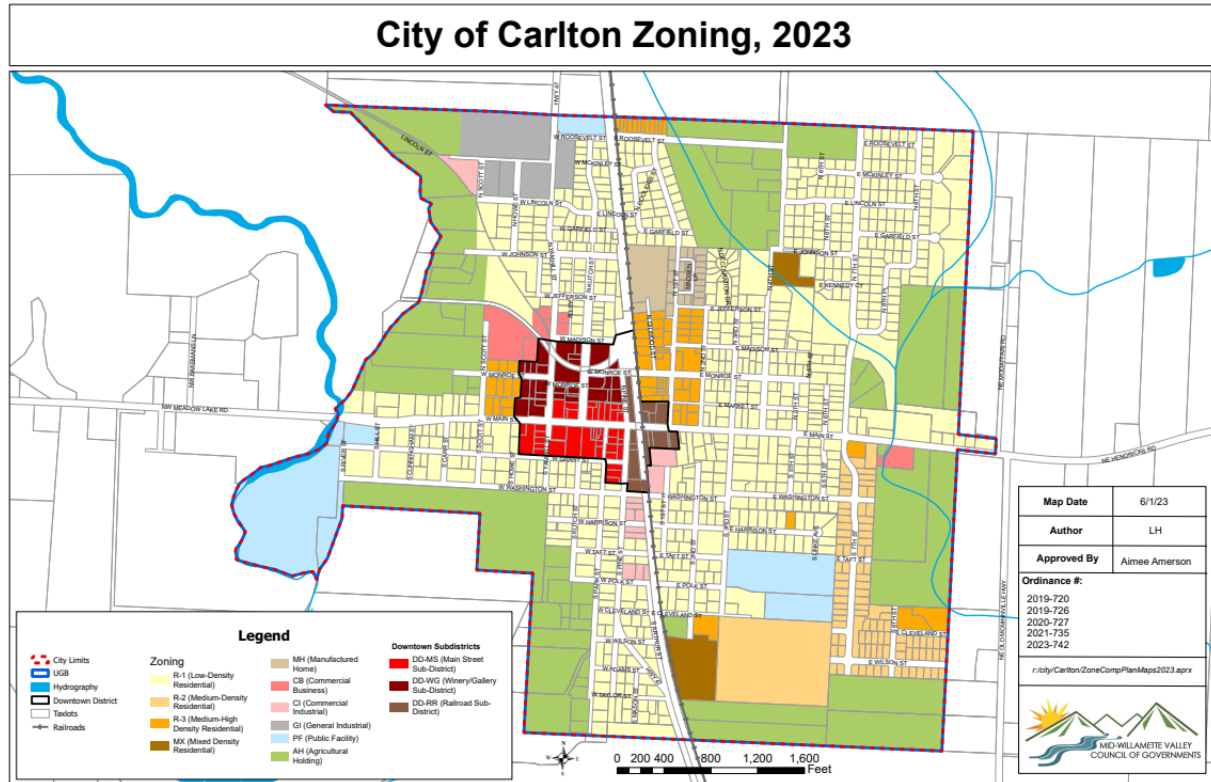
2 In CB and CI commercial zones where N is shown above, legal existing Vacation Rental Dwellings may continue as a non-conforming use. However, new Vacation Rentals are not allowed (currently). Draft proposed change:

~~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.

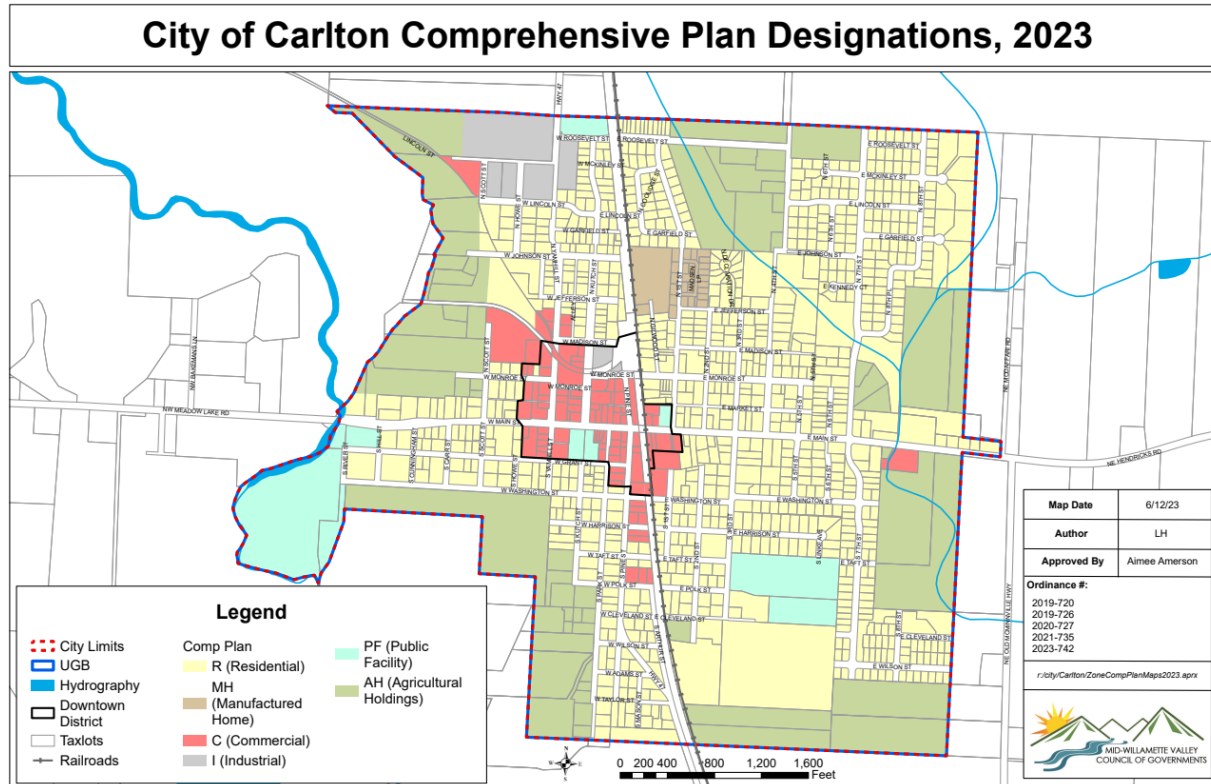
CB - Commercial Business CI - Commercial Industrial DD – Downtown District	Three existing zones that implement the “Commercial” Comp. Plan designation.
GI – General Industrial	One existing zone that implements “Industrial” Comprehensive Plan designation.
AH – Agricultural Holding	One existing zone that implements “Agricultural Holding” Comp. Plan designation.
R1 – Residential Low Density R2 – Residential Medium Density R3 - Residential Medium – High Density MX – Mixed Density Residential	Four existing zones that implement “Residential” Comprehensive Plan designation.
MH – Manufactured Home	One existing zone that implements “Manufactured Home” Comp. Plan designation.
PF – Public Facility	One existing zone that implements “Public Facility” Comp. Plan designation.

City Zoning and Comprehensive Plan maps (next page) show location and area of the above.

Current City of Carlton Zoning Map, last amended by Ordinance 2023-742



Current City of Carlton Comprehensive Plan Designations Map, last amended by Ord. 2023-742



Currently, the Carlton Development Code permits “Bed and Breakfast” in all commercial zones (CB, CI and DD) and conditionally permits the same in three of four existing residential zones (R-1, R-2 and R-3). “Hotel” and “Motel” are shown only permitted in the DD zone, and “Vacation Rental Dwelling” is permitted all in all residential zones though subject to code provisions contained in Chapter 17.125 (Vacation Rental Dwellings) not shown to this memo.

Staff prepared the Q & A to further explain proposed code changes and table above, pertaining to this topic.

Q: Is it possible to allow Hotels & Motels in the CB zone, similar to the DD zone, but not allow within the CI zone?

A: Yes. As CI currently allows all uses permitted in CB. Any differentiation from uses allowed in CB would require modification of the CI zone use description in A of Section 17.36.020, below:

A. All uses permitted in the CB district, Section 17.32.020.

As mentioned above, Ms. Decker asked Council / Advisory Committee if lodging uses in the CB zone should be expanded to allow more commercial lodging, inclusive of hotels and motels. No clear direction was provided on December 5. Accordingly, no changes to the draft Development Code are proposed on this topic. If the Council / Advisory Committee have additional thoughts on this topic and desired changes, staff will modify the final draft accordingly.

Questions by Council? At the work session on March 5, staff will address the above topic in further detail and ask if Council and Advisory Committee members have additional questions.

Exhibits

A. Excerpts from City of Beaverton Development Code - Example of city with extensive tree preservation standards.

Example of Development Code with extensive Tree Preservation standards
Excerpts from City of Beaverton Development Code

NOT PROPOSED TO CARLTON DEVELOPMENT CODE FOR ADDITION

The City of Beaverton Development Code contains extensive standards and regulations that pertaining to tree preservation. In most cases, the “Tree Plan” application (described below) is sought in conjunction with other development applications also found in the Beaverton Development Code (e.g., Subdivision, Partition or Design Review). The Tree Plan application can also be triggered when trees are proposed for removal, depending on the number or type of tree as defined.

CHAPTER 40 - APPLICATIONS

40.90. Tree Plan

40.90.05. Purpose.

Healthy trees and urban forests provide a variety of natural resource and community benefits for the City of Beaverton. Primary among those benefits is the aesthetic contribution to the increasingly urban landscape. Tree resource protection focuses on the aesthetic benefits of the resource. The purpose of a Tree Plan application is to provide a mechanism to regulate pruning, removal, replacement, and mitigation for removal of Protected Trees (Significant Individual Trees, Historic Trees, trees within Significant Groves and Significant Natural Resource Areas (SNRAs)), and Community Trees thus helping to preserve and enhance the sustainability of the City’s urban forest. This Section is carried out by the approval criteria listed herein and implements the SNRA, Significant Grove, Significant Individual Tree, and Historic Tree designations as noted or mapped in Comprehensive Plan Volume III.

40.90.10. Applicability.

Different types of resources require different levels of protection. No Tree Plan is required for the following actions:

1. Removal of up to four (4) Community Trees, or up to 10% of the number of Community Trees on the site, whichever is greater, within a one (1) calendar year period. Properties one-half acre or less in size developed with a detached dwelling or middle housing may remove any number of Community Trees. [ORD 4822; June 2022]
2. Removal and pruning of any hazardous, dead, or diseased tree when the tree is identified as such by a certified arborist or by the City Arborist and the removal is required by the City.
3. In the event of an emergency requiring tree removal or pruning prior to the City Arborist's determination, if evidence justifies the emergency removal after the fact, then no tree plan is required for removal.
4. Minor pruning, as defined in CHAPTER 90.
5. Pruning of trees consistent with the Vision Clearance requirements of the Engineering Design Manual. [ORD 4397; August 2006]
6. Pruning of trees by the utility provider for above ground utility power lines following acceptable arboricultural standards and practices.
7. Pruning of trees to maintain the minimum 8 foot clearance above a sidewalk.
8. Removal or pruning of the following nuisance tree species anywhere in the city: Lombardy Poplar (*Populus nigra*), and birch (*Betula sp.*). Where Lombardy Poplar or birch trees are part of

Example of Development Code with extensive Tree Preservation standards

Excerpts from City of Beaverton Development Code

NOT PROPOSED TO CARLTON DEVELOPMENT CODE FOR ADDITION

an approved landscape plan, Design Review approval is required for the removal of the Landscape Trees. [ORD 4584; June 2012]

9. Removal and pruning of the following nuisance tree species in Significant Groves and SNRAs: Norway maple (*Acer platanoides*), Tree-of-Heaven (*Ailanthus altissima*), Golden Chain Tree (*Laburnum watereri*), and English or Common Hawthorn (*Crataegus monogyna*). [ORD 4584; June 2012]
10. Removal of a tree or nonnative vegetation listed as a Nuisance or Prohibited Plant on the City of Portland's Nuisance Plant List or in Clean Water Services' Design and Construction Standards. [ORD 4822; June 2022]
11. Within SNRAs and Significant Groves, planting of native vegetation listed on the Metro's Native Plant List or in Clean Water Services' Design and Construction Standards when planted with non-mechanized hand held equipment.
12. Removal of any tree associated with a public street and sidewalk improvement project that meet A. or B. and C: [ORD 4659; June 2015] [ORD 4697; December 2016]
 - A. Improvements within an existing public vehicular right-of-way; or
 - B. Improvements to a public vehicular right-of-way in order to meet functional classification standards, such as widening or half-street improvements; and
 - C. The proposed improvements do not exceed the minimum width standards of the Engineering Design Manual.
13. Trails within SNRAs and Significant Groves meeting all of the following:
 - A. Construction must take place between May 1 and October 30 with hand-held equipment;
 - B. Trail widths must not exceed 30 inches and trail grade must not exceed 20 percent;
 - C. Trail construction must leave no scars greater than three inches in diameter on live parts of native plants; and
 - D. Trails must be placed outside the top of bank of any stream, river, or pond, and
 - E. Trails must be 100% pervious.
14. Street Trees are covered by the Beaverton Municipal Code and Section 60.15.15.6.
15. Landscape Trees are covered by Section 40.20. (Design Review) and Section 60.60. (Trees and Vegetation).
16. Enhancement activities conducted by a public agency for the sole purpose of improving the ecological health of forest and water resources.
17. Removal of a tree(s) by the City of Beaverton or Clean Water Services that is within five (5) feet of a section of existing sanitary or storm sewer line that is in need of emergency repair and/or maintenance within a SNRA when no reasonable alternative exists.

Example of Development Code with extensive Tree Preservation standards

Excerpts from City of Beaverton Development Code

NOT PROPOSED TO CARLTON DEVELOPMENT CODE FOR ADDITION

40.90.15. Application.

There are three (3) Tree Plan applications which are as follows: Tree Plan One, Tree Plan Two, and Tree Plan Three.

1. Tree Plan One.

- A. Threshold. An application for Tree Plan One shall be required when none of the actions listed in Section [40.90.10](#) apply and one or more of the following thresholds apply:
 1. Major pruning of Protected Trees once within a one year period.
 2. Mechanized removal of non-native or invasive vegetation and clearing and grubbing of vegetation within SNRAs, Significant Groves, or Sensitive Areas as defined by Clean Water Services.
 3. Mechanized re-planting of trees and shrubs, or both, or restoration planting within SNRAs, Significant Groves, or Sensitive Areas as defined by Clean Water Services.
 4. Trails greater than 30 inches in width, or trail grade exceeding 20 percent, trail surfaces less than 100% pervious surface, or any combination thereof within SNRAs, Significant Groves, or Sensitive Areas as defined by Clean Water Services that do not result in tree removal.
- B. Procedure Type. The Type 1 procedure, as described in Section [50.35](#) of this Code, shall apply to an application for Tree Plan One. The decision making authority is the Director.
- C. Approval Criteria. In order to approve a Tree Plan One application, the decision making authority shall make findings of fact based on evidence provided by the applicant demonstrating that all the following criteria are satisfied:
 1. The proposal satisfies the threshold requirements for a Tree Plan One application.
 2. All City application fees related to the application under consideration by the decision making authority have been submitted.
 3. The proposal contains all applicable application submittal requirements as specified in Section [50.25.1](#) of the Development Code. [ORD 4265; September 2003]
 4. If applicable, pruning is necessary to improve tree health or to eliminate conflicts with vehicles or structures which includes, but is not limited to, underground utilities and street improvements.
 5. If applicable, the removal of vegetation or clearing and grubbing is necessary to accommodate physical development in the area in which the removal is proposed.
 6. Applications and documents related to the request, which will require further City approval, shall be submitted to the City in the proper sequence.
- D. Submission Requirements. An application for a Tree Plan One shall be made by the owner of the subject property, or the owner's authorized agent, on a form provided by the Director and shall be filed with the Director. The Tree Plan One application shall be accompanied by the information required by the application form, and by

Example of Development Code with extensive Tree Preservation standards

Excerpts from City of Beaverton Development Code

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Section [50.25](#). (Application Completeness), and any other information identified through a Pre-Application Conference.

- E. Conditions of Approval. The decision making authority may impose conditions on the approval of a Tree Plan One application to ensure compliance with the approval criteria. In addition to the approval criteria, the decision making authority may also impose other conditions of approval to ensure that the proposed tree work meets all requirements listed in Section [60.60](#). (Trees and Vegetation).
- F. Appeal of a Decision. Refer to Section [50.60](#).
- G. Expiration of a Decision. Refer to Section [50.90](#).
- H. Extension of a Decision. Previous approval of Tree Plan One proposal shall not be extended.

2. Tree Plan Two

- A. Threshold. An application for Tree Plan Two shall be required when none of the actions listed in Section 40.90.10. apply, none of the thresholds listed in Section 40.90.15.1. apply, and one or more of the following thresholds apply:
 1. Removal of five (5) or more Community Trees, or more than 10% of the number of Community Trees on the site, whichever is greater, within a one (1) calendar year period, except as allowed in Section [40.90.10.1](#).
 2. Multiple Use zoning district: Removal of up to and including 85% of the total DBH of non-exempt surveyed tree(s) found on the project site within SNRAs, Significant Groves, or Sensitive Areas as defined by Clean Water Services. [ORD 4584; June 2012]
 3. Commercial, Residential, or Industrial zoning district: Removal of up to and including 75% of the total DBH of non-exempt surveyed tree(s) found on the project site within SNRAs, Significant Groves, or Sensitive Areas as defined by Clean Water Services. [ORD 4584; June 2012]
 4. Removal of a Significant Individual Tree(s).
- B. Procedure Type. The Type 2 procedure, as described in Section [50.40](#). of this Code, shall apply to an application for Tree Plan Two. The decision making authority is the Director.
- C. Approval Criteria. In order to approve a Tree Plan Two application, the decision making authority shall make findings of fact based on evidence provided by the applicant demonstrating that all the following criteria are satisfied:
 1. The proposal satisfies the threshold requirements for a Tree Plan Two application.
 2. All City application fees related to the application under consideration by the decision making authority have been submitted.
 3. If applicable, removal of any tree is necessary to observe good forestry practices according to recognized American National Standards Institute (ANSI) A300-1995 standards and International Society of Arborists (ISA) standards on the subject.
 4. If applicable, removal of any tree is necessary to accommodate physical development where no reasonable alternative exists.

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5. If applicable, removal of any tree is necessary because it has become a nuisance by virtue of damage to property or improvements, either public or private, on the subject site or adjacent sites.
 6. If applicable, removal is necessary to accomplish public purposes, such as installation of public utilities, street widening, and similar needs, where no reasonable alternative exists without significantly increasing public costs or reducing safety.
 7. If applicable, removal of any tree is necessary to enhance the health of the tree, grove, SNRA, or adjacent trees, or to eliminate conflicts with structures or vehicles. [ORD 4584; June 2012]
 8. If applicable, removal of a tree(s) within a SNRA or Significant Grove will not result in a reversal of the original determination that the SNRA or Significant Grove is significant based on criteria used in making the original significance determination.
 9. If applicable, removal of a tree(s) within a SNRA or Significant Grove will not result in the remaining trees posing a safety hazard due to the effects of windthrow.
 10. The proposal is consistent with all applicable provisions of Section 60.60. (Trees and Vegetation) and Section 60.67. (Significant Natural Resources).
 11. Grading and contouring of the site is designed to accommodate the proposed use and to mitigate adverse effects on neighboring properties, public right-of-way, surface drainage, water storage facilities, and the public storm drainage system. [ORD 4584; June 2012]
 12. The proposal contains all applicable application submittal requirements as specified in Section 50.25.1. of the Development Code.
 13. Applications and documents related to the request, which will require further City approval, shall be submitted to the City in the proper sequence.
- D. Submission Requirements. An application for a Tree Plan Two shall be made by the owner of the subject property, or the owner's authorized agent, on a form provided by the Director and shall be filed with the Director. The Tree Plan Two application shall be accompanied by the information required by the application form, and by Section 50.25. (Application Completeness), and any other information identified through a Pre-Application Conference.
- E. Conditions of Approval. The decision making authority may impose conditions on the approval of a Tree Plan Two application to ensure compliance with the approval criteria. In addition to the approval criteria, the decision making authority may also impose other conditions of approval to ensure that the proposed tree work meets all requirements listed in Section 60.60. (Trees and Vegetation).
- F. Appeal of a Decision. Refer to Section 50.65.
- G. Expiration of a Decision. Refer to Section 50.90.
- H. Extension of a Decision. Previous approval of Tree Plan Two proposal shall not be extended.

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3. Tree Plan Three

- A. Threshold. An application for Tree Plan Three shall be required when none of the actions listed in Section [40.90.10](#). or none of the thresholds listed in Section 40.90.15.1. or Section 40.90.15.2. apply and one or more of the following thresholds apply: [ORD 4782; April 2020]
1. Multiple Use zoning districts: Removal of greater than 85% of the total DBH of Non-Exempt Surveyed Tree(s) found on the project site within SNRAs, Significant Groves, or Sensitive Areas as defined by Clean Water Services. [ORD 4584; June 2012]
 2. Residential, Commercial, and Industrial zoning districts: Removal of greater than 75% of the total DBH of Non-Exempt Surveyed Tree(s) found on the project site within SNRAs, Significant Groves, or Sensitive Areas as defined by Clean Water Services. [ORD 4584; June 2012]
 3. Removal of individual Historic Trees.
- B. Procedure Type. The Type 3 procedure, as described in Section [50.45](#). of this Code, shall apply to an application for Tree Plan Three. The decision making authority shall be the Planning Commission. [ORD 4532; April 2010]
- C. Approval Criteria. In order to approve a Tree Plan Three application, the decision making authority shall make findings of fact based on evidence provided by the applicant demonstrating that all the following criteria are satisfied:
1. The proposal satisfies the threshold requirements for a Tree Plan Three application.
 2. All City application fees related to the application under consideration by the decision making authority have been submitted.
 3. If applicable, removal of a diseased tree or a tree is necessary because the tree has been weakened by age, storm, fire, or other condition.
 4. If applicable, removal is necessary to enhance the health of the grove or adjacent tree(s) to reduce maintenance, or to eliminate conflicts with structures or vehicles.
 5. If applicable, removal is necessary to observe good forestry practices according to recognized American National Standards Institute (ANSI) A300-1995 standards and International Society of Arborists (ISA) standards on the subject.
 6. If applicable, removal is the minimum necessary to accommodate physical development because no reasonable alternative exists for the development at another location on the site and variances to setback provisions of the Development Code will not allow the tree(s) to be saved or will cause other undesirable circumstances on the site or adjacent properties.
 7. If applicable, removal is necessary because a tree has become a nuisance by virtue of damage to personal property or improvements, either public or private, on the subject site or on an adjacent site.
 8. If applicable, removal is necessary to accomplish a public purpose, such as installation of public utilities, street widening, and similar needs where no

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reasonable alternative exists without significantly increasing public costs or reducing safety.

9. If applicable, removal of a tree(s) within a SNRA or Significant Grove will not result in the remaining trees posing a safety hazard due to the effects of windthrow.
 10. If applicable, removal of tree or trees within a Significant Grove will not reduce the size of the grove to a point where the remaining trees may pose a safety hazard due to the effects of windthrow.
 11. If applicable, removal of a tree within a Historic Grove will not substantially reduce the significance of the grove in terms of its original designation on the list of Historic Groves.
 12. The proposal is consistent with all applicable provisions of Section [60.60](#). (Trees and Vegetation) and Section [60.67](#). (Significant Natural Resources).
 13. Grading and contouring of the site is designed to accommodate the proposed use and to mitigate adverse effect(s) on neighboring properties, public right-of-way, surface drainage, water storage facilities, and the public storm drainage system.
 14. The proposal contains all applicable application submittal requirements as specified in Section [50.25.1](#). of the Development Code.
 15. Applications and documents related to the request, which will require further City approval, shall be submitted to the City in the proper sequence.
- D. Submission Requirements. An application for a Tree Plan Three shall be made by the owner of the subject property, or the owner's authorized agent, on a form provided by the Director and shall be filed with the Director. The Tree Plan Three application shall be accompanied by the information required by the application form, and by Section [50.25](#). (Application Completeness), any other information identified through a Pre-Application Conference, and by a report from a qualified professional.
- E. Conditions of Approval. The decision making authority may impose conditions on the approval of a Tree Plan Three application to ensure compliance with the approval criteria. In addition to the approval criteria, the decision making authority may also impose other conditions of approval to ensure that the proposed tree work meets all requirements listed in Section [60.60](#). (Trees and Vegetation).
- F. Compliance with Approval. All conditions imposed on an approved Tree Plan Three shall be implemented prior to the removal, pruning, or planting of tree unless otherwise noted in the approval. Compliance with the conditions of approval shall be met as long as the trees exist unless otherwise specified or until modified through a City approval process.
- G. Appeal of a Decision. Refer to Section [50.70](#).
- H. Expiration of a Decision. Refer to Section [50.90](#).
- I. Extension of a Decision. Previous approval of Tree Plan Three proposal shall not be extended.

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60.60. Trees and Vegetation**60.60.05. Purpose.**

Healthy trees and urban forests provide a variety of natural resource and community benefits for the City of Beaverton. Primary among those benefits is the aesthetic contribution to the increasingly urban landscape. Tree resource protection focuses on the aesthetic benefits of the resource. In conjunction with processes set forth in Section 40.90. of this Code, this section is intended to help manage changes to the City's urban forest by establishing regulations and standards for the protection, pruning, removal, replacement, and mitigation for removal of Protected Trees (Significant Individual Trees, Historic Trees, Mitigation Trees and trees within a Significant Natural Resource Area (SNRA) or Significant Grove), Landscape Trees, and Community Trees.

60.60.07. Enforcement.

A person found responsible for causing the removal or pruning of a protected tree in violation of the standards set forth in Section 60.60., unless exempt, shall be subject to monetary penalties. In cases of unlawful removal the person must also mitigate the removal as set forth in the mitigation requirements of Section 60.60.25.

1. Monetary penalties imposed by a court of competent jurisdiction upon conviction for violating any provision of CHAPTER 60 Section 60 of this Ordinance, shall be deposited into the City's Tree Mitigation Fund.

60.60.10. Types of Trees and Vegetation Regulated.

Actions regarding trees and vegetation addressed by this section shall be performed in accordance with the regulations established herein and in Section 40.90 of this Code. The City finds that the following types of trees and vegetation are worthy of special protection:

1. Significant Individual Trees.
2. Historic Tree.
3. Trees within Significant Natural Resource Areas.
4. Trees within Significant Groves.
5. Landscape Trees.
6. Community Trees.
7. Mitigation Trees.

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60.60.15. Pruning, Removal, and Preservation Standards.

1. Pruning Standards.

- A. It shall be unlawful for any person to remove or prune to remove a tree's canopy or disturb the root zone of any Protected Tree, except in accordance with the provisions of this Code.
- B. All pruning of Protected Trees shall be done in accordance with the standards set forth in this section and the City's adopted Tree Planting and Maintenance Policy, also known as Resolution 3391.

2. Removal and Preservation Standards.

- A. All removal of Protected Trees shall be done in accordance with the standards set forth in this section. [ORD 4697; December 2016]
- B. Removal of Landscape Trees and Protected Trees shall be mitigated, as set forth in section 60.60.25.
- C. For SNRAs and Significant Groves, the following additional standards shall apply:
 - 1. The minimum DBH of non-exempt surveyed trees that must be preserved on a site is as follows:
 - a. Multiple Use zoning districts: Fifteen percent (15%) of the DBH of non-exempt surveyed trees found on a project site.
 - b. Residential, Commercial, or Industrial zoning district: Twenty five percent (25%) of the DBH of non-exempt surveyed trees found on a project site
 - 2. DBH to be retained shall be preserved in cohesive areas, termed Preservation Areas, when development is proposed in SNRAs or Significant Groves.
 - 3. Native understory vegetation and trees shall be preserved in Preservation Areas.
 - 4. Preservation Areas, conditioned for protection through the Development Review process, shall be preserved in clusters that are natural in appearance rather than in linear strips. Preservation Areas should connect with adjoining portions of the Significant Grove or SNRA on other sites.
 - 5. Preservation Areas, conditioned for protection through the Design Review process, shall be set aside in conservation easements and recorded with a deed restriction with Washington County, unless otherwise approved by the City. The deed restriction shall prohibit future development and specify the conditions for maintenance if the property is not dedicated to a public agency.
 - 6. Preservation Areas, conditioned for protection through the Land Division process, shall be set aside in tracts and recorded with a deed restriction

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with Washington County, unless otherwise approved by the City. The deed restriction shall prohibit future development and specify the conditions for maintenance if the property is not dedicated to a public agency.

7. Within the development review process, where a person is presented with a particular decision whether to retain a native or non-native tree, the native species shall be retained provided all other considerations between the two categories of trees remain equal.

Non-native tree species may also be retained for aesthetic, unique condition, size, and wildlife habitat purposes.

8. Hazardous and dead trees within Significant Groves and SNRAs should be fallen only for safety and left at the resource site to serve as habitat for wildlife, unless the tree has been diagnosed with a disease and must be removed from the area to protect the remaining trees.

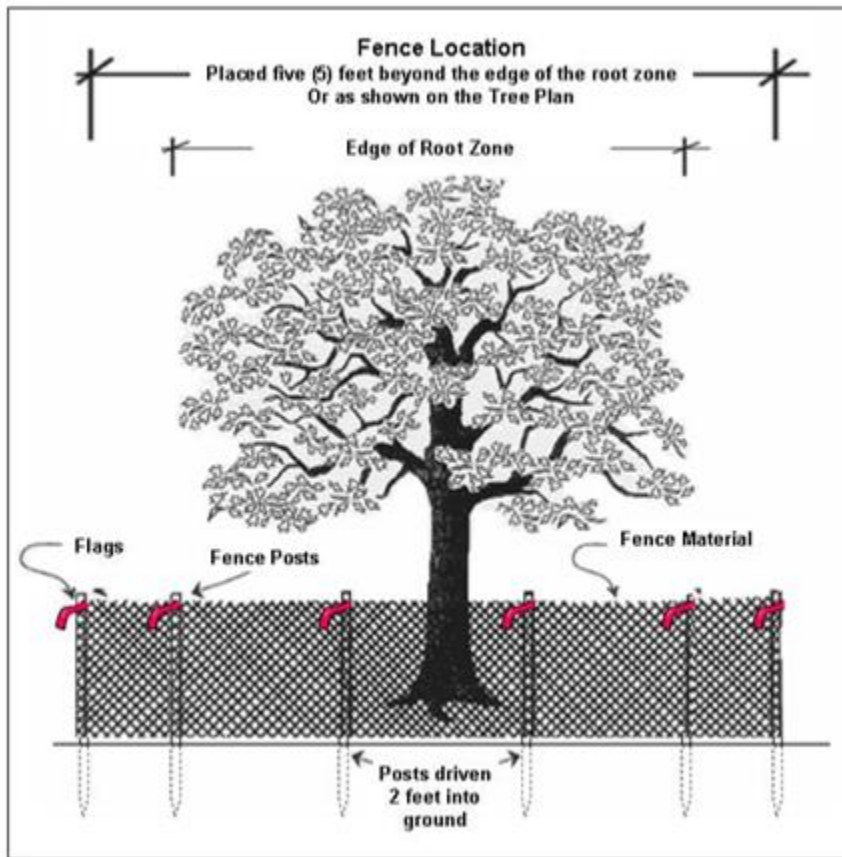
60.60.20. Tree Protection Standards during Development.

1. Trees classified as Protected Trees under this Code shall be protected during development in compliance with the following:
 - A. A construction fence must be placed around a tree or grove beyond the edge of the root zone. The fence shall be placed before physical development starts and remain in place until physical development is complete. The fence shall meet the following:
 1. The fence shall be a four foot (4') tall orange plastic or snow fence, secured to six foot (6') tall metal posts, driven two feet (2') into the ground. Heavy 12 gauge wire shall be strung between each post and attached to the top and midpoint of each post. Colored tree flagging indicating that this area is a tree protection zone is to be placed every five (5) linear feet on the fence to alert construction crews of the sensitive nature of the area.

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- B. Other City approved protection measures that provide equal or greater protection may be permitted, and may be required as a condition of approval.
- C. Within the protected root zone of each tree, the following development shall not be permitted:
1. Construction or placement of new buildings.
 2. Grade change or cut and fill, except where hand excavation is approved with the submittal of an arborist's report, as part of application approval.
 3. New impervious surfaces.
 4. Trenching for utilities, irrigation, or drainage.
 5. Staging or storage of any kind.
 6. Vehicle maneuvering or parking

60.60.25. Mitigation Requirements.

1. The following standards shall apply to mitigation for the removal of Significant Individual Trees or trees within Significant Groves or SNRAs.
 - A. All mitigation tree planting shall take place in conformance with accepted arboricultural practices and shall be spaced a minimum of ten (10) feet apart.

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- B. As of May 19, 2005, all trees planted for the purpose of tree removal mitigation shall be maintained in accordance with the approved mitigation plan. Monitoring of mitigation planting shall be the ongoing responsibility of the property owner where mitigation trees are located, unless otherwise approved through Development Review. Monitoring shall take place for a period of two (2) years. Trees that die shall be replaced in accordance with the tree replacement standards of this section.
 - C. As of May 19, 2005, all trees planted for the purpose of tree removal mitigation shall be set aside in a conservation easement or a separate tract and shall be designated as "Mitigation Trees" and recorded with a deed restriction identifying the trees as "Mitigation Trees".
 - D. Each Mitigation Tree planted shall be insured through a performance security, equal to 110 percent of the cost of the landscaping, filed with the City for a period of two (2) years to ensure establishment of the mitigation planting.
 - E. Street trees shall not be counted as providing mitigation of a SNRA or Significant Grove.
 - F. Transplanting trees within the project site is not subject to mitigation. However, a performance security is required for transplanted tree(s) to insure that the tree(s) will be replaced if the tree(s) is dead or dying at the end of two (2) years.
2. Mitigation for the removal of trees from Significant Groves or SNRAs shall be required as follows:
- A. Calculate the total DBH of the trees to be removed. Denote both deciduous and coniferous trees in separate tables; however, both tables will result in the sum total of the DBH to be removed.
 - B. If the total DBH of trees to be removed is less than or equal to 50% of the total DBH of surveyed trees on the site, then no mitigation is required for the trees to be removed.
 - C. If the total DBH of trees to be removed is greater than 50% of the total DBH of surveyed trees on site, then mitigation is required for the amount of DBH to be removed that exceeds 50% of the total DBH of surveyed trees on site.
 For example, if 75 inches is the total amount of DBH to be removed from a site and 60 inches of DBH represents 50% of the total surveyed DBH, then 15 inches of DBH is the total required amount of mitigation.
3. In addition to the requirements listed in Section 60.60.25.1. Mitigation Requirements, the following mitigation requirements shall apply for the removal of trees from Significant Groves or SNRAs.
- A. Dead or dying trees within a Significant Grove or SNRA shall be fallen when required for safety. Such tree falling shall not require mitigation. However, the fallen log should remain in the Significant Grove or SNRA, to serve as habitat for wildlife, unless the tree has been diagnosed with a disease and the log must be removed from the area to protect the remaining trees.

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- B. All trees planted for mitigation must meet the following minimum requirements:
- i. Deciduous trees shall be replaced with native deciduous trees that are no less than two caliper inches (2") in diameter
 - ii. Coniferous trees shall be replaced with native coniferous trees that are no less than three feet (3') in height and no more than four feet (4') in height. A three foot (3') mitigation tree shall equate to 2" DBH and four foot (4') mitigation tree will equate to 3" DBH.
 - iii. The total linear DBH measurement of the trees to be removed shall be mitigated with the necessary number of trees at least two caliper inches (2") in diameter.
4. Significant Grove or SNRA on-site mitigation, 2:1 planting ratio.
- A. Residential, Commercial, or Industrial zoning districts: For tree removal proposals which remove more than 50% and up to and including 75% of the surveyed non-exempt DBH, if all mitigation tree planting is to occur on-site, the ratio for planting shall be on a 2:1 basis.
- For example, if 20 inches of DBH is the total amount of required mitigation, if all the mitigation planting occurs on the site where the removal is to occur, then only 10 inches of DBH is required to be planted.
- B. Multiple Use zoning districts: For tree removal proposals which remove more than 50% and up to and including 85% of the surveyed non-exempt DBH, if all mitigation tree planting is to occur on-site, the ratio for planting shall be on a 2:1 basis.
- For example, if 20 inches DBH is the total amount of required mitigation, if all the mitigation planting occurs on the site where the removal is to occur, then only 10 inches of DBH is required to be planted.
5. Significant Grove or SNRA off-site mitigation, 1:1 planting ratio.
- A. Residential, Commercial, or Industrial zoning districts: For tree removal proposals which remove more than 50% and up to and including 75% of the surveyed non-exempt DBH, if mitigation tree planting is to occur off-site, the ratio for planting shall be on a 1:1 basis.
- B. Multiple Use zoning districts: For tree removal proposals which remove more than 50% and up to and including 85% of the surveyed non-exempt DBH in Multiple Use zones, if mitigation tree planting is to occur off-site, the ratio for planting shall be on a 1:1 basis.
6. Significant Grove or SNRA Tree Plan 3 mitigation, 1:1 planting ratio.
- A. Residential, Commercial, or Industrial zoning districts: For tree removal proposals which remove more than 75% and up to and including 100% of the surveyed non-exempt DBH, all of the required mitigation tree planting shall be on a 1:1 basis whether planted on-site or off-site.

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- B. Multiple Use zoning districts: For tree removal proposals which remove more than 85% and up to and including 100% of the surveyed non-exempt DBH, all of the required mitigation tree planting shall be on a 1:1 basis whether planted on-site or off-site.
- 7. In-Lieu fee. If the total caliper inch on-site- or off-site tree planting mitigation does not equal the DBH inch removal or if no tree planting mitigation is proposed, the remaining or total caliper inch tree planting mitigation shall be provided as a fee in-lieu payment. The in-lieu fee shall be specified in the Community Development In-Lieu Fee schedule. Fee revenues shall be deposited in the City’s Tree Mitigation Fund.

The following two tables illustrate how required mitigation will be calculated: [ORD 4584; June 2012]

DBH of Surveyed Trees	1318.00
DBH Proposed for Removal (MAXIMUM removal allowed is 85% Surveyed Tree DBH)	1120.00
Mitigation Threshold (50% Surveyed Tree DBH)	659.00
DBH to be Mitigated (85% DBH Removal- 50% DBH Threshold = 25% Surveyed DBH)	461.00
On Site Mitigation (50% of the DBH to be mitigated)	230.50
Off Site OR Partial Off Site Mitigation (100% of the DBH to be mitigated)	461.00
<i>*Please note: This "Sample Site" is fictional and is only meant to be a representation of how the regulations of Section 60.60. (Trees and Vegetation) could be applied to a site.</i>	

DBH of Surveyed Trees	1318.00
DBH Proposed for Removal (MAXIMUM removal allowed is 75% Surveyed Tree DBH)	988.00
Mitigation Threshold (50% Surveyed Tree DBH)	659.00
DBH to be Mitigated (75% DBH Removal- 50% DBH Threshold = 25% Surveyed DBH)	329.00
On Site Mitigation (50% of the DBH to be mitigated)	164.50
Off Site OR Partial Off Site Mitigation (100% of the DBH to be mitigated)	329.00
<i>*Please note: This "Sample Site" is fictional and is only meant to be a representation of how the regulations of Section 60.60. (Trees and Vegetation) could be applied to a site.</i>	

- 8. In addition to the standards in Mitigation Standards 1, the following standards shall apply to mitigation for the removal of a Significant Individual Tree:
 - A. A replacement tree shall be a substantially similar species or a tree approved by the City considering site characteristics.
 - B. Mitigation for the removal of a Significant Individual Tree shall be the required replacement of each tree on based on the total linear DBH measurement. Replacement of trees shall be as follows:

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Replacement Table for Significant Deciduous Trees	
Caliper-inches removed	
6-12"	4"
13-18"	6"
19-24"	8"
Over 25"	9"

Minimum replacement tree size is 2 caliper-inches for deciduous trees.

Replacement Table for Significant Coniferous Trees	
Caliper-inches removed	
6-12"	1
13-24"	2
Over 25"	3

Minimum replacement tree size is 3-feet minimum height for coniferous trees. [ORD 4584; June 2012]

9. The following standards apply to the replacement of a Landscape Tree:
- A. A replacement tree shall be a substantially similar species or a tree approved by the City considering site characteristics.
 - B. If a replacement tree of the species of the tree removed or damaged is not reasonably available, the City may allow replacement with a different species.
 - C. Replacement of a Landscape Tree shall be based on total linear DBH calculations at a one-to-one ratio depending upon the capacity of the site to accommodate replacement tree or unless otherwise specified through development review. Replacement of tree on a one-to-one basis shall be as follows:
 1. Calculate the sum of the total linear DBH measurement of the tree to be removed.
 2. The total linear DBH measurement of the tree to be removed shall be replaced with tree at least 1.5 caliper inches in diameter. The total caliper inches of the replacement tree shall be at least equal to the sum total of the linear DBH measurement of the removed tree.

CHAPTER 90 - DEFINITIONS

Tree related...

Canopy. Area of the tree above ground including the trunk and branches measured in mass or volume.

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Certified Arborist. An individual who has demonstrated knowledge and competency through obtainment of the current International Society of Arboriculture arborist certification, or who is a member of the American Society of Consulting Arborists.

City Arborist. The person designated as such by the Director of Public Works.

Community Tree. A healthy tree of at least ten inches (10") DBH located on developed, partially developed, or undeveloped land. Community Trees are not those trees identified as Significant, Historic, Landscape, or Mitigation Trees, trees within a Grove or a Significant Natural Resource Area, or trees that bear edible fruits or nuts grown for human consumption.

Diameter at Breast Height (DBH). The diameter of the trunk of a tree measured at 54 inches above natural grade.

Drip Line. A line on the ground below the edge of the maximum overhead canopy of a tree.

Dying Tree. A tree with greater than 20% dead limbs during the growing season.

Exempt Tree or Vegetation. For the purposes of the solar access regulations, the full height and breadth of vegetation that the Planning Director has identified as "solar friendly"; any vegetation listed on a plat map, a document recorded with the plat, or a solar access permit as exempt.

Fill. Any act by which earth, sand, gravel, rock or any other similar material is deposited, placed, pulled or transported on the site and includes the conditions resulting therefrom. The placement of fill is development of land.

Grove. A stand of three or more trees of the same or mixed species.

Hazardous Tree. A tree that possesses a structural defect which poses an imminent risk if the tree, or part of the tree, were to fall on someone or something of value (target).

- **Structural Defect.** Any structural weakness or deformity of a tree or its parts. A tree with a structural defect can be verified to be hazardous by a certified arborist and confirmed as such by the City Arborist.
- **Target.** People, vehicles, structures or property, such as other trees or landscape improvements. A tree may not be a hazard if a 'target' is absent within the falling distance of the tree or its parts (e.g., a substandard tree in a non-populated area away from pedestrian pathways may not be considered a hazard).

Historic Tree or Historic Grove. Tree(s) designated by the City to be of historic significance based on their association with historic figures, properties, or the general growth and development of the City.

Landscape Tree. A tree, other than a Significant Tree, Historic Tree, or Tree within a Significant Natural Resource Area, that has been preserved or planted as a component of an approved landscaping plan. In addition, Community Trees that are preserved trees shall also be classified as Landscape Trees.

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Mitigation Tree. A tree planted in an effort to alleviate the impact of the removal of another tree(s). A mitigation tree takes on the designation of the tree(s) removed (i.e. tree(s) planted to mitigate for a tree(s) removed from a grove or SNRA becomes a tree(s) protected as if it were part of a grove or SNRA).

Native Understory. Foliage layer located between the floor and the canopy of a forest, wood, or grove containing plant materials that have origins in the Tualatin Valley Region of the state of Oregon. Limited to plant species identified on Metro's Native Plant List or in Clean Water Services' Design and Construction Standards.

Native Vegetation. Plant materials that have origins the Tualatin Valley Region of the state of Oregon, as listed on Metro's Native Plant List or in Clean Water Services' Design and Construction Standards.

Non-Exempt Tree or Vegetation. For the purposes of the solar access regulations, vegetation that is not exempt. Refer to definition of "Exempt Tree or Vegetation".

Non-Exempt Surveyed Tree. Trees that fit within the definition of Surveyed Tree, with the exception of Nuisance Trees.

Nuisance Tree. Tree species that invade natural areas eventually resulting in their domination of native tree species. Includes those nuisance tree species listed in Section [40.90.10](#) of the Development Code.

Protected Tree. Includes Significant Individual Trees, Historic Trees, Trees within a Significant Natural Resource Area or Significant Grove, and Mitigation Trees.

Pruning, Minor. Removal of less than 10% of a tree's canopy or disturbance of less than 10% of a tree's root system.

Qualified Professional. As the term applies to trees, a professional with academic and field experience that demonstrates expertise in urban forestry. This may include arborists certified by the International Society of Arboriculture, foresters certified by the Society of American Foresters, a registered landscape architect, or silvaculturist. A qualified professional must possess the ability to evaluate the health and hazard potential of existing trees, and the ability to prescribe appropriate measures for preservation of trees during land development.

Reasonably Available. As applied to mitigation tree planting, a plant species shall be considered reasonably available if the plant is found to be available for purchase at three (3) or more separate retail or wholesale nurseries, known to stock native plants, of separate ownership within Washington, Multnomah, or Clackamas counties or a combination thereof. A plant species shall be considered to be reasonably unavailable if the species cannot be readily found at three (3) separate retail or wholesale nurseries, known to stock native plants, of separate ownership within Washington, Multnomah, or Clackamas counties or a combination thereof.

Root Zone. Area of the ground around the base of the tree measured from the trunk to 5 feet beyond the outer base of the branching system.

Significant Grove. Groves that are mapped on the City's Inventory of Significant Trees and Groves, that have a unique identification code and include all species within the grove boundary as listed in the inventory documents for that grove code.

Example of Development Code with extensive Tree Preservation standards

Excerpts from City of Beaverton Development Code

NOT PROPOSED TO CARLTON DEVELOPMENT CODE FOR ADDITION

Significant Natural Resource Area (SNRA). Resources identified in Volume III of the Comprehensive Plan as "significant" pursuant to Statewide Planning Goal 5.

For the South Cooper Mountain Community Plan area Significant Natural Resource Areas include Class I and II riparian habitat areas and Class A and B upland wildlife areas as determined by Metro Council designation of these areas as regionally significant fish and wildlife habitat through Metro Title 13 implementation for areas brought within the Metro UGB after December 28, 2005.

Significant Tree. A tree or grouping of trees that is mapped on the City's Inventory of Significant Trees and Groves, which has a unique identification code as listed in the inventory documents for that individual tree code.

Significant Tree and Grove Inventory Analysis. The inventory of significant trees and groves conducted under the direction of the Beaverton Board of Design Review in 1991. The criteria on which listed trees and groves were determined to be significant are as follows:

1. An individual tree shall be considered significant if the Board finds:
 - (a) The tree has a distinctive size, shape, or location which warrants a significant status; or
 - (b) The tree possesses exceptional beauty which warrants a significant status; or
 - (c) The tree is significant due to a functional or aesthetic relationship to a natural resource.
2. A grove as defined in Section [90](#) shall be considered significant if the Board finds that:
 - (a) The grove is relatively mature and evenly aged; and
 - (b) The grove has a purity of species composition or is of a rare or unusual nature; and
 - (c) The grove is in a healthy growing condition; or
 - (d) The grove has a crucial functional and/or aesthetic relationship to a natural resource.

Street Tree. Any tree located within the public or private right of way or easement for vehicular access, or associated public utility easements.

Surveyed Tree. Trees on a proposed development site that are required to be identified in a Tree Plan application. Trees required to be surveyed include all trees greater than or equal to ten (10) inches DBH (including nuisance trees) and the following trees greater than or equal to six (6) inches DBH: western hemlock (*Tsuga heterophylla*) or mountain hemlock (*Tsuga mertensiana*) trees, Pacific madrone (*Arbutus andrachne*) trees, and big-leaf maple (*Acer macrophyllum*) trees.

Tree Canopy. The shape of a tree produced by the outer most leaves. A tree's canopy cover is equal to the area within the drip line. The equation for determining tree canopy area is $3.1416 \times (r)^2 = x$ square feet (r being the radius from the center of the trunk to the drip line measured in feet). EXAMPLE: The tree canopy area for one tree with a radius of **20** feet will be equal to $3.1416 \times (20)^2 = 1,257$ square feet.

Tree Canopy, Mature. The expected size of the tree canopy at 10 years.

Windthrow. A tree or trees uprooted or felled by the wind.



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**CITY COUNCIL REGULAR SESSION AGENDA
TUESDAY, MARCH 5, 2024
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**

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

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

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

7. CONSENT AGENDA

- A. Meeting Minutes – *Approve*
 - 1. City Council – February 6, 2024 33
- B. Accounts Payable report 37
- C. Finance reports 39
- D. Mayor’s February report 45

8. ORDINANCES/RESOLUTIONS/DISCUSSION/ACTION ITEMS

- A. Nomination Ordinance No. 2024-749 47
- B. Psilocybin discussion 51
- C. Fun Days discussion 63
- D. Civic Center opening planning and coordination 65
- E. Schedule City Manager evaluation 39

9. ADJOURNMENT

The public is encouraged to join the meeting virtually using Zoom due to a lack of seating space available in the meeting room. Please use the following directions:

To join using a computer, please use this link:
<https://us02web.zoom.us/j/84101879642?pwd=eVdZcHJJZW15SENCRW1ubU41QT09>

To join using a phone, call: 1-253-215-8782 and enter Meeting ID: **841 0187 9642** and enter Passcode: **850206**



City Council Work Session Minutes
Tuesday, February 6, 2024
Via Zoom and at 945 W Grant Street, Carlton, Oregon

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

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

ROLL CALL

Members Present: Mayor Linda Watkins, Council President Kevin Skipper, Councilors Shirley Ward-Mullen, 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, and Finance Specialist Morgan Shelton

Others Present: Elizabeth Decker with JET Planning, Steve Faust with 3J Consulting, Margaret Ryan with City County Insurance, and Planning Commissioner Anthony Stuart

A. Changes to the Agenda

None given.

2. WORK SESSION AGENDA ITEMS**6:01 PM****A. Review of Draft code Divisions V, VI, and VII**

Mayor Linda Watkins introduced Steve Faust with 3J Consulting and Elizabeth Decker with JET Planning, to go over the review of Draft Code Divisions V, VI, and VII.

Decker began by reviewing proposed code updates. She gave an overview of the topics to be covered, including; Type I, II, and III application types, variances, conditional use permits, sight design review, subdivisions and planned unit developments, and Administrative Procedures. Councilors asked questions such as expedited land division processes, preliminary plat approval criteria, lot size averaging in subdivisions, housing type variety requirements in subdivisions, plat recordation, appeal process, and consolidated application review.

Decker wanted Council input on key topics such as land use review types, administrative level application review versus Planning Commission level application review, notification boundary limits and process for Type II and Type III applications, balancing tree preservation and replacement standards with the need for housing, open space integration, mini parks, small neighborhood parks, clear and objective park or open space standards, and open space maintenance and update requirements.

Decker then reintroduced a list of topics from previous meetings that Councilors had more questions on. Councilors asked questions regarding residential use variety in residential zones, townhouse allowance in R-2 zones, minimum density increase in R-3 zones, minimum lot size in R-3 zones, subdivision requirement changes/additions, cottage cluster development standards, vacation rentals, and minimum height requirements in downtown districts.

3. FUTURE WORK SESSION AGENDA ITEMS

None.

4. ADJOURNMENT**8:00 PM**

The Work Session meeting adjourned at 8:00 PM.

APPROVED by the City of Carlton City Council on March 5, 2024.

ATTEST:

Morgan Shelton, Finance Specialist

Linda Watkins, Mayor



City Council Minutes
Tuesday, February 6, 2024
Via Zoom and at 945 W Grant Street, Carlton, Oregon

REGULAR MEETING**8:00 PM****1. CALL TO ORDER**

Mayor Linda Watkins called the regular meeting to order at 8:05 PM.

2. ROLL CALL

Members Present: Mayor Linda Watkins, Council President Kevin Skipper, Councilors Shirley Ward-Mullen, 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 Engineer Gordon Munro, and Finance Specialist Morgan Shelton

Others Present: Margaret Ryan with CIS, Casey Kulla and Philip Higgins with Cycle Oregon, Kimberly Myers, and Anthony Stuart

3. PLEDGE OF ALLEGIANCE**8:05 PM**

The Pledge of Allegiance was performed.

4. CHANGES OR ADDITIONS TO THE AGENDA**8:05 PM**

City Manager Shannon Beaucaire noted that she had three small topics to discuss at the end of the agenda.

5. CERMIONIES, APPOINTMENTS, AND ANNOUNCEMENTS**8:06 PM**

None.

6. CITIZEN COMMENTS**8:06 PM****A. Items NOT on the Agenda**

None.

B. Items on the Agenda**8:07 PM**

None.

7. CONSENT AGENDA**8:07 PM****A. Meeting Minutes – Approve**

- **City Council – January 9, 2024**

B. Accounts Payable report**C. Finance reports****D. Current Vacation Rental Statistics**

MOTION: Ward-Muller/Erickson: to approve the consent agenda, including City Council meeting minutes from January 9, 2024, the accounts payable report, the financial reports, the current vacation rental statistics as submitted. Motion Carried. (7 Yes/ 0 No / 0 Absent /0 Abstain).

8. ORDINANCES/RESOLUTIONS/DISCUSSION/ACTION ITEMS**8:08 PM****A. Market Street Sanitary Line Change Order**

City Manager Shannon Beaucaire introduced City Engineer Gordon Munro who discussed the proposed change order for the Market Street Sanitary Line. Munro described the Market Street sanitary line's poor condition, undesirable design attributes, and location. He proposed rerouting the existing line to make it more accessible for future maintenance. He noted that Haworth offered the replacement/repair of the line at a lower cost than any anticipated bid amount would be.

Councilors asked why the line maintenance was included in the Civic Center project, the material of the existing line, whether the abandoned line will be removed or filled, and the benefits of the reroute.

MOTION: Hill/Thompson-Rizer: to accept change order #5 and authorize the Mayor to execute all necessary documents. Motion Carried. (7 Yes/ 0 No / 0 Absent /0 Abstain).

B. CIS Park Risk Assessment**8:16 PM**

Beaucaire introduced Margaret Ryan with CIS to discuss current legislation surrounding recreational immunity and risk factors associated with the City's parks. Ryan described her inspection and analysis of the City's parks and the various hazards that could put the City at risk of claims. She then reviewed her suggestions to inform users of park hazards and protect the City against various claims.

Councilors discussed the report, asked about language for signs, ordinances that would add legal protection, playground safety, pending legislative sessions, and agreed to add signage to the public spaces. Beaucaire announced that the City obtained a grant that would aid in the addition of signage to inform the public of potential hazards associated with park use.

C. Cycle Yamhill Country presentation**8:35 PM**

Beaucaire next invited Casey Kulla with Cycle Yamhill County to present a collaborative project with Yamhill County, the Bureau of Land Management, and several other entities to create a Mountain Bike Trail off of Carlton's Panther Creek Road. Kulla and his associate Philip Higgins, discussed the benefits associated with accessible outdoor recreating, including the socio-economic benefits Carlton could see from cyclists, the introduction of safer recreating, and how maintenance and facilitation of new trails would complement existing systems. They also provided available volunteer dates encouraging citizens to participate in the facilitation of the project.

D. Ordinance 2024-747; 2nd Reading**9:02 PM**

Beaucaire discussed Ordinance 2024-747 and invited Council to make a motion regarding the 2nd reading.

MOTION: Skipper/Ward-Mullen: to authorize the 2nd reading of Ordinance 2024-747, an ordinance amending Chapter 3.04 of the Carlton Municipal Code relating to public contracting, by title only. Motion Carried. (7 Yes/ 0 No / 0 Absent /0 Abstain).

City Attorney Tyler Yeoman-Millette read the ordinance by title only.

MOTION: Skipper/Hill: to accept the 2nd reading of Ordinance 2024-747, an ordinance amending Chapter 3.04 of the Carlton Municipal Code relating to public contracting. Motion Carried by Roll Call Vote. (7 Yes/ 0 No / 0 Absent /0 Abstain).

E. 2024-25 Council Goal Approval**9:05 PM**

Beaucaire presented the new 2024-25 Council Goals.

MOTION: Thompson-Rizer/Hill: to adopt the 2024-25 Council goals. Motion Carried. (7 Yes/ 0 No / 0 Absent /0 Abstain).

F. Ordinance 2024-748; 1st Reading/2nd possible**8:45 PM**

Yeoman-Millette gave an overview of Ordinance 2024-748 and how it pertains to the current recreational immunity legislative changes. Yeoman-Millette discussed the requirement for the adoption of code to opt into the protection offered under ORS 105.668.

MOTION: Ward-Mullen/Hill: to authorize the reading of Ordinance 2024-748, an ordinance establishing Chapter 12.13 of the Carlton municipal code, limiting liability for use of certain recreational property, and declaring an emergency by title only. Motion Carried. (7 Yes/ 0 No / 0 Absent /0 Abstain).

Yeoman-Millette read Ordinance 2024-748 by title.

MOTION: Hill/Ward-Mullen: to accept the 1st reading of Ordinance 2024-748, an ordinance establishing Chapter 12.13 of the Carlton municipal code, limiting liability for use of certain recreational property, and declaring an emergency by title only. Motion Carried by Roll Call Vote. (7 Yes/ 0 No / 0 Absent /0 Abstain).

MOTION: Ward-Mullen/Skipper: to authorize the 2nd reading of Ordinance 2024-748, an ordinance establishing Chapter 12.13 of the Carlton municipal code, limiting liability for use of certain recreational property, and declaring an emergency by title only. Motion Carried. (7 Yes/ 0 No / 0 Absent /0 Abstain).

Yeoman-Millette did the second reading of 2024-748 by title only.

MOTION: Hill/Skipper: to accept the 2nd reading of Ordinance 2024-748, an ordinance establishing Chapter 12.13 of the Carlton municipal code, limiting liability for use of certain recreational property, and declaring an emergency, by title only. Motion Carried by Roll Call Vote. (7 Yes/ 0 No / 0 Absent /0 Abstain).

G. Resolution 2024-352**9:14 PM**

Beaucaire asked Assistant City Manager Christy Martinez to speak to the proposed update to the list of City individuals authorized to transact business with First Federal Savings and Loan. With the change in Council President, the policy needed to be updated to maintain the City's internal auditing system for the issuance of checks.

MOTION: Hill/Thompson-Rizer: to approve and authorize the Mayor to sign Resolution No. 2024-352 designating specific individuals to transact business with First Federal Savings and Loan. Motion Carried. (7 Yes/ 0 No / 0 Absent /0 Abstain).

H. Participation Policy**9:16 PM**

City Manager Beaucaire gave an overview of the proposed introduction of a Participation Policy for City-hosted meetings in response to recent "Zoom Bombing" incidents happening in electronic meetings. Beaucaire proposed the movement of Citizen Comments to the end of the meeting to protect the integrity of meetings in the event of a meeting disruption.

Council discussed the benefits and drawbacks associated with moving citizen comments to the end of the meeting, asked about the longevity of Zoom meetings and available features to assist in the accountability in upholding the participation policy and procedures, and the specifics of the procedure surrounding citizens' ability to speak in meetings.

MOTION: Skipper/Hill: to approve the 2024 Participation policy and procedures. Motion Carried. (7 Yes/ 0 No / 0 Absent /0 Abstain).

I. Additional Agenda Items

- City Manager Beaucaire presented a letter submitted to the City by Willamette Workforce Partnerships. The letter stated that they found a contractor in Salem willing to work on the city sidewalk project and requested that the Mayor send a letter of support to apply for a grant that will aid in the completion of the sidewalk project.

Councilors asked questions about the request and options if funding is obtained.

MOTION: Skipper/Hill: to authorize the Mayor to edit and send the letter of support to Willamette Workforce Partnership for the Strategic Innovation Grant proposal. Motion Carried. (7 Yes/ 0 No / 0 Absent /0 Abstain).

- Beaucaire presented the Council with a copy of Representative Elmer's Workforce Housing Bill, which was put forward for cities to obtain funding for infrastructure upgrades on properties that are costly and difficult to put infrastructure on, thus impeding the addition of affordable housing options. Beaucaire discussed the City's inclusion in the bill, and Elmer obliged but is requesting a letter of support from the City, which the Mayor has drafted. Beaucaire requested Council approval to submit the Mayor's letter to Representative Elmer. The Council discussed and suggested that each member send their own version of the support letter to increase Carlton's presence in the legislature.
- Beaucaire then discussed a conversation she had with Representative Elmer about the impending failure of the City's Sanitary Sewer System and the need for funding to implement repairs. Elmer allowed the City to request \$11.5 million in funding for the system in the upcoming short session. Beaucaire encouraged the council to write to members of the legislature and rally with constituents and members of the community to do so as well.

Council discussed and agreed to submit support letters and lobby for community support.

9. ADJOURNMENT**9:52 PM**

The Regular Session meeting adjourned at 9:52 PM.

APPROVED by the City of Carlton City Council on March 5, 2024.

ATTEST:

Morgan Shelton, Finance Specialist

Linda Watkins, Mayor

Accounts Payable

Checks by Date - Summary by Check Date

User: jbrandao
 Printed: 2/26/2024 7:57 AM



Check No	Vendor No	Vendor Name	Check Date	Check Amount
	BlaLar	Larry Blake	01/31/2024	500.00
	CenLin	CenturyLink	01/31/2024	615.35
	CitAmi	City of Amity	01/31/2024	160.00
	Comcas	Comcast	01/31/2024	77.93
	DhfHol	DHF Holdings, Inc.	01/31/2024	200.00
	EdgAna	Edge Analytical Inc	01/31/2024	210.00
	GovCom	Government Ethics Commission	01/31/2024	151.31
	OnliNW	Hunter Communications	01/31/2024	491.25
	IntPol	International Association of Chiefs of Polic	01/31/2024	190.00
	LetPoo	Let's Talk Pools, Inc	01/31/2024	700.00
	UB*00578	Alexander Margolis	01/31/2024	146.09
	PrinNW	Print NW	01/31/2024	58.00
	TouFor	Tour de Force Wine Company LLC	01/31/2024	50.00
Total for 1/31/2024:				3,549.93
	9985	CIS	02/05/2024	31,111.81
	9981	EFTPS	02/05/2024	12,607.74
	OreRev	Oregon Dept. of Revenue	02/05/2024	3,729.46
	9100	PERS	02/05/2024	11,857.41
	10004	Attn: Voya Institutional Plan Services VOY	02/05/2024	1,700.00
	10005	Attention: Voya Institutional Plan Services	02/05/2024	925.76
Total for 2/5/2024:				61,932.18
	BeaSha	Shannon Beaucaire	02/07/2024	45.56
	VinBou	Brian Richardson	02/07/2024	700.00
	CasInc	Caselle, Inc.	02/07/2024	340.00
	CIT	CIT First-Citizens Bank & Trust Co	02/07/2024	161.00
	ConSys	Control Systems NW LLC	02/07/2024	1,127.24
	DavAut	Davison Auto Parts	02/07/2024	20.09
	EdgAna	Edge Analytical Inc	02/07/2024	1,003.90
	HauRue	Haugeberg, Rueter, Gowell	02/07/2024	3,460.50
	HawInc	Haworth Inc.	02/07/2024	16,756.05
	McCSco	McClure and Sons, Inc.	02/07/2024	134,805.00
	NexCle	Nexus Commercial Cleaning LLC	02/07/2024	1,064.00
	OreRevCT	Oregon Department Of Revenue	02/07/2024	200.00
	PaoKea	Keath Paolo	02/07/2024	100.00
	PauRog	Pauly, Rogers and Co., P.C.	02/07/2024	29,900.00
	PorGen	Portland General Electric	02/07/2024	2,161.05
	RecWes	Recology Western Oregon	02/07/2024	480.15
	SecSta	Secretary of State	02/07/2024	350.00
	SprBro	Springbrook Holding Company LLC	02/07/2024	9.00
	TetTec	Tetra Tech, Inc	02/07/2024	51,877.81
	TranRis	Data Solutions, Inc TransUnion Risk and A	02/07/2024	75.00
	VerWir	Verizon Wireless	02/07/2024	776.69
	Ward J	Jill M Ward	02/07/2024	637.50

Check No	Vendor No	Vendor Name	Check Date	Check Amount
	YamCom	Yamhill Communications Agency	02/07/2024	2,433.58
	YamShe	Yamhill County Sheriff's Office	02/07/2024	64.00
	FirFedCC	First Federal Card Services	02/07/2024	7,366.72
Total for 2/7/2024:				255,914.84
	3JCon	3J Consulting	02/14/2024	1,067.00
	AirNor	Airgas USA, LLC	02/14/2024	302.78
	CarCor	Carlton Corner Service	02/14/2024	1,593.90
	CarTru	Carlton Truck Shop	02/14/2024	9.98
	CFMAdv	CFM Advocates	02/14/2024	4,200.00
	Colvin	Chuck Colvin Ford Nissan	02/14/2024	80.00
	CIT	CIT First-Citizens Bank & Trust Co	02/14/2024	350.00
	Comcas	Comcast	02/14/2024	172.27
	ConHea	Comfort Control Heating Inc.	02/14/2024	714.75
	ConSup	Consolidated Supply	02/14/2024	3,976.01
	DatPro	Dataprose	02/14/2024	1,301.76
	DepEnv	Dept of Environmental Quality	02/14/2024	1,024.40
	EdgAna	Edge Analytical Inc	02/14/2024	569.00
	VolJak	Jake Volz	02/14/2024	1,000.00
	LowHom	LOWE'S Home Improvement	02/14/2024	174.44
	McmPum	McMinnville Pumping LLC	02/14/2024	135.00
	CouGov	Mid-Willamette Valley Council Of Governr	02/14/2024	2,174.06
	OneCal	One Call Concepts, Inc.	02/14/2024	117.60
	ORWatRes	Oregon Water Resources Department	02/14/2024	230.00
	PorGen	Portland General Electric	02/14/2024	6,087.31
	PriSys	Primisys	02/14/2024	13,068.30
	RaiRen	Rain For Rent	02/14/2024	4,183.30
	SieSpr	Sierra Springs	02/14/2024	82.93
	WilFar	Wilco Farmers	02/14/2024	3,276.26
Total for 2/14/2024:				45,891.05
	9981	EFTPS	02/20/2024	12,685.10
	OreRev	Oregon Dept. of Revenue	02/20/2024	3,745.00
	9100	PERS	02/20/2024	11,934.44
	10004	Attn: Voya Institutional Plan Services VOY	02/20/2024	1,825.00
	10005	Attention: Voya Institutional Plan Services	02/20/2024	925.76
Total for 2/20/2024:				31,115.30
Report Total (73 checks):				398,403.30

General Ledger Expense vs Budget

User: aamerson
Printed: 2/26/2024 8:33:47 AM
Period 08 - 08
Fiscal Year 2024



Fund	Budget	End Bal	% Available
001			
001	901,217.00	635,531.54	29.48
001	605,400.00	458,248.16	24.31
001	0.00	0.00	0.00
001	246,266.00	0.00	100.00
001	250,564.00	0.00	100.00
001	0.00	0.00	0.00
001	0.00	538,598.80	0.00
001	0.00	343,420.26	0.00
001	0.00	37,266.94	0.00
001	<u>2,003,447.00</u>	<u>1,264,655.49</u>	<u>36.88</u>
001	0.00	12,964.19	0.00
005			
005	152,548.00	22,779.93	85.07
005	0.00	117,915.62	0.00
005	0.00	48,697.86	0.00
005	0.00	0.00	0.00
005	<u>152,548.00</u>	<u>58,695.06</u>	<u>61.52</u>
005	0.00	-33,302.63	0.00
011			
011	40,530.00	32,353.21	20.17
011	134,160.00	61,677.94	54.03
011	10,000.00	0.00	100.00
011	176,473.00	0.00	100.00
011	53,800.00	0.00	100.00
011	0.00	286,720.21	0.00
011	0.00	306,021.53	0.00

Fund	Budget	End Bal	% Available
011	0.00	7,751.37	0.00
011	<u>414,963.00</u>	<u>193,422.20</u>	<u>53.39</u>
011	0.00	126,443.74	0.00
012			
012	533,325.00	337,184.12	36.78
012	396,600.00	259,893.31	34.47
012	104,806.00	41,007.01	60.87
012	230,573.00	0.00	100.00
012	861,802.00	0.00	100.00
012	0.00	1,169,839.54	0.00
012	0.00	283,757.74	0.00
012	0.00	51,682.78	0.00
012	<u>2,127,106.00</u>	<u>1,207,709.26</u>	<u>43.22</u>
012	0.00	-264,774.20	0.00
013			
013	465,300.00	322,855.11	30.61
013	367,300.00	255,657.06	30.40
013	14,850.00	15,200.54	-2.36
013	182,943.00	0.00	100.00
013	402,328.00	0.00	100.00
013	0.00	561,248.10	0.00
013	0.00	149,800.55	0.00
013	0.00	3,457.47	0.00
013	<u>1,432,721.00</u>	<u>927,574.52</u>	<u>35.26</u>
013	0.00	-74,128.27	0.00
017			
017	120,482.00	53,022.00	55.99
017	24,978,000.00	3,563,825.47	85.73
017	1,837,832.00	0.00	100.00
017	0.00	0.00	0.00
017	0.00	6,797,673.00	0.00

Fund	Budget	End Bal	% Available
017	0.00	2,200,828.58	0.00
017	0.00	121,750.38	0.00
017	<u>26,936,314.00</u>	<u>729,931.34</u>	<u>97.29</u>
017	0.00	-7,362,010.17	0.00
020			
020	240,000.00	1,906.81	99.21
020	2,380,441.00	144,613.53	93.92
020	775,000.00	0.00	100.00
020	150,000.00	0.00	100.00
020	0.00	3,356,556.56	0.00
020	0.00	3,502,858.67	0.00
020	0.00	14,897.15	0.00
020	<u>3,545,441.00</u>	<u>200,285.67</u>	<u>94.35</u>
020	0.00	214,964.59	0.00
024			
024	3,228.00	0.00	100.00
024	68,087.00	14,043.25	79.37
024	0.00	51,977.52	0.00
024	0.00	-1,278.81	0.00
024	0.00	0.00	0.00
024	<u>71,315.00</u>	<u>65,073.12</u>	<u>8.75</u>
024	0.00	-2,226.46	0.00
026			
026	163,854.00	0.00	100.00
026	1,071,945.00	316,639.67	70.46
026	0.00	-152,864.25	0.00
026	0.00	163,854.09	0.00
026	0.00	0.00	0.00
026	<u>1,235,799.00</u>	<u>0.00</u>	<u>100.00</u>
026	0.00	78.67	0.00
027			

Fund	Budget	End Bal	% Available
027	122,256.00	115,611.52	5.43
027	0.00	0.00	0.00
027	0.00	-65,681.21	0.00
027	0.00	16,706.75	0.00
027	0.00	0.00	0.00
027	<u>122,256.00</u>	<u>0.00</u>	<u>100.00</u>
027	0.00	-33,223.56	0.00
070			
070	6,500.00	5,468.24	15.87
070	536,477.00	9,727.56	98.19
070	160,000.00	0.00	100.00
070	65,000.00	65,000.00	0.00
070	0.00	590,603.19	0.00
070	0.00	456,826.76	0.00
070	0.00	456.41	0.00
070	<u>767,977.00</u>	<u>279,102.41</u>	<u>63.66</u>
070	0.00	65,586.59	0.00
Expense Total	38,809,887.00	6,732,245.98	82.6533

General Ledger Revenue vs Budget

User: aamerson
Printed: 2/26/2024 8:34:43 AM
Period 08 - 08
Fiscal Year 2024



Fund	Budget	End Bal	% AvailUncollect
001	-	-	-
001	2,003,447.00	1,264,655.49	36.88
001	2,003,447.00	1,264,655.49	36.88
005	-	-	-
005	152,548.00	58,695.06	61.52
005	152,548.00	58,695.06	61.52
011	-	-	-
011	414,963.00	193,422.20	53.39
011	414,963.00	193,422.20	53.39
012	-	-	-
012	2,127,106.00	1,207,709.26	43.22
012	2,127,106.00	1,207,709.26	43.22
013	-	-	-
013	1,432,721.00	927,574.52	35.26
013	1,432,721.00	927,574.52	35.26
017	-	-	-
017	26,936,314.00	729,931.34	97.29
017	26,936,314.00	729,931.34	97.29
020	-	-	-
020	3,545,441.00	200,285.67	94.35
020	3,545,441.00	200,285.67	94.35
024	-	-	-
024	71,315.00	65,073.12	8.75
024	71,315.00	65,073.12	8.75
026	-	-	-
026	1,235,799.00	0.00	100.00
026	1,235,799.00	0.00	100.00
027	-	-	-
027	122,256.00	0.00	100.00

Fund	Budget	End Bal	% AvailUncollect
027	122,256.00	0.00	100.00
070	-	-	-
070	767,977.00	279,102.41	63.66
070	767,977.00	279,102.41	63.66
Revenue Total	38,809,887.00	4,926,449.07	87.3062



To: The Members of the City Council
From: Linda Watkins, Mayor
Subject: February Mayor's report
Council Goal: Goal 4: Good Governance
Date: March 5, 2024

February Mayor's report:

- Along with Councilor Ward-Mullen, testified to the Joint Committee on Ways And Means Subcommittee On Capital Construction in support of HB5201 sponsored by Rep. Elmer and asking \$11.4 million for repairs and replacement of Carlton's antiquated wastewater system. Followed-up with letter to the committee reiterating city's urgent need for funding to repair our severely deteriorating system.
- Attended the LOC small cities lunch with City Manager Beaucaire
- Along with City Manager Beaucaire & CFM Rep. Michael Skipper, met with Gustavo Guerrero Landeros, Senator Merkley's new field representative for our district & had opportunity to discuss Carlton needs and federal agenda requests
- Attended the Fire board and Fun Days meetings
- Attended funeral service for former, long-time, councilor Gwen Jernstedt
- Along with Council President Kevin Skipper and City Manager Beaucaire, met with Congresswoman Salinas to review and discuss our federal agenda and city needs.
- Spoke at Community Homebuilders open house & had a chance to visit with Rep Elmer's staff regarding rail corridor and HB5201
- At the same event, visited with County Commissioner Kit Johnston who had just finished touring with Councilor Erickson the north portion of the rail corridor in Carlton, where Councilor Erickson organized a cleanup last fall.
- Sent letter to Senator Boquist in support of bills introduced to provide fix for loss of recreational immunity for cities.
- Provided letter of support for: HB4134A sponsored by Rep. Elmer, Gomberg, and Helfrich, which would help provide grants to small cities for infrastructure projects that would enable housing developments that will make at least 30 percent of the units affordable for workforce-income households.

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.



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To: The Mayor and Members of the City Council
From: Tyler C. Yeoman-Millette, City Attorney
Subject: Establishment of Nomination Procedure
Date: March 5, 2024

Background and Discussion

In 2022, the Carlton voters approved the proposed amendments to the City Charter. Included in the revised language of the Charter is the requirement that the City Council adopt an ordinance which establishes the procedure to nominate an individual for City elected office.

In reviewing other smaller Cities' nomination procedures, the most common code provisions adopted the applicable state law – either by reference or by codifying the same or similar language as is included in the statute. The attached Ordinance proposes the adoption of state election laws by reference, which provides the flexibility in the future to stay consistent with any changes to the state election laws without the need to update any provisions of the Carlton Municipal Code.

We will hold the 1st reading of the Ordinance at tonight's meeting, and the second and final reading will occur at the Council's April meeting.

Recommendation

After review and discussion, it is recommended that Council consider the following motions:

1. It is moved that the City Council authorize the reading of Ordinance 2024-749 by title only.
2. It is moved that the City Council accept the 1st reading of Ordinance 2024-749.

Exhibits

1. Carlton Ordinance No. 2024-749

ORDINANCE 2024-749

AN ORDINANCE ESTABLISHING CHAPTER 1.06 OF THE CARLTON MUNICIPAL CODE RELATING TO NOMINATIONS FOR CITY OFFICE

WHEREAS, the Carlton City Council referred a charter amendment referendum to the voters in 2022; and

WHEREAS, the referred charter amendment includes language which requires the Carlton City Council to adopt an ordinance that establishes the nomination procedures for the mayor and city council positions; and

WHEREAS, the November 2024 election is the first general election following the adoption of the revised charter; and

WHEREAS, in conformance with the charter language, and in preparation of the November 2024 general election, a new provision of the Carlton Municipal Code, Chapter 1.06, is attached hereto as Exhibit A, which establishes the nomination procedure for City elected office.

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

Section 1. Carlton Municipal Code Chapter 1.06, entitled “Nominations”, is hereby established, as outlined in the attached Exhibit A.

Section 2. This Ordinance shall go into effect on the thirtieth day following its adoption by the Carlton City Council.

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

AYES: _____

NAYS: _____

ABSENT: _____

ABSTAIN: _____

Linda Watkins, Mayor

ATTEST:

Aimee Amerson, City Recorder

Chapter 1.06 NOMINATIONS

1.06.010 Procedure

A. Nomination for mayor or a city councilor position shall be by petition, and the form of petition for nomination of a candidate shall be in the form designated by the Oregon Secretary of State.

B. Nominating petitions shall be filed for the general election only, and shall follow the filing deadlines established by the State of Oregon.

C. All procedures and provisions for the nomination and election of mayor and city council positions will be nonpartisan and without regard to political party. The State of Oregon election laws shall govern and apply in all instances where the provisions or procedures of nominations and/or elections of elective City officers are not expressly set forth herein, or in the City Charter.



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To: The Mayor and Members of the City Council
From: Tyler C. Yeoman-Millette, City Attorney
Subject: Temporary Moratorium on Psilocybin-related Businesses
Date: March 5, 2024

Background and Discussion

In 2022, following the passage of the Oregon Psilocybin Services Act, the Carlton City Council passed Ordinance No. 2022-739, which referred to the Carlton voters a Ballot Measure that would implement a temporary moratorium on psilocybin service centers and manufacturing facilities within the City. This Ballot Measure was passed by the voters, and the temporary moratorium on these psilocybin-related businesses (“PRBs”) expires December 31, 2024.

Now that the end of the moratorium is approaching, the Council has to decide how it wants to proceed with regulating PRBs within the City. Per the Oregon Psilocybin Services Act, local jurisdictions may not pursue a second temporary moratorium. However, local jurisdictions may refer a permanent moratorium on PRBs to the voters. If passed, this moratorium would indefinitely prohibit psilocybin service centers and manufacturing/processing facilities within the City.

The Council may also choose to not refer a permanent moratorium to the voters, and instead focus on creating and implementing time, place, and manner restrictions that would apply to PRBs. The Oregon Health Authority has implemented rules which prohibit the siting of any PRB within 1,000 feet of a school and in any exclusively-residential zone. While there are many rules OHA has adopted that regulate other aspects of PRBs (such as the licensing process, educational requirements, and testing procedures), these two rules relating to the siting of PRBs are the only OHA rules that govern the “place” where PRBs are prohibited.

Some local jurisdictions around the state that did not implement a temporary moratorium in 2022 have adopted time, place, and manner regulations that apply to PRBs. For two examples of time, place, and manner regulations that have been passed in other cities, attached to this memo are the PRB regulations adopted by Dayton and Happy Valley.

Though some cities and counties have adopted time, place, and manner regulations, many more local jurisdictions that did not proceed with a temporary moratorium have chosen not to implement additional and specific restrictions on PRBs, and instead are relying on the two siting rules from OHA and the other generally-applicable provisions of their municipal codes. This represents a third option the Council may pursue – the “do nothing” approach.

These three options are not all mutually exclusive, and there are pros and cons to each approach and combination of approaches.

Recommendation

After review and discussion, it is recommended that direction be provided to City staff as to how the Council would like to proceed. The options available to the Council are:

1. Do nothing. This is the least-work intensive option, as it would require no further action by Council or City staff. Under this approach, PRBs would be allowed within the City after December 31, 2024, subject to the OHA regulations and the general zoning restrictions of the City.
2. Prepare and implement time, place, and manner restrictions. Because these types of regulations are generally part of the City’s development code, the Planning Commission would undertake the initial work of developing the time, place, and manner restrictions, and would refer proposed language to the City Council for adoption. This option may be the stand-alone option selected by the Council, or it may be chosen along with option 3 below.
3. Pass ordinance referring permanent moratorium to the voters. If the Council directs City staff to proceed with this option, an ordinance would be prepared that included all of the necessary language to appropriately refer a ballot measure to the voters of the City. In order to appear on the November ballot, the City has to provide all of the ballot measure information to the County Clerk by August 16, 2024. If a ballot measure is referred to the voters, the Council may still proceed with implementing time, place, and manner restrictions applicable to PRBs so that the City is prepared to regulate these businesses in the event the ballot measure does not pass.

Exhibits

1. City of Dayton Psilocybin regulations
2. City of Happy Valley Psilocybin regulations

City of Dayton - Municipal Code Amendments**7.1.200.03- Definitions:**

Psilocybin Manufacturing Facility: An establishment at where psilocybin may be grown and processed.

Psilocybin Products: Psilocybin-producing fungi; and Mixtures or substances containing a detectable amount of psilocybin.

Psilocybin Service Center: An establishment at which administration sessions are held; and at which other psilocybin services may be provided.

7.2.106.04- Conditional Uses

Q. Licensed Psilocybin service centers and manufacturing facilities as defined in Section 7.1.200.03 and by the Oregon Health Authority.

7.2.107.04- Conditional Uses

M. Licensed Psilocybin service centers and manufacturing facilities as defined in Section 7.1.200.03 and by the Oregon Health Authority

7.2.417- Psilocybin-Related Uses**7.2.417.01 Standards**

Psilocybin service centers and manufacturers shall comply with the following standards:

- A. **Conflicting Uses.** No Psilocybin-related use shall be permitted within 1,000 feet of real property containing any of the following:
1. Public elementary or secondary school for which attendance is compulsory under ORS 339.020; and
 2. Private or parochial elementary or secondary school, teaching children as described under ORS 339.030; and
 3. Public library; and
 4. Public park; and
 5. Preschools licensed by the State of Oregon

The distance between conflicting uses shall be measured in a straight line from the closest edge of each property, including any parking lot appurtenant thereto.

- B. If a conflicting use described in A is established within 1,000 feet of a legally established Psilocybin-related use, the Psilocybin-related use may remain at that location.
- C. Psilocybin-related uses shall only be permitted when the provisions of Section 1 above are met AND the property is within either the Industrial or Commercial Zone.
- D. Psilocybin-related uses shall not operate except between the hours of 10:00 am and 7:00 pm
- E. Psilocybin-related uses shall be located entirely within a permanent building and shall not include drive-through facilities. Outdoor storage is prohibited
- F. Psilocybin-related uses shall at all times be registered in good standing with the Oregon Health Authority (OHA)

CHAPTER 16.49
**MARIJUANA AND PSILOCYBIN TIME, PLACE, AND MANNER
REGULATIONS**

§ 16.49.010. Marijuana time, place, and manner regulations.

- A. Applicability. This section applies to:
1. Marijuana production, processing and wholesaling in the IC and EC Districts (as limited); and
 2. Marijuana retailing in the CCC, MCC, MUC, and MUE Districts.
- B. Procedure. Marijuana production, marijuana wholesaling, and marijuana retailing require review as Type I applications pursuant to Section 16.61.020. Marijuana processing requires review as a Type II application pursuant to Section 16.61.030. The facility shall also be licensed by the Oregon Liquor Control Commission (OLCC) or Oregon Health Authority (OHA) as applicable.
- C. Marijuana Production and Marijuana Processing. Marijuana production, processing, and wholesaling shall be subject to the following standards and criteria:
1. Indoor Production, Processing and Wholesaling. In the EC and IC Districts, marijuana production, processing, and wholesaling shall be located entirely within one or more completely enclosed buildings.
 2. Maximum Building Floor Space. The following standards apply in the EC and IC Districts:
 - a. A maximum of 20,000 square feet of building floor space may be used for all activities associated with marijuana production, processing, and wholesaling on the premises; and
 - b. If only a portion of a building is authorized for use in marijuana production, processing and wholesaling a partition wall at least seven feet in height, or a height as required by the Oregon Structural Specialty Code shall separate the marijuana production, processing and wholesaling space from the remainder of the building. A partition wall may include a door, capable of being closed, for ingress and egress between the marijuana production, processing and wholesaling space and the remainder of the building.
 3. Lighting. Lighting shall be regulated as follows:
 - a. Light cast by light fixtures inside any building used for marijuana production or marijuana processing shall not be visible outside the building from 7:00 p.m. to 7:00 a.m. the following day;
 - b. Outdoor marijuana grow lights shall not be illuminated from 7:00 p.m. to 7:00 a.m. the following day; and

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- c. Light cast by exterior light fixtures other than marijuana grow lights (e.g., security lights, driveway lights) shall not be directed skyward and shall be directed within the boundaries of the subject property.
4. Odor. As used in Section 16.49.010.C, building means the building, or portion thereof, used for marijuana production or processing and shall be regulated as follows:
 - a. The building shall be equipped with an activated carbon filtration system for odor control to ensure that air leaving the building through an exhaust vent first passes through an activated carbon filter;
 - b. The filtration system shall consist of one or more fans and activated carbon filters. At a minimum, the fan(s) shall be sized for cubic feet per minute (CFM) equivalent to the volume of the building (length multiplied by width multiplied by height) divided by three. The filter(s) shall be rated for the applicable CFM;
 - c. The filtration system shall be maintained in working order and shall be in use. The filters shall be changed a minimum of once every 365 days;
 - d. Negative air pressure shall be maintained inside the building;
 - e. Doors and windows shall remain closed, except for the minimum length of time needed to allow people to ingress or egress the building;
 - f. The filtration system shall be designed by a mechanical engineer licensed in the State of Oregon. The engineer shall stamp the design and certify that it complies with this subsection 16.49.010.C.4; and
 - g. An alternative odor control system is permitted if the applicant submits a report by a mechanical engineer licensed in the State of Oregon demonstrating that the alternative system will control odor as well or better than the activated carbon filtration system otherwise required.
5. Noise. The applicant shall submit a noise study by an acoustic engineer licensed in the State of Oregon. The study shall demonstrate that generators as well as mechanical equipment used for heating, ventilating, air conditioning, or odor control will not produce sound that, when measured at any lot line of the subject property, exceeds 50 dB(A).
6. Security Cameras. If used, security cameras shall be directed to record only the subject property and may be directed to public rights-of-way as applicable, except as required to comply with licensing requirements of the OLCC or registration requirements of the OHA.
7. Water. The applicant shall submit:
 - a. A water right permit or certificate number for the proposed marijuana production or processing;

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- b. A statement that water is supplied from a public or private water provider, along with the name and contact information of the water provider; or
 - c. Proof from the Oregon Water Resources Department that the water to be used for marijuana production or processing is from a source that does not require a water right.
8. Waste Management. Marijuana waste shall be stored in a secured waste receptacle in the possession of and under the control of the OLCC licensee or OHA registrant.
 9. Processing Limitations. The use of butane or other explosive materials in the processing of marijuana is prohibited.
- D. Marijuana Retailing. Marijuana retailing shall be subject to the following standards and criteria:
1. Hours. A marijuana retailer may only sell to consumers between the hours of 10:00 a.m. and 9:00 p.m. and may only permit consumers to be present in the building space occupied by the marijuana retailer between the hours of 10:00 a.m. and 9:00 p.m.
 2. Odor. As used in this section, "building" means the building, or portion thereof, used for marijuana retailing per the following provisions:
 - a. The building shall be equipped with an activated carbon filtration system for odor control to ensure that air leaving the building through an exhaust vent first passes through an activated carbon filter;
 - b. The filtration system shall consist of one or more fans and activated carbon filters. At a minimum, the fan(s) shall be sized for CFM equivalent to the volume of the building (length multiplied by width multiplied by height) divided by three. The filter(s) shall be rated for the applicable CFM;
 - c. The filtration system shall be maintained in working order and shall be in use. The filters shall be changed a minimum of once every 365 days;
 - d. Negative air pressure shall be maintained inside the building;
 - e. Doors and windows shall remain closed, except for the minimum length of time needed to allow people to ingress or egress the building;
 - f. The filtration system shall be designed by a mechanical engineer licensed in the State of Oregon. The engineer shall stamp the design and certify that it complies with this section; and
 - g. An alternative odor control system is permitted if the applicant submits a report by a mechanical engineer licensed in the State of Oregon demonstrating that the alternative system will control odor as well or better than the activated carbon filtration system otherwise required.

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3. Window Service. The use shall not have a walk-up window or drive-thru window service.
4. Waste Management. Marijuana waste shall be stored in a secured waste receptacle in the possession of and under the control of the OLCC licensee or OHA registrant.
5. Minors. No one under the age of 21 shall be permitted to be present in the building space occupied by the marijuana retailer, except as allowed by State law.
6. Co-Location of Related Activities and Uses. Marijuana and tobacco products shall not be smoked, ingested, or otherwise consumed in the building space occupied by the marijuana retailer. In addition, marijuana retailing shall not be co-located on the same lot of record or within the same building with any marijuana social club or marijuana smoking club.
7. Minimum Separation Distances.
 - a. The use shall be located a minimum of:
 - i. Two thousand feet from a public elementary or secondary school for which attendance is compulsory under Oregon Revised Statutes 339.020, including any parking lot appurtenant thereto and any property used by the school; or a private or parochial elementary or secondary school, teaching children as described in ORS 339.030(1)(a), including any parking lot appurtenant thereto and any property used by the school;
 - ii. One thousand feet from a public park, public playground, public recreation facility (athletic field, court, gym, swim pool, etc.), public community center, public library, licensed treatment center, light rail transit station, or a multifamily dwelling owned by a public housing authority.
 - (A) A natural area or open space is exempt from this setback if the natural area is simultaneously owned by a public body and the area is not open to the public for regular usage;
 - iii. Five hundred feet from a licensed daycare facility or licensed preschool, including any parking lot appurtenant thereto and any property used by the daycare facility or preschool; and
 - iv. One hundred feet from a residentially zoned property.
 - b. If the use is licensed by the OLCC pursuant to Section 22, Chapter 1, Oregon Laws 2015, it shall be located a minimum of 1,000 feet from any other marijuana retailer so licensed by the OLCC.
 - c. If the use is registered with the OHA pursuant to ORS 475.314, it shall be located a minimum of 1,000 feet from any other marijuana retailer so

registered with the OHA.

- d. For purposes of subsection C.7.a, distance shall be measured from the lot line of the affected property (e.g., a school) to the closest point of the building space occupied by the marijuana retailer. For purposes of subsections C.7.b and c, distance shall be measured from the closest point of the building space occupied by one marijuana retailer to the closest point of the building space occupied by the other marijuana retailer.
 - e. A change in use (including a zone change) to another property to a use identified in subsection C.7 after a complete Type I application for marijuana retailing has been filed shall not result in the marijuana retailer being in violation of subsection C.7.
- E. Approval Period. Approval of a permit under this chapter shall be effective for a period of two years from the date of final approval. The approval shall lapse if:
- 1. A public improvement plan or building permit application for the project has not been submitted within two years of approval; or
 - 2. Construction on the site is in violation of the approved plan.
- (Ord. 503 § 1, 2016; Ord. 572 § 1, 2023)

§ 16.49.020. Psilocybin time, place, and manner regulations.

- A. Applicability. This section applies to:
- 1. Psilocybin production, processing and wholesaling in the IC and EC Districts (as limited); and
 - 2. Psilocybin service center in the CCC, MCC, MUC, and MUE Districts.
- B. Procedure. Psilocybin production, psilocybin wholesaling, and psilocybin service centering require review as Type I applications pursuant to Section 16.61.020. Psilocybin processing requires review as a Type II application pursuant to Section 16.61.030. The facility shall also be licensed by the Oregon Liquor Control Commission (OLCC) or Oregon Health Authority (OHA) as applicable.
- C. Psilocybin Production, Processing, and Wholesaling. Psilocybin production, processing, and wholesaling shall be subject to the following standards and criteria:
- 1. Indoor Production, Processing and Wholesaling. In the EC and IC Districts, psilocybin production, processing, and wholesaling shall be located entirely within one or more completely enclosed buildings.
 - 2. Maximum Building Floor Space. The following standards apply in the EC and IC Districts:
 - a. A maximum of 20,000 square feet of building floor space may be used for all activities associated with psilocybin production, processing, and wholesaling on the premises; and

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- b. If only a portion of a building is authorized for use in psilocybin production, processing and wholesaling a partition wall at least seven feet in height, or a height as required by the Oregon Structural Specialty Code shall separate the psilocybin production, processing and wholesaling space from the remainder of the building. A partition wall may include a door, capable of being closed, for ingress and egress between the psilocybin production, processing and wholesaling space and the remainder of the building.
3. Lighting. Lighting shall be regulated as follows:
 - a. Light cast by light fixtures inside any building used for psilocybin production or psilocybin processing shall not be visible outside the building from 7:00 p.m. to 7:00 a.m. the following day;
 - b. Outdoor psilocybin grow lights shall not be illuminated from 7:00 p.m. to 7:00 a.m. the following day; and
 - c. Light cast by exterior light fixtures other than psilocybin grow lights (e.g., security lights, driveway lights) shall not be directed skyward and shall be directed within the boundaries of the subject property.
4. Noise. The applicant shall submit a noise study by an acoustic engineer licensed in the State of Oregon. The study shall demonstrate that generators as well as mechanical equipment used for heating, ventilating, air conditioning, or odor control will not produce sound that, when measured at any lot line of the subject property, exceeds 50 dB(A).
5. Security Cameras. If used, security cameras shall be directed to record only the subject property and may be directed to public rights-of-way as applicable, except as required to comply with licensing requirements of the OLCC or registration requirements of the OHA.
6. Water. The applicant shall submit:
 - a. A water right permit or certificate number for the proposed psilocybin production or processing;
 - b. A statement that water is supplied from a public or private water provider, along with the name and contact information of the water provider; or
 - c. Proof from the Oregon Water Resources Department that the water to be used for psilocybin production or processing is from a source that does not require a water right.
7. Waste Management. Psilocybin waste shall be stored in a secured waste receptacle in the possession of and under the control of the OLCC licensee or OHA registrant.
8. Processing Limitations. The use of butane or other explosive materials in the processing of psilocybin is prohibited.

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D. Psilocybin Service Center. Psilocybin service center shall be subject to the following standards and criteria:

1. Hours. A psilocybin service center may only sell to consumers between the hours of 10:00 a.m. and 9:00 p.m. and may only permit consumers to be present in the building space occupied by the psilocybin service center between the hours of 10:00 a.m. and 9:00 p.m.
2. Window Service. The use shall not have a walk-up window or drive-thru window service.
3. Waste Management. Psilocybin waste shall be stored in a secured waste receptacle in the possession of and under the control of the OLCC licensee or OHA registrant.
4. Minors. No one under the age of 21 shall be permitted to be present in the building space occupied by the psilocybin service center, except as allowed by State law.
5. Co-Location of Related Activities and Uses. Marijuana, and tobacco products shall not be smoked, ingested, or otherwise consumed in the building space occupied by the psilocybin service center. In addition, psilocybin service center shall not be co-located on the same lot of record or within the same building with any psilocybin social club, marijuana social club, psilocybin smoking club, or marijuana smoking club.
6. Minimum Separation Distances.
 - a. The use shall be located a minimum of:
 - i. Two thousand feet from a public elementary or secondary school for which attendance is compulsory under Oregon Revised Statutes 339.020, including any parking lot appurtenant thereto and any property used by the school; or a private or parochial elementary or secondary school, teaching children as described in ORS 339.030(1)(a), including any parking lot appurtenant thereto and any property used by the school;
 - ii. One thousand feet from a public park, public playground, public recreation facility (athletic field, court, gym, swim pool, etc.), public community center, public library, licensed treatment center, light rail transit station, or a multifamily dwelling owned by a public housing authority.
 - (A) A natural area or open space is exempt from this setback if the natural area is simultaneously owned by a public body and the area is not open to the public for regular usage;
 - iii. Five hundred feet from a licensed daycare facility or licensed preschool, including any parking lot appurtenant thereto and any

property used by the daycare facility or preschool; and

- iv. One hundred feet from a residentially zoned property.
 - b. If the use is licensed by the OLCC, it shall be located a minimum of 1,000 feet from any other psilocybin service center so licensed by the OLCC.
 - c. If the use is registered with the OHA, it shall be located a minimum of 1,000 feet from any other psilocybin service center so registered with the OHA.
 - d. For purposes of subsection D.6.a, distance shall be measured from the lot line of the affected property (e.g., a school) to the closest point of the building space occupied by the psilocybin service center. For purposes of subsections D.6.b and D.6.c, distance shall be measured from the closest point of the building space occupied by one psilocybin service center to the closest point of the building space occupied by the other psilocybin service center.
 - e. A change in use (including a zone change) to another property to a use identified in subsection D.6 after a complete Type I application for psilocybin service center has been filed shall not result in the psilocybin service center being in violation of subsection D.6.
- E. Approval Period. Approval of a permit under this chapter shall be effective for a period of two years from the date of final approval. The approval shall lapse if:
1. A public improvement plan or building permit application for the project has not been submitted within two years of approval; or
 2. Construction on the site is in violation of the approved plan.



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Memorandum

To: The Members of the City Council
From: Linda Watkins, Mayor
Subject: Discussion of Fun Days 2024
Council Goal: Goal 3: Citizen Involvement
Date: March 5, 2024

Recommendation

This agenda item is for discussion purposes only.

Background

Fun Days will take place on June 21 and 22, 2024. The purpose of this agenda item is to discuss what involvement the City Council will have during the event.

Fiscal Impact

There is no fiscal impact.

Attachments

None.



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Memorandum

To: The Mayor and Members of the City Council
From: Shannon Beaucaire, City Manager
Subject: Civic Center opening planning & coordination
Council Goal: Goal 1: Effective and Efficient Infrastructure & Goal 4: Good Governance
Date: March 5, 2024

Recommendation

Following discussion and review of the next 4 months leading up to the transition of the Carlton team relocating to the Civic Center, it is proposed and recommended that:

- Cancel the July 2 Council meeting and close City Hall/Civic Center to the public the week of June 24-28 and July 1-5.
- Open from 1-4PM on Monday July 8 Tuesday July 9 to Create a “soft” opening.
- Unless there is a land use application, cancel the July 8 Planning Commission meeting. If there is an application, provide remote access.

As you review the schedule below you will note that administrative team members will be relocating to save fiscal resources and transition to the new building beginning June 17 and leading up to the scheduled July 2 Council meeting. Closing to the public for 2 weeks allows the team to transition and settle into the new space and work out the inevitable “bugs” that we will discover in IT, AV, and other new equipment. This proposed timeframe is in between the busy utility billing cycles and allows us to be fully open July 10-12 for citizens paying their utility bills.

A soft opening on the Monday and Tuesday following the July 4th holiday allows the team to continue to identify and address issues with IT, AV, and other systems while serving the public.

The goal is to utilize this time to identify and resolve issues and allow the team to transition into the space throughout July. This will also allow us to ensure systems are ready for Public Safety to move into the building in July and not have any gap in

communication or coverage. With Court on July 25, it further allows for the team to learn systems and work out any learning curves.

Background

Action 1.7, *Implement the plan to provide a functional and safe Civic Center*, is coming to a conclusion. We are coordinating with the contractor's schedule to ensure everything is on track for the Grand Opening/Ribbon Cutting, scheduled for June 14, 2024. We are also actively considering all provided suggestions to ensure we can incorporate as many as possible and that the event is a success. We will provide updates as we are able to get portions of the event confirmed. However, this discussion is to consider the logistics of meetings, team moves, and a soft opening for the Civic Center.

This schedule only includes significant items that will affect meetings and the opening of the Civic Center:

March:

- March 3: Planning Commission (PC) packet due – Comp Plan hearing materials
- March 5: Council wrap-up of Development Code topics
- March 11: PC hearing Comprehensive Plan Update
- March 26: Municipal Court & packets due for April 5 Council Meeting
- Throughout March: Grand Opening Work: finalize guest list, confirm speakers & food, save the date/invitations, order materials for the event, etc.

April:

- April 1: Planning Commission (PC) packet due – Dev code hearing materials
- April 2: Council Comprehensive Plan hearing
- April 8: PC hearing Development Code Update
- April 9: Budget Hearing
- April 30: Municipal Court & packets due for May 7 Council Meeting
- Throughout April: Grand Opening Work: receive RSVPs, monitor arrival of event materials

May:

- May 7: Council Development Code Update hearing & Budget approval
- May 27: Memorial Day
- May 28: Municipal Court & packets due for June 4 Council Meeting
- Throughout May: Grand Opening Work: Confirmation for seating and food, develop tour & display information
- Week of May 28 – June 7: Furniture delivery and installation

June:

- June 7: Council Development Code Update 2nd hearing
- June 3-13: IT and access control finalization
- June 14: Grand Opening/Ribbon Cutting

- June 17-21: Clear modular (and staff inside) for removal to eliminate monthly fee
- June 21 & 22: Fun Days
- June 24-28: Clear public works bay and relocate administrative team members
- June 25 – ***Court is canceled due to space removal (no modular) & administration in transition.***
 - This would also be the date Council packets would be due for the July 2 meeting.

Fiscal Impact

There is no fiscal impact.

Attachments

None.

Alternatives

Propose an alternative to the proposed recommendation.



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Memorandum

To: The Mayor and Members of the City Council
From: Shannon Beaucaire, City Manager
Subject: City Manager Evaluation
Council Goal: Goal 4: Good Governance
Date: March 5, 2024

Recommendation

It is recommended that the executive session for the 2024 City Manager Evaluation be held on April 2, 2024, from 6-7 PM, as agreed by the Mayor and City Council.

Background

The City Manager undergoes an annual evaluation. To avoid the need for a separate or extended meeting, it is proposed to schedule the evaluation for April 2, 2024, from 6-7 PM. This will replace the April Work Session, allowing the City Council to move into the Comprehensive Plan Update hearing at its Regular Session at 7 PM.

Fiscal Impact

There is no fiscal impact.

Attachments

None.

Alternatives

Propose a different day and time for the evaluation.