



Oregon

Theodore R. Kulongoski, 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

01/20/2012

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 002-11

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: Friday, February 03, 2012

This amendment was submitted to DLCD for review 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 Acknowledgment or 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. NO LUBA Notification to the jurisdiction of an appeal by the deadline, this Plan Amendment is acknowledged.

Cc: Suzanne Dufner, City of Carlton
Angela Lazarean, DLCD Urban Planner
Steve Oulman, DLCD Regional Representative
Thomas Hogue, DLCD Economic Development Policy Analyst
Angela Lazarean, DLCD Urban Planner

<paa> YA



FORM **2**

HAND DELIVERED DLCD

Notice of Adoption

In person electronic mailed

DEPT OF

JAN 13 2012

LAND CONSERVATION
AND DEVELOPMENT

DATE
STAMP

For Office Use Only

This Form 2 must be mailed to DLCD within **5-Working Days after the Final Ordinance is signed** by the public Official Designated by the jurisdiction and all other requirements of ORS 197.615 and OAR 660-018-000

Jurisdiction: **City of Carlton**

Local file number: **LA 11-02**

Date of Adoption: **12/12/2011**

Date Mailed: **1/13/2012**

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? Yes No Date: 11/17/11

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".

Allows vacation rentals in duplexes upon conditional use permit approval, allows single family vacation rentals as permitted uses in the MX zone.

Does the Adoption differ from proposal? Yes, Please explain below:

Both sides of the duplex must be used as vacation rentals unless one unit is owner-occupied. CUP approval automatically terminates if one-half of the duplex is rented out for non-vacation use.

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

Was an Exception Adopted? YES NO

Did DLCD receive a Notice of Proposed Amendment...

35-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. 002-11 (18978) [16895]

DLCD file No. _____

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

Local Contact: **Suzanne Dufner**

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 2 must be received by DLCD no later than 5 working days after the ordinance has been signed by the public official designated by the jurisdiction to sign the approved ordinance(s) per ORS 197.615 and OAR Chapter 660, Division 18

1. This Form 2 must be submitted by local jurisdictions only (not by applicant).
2. When submitting the adopted amendment, please print a completed copy of Form 2 on light green paper if available.
3. Send this Form 2 and one complete paper copy (documents and maps) of the adopted amendment to the address below.
4. Submittal of this Notice of Adoption must include the final signed ordinance(s), all supporting finding(s), exhibit(s) and any other supplementary information (ORS 197.615).
5. Deadline to appeals to LUBA is calculated **twenty-one (21) days** from the receipt (postmark date) by DLCD of the adoption (ORS 197.830 to 197.845).
6. In addition to sending the Form 2 - Notice of Adoption to DLCD, please also remember to notify persons who participated in the local hearing and requested notice of the final decision. (ORS 197.615).
7. Submit **one complete paper copy** via United States Postal Service, Common Carrier or Hand Carried to the DLCD Salem Office and stamped with the incoming date stamp.
8. Please mail the adopted amendment packet to:

**ATTENTION: PLAN AMENDMENT SPECIALIST
DEPARTMENT OF LAND CONSERVATION AND DEVELOPMENT
635 CAPITOL STREET NE, SUITE 150
SALEM, OREGON 97301-2540**

9. **Need More Copies?** Please print forms on 8½ -1/2x11 green paper only if available. If you have any questions or would like assistance, please contact your DLCD regional representative or contact the DLCD Salem Office at (503) 373-0050 x238 or e-mail plan.amendments@state.or.us.

ORDINANCE #695

AN ORDINANCE AMENDING THE CITY OF CARLTON DEVELOPMENT CODE TO ALLOW DUPLEXES TO BE USED AS VACATION RENTAL DWELLINGS UPON CONDITIONAL USE APPROVAL IN THE CITY'S RESIDENTIAL ZONES, AMENDING THE MX ZONE TO ALLOW SINGLE FAMILY VACATION RENTAL DWELLINGS AS PERMITTED USES, AND DECLARING AN EMERGENCY

WHEREAS, on August 8, 2011, the City of Carlton initiated an amendment to the Carlton Development Code to consider allowing vacation rental dwellings in dwellings other than detached single family homes in the City's residential zones; and

WHEREAS, the Carlton Planning Commission held a public hearing on the proposed amendments to the City of Carlton Development Code on November 7, 2011, 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 November 14, 2011, 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 December, 2011, by the following vote:

AYES: Williams, Jernstall, Chitwood, Carl, Orist, Vande Walle

NAYS: _____

Approved by the Mayor this 12th day of December, 2011.

ATTEST:

Louise Knight
City Recorder

Kathie Orist
Mayor

EXHIBIT A: Proposed Carlton Development Code Amendments

Language to be deleted is shown in ~~strikeout~~ and language to be added is shown in **bold underline**.

2. RESIDENTIAL-LOW DENSITY (R-1) DISTRICT.

The following amendments are proposed to the R-1 District (formerly the SR District).

17.20.030 - Conditional uses.

The following uses are permitted as conditional uses, provided that such uses are approved in accordance with Chapter 17.152.

- A. Place of worship.
- B. Public or private school.
- C. Community building.
- D. Utility facility including utility rights-of-way.
- E. Bed and breakfast.

F. A two family vacation rental dwelling when such dwelling obtains a vacation rental permit for both units, unless one of the units is owner-occupied, in accordance with the vacation rental dwelling standards set forth in Section 17.125.010.

3. RESIDENTIAL-MEDIUM DENSITY (R-2) DISTRICT.

The following amendments are proposed to the R-2 District.

17.22.030 - Conditional uses.

The following uses are permitted as conditional uses, provided that such uses are approved in accordance with Chapter 17.152.

- A. Place of worship.
- B. Public or private school.
- C. Community building.
- D. Utility facility including utility rights-of-way.
- E. Bed and breakfast.

F. A two family vacation rental dwelling when such dwelling obtains a vacation rental permit for both units, unless one of the units is owner-occupied, in accordance with the vacation rental dwelling standards set forth in Section 17.125.010.

4. RESIDENTIAL-MEDIUM HIGH DENSITY (R-3) DISTRICT.

The following amendments are proposed to the R-3 District (formerly the Multi-family District).

17.28.030 - Conditional uses.

The following uses are permitted as conditional uses, provided that such uses are approved in accordance with Chapter 17.152.

- A. Place of worship.
- B. Public or private school.
- C. Community building.
- D. Utility facility including utility rights-of-way.
- E. Bed and breakfast.

F. A two family vacation rental dwelling when such dwelling obtains a vacation rental permit for both units, unless one of the units is owner-occupied, in accordance with the vacation rental dwelling standards set forth in Section 17.125.010.

5. VACATION RENTAL DWELLING STANDARDS AND PROCEDURES.

The following amendments are proposed to Chapter 17.125.

17.125 – VACATION RENTAL DWELLING UNIT.

17.125.010 - 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 (1) off-street parking space will be provided for each bedroom in the dwelling unit, but in no event shall less than two (2) 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 Chapter 17.80.
- 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.
 - 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~~1~~. The name of the local representative and a telephone number where the representative may be reached;
 - b~~2~~. The telephone number and web site address of the City of Carlton and the Carlton Police Department;
 - c~~3~~. The maximum number of occupants permitted to stay in the dwelling;
 - d~~4~~. The maximum number of vehicles allowed to be parked on the property;
 - e~~5~~. The number and location of off-street parking spaces; and
 - f~~6~~. The solid waste collection day.

17.125.030 – 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. **A conditional use permit approved for a two family duplex vacation rental will automatically terminate if the other half of the duplex is rented out for non-vacation use.**

6. MIXED DENSITY RESIDENTIAL (MX) DISTRICT.

The following amendments are proposed to the MX District.

17.52.030 - 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 title, with ORS 657A.030 and 657A.250 to 657A.450.

E. 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 Chapter 17.125.

17.52.040 - Conditional uses.

If authorized under the procedures provided for conditional uses in this title, the following uses will be permitted in the MX zone:

A. Manufactured dwelling park, in accordance with the provisions of Chapter 17.120.

B. A two family vacation rental dwelling when such dwelling obtains a vacation rental permit for both units, unless one of the units is owner-occupied, in accordance with the vacation rental dwelling standards set forth in Section 17.125.010.



MID - WILLAMETTE VALLEY
COUNCIL OF GOVERNMENTS

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

FIRST CLASS

HAND DELIVERED

DEPT OF
JAN 13 2012
LAND CONSERVATION

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