



Oregon

Theodore R. Kubongski, Governor

Department of Land Conservation and Development

635 Capitol Street, Suite 150

Salem, OR 97301-2540

(503) 373-0050

Fax (503) 378-5518

www.lcd.state.or.us



NOTICE OF ADOPTED AMENDMENT

7/29/2009

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

FROM: Plan Amendment Program Specialist

SUBJECT: City of Carlton Plan Amendment
DLCD File Number 001-08

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: Tuesday, August 11, 2009

This amendment was submitted to DLCD for review prior to adoption with less than the required 45-day notice. 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 THAT IT WAS MAILED TO DLCD. AS A RESULT, YOUR APPEAL DEADLINE MAY BE EARLIER THAN THE ABOVE DATE SPECIFIED.

Cc: Suzanne Dufner, City of Carlton
Gloria Gardiner, DLCD Urban Planning Specialist
Gary Fish, DLCD Regional Representative

<paa> YA

Notice of Adoption

**THIS FORM MUST BE MAILED TO DLCD
WITHIN 5 WORKING DAYS AFTER THE FINAL DECISION
PER ORS 197.610, OAR CHAPTER 660 - DIVISION 18**

In person electronic mailed

DEPT OF

JUL 22 2009

**LAND CONSERVATION
AND DEVELOPMENT**

For DLCD Use Only

Jurisdiction: **City of Carlton**

Local file number: **LA 08-01**

Date of Adoption: **4/13/09**

Date Mailed: **7/21/09**

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? **Yes** Date: 12/19/08

Comprehensive Plan Text Amendment

Comprehensive Plan Map Amendment

Land Use Regulation Amendment

Zoning Map Amendment

New Land Use Regulation

Other:

Summarize the adopted amendment. Do not use technical terms. Do not write "See Attached".

Amend the Carlton Development Code to clarify the number, size and placement of sidewalk signs; adopt standards for vacation rental dwellings; exempt properties within the Downtown from landscaping requirements; and streamline the commercial/industrial sign permit process.

Does the Adoption differ from proposal? **Yes**

The adopted amendments allow businesses to place one additional sandwich board sign on another property provided the number of sandwich board signs on that property does not exceed the number of businesses on the property. Vacant lots are allowed to have one sandwich board sign.

Plan Map Changed from:

to:

Zone Map Changed from:

to:

Location:

Acres Involved:

Specify Density: Previous:

New:

Applicable statewide planning goals:

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Was an Exception Adopted? YES NO

Did DLCD receive a Notice of Proposed Amendment...

45-days prior to first evidentiary hearing?

Yes No

If no, do the statewide planning goals apply?

Yes No

If no, did Emergency Circumstances require immediate adoption?

Yes No

DLCD file No. _____

Please list all affected State or Federal Agencies, Local Governments or Special Districts:

Local Contact: **Suzanne Dufner, MWVCOG**

Phone: **(503) 540-1616** Extension:

Address: **105 High St SE**

Fax Number: **503-588-6094**

City: **Salem**

Zip: **97301-3667**

E-mail Address: **sdufner@mwvcog.org**

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 Complete Copies** (documents and maps) 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. Electronic Submittals: At least **one** hard copy must be sent by mail or in person, or by emailing **larry.french@state.or.us**.
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 not 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 now access these forms online at **http://www.lcd.state.or.us/**. Please print on **8-1/2x11 green paper only**. You may also 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 #678

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 February 2, 2009, 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 March 9, 2009, 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 City Council 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 13th day of April, 2009, by the following vote:

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

NAYS: _____

ABSTAIN: _____

ABSENT: Hardy

Approved by the Mayor this _____ day of April, 2009.

ATTEST: Loreli Wright
Loreli Wright, City Recorder

Kathie Oriet
Kathie Oriet, Mayor

EXHIBIT A
Amendments to the Carlton Development Code

1.200.02 Definitions.

(Municipal Code Section 17.12.020)

Dwelling, Vacation Rental: A dwelling unit, which is rented, or is available for rent on a daily or weekly basis or is advertised; or is listed with an agent as a vacation rental.

2.101 SUBURBAN RESIDENTIAL (SR)

(Municipal Code Section 17.20)

2.101.02 Permitted Uses

(Municipal Code Section 17.20.020)

The following uses are permitted in the **Suburban Residential** 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. Residential care homes, as defined by this ordinance. All residential care homes shall be duly licensed by the State of Oregon.
- G. Home Occupation, subject to the provisions of Section 2.305.
- H. A single-family vacation rental dwelling unit, when such dwelling obtains a vacation rental dwelling permit in accordance with the vacation rental dwelling conditional use standards and procedures set forth in Section 2.306.**

EXHIBIT A
Amendments to the Carlton Development Code

2.102 MANUFACTURED HOME (MH)
(Municipal Code Section 17.24)

2.102.02 Permitted Uses
(Municipal Code Section 17.24.020)

The following uses are permitted in the Manufactured Home 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. Residential care homes, as defined by this ordinance. All residential care homes shall be duly licensed by the State of Oregon.
- F. Home occupation, subject to the provisions in Section 2.305.
- G. A single-family vacation rental dwelling unit, when such dwelling obtains a vacation rental dwelling permit in accordance with the vacation rental dwelling conditional use standards and procedures set forth in Section 2.306.

EXHIBIT A
Amendments to the Carlton Development Code

2.103 MULTI-FAMILY RESIDENTIAL (MR)
(Municipal Code Section 17.28)

2.103.02 Permitted Uses
(Municipal Code Section 17.28.020)

The following uses are permitted in the Multi-family Residential 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. Child care facilities, as defined by Oregon Revised Statutes Chapter 657A.
- F. Residential care homes and Residential Care facilities, as defined by this ordinance. All residential care homes and residential care facilities shall be duly licensed by the State of Oregon.
- G. Home occupation, subject to the provisions of Section 2.305.
- H. A single-family vacation rental dwelling unit, when such dwelling obtains a vacation rental dwelling permit in accordance with the vacation rental dwelling conditional use standards and procedures set forth in Section 2.306.

EXHIBIT A
Amendments to the Carlton Development Code

2.306 VACATION RENTAL DWELLING UNIT
(Municipal Code Section 17.125)

2.306.01 Standards

A vacation rental dwelling unit permit shall be issued as an accessory use provided the following standards are met:

- A. There must be no offensive noise, smoke, dust, litter or odor noticeable at or beyond the property line resulting from the use of the dwelling as a vacation rental dwelling.
- B. The use shall not adversely affect the residential character of the neighborhood.
- C. There shall not be an excessive generation of traffic created by the vacation rental dwelling.
- D. One off-street parking space will be provided for each bedroom in the dwelling unit, but in no event shall less than two spaces be provided for each dwelling unit.
- E. The dwelling must maintain the residential nature of the front and side yards. The lot must be landscaped and maintained as a permanent residence similar to the surrounding area.
- F. The permittee must provide receptacles for the deposit of garbage and subscribe to a solid waste collection service for the vacation rental dwelling.
- G. The permittee must obtain a business registration license from the City of Carlton.
- H. Signs for vacation rental dwellings shall comply with requirements found in Section 2.206.
- I. The property owner shall designate a local representative who permanently resides within the Carlton Urban Growth Boundary or a licensed property management company with a physically staffed office within ten (10) vehicular miles of the Carlton Urban Growth Boundary. The owner may be the designated representative where the owner resides in the Carlton Urban Growth Boundary.

EXHIBIT A
Amendments to the Carlton Development Code

The local representative must be authorized by the owner of the dwelling to respond to the tenant and neighborhood questions or concerns. The local representative shall serve as the initial contact person if there are questions or complaints regarding the operation of the dwelling for vacation rental purposes. The local representative must respond to complaints in a timely manner to ensure the dwelling complies with the standards for vacation rental dwellings and other city ordinances pertaining to noise, disturbances, nuisances, as well as state laws pertaining to the consumption of alcohol, or the use of illegal drugs.

- J. The following information shall be posted within the vacation rental dwelling adjacent to the front door:
- a. The name of the local representative and a telephone number where the representative may be reached;
 - b. The telephone number and web site address of the City of Carlton and the Carlton Police Department;
 - c. The maximum number of occupants permitted to stay in the dwelling;
 - d. The maximum number of vehicles allowed to be parked on the property;
 - e. The number and location of off-street parking spaces;
and
 - f. The solid waste collection day.

2.306.02 Process

A. Step One Process.

1. Notice. Upon receipt of an application for a vacation rental dwelling permit, notice must be mailed at the applicant's expense to all owners of property within one hundred feet of the exterior boundary of the property for which the application is made, giving the property owners notified twenty days in which to respond to the city.
2. Staff review.
 - a. If no objections or complaints are received regarding the proposed use of the property as a vacation rental

EXHIBIT A
Amendments to the Carlton Development Code

dwelling, staff may issue a vacation rental dwelling permit to the applicant. However, if staff finds that the facts of the particular case requires interpretation of existing standards, then a public hearing before the Planning Commission shall be scheduled. The procedures for conducting the public hearing shall comply with the standards found in Section 3.203.

- b. If staff receives one or more written objections from individuals affected by the proposed use regarding compliance with any of the vacation rental standards listed above, after the notice requirements of the Step One process have been met, no permit shall be issued at that time and a hearing shall be set before the Planning Commission in accordance with the Step Two process specified below.

- B. Step Two Process. If the staff refers the matter to the Planning Commission for hearing, or a hearing is required as a result of a Step One mandatory referral, the application will be deemed an application for a conditional use and the conditional use requirements of Section 3.103 shall apply, as well as the standards for issuance of a vacation rental dwelling permit. The Development Code public hearing notice provisions and application fee requirements for a conditional use shall also apply.

2.306.03 Permit Issuance. A vacation rental permit shall be issued in the name of the property owner and is not transferable. The permit shall terminate and be deemed void when the permit holder sells or transfers the property occupied or rented as a vacation rental dwelling.

2.306.04 Non-Compliance and Complaints.

- A. Non-Compliance. Any vacation rental dwelling unit that does not comply with the requirements of this Section and the provisions of the underlying district shall be a violation of this Ordinance and shall be subject to the enforcement remedies of Subsection 1.102.03.
- B. Complaint Procedures. In addition to penalties specified in Subsection 1.102.03, the city may determine that an

EXHIBIT A
Amendments to the Carlton Development Code

appropriate penalty is the revocation of a vacation rental permit in accordance with the following complaint procedures:

1. The Planning Commission shall review the vacation rental dwelling permit upon receipt of one written complaint from an individual who is adversely affected by the proposed use. The complaint shall clearly state the nature of the objection to the vacation rental dwelling. All such complaints shall be investigated by staff and the results of the investigation shall be reported to the Planning Commission at a regular meeting. The complainant and owner of the vacation rental dwelling shall be notified of the meeting. Standards of judging objections shall include, but are not limited to, the following:
 - i. Generation of excessive traffic;
 - ii. Monopoly of on-street parking spaces;
 - iii. Other offensive activities not in harmony with the residential neighborhood as may be determined by the Planning Commission;
 - iv. Compliance with vacation rental dwelling permit standards, including conditions required by the Planning Commission as a result of issuance of a vacation rental permit through the conditional use process;
2. The Planning Commission, upon hearing the evidence, may: approve the use as it exists; require the use to be terminated; or impose appropriate restrictions on the operation of the vacation rental dwelling.
3. The determination of the Planning Commission shall become final ten (10) days after the date of its written decision unless appealed to the City Council.

EXHIBIT A
Amendments to the Carlton Development Code

2.206.08 Signs in Commercial and Industrial Zones
(Municipal Code Section 17.80.080.D.)

All signs in the Commercial Business, Commercial Industrial and General Industrial zones shall conform to Subsections 2.206.02 thru 2.206.05 and the following standards:

D. Sidewalk signs or sandwich boards are permitted provided:

1. There is only one (1) sidewalk or sandwich board sign per business on-premise. One (1) additional off-premise sandwich board sign is permitted in place of another business's sandwich board sign provided the business obtains written permission of the property owner where the sign would be placed prior to placement and the sign is not located within a public right-of-way. Vacant lots may have one (1) sandwich board sign per lot.

~~2. Sidewalk signs or sandwich boards shall be~~ The sign is professional in appearance with a maximum height of 36 inches ~~three (3) feet~~ and a maximum width of 24 inches ~~two (2) feet~~ in width. The height of the sign is measured from the grade of the curb line lowest to the base of the sign, to the highest point of the sign, sign structure or frame; whichever is greater.

3. The total sign area shall ~~does~~ not exceed six (6) square feet per side. The base material used to support a sign shall be included in the dimensions used to calculate the sign area.

4. ~~The sSigns must be is~~ removed at the close of each business day. ~~One (1) sandwich board sign per business is permitted.~~

5. For off-premise sandwich board signs, the sign shall not be placed within a public right-of-way and the business must obtain the written permission of the property owner where the sign will be placed prior to placement.

E. ~~6.~~ On-premise sidewalk and or sandwich board signs shall only be allowed within an adjacent public right-of-way along the frontage of the business displaying the sign,

EXHIBIT A
Amendments to the Carlton Development Code

when they can be placed so that a minimum clear width of **three (3) feet** ~~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~~ **three (3) foot** clear width area when approved by the City Manager.

7. The sign is not to be located within a sidewalk bulb-out area or a location which interferes with traffic visibility.

2.206.14 Nonconforming Signs
(Municipal Code Section 17.80.140)

To ease the economic impact of this ordinance on persons with substantial investments in signs in existence on the date of adoption of this ordinance, nonconforming signs, **not including temporary signs such as, sidewalk or sandwich board signs,** may be continued provided they are maintained in good repair, subject to the following provisions. All signs erected after 30 days following adoption of this ordinance must be approved prior to installation. All signs must be in conformance with the provisions of **Section 206** within ten (10) years of adoption of this ordinance.

- A. Loss of Nonconforming Status. A nonconforming sign shall immediately lose its nonconforming status if:
1. The sign is altered in any way in structure or copy, which tends to be or makes the sign less in compliance with the requirements of this section than it was before the alteration.
 2. The sign is relocated to a position making it less in compliance with the requirements of this section.
 3. The sign is replaced.
 4. Signs not maintained in good repair, any illegible sign or sign that has 25 percent or more of its surface destroyed, defaced, missing or inaccurately represents the name or nature of the current business.

EXHIBIT A
Amendments to the Carlton Development Code

In such events the City Manager shall notify the sign user, sign owner, or owner of the property upon which the sign is located of cancellation of the signs nonconforming status and the sign shall be removed or a new sign permit secured.

2.206.13 Sign in Commercial and Industrial Zones, Review Procedure
(Municipal Code Section 17.80.130)

- A. All signs requiring a permit shall be reviewed by the City staff. Staff shall consider the design, lettering, arrangement, size, texture, materials, colors, lighting, placement, and appropriateness of the proposed sign in relation to other signs and other structures on the premises and contiguous area in keeping with the intent of this Ordinance. City staff shall ~~recommend approval, modification or denial of the permit to the Planning Commission.~~
- C. In the event the permit is modified or denied by the City staff~~Planning Commission~~, the applicant may appeal to the City Council Planning Commission by giving written notice of the appeal to the City Recorder no later than ten (10) days following the modification or denial of the sign permit application by the City staff~~Planning Commission~~. The Planning Commission~~City Council~~ shall hear the matter at its next regularly scheduled meeting. The City staff~~Planning Commission~~ shall furnish to the Planning Commission~~City Council~~ its findings and conclusions with respect to the permit. The Planning Commission~~City Council~~ may modify or deny the permit.

EXHIBIT A
Amendments to the Carlton Development Code

2.207 SITE AND LANDSCAPING DESIGN
(Municipal Code Section 17.84)

2.207.01 Purpose
(Municipal Code Section 17.84.010)

The purpose of this section is to establish standards to encourage quality landscaping that will contribute to the appearance and aesthetic appeal of the City of Carlton.

2.207.02 Scope
(Municipal Code Section 17.84.020)

All construction, expansion, or redevelopment of structures or parking lots for commercial, multi-family, or industrial uses shall be subject to the landscaping requirements of this Section.

Properties within the Downtown Parking District (Exhibit A of Section 2.203) are exempt from landscaping requirements.

2.207.03 Approval Process
(Municipal Code Section 17.84.030)

- A. Landscaping plans shall be submitted as required by the Site Design Review of **Section 3.104**.
- B. Submittal Requirements

The applicant shall submit a landscape plan for approval that includes:

1. The percentage of the gross area to be landscaped.
2. The location, type, size, and species of existing and proposed plant materials.
3. All existing and proposed site features including walkways, graveled areas, mailboxes, street lamps, patios, terraces, courts, fences, decks, foundations, potted trees and potted plants, and other open spaces.
4. The location and height of fences, buffers, and screening.

EXHIBIT A
Amendments to the Carlton Development Code

5. The location of underground irrigation system sprinkler heads where applicable.
6. A narrative that addresses soil conditions and erosion control measures that will be used.

2.207.04 Landscaping Installation and Compliance
(Municipal Code Section 17.84.040)

All landscaping required by this ordinance and approved by the Planning Commission shall be installed prior to issuance of a final occupancy permit unless security equal to 110% percent of the cost of the landscaping is filed with the city assuring such installation within six (6) months of occupancy. The applicant will obtain cost estimates for landscape materials and installation to the satisfaction of the City prior to approval of the security. "Security" may consist of a faithful performance bond payable to the City, cash, certified checks, time certificates of deposit, assignment of a savings account or other such assurance of completion as shall meet with the approval of the City Attorney.

The City Staff prior to any security being returned shall make the final landscape inspection. Any portions of the plan not installed, not installed properly, or not properly maintained shall cause the inspection to be postponed until the project is completed. If the installation of the landscaping is not completed within the six (6) month time period or within an extension of time authorized by the City, the security may be used by the City to complete the installation. Any portion of the security that remains after installation of the landscaping shall be returned to the applicant.

2.207.05 Minimum Area Requirements
(Municipal Code Section 17.84.050)

Landscaped areas may include landscaping: around buildings, in open spaces and outdoor recreation areas, in islands and perimeter planting areas in parking and loading areas, and in areas devoted to buffering and screening as required in this Section and elsewhere in this Ordinance. The following area requirements shall be the minimum areas devoted to landscaping:

EXHIBIT A
Amendments to the Carlton Development Code

- A. Multi-Family Developments: A minimum of twenty-five (25) percent of the gross land area shall be devoted to landscaping in multi-family developments. Interior courtyards, atriums, solar greenhouses and roof gardens may be included with general landscaped areas in the calculation of this percentage.**

- B. Commercial Developments: A minimum of ten (10) percent of the gross land area shall be devoted to landscaping in commercial developments.**

- C. Industrial Developments: A minimum of ten (10) percent of the gross land area shall be devoted to landscaping in industrial developments.**

- D. Developments within Public Zones: A minimum of ten (10) percent of the gross land area shall be devoted to landscaping in public zones.**

For expansions of existing developments and parking lots, the minimum new landscaped area shall be determined by: first calculating the percentage of the increase of total floor area or parking area; multiplying the gross site area by this percentage of increase; multiplying the resulting area by the minimum percentage for the type of development.

2.207.06 General Provisions
(Municipal Code Section 17.84.060)

- A. For purposes of satisfying the minimum requirements of this Ordinance, a "landscaped area" must be planted in lawn, ground cover plants, shrubs, annuals, perennials or trees, or desirable native vegetation, or be used for other landscape elements as defined in this Ordinance.

- B. Landscaping shall be designed, developed, and maintained to satisfy the specific functional and aesthetic objectives appropriate to the development and the district, considering the following:
 - 1. Type, variety, scale and number of plants used;
 - 2. Placement and spacing of plants;

EXHIBIT A
Amendments to the Carlton Development Code

3. Size and location of landscaped areas;
 4. Contouring, shaping and preparation of landscaped areas;
 5. Use and placement of non-plant elements within the landscaping.
- C. The City may grant the applicant credit for landscaping to be done in the public right-of-way provided the applicant meets the elements set forth for the granting of a variance. It shall not be necessary to hold a public hearing to grant this credit. The City shall consider the need for future use of the right-of-way for street purposes when granting approval for credit under this section.
- D. The landscape design shall incorporate existing significant trees and vegetation preserved on the site.
- E. Landscaping shall be used to create an attractive streetscape along property frontage, particularly for commercial and industrial developments located along arterial or collector streets.**

2.207.07 Screening and Buffering
(Municipal Code Section 17.84.070)

Where required by Ordinance, or where placed as a condition of approval, screening and buffering shall meet the following minimum requirements:

- A. Screening shall be used to eliminate or reduce the visual and noise impacts of the following uses:
 1. Commercial and industrial uses when abutting residential uses.
 2. Industrial uses when abutting commercial uses.
 3. Service areas and facilities, including garbage and waste disposal containers, recycling bins, and loading areas.

EXHIBIT A
Amendments to the Carlton Development Code

4. Outdoor storage areas.
 5. Parking areas for ten (10) or more vehicles for multi-family developments, or twenty (20) or more vehicles for commercial or industrial uses.
 6. At and above-grade electrical and mechanical equipment, such as transformers, heat pumps, and air conditioners.
 7. Any other area or use as required by this Ordinance.
- B. Screening may be accomplished by the use of sight-obscuring plant materials (generally evergreens), earth berms, walls, fences, building parapets, building placement, or other design techniques.
- C. Buffering shall be used to mitigate adverse visual impacts, dust, noise or pollution, and to provide for compatibility between dissimilar adjoining uses. Where buffering is determined to be necessary, one of the following buffering alternatives shall be employed:
1. Planting Area: Width not less than twenty (20) feet, planted with the following materials:
 - a. At least two (2) rows of deciduous or evergreen trees staggered and spaced not more than ten (10) feet apart, and.
 - b. At least one (1) row of evergreen shrubs which will grow to form a continuous hedge at least five (5) feet in height within one (1) year of planting, and
 - c. Lawn, low-growing evergreen shrubs or evergreen ground cover covering the balance of the area.
 2. Berm Plus Planting Area: Width not less than fifteen (15) feet, developed in accordance with the following standards:

EXHIBIT A
Amendments to the Carlton Development Code

- a. Berm form shall not slope more than forty (40) percent (2.5Horizontal Run:1Vertical Run) on the side away from the area screened from view, and
 - b. A dense evergreen hedge shall be located so as to most effectively buffer the proposed use, and
 - c. Combined total height of the berm plus the hedge shall be at least five (5) feet within one (1) year of planting.
3. Wall Plus Planting Area: Width must not be less than five (5) feet developed in accordance with the following standards:
- a. A masonry wall or fence not less than six (6) feet in height, and
 - b. Lawn, low-growing evergreen shrubs, and evergreen ground cover covering the balance of the area.
4. Other methods that produce an adequate buffer considering the nature of the impacts to be mitigated, as approved by the City.

2.207.08 Planting and Maintenance
(Municipal Code Section 17.84.080)

All landscaping shall be continually maintained, including necessary watering, weeding, pruning, mowing, and replacement, in a substantially similar manner as found on the landscape plan that was approved by the City staff. In addition, the following shall apply:

- A. No sight-obscuring plantings exceeding 24 inches in height shall be located within any required vision clearance area as defined in **Subsection 2.209.08**.
- B. Plant materials shall not cause a hazard. Landscape plant materials over walks, pedestrian paths, and seating areas shall

EXHIBIT A
Amendments to the Carlton Development Code

be pruned to a minimum height of eight (8) feet and to a minimum height of fifteen (15) feet over streets and vehicular traffic areas.

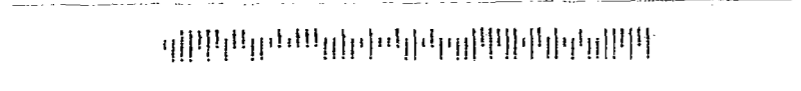
- C. Landscape plant materials shall be selected which does not generally interfere with utilities above or below ground.
- D. Landscape plant material shall be installed to current nursery industry standards.
- E. Landscape plant materials shall be properly guyed and staked to current industry standards as necessary. Stakes and guy wires shall not interfere with vehicular or pedestrian traffic.
- F. All landscape material shall be guaranteed by the developer for a period of one (1) year from the date of installation. A copy of the guarantee shall be furnished to the City by the developer.
- G. Plant materials shall be suited to the conditions under which they will be growing. As an example, plants to be grown in exposed, windy areas that will not be irrigated should be sufficiently hardy to thrive under these conditions. Plants should have vigorous root systems and be sound, healthy, and free from defects, diseases, and infections.
- H. Deciduous trees should be fully branched, have a minimum caliper of one and one-quarter (1 1/4) inches, and a minimum height of eight (8) feet at the time of planting.
- I. Evergreen trees shall be a minimum of six (6) feet in height, fully branched.
- J. Shrubs shall be supplied in minimum one (1) gallon containers or eight (8) inch burlap balls with a minimum spread of fifteen (15) inches and a minimum height of eighteen (18) inches.
- K. Ground cover plants shall be spaced in accordance with current nursery industry standards to achieve covering of the planting area. Rows of plants are to be staggered for a more effective covering. Ground cover shall be supplied in a minimum four (4) inch size container or equivalent if planted eighteen (18) inches on center.

EXHIBIT A
Amendments to the Carlton Development Code

- L. All developments are required to provide appropriate methods of irrigation for the landscaping. Sites with over 1000 ~~square-feet~~ of total landscaped area shall be irrigated with automatic sprinkler systems to insure the continued health and attractiveness of the plant materials. Hose bibs and manually operated methods of irrigation may be used for landscaped areas totaling less than 1000 ~~square-feet~~. Irrigation shall not be required in wooded areas, wetlands, floodplains, or along natural drainage channels or stream banks. Sprinkler heads shall not be a hazard to the public.

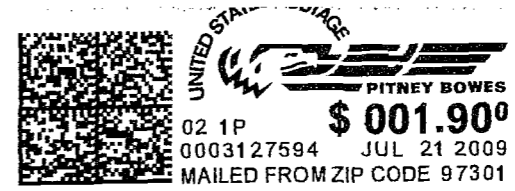
- M. Appropriate methods of care and maintenance of landscaped plant material shall be provided by the owner of the property.

- N. Landscape plant material shall be protected from damage due to heavy foot traffic or vehicular traffic by protective tree grates, pavers or other suitable methods.



MID - WILLAMETTE VALLEY
COUNCIL OF GOVERNMENTS

105 High Street S.E.
Salem, OR 97301-3667



FIRST CLASS

Attn: Plan Amendment Specialist
DLCD
635-Capitol St NE, Suite 150
Salem OR 97301-2540