



# MEMO

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**DATE:** October 30, 2023  
**TO:** Mayor Linda Watkin and City Councilors  
Envision Carlton Project Advisory Committee Members  
Planning Commissioners  
**FROM:** Elizabeth Decker, JET Planning  
**SUBJECT:** Overview of Proposed Carlton Code Updates

## PURPOSE & BACKGROUND

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The City of Carlton has been working on the Envision Carlton planning process for the past two years that includes two primary components:

- **Comprehensive Plan** update to set the long-term vision, goals, policies and specific objectives for the city; and
- **Development Code** updates to implement the policy direction from the Comprehensive Plan into standards applied to future development projects. The code updates also incorporate applicable changes to state law and clarifications to improve usability.

The draft Development Code updates have been developed by a consultant team hired by the City, 3J Consulting and JET Planning, and are based on interviews with stakeholders in the development community, an audit of the City's existing code, initial concept review with the Envision Carlton Project Advisory Committee, and review of code language with City staff. The core concepts in the draft code were reviewed at a public Open House on October 30<sup>th</sup>. Public input at this stage is critical to confirm or modify the proposed code direction to ensure it implements the City's long-term vision.

The purpose of the November 7<sup>th</sup> work session is to provide an overview of the proposed direction and concepts for the code updates and discuss key concepts flagged in this memo. Through an upcoming series of work sessions to review, refine and finalize the draft code language, we are working to ensure the code implements the City's long-term vision, and towards adoption of the updated Development Code in early 2024.

## KEY CONCEPTS

### A. Permitting a Variety of Housing Types

There are five residential zones in Carlton that allow a range of intensity and uses. Proposed updates expand the variety of housing types that can be built in each zone: **Accessory dwelling units (ADUs)** are proposed in all zones, **duplexes** are expanded to more zones, and **cottage clusters** are proposed in all zones.

	R-1	R-2	R-3	MH	MX
Single-family detached home (includes manufactured home)	P	P	P	P	P
<b>Accessory dwelling unit</b>	<b>P</b>	<b>P</b>	<b>P</b>		<b>P</b>
<b>Duplex (allow on same-size lot as single-family detached)</b>	<b>P (corner lots)</b>	P	P		<b>P</b>
Townhouse (single-family attached)		P (2 units)	<del>P (2 units)</del>		P
<b>Cottage cluster</b>	<b>P</b>	<b>P</b>	<b>P</b>		<b>P</b>
Planned unit development	P	P	P	P	
Multifamily (3+ units)			P		P
Manufactured home park			P	C	C

**New standards for ADUs** allow one ADU up to 800 SF with a single-family dwelling. The ADU may be a detached structure (including a converted garage) or attached as part of the dwelling (including an addition, or conversion of existing basement). ADUs must meet all the dimensional standards for the site, including height, setbacks and lot coverage. No additional off-street parking is required with an ADU.<sup>1</sup> ADUs (can/cannot) be used as a vacation rental dwelling.

**Duplexes are proposed to be permitted on all lots** where single-family detached homes are permitted, subject to the same standards. In addition to meeting Carlton housing needs, this implements new statewide requirements.<sup>2</sup>

<sup>1</sup> Specifics of state statutes prohibit cities from requiring a discretionary review, owner occupancy requirements, or off-street parking with ADUs. (ORS 197.312(5)).

<sup>2</sup> Cities with a population over 2,500 are required to permit duplexes subject to the same terms as single-family homes. (HB 3395, 2023). Carlton is currently just shy of the 2,500 mark, but the changes are proposed with this batch of code updates to ensure future compatibility.

**Cottage cluster standards** define this use as a cluster of four or more small, detached dwellings arranged around a common courtyard. Cottages are limited to a footprint of 900 SF, up to two stories, and are allowed at greater density than single-family detached homes in the same zones. Site design standards require a common courtyard with at least half of the units fronting the courtyard. A minimum of one off-street parking space is required with each cottage, which can be provided in shared parking areas or individual garages or parking pads with each cottage.

**Discussion:** Do you support the proposed variety of housing options? What questions do you have about the proposed standards for ADUs and cottage clusters?

Proposed updates also implement **more consistent minimum lot sizes and minimum/maximum densities for each zone**, and adjusting the scale of development permitted to accommodate proposed new housing types. Adjustments in the R-1 and R-2 zones are limited to introducing new middle housing types consistent with the scale of the zone, including setting the same minimum lot size for single-family detached and duplex dwellings. The new minimum densities proposed for those zones are intended to promote efficient use of land within the UGB. Reduced lot sizes in R-3 and MX are intended to be consistent with the higher densities allowed in those zones, to offer a range of development intensities across the city.

	<b>R-1</b>	<b>R-2</b>	<b>R-3</b>	<b>MH</b>	<b>MX<sup>1</sup></b>
Minimum lot size					
Single-family detached	7,500	6,000	<del>4,000</del> <del>5,000</del> <b>3,000</b>	<del>7,500</del> <b>3,500</b>	<b>4,000</b>
Duplex	<del>9,000</del> <b>7,500</b>	<del>7,000</del> <b>6,000</b>	<del>8,000</del> <b>3,000</b>	--	<b>4,000</b>
Townhouse (interior)	--	2,400	<del>2,400</del> <b>2,000</b>	--	<b>2,000</b>
Townhouse (corner lot)		4,000	<del>5,000</del> <b>2,400</b>		<b>2,400</b>
<b>Cottage cluster</b>	<b>15,000</b>	<b>12,000</b>	<b>6,000</b>	--	<b>8,000</b>
<b>Minimum density (units/net acre)</b>	<b>4.6</b>	<b>5.8</b>	<del>8</del> <b>12</b>	--	<b>8</b>
Maximum density (units/net acre)	Set by lot size	Set by lot size	32	--	<b>20</b>

- Existing standards reference an average density of 9 units/net acre, and a range of 6-9 units/net acre for single-family detached and 9-12 units/net acre for townhouses. Proposed standards expand the intensity of housing allowed, but not in a way that is directly comparable to the old standards.

**Discussion:** Do the proposed minimum lot sizes seem too large, too small or about right, given the intent of each zoning district and overall goal to provide a balance of housing options at different scales and price points, while using land efficiently? What questions do you have about the proposed lot sizes and densities to implement the proposed housing types?

## B. Simplifying Downtown Design Standards

The Downtown district allows a range of commercial uses, including retail, services and wineries with a production component, along with residential uses, within a walkable mixed-use environment built to pedestrian scale.

Revisions clarify the review process and the applicable standards, rather than significant changes to the design standards themselves. The proposed code clarifies that downtown development must comply with the **downtown design standards** (generally more prescriptive and specific, such as requiring a main entrance facing the street and awnings over all windows), OR comply with the more **discretionary design guidelines** (such as, whether the building enhance the pedestrian realm). This allows proposed development to choose one of two pathways to compliance, and provides flexibility for the City to review more creative projects.

Updates also include removing duplicate images and standards, especially standards for subdistricts that repeated the overall district standards.

**Discussion:** Do you support the proposed approach to reorganize and simplify the downtown design standards, while retaining the existing scope and content of the standards?

## C. Enhancing Agricultural Holding Zone Protections

The intent of the Agricultural Holding zone is to **preserve land for future urban-scale development**, and prevent premature development of areas without adequate public services. Existing standards, however, allowed residential development at densities similar to the R-1 district. Proposed changes increase the minimum lot size in the district from 7,500 SF to 3 acres, and prohibit land division until the property is rezoned to an urban zone.

Also added Comprehensive Plan policy to plan these areas and apply urban comprehensive plan designations to all agricultural areas within the UGB to provide greater certainty for future development. Agricultural uses would be allowed to continue until annexation and rezoning occurs.

**Discussion:** Do you support the proposed changes to enhance the holding functionality of the Agricultural Holding zone prior to development?

## D. Clarifications to Public Improvement Requirements

Public improvements standards require new **street, water, sewer and drainage improvements** with new development. The proposed updates enhance the usability of existing standards with clarifications, including removing some specific engineering details within code and instead referencing the City’s adopted Standard Specifications for Public Works Construction.

Updates also strengthen the storm drainage requirements to require detention and treatment of stormwater for new development, documented in storm drainage and erosion control plans required with land use applications.

There have been questions raised about modifying the existing cross-sections for streets based on concerns that some standards are too wide. However, the City will soon be starting a Transportation System Plan (TSP) update that will provide a more appropriate forum for detailed conversations on the variety and design of streets throughout the community.

## E. Parking Standards for Downtown and Residential Uses

**Minimum off-street parking standards** are not proposed to change for most existing uses, but new standards are proposed for the wider variety of residential uses. Existing single-family and multifamily ratios are unchanged. The reduction to off-street parking for duplexes and no off-street parking for ADUs directly implement state requirements. The proposed cottage cluster parking minimum is analogous to the multifamily requirement and consistent with the adopted state Model Code for cottage clusters.

Residential Use	Off-Street Minimum
Single-family detached and townhouses	2 spaces/dwelling unit
<b>Accessory dwelling unit</b>	<b>0 spaces<sup>1</sup></b>
Duplex	± 1 space/dwelling unit ( <b>2 total</b> ) <sup>2</sup>
<b>Cottage cluster</b>	<b>1 space/dwelling unit</b>
Multifamily dwellings	1 space/dwelling unit

1. As required by ORS 197.312(5)(b)(B)
2. As required by OAR 660-046-0120(5)(a)

No changes are proposed to the off-street parking requirements for downtown, but the code updates include clarification to **delineate the Downtown Parking District**, which exempts new and existing development from providing off-street parking in (nearly all) of the Downtown District.

**Discussion:** Do you support the proposed changes to residential off-street parking minimums or have any questions about them?

## F. Landscaping and Trees

**Landscaping standards** require 10-25% of development sites to be landscaped with trees, shrubs and ground cover, depending on the zone where the development is located, as well as screening to buffer portions of the site used for trash enclosures, parking lots, utility equipment, and similar. Landscaping standards do not reference preferred species, such as native species, or invasive species to avoid; reference to an external plant list similar to the Approved Street Tree List could implement a more specific direction for landscaping.

**Discussion:** Would you like to see more specific direction in code on plant species, such as a native and/or invasive species planting list, or maintain the current flexibility? Do you have other questions about landscaping requirements for private development?

Retaining **existing trees** and vegetation on private development sites can be counted towards required landscaping, but is not currently required. **Street trees** can be planted in planting strips along new streets, though there are not detailed planting requirements in the current code. The proposed code requires planting street trees species from the City's adopted Approved Street Tree List.

**Discussion:** Do you support the current standard providing flexibility in retaining or replacing existing trees and vegetation, or would you like to see additional standards prioritizing preservation of (some) existing trees? If so, what priorities would you like to see for tree preservation and/or flexibility to replace or mitigate existing trees? Would you like to see specific street tree planting requirements for new developments, in addition to trees and landscaping on private development sites?

## G. Open Space and Riparian Corridors

**Open space, parks and trails** have been identified as community priorities, and all are addressed through policies in the Comprehensive Plan. The adopted Parks Development Plan (2019) is the guiding document for acquisition and development of park facilities. There are not detailed plans for open space or trail facilities. There are several mechanisms that can enhance creation of parks, trails and open space throughout the community, some of which could be implemented by Development Code and many of which require additional planning and funding.

- **Parks acquisition and development** is guided by the Parks Development Plan (PDP), and funded by System Development Charges (SDCs) paid by all new residential development as well as other local or grant sources. New subdivisions can propose to dedicate land to the city for public park facilities in lieu of paying Parks SDCs. New residential developments can sometimes be required to provide additional parks or

open space within the development as a condition of subdividing, but great care is needed to calibrate the need for the dedication (for facilities not otherwise covered and planned for in the PDP and funded by SDCs) and the amount of the dedication to avoid legal challenges. Such dedications often take the form of smaller “tot lot” facilities due to the size of developments and the amount that can be required.

**Discussion:** Do you support using the adopted Parks Plan to guide parks acquisition, development and funding, or would you like to see additional mechanisms to require parks within new development even if they are relatively small?

- **Trails** are not detailed in the PDP, though they could be added. There is one north-south multimodal pathway identified in the Carlton TSP (Figure 4-4) that parallels the railroad tracks. Dedication and/or development of trail facilities in either the PDP or the TSP can generally be required at the time of site development, or otherwise developed with local or grant funds. We have heard interest in additional trail corridors along Hawn Creek and the North Yamhill River, portions of which cross through existing City parks. These could be added to either the upcoming TSP or further detailed in the PDP, but there is not a current mechanism to fund or require dedication and development of these trail corridors.

**Discussion:** Do you support adding additional trail corridors to future transportation or parks plans, along with funding plans, to expand the trail network? Do you have any other priorities for trails?

- **Open space** can be another type of environmental and recreational resource, that provides for undeveloped land to be preserved in a “natural” state, generally without improvements like a park. Open spaces can be identified as part of the PDP, or as environmental resources based on scientific classification. Commonly protected open spaces include wetlands and riparian corridors along waterways, such as Hawn Creek and the North Yamhill River. Protection options depend in part on whether the primary goal is to limit development to protect the resource while property remains in private hands, or to publicly acquire the open space for protection, management and public access such as trails. Generally, resource protection can be required by development code provisions developed by resource specialists, but public acquisition of such land is better accomplished and funded through the PDP or other adopted master plan.

**Discussion:** What are your priorities for open space in terms of resource protection, which could remain in private hands, and/or public access and acquisition?



## H. Adding a Non-Discretionary Review Process

There are four types of **review for proposed land development**, which provide the process for applying all the various code standards. The existing code allows for a review by City staff for relatively minor actions like a sign permit, and requires a discretionary review with a public hearing in front of the Planning Commission for most new development. Such discretionary reviews can provide a broader forum to consider a development proposal with community input, but can also create greater uncertainty for developers about what standards they need to meet. State law on “clear and objective” pathways for housing, in particular, require that cities use a Type I or II non-discretionary review process for residential development.<sup>3</sup>

The proposed code allows for an **additional level of review, a Type II or Administrative review**, that is completed by staff applying the development code standards and providing for public notification and opportunity to submit written comments. This level of review is appropriate for residential development to ensure state law is met and can provide greater certainty for the City and developers about how standards will be applied to proposed development, while still allowing public engagement.

Land Use Review Type	Eligible Development Types <sup>1</sup>
<p><b>Type I – Ministerial</b></p> <ul style="list-style-type: none"> <li>• City staff review, no public notice issued.</li> <li>• Projects reviewed to determine if they meet clear and objective standards, no discretion involved</li> <li>• Decisions may be appealed to Planning Commission</li> </ul>	<ul style="list-style-type: none"> <li>• Minor modifications to existing development</li> <li>• Sign permits</li> </ul>
<p><b>Type II – Administrative</b></p> <ul style="list-style-type: none"> <li>• City staff review, public notice and comment period</li> <li>• Limited discretion to apply code standards</li> <li>• Can be appealed to Planning Commission</li> </ul>	<ul style="list-style-type: none"> <li>• New residential development, e.g., apartments and cottages</li> <li>• Vacation rental permits</li> <li>• Partitions (2-3 new lots)</li> </ul>
<p><b>Type III – Quasi-Judicial</b></p> <ul style="list-style-type: none"> <li>• Public hearing before Planning Commission</li> <li>• Discretionary criteria interpreted</li> <li>• Appeal to City Council</li> </ul>	<ul style="list-style-type: none"> <li>• New nonresidential development, e.g., downtown</li> <li>• Subdivisions</li> <li>• Conditional Uses</li> <li>• Variances</li> <li>• Site-specific rezones</li> </ul>
<p><b>Type IV – Legislative</b></p>	<ul style="list-style-type: none"> <li>• Comprehensive Plan amendment</li> </ul>

<sup>3</sup> ORS 197.307(4) requires that cities apply “only clear and objective standards, conditions and **procedures** regulating the development of housing.” (emphasis added)



Land Use Review Type	Eligible Development Types <sup>1</sup>
<ul style="list-style-type: none"><li>• Planning Commission hearing to develop recommendation to Council, Council hearing to consider adoption</li><li>• Broader policy issues</li><li>• No local appeal</li></ul>	<ul style="list-style-type: none"><li>• Development Code amendment</li><li>• Zoning Map amendment</li></ul>

1. Examples, not an inclusive list.

**Discussion:** Do you support the introduction of a Type II review with public comment and staff review? Do you support the proposed levels of review, or are there specific actions that you would like to see with a different type of review?