



Oregon

Theodore R. Kulongoski, Governor

Department of Land Conservation and Development

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NOTICE OF ADOPTED AMENDMENT

March 5, 2007



TO: Subscribers to Notice of Adopted Plan
or Land Use Regulation Amendments

FROM: Mara Ulloa, Plan Amendment Program Specialist

SUBJECT: City of Carlton Plan Amendment
DLCD File Number 004-06

The Department of Land Conservation and Development (DLCD) received the attached notice of adoption. A copy of the adopted plan amendment is available for review at the DLCD office in Salem and the local government office.

Appeal Procedures*

DLCD ACKNOWLEDGMENT or DEADLINE TO APPEAL: March 22, 2007

This amendment was submitted to DLCD for review 45 days prior to adoption. Pursuant to ORS 197.830 (2)(b) only persons who participated in the local government proceedings leading to adoption of the amendment are eligible to appeal this decision to the Land Use Board of Appeals (LUBA).

If you wish to appeal, you must file a notice of intent to appeal with the Land Use Board of Appeals (LUBA) no later than 21 days from the date the decision was mailed to you by the local government. If you have questions, check with the local government to determine the appeal deadline. Copies of the notice of intent to appeal must be served upon the local government and others who received written notice of the final decision from the local government. The notice of intent to appeal must be served and filed in the form and manner prescribed by LUBA, (OAR Chapter 661, Division 10). Please call LUBA at 503-373-1265, if you have questions about appeal procedures.

***NOTE: THE APPEAL DEADLINE IS BASED UPON THE DATE THE DECISION WAS MAILED BY LOCAL GOVERNMENT. A DECISION MAY HAVE BEEN MAILED TO YOU ON A DIFFERENT DATE THAN IT WAS MAILED TO DLCD. AS A RESULT YOUR APPEAL DEADLINE MAY BE EARLIER THAN THE ABOVE DATE SPECIFIED.**

Cc: Doug White, DLCD Community Services Specialist
Gary Fish, DLCD Regional Representative
Mark Fancey, City of Carlton

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MAR 02 2007

LAND CONSERVATION AND DEVELOPMENT

NOTICE OF ADOPTION

Must be filed within 5 working days
See OAR 660-18-040

Jurisdiction: City of Carlton
Date of Adoption: February 12, 2007
Date Proposal was Provided to DLCD: _____

Local File Number: LA06-02
Date Mailed: March 1, 2007
September 21, 2006

Type of Adopted Action: (Check all that apply)

- Comprehensive Plan Text Amendment
- Land Use Regulation Amendment
- New Land Use Regulation
- Comprehensive Plan Map Amendment
- Zoning Map Amendment
- Other: _____
(Please Specify Type of Action)

Summarize the adopted amendment. Do not use technical terms. Do not write "See Attached."
This amendment would eliminate boarding or rooming houses as a permitted use in the Multi-Family Residential Zone and would modify standards for number and placement of sandwich board signs.

Describe how the adopted amendment differs from the proposed amendment. If it is the same, write "Same." If you did not give notice for the proposed amendment, write "N/A."

Same

Plan Map Changed from: NA to NA

Zone Map Changed from: NA to NA

Location: NA

Acres Involved: NA

Specify Density: Previous: NA New: NA

Applicable Statewide Planning Goals: 1, 2, 12

Was an Exception Adopted? Yes: No:

DLCD File Number: 004-06 (15567)

Did the Department of Land Conservation and Development receive a notice of Proposed Amendment **FORTY FIVE (45) days prior to the first evidentiary hearing.** Yes: X No:

If no, do the Statewide Planning Goals apply. Yes: No:

If no, did the Emergency Circumstances Require immediate adoption. Yes: No:

Affected State or Federal Agencies, Local Governments or Special Districts: None

Local Contact: Mark Fancy Area Code + Phone Number: (503) 588-6177

Address: MWVCOG 105 High Street SE

City: Salem Zip Code+4: 97301-3667

ADOPTION SUBMITTAL REQUIREMENTS

This form **must be mailed** to DLCD **within 5 working days after the final decision** per ORS 197.610, OAR Chapter 660 – Division 18.

1. Send this form and TWO (2) Copies of the Adopted Amendment to:
ATTENTION: PLAN AMENDMENT SPECIALIST
DEPARTMENT OF LAND CONSERVATION AND DEVELOPMENT
635 CAPITOL STREET NE, SUITE 150
SALEM, OREGON 97301-2540
2. Submit **TWO (2) copies** of the adopted material, if copies are bound please submit **TWO (2) complete copies** of documents and maps.
3. Please note: Adopted materials must be sent to DLCD not later than **FIVE (5) working days** following the date of the final decision on the amendment.
4. Submittal of this Notice of Adoption must include the text of the amendment plus adopted findings and supplementary information.
5. The deadline to appeal will be extended if you submit this notice of adoption within five working days of the final decision. Appeals to LUBA may be filed within **TWENTY-ONE (21) days** of the date the “Notice of Adoption” is sent to DLCD.
6. In addition to sending the “Notice of Adoption” to DLCD, you must notify persons who participated in the local hearing and requested notice of the final decision.
7. **Need more copies?** You can copy this form onto **8 ½ x11 green paper only**; or call the DLCD office at (503) 373-0050; or fax your request to: (503) 378-5518; or Email your request to Larry.French@state.or.us - **ATTENTION: PLAN AMENDMENT SPECIALIST.**

ORDINANCE #661

AN ORDINANCE AMENDING THE CITY OF CARLTON DEVELOPMENT CODE AND DECLARING AN EMERGENCY

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

WHEREAS, the Carlton Planning Commission held a public hearing on the proposed amendments to the City of Carlton Development Code on November 6, 2006, at which time the public was given full opportunity to be present and heard on the matter;

WHEREAS, the Carlton City Council held a public hearing on the proposed amendments to the City of Carlton Development Code on January 8, 2007, at which time the public was given full opportunity to be present and heard on the matter;

WHEREAS, proper notice of the said public hearings was given to the public pursuant to applicable state statutes; and

NOW THEREFORE; The people of the City of Carlton ordain as follows;

SECTION 1. Adoption. The amendment to the City of Carlton Development Code attached hereto and marked Exhibit A is hereby adopted.

SECTION 2. Emergency Clause. The Council desires and deems it necessary for the preservation of the health, peace, and safety of the City of Carlton that this ordinance take effect at once, and therefore, an emergency is hereby declared to exist, and this ordinance shall be in full force and effect from and after its passage by the Council and approval by the Mayor.

Passed by this Council this 12th day of Feb., 2007, by the following vote:

AYES: Jernstedt, Carl, Rhoads, Oriet, VanDeWalle, Berry, Williams

NAYS: _____

Approved by the Mayor this 12th day of Feb., 2007.

Handwritten signature of the Mayor, with the word "Mayor" printed below it.

ATTEST: Handwritten signature of the City Recorder, with the words "City Recorder" printed below it.

EXHIBIT A
Amendments to the Carlton Development Code

2.101 SUBURBAN RESIDENTIAL (SR)

2.101.01 Purpose

The Suburban Residential (SR) District preserves existing single-family residential areas and provides for future single-family residential housing opportunities. The SR District is consistent with the Residential Comprehensive Plan designation.

2.101.02 Permitted Uses

The following uses are permitted in the SR District:

- A. Single-family dwelling, including a single-family manufactured home subject to **Section 2.303**.
- B. Duplex dwelling on a corner lot.
- C. Public park and recreation area.
- D. Planned unit development subject to the provisions of **Section 2.302**.
- E. Child care facilities, as defined by Oregon Revised Statutes Chapter 657A.
- F. Licensed Residential Care Homes, as defined by ~~this ordinance~~ **ORS 197.660**. All residential care homes shall be duly licensed by the State of Oregon **prior to occupancy**.
- G. Home Occupation, subject to the provisions of Section 2.305.

2.101.03 Conditional Uses

The following uses are permitted as conditional uses, provided that such uses are approved in accordance with **Section 3.103**.

- A. Place of Worship
- B. Public or private school

- C. Community building
- D. Utility facility including utility right-of-ways
- E. Bed and Breakfast

2.101.04 Dimensional Standards

The following dimensional standards shall be the minimum requirements for all development in the SR District except for modifications permitted under **Section 2.402**.

A. Minimum Lot Area

- 1. Single-family dwelling: 7,500 square feet
 Duplex: 9,000 square feet
- 2. Public utility structures: Lot area shall be adequate to contain all proposed structures within the required yard setbacks.

B. Minimum Yard Setback Requirements. All principal and accessory structures shall maintain the following minimum yard setbacks:

- 1. Front Yard 20 feet
- 2. Rear Yard 15 feet
- 3. Side Yard (interior) 5 feet
 Side Yard (adjacent to street) 20 feet
- 4. Nonconforming structures: Regardless of the above the minimum distance between a proposed structure and an existing structure on another parcel shall be 10 feet.

C. Maximum Structure Height 35 feet

D. Minimum Lot Width at Building Line 75 feet

2.101.05 Development Standards

All development in the SR District shall comply with the applicable provisions of **Section 2.400**. In addition, the following specific standards shall apply:

- A. Accessory structures. Accessory structures as provided for in **Section 2.210**.
- B. Off-street parking. Parking shall be as specified in **Section 2.203**.
- C. Subdivisions and partitions. Land divisions shall be reviewed in accordance with the provisions of **Section 3.108** or **3.109**.
- D. Lot Coverage. The following shall mean the maximum permitted lot coverage, including coverage by public and private parking areas or garages:

Maximum lot coverage: 35%
Maximum parking area coverage: 30%
Combined maximum lot and parking area coverage: 65%
- E. Yards and Lots. Yards and lots shall conform to the standards of **Section 2.209**.
- F. Signs. Signs shall conform to the requirements of **Section 2.206**.
- G. Driveways. Driveways shall be separated from an intersection by at least 50 feet or one-half the lot frontage, whichever is greater.

2.102 MANUFACTURED HOME (MH)

2.102.01 Purpose

The Manufactured Home (MH) District provides areas for the development of residential manufactured home parks to increase the choice and mixture of single-family housing opportunities. The MH District is consistent with the Residential Comprehensive Plan designation.

2.102.02 Permitted Uses

The following uses are permitted in the MH District:

- A. Single-family dwelling; including a single-family manufactured home subject to **Section 2.303**.
- B. Public park and recreation area
- C. Planned unit development subject to the provisions of **Section 2.302**
- D. Child care facilities, as defined by Oregon Revised Statutes Chapter 657A.
- E. **Licensed Residential Care Homes**, as defined by ~~this ordinance~~ **ORS 197.660**. All residential care homes shall be duly licensed by the State of Oregon **prior to occupancy**.
- F. Home occupation, subject to the provisions in Section 2.305.

2.102.03 Conditional Uses

The following uses are permitted as conditional uses, provided that such uses are approved in accordance with **Section 3.103**.

- A. Manufactured Home Park subject to the provisions of **Section 2.304**
- B. Place of Worship
- C. Public or private school
- D. Community building
- E. Utility facility including utility right-of-ways

2.102.04 Dimensional Standards

The following dimensional standards shall be the minimum requirements for all development in the MH District except as provided for Manufactured Home Parks under **Section 2304** or for modifications permitted under **Section 2.402**.

A. Minimum Lot Area

1. Single-family dwelling: 7,500 square feet
2. Public utility structures: Lot area shall be adequate to contain all proposed structures within the required yard setbacks.

B. Minimum Yard Setback Requirements All principal and accessory structures shall maintain the following minimum yard setbacks:

1. Front Yard 20 feet
2. Rear Yard 15 feet
3. Side Yard (interior) 5 feet
Side Yard (adjacent to street) 20 feet

C. Maximum Structure Height 35 feet

D. Minimum Lot Width at Building Line 75 feet

2.102.05 Development Standards

Except as otherwise provided for Manufactured Home Parks under **Section 2304**, all development in the MH District shall comply with the applicable provisions of **Section 2.400**. In addition, the following specific standards shall apply:

A. Accessory structures. Accessory structures as provided for in **Section 2.210**.

B. Off-street parking. Parking shall be as specified in **Section 2.203**.

C. Partitions. Land divisions shall be reviewed in accordance with the provisions of **Section 3.108**.

D. Lot Coverage. The following shall mean the maximum permitted lot coverage, maximum coverage of public and private parking areas or garages, and/or combined maximum lot and parking combined coverage required:

Maximum lot coverage: 35%

Maximum parking area coverage: 30%

Combined maximum lot and parking area coverage: 65%

E. Yards and Lots. Yards and lots shall conform to the standards of **Section 2.209**.

F. Signs. Signs shall conform to the requirements of **Section 2.206**.

G. Driveways. Driveways entering public streets shall be separated from an intersection by at least 50 feet or one-half the lot frontage, whichever is greater.

2.103 **MULTI-FAMILY RESIDENTIAL (MR)**

2.103.01 **Purpose**

The Multi-Family Residential (MR) District provides opportunities for higher density housing in close proximity to substantial commercial and public development where full urban services are available. The MR District is consistent with the Residential Comprehensive Plan designation.

2.103.02 **Permitted Uses**

The following uses are permitted in the MR district:

- A. Duplex dwelling, Multi-family dwellings, Manufactured Home Parks subject to **Section 2.304**.
- B. Public park and recreation area
- C. Planned unit development subject to the provisions of **Sections 2.302**.
- ~~D. Boarding, lodging, or rooming house.~~
- E **D.** Child care facilities, as defined by Oregon Revised Statutes Chapter 657A.
- FE. **Licensed Residential Care Homes and licensed Residential Care Facilities**, as defined by ~~this ordinance~~ **ORS 197.660** . All residential care homes and residential care facilities shall be duly licensed by the State of Oregon **prior to occupancy** .
- GF. Home occupation, subject to the provisions of Section 2.305.

2.103.03 **Conditional Uses**

The following uses are permitted as conditional uses, provided that such uses are approved in accordance with **Section 3.103**.

- A. Place of Worship
- B. Public or private school
- C. Community building
- D. Utility facility including utility right-of-ways

- E. Single-family Dwelling, including a single-family manufactured home subject to **Section 2.303**.
- F. Bed and Breakfast

2.103.04 Dimensional Standards

The following dimensional standards shall be the minimum requirements for all development in the MR District except for modifications permitted under **Section 2.402**.

A. Minimum Lot Area

- 1. Single-family dwelling: 6,000 square feet
 Duplex: 8,000 square feet
 Multi-family dwelling, 3 unit 9,500 square feet
 plus 1,500 square feet per unit in excess 3 units
- 2. Public utility structures: Lot area shall be adequate to contain all proposed structures within the required yard setbacks.

B. Minimum Yard Setback Requirements. All principal and accessory structures shall maintain the following minimum yard setbacks:

- 1. Front Yard 20 feet
- 2. Rear Yard 15 feet
- 3. Side Yard (interior) 7½ feet
 Side Yard (adjacent to street) 20 feet

C. Maximum Structure Height 35 feet

2.103.05 Development Standards

All development in the MR District shall comply with the applicable provisions of **Section 2.400**. In addition, the following specific standards shall apply:

A. Accessory structures. Accessory structures as provided for in **Section 2.210**.

B. Off-street parking. Parking shall be as specified in **Section 2.203**.

- C. Subdivisions and Partitions. Land divisions shall be reviewed in accordance with the provisions of **Section 3.108** or **3.109**.
- D. Lot Coverage. The following shall mean the maximum permitted lot coverage, maximum coverage of public and private parking areas or garages, and/or combined maximum lot and parking combined coverage required:
- | | |
|--|-----|
| Maximum building coverage: | 40% |
| Maximum parking area coverage: | 30% |
| Combined maximum building and parking area coverage: | 70% |
- E. Multi-family residential uses (three or more units) shall be subject to the Site Design Review procedures of **Section 3.104**.
- F. Landscaping. Multi-family dwelling developments shall provide a minimum landscaped area equal to 25 percent of the gross site area. Landscaping improvements shall be installed and maintained in accordance with **Section 2.207**.
- G. Signs. Signs shall conform to the requirements of **Section 2.206**.
- H. Driveways. Driveways shall be separated from an intersection by at least 50 feet or one-half the lot frontage, whichever is greater.

2.110 MIXED DENSITY RESIDENTIAL (MX) ZONE

2.110.01 Purpose. The City of Carlton recognizes that land is a precious, non-renewable resource, and that conventional zoning tends to foster a pattern of development that excessively separates land uses and results in the requirement of extensive vehicular travel. The Mixed Density (MX) Residential Zone is intended primarily as residential area with supporting and complementary commercial and public uses. The purpose of the Mixed Density (MX) Residential Zone is to provide the development option of a subdivision that will promote:

- The physical and social integration of citizens diverse in age, lifestyle and economic status;
- An adequate supply of housing that is affordable by households at all income levels.
- A greater diversity than found in other Carlton neighborhoods of types of housing;
- An alternative means of developing land and otherwise promote public health, safety and welfare that fosters a strong sense of neighborhood identity based on a shared, coherent, functionally efficient physical environment; and
- The distinctive, small-town character of Carlton.

The form of the MX Zone is designed to provide a coordinated and attractive living environment that responds to local conditions and emphasizes a range of good circulation opportunities for walking, bicycling, and driving personal vehicles. Essential development characteristics within the MX Zone are:

- A mixing of residential housing types including detached single-family dwellings, apartments, and townhouses.
- Studio apartment units in the same structure with single-family dwellings or their detached garage.
- Generally regular geometric network of streets, alleys and blocks arranged to provide easy orientation and alternative routes for each destination.

- A hierarchy of streets, including narrow streets convenient for a balanced mix of pedestrians and automobiles, and wider streets to carry greater traffic.
- Well-configured squares, gardens, and open spaces woven into street and block patterns and dedicated to collective social activity, recreation and visual enjoyment.

2.110.02 Residential Density. To achieve balance and integration of a range of housing types, sizes, and densities, the Mixed Density Residential (MX) Zone relies on three criteria.

- A. The intent of the MX Zone is to achieve an overall density of nine (9) dwelling units per net acre of residential land.
- B. To reflect the demand for rental and higher-density housing within the region, at least 25 percent of the units must be either in multi-family or attached single-family structures, e.g., townhomes or duplexes.
- C. To meet the continuing demand for single-family housing while reducing land costs, the majority of residential land in each neighborhood should be for higher-density single-family housing, either detached (generally between six (6) to nine (9) dwellings per net acre) or attached (generally between nine (9) to twelve (12) dwellings per net acre).

2.110.03 Permitted Uses. Within any MX Zone, no structure shall be used, constructed, erected, or altered, and no lot shall be used or occupied for any purposes except the following:

- A. Residential dwellings, including single-family, manufactured homes, and multifamily structures.
- B. Open Space Uses.
- C. **Licensed Residential Care Homes and Facilities as defined by ORS 197.660.** All residential care homes and residential care facilities shall be duly licensed by the State of Oregon **prior to occupancy.**
- D. Child care facilities, as defined by this ordinance, with ORS 657A.030 and 657A.250 to 657A.450.

2.206.08

Signs in Commercial and Industrial Zones

All signs in the CB, CI and IG zones shall conform to **Subsections 2.206.02 thru 2.206.05** and the following standards:

- A. Signs or sign structures located in commercial and industrial zones which are within 75 feet of a residentially zone property shall be set back so as to meet the side and front yard setback requirements of the adjoining residential district.
- B. Accessory Temporary signs are permitted provided such signs are securely affixed to the surface of a building wall or window, and must have the date of initial posting clearly written on the face of the sign. Such signs, including but not limited to sale signs and special product announcements, must be removed not later than ten (10) days after initial posting. Such signs shall not exceed the permitted ratio of sign area, including temporary signs, to building face area.
- C. Historical signs that are an integral part of a building design, or signs with a cultural significance to the community, as determined by the Planning Commission, may be exempted from the standards for signs.
- D. Sidewalk signs or sandwich boards shall be professional in appearance with a maximum height of 36 inches and a maximum width of 24 inches in width. The total sign area shall not exceed six (6) square feet per side. Signs must be removed at the close of each business day. **One (1) sandwich board sign per business is permitted. For off-premise sandwich board signs, the sign shall not be placed within a public right-of-way and the business must obtain the permission of the property owner where the sign will be placed prior to placement.**
- E. **On-premise** Sidewalk and sandwich board signs shall only be allowed within an **adjacent** public right-of-way when they can be placed so that a minimum clear width of 36 inches within the right-of-way is available for pedestrians immediately adjacent to the sign. Adjacent private property may be used to provide the 36-inch clear width area when approved by the City Manager.
- F. Suspended signs that are suspended from the underside of a horizontal plane surface and is supported by that surface, shall have

a maximum area of three (3) square feet and shall not project more than 30 inches from the face of the building.