



Planning Commission Handbook
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City of Carlton, Oregon

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Planning Commission Handbook – Role of the Planning Commission

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Introduction

Congratulations and thank you for having the courage to make a commitment to your community and all the people of the City of Carlton. As part of the Planning Commission, you will work with other individuals and bring your particular skills and priorities to Carlton's land use decisions. You and all the other Commissioners will nonetheless be bound by the responsibilities, traditions, legal and economic concerns, and common needs of the City.

Good community plans can do much to help a community face the issues that need to be confronted. Effective decision making that involves the community members avoids the worst hazards, and optimizes local resources to make your City a better place.

Before we go any further in discussing the Planning Commission, it is important to understand the basic foundations of Land Use Planning, what it is and why we use it.

Land Use Planning

Originally, Oregon did "local option planning" where the local communities had control over the land use decisions in their area. As Oregon's population grew in the 1950s and 60s, people began to notice that local-option planning was no longer adequate to accommodate complex regional, local, and statewide interests that began to crisscross jurisdictions. Lawmakers were concerned that cities and counties were unprepared for the rapid population growth and promoted coordinated, orderly development. Cities and counties needed to have a plan in place for the future; to have enough utilities, enough industry, enough commercial space, and enough agricultural space to last the city for a good twenty years at a time.

Governor Tom McCall required cities and counties to adopt comprehensive land use plans and zoning regulations in 1969 to ensure forward-looking, orderly use of property and protection of various interests. Under these broad requirements, prime farm and forest lands were preserved and the state ensured protections for water and air quality and the orderly creation of transportation systems. In 1973, the Oregon Land Use Act was passed which established the 14 statewide land-use planning goals. These goals became the roadmap for all subsequent land use decisions at the county and city level.

Land use is:

"A process within a public forum where factual information is gathered and community needs are identified and prioritized based upon a values consensus resulting in a community vision that is used to make decisions regarding particular activities or issues as they pertain to a specific geographic location, with the intent to achieve the best possible long term outcome."

While the above definition is somewhat unwieldy, land use is more simply how we use land and why we use land. Land Use Planning itself is about making decisions. Those decisions may be about housing priorities, natural resource protection, or appropriate widths for local streets. Whatever the decision, the City strives to make effective, efficient, and appropriate determinations to achieve desired results.

Land Use Planning is about making quality decisions about how land is to be used. Every business, industry, home, utility and natural resource requires land to operate at some level, and thoughtful planning can help achieve those needs more efficiently than would occur without planning. It ensures that the historic district is not overshadowed by skyscrapers and that the schools are not next to sewer lagoons. Planning ensures that the City can provide every residence with working wastewater and

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drinking water systems, and that no individual or company has to go without services like fire prevention and emergency rescue. Planning is the process of organizing land use around central community values and ensuring that all parties respect the rules and are responsible to others (the public, government, and even to future generations)!

Planning can have outsized impacts on the future and can only be successful if it is based on the following:

- A rational process that the entire public can follow or participate in;
- Use of facts as the basis for all decisions;
- Balancing of all interests;
- Consideration of all reasonable alternatives; and
- A program of action that can be widely published and understood.

I. Role

ORS 227, City Planning and Zoning

ORS 227.020 allows cities to create planning commissions. Unless the City Council says otherwise, a city planning commission has the following authorities:

- Perform all acts necessary to carry out public hearings or zone changes or reviews of action on permit applications.
- Recommend and suggest to the Council and other public authorities regarding:
 - o Laying out, widening, extending and locating public streets, parking, and relief of traffic congestion.
 - o Betterment of housing and sanitation conditions.
 - o Establishment of zoning districts limiting the height, use, area, bulk, or characteristics of buildings and structures in an area.
 - o Protecting and assuring access to solar radiation (generally for solar energy purposes)
 - o Protecting and assuring access to wind for future electrical generation or mechanical application.
- Recommend to the Council or public authorities plans for regulating growth, development and beautification for the City.
- Recommend plans for promotion, development and regulation of industrial and economic needs of the City.
- Advertise the industrial advantages and opportunities and availability of industrial real estate within the City.
- Encourage industrial settlement within the City and survey present/future industrial needs of the City.

In other words, under state law, the Planning Commission acts as a judge, city planner, landscaper planner, marketing team, and industrial broker all at the same time.

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The Role of the Planning Commission

The Planning Commission is an independent review body of local citizens of Carlton who provide recommendations to the City Council and act on most applications for land use within the City. It is not an employee or agent of the City or the City Council and can make many decisions without prior approval of the City Council. It operates as an advisory body and as a quasi-judicial body making legal determinations about land use decisions. As an advisory body, the Commission acts as one of the first points of contact for the City's land use policies and oftentimes is made aware of citizen concerns or complaints that do not reach the City Council. As an advisor, the Commission can act as a megaphone for those concerns and spur the City Council to action on code updates or policy adoption. As a judicial body, the Commission gets to decide whether development applications are following the City's rules, and gets to make the call whenever a decision is in the gray zone.

The Commission must always consider the long term growth and development of the City and community. It is tasked with balancing the impact of a land use decision to determine what will be best for the City into the future. This means assessing the impacts on housing, business, industry, transportation, recreation, culture, comfort, health and welfare, and balancing impacts against the City's need for orderly growth.

The Commission exists to assist in all of the following:

- **Accommodate the present.** *To assure that the public facilities are effective and efficient.*
- **Prepare for the future.** *It takes time to build homes, roads, buildings, and pipes, the City has to anticipate the needs of the future and ensure that proposals are in the best interest of the City and the community.*
- **Anticipate change.** *Change will happen to all communities. Some rise to meet it, often to great benefit of that community.*
- **Maximize community strengths.** *The things that make Carlton special must be encouraged and cultivated.*
- **Respond to mandates.** *Legislation, state planning goals, and other relevant state and federal requirements will all change how the City has to plan land use.*
- **Protect scarce resources.** *Minerals, water, empty space, the City has many resources that it uses and protects for both the present citizens and the citizens of the future.*
- **Provide for the public's health, safety, and welfare.** *Bike lanes, sidewalks, emergency turnabouts, many of the City's land use standards are built around ensuring that the public remains safe, happy, and healthy.*

Comprehensive Plan

Many of the decisions made by the Planning Commission will be guided by the "Comprehensive Plan" of the state, the county, or the City. The state of Oregon has a set of land use planning goals and policies designed to ensure the state has sufficient resources, housing, and industries in place. The comprehensive plan is a series of generalized, coordinated policy statements used to meet the state's land use visions and ensures that the community has set out for visions of the City's future. The comprehensive plan is comprised of goals and policies, such as Carlton's Land Use Planning Goal 2:

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Goal – To maintain a land use planning process and policy framework as a basis for all decisions and actions related to the use of the land and to assure an adequate factual base for such decisions and actions.

Policy – The Planning Commission will conduct a thorough review of the Plan and Implementing Ordinances at least as often as directed by the Oregon Department of Land Conservation and Development in order to satisfy the periodic review requirements of ORS 197.633

As can be seen above, the goal is a large, broad statement about what the City wants to do and the policy is a more pinpoint statement about how the City will accomplish the goal. The same is true for every goal and policy in the City’s Comprehensive Plan. The City’s Development Code, the laws that determines how all the City’s land use applications will be evaluated, takes all of the policies and goals of the Comprehensive Plan into account. The Planning Commission will typically not need to consider the Comprehensive Plan too closely when making land use decisions, but if the City wants to pass an ordinance that modifies the Development Code or changes a zone within the City, the Commission will need to look at the Comprehensive Plan and figure out if the Plan permits that modification or change. If the Plan seems to conflict with itself, such as goals to preserve agricultural land and goals to expand land for industry, the Commission will get to take part in the decision process and can advise on which goal should overcome.

Carlton Municipal Code 2.12, Planning Commission

Carlton Municipal Code 2.12, as amended by Ordinance 2021-734, explains the rules, regulations and powers of the Planning Commission. A copy of the Planning Commission Code is provided at the end of this Guidebook as Exhibit A.

This part of the City’s code explains how the Planning Commission is set up, as well as what it can do. This guidebook is meant to help you understand the Code and the Planning Commission’s procedures. CMC 2.12.020 explains that your role is to “ensure that the city of Carlton grows and develops in an orderly fashion and with adequate resources for housing, business, industry, transportation, recreation, culture, comfort, health, and welfare of its population so that residents and businesses enjoy a high quality of life.” You will primarily do this by helping the City enforce its own land use laws and codes.

The Commission has 7 members drawn from around the City of Carlton, each for a term of four years. To ensure a good mix of commissioners, no more than 2 of the members may be real estate professionals who sell or buy or develop real estate for profit, and no more than 2 members should have the same profession.

A youth may be appointed to the Planning commission as a non-voting ex-officio member, for purposes of public outreach, engagement, and education. This youth will get to take part in the meetings, but is not part of the decision process.

The Commission meets once a month at least, and these meetings must be advertised to the public and available to anyone who wishes to participate. Oregon law now requires that meetings be made available to the public electronically and in person.

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Practical Tips for Planning Commissioners

- Get involved in the rewriting or updating of the Comprehensive Plan or Development Code early in the process. Involvement in the editing and drafting will help you to both guide the future of the City while also becoming more comfortable with the subtle nuances of the Plan and Code.
- Trust the expertise of the City staff who will be presenting reports. The City staff is knowledgeable about the code and will present expert opinions on any application, and oftentimes will consult with applicants before they even apply. As a result, many applications to the Commission have been vetted by City staff and are oftentimes simple decisions. You may still disagree with staff, and should always conduct your own analysis of the data, but recognize that City staff and their reports are there to aid your decision.
- Be familiar with the long term plans of the City Council, School Board, and other agencies and entities in the area; these groups may have the ability to assist the City in achieving its goals when they align with the special interest's goals.
- Stay involved in the community. The better you understand the community and their desires, the easier it will be to provide recommendations to the City Council.
- Each commissioner has a responsibility to discuss ideas and thoughts freely. Ask any and all questions you have during hearings to ensure the most informed decision is made. Be objective, listen, and ask when uncertain.
- Develop bylaws and procedures and stick to them. Consistency helps everyone in this process.
- Annually reexamine what you are doing as a Commission, how well you are doing it, and how to do it better.
- Visit neighboring cities and observe other planning commissions. It is never a mistake to borrow the most effective traits and actions of other groups to improve your own Commission.

II. Policy & Procedures

Powers of the Planning Commission

The Planning Commission wears several hats and performs a handful of tasks for the City Council. Broadly speaking, the powers of the Commission are as follows:

- Advising the City Council.
- Acting as a Judge in Public Hearings.
- Making Recommendations to the City Council.
- Coordinating with other Planning Commissions and land use planning bodies.
- Acting as the “Committee for Citizen Involvement”.

With regards to acting as a judge, Land Use applications can happen at any time, so be prepared for any number of hearings in a given month, or for no hearings if things are quiet. The number of applications will be based on how much development is happening in the City.

On the other hand, recommendations, coordination, and citizen involvement are important powers of the Commission but will usually only happen if the Commission actively chooses to pursue such activities. These powers are discretionary and if a Commission does not decide to make recommendations or get citizens involved, those powers can go unused for years at a time. Depending on the energy and motivation of individual Commissioners, the powers to recommend, coordinate, or aid citizen involvement can have a significant impact on the City. Dedicated and energetic Commissioners can make lots of changes happen in the City’s Code.

Decision Making

Decisions by the Planning Commissioners are made by motion. This means the Commissioner must “move” for the Planning Commission to exercise its authority and act in a certain way, such as approving or denying an application. A motion is a request for a vote on the issue, pauses the meeting, and the Commissioners may *only* vote either (i) “aye” or (ii) “nay” on the issue after the commissioners get a chance to discuss the issue. When a motion is made, the presiding commissioner must ask whether the motion is seconded. If no second is made, the motion dies and the meeting proceeds. If a second is made by a Commissioner stating “I second that motion”, the meeting pauses and a vote must be taken on the language of the motion presented. Majority votes of the Commission will pass, and a tie vote is not considered a majority vote.

For example, a commissioner states “I move to approve the application based on the staff report” and this motion receives a second. The rest of the Planning Commission votes nay, the motion is defeated, and the meeting continues. At this point, a commissioner can state “I move to approve the application based on the staff report, subject to the additional conditions of approval discussed at this hearing and agreed to by the applicant, namely planting only evergreen trees in the planting strips and using a paint scheme blends in with neighboring buildings.” The motion is seconded, the Commission then votes on the issue and it passes unanimously.

The above example is meant to explain the binary voting system. You only get to say yes or no to the motion [sometimes people say why they cast their individual yes or no vote, but that is not part of the

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Planning Commission’s record] to ensure consensus on a subject. Consider the below example of an improper vote on a motion:

Commission moves to approve an application with the condition that the buildings must have sprinklers installed before occupancy. The two Commissioners vote “Aye”, the third Commissioner votes “Aye, but rather than requiring sprinklers, they only need smoke alarms.” The rest of the Commissioners say “I agree with Commissioner 3, so I’m voting Aye.” In the record now, it shows that 7 commissioners voted “aye” to a motion to approve and require sprinklers, even though 5 Commissioners did not intend to approve the motion with sprinklers.

The language of the motion directs the Planning Commission’s official decision. The specific language of the motion decides what the Commission will do; Commissioners must carefully consider how they move, because the Commission must vote on the motion as presented. The person who moves can modify the language of the motion before a vote is taken, which is why it is important for Commissioners to discuss their thoughts before voting on an issue.

Motions can happen outside public hearings as well. If a Commissioner wants the Commission to make a recommendation to the City Council, at some point in the meeting they can state something like “I move that the Commission recommend to the City Council that City Staff look into updating the Development Code provisions relating to planting strips.” If the Planning Commission agrees and a majority votes yes, then the City Council will be told the Commission recommendation at their next meeting and will oftentimes act upon it.

Advising City Council

A significant part of the Planning Commission’s role is to advise the City Council about issues or concerns with the land use codes and comprehensive plan of the City. The City Council can technically operate without a Planning Commission, but meetings would go long and be too frequent if the Council has to address every issue, so authority has been delegated to the Commission to deal with all but the biggest land use decisions in place of the City Council. The Commission’s role is partly to point out weaknesses or inefficiencies in the Development Code and to provide advising to the City Council about how the Commission believes those errors may be corrected or solved. You are the City Council’s scout, providing preliminary review and advising the Council on the most prudent way to move forward and meet Comprehensive Plan requirements.

The Planning Commission is officially tasked with the following advisory roles:

1. To recommend and make suggestions to the city council and to all other public authorities concerning the laying out, widening, extending, parking, and location of streets, sidewalks, and boulevards, the relief of traffic congestion, the betterment of housing and sanitation conditions and the establishment of zones or districts limiting the use of premises and the use, height, area and bulk of buildings and structures related to land development;
2. To recommend to the city council the establishment and alteration from time to time of building setback lines on private property adjacent to any alley, street, or other public way;

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3. To recommend to the city council and all other public authorities plans for the regulations of the future growth development and beautification of the municipality in respect to its public and private buildings and works, streets, parks, grounds, vacant lots, and plans consistent with the future growth and development of the city, in order to secure to the city and its inhabitants sanitation, proper services of all public utilities and transportation facilities;
4. To recommend to the city council and all other public authorities plans for promotion, development and regulation of the industrial and economic needs of the community in respect to industrial pursuits;
5. To recommend to the city council and all other public authorities plans for protection and assurance of access to incident solar radiation and wind for potential future electrical generation or mechanical application;
6. To advertise the industrial advantages and opportunities of the city and availability of real estate within the city for industrial settlement;
7. To encourage industrial settlement within the city;
8. To make economic surveys of present and potential industrial needs of the City;
9. To study the needs of existing local industries with a view to strengthening and developing the local industries and stabilizing employment conditions;
10. To encourage growth of industries that complement or improve existing local industries;
11. To prepare as necessary legislation that will implement the purposes of the comprehensive plan;
12. To review the capital improvements programs for consistency with the comprehensive plan; and
13. To generally study and propose such measures as may be advisable for the promotion of the public interest, health, morals, safety, comfort, convenience, and welfare of the city and the area for three miles adjacent thereto, except where by law such powers and duties devolve upon some other public body as to the area outside the city.

Broadly, what this means is that the Planning Commission is responsible for ensuring that the City Council discusses and considers all the things that the City is required to do under the comprehensive plan. You assist in encouraging and advancing business, growth, safety and streets.

Public Hearing Before Planning Commission, CMC 17.176

Apart from advising the City Council, the Planning Commission also serves a role as a quasi-judicial decision making body. This means that you have the authority to approve or deny applications to the City. As a quasi-judicial body, you are required to follow due processes of the City, exactly as the City has written them in the Municipal Code. Typically, you will exercise your authority in the form of a public hearing, where the public is allowed to listen to, comment on, and express support or disapproval of the subject land use decision.

Procedure for Public Hearing

Under CMC 17.196.020, Public Hearings before the Planning Commission follow this process:

1. Open the public hearing, announce the purpose and explain the process.
2. Prepared statement under ORS 197.763.

Statement lists the applicable substantive criteria, explains that testimony and arguments must be directed towards the criteria, and that failure to raise an issue with evidence allowing the decision maker and parties to respond to the issue will prevent appeals to the City Council on that issue.

3. Ask for objections to jurisdiction.

For example, if the land use decision was outside the City borders, it would be a County land use decision rather than a City decision and an objection could be made that the commission has no jurisdiction.

4. Call for abstentions.

Here, Commissioners who believe they may be biased, self-interested or unable to provide an opinion on the matter in a neutral way can abstain from the decision. A planning commission's decision can be appealed if it seems likely that the outcome was changed by the vote of a biased or self-interested commissioner.

5. Staff report with Initial Recommendations

The staff typically work with the applicant for some time to ensure that the application is at least passably able to meet the development standards. In the staff report, the staff explains why they believe standards or codes have been or have not been met. Staff will then recommend to the Commission whether to approve, deny, or apply conditions of approval to the application.

The Commission does not need to follow the staff recommendations precisely as they are written. However, a planning commission decision must have evidence and reason supporting any approval or denial. Approving/denying an application based on the staff's findings will have the support of the entire staff report and will typically be sufficient. Nonetheless, a planning commission can apply additional information to their recommendations (i.e. approve based on the staff report, with the addition of a condition of approval requiring the striping of bicycle lanes on the development's streets).

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6. Letters from public.

Occasionally, the public will provide letters in support or opposition of the application. These can be handwritten letters, or emails sent to the Planning Commission or to City Hall ahead of a public hearing.

7. Public Agency testimony.

ODOT, DEQ, DFW, etc. may give testimony at this stage, it can be for or against the application.

8. Proponent's testimony.

The applicant and anyone who supports the application can speak here. The Chair can apply reasonable time limits to oral testimony for any speakers, but should apply the time limit to all speakers equally. Allowing the proponent to speak for unlimited time, but limiting opponents could lead to an appeal on the Commission's decision.

9. Opponent's Testimony

Anyone who disapproves of the application may speak here. Oftentimes the Commission will then ask for neutral testimony.

10. Questions of the Proponents or Opponents by Commission.

The Commission can ask any speaker for clarification or further comment at this stage. If something does not appear to have been addressed by staff or a question is raised during speech by proponents or opponents, this would be where the Commission could gather more information.

11. Proponent Rebuttal

Proponent is afforded an opportunity to respond to anything brought up during opponent testimony or during questions by the Council, or simply to restate their earlier points. There is no further questioning of Proponent statements after this step.

12. Staff Final Recommendation.

If testimony or questioning has caused staff to change their recommendation, it will be stated at this point in the hearing.

13. Close of Hearing

The public and City staff will no longer have any input in the hearing beyond this point. Comments or questions should not be permitted once the hearing has closed.

14. Deliberation of Commission of Findings of Fact

The Commission may discuss amongst themselves and advocate for points, approval, denial, or conditions of approval. At this stage in the hearing, the Commission should be only discussing with one another and not drawing the applicant, opponents or proponents into the discussion. Commissioners may try to influence the vote of other commissioners at this stage, but should not reopen the public hearing by asking for further comment by the public.

15. Decision

The Planning Commission will come to a final decision, either to approve, deny, or to approve subject to conditions (standards that must be met before the land use action is completed). The decision must be accompanied by the commission’s reasoning for their vote. You can state your reasoning by referencing reports and findings of staff, or by citing issues or failures.

A Commissioner will make a motion, stating something like the following:

“I move that we approve the lot line adjustment based on the findings in the staff report.”

or

“I move that we deny the partition plat application due to the applicant’s failure to include the location of existing easements on the property and thereby failing to meet the standards required by CMC 17.172.020.”

Or

“I move that we recommend the City Council deny the zone change application because applicant failed to address staff concerns regarding the impact of the changed zone on neighboring properties.”

Continuing a Hearing.

The Planning Commission can pause a public hearing at any time during the course of the hearing. To do this, a Commissioner must give a motion to continue the hearing, stating a specific date, time and place for the hearing to start up again. If seconded and voted unanimously the Commission will pause the hearing and begin it again at the stated date and time.

This does not close the hearing, rather, it merely freezes things for a later date. The later date must be at least seven days after the initial hearing. The Commission does not need to give people additional notification for the second part of the hearing. The record is left open for this continuance, which means people can present new evidence or submit new written evidence. When the hearing starts up again, people must be given a chance to present and respond to new evidence, arguments, or testimony. If the continued hearing has not closed, any person involved in the hearing can request that the record be left open for at least seven more days to let them respond to new written evidence. For example, if an applicant has a hearing continued, and submits a wetlands report during the pause, the wetlands report will be considered “new written evidence.” At the continued hearing, opponents can request another 7+ days to read and respond to the wetlands report.

Evidence.

All evidence and records used in a Public Hearing become part of the public record of the case and can be requested for several years after the Commission gives its decision. The Planning

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Commission can exclude evidence by motion, thereby keeping it out of the public record and out of the public hearing. The Commission can exclude evidence for being:

- (i) irrelevant,
- (ii) (ii) unduly repetitious,
- (iii) (iii) immaterial [has nothing to do with the issue], or
- (iv) (iv) cumulative [the evidence only proves information that other records have already proven].

For example, if an applicant wishes to submit four separate appraisal reports on one property, the Commission could move to exclude three of the reports as unduly repetitious. If an opponent submitted a letter from an environmentalist all stating that a development would be harmful to wildlife, the Commission could exclude statements from the environmentalist as cumulative because their written statements were already in the record. Similarly, the Commission could move to exclude a letter from the public that makes personal attacks on the developer as an irrelevant record.

Even if information or evidence is excluded, the City Council or Municipal Court can overrule the Planning Commission and force excluded evidence to be received.

Some information can simply be accepted as fact. These “judicially recognizable facts” are things like general, technical, or scientific facts within a commissioner’s specialized knowledge. Planning Commissioners may use their experience, technical competence, or specialized knowledge when evaluating evidence presented. Parties at the hearing shall be notified before the final decision if material is judicially noticed. For example, a Commissioner who lives on the same street as a variance request can state things like “I’d like to take judicial notice that the street is narrower here than on main street and the sidewalks are unpaved, and children frequently use this unpaved sidewalk when returning from the school buses.” The judicial noticed fact can then become a basis for a later decision of the Commission, such as a motion to deny an application “due to the added vehicle traffic the application will cause and the added pedestrian safety hazard, given the frequent presence of children on the unpaved sidewalks.” The applicant would not likely succeed if they appealed the Commission decision based on a lack of evidence.

Planning Commission Actions

Land use decisions in Carlton are classified into four different types of “Actions.”

Type I actions tend to be decisions that have little impact on the City, such as permitting someone to operate a business from their residence, and are oftentimes simply reviewed by staff. If the applicant disagrees with the Staff decision on a Type I Action, the issue can be appealed to the Planning Commission for consideration.

Type II Actions are decisions that change the City, such as partitioning a parcel of land into several smaller parcels, and these actions are always reviewed by the Planning Commission with a public hearing.

Type III Actions dramatically change the City, such as changing a zone to permit apartments on a former farm plot or dedicating a road through a plot. These actions require a public hearing before the Planning Commission and the City Council, and the Planning Commission’s role is merely to provide a recommendation to the Council based on the public hearing.

Type IV Actions are legislative actions that change the laws or rules of the City, such as amending the Development Code or changing the Comprehensive Plan. A Type IV Action can only have a public hearing if a majority of the City Council or Planning Commission request it. Once requested however, the Planning Commission and City Council will have public hearings on the proposed changes and the Planning Commission will recommend any changes to the Council.

Type I Action

Type I actions are sent directly to the staff or City Manager. The Planning Commission won’t see most Type I actions unless the applicant or a party impacted by the decision wants to contest the outcome. Only then will the issue be sent to the Planning Commission for a ruling.

Appeal of Type I Action

If the applicant wishes to appeal a staff decision on a Type I application within 12 days after the decision, they must submit an appeal form stating the specific grounds for which they want relief. The Planning Commission must then provide a *de novo* hearing on the issue. This means the Commission must treat the application as though it was a new application and consider **all** the information and facts, rather than just looking at the specific issue the applicant is appealing.

In Type I actions, the City staff will make a determination based on the provisions in the Carlton Code. If the applicant disagrees with the City Staff decision, they may appeal the decision to the Planning Commission for a hearing on the issues. If there is no appeal, the Commission is not bothered with the application.

All of the following are possible Type I Action Appeal topics:

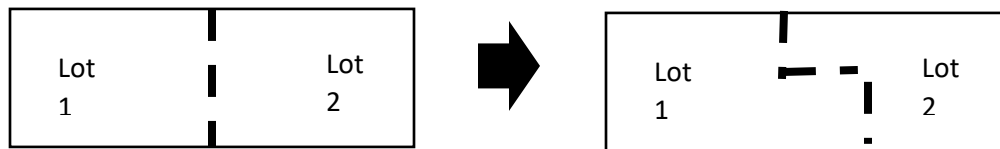
Minor Variance

A variance is a request by the applicant to ignore or modify an existing standard such as maximum building height. The application for a variance is considered a minor variance if (a) the post-variance use still meets the intent and purpose of the varied provision or the provision clearly does not apply to the proposed use; (b) the variance does not cause a development to move closer to any dwellings; (c) the variance does not expand or reduce the standard by more than 20% (e.g. minimum side yard setback must be 5 feet, a request to only have a 4 foot side yard would be a minor variance); (d) the variance is the minimum necessary to meet the purpose of the variance; and (e) there has not been a previous land use action that would prohibit the variance.

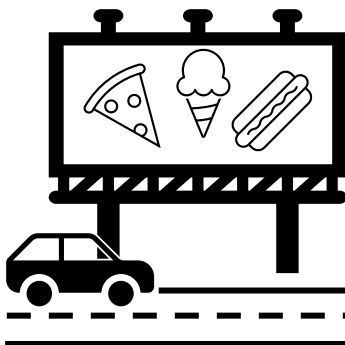
For example, in an R-1 zone, you can build a single family house on a parcel as long as the lot is at least 7,500 square feet. Imagine an applicant owns an R-1 lot on a river that was exactly 7,500 sq. ft. when they purchased it, but the last couple years of heavy rain caused the river to move into the applicant’s property and the lot is now 7,400 sq. ft. The applicant can request a minor variance changing the “minimum lot area” requirement to permit them to build on the lot, even though their land is slightly too small.

Lot Line Adjustment

Lot Line Adjustments are instances where owners of two connected parcels can move the line between the properties. No new property may be created, all lots will still need access to streets, and the parcels should remain at or above all minimum size standards. See the below example:



Sign Permit



All construction or alteration of signs requires a valid sign permit that contains at least (a) a sketch, drawn to scale and showing other signs, the location, and mechanical/graphic/structural designs. Design requirements change depending on the zone (industrial zone signs have different standards than residential zone signs) so pay special attention to the sign’s zone and apply the review criteria outlined in the City of Carlton Sign Permit application. Sign Permit Application attached at the end of this guide as Exhibit B.

Floodplain Permit

Floodplain permit information is included under Development Code Section 17.56, including required submittal items and standards for development.

Conditional Use Permit, Minor

Every zone in the City has a list of uses that are permitted outright, and a list of uses that are conditionally permitted but you need permission from the City first. The conditional uses are usually similar to the underlying district's use-case, but sometimes could be outside the norm for the district, such as marijuana dispensaries in Industrial Districts or taxidermists in the Downtown district. Think of conditional uses as something that the City wants to see in the zone, but in moderation. It's fine to have a taxidermist in the downtown district, but it could be problematic to have dozens of taxidermists in the downtown district.

For example, in the R-1 zone, the following are always permitted uses:

- Single family dwellings;
- Duplex dwellings on corner lots;
- Public parks and recreation areas;
- Planned Unit Developments;
- Child care facilities;
- Residential care homes;
- Home occupations (businesses run out of the home);
- Single family vacation rentals.

The following are the "conditional uses" in an R-1 zone:

- Places of worship;
- Public or private school;
- Community building;
- Utility facility;
- Bed and breakfast;
- Two-family vacation rental.

A conditional use is a use that sometimes allowed in the zone. They are usually uses that modify the exterior of existing developments or changes the use of a development. Minor conditional uses are defined simply as "those conditional uses that do not meet the 'major conditional use' threshold."

In other words, a minor conditional use review is a conditional use that is ***not*** for:

- New developments;
- Expansions or remodels increasing an existing development by more than 25% (except for expansions to single family homes and duplexes);
- Developments that require new access points to the state highway;

- Developments that require additional off-street parking or increase peak car traffic during the day by more than 10% or 10 vehicles.

When approving a conditional use permit, the Planning Commission must always consider (a) is the use approved in the underlying district [or very similar to approved uses]; (b) is the site sufficient for the proposed building needs; (c) will there be sufficient public facilities like water and sewer; (d) will the proposed use alter the character of the surrounding area in a way that limits surrounding property for the primary use of the underlying district; and (e) will the negative impacts of the use be mitigated through other code standards or conditions of approval?

Home Occupation

A home occupation is when the homeowner utilizes the property for some sort of business without modifying the property in a way that impacts the residential character of the property. This means:



- No non-family employees,
- no more than 10 vehicle trips to and from the house per day,
- no more than 60 decibels between 7 A.M. and 6 P.M.,
- no fumes or detectable interference,
- no fire hazards on the premises,
- limited client contact,
- no 2+ ton capacity deliveries to the property,
- no tools and equipment stored visibly on the yard, and
- the proprietor must have a valid business license.

Access Permit

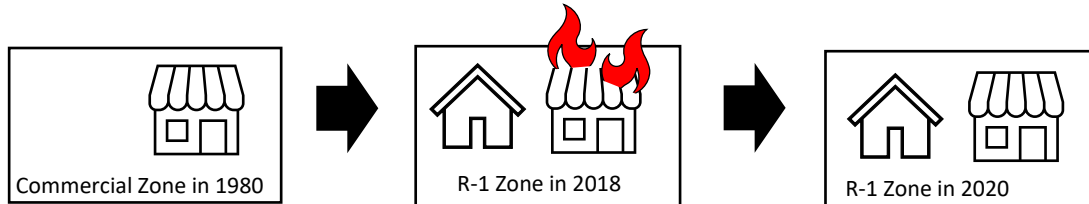
Access permits are permits allowing a property to access a public street (through a driveway or curb cut, etc.). These can be in the form of a letter to the applicant or can be attached to a land use decision as a condition of approval. Access permit applications for state highways will be considered part of a major site design review, and will be part of a Type II application.

Site Development Review, Minor

Alternately known as a “Site Design Review,” this is used to review minor exterior alterations or changes in use. Something like a repaving an approved parking lot without changing the striping would require a minor site design review. These reviews ensure that the property will remain within standards, despite the remodeling or renovation. Routine maintenance and repair work like replacing windows and painting a building are not subject to site design reviews. Only things that expand the building or increase the car traffic during the peak AM or PM hours will need this review.

Nonconforming Use, Type I Modification

Some properties will have established uses that are not in line with the Code. Nonconforming Use Type I modifications are applications to change buildings that do not conform to the established use standards. Type I Modifications to Nonconforming use permits apply to rebuilding structures for grandfathered uses in the event of a fire, casualty, or natural disaster, provided that the restoration begins within 6 months of the damage and does not exceed the original structure's value by 40%. In other words, if you have a valid nonconforming use, you can rebuild that structure, but you cannot dramatically improve or enlarge the structure.



For example, a property was being used as a storefront in the 1980s, in a region that was later zoned as R-1 in 1995. The property continued to be used as a storefront until 2018, when a fire burned down the building. The Owner requested permission within six months to build substantially the same building up again and reopen the store. The Owner is technically requesting a permit to build or restore a structure that is not permitted in an R-1 zone, but since she is not creating a structure that exceeds the original value of the structure by more than 40% (it is projected to be substantially the same), the nonconforming use is still permitted. The Planning Commission would be requested to rule on this if there was an appeal from the City staff decision.

Remember, denials or approvals must be accompanied by a statement of reason. The Commission should not just approve or deny an application, it must also state why. If there is not enough information provided to approve an application, the Commission can always deny the application for failure to meet the requirements of the City code, or send the applicant back to gather more information and call to “continue the hearing” at a later date.

Type II Actions

A Type II Action is a quasi-judicial review of a decision that requires the Planning Commission to analyze an application based on objective and subjective standards. The Planning Commission will hear the entire issue and apply a distinct set of guidelines and codes to see if the proposed use fits the Carlton Development Code, or if the proposed use is valid enough to qualify for a conditional approval or variance. If the applicant disagrees with the Commission, they can appeal the ruling. Appeals go to the City Council, where the Council will hold another public hearing and consider the issue and either approve or reject the Planning Commission’s decision.

In a Type II Action, the Planning Commission can provide a final ruling that, so long as it is not appealed, will be the City’s official decision.

Major Variance

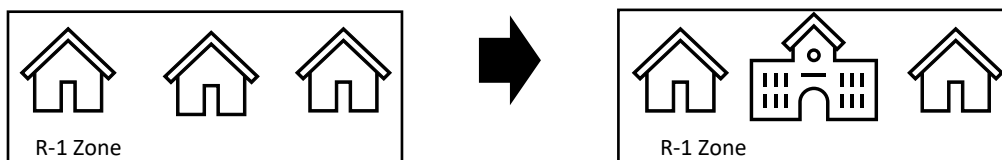
A Major Variance is a variance where the variation from development standards will nonetheless preserve the property rights of nearby properties in the vicinity, will not materially harm the public welfare or conflict with City policy and plans, is based on special conditions that do not result from negligent or knowing violation of the Development Code, and are the smallest change necessary to alleviate the applicant’s hardship.

For example, Single family homes in Carlton are required to have a carport or garage. Applicant owns a thin, deep lot that does not have adequate frontage for a front facing door and garage. Applicant requested permission from the City to waive the garage requirement due to the shape of the parcel. The Planning Commission then would get to determine whether the applicant has provided sufficient reasoning and explanation about why the variance is necessary.

Conditional Use Permit, Major

Major Conditional Use permits are for any application for new conditional uses on a parcel where there are no current conditional uses.

These new conditional uses must still be permitted in the underlying district, the property site must be adequate for the proposed use, there must be adequate public facilities, and the proposed use cannot alter the character of the surrounding area or impact the public in a negative way.



For example, private schools are permitted in R-1 zones as conditional uses. A homeowner in an R-1 zone could apply to convert their property into a private Montessori primary school to serve the nearby houses. Since the property was formerly a residence in a residential zone, and the

application is for a new conditional use where one did not exist before, it would be a major conditional use permit application. The Commission would assess whether the use is allowed in the R-1 district, whether the site is sufficient for the proposed use (won't cause too much traffic or noise or glare or odor, for example), won't alter the character of the surrounding area or negatively impact the neighbors.

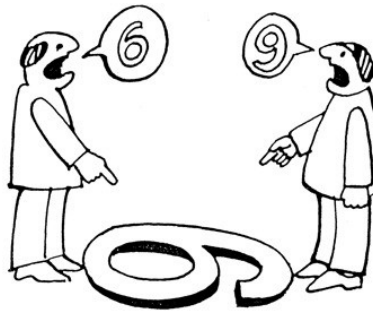
Site Design Review, Major

Major Site Design Reviews apply to any development, expansion/remodel that increases the square footage more than 25%, for any development other than single family and duplex dwellings. These applications apply to the design, vehicular impact, appearance, and impact of larger scale developments like apartment complexes and large developments.

While a minor site design review could apply to something as simple as adding solar panels to the roof of a house, a major site design review will not occur unless the property is significantly impacting the area.

Major reviews happen for (a) developments that require new access to state highways, (b) developments that require additional off-street parking, (c) developments that increase AM or PM peak hour car traffic by more than 10% or ten vehicles, whichever is greater, or (d) any new development or 25%+ expansion/remodel.

Code Interpretation



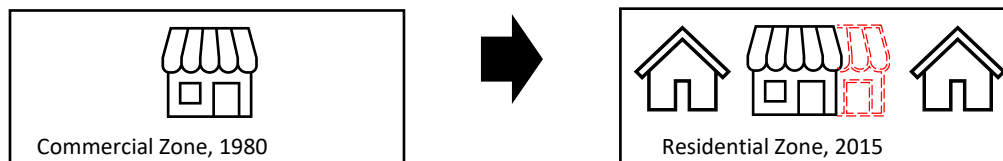
Oftentimes, things will crop up in the real world that were not anticipated when the Code was being written. Other times, the process of adopting codes and rules over time leads to a motley assortment of phrases, terms, and definitions being used without cohesion. For example in early 2022, the Code defined “Bike Lane” in CMC 17.12.020, but never uses the term again. Rather, “bicycle lane” and “bicycle ways” were used interchangeably in the places where the code is describing a CMC 17.12.020 bike lane. Under 17.12.020, a Bike lane was a 4’ to 6’ wide striped and paved region of the road for bicyclists, however in the roadway standards of CMC 17.64.040, bicycle lanes were required to be 5’ wide unless they were on Highway 47, at which point they must be 6’ wide but had no mention of striping requirements. Bicycle ways by contrast applied to the sides of public streets and were 5’ to 10’ wide.

An applicant planning to build a bicycle lane at that time could have requested clarity from the Planning Commission and demand to know whether the Code had three types of bicycle paths (one with a flexible, striped width, one of mandatory unstriped width, and one that was much larger than the others), or if there was just one standard applied haphazardly with three names.

The Planning Commission will hold a public hearing and take staff testimony on the original intention of the conflicting ordinances, the effectiveness of current ordinances, and how to solve the conflicting meanings.

Nonconforming Use, Type II Modification

Unlike a Type I Nonconforming Use Modification, which generally applies to very minor changes to a nonconforming building or changes that move the nonconforming building closer to conformance, a Type II Nonconforming Use Modification is one where the applicant wants to expand or change a nonconforming use without getting any closer to conformance. The Code permits people to alter existing nonconforming uses as long as the alteration does not expand the floor space of the nonconformity by more than 20% and does not increase the adverse impact on the neighborhood.; changes the nonconforming use in a manner that has roughly the same intensity of use and does not move a nonconforming structure on or off the site for any reason.

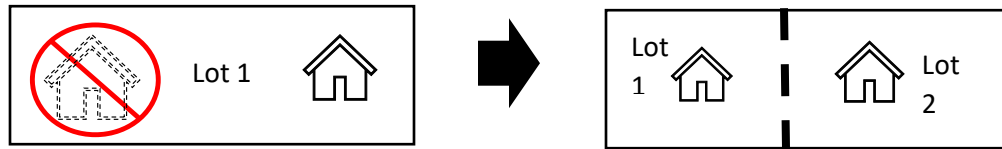


For example, a store was established in a commercial zone in 1980, but in 2015, the zone was changed to R-1. Now the store is out of conformity with the standards of an R-1 zone, but may continue to operate in nonconformance as long as it does not change the retail use. If the store owner wishes to build an extension to the store that would increase the square footage by less than 20% and asks to convert the store into a winery/tasting room. The Planning Commission would be asked whether the change from a retail store to a restaurant/tasting room would be roughly similar intensity of use, and whether the alteration of the structure causes a greater impact on the neighborhood.

Partition

Oregon law only permits a single dwelling on every “legal lot of record.” Therefore, if a developer purchases a large empty field, they have two choices: (1) build a single dwelling on the property, or (2) split the property up into two or three smaller lots and place dwellings on each one of those smaller lots. The partition will be based on the dimensional standards of the zoning district and

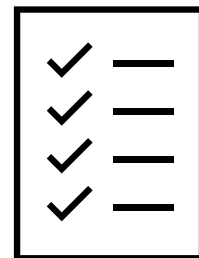
whether there are adequate public facilities for each newly created parcel. A partition creates new, permanent lots of land that may be developed.



Lot 1 currently has a dwelling on it and cannot have any other dwellings placed upon it. Once a partition is complete, there will be two lots, one with a dwelling, and one that may be built upon.

A partition application allows an applicant to divide a piece of land into two or three parcels within a single calendar year. The application is heard before the Planning Commission in a two step procedure. First, the Commission will review the application and determine whether to approve the application, deny the application, or approve the application subject to certain conditions. This review will look to see if the proposed partition meets dimensional standards and requirements of the zone (minimum lot sizes, minimum setbacks, road widths, etc.) and whether there are adequate public facilities to serve the proposed parcels such as adequate sewer capacity, storm drain systems, and adequate water supply. If the proposed lots are too small, the applicant can request a variance alongside the partition application and provide reasoning why the Commission should approve the nonconforming lots. If the proposed site is not adequately served by sewer or water, the Commission can approve the partition subject to installation of the facilities or deny the application outright.

If approved or approved subject to conditions, the second step of a partition is done largely without the Commission’s involvement. At the second stage, the City reviews the partition again and determines whether the applicant has met all the conditions and otherwise kept the parcel in compliance with the Code. If the applicant fails to meet the conditions, for example, if the facilities are not yet completed, the City will refuse to approve the final survey plat and no “final plat” will be recorded. Once the final plat is recorded, the developer may begin building on the new lots.¹

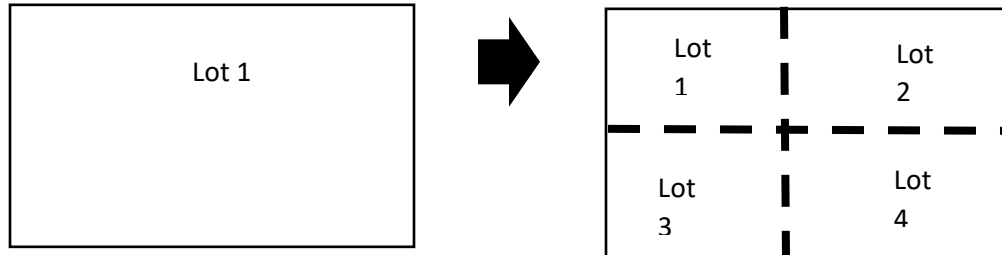


For example, at the initial review of the Partition application, the Planning Commission may approve the application subject to the applicant adding bicycle lane striping to the road surfaces, so long as the Commission cites the proper sections of the Code requiring bike lane striping when they provide their reasoning. This would be done by the Commission declaring, “We approve PAR 20-01 subject to the following conditions: striping bicycle lanes along all road surfaces within the parcel per the requirements of CMC 17.88.050...”

¹ Prior to the final plat recording, there is still technically only one parcel of land, and therefore the developer can only create a single dwelling. Once the plat is recorded, the lot has been legally divided and can then have multiple dwellings built upon it.

Subdivision

A subdivision is the process of dividing a piece of land into four or more lots in a single calendar year. Subdivisions are the larger version of partition applications. Oftentimes, they are used to create entire neighborhoods or housing complexes in a single application. The applications will involve the same considerations that the Commission addresses in partition applications, just more so.



The public facilities must be addressed, the plans need to show where easements will be, where drainage paths are, where structures currently exist, the location of the lots and their proposed dimensions, etc. A subdivision application will need to provide the Commission with plans and proof that all of the property needs are met and that the proposed uses will be valid in the area.

For example, an owner of an R-1, one acre parcel could request a subdivision of the one acre parcel into twenty lots for tiny homes, but the application would be denied since the minimum parcel size in R-1 zones does not permit a 1/20 acre lot.

Planned Unit Development

Planned Unit Developments (PUDs) can be seen as a specialized version of a subdivision.

A PUD is a development that accomplishes things more easily than traditional lot-by-lot development can. The developments may center around special geography, include unique open spaces, building placement, or street designs, and generally has an intentional organization that applies to all the homes and buildings in the development. They can be applied for by the owner of the property or in a joint application by all owners of property in the proposed Planned Unit Development if there are more than one owner.



One of the advantages of a PUD is that, while the development must adhere to the Code's design standards, the PUD can ignore underlying zoning lot dimensions as long as it meets the requirements in CMC 17.112.050:

- The plan must preserve the natural or unique features of the land;
- The lots are arranged to have a maximum of 200 feet walking distance or frontage on open space or recreation areas;
- The PUD has less than the maximum density found using the following equation:
 - o Total gross site area [total square footage of properties] x 0.85 – Any acres with 20% or greater slope, any commercial areas, any nonresidential use areas = Net Developable Site Area (NDSA).
 - o Convert into acres (1 acre = 43,560 sq. ft.), R-3 districts may have 14 units per acre; R-1 districts may have 6 units per acre.
- At least 20% of the property is reserved for open space or outdoor recreational areas;
- Underlying district setbacks are met for perimeter properties that abut non-PUD properties, otherwise no minimum setbacks apply (detached structures have 3' minimum setbacks, and a minimum 20' front yard setback is required for any garage facing a public street.)
- Road designs must minimize the length of roadway and comply with applicable road standards.
- All utilities must be approved and underground;
- A homeowners' association or other communal maintenance and operation group must be formed to maintain the PUD common spaces and enforce PUD design requirements.
- Special considerations apply to zero-side yard dwellings (row houses or townhouses).

Much like the subdivision and partition, a preliminary plan for the PUD will be reviewed by the Planning Commission at a public hearing, and may be denied, approved or approved with conditions. If approved, the Developer will submit a final plat to the City showing that the development meets all the design standards, PUD standards, and conditions imposed by the Planning Commission. Once the City signs the final plat map, it will be recorded and construction can begin.

Planning Commission Handbook – Policy & Procedures – *Planning Commission Actions, Type IV*

If the developer proposes to increase or decrease either the number of dwelling units or the open space/recreational areas of the site by 10% or more, a new public hearing will be required to discuss the change.

Type III Actions

A Type III action is a quasi-judicial decision where the City is making a substantial change to the City's land use. These are changes to zones, additions to the City, vacating a roadway, or creating a roadway. Each is a serious decision that requires careful thought and weighing of the benefits and detriments.

A Type III action requires a public hearing, just like a Type II action, but all Type III decision will be reviewed by the City Council, whereas only appeals of Type II decisions make it to the City Council. There will occasionally be more notice provided to citizens and the applicant must provide the City with a list of all property owners within the notice area (100' from the impacted area or more at the City Manager's discretion). If the decision is to change a zone, the City must provide notice to the Department of Land Conservation and Development and a supplemental notice to all nearby homeowners that explains the impacts of zone changes.

The Planning Commission's decision in this case is expressly advisory. This means that the Planning Commission will take on the issues and ask questions and come up with a final recommendation (e.g. "we recommend that the City change the zone per the Staff recommendation") but the final decision belongs to the City Council. The Council may agree or disagree with the Planning Commission recommendation as the Council's discretion; which heightens the need for the Commission to provide its reasoning behind any recommendation to the City Council.

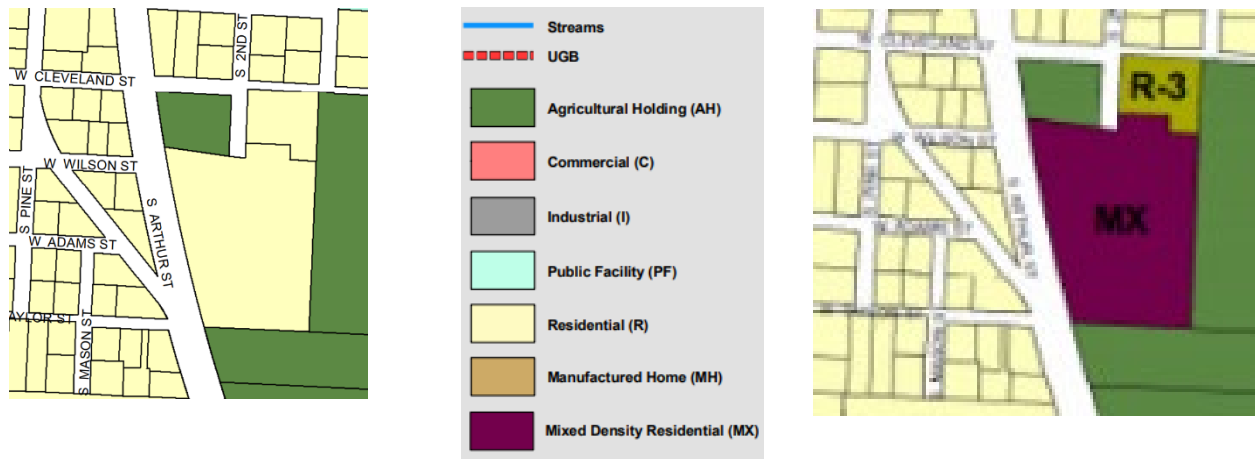
Applicants who disagree with the City Council's determination may appeal the case to the Oregon Land Use Board of Appeals for reconsideration.

Zone Change

Zone changes are the reclassifications of areas from one zone to another, usually opening up the land for commercial, industrial, or residential development. These are sometimes weighty decisions that can create large impacts on the City's future and can cause significant discussion at public hearings because a zone change impacts the character of a region so much.

Zone changes can set a long term course for the City and must adhere to state and local comprehensive plan policies and goals. As can be seen below, Carlton has been slowly moving in the direction of higher density housing, with an increase in the number of mixed density and high density housing regions. This is in part because the Comprehensive Plan asks for the City to provide greater access to affordable housing as time goes on.

Planning Commission Handbook – Policy & Procedures – *Planning Commission Actions, Type IV*



Oftentimes, zone changes are requested by property owners or developers with plans for the land, and in these cases, the discussion at the public hearing will also revolve in part around the proposed or intended use of the property. Sometimes, the zone change will be far-sighted, such as rezoning an agricultural zone industrial or commercial with hopes of attracting a developer or big-box store to the City. In those cases, the discussion will largely revolve around the need for the change.

For zone changes, the Commission must consider not only how the intended use will impact the City, but how it will impact the future of the City and how the City develops into the future.

The zone change procedure requires the following for any application:

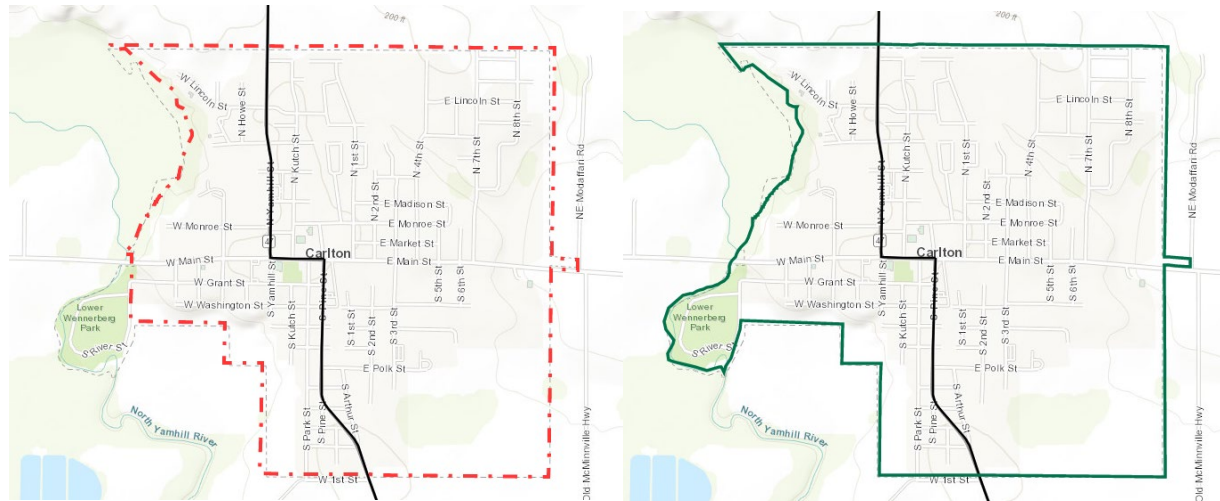
- Proof that there is a lack of other comparatively zoned property to satisfy the proposed use;
 - Proof that the change of zone is in conformance with the Comprehensive Plan, Carlton Development Code, and any applicable street and highway plans;
 - Proof that the proposed property is adequate in size and shape to facilitate those uses allowed in the proposed zone;
 - Proof that the proposed property related to streets and highways is adequate to serve the type of traffic that will be generated by uses in the proposed zone [for example, commercial zones are expected to create more traffic than agricultural zones, so the Commission must consider what impact the change may have to the roads and general traffic flow]; and
 - Proof that the proposed change of zone will have no substantial impact on the abutting property or the uses thereof.
-
- For nonresidential changes, proof that the current supply of vacant, similarly zoned land would be inadequate to meet projected development of uses proposed for the subject property or that other sites lack amenities required by the proposed use and present in the subject property;
 - For nonresidential changes, proof that the intended use is not more intensive than other zones appropriate for the land use designation and will not destabilize the land use pattern of the area or significantly adversely affect adjacent properties.

Planning Commission Handbook – Policy & Procedures – *Planning Commission Actions, Type IV*

Zone changes are to be approved as long as the applicant substantially provides the above. The Commission may additionally consider whether there are plans to provide adequate public facilities, services and transportation networks with the development of the property.

Annexation

Under CMC 17.184.010, the City can add land to the “City” by annexing territory that is within the City Urban Growth Boundary and contiguous to the City or only separated by a stream or road.



In the above images, the City of Carlton City Limits in 2022 are shown in the dotted red, while the Carlton Urban Growth Boundary (“UGB”) is shown in the solid green line.

As a part of the State of Oregon Land Use Goal 14: Urbanization, every city has an “urban growth boundary” that designates where the City expects to grow over the next 20 years. A city is only permitted to grow and annex new land within its urban growth boundary, essentially telegraphing the expected direction and distance the City will grow. Life happens however, and sometimes Cities must expand the Urban Growth boundary to accommodate needs that are no longer met by the current Urban Growth Boundary. UGB amendments adding more than 50 acres to a City require the approval of the Department of Land Conservation and Development. If less than 50 acres is being added to the UGB, the decision is final unless someone appeals to the Oregon Land Use Board of Appeals.

As can be seen above, nearly the entirety of Carlton’s 2022 Urban Growth Boundary has already been annexed into the City. Lower Wennerberg Park is the only large region not currently part of the City limits. In other words, 2022 Carlton could annex Wennerberg park, but if the City wanted to absorb land from the Southeast corner of the city limits to NE Old McMinnville Highway, the Urban Growth Boundary would need to be first modified.

Annexations in Carlton are Type III actions where the Planning Commission will review the testimony at a public hearing and provide a written opinion and recommendation to the City Council within 10 days that states why the Planning Commission believes the annexation should

be approved or denied, and why the decision is in conformance with the Carlton Comprehensive Plan.

The opinion of the Commission must state how the annexation will (1) aid the timely, orderly, and economical transition of agricultural and rural land into urbanized lands, (2) relate to areas with natural hazards, (3) protect open spaces and scenic views, (4) provide for safe, orderly and economic transportation needs, (5) provide orderly and efficient public services, (6) provide for preservation of identified historical sites, (7) improve the city economy, and (8) provide quality housing of all types and price ranges.

Once the Council receives the Planning Commission recommendation, it will either sustain or reverse the recommendation after a public hearing on the matter.

Vacation

Vacation is where a person asks the city to stop considering a part of the road to be right-of-way surface and instead apply it to the adjacent properties, or where the City decides to terminate a road and add the land to the adjacent properties. In either case, vacation is the way a road dies.

Under CMC 17.144.040, an action to vacate a roadway is a Type III action, which requires a public hearing before the Planning Commission. However, Carlton’s Charter, Section 40 explains that all procedures for vacating a public improvement [roads are considered a public improvement] shall be governed by general laws of the state. ORS 271.080 through 230 contain the state law regarding street vacations. If the City finds sufficient reasoning for the vacation, it will schedule a public hearing on the issue and provide notice of street vacation to all interested parties. If at the hearing the City Council approves the proposal, it will issue an ordinance as a matter of record and vacate the street.

Type IV Actions

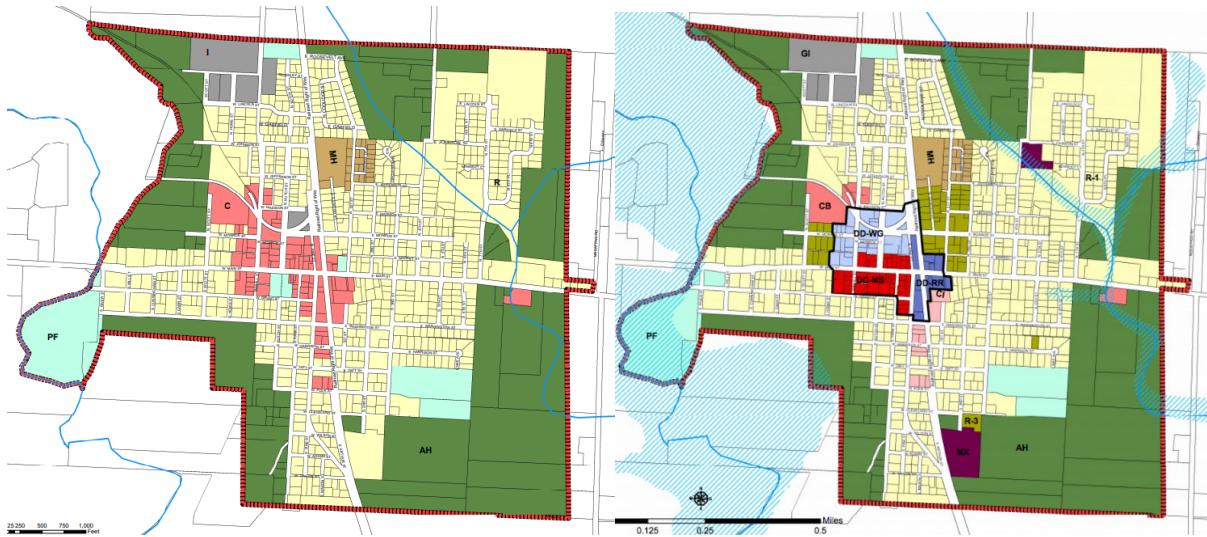
Type IV actions are legislative actions of the City that enact or amend the laws and policies of the City. Since only the City Council has the authority to make these amendments and enactments, the Council is the final decision maker. The Planning Commission is tasked with holding a public hearing on the issue and provide a recommendation to the City Council on the proposals.

CMC 17.212.010 only lets the City Council or the Planning Commission initiate a Type IV action. Upon a majority vote of the Council or the Commission, a Type IV action will begin, but no member of the public can bring one of these actions. All members of the public may do is ask Commissioners or Councilors to bring a Type IV action. If the outcome of a Type IV action is contested, the appeal takes the complainant to LUBA.

Land Use District Map Changes

There are two maps of the City’s zoning. The Zoning Map is the current state of the City’s zones, showing where zones are and what land may be used for. The Comprehensive Plan Map is the land use designation for what the City would like the city to grow into in the next twenty years.

Oftentimes, the zone map and the Comprehensive Plan Map will be very similar, but there may be major differences if your city has created new zones and districts.



On the left is the Carlton Comprehensive Plan Map from 2022; on the Right is the Carlton Zone Map for 2022. Note the differences in the zones and the expanded color palate of districts in the Zone map.

Oftentimes, developer pressure will lead the City to modify the long term plans of the Comprehensive Plan Map and cause rezoning to permit higher density housing or to permit development of rural areas. Other times, the City may discover a need for a more finely parsed set of districts and add to the zone designations. In Carlton, when the Comp Plan Map was created in 2000, there was no Downtown District, designation, nor were there Mixed Residential or Medium-Density Residential zones. The Comprehensive Plan Map should be updated periodically to reflect the changes the City has undergone.

Under ORS 227.188, Amendments to the Comprehensive Plan Map are appealed to the Land Use Board of Appeals.

Revisions to Comprehensive Plan

The comprehensive plan is the City’s foundation piece for land use code and policy. All the requirements and standards of the districts in the City are developed in line with the Comprehensive Plan and changes to the Comprehensive Plan create significant inconsistencies in the Development Code. Oftentimes, changes to the Comprehensive Plan will impact the City for the next twenty or more years, influencing the way the City does zone changes and Development Code Amendments. As a result, changes to the Comprehensive Plan must be done cautiously and comprehensively in order to prevent confusion between the Development Code and Comprehensive Plan.

Changes to the Comprehensive Plan must align with Oregon state’s Comprehensive Plans as well. The City cannot deviate and break from the standards and policies set by the state, but can impose additional restrictions and guidance policies above and beyond the State Plans.

If the City chooses to update or revise the Comprehensive Plan, it will first ask the Planning Commission to hold a public hearing in order to get preliminary thoughts, criticisms and recommendations on the changes. The Planning Commission, as the governing body with the closest exposure to land use rules in the City, will oftentimes have a better understanding of how changes to the Comprehensive Plan will impact the City. You will know better what it means to encourage denser housing or more industry, and will have the opportunity to explain your thoughts and concerns to the City Council before any changes actually go into effect.

Development Code Amendments

The Development Code is Carlton’s rules and procedures for implementing the Comprehensive Plan goals. It provides all of the administration and enforcement powers used to carry out the Comprehensive Plan and is designed to promote the public health, safety, and general welfare of the community. Most of the Planning Commission’s actions are guided and regulated by the provisions in the Development Code. However, due to the complex nature of property and land use, the Code is never perfect and requires constant updates, changes, improvements, and tweaks. The Planning Commission is supposed to improve the Development Code for the City of Carlton and has the authority to ask the City Council to amend and modify imperfect provisions in the Development Code. These amendments and changes require a legislative action of the City Council and a public hearing on the matter.

The Planning Commission is tasked with hosting a public hearing to gather citizen comments on proposed changes to the Development Code, and shall present the final recommendation on Code amendments to the City Council.

III. Public Meetings and Conflicts of Interest

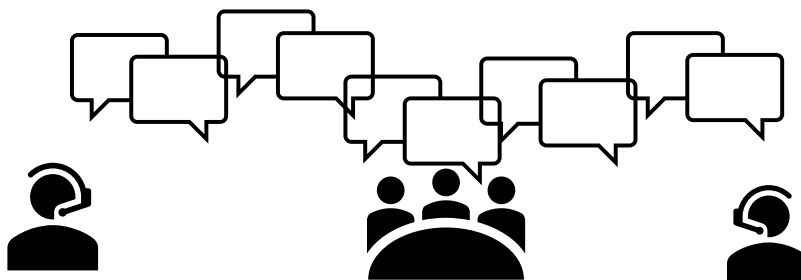
Public Meetings

Planning commissions are governing bodies under Oregon law since they exercise the authority to make decisions or recommendations for the City. The state goals of having an “informed public” and arriving at decisions of governing bodies in an open manner require that all deliberations and decisions of governing bodies be available to the public. Not only the deliberations and decisions, any information used by a governing body to make a decision must be available to the public. In essence, Oregon does not want any government decisions to be secret nor does it want any of the reasons for the government decision to be secret.

All meetings of governing bodies must be made available to the public, and the body has to publish notice about the meeting’s time and location well before the meeting actually occurs in a way that is reasonably calculated to provide actual notice to the public. Unless expressly permitted to hold an executive session [the City Council can hold executive sessions for limited purposes, the Planning Commission has no authority to hold executive sessions], all meetings of the governing body are open to the public. This also applies to telephonic conference calls or other “electronic communications”, so meetings held by video conference or on the phone will also be considered public meetings. Most importantly, under ORS 192.630(2), a quorum of governing body members may not meet in private “for the purpose of deciding on or deliberating toward a decision on any matter, unless an exception applies.” Public meeting laws apply not just to formal meetings, but to all attempts by a quorum to deliberate toward or make a decision outside a meeting as well.

For Carlton’s Planning Commission, a quorum is a majority, or four members. Should four members bump into one another on the street and begin to discuss an upcoming public hearing on a site design review, they have violated Oregon public meeting law because no notice or public access was given. As a result, the outcome of the site design review hearing could be overturned by an angry citizen, or the Commissioners could find themselves embroiled in an ethics dispute.

Modern technology has made accidental public meetings far easier to stumble into, and this has caused several lawsuits. In 2012, a quorum of Lane County Commissioners sent email and text messages to one another about a public record request. At all times, commissioners were only talking one-on-one directly. However, the court found that a series of individual conversations can still be considered a quorum of decision makers once a sufficient number of officials became involved in the discussion. These “serial” meetings can happen easily, quickly, and unintentionally.



Planning Commission Handbook – Additional Resources

Commissioners may still meet socially, as long as the *purpose* of the meeting is not to discuss business of the Planning Commission.

Conflict of Interests

As an appointed official, planning commissioners are subject to Oregon conflict of interest laws under ORS 244.120(2). Decisions of the governing body of a city must be neutral and outside petty influences. This means that you must consider whether there are **potential conflicts of interest** or **actual conflicts of interest** when approaching an issue for vote or debate.

Potential Conflict of Interest

A potential conflict of interest is where a public official's participation in the action **could** affect the financial interest of the official, a relative of that official or a business with which the official or relative of that official is associated. For example, the Planning Commission is asked to address a major subdivision application by a contractor. The contractor is still out to bid on subcontractors to do the electrical work in the subdivision, and one of the electrician subcontractors is the brother of a Planning Commission member. Until the brother is selected to work for the general contractor, there is no financial gain to the brother or the planning commissioner, but if the brother is selected, he could have a significant amount of financial gain. This would be a potential conflict of interests.

When a commissioner has a potential conflict of interest, they must publicly announce the nature of the potential conflict *before* taking any action thereon as a public official. This can be as simple as stating "I have a potential conflict of interest because of _____" at the start of the meeting.

Actual Conflict of Interest

An actual conflict of interest is where the public official's participation in an action **would** affect the financial interest of the official, the official's relative or a business with which the official or a relative of the official is associated. For example, the Planning Commission is asked to review a site design review for the construction of a residential home that is owned by one of the Planning Commissioners. The commissioner has a direct financial interest in the outcome of the vote and would therefore have an actual conflict of interests.

When a commissioner has an actual conflict of interests, they must publicly announce the nature of the actual conflict and refrain from participating in the discussion, debate, or vote on the issue. They essentially sit back quietly and take no part in that part of the meeting. If a number of commissioners are missing at that meeting and the conflicted commissioner is needed to meet quorum, they may vote on the issue, but are not supposed to participate in the meeting otherwise.

Planning Commission Handbook – Additional Resources



If a conflict of interests goes unnoticed and a conflicted commissioner votes on a development or zone change, the commission's decision could get disrupted by a later contest or appeal. For example, if a subdivision application is particularly controversial and the Planning Commission votes 4-3 to deny the application with a conflicted commissioner in the majority, the developer could bring an appeal on the grounds that "but for the vote of the conflicting commissioner, the application may have been approved." This can mean having to redo a public hearing, having an ethics investigation, or in particularly serious cases, removal from the planning commission.

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IV. Additional Resources

- A. Oregon Government Ethics Law, Guide for Public Officials.
<https://www.oregon.gov/ogec/Documents/2021%20PO%20Guide%20Final%20Adopted.pdf>
- B. Oregon’s Statewide Planning Goals
<https://www.oregon.gov/lcd/OP/Pages/Goals.aspx>
- C. Oregon Land Use Planning Online Training.
<https://www.oregonlandusetraining.info/>
- D. Oregon Public Meeting Law Quick Reference Guide
<https://www.oregon.gov/highered/about/Documents/Commission/Transfer-Council/2021-October-21/Oregon-Public-Meetings-Law-Quick-Reference-Guide-What-You-Need-To-Know.pdf>
- E. Oregon American Planning Association Handbook
<https://oregon.planning.org/documents/4799/OR-Planning-Comm-Handbook-April-2015.pdf>
- F. Oregon Attorney General’s Public Records and Meetings Manual 2019
<https://www.doj.state.or.us/oregon-department-of-justice/public-records/attorney-generals-public-records-and-meetings-manual/>
- G. Oregon Government Ethics Law Guide
https://www.oregon.gov/highered/about/Documents/Commission/COMMISSION/2018/03_Apr-12-18/7.0c%20ORS%20244%20Master%20Handout%20revised%202017.pdf
- H. “Putting the People in Planning” Guide for Local Governmental Agencies in Oregon
https://www.oregon.gov/lcd/Publications/PPIP-Final_2019-06-30.pdf

Planning Commission Handbook – Quick Guide

QUICK GUIDE FOR PLANNING COMMISSIONERS	
<i>Planning Commission Breakdown</i>	<i>Example Motions</i>
<p>7 Members [1 is the Chairperson].</p> <p>Quorum is a Majority of the members [4].</p> <p>Votes and motions pass by majority vote of those present at the meeting [51%+ of the members present]</p>	<p style="text-align: center;">Public Hearing Motions:</p> <p>“I move to approve application ____ based on _____.”</p> <p>“I move to approve application ____ based on _____, subject to the following conditions _____”</p> <p>“I move to deny application _____, based on _____.”</p> <p>“I move to exclude [piece of Evidence] for being irrelevant/unduly repetitious/immaterial/cumulative.”</p> <p>“I move to continue the hearing on [Exact date and time].”</p> <p style="text-align: center;">Commission Motions:</p> <p>“I move to recommend ____ to the City Council.”</p> <p>“I recommend that we request funding from the City Council for _____.”</p>
<i>Public Hearing Procedure</i>	
<ol style="list-style-type: none"> 1. Open Public hearing. 2. Prepared Statement. 3. Objections to Jurisdiction. 4. Call for Abstentions/Conflicts of Interest. 5. Staff Report with Initial Recommendations. 6. Letters from Public. 7. Public Agency Testimony. 8. Proponents Testimony. 9. Opponent’s Testimony. 10. Neutral Testimony. 11. Questions to Speakers by Commission. 12. Proponent Rebuttal. 13. Staff Final Recommendations. 14. Close Hearing. 15. Deliberations by Commission. 16. Decision 	
<i>Types of Action</i>	
<p>Type I Action – Staff Review, Appealed to Planning Commission.</p> <ul style="list-style-type: none"> - Minor Variance - Lot Line Adjustment - Fence Permit - Sign Permit - Floodplain Permit - Minor Conditional Use Permit - Home Occupation - Access Permit - Minor - Site Development Review - Nonconforming Use, Type I <p>Type II Action – Public hearing by Commission, appealed to City Council.</p> <ul style="list-style-type: none"> - Major Variance - Major Conditional Use - Major Site Design Review - Code Interpretation - Nonconforming Use, Type II - Partition - Subdivision - PUD <p>Type III Action – Commission recommends action to Council, Council decides, appeals to LUBA.</p> <ul style="list-style-type: none"> - Zone Change - Annexation - Vacation <p>Type IV Action – Only Commission or Council can start one, Commission recommends to Council, Council decides, appeals to LUBA</p> <ul style="list-style-type: none"> - Land Use District map Changes - Comprehensive Plan Revision - Development Code Amendments 	

Planning Commission Handbook – Exhibit A

Chapter 2.12: PLANNING COMMISSION

Section 2.12.010: ESTABLISHMENT

The Carlton planning commission (“planning commission” or “commission”) shall be the planning commission for the city of Carlton as authorized in ORS 227.020.

Section 2.12.020: PURPOSE

The purpose of the Carlton planning commission is to serve in an advisory role to the city council on the development and implementation of the city of Carlton’s Comprehensive Plan and its associated planning documents. The planning commission also serves in a quasi-judicial capacity on land-use decisions for the city of Carlton, in order to ensure that the city of Carlton grows and develops in an orderly fashion and with adequate resources for housing, business, industry, transportation, recreation, culture, comfort, health and welfare of its population so that residents and businesses enjoy a high quality of life.

Section 2.12.030: MEMBERSHIP

A. Number of Members. The City planning commission shall consist of seven members.

B. Qualifications. The City Council shall strive to appoint members who represent a cross section of the citizens of Carlton, and who will provide the planning commission with expertise in the area of planning, who possess broad areas of interest, and general concern with the planning process which is required for the functioning of this body.

C. Terms. At the first meeting of the planning commission, the seven appointed members shall choose their term of office by lots as follows: one or one year; two for two years; two for three years; and two for four years, and shall immediately thereafter notify the mayor and city council in writing of such allotment. Their successors shall hold office for four years. Terms commence with January 1 of each year.

D. Term Limits. Members shall not serve more than three full terms consecutively.

E. Vacancies. The City shall give public notice of any vacancy of the planning commission and accept such application for such vacancies. The application for membership on the planning commission shall state the principal occupation of the applicant, the principal residency of the applicant, and any other information and qualifications that the City may deem necessary. A vacancy of the planning commission shall be filled by a majority vote of the City Council upon one accepted application.

F. Membership Residency. Members shall have their principal place of residency inside the city limits and shall have resided continually in the City one year prior to their appointment to the commission, except two members may be nonresidents provided these members reside in locations with city of Carlton postal addresses.

G. Membership Limitation by Profession. No more than two members of the commission may engage principally in the buying, selling or developing of real estate for profit as individuals, or be members of any partnership, or officers or employees of any corporation, that engages principally in the buying, selling or developing of real estate for profit. No more than two members shall be engaged in the same kind of occupation, business, trade or profession.

H. Compensation. Commission members shall receive no compensation, but may be reimbursed for expenses duly authorized by the city council.

I. Removal. A commission member may be removed after a hearing by the city council for misconduct, nonperformance of duty, or two consecutive absences from regular meetings that have not been excused by the commission. The commission may, by motion, request that a member be removed by the appointing body. If the appropriate governing body finds misconduct, nonperformance of duties, or two consecutive unexcused absences from regular meetings, the member shall be removed.

Planning Commission Handbook – Exhibit A

J. Ex Officio Members. At least one ex officio youth (21 years of age and under) may be appointed by the mayor, to serve a fourteen-month term a maximum of three times. The ex officio youth shall not be a voting member. The term of the ex officio youth shall begin October 1st of each calendar year and end November 31st of the succeeding calendar year. It shall be the duty of any outgoing ex officio member to train and assist the incoming ex officio member during the months of October and November.

K. Training. The City shall offer training to planning commissioners to educate them in their duties. It shall be the duty of any newly appointed planning commissioner to attend a basic training session from staff within 30 days of the planning commissioner's appointment unless the new commissioner provides an approved reason for attending the training at a later date. It shall be the duty of any reappointed planning commissioner to attend at least a one-hour training session from staff or offered by the City within 6 months from the beginning of that member's appointed term.

L. Oath. At the beginning of the first meeting of the planning commission following a member's appointment, new members shall take an oath to uphold the Constitution of the United States and the State, the laws of the State, the City Charter and the ordinances of the City, and to faithfully and impartially perform the duties of office to the best of their ability.

Section 2.12.040: OFFICERS

A. Chairperson. At its first meeting of each year, the planning commission shall elect from its membership a chairperson. The chairperson shall have the right to make or correct motions and shall preside at meetings and public hearings of the commission. The chairperson shall have the right to vote.

B. Vice-Chairperson. At its first meeting of each year, the planning commission shall elect from its membership a vice-chairperson. The vice-chairperson shall, in the case of absence or disability of the chairperson, perform the duties of the chairperson.

C. Secretary. The City shall provide a secretary who shall keep an accurate record of all commission proceedings.

D. Terms of Officers. Officers shall serve until their successors are selected to take office or until the officer resigns from the position.

E. Replacement of Officer. A majority of the commission may replace its chairperson or vice chairperson with another member at any time during the calendar year.

F. Annual Report to City Council. On the first day of October, the chairperson of the commission shall file a written report and record with the city council describing all proceedings and transactions of the commission for the past twelve (12) month period.

Section 2.12.050: MEETINGS

A. Regular Meeting Schedule. The commission shall meet at least once a month unless business does not require such a meeting. In which case, the chairperson, with the consent of the city manager, or the city manager's designee, may cancel such meeting by giving notice to other commissioners and to the public by 12:00 on the Friday before said meeting.

B. Public Meetings; Public Notice. Meetings of the commission shall be open to the public. All meetings must comply with ORS 192.640 by providing public notice, reasonably calculated to give actual notice to interested persons of the time and place for holding the regular meetings. This notice shall include a list of the principal subjects anticipated to be considered at the meeting, but shall not limit the ability of the commission to consider additional subjects.

C. Location of Meeting. The city council shall assign to the planning commission an office or headquarters in the City Hall, if possible, in which to hold its meetings, transact its business and keep its records. To comply with ORS 192.670,

Planning Commission Handbook – Exhibit A

these meetings must be made available to the general public by telephone, video, or other electronic or virtual means if possible, and if any in-person testimony is permitted at these meetings, virtual attendees must also be permitted to submit their oral testimony by telephone, video, or other electronic means.

D. Quorum. A majority of the members of the planning commission shall constitute a quorum for any meeting, discussion, or chain of writings related to any single topic over which the commission has decision making authority. If a quorum is present, all matters shall be decided by a vote of the majority.

E. Meeting Conduct. Meetings of the planning commission shall be governed by the Rules of Parliamentary Law and Practice as in Roberts Rules of Order Revised Edition unless expediency or efficiency deem it unnecessary to utilize such rules.

F. Special Meetings. The chairperson upon his motion may or, at the request of four member of the commission shall, by giving notice to members of the commission, to the news media which have requested notice, and to the general public, call a previously unannounced special meeting of the commission for a time not earlier than 24 hours after notice is given.

Section 2.12.060: RESPONSIBILITIES AND POWERS

A. Advisory Powers of the Planning Commission. The advisory powers and duties of the planning commission include, except as otherwise provided by law:

- i. To recommend and make suggestions to the city council and to all other public authorities concerning the laying out, widening, extending, parking, and location of streets, sidewalks, and boulevards, the relief of traffic congestion, the betterment of housing and sanitation conditions and the establishment of zones or districts limiting the use of premises and the use, height, area and bulk of buildings and structures related to land development;
- ii. To recommend to the city council the establishment and alteration from time to time of building setback lines on private property adjacent to any alley, street, or other public way;
- iii. To recommend to the city council and all other public authorities plans for the regulations of the future growth development and beautification of the municipality in respect to its public and private buildings and works, streets, parks, grounds, vacant lots, and plans consistent with the future growth and development of the City, in order to secure to the City and its inhabitants sanitation, proper services of all public utilities and transportation facilities;
- iv. To recommend to the city council and all other public authorities plans for promotion, development and regulation of the industrial and economic needs of the community in respect to industrial pursuits;
- v. To recommend to the city council and all other public authorities plans for protection and assurance of access to incident solar radiation and wind for potential future electrical generation or mechanical application;
- vi. To advertise the industrial advantages and opportunities of the City and availability of real estate within the City for industrial settlement;
- vii. To encourage industrial settlement within the City;
- viii. To make economic surveys of present and potential industrial needs of the City;
- ix. To study the needs of existing local industries with a view to strengthening and developing the local industries and stabilizing employment conditions;
- x. To encourage growth of industries that complement or improve existing local industries;

Planning Commission Handbook – Exhibit A

- xi. To prepare as necessary legislation that will implement the purposes of the comprehensive plan;
- xii. To review the capital improvements programs for consistency with the comprehensive plan; and
- xiii. To generally study and propose such measures as may be advisable for the promotion of the public interest, health, morals, safety, comfort, convenience, and welfare of the City and the area for three miles adjacent thereto, except where by law such powers and duties devolve upon some other public body as to the area outside the City.

B. Quasi-Judicial Powers of the Planning Commission. The planning commission shall serve in a quasi-judicial capacity on land development proposals, conducting public hearings and issuing decisions per federal, state, and local regulations. Any party may appeal from a decision of the planning commission to the city council.

C. Committee for Citizen Involvement. The commission shall serve as the city of Carlton's Committee for Citizen Involvement in accordance with the state of Oregon Land Conservation and Development Land Use Goal No. 1 and Oregon Administrative Rule (OAR) 660-015-0000(1), with the following responsibilities:

- i. Provide direction for plan and plan update development;
- ii. Maintain a Citizen Involvement Plan that ensures the opportunity for citizens to be involved in all phases of the planning process;
- iii. Employ various methods of informing citizens and obtaining their opinion and attitudes on matters relating to the planning process;
- iv. Evaluate the effectiveness of the citizen involvement program annually at its October meeting;
- v. Recommend and make suggestions to the city council regarding revisions to the citizen involvement program, as the commission deems appropriate.

D. Recommendations to the City Council. All recommendations to the city council shall be in writing and include the findings and reasoning in support of the recommendation.

E. Coordination with Other Planning Bodies. The commission shall coordinate its activities with other jurisdictions, planning bodies and districts as appropriate.

F. Requests of the City Council. The power of the planning commission to make studies, hold hearings and prepare reports and recommendations is upon its own initiative or at the request of the city council.

Section 2.12.070: STAFF SUPPORT

The city manager may discretionarily assign staff to assist the planning commission. The planning commission may request staff support from the city manager. Requests by the planning commission for staff support shall not be unreasonably denied.

Section 2.12.080: CONFLICT OF INTEREST

A member of the planning commission shall not participate in any commission proceeding or action in which any of the following has a direct or substantial financial interest: the member, a member's spouse, brother, sister, child, parent, mother-in-law, father-in-law, any business which the member is then serving or has served within the previous two years, or any business with which the member is negotiating for, or has an arrangement or has an understanding concerning prospective partnership or employment. Any actual or potential interest shall be disclosed at the meeting of the commission where the action is taken.

Section 2.12.090: EXPENDITURES

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The planning commission shall have no authority to make expenditures on behalf of the City or to obligate the City for payment of any sums of money except as herein provided, and then only after the city council shall have first authorized such expenditure by appropriate action.

Planning Commission Handbook – Exhibit B

City of Carlton
191 E. Main St.
Carlton, OR 97111
Phone: 503-852-7575
Fax: 503-852-7761
www.ci.carlton.or.us



Sign Permit

A permit is required prior to the construction, alteration or installation of a sign within the City of Carlton, unless otherwise exempt by Carlton Development Code (CDC) Section 17.80.040. Examples of signs exempt from the sign permitting process include but are not limited to: real estate signs, political signs, portable signs less than six (6) square feet in area, and signs within a building.

Review Procedures

A sign permit is processed as a Type I land use action in accordance with the procedures found in CDC Section 17.188.010. The City Planner reviews the request and makes a recommendation on whether or not to approve the sign permit to the City Manager. The City Manager shall issue a permit for a sign unless the sign does not comply with the provisions of the Carlton Development Code. The City Manager's decision is the final, unless appealed to the Carlton Planning Commission within twelve (12) days of the date of the final written notice. The City Manager may revoke a sign permit if he or she finds that there was a material and misleading false statement of fact in the application for the permit.

SIGNS IN NONCOMMERCIAL ZONES (AH, R-1, MH, MX, R-3 zones)

Review Criteria

The following regulations apply to signs in noncommercial zones:

- A. Maximum number: Any combination of signs not exceeding the sign area and height limitations.
- B. Maximum total sign area:
 1. Single-family and two-family (duplex) dwelling: six (6) square feet;
 2. Multiple family dwelling: 24 square feet;
 3. Public and semi-public: 32 square feet;
- C. Maximum sign height of freestanding signs: six (6) feet.
- D. Location of freestanding signs: where fences are allowed.
- E. Illumination: Signs may only be indirectly illuminated by a concealed light source, and shall not flash, blink, fluctuate or produce glare (CDC Section 17.80.060).

SIGNS IN COMMERCIAL AND INDUSTRIAL ZONES (D, CB, CI, AND IG zones)

Review Criteria

- A. Signs within 75 feet of a residentially zoned property shall be setback so as to meet the side and front yard setback requirements of the adjoining residential zone district (CDC Section 17.80.080).
- B. **Appearance:** Signs shall be constructed of wood, brick, tile, masonry, synthetic materials, canvas, vinyl, glass, wrought iron, or metal. Signs shall be constructed of materials consistent with the age, appearance and purpose of the buildings adjacent to the sign. The design shall reflect and be consistent with the appearance, design, architecture and historical character of adjacent buildings and uses. Fluorescent or unusually bright colors shall not be permitted. (CDC 17.80.090)
- C. **Size:** Businesses with Two or More Street Frontages:
 1. Land abutting more than one street shall be allowed its quota of signs on each of the streets, and up to ten (10) percent of the permitted quota on any street may be deducted there from and added to the other street frontage.
 2. Where a business located on a corner erects an attached sign designated to be read from both intersecting public streets, the total aggregate area of such sign shall not exceed one-half that which would be allowed for separate signs fronting on the intersecting public streets.
 3. Where a business located on a corner is allowed a monument sign, it may have one such sign designed to be read from both intersecting public streets, or two such freestanding signs, provided that each sign is designed to be read from only one of the intersecting streets.

Area:

1. Wall signs shall not exceed ten (10) percent of the building face facing a street. For purposes of the area, the height of the lower level or story or twenty (20) feet, whichever is larger, shall be multiplied by the building frontage. Height of lettering cannot exceed twenty-four (24) inches.
2. Awning signs shall not exceed ten (10) percent of the awning area. For purposes of calculating the awning area, the height shall be multiplied by the width of the awning.
3. Projecting signs shall not exceed five percent of the building face facing a street. For purposes of calculating the area, the height of the lower level or story, or twenty (20) feet, whichever is less, shall be multiplied by the building frontage. Height of lettering cannot exceed eight inches.
4. Roof signs are not permitted except by variance.

5. Freestanding signs: one square foot of sign area for each linear foot of property frontage upon a city street or a total of fifty (50) square feet for each street frontage, whichever is lesser.

Height: Not more than four feet above the eave line provided the maximum height above the ground line shall not exceed twenty (20) feet.

Location: Attached to the building, except such signs shall not be roof signs. (CDC 17.80.100)

Suspended signs: Signs suspended from the underside of a horizontal plane surface and is supported by that surface, shall have a maximum area of three (3) square feet and shall not project more than 30 inches from the face of the building (CDC 17.80.080.F).

D. Design review requirements:

1. Signs must be compatible in design and color with the architectural and historical qualities of Carlton and with the buildings with which they are associated.
2. Signs illuminated by spotlights or indirect lighting shall be lighted in such a manner that glare from the light source is not visible to pedestrian or vehicle traffic.
3. Directory signs (wall, projecting, and freestanding), and the individual signs comprising a directory sign shall be uniform or consistent in size, shape, and design. Individual signs in a directory sign may be added, moved, or substituted with signs for new businesses or uses without going through the design review process, provided that the design is consistent and the provisions of the original permit are met (CDC 17.80.110).

ADDITIONAL SIGN REQUIREMENTS

Signs Visible From a State Highway (Highway 47)

Additional sign regulations apply to signs visible from State Highway 47 in Carlton. Applicants installing a sign visible from Highway 47 should contact the Oregon Department of Transportation (ODOT) at (503) 986-3546 for additional information.

Design, Construction and Maintenance:

All signs shall be designed, constructed, and maintained according to the following standards:

1. All signs shall comply with the applicable provisions of Uniform Building Code in effect at the time of the sign permit application and all other applicable structural, electrical and other regulations. The issuance of a sign permit under these regulations does not relieve the applicant of complying with all other permit requirements;
2. All signs shall be maintained in a good structural condition at all times;

3. The owner shall be responsible for its erection and maintenance and its compliance with the provisions of these regulations or other laws or ordinances regulating signs (CDC Section 17.80.070.E).

Downtown District:

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

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