



# Oregon

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## NOTICE OF ADOPTED CHANGE TO A COMPREHENSIVE PLAN OR LAND USE REGULATION

Date: November 25, 2015

Jurisdiction: City of Carlton

Local file no.: LA 2015-03

DLCD file no.: 003-15

The Department of Land Conservation and Development (DLCD) received the attached notice of adopted amendment to a comprehensive plan or land use regulation on 11/24/2015. A copy of the adopted amendment is available for review at the DLCD office in Salem and the local government office.

Notice of the proposed amendment was submitted to DLCD 41 days prior to the first evidentiary hearing.

### Appeal Procedures

Eligibility to appeal this amendment is governed by ORS 197.612, ORS 197.620, and ORS 197.830. Under ORS 197.830(9), a notice of intent to appeal a land use decision to LUBA must be filed no later than 21 days after the date the decision sought to be reviewed became final. If you have questions about the date the decision became final, please contact the jurisdiction that adopted the amendment.

A 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).

If the amendment is not appealed, it will be deemed acknowledged as set forth in ORS 197.625(1)(a). Please call LUBA at 503-373-1265, if you have questions about appeal procedures.

### DLCD Contact

If you have questions about this notice, please contact DLCD's Plan Amendment Specialist at 503-934-0017 or [plan.amendments@state.or.us](mailto:plan.amendments@state.or.us)



# NOTICE OF ADOPTED CHANGE TO A COMPREHENSIVE PLAN OR LAND USE REGULATION

**FOR DLCD USE**  
File No.: 003-15 {23869}  
Received: 11/24/2015

Local governments are required to send notice of an adopted change to a comprehensive plan or land use regulation **no more than 20 days after the adoption.** (See [OAR 660-018-0040](#)). The rules require that the notice include a completed copy of this form. **This notice form is not for submittal of a completed periodic review task or a plan amendment reviewed in the manner of periodic review.** Use [Form 4](#) for an adopted urban growth boundary including over 50 acres by a city with a population greater than 2,500 within the UGB or an urban growth boundary amendment over 100 acres adopted by a metropolitan service district. Use [Form 5](#) for an adopted urban reserve designation, or amendment to add over 50 acres, by a city with a population greater than 2,500 within the UGB. Use [Form 6](#) with submittal of an adopted periodic review task.

Jurisdiction: City of Carlton

Local file no.: **LA-2015-03**

Date of adoption: 9/14/2015

Date sent: 9/21/2015 & 11/23/2015

Was Notice of a Proposed Change (Form 1) submitted to DLCD?

Yes: Date (use the date of last revision if a revised Form 1 was submitted): 6/23/2015

No

Is the adopted change different from what was described in the Notice of Proposed Change?    Yes    No

If yes, describe how the adoption differs from the proposal:

**The ordinance adopted amendments to title 17 of the Carlton Municipal Code to adopt standards for food cart vendors, not to conduct a public hearing on a resolution proposing to adopt a temporary development moratorium pursuant to ORS 197.520 on the establishment of food carts.**

Local contact (name and title): Jennifer Nelson, City Recorder

Phone: 503-852-7575

E-mail: [jnelson@ci.carlton.or.us](mailto:jnelson@ci.carlton.or.us)

Street address: 191 E. Main Street

City: Carlton

Zip: 97111-

## PLEASE COMPLETE ALL OF THE FOLLOWING SECTIONS THAT APPLY

### **For a change to comprehensive plan text:**

Identify the sections of the plan that were added or amended and which statewide planning goals those sections implement, if any:

### **For a change to a comprehensive plan map:**

Identify the former and new map designations and the area affected:

- |             |    |        |  |
|-------------|----|--------|--|
| Change from | to | acres. | A goal exception was required for this         |
| change.     |    |        |  |
| Change from | to | acres. | A goal exception was required for this         |
| change.     |    |        |  |
| Change from | to | acres. | A goal exception was required for this         |
| change.     |    |        |  |
| Change from | to | acres. | A goal exception was required for this change. |

Location of affected property (T, R, Sec., TL and address):

The subject property is entirely within an urban growth boundary

The subject property is partially within an urban growth boundary

**If the comprehensive plan map change is a UGB amendment** including less than 50 acres and/or by a city with a population less than 2,500 in the urban area, indicate the number of acres of the former rural plan designation, by type, included in the boundary.

Exclusive Farm Use – Acres:	Non-resource – Acres:
Forest – Acres:	Marginal Lands – Acres:
Rural Residential – Acres:	Natural Resource/Coastal/Open Space – Acres:
Rural Commercial or Industrial – Acres:	Other: – Acres:

**If the comprehensive plan map change is an urban reserve** amendment including less than 50 acres, or establishment or amendment of an urban reserve by a city with a population less than 2,500 in the urban area, indicate the number of acres, by plan designation, included in the boundary.

Exclusive Farm Use – Acres:	Non-resource – Acres:
Forest – Acres:	Marginal Lands – Acres:
Rural Residential – Acres:	Natural Resource/Coastal/Open Space – Acres:
Rural Commercial or Industrial – Acres:	Other: – Acres:

**For a change to the text of an ordinance or code:**

Identify the sections of the ordinance or code that were added or amended by title and number:

Amend sections 17.12, 17.30, and 17.32, 17.36, 17.40, 17.126 of the Carlton Municipal Code to allow for food carts as conditional uses under certain Commerical zones.

**For a change to a zoning map:**

Identify the former and new base zone designations and the area affected:

Change from	to	Acres:
Change from	to	Acres:
Change from	to	Acres:
Change from	to	Acres:

Identify additions to or removal from an overlay zone designation and the area affected:

Overlay zone designation:	Acres added:	Acres removed:
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Location of affected property (T, R, Sec., TL and address):

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List affected state or federal agencies, local governments and special districts: DLCD

Identify supplemental information that is included because it may be useful to inform DLCD or members of the public of the effect of the actual change that has been submitted with this Notice of Adopted Change, if any. If the submittal, including supplementary materials, exceeds 100 pages, include a summary of the amendment briefly describing its purpose and requirements.

Ordinance No. 2015-711 amending the Carlton Municipal Code; 9/14 Council Minutes, staff report & draft ordinance; 8/10 Council minutes, staff report & draft ordinance; 8/3 Planning Commission minutes, staff report & draft ordinance; Affidavit of public hearing notice; DLCD Notice of Proposed Amendment submission form, draft ordinance & notice.



## ORDINANCE NO. 2015-711

### AN ORDINANCE AMENDING TITLE 17 OF THE CARLTON MUNICIPAL CODE TO ADOPT STANDARDS FOR FOOD CART VENDORS

#### THE CITY OF CARLTON ORDAINS AS FOLLOWS:

##### 17.12.020 Definitions.

The following words and phrases, when used in this title, shall have the meanings set forth in this section, except in those instances where the context clearly indicates a different meaning:

- A. "Drive-Through Facility" means a drive-through use is a business activity involving buying or selling of goods or the provision of services where one of the parties conducts the activity from within a motor vehicle. Facilities usually associated with a drive through use are queuing lanes, service windows, and service islands for vehicular use.
- B. "Eating and Drinking Establishment" A retail service establishment where meals and/or beverages are prepared and served to the public generally for primarily indoor consumption on the premises.
- C. "Food Cart" means the sale of food and/or non-alcoholic beverages from an enclosed mobile unit located on private property which is used for the purpose of preparing, processing or converting food for immediate consumption as a drive-in or walk-up service. Examples include trailers designed to prepare and serve food but does not include outdoor barbecue grills, street vendors. Exceptions include:
  - 1) Residential lemonade stands and similar short-term sales associated with residential uses, and
  - 2) Temporary uses that last less than seven days in a calendar year that are directed toward specific event.

#### Chapter 17.30 - DOWNTOWN (DD) DISTRICT

##### 17.30.020 Permitted uses.

The following uses are permitted in the Downtown district subject to the site review (Chapter 17.156), provided such uses are primarily conducted indoors, do not include drive-through facilities, and are not otherwise subject to conditional use permit approval (Section 17.30.030).

- A. Art galleries and artist studios.
- B. Banks and similar financial institutions.
- C. Commercial services, including retail sales and personal and professional services.
- D. Bed and breakfast inn.
- E. Dwellings, provided dwelling units within one hundred (100) feet of Main Street shall be located on the second story, or above, in a building meeting the design standards of this Chapter.
- F. Eating and drinking establishment (not including Food Carts or Drive-through facilities).
- G. Offices, including professional, administrative, medical, governmental, and similar office uses.
- H. Outdoor (unenclosed) uses subject to the limitations of Section 17.30.040
- I. Overnight accommodations, including hotels, motels, inn, and similar lodging uses.
- J. Parks, plazas, outdoor dining areas, sidewalk café seating and sales (permit required), and similar outdoor uses, subject to the limitations of Section 17.30.040
- K. Public and/or institutional uses, including public parking; and new on-premise parking subject to a public shared parking agreement.
- L. Retail sales and commercial services.
- M. Theaters, including movie theaters, subject to a public shared parking agreement when on premise parking is provided.

- N. Manufacturing and/or processing of food, beverages, arts, crafts, and/or similar goods, including wineries, subject to the limitations of Section 17.30.040
- O. Other uses the City Planning Official or Planning Commission, as applicable, determines to be similar to those uses listed above.

**17.30.030 Conditional uses.**

The following uses and uses determined by the City to be similar to those listed are allowed with a conditional use permit, except such uses located within 100 feet of Main Street are limited to those lawfully existing as of [Effective date of Downtown District]; such lawfully created nonconforming uses are allowed to continue pursuant to Chapter 17.164.

- A. Veterinary clinics and animal boarding facilities.
- B. Drive-through facility, including but not limited to drive-up windows (e.g., restaurants, banks, and pharmacies), automatic teller machines and similar facilities. Electric fueling stations for plug-in electric vehicles do not require a conditional use permit but are subject to site review.
- C. Manufacturing and/or processing uses that meet any one of the following criteria require a conditional use permit:
  - 1) Uses with shift(s) arriving or departing earlier than 7:00 a.m. or later than 9:00 p.m. on thirty (30) or more days during a calendar year.
  - 2) Processing or packaging of meat, fish, dairy, or other animal products.
  - 3) Taxidermy.
  - 4) Uses the City Planning Official or Planning Commission, as applicable, determines to be similar to those listed in subsections 1—3, above.
- D. Food Carts, subject to the provisions in Chapter 17.126.

**Chapter 17.32 - COMMERCIAL BUSINESS (CB) DISTRICT**

**17.32.020 Permitted uses.**

The following uses are permitted outright in the commercial business district, subject to the site design review in accordance with Chapter 17.156:

- A. Residences that are located on the second story above a permitted use commercial building.
- B. Business offices including, but not limited to, insurance, real estate and title insurance; credit agencies, brokerages, loan companies, and investment companies; and, miscellaneous offices such as detective agencies, drafting services or contractors offices.
- C. Professional offices including, but not limited to, medical, dental, engineering and legal services.
- D. Art gallery, artisan's or craftsman's studio, photographic studio, picture framing.
- E. Banks and other financial institutions.
- F. Retail sales outlet including, but not limited to, food stores, pharmacy, furniture store, hobby or photography store, florist, liquor store, hardware store, appliance or stereo equipment store, pet shop, sporting goods, department store, jewelry, gift, and other types retail activities.
- G. Eating and drinking establishment, such as a restaurant, delicatessen, tavern, or snack shop, but not including drive-through facility or food cart.
- H. Bakery, butcher shop, candy manufacturing when retail sales are provided on the premises.
- I. Retail and service related stores such as TV and radio sales and service, bicycle shop, gunsmith, equipment rental, upholstery shop or other similar activities where a service department is customarily a secondary activity to the retail use.
- J. Service related businesses such as barber shops, beauty shops, advertising agencies, printing or photocopying, dancing or music school, health and fitness club, or other activities where the primary activity is the providing of a service to retail customers.
- K. Bed and breakfast.
- L. Place of worship, club lodge, or fraternal organizations.



- M. A single-family vacation rental dwelling unit, when such dwelling is a legal nonconforming use and obtains a vacation rental dwelling permit in accordance with the vacation rental dwelling conditional use standards and procedures set forth in Chapter 17.125.

**17.32.030 Conditional uses.**

The following conditional uses are allowed in the commercial business district subject to obtaining a conditional use permit per Chapter 17.152 and completing a site design review in accordance with Chapter 17.156:

- A. Automobile, truck, motorcycle, trailer, recreational vehicle and boat sales or repair, except retail and service uses entirely enclosed in a building and setback one hundred (100) feet or more from a residential zone are permitted under Section 17.32.020
- B. Retail tire sales, service and repair; tire recapping, service and repair, paint and body shop.
- C. Automobile service station, including towing services and vehicle washing and polishing facilities, and services.
- D. Parts and accessory sales for automobiles, trucks, motorcycles, trailers, recreational vehicles and boats, except retail and service uses entirely enclosed in a building and setback one hundred (100) feet or more from a residential zone are permitted under Section 17.32.020
- E. Lumberyard and contracting supplies for lumber, stone, masonry or metal (sales only).
- F. Special trade contracting facilities such as floor laying, building equipment, masonry and stone, plumbing, electrical, metal work or painting, except showrooms and similar office or retail uses entirely enclosed in a building and setback one hundred (100) feet or more from a residential zone are permitted under Section 17.32.020
- G. Welding shop and blacksmith where activities are conducted wholly within a building.
- H. Newspaper, periodical, publishing and printing, except such uses entirely enclosed in a building and setback 100 feet or more from a residential zone are permitted under Section 17.32.020
- I. Tractor and farm equipment, logging equipment sales and service.
- J. Veterinary clinics, except such uses entirely enclosed in a building and setback one hundred (100) feet or more from a residential zone are permitted under Section 17.32.020
- K. Drive-through facility.
- L. Cabinet manufacturing shop, except such uses entirely enclosed in a building and setback one hundred (100) feet or more from a residential zone are permitted under Section 17.32.020
- M. Tent and awning shop, except such uses entirely enclosed in a building and setback one hundred (100) feet or more from a residential zone are permitted under Section 17.32.020
- N. Public utility buildings and structures, including community centers, except such uses entirely enclosed in a building and setback one hundred (100) feet or more from a residential zone are permitted under Section 17.32.020
- O. Theaters, including movie theaters, except such uses entirely enclosed in a building and setback 100 feet or more from a residential zone are permitted under Section 17.32.020
- P. Commercial (private) automobile parking facilities, except as accessory to a primary permitted use, as specified in Chapter 17.68
- Q. Wineries, and wine sales and tasting rooms operated in conjunction with a winery.
- R. Food Carts, subject to the provisions in Chapter 17.126.

**17.32.040 Limitations on use.**

- A. All business, services, processing, or merchandise displays shall be conducted wholly within an enclosed building except for the following:
  - 1) Off-street parking or loading;
  - 2) Drive-through facility;
  - 3) Temporary display and sales of merchandise, not exceeding three (3) days in any seven (7) day period, provided it is under cover of a projecting roof and does not interfere with pedestrian, bicycle, or automobile circulation;

- 4) Businesses, which, in all cases, require outdoor storage of merchandise, e.g., automobile, RV sales lots, or gas stations.
  - 5) Outdoor entertainment and outdoor events, such as weddings, music concerts, religious gatherings, public gatherings, sporting events, and similar uses and activities, when not accessory to a permitted use, require approval of a Special Event Permit. Special Event Permits are staff-level approvals; except that use of a public right-of-way requires City Council approval.
- B. Not more than fifty (50) percent of the floor area of the building and not more than twenty-five (25) percent of the lot area of the commercial enterprise shall be used in the manufacturing, processing, or compounding of products.

## **Chapter 17.36 - COMMERCIAL INDUSTRIAL (CI) DISTRICT**

### **17.36.020 Permitted uses.**

The following uses are permitted in the CI district, subject to a site design review in accordance with Chapter 17.156:

- A. All uses permitted in the CB district, Section 17.32.020
- B. All conditional uses in the CB district (except Food Carts) and without the CB district standards for residential district setbacks or building enclosure, Section 17.32.030
- C. Warehouses including mini-warehouse storage; assembly, including light manufacturing, processing, packaging, treatment, fabrication of goods or merchandise; laboratories, offices, bottling and distribution centers, light repair facilities, wholesale businesses, and similar uses. These uses must be located and arranged according to a plan providing for aesthetic and other conditions in harmony with the neighborhood, and not be offensive or obnoxious by reason of emission of odor, dust, smoke, gas, light, noise or vibration. All such uses must first be approved by the Planning Commission.

### **17.36.030 - Conditional uses.**

The following conditional uses are allowed in the commercial industrial district subject to obtaining a conditional use permit per Chapter 17.152 and completing a site design review in accordance with Chapter 17.156:

- A. Public utility structures, such as pump stations, reservoirs, and electric substations.
- B. Food Carts, subject to the provisions in Chapter 17.126.

## **Chapter 17.40 - GENERAL INDUSTRIAL (IG) DISTRICT**

### **17.40.030 - Conditional uses.**

The following uses may be allowed in an IG district subject to obtaining a conditional use permit per Chapter 17.152:

- A. Junk yard.
- B. Bulk storage of flammable liquids or gases.
- C. Concrete or asphalt batch plants.
- D. Chemical, fertilizer, insecticide, or paint product manufacturing.
- E. Extraction and processing of minerals, rocks, sand, gravel, or other earth products.
- F. Food Carts, subject to the provisions in Chapter 17.126.

## Chapter 17.68 - OFF-STREET PARKING AND LOADING

### Commercial Uses

A. Movie theater, theater	1 space per 4 seats
B. Amusement and recreational services	1 space/200 s.f. of gross floor area
C. Retail store	1 space/400 s.f. of gross floor area plus one-space/2 employees.
D. Service or repair shop, retail store handling exclusively bulky merchandise such as automobiles and furniture	1 space/600 s.f. of gross floor area plus one-space/2 employees.
E. Banks, financial institutions, professional offices	1 space/200 s.f. of gross floor area plus one-space/2 employees.
F. Motel or hotel	1 space/guest room
G. Eating and drinking establishment, for consumption on the premises or drive-through facility	1 space/4 seats or 8 feet of bench length  OR  1 space/4 seats or 1 space/200 s.f. of floor area, whichever is greater
<b>H. Food Cart</b>	1 space/200 s.f. of gross outdoor seating area plus one-space/2 employees.

## Chapter 17.126 - FOOD CART PERMITS

### 17.126.010 - Applicability.

The provisions of this section apply to food carts used in the preparation and/or sales of food and beverage items to the general public on private property. A Food Cart that remains on one lot for more than four hours in any one day and for more than 90 days in any 12-month must be approved following the procedures identified in Section 17.126.

### 17.126.020 - Approval Required.

Food Carts are allowed as conditional uses in the DD, CB, CI and GI zoning districts and must be reviewed and approved by the Planning Commission following a Major Conditional Use Permit review procedure for compliance with the use and dimensional provisions of the underlying zone (not including design standards), the criteria for a Conditional Use Permit and the provisions of Section 17. 126. Food Carts must also obtain approval of a City Business License and all relevant County and State permits and licenses for a mobile food unit.

### 17.126.030 - Application Submission Requirements.

An application for approval for the placement and operation of a Food Cart in the City of Carlton must include the following:

- A. A completed application form for a Conditional Use Permit in addition to any other land use applications required by the underlying zoning district and an application fee.
- B. The initial application and each annual renewal requires the signature of the property owner authorizing the use on the site.
- C. Site plan drawn to scale including:
  - 1) Site dimensions.



- 2) Relationship of the site to adjoining properties, streets, alleys, structures, public utilities, and drainage ways.
  - 3) Number and location of food carts on the site.
  - 4) Individual square footage of all food carts.
  - 5) Accessible pedestrian routes.
  - 6) Size and location of customer seating areas.
  - 7) Vehicular circulation and ingress/egress points.
  - 8) Parking and loading areas.
  - 9) Location and design elevation of all proposed structures and landscaped areas.
  - 10) Location and specifications of food cart pads.
  - 11) Location and design of fences and walls.
  - 12) Number and location of trash and recycling areas.
  - 13) Location and type of auxiliary storage.
- D. Pictures of all sides of proposed food cart(s).
  - E. Proximity to bathroom and written permission for use of hand-washing facilities and bathroom(s).
  - F. Disposal plan for wastewater and gray water.
  - G. Exterior lighting plan indicating location, size, height, typical design, material, color, and method of illumination.
  - H. Written verification that the food cart has been permitted, inspected and meets applicable County Health regulations.
  - I. Any additional information that may be required by the City Manager to properly evaluate the proposed site plan. The City Manager may waive any of the requirements above where determined that the information required is unnecessary to properly evaluate the proposal.

**17.126.040 - Permit Terms and Conditions.**

Each food cart permit issued shall terminate December 31st of the year in which it is issued and shall be subject to the following minimum conditions:

- A. Food Cart permits are valid for the calendar year in which they are issued and will be renewed through a Minor Conditional Use Permit Application procedure, except if the use was the subject of a City Code Enforcement action. If an enforcement action has occurred, the use shall be reviewed at the time of renewal following the Major Conditional Use Permit review procedure.
- B. The initial application and each annual renewal requires the signature of the property owner authorizing the use on the site.
- C. The permit issued shall be specific to one property and specific to the permittee only and the permit is not transferable to others in any manner. The permittee will be responsible for compliance with all conditions of approval.
- D. The permit is specifically limited to the area approved or as modified by the City Manager, and will include a site plan indicating the area approved for the operation of one or more food carts and the location of common seating areas.
- E. A Class I - IV Mobile Food Unit license issued by the Yamhill County Department of Health must be displayed on the unit at all times so it can be read from the outside. The registration must be current and valid. The vehicle registration of the Mobile Food Unit must be displayed on the unit at all times so it can be read from the outside. The registration must be current and valid.
- F. Each food cart shall be inspected by the New Carlton Fire District once per calendar year, or as warranted by the Carlton Fire District.
- G. All food carts are subject to all applicable city, county, and state codes and regulations.
- H. It is the responsibility of the permittee holder to notify the City Manager if the food cart will be closed for more than 30 days.

### **17.126.050 - Use Limitations and Development Standards.**

The following limitations and standards shall apply to all food carts permitted after the effective date of this ordinance.

#### **A. Use Limitations**

- 1) Food Carts shall not provide drive-through facilities and are not allowed to provide internal floor space to customers.
- 2) Food carts must be mobile units but are not permitted to operate from a motorized vehicle. An example of a mobile unit that meets this standard includes a trailer modified for the purpose of selling food but does not include a push-cart.

#### **B. Size and Placement**

- 1) Carts shall not exceed 26 feet in length, not including the trailer hitch, or be greater than 260 square feet.
- 2) All carts shall be placed on a paved surface such as but not limited to concrete, asphalt or pavers, or other approved material excluding gravel. If new paved surface is added to a site to accommodate a cart, the parking area shall comply with applicable parking design standards contained in Chapter 17.98.
- 3) All seating areas shall be located on the subject property at least 10 feet from a food cart and seating areas shall be separated from parking areas by an approved fence or barrier.
- 4) Ingress and egress shall be safe and adequate when combined with the other uses of the property and will comply with provisions of Section 17.68.
- 5) Food carts shall provide adequate vision clearance as required by Section 17.92.070.
- 6) Carts shall not occupy parking needed to meet minimum vehicle and bicycle parking requirements, and shall not occupy pedestrian walkways or required landscape areas. Blocking automobile access to parking spaces shall be considered occupying the spaces.
- 7) Carts shall be located at least three (3) feet from the public right-of-way or back of sidewalk, whichever provides the greater distance from the public right-of-way.
- 8) Carts shall remain at least 10 feet away from other Food Carts, buildings and parking stalls.
- 9) Carts shall not be located within 25 feet of an active driveway entrance as measured in all directions from where the driveway enters the site at the edge of the street right-of-way. Carts shall not occupy fire lanes or drive aisles necessary for vehicular circulation or fire/emergency vehicle access. Customer service windows shall be located at least five (5) feet from an active drive aisle used by cars. Each cart shall provide an awning for shelter to customers with a minimum clearance of seven (7) feet between the ground and the awning.
- 10) Only one (1) cart shall be allowed on any legal lot of record.

#### **C. Operation and Maintenance**

- 1) Carts shall limit the visual effect of accessory items not used by customers, including but not limited to tanks, barrels, etc. by screening with a site-obscuring fence or landscaping, or containing them within a storage shed not to exceed 100 square feet.
- 2) The exterior surfaces of all carts shall be clean and free from dents, rust, peeling paint, and deterioration, and windows shall not be cracked or broken.
- 3) The exterior surface of all Food Carts proposed to be located in the Downtown District shall be a color that is consistent with the Carlton Downtown Historic Color Palette.
- 4) Carts shall not have missing siding, skirting or roofing.
- 5) Structures used to provide shelter to customers shall only be tents, canopies and similar membrane structures. Other structures for customer shelter are not allowed. This does not preclude the use of awnings attached to and supported by a mobile unit or umbrellas designed for café or picnic tables. All canopies, tents and other membrane structures erected on Food and Beverage Cart sites shall comply with Building Code anchoring and engineering standards and Fire Code standards. Tents and canopies shall not have tears, mold, or broken or non-functioning supports and shall be securely anchored.

- 6) Unenclosed areas intended to be occupied by customers, such as areas near Food Cart service windows and customer seating, shall be illuminated when carts are in operation during hours of darkness;
- 7) No source of outdoor lighting shall be visible at the property line adjacent to residential uses at 3 feet above ground level.
- 8) Outdoor lighting fixtures shall be oriented and/or shielded so as not to create glare on abutting properties.
- 9) Food carts are exempt from land-use district density, floor-area ratio and Downtown District design guidelines and standards. Accessory items to the Food Cart that are not for customer use, such as barrels, tanks or containers shall be screened to substantially limit the views of such items from the street.
- 10) Signage shall comply with the Carlton Sign Code regulations. Each cart is permitted one (1) A-Frame sign.

D. Fire and Safety

- 1) Carts shall not have components or attachments in disrepair in a manner that causes an unsafe condition.
- 2) Uses shall not create tripping hazards in pedestrian or vehicular areas with items such as cords, cables and pipes.
- 3) If external electric service is necessary, an underground electric service outlet providing electricity to the unit may be used. The outlet must have a ground fault interrupter and meet all applicable city, state and federal codes. The extension cord from the outlet to the Mobile Food Unit must not be longer than ten (10) feet and must meet all city, state and federal codes.
- 4) Carts shall meet Fire Code requirements regarding distances from other structures or combustible materials.
- 5) Any cooking device within a food cart that creates grease-laden vapors shall provide an approved hood and extinguishing system, or be the type with a self-closing lid as approved by the Fire Marshall. Appropriate fire extinguishers are required.
- 6) Propane tanks shall be stored and handled properly and be located at least 10 feet from combustible vegetation and trash receptacles and 20 feet from a potential ignition source. Propane tanks shall remain outdoors and be secured from falling.

E. Health and Sanitation

- 1) Trash and recycle receptacles shall be provided on site, and must be emptied and maintained. Trash and recycle receptacles shall be provided at a rate of one (1) receptacle for every food cart. Where the food cart operator proposes to provide an outdoor seating area a minimum of one (1) 20-gallon trash receptacle and one (1) 20-gallon recycle receptacle shall be provided in the common seating area.
- 2) Restrooms with hand washing facilities shall be provided for employees and customers. The restroom can be on-site or within one-quarter mile or a five-minute walk (such as at a neighboring business) and must be available during the cart's hours of operation. If the restroom is not on-site, the food cart operator shall submit written permission from an adjacent business or property owner where the facility is located.
- 3) Sites containing more than one food cart shall provide a restroom facility on the same lot as the food cart.
- 4) Wastewater and gray water shall be disposed of properly without harm to the environment or city infrastructure. An approved disposal plan shall detail storage and removal methods.
- 5) Food carts that are fully contained; i.e., carts that provide their own water, power, and waste disposal, are permitted with no additional utility considerations beyond the permitting process and site plan approval described herein. Food carts that require a water source, power source, or waste disposal location are permitted only where the City Manager has approved site plans that show safe

access and location of the aforementioned provisions. Such provisions shall be subject to all applicable building permits and System Development Charge requirements.

**17.126.060 - Legal Non-Conforming Food Carts.**

- A. Food cart permits issued prior to September 14, 2015 may be renewed under the code provisions that existed at the time they were permitted, except the following new standards apply and supersede the standards in effect prior September 14, 2015 Section 17.126.020.
- B. Food Carts shall not have any internal floor space available to customers.
- C. Food Carts mobile units shall not exceed 26 feet in length or exceed 260 square feet in area.
- D. Food carts shall comply with the vision clearance requirements of Section 17.92.070.
- E. Awnings attached to a Food and/or Beverage Cart shall have a minimum of 7 feet of clearance between the ground and the awning to allow access for pedestrians under the awning.
- F. Carts shall be located at least 3 feet from the right-of-way or back of sidewalk, whichever provides the greater distance from the right of way.
- G. Carts shall provide at least 5 feet between service windows or other customer service points and an active drive aisle.
- H. Carts shall remain at least 10 feet away from other Food Carts, buildings and parking stalls.
- I. Carts shall not occupy off-street parking spaces, fire lanes or drive aisles necessary for vehicular circulation or fire/emergency vehicle access as determined by the Manager. Carts may occupy other drive aisles. In cases where a portion of a drive aisle is occupied, at least 4 feet of clear maneuvering space shall be provided between the closed portion of the drive aisle and the abutting active parking spaces.
- J. Unless otherwise specified in this section, legal non-conforming food carts shall be exempt from a finding of adequate public facilities unless it is determined that the proposed use exceeds the capacity of existing public facilities or causes unsafe conditions.
- K. Food carts are exempt from land-use district density, floor-area ratio and Downtown District design guidelines and standards. Accessory items to the Food Cart that are not for customer use, such as barrels, tanks or containers shall be screened to substantially limit the views of such items from the street.
- L. Structures used to provide shelter to customers shall only be tents, canopies and similar membrane structures. Other structures for customer shelter are not allowed. This does not preclude the use of awnings attached to and supported by a mobile unit or umbrellas designed for café or picnic tables. All canopies, tents and other membrane structures erected on Food and Beverage Cart sites shall comply with Building Code anchoring and engineering standards and Fire Code standards. Tents and canopies associated with a food cart shall not have visible tears or mold, missing anchoring or broken and/or non-functioning supports.
- M. Unenclosed areas intended to be occupied by customers, such as areas near Food Cart service windows and customer seating, shall be illuminated when carts are in operation during hours of darkness.
- N. No source of outdoor lighting shall be visible at the property line adjacent to residential uses at 3 feet above ground level.
- O. Outdoor lighting fixtures shall be oriented and/or shielded so as not to create glare on abutting properties.
- P. Carts shall not have missing siding, skirting or roofing.
- Q. Permits are not transferrable to new owners of the food cart. Non-conforming status is non-transferable to a new owner or operator. Legal non-conforming status of pre-existing food carts will expire on December 31, 2020.

- R. Restrooms with hand washing facilities shall be provided for employees and customers. The restroom can be on-site or within one-quarter mile or a five-minute walk (such as at a neighboring business) and must be available during the cart's hours of operation. If the restroom is not on-site, the food cart operator shall submit written permission from an adjacent business or property owner where the facility is located.

**17.128.070 - Revocation or Suspension of Permit.**

- A. A food cart permit shall be subject to revocation by the City if the application is found to include false information.
- B. A food cart permit shall be suspended if the Food Cart is closed for more than 90-days without providing advance written notice to the City Manager.

**ADOPTED** by the City Council on this 14<sup>th</sup> day of September, 2015, by the following votes:

**AYES:** 5

**NAYES:** 0

**ABSENT:** 2  
[Chitwood, Rhoads]

**ABSTAIN:** 0

**APPROVED** and signed by the Mayor this 14<sup>th</sup> day of September, 2015.

  
\_\_\_\_\_  
Kathie Oriet, Mayor

**ATTEST:**

  
\_\_\_\_\_  
Jennifer L. Nelson, City Recorder







Lynn asked about parking along the soccer field. Olsen replied that issue is unrelated.

Vern Powell clarified if this was the sidewalk area to the building where the tanks are. Staff said it was. Powell replied he thought that area was already part of that property anyway. Olsen agreed most people do and so did the property owner. All the vacation is doing is obtaining the strip of land needed to widen the street and match up the right-of-way, the rest is not needed, so the City is exchanging the property with the owner as a trade rather than exchanging money.

Gowell called for neutral testimony; none appeared. The proponent was given an opportunity for rebuttal and asked if there were any questions of the opponents from the floor or Council; none appeared. No written testimony has been received. Oriet closed public testimony, the hearing and the record. Final comments or recommendations from staff indicated the exchange agreement refers to North Pine, LLC as the owner of the green area but Dave and Robin Grooters should also be included as owners of the property included in the exchange since that is who it is released to. No deliberations occurred.

**MOTION: Rake/Jernstedt** to read **Ordinance No. 2015-713** by title only. Motion carried (5 Yes/0 No/2 Absent [Chitwood, Rhoads] /0 Abstain).

Gowell read the title of the ordinance.

**MOTION: Carl/Rake** to approve **Ordinance No. 2015-713** vacating a portion of West Monroe Street right-of-way within the City of Carlton, Oregon in the first reading, as presented and read by title only. **VOTE BY ROLL CALL:** Motion carried (5 Yes [Carl, Rake, Ward-Mullen, Jernstedt, Oriet]/0 No/2 Absent [Chitwood, Rhoads]/0 Abstain).

**3. CITIZEN COMMENTS** – None appeared.

#### **4. ANNOUNCEMENTS/REPORTS/PRESENTATIONS**

##### **1) Strategic Plan Update Steering Committee Appointments**

**7:28 PM**

Olsen presented the staff report (see official meeting packet for full report). Council is being asked to ratify her choices, as presented on page 11 of the council packet.

**MOTION: Rake/Carl** to approve the City of Carlton Performance Management Program Strategic Plan Update Steering Committee appointments as presented by Mayor Oriet with Councilor Carl as the Council liaison.

Ward-Mullen said her only concern is the list feels more like it includes people who are newer to the community. Oriet said she picked those people who have not served on a committee recently in order to prevent burn-out; she also felt it is nice to have “new blood” on the committee. Ward-Mullen suggested Pat Swanick be added to the list. Staff anticipated half of the list of 25 will decline serving or will drop off after the first meeting and they really only want about 12 members.

**VOTE:** To approve the Mayor’s Steering Committee appointments as presented. Motion carried (5 Yes/0 No/2 Absent [Chitwood, Rhoads] /0 Abstain).

## 5. CONSENT AGENDA

7:36 PM

- 1) Meeting Minutes
  - City Council Work Session Minutes: August 10, 2015
  - City Council Regular Session Minutes: August 10, 2015
- 2) Department Monthly Reports
- 3) Accounts Payable Report

**MOTION:** Jernstedt/Ward-Mullen to approve the consent agenda as submitted. Motion carried (5 Yes/0 No/2 Absent [Chitwood, Rhoads] /0 Abstain).

## 6. ORDINANCE PRESENTATION, DISCUSSION & POTENTIAL ACTION ITEMS

7:36 PM

- 1) Ordinance No. 2015 – 711: Amending Title 17 of the Carlton Municipal Code to Adopt Standards for Food Cart Vendors **(Second Reading)**

Olsen presented the staff report indicating a public hearing was held in August along with the approval in the first reading. Additional language was requested on page 44, 7-10, and page 46-47 changing “may” to “shall”. After an approval tonight the ordinance would be effective in 30 days.

**MOTION:** Rake/Jernstedt to read Ordinance No. 2015-711 by title only. Motion carried (5 Yes/0 No/2 Absent [Chitwood, Rhoads] /0 Abstain).

Gowell read the title of the ordinance.

**MOTION:** Ward-Mullen/Carl to adopt Ordinance No. 2015-711 amending title 17 of the Carlton Municipal Code to adopt standards for food cart vendors in the second reading, as amended and read by title only. **VOTE BY ROLL CALL:** Motion carried (5 Yes [Ward-Mullen, Carl, Rake, Jernstedt, Oriet]/0 No/2 Absent [Chitwood, Rhoads]/0 Abstain).

- 2) Ordinance No. 2015 – 712: Comcast Franchise Agreement **(Second Reading)**

7:39 PM

**MOTION:** Carl/Rake to read Ordinance No. 2015-712 by title only. Motion carried (5 Yes/0 No/2 Absent [Chitwood, Rhoads]/0 Abstain).

Gowell read the title of the ordinance.

**MOTION:** Jernstedt/Rake to adopt Ordinance No. 2015-712 renewing the franchise for the operation of a cable system to Comcast of Oregon II, Inc. and superceding Ordinance No. 636 and all other ordinances in conflict with this ordinance, in the second reading and read by title only. **VOTE BY ROLL CALL:** Motion carried (5 Yes [Jernstedt, Rake, Carl, Ward-Mullen, Oriet]/0 No/2 Absent [Chitwood, Rhoads]/0 Abstain).

- 3) Resolution No. 2015-214: Adopting an Addendum to Resolution No. 2015-206 to Add Collection of General Obligation Bond

7:41 PM

Olsen presented staff report (see official meeting packet). He said the work is done and they now have the

numbers. An extension was filed with the tax assessor's office through 8/31/2015 until they got the required rate for collection which is \$62,264. The general obligation bond was sold to the bank through a private negotiated sale because they could not originally get the 20 year term. The previously approved budget resolution must be amended to include collection portion.

**MOTION: Jernstedt/Ward-Mullen** to approve and authorize the Mayor to sign **Resolution No. 2015-214** adopting an addendum to Resolution No. 2015-206 to include language regarding the collection of General Obligation Bond debt service. Motion carried (5 Yes/0 No/2 Absent [Chitwood, Rhoads] /0 Abstain).

Gowell met with the bond council for pre-closing, the actual closing will be on Wednesday and \$926,500.00 will be wired to the City that day. The bond was bought by Western Alliance Bank and the funds will go to First Federal and the City will transfer the funds to the pool account since it cannot accept the funds directly. Bids to open on September 22<sup>nd</sup>.

#### 4) Personal Services Agreement for Planning Services

7:46 PM

Olsen presented the staff report (see official meeting packet) and recommended approving a personal services agreement with Connell PC Associates for a five year term, renewed on an annual basis automatically up to four more times by the City.

**MOTION: Ward-Mullen/Jernstedt** to approve and authorize the Mayor to sign a personal services agreement with Connell PC Associates, Inc. for planning and land use consulting services. Motion carried (5 Yes/0 No/2 Absent [Chitwood, Rhoads] /0 Abstain).

Olsen added staff's desire to add MIG as a consultant on record for possible use in the future as they presented some desirable skills in graphic drawing components.

#### 5) Personal Services Agreement for Engineering Services

7:52 PM

Olsen presented the staff report (see official meeting packet for full report) and recommended approving a personal services agreement with Tetra Tech for engineering services.

**MOTION: Rake/Ward-Mullen** to approve and authorize the Mayor to sign a personal services agreement with Tetra Tech, Inc. for general engineering services for the City. Motion carried (5 Yes/0 No/2 Absent [Chitwood, Rhoads] /0 Abstain).

### 7. ADJOURNMENT

The meeting adjourned at 7:57 PM.

**APPROVED** by the City of Carlton City Council on this 12<sup>th</sup> day of October, 2015.

ATTEST:

  
Jennifer L. Nelson, City Recorder

  
Kathie Oriet, Mayor



**Memorandum**

**To:** The Mayor and Members of the City Council  
**From:** Chad Olsen, City Manager  
**Subject:** Ordinance 2015 – 711: Amending Title 17 of the Carlton Municipal Code to Adopt Standards for Food Cart Vendors (Second Reading)  
**Date:** September 8, 2015

**Recommendation**

Staff recommends that at its September 14, 2015 regular meeting the City Council approve and authorize the Mayor to sign Ordinance 2015-711, amending Title 17 of the Carlton Municipal Code to Adopt Standards for Food Cart Vendors.

**Background**

At its August 10, 2015 regular meeting, the City Council was briefed by the City Planner, Renata Wakeley of the Council of Governments on the proposed update to Title 17 of the Carlton Development Code to define and allow food carts as a conditional use in the DD, CB, CI and IG zones and to establish food cart permitting procedures and standards for the development, maintenance and operation of food carts. Attached is a copy of the Staff Report presented at the August meeting.

There were a couple of minor adjustments made by the City Council during the meeting which are highlighted in the attached ordinance. With those few changes the Council approved the amended ordinance on first reading.

The ordinance is now presented to the Council on second and final reading.

**Alternatives**

1. Do not approve.

**Fiscal Impact**

None

**Attachments**

1. Ordinance 2015 – 711: Amending Title 17 of the Carlton Municipal Code to Adopt Standards for Food Cart Vendors
2. Staff Report: LA 2015-02, August 10, 2015



## AN ORDINANCE AMENDING TITLE 17 OF THE CARLTON MUNICIPAL CODE TO ADOPT STANDARDS FOR FOOD CART VENDORS

### THE CITY OF CARLTON ORDAINS AS FOLLOWS:

#### 17.12.020 Definitions.

The following words and phrases, when used in this title, shall have the meanings set forth in this section, except in those instances where the context clearly indicates a different meaning:

- A. "Drive-Through Facility" means a drive-through use is a business activity involving buying or selling of goods or the provision of services where one of the parties conducts the activity from within a motor vehicle. Facilities usually associated with a drive through use are queuing lanes, service windows, and service islands for vehicular use.
- B. "Eating and Drinking Establishment" A retail service establishment where meals and/or beverages are prepared and served to the public generally for primarily indoor consumption on the premises.
- C. "Food Cart" means the sale of food and/or non-alcoholic beverages from an enclosed mobile unit located on private property which is used for the purpose of preparing, processing or converting food for immediate consumption as a drive-in or walk-up service. Examples include trailers designed to prepare and serve food but does not include outdoor barbecue grills, street vendors. Exceptions include:
  - 1) Residential lemonade stands and similar short-term sales associated with residential uses, and
  - 2) Temporary uses that last less than seven days in a calendar year that are directed toward specific event.

### Chapter 17.30 - DOWNTOWN (DD) DISTRICT

#### 17.30.020 Permitted uses.

The following uses are permitted in the Downtown district subject to the site review (Chapter 17.156), provided such uses are primarily conducted indoors, do not include drive-through facilities, and are not otherwise subject to conditional use permit approval (Section 17.30.030).

- A. Art galleries and artist studios.
- B. Banks and similar financial institutions.
- C. Commercial services, including retail sales and personal and professional services.
- D. Bed and breakfast inn.
- E. Dwellings, provided dwelling units within one hundred (100) feet of Main Street shall be located on the second story, or above, in a building meeting the design standards of this Chapter.
- F. Eating and drinking establishment (not including Food Carts or Drive-through facilities).
- G. Offices, including professional, administrative, medical, governmental, and similar office uses.
- H. Outdoor (unenclosed) uses subject to the limitations of Section 17.30.040
- I. Overnight accommodations, including hotels, motels, inn, and similar lodging uses.
- J. Parks, plazas, outdoor dining areas, sidewalk café seating and sales (permit required), and similar outdoor uses, subject to the limitations of Section 17.30.040
- K. Public and/or institutional uses, including public parking; and new on-premise parking subject to a public shared parking agreement.
- L. Retail sales and commercial services.
- M. Theaters, including movie theaters, subject to a public shared parking agreement when on premise parking is provided.

- N. Manufacturing and/or processing of food, beverages, arts, crafts, and/or similar goods, including wineries, subject to the limitations of Section 17.30.040
- O. Other uses the City Planning Official or Planning Commission, as applicable, determines to be similar to those uses listed above.

**17.30.030 Conditional uses.**

The following uses and uses determined by the City to be similar to those listed are allowed with a conditional use permit, except such uses located within 100 feet of Main Street are limited to those lawfully existing as of [Effective date of Downtown District]; such lawfully created nonconforming uses are allowed to continue pursuant to Chapter 17.164.

- A. Veterinary clinics and animal boarding facilities.
- B. Drive-through facility, including but not limited to drive-up windows (e.g., restaurants, banks, and pharmacies), automatic teller machines and similar facilities. Electric fueling stations for plug-in electric vehicles do not require a conditional use permit but are subject to site review.
- C. Manufacturing and/or processing uses that meet any one of the following criteria require a conditional use permit:
  - 1) Uses with shift(s) arriving or departing earlier than 7:00 a.m. or later than 9:00 p.m. on thirty (30) or more days during a calendar year.
  - 2) Processing or packaging of meat, fish, dairy, or other animal products.
  - 3) Taxidermy.
  - 4) Uses the City Planning Official or Planning Commission, as applicable, determines to be similar to those listed in subsections 1—3, above.
- D. Food Carts, subject to the provisions in Chapter 17.126.

**Chapter 17.32 - COMMERCIAL BUSINESS (CB) DISTRICT**

**17.32.020 Permitted uses.**

The following uses are permitted outright in the commercial business district, subject to the site design review in accordance with Chapter 17.156:

- A. Residences that are located on the second story above a permitted use commercial building.
- B. Business offices including, but not limited to, insurance, real estate and title insurance; credit agencies, brokerages, loan companies, and investment companies; and, miscellaneous offices such as detective agencies, drafting services or contractors offices.
- C. Professional offices including, but not limited to, medical, dental, engineering and legal services.
- D. Art gallery, artisan's or craftsperson's studio, photographic studio, picture framing.
- E. Banks and other financial institutions.
- F. Retail sales outlet including, but not limited to, food stores, pharmacy, furniture store, hobby or photography store, florist, liquor store, hardware store, appliance or stereo equipment store, pet shop, sporting goods, department store, jewelry, gift, and other types retail activities.
- G. Eating and drinking establishment, such as a restaurant, delicatessen, tavern, or snack shop, but not including drive-through facility or food cart.
- H. Bakery, butcher shop, candy manufacturing when retail sales are provided on the premises.
- I. Retail and service related stores such as TV and radio sales and service, bicycle shop, gunsmith, equipment rental, upholstery shop or other similar activities where a service department is customarily a secondary activity to the retail use.
- J. Service related businesses such as barber shops, beauty shops, advertising agencies, printing or photocopying, dancing or music school, health and fitness club, or other activities where the primary activity is the providing of a service to retail customers.
- K. Bed and breakfast.



- L. Place of worship, club lodge, or fraternal organizations.
- M. A single-family vacation rental dwelling unit, when such dwelling is a legal nonconforming use and obtains a vacation rental dwelling permit in accordance with the vacation rental dwelling conditional use standards and procedures set forth in Chapter 17.125.

**17.32.030 Conditional uses.**

The following conditional uses are allowed in the commercial business district subject to obtaining a conditional use permit per Chapter 17.152 and completing a site design review in accordance with Chapter 17.156:

- A. Automobile, truck, motorcycle, trailer, recreational vehicle and boat sales or repair, except retail and service uses entirely enclosed in a building and setback one hundred (100) feet or more from a residential zone are permitted under Section 17.32.020
- B. Retail tire sales, service and repair; tire recapping, service and repair, paint and body shop.
- C. Automobile service station, including towing services and vehicle washing and polishing facilities, and services.
- D. Parts and accessory sales for automobiles, trucks, motorcycles, trailers, recreational vehicles and boats, except retail and service uses entirely enclosed in a building and setback one hundred (100) feet or more from a residential zone are permitted under Section 17.32.020
- E. Lumberyard and contracting supplies for lumber, stone, masonry or metal (sales only).
- F. Special trade contracting facilities such as floor laying, building equipment, masonry and stone, plumbing, electrical, metal work or painting, except showrooms and similar office or retail uses entirely enclosed in a building and setback one hundred (100) feet or more from a residential zone are permitted under Section 17.32.020
- G. Welding shop and blacksmith where activities are conducted wholly within a building.
- H. Newspaper, periodical, publishing and printing, except such uses entirely enclosed in a building and setback 100 feet or more from a residential zone are permitted under Section 17.32.020
- I. Tractor and farm equipment, logging equipment sales and service.
- J. Veterinary clinics, except such uses entirely enclosed in a building and setback one hundred (100) feet or more from a residential zone are permitted under Section 17.32.020
- K. Drive-through facility.
- L. Cabinet manufacturing shop, except such uses entirely enclosed in a building and setback one hundred (100) feet or more from a residential zone are permitted under Section 17.32.020
- M. Tent and awning shop, except such uses entirely enclosed in a building and setback one hundred (100) feet or more from a residential zone are permitted under Section 17.32.020
- N. Public utility buildings and structures, including community centers, except such uses entirely enclosed in a building and setback one hundred (100) feet or more from a residential zone are permitted under Section 17.32.020
- O. Theaters, including movie theaters, except such uses entirely enclosed in a building and setback 100 feet or more from a residential zone are permitted under Section 17.32.020
- P. Commercial (private) automobile parking facilities, except as accessory to a primary permitted use, as specified in Chapter 17.68
- Q. Wineries, and wine sales and tasting rooms operated in conjunction with a winery.
- R. Food Carts, subject to the provisions in Chapter 17.126.

**17.32.040 Limitations on use.**

- A. All business, services, processing, or merchandise displays shall be conducted wholly within an enclosed building except for the following:
  - 1) Off-street parking or loading;
  - 2) Drive-through facility;

- 3) Temporary display and sales of merchandise, not exceeding three (3) days in any seven (7) day period, provided it is under cover of a projecting roof and does not interfere with pedestrian, bicycle, or automobile circulation;
  - 4) Businesses, which, in all cases, require outdoor storage of merchandise, e.g., automobile, RV sales lots, or gas stations.
  - 5) Outdoor entertainment and outdoor events, such as weddings, music concerts, religious gatherings, public gatherings, sporting events, and similar uses and activities, when not accessory to a permitted use, require approval of a Special Event Permit. Special Event Permits are staff-level approvals; except that use of a public right-of-way requires City Council approval.
- B. Not more than fifty (50) percent of the floor area of the building and not more than twenty-five (25) percent of the lot area of the commercial enterprise shall be used in the manufacturing, processing, or compounding of products.

### **Chapter 17.36 - COMMERCIAL INDUSTRIAL (CI) DISTRICT**

#### **17.36.020 Permitted uses.**

The following uses are permitted in the CI district, subject to a site design review in accordance with Chapter 17.156:

- A. All uses permitted in the CB district, Section 17.32.020
- B. All conditional uses in the CB district (except Food Carts) and without the CB district standards for residential district setbacks or building enclosure, Section 17.32.030
- C. Warehouses including mini-warehouse storage; assembly, including light manufacturing, processing, packaging, treatment, fabrication of goods or merchandise; laboratories, offices, bottling and distribution centers, light repair facilities, wholesale businesses, and similar uses. These uses must be located and arranged according to a plan providing for aesthetic and other conditions in harmony with the neighborhood, and not be offensive or obnoxious by reason of emission of odor, dust, smoke, gas, light, noise or vibration. All such uses must first be approved by the Planning Commission.

#### **17.36.030 - Conditional uses.**

The following conditional uses are allowed in the commercial industrial district subject to obtaining a conditional use permit per Chapter 17.152 and completing a site design review in accordance with Chapter 17.156:

- A. Public utility structures, such as pump stations, reservoirs, and electric substations.
- B. Food Carts, subject to the provisions in Chapter 17.126.

### **Chapter 17.40 - GENERAL INDUSTRIAL (IG) DISTRICT**

#### **17.40.030 - Conditional uses.**

The following uses may be allowed in an IG district subject to obtaining a conditional use permit per Chapter 17.152:

- A. Junk yard.
- B. Bulk storage of flammable liquids or gases.
- C. Concrete or asphalt batch plants.
- D. Chemical, fertilizer, insecticide, or paint product manufacturing.
- E. Extraction and processing of minerals, rocks, sand, gravel, or other earth products.
- F. Food Carts, subject to the provisions in Chapter 17.126.

**Chapter 17.68 - OFF-STREET PARKING AND LOADING**

**Commercial Uses**

A. Movie theater, theater	1 space per 4 seats
B. Amusement and recreational services	1 space/200 s.f. of gross floor area
C. Retail store	1 space/400 s.f. of gross floor area plus one-space/2 employees.
D. Service or repair shop, retail store handling exclusively bulky merchandise such as automobiles and furniture	1 space/600 s.f. of gross floor area plus one-space/2 employees.
E. Banks, financial institutions, professional offices	1 space/200 s.f. of gross floor area plus one-space/2 employees.
F. Motel or hotel	1 space/guest room
G. Eating and drinking establishment, for consumption on the premises or drive-through facility	1 space/4 seats or 8 feet of bench length  OR  1 space/4 seats or 1 space/200 s.f. of floor area, whichever is greater
<b>H. Food Cart</b>	1 space/200 s.f. of gross outdoor seating area plus one-space/2 employees.

**Chapter 17.126 - FOOD CART PERMITS**

**17.126.010 - Applicability.**

The provisions of this section apply to food carts used in the preparation and/or sales of food and beverage items to the general public on private property. A Food Cart that remains on one lot for more than four hours in any one day and for more than 90 days in any 12-month must be approved following the procedures identified in Section 17.126.

**17.126.020 - Approval Required.**

Food Carts are allowed as conditional uses in the DD, CB, CI and GI zoning districts and must be reviewed and approved by the Planning Commission following a Major Conditional Use Permit review procedure for compliance with the use and dimensional provisions of the underlying zone (not including design standards), the criteria for a Conditional Use Permit and the provisions of Section 17. 126. Food Carts must also obtain approval of a City Business License and all relevant County and State permits and licenses for a mobile food unit.

**17.126.030 - Application Submission Requirements.**

An application for approval for the placement and operation of a Food Cart in the City of Carlton must include the following:

- A. A completed application form for a Conditional Use Permit in addition to any other land use applications required by the underlying zoning district and an application fee.
- B. The initial application and each annual renewal requires the signature of the property owner authorizing the use on the site.
- C. Site plan drawn to scale including:
  - 1) Site dimensions.

- 2) Relationship of the site to adjoining properties, streets, alleys, structures, public utilities, and drainage ways.
  - 3) Number and location of food carts on the site.
  - 4) Individual square footage of all food carts.
  - 5) Accessible pedestrian routes.
  - 6) Size and location of customer seating areas.
  - 7) Vehicular circulation and ingress/egress points.
  - 8) Parking and loading areas.
  - 9) Location and design elevation of all proposed structures and landscaped areas.
  - 10) Location and specifications of food cart pads.
  - 11) Location and design of fences and walls.
  - 12) Number and location of trash and recycling areas.
  - 13) Location and type of auxiliary storage.
- D. Pictures of all sides of proposed food cart(s).
- E. Proximity to bathroom and written permission for use of hand-washing facilities and bathroom(s).
- F. Disposal plan for wastewater and gray water.
- G. Exterior lighting plan indicating location, size, height, typical design, material, color, and method of illumination.
- H. Written verification that the food cart has been permitted, inspected and meets applicable County Health regulations.
- I. Any additional information that may be required by the City Manager to properly evaluate the proposed site plan. The City Manager may waive any of the requirements above where determined that the information required is unnecessary to properly evaluate the proposal.

**17.126.040 - Permit Terms and Conditions.**

Each food cart permit issued shall terminate December 31st of the year in which it is issued and shall be subject to the following minimum conditions:

- A. Food Cart permits are valid for the calendar year in which they are issued and will be renewed through a Minor Conditional Use Permit Application procedure, except if the use was the subject of a City Code Enforcement action. If an enforcement action has occurred, the use shall be reviewed at the time of renewal following the Major Conditional Use Permit review procedure.
- B. The initial application and each annual renewal requires the signature of the property owner authorizing the use on the site.
- C. The permit issued shall be specific to one property and specific to the permittee only and the permit is not transferable to others in any manner. The permittee will be responsible for compliance with all conditions of approval.
- D. The permit is specifically limited to the area approved or as modified by the City Manager, and will include a site plan indicating the area approved for the operation of one or more food carts and the location of common seating areas.
- E. A Class I - IV Mobile Food Unit license issued by the Yamhill County Department of Health must be must be displayed on the unit at all times so it can be read from the outside. The registration must be current and valid. The vehicle registration of the Mobile Food Unit must be displayed on the unit at all times so it can be read from the outside. The registration must be current and valid.
- F. Each food cart shall be inspected by the New Carlton Fire District once per calendar year, or as warranted by the Carlton Fire District.
- G. All food carts are subject to all applicable city, county, and state codes and regulations.
- H. It is the responsibility of the permittee holder to notify the City Manager if the food cart will be closed for more than 30 days.

**17.126.050 - Use Limitations and Development Standards.**

The following limitations and standards shall apply to all food carts permitted after the effective date of this ordinance.

A. Use Limitations

- 1) Food Carts shall not provide drive-through facilities and are not allowed to provide internal floor space to customers.
- 2) Food carts must be mobile units but are not permitted to operate from a motorized vehicle. An example of a mobile unit that meets this standard includes a trailer modified for the purpose of selling food but does not include a push-cart.

B. Size and Placement

- 1) Carts shall not exceed 26 feet in length, not including the trailer hitch, or be greater than 260 square feet.
- 2) All carts shall be placed on a paved surface such as but not limited to concrete, asphalt or pavers, or other approved material excluding gravel. If new paved surface is added to a site to accommodate a cart, the parking area shall comply with applicable parking design standards contained in Chapter 17.98.
- 3) All seating areas shall be located on the subject property at least 10 feet from a food cart and seating areas shall be separated from parking areas by an approved fence or barrier.
- 4) Ingress and egress shall be safe and adequate when combined with the other uses of the property and will comply with provisions of Section 17.68.
- 5) Food carts shall provide adequate vision clearance as required by Section 17.92.070.
- 6) Carts shall not occupy parking needed to meet minimum vehicle and bicycle parking requirements, and shall not occupy pedestrian walkways or required landscape areas. Blocking automobile access to parking spaces shall be considered occupying the spaces.
- 7) Carts shall be located at least three (3) feet from the public right-of-way or back of sidewalk, whichever provides the greater distance from the public right-of-way.
- 8) Carts shall remain at least 10 feet away from other Food Carts, buildings and parking stalls.
- 9) Carts shall not be located within 25 feet of an active driveway entrance as measured in all directions from where the driveway enters the site at the edge of the street right-of-way. Carts shall not occupy fire lanes or drive aisles necessary for vehicular circulation or fire/emergency vehicle access. Customer service windows shall be located at least five (5) feet from an active drive aisle used by cars. Each cart shall provide an awning for shelter to customers with a minimum clearance of seven (7) feet between the ground and the awning.

9)10) Only one (1) cart shall be allowed on any legal lot of record.

C. Operation and Maintenance

- 1) Carts shall limit the visual effect of accessory items not used by customers, including but not limited to tanks, barrels, etc. by screening with a site-obscuring fence or landscaping, or containing them within a storage shed not to exceed 100 square feet.
- 2) The exterior surfaces of all carts shall be clean and free from dents, rust, peeling paint, and deterioration, and windows shall not be cracked or broken.
- 3) The exterior surface of all Food Carts proposed to be located in the Downtown District shall be a color that is consistent with the Carlton Downtown Historic Color Palette.
- 4) Carts shall not have missing siding, skirting or roofing.
- 5) Structures used to provide shelter to customers shall only be tents, canopies and similar membrane structures. Other structures for customer shelter are not allowed. This does not preclude the use of awnings attached to and supported by a mobile unit or umbrellas designed for café or picnic tables. All canopies, tents and other membrane structures erected on Food and Beverage Cart sites shall comply with Building Code anchoring and engineering standards and Fire Code standards. Tents and

canopies shall not have not tears, mold, or broken or non-functioning supports and shall be securely anchored.

- 6) Unenclosed areas intended to be occupied by customers, such as areas near Food Cart service windows and customer seating, shall be illuminated when carts are in operation during hours of darkness;
- 7) No source of outdoor lighting shall be visible at the property line adjacent to residential uses at 3 feet above ground level.
- 8) Outdoor lighting fixtures shall be oriented and/or shielded so as not to create glare on abutting properties.
- 9) Food carts are exempt from land-use district density, floor-area ratio and Downtown District design guidelines and standards. Accessory items to the Food Cart that are not for customer use, such as barrels, tanks or containers shall be screened to substantially limit the views of such items from the street.
- 10) Signage shall comply with the Carlton Sign Code regulations. Each cart is permitted one (1) A-Frame sign.

**D. Fire and Safety**

- 1) Carts shall not have components or attachments in disrepair in a manner that causes an unsafe condition.
- 2) Uses shall not create tripping hazards in pedestrian or vehicular areas with items such as cords, cables and pipes.
- 3) If external electric service is necessary, an underground electric service outlet providing electricity to the unit may be used. The outlet must have a ground fault interrupter and meet all applicable city, state and federal codes. The extension cord from the outlet to the Mobile Food Unit must not be longer than ten (10) feet and must meet all city, state and federal codes.
- 4) Carts shall meet Fire Code requirements regarding distances from other structures or combustible materials.
- 5) Any cooking device within a food cart that creates grease-laden vapors shall provide an approved hood and extinguishing system, or be the type with a self-closing lid as approved by the Fire Marshall. Appropriate fire extinguishers are required.
- 6) Propane tanks shall be stored and handled properly and be located at least 10 feet from combustible vegetation and trash receptacles and 20 feet from a potential ignition source. Propane tanks shall remain outdoors and be secured from falling.

**E. Health and Sanitation**

- 1) Trash and recycle receptacles shall be provided on site, and must be emptied and maintained. Trash and recycle receptacles shall be provided at a rate of one (1) receptacle for every food cart. Where the food cart operator proposes to provide an outdoor seating area a minimum of one (1) 20-gallon trash receptacle and one (1) 20-gallon recycle receptacle shall be provided in the common seating area.
- 2) Restrooms with hand washing facilities shall be provided for employees and customers. The restroom can be on-site or within one-quarter mile or a five-minute walk (such as at a neighboring business) and must be available during the cart's hours of operation. If the restroom is not on-site, the food cart operator shall submit written permission from an adjacent business or property owner where the facility is located.
- 3) Sites containing more than one food cart shall provide a restroom facility on the same lot as the food cart.
- 4) Wastewater and gray water shall be disposed of properly without harm to the environment or city infrastructure. An approved disposal plan shall detail storage and removal methods.
- 5) Food carts that are fully contained; i.e., carts that provide their own water, power, and waste disposal, are permitted with no additional utility considerations beyond the permitting process and



site plan approval described herein. Food carts that require a water source, power source, or waste disposal location are permitted only where the City Manager has approved site plans that show safe access and location of the aforementioned provisions. Such provisions ~~may shall~~ be subject to all applicable building permits and System Development Charge requirements.

**17.126.060 - Legal Non-Conforming Food Carts.**

- A. Food cart permits issued prior to ~~[-date of adoption-]~~ may be renewed under the code provisions that existed at the time they were permitted, except the following new standards apply and supersede the standards in effect prior ~~[-date of adoption-]~~ Section 17.126.020.
- B. Food Carts shall not have any internal floor space available to customers.
- C. Food Carts mobile units shall not exceed 26 feet in length or exceed 260 square feet in area.
- D. Food carts shall comply with the vision clearance requirements of Section 17.92.070.
- E. Awnings attached to a Food and/or Beverage Cart shall have a minimum of 7 feet of clearance between the ground and the awning to allow access for pedestrians under the awning.
- F. Carts shall be located at least 3 feet from the right-of-way or back of sidewalk, whichever provides the greater distance from the right of way.
- G. Carts shall provide at least 5 feet between service windows or other customer service points and an active drive aisle.
- H. Carts shall remain at least 10 feet away from other Food Carts, buildings and parking stalls.
- I. Carts shall not occupy off-street parking spaces, fire lanes or drive aisles necessary for vehicular circulation or fire/emergency vehicle access as determined by the Manager. Carts may occupy other drive aisles. In cases where a portion of a drive aisle is occupied, at least 4 feet of clear maneuvering space shall be provided between the closed portion of the drive aisle and the abutting active parking spaces.
- J. Unless otherwise specified in this section, legal non-conforming food carts shall be exempt from a finding of adequate public facilities unless it is determined that the proposed use exceeds the capacity of existing public facilities or causes unsafe conditions.
- K. Food carts are exempt from land-use district density, floor-area ratio and Downtown District design guidelines and standards. Accessory items to the Food Cart that are not for customer use, such as barrels, tanks or containers shall be screened to substantially limit the views of such items from the street.
- L. Structures used to provide shelter to customers shall only be tents, canopies and similar membrane structures. Other structures for customer shelter are not allowed. This does not preclude the use of awnings attached to and supported by a mobile unit or umbrellas designed for café or picnic tables. All canopies, tents and other membrane structures erected on Food and Beverage Cart sites shall comply with Building Code anchoring and engineering standards and Fire Code standards. Tents and canopies associated with a food cart shall not have visible tears or mold, missing anchoring or broken and/or non-functioning supports.
- M. Unenclosed areas intended to be occupied by customers, such as areas near Food Cart service windows and customer seating, shall be illuminated when carts are in operation during hours of darkness.
- N. No source of outdoor lighting shall be visible at the property line adjacent to residential uses at 3 feet above ground level.
- O. Outdoor lighting fixtures shall be oriented and/or shielded so as not to create glare on abutting properties.
- P. Carts shall not have missing siding, skirting or roofing.
- Q. Permits are not transferrable to new owners of the food cart. Non-conforming status is non-transferable to a new owner or operator. Legal non-conforming status of pre-existing food carts will expire on December 31, 2020.

Q.R. Restrooms with hand washing facilities shall be provided for employees and customers. The restroom can be on-site or within one-quarter mile or a five-minute walk (such as at a neighboring business) and must be available during the cart's hours of operation. If the restroom is not on-site, the food cart operator shall submit written permission from an adjacent business or property owner where the facility is located.

**17.128.070 - Revocation or Suspension of Permit.**

- A. A food cart permit shall be subject to revocation by the City if the application is found to include false information.
- B. A food cart permit shall be suspended if the Food Cart is closed for more than 90-days without providing advance written notice to the City Manager.

**ADOPTED** by the City Council on this \_\_\_\_\_ day of \_\_\_\_\_, 2015, by the following votes:

<b>AYES:</b>	<b>NAYES:</b>	<b>ABSENT:</b>	<b>ABSTAIN:</b>
--------------	---------------	----------------	-----------------

**APPROVED** and signed by the Mayor this \_\_\_\_\_ day of \_\_\_\_\_, 2015.

\_\_\_\_\_  
Kathie Oriet, Mayor

**ATTEST:** \_\_\_\_\_  
Jennifer L. Nelson, City Recorder



restrooms by cart customers. Olsen added the State Health Department requires restrooms nearby for employee and customer access to meet sanitation requirements. Schroeder added cart owners would need City permission or buy-in with nearby business owners to avoid adding extra burden to current business owners. Carl said citizens would incur the expense of allowing City restrooms to be open to the cart patrons.

Terry McIntyre asked Council they are able to grandfather a cart that does not meet health codes. Oriet replied Yamhill County enforces those codes, not the City. Rake said existing carts should meet bathroom and hand-washing station requirements for customers. Wakeley suggested adding a new subsection R to 17.126.060 to make existing carts have restroom facilities.

Ward-Mullen asked why gravel is excluded from appropriate cart surfaces. Schroeder answered that grey water is difficult to clean up on gravel. Lorton added other cities have paved surfaces for sanitation purposes and ADA requirements. Olsen added if a cart connects to the City's water system, they would pay system development charges (SDCs) and meet requirements.

Oriet closed the public testimony and the public hearing at 7:54 PM.

Wakeley reviewed the three changes Council discussed during the public testimony: 1) Under section 17.126.050.B: Add a #10 with text, "Only one cart shall be allowed on any legal lot of record"; 2) Under section 17.126.050.E.5.: Revise text from "Such provisions may be subject to all..." to "such provisions shall be subject to all..."; 3) Under section 17.126.040.E.2: The text in this subsection in its entirety starting with "Restrooms with hand washing facilities... or property owner where the facility is located" shall be copied and also placed under 17.126.060 as a new subsection R. No deliberations occurred.

**MOTION: Rake/ Jernstedt** to read **Ordinance No. 2015-711** by title only. Motion carried (7 Yes/0 No/ Absent/0 Abstain).

Gowell read the title of the ordinance.

**MOTION: Carl/Chitwood** to approve **Ordinance No. 2015-711** amending title 17 of the Carlton Municipal Code to adopt standards for food cart vendors in the first reading, as amended and read by title only. Motion carried (7 Yes/0 No/0 Absent /0 Abstain).

## 5. CITIZEN COMMENTS

7:59 PM

Jeff Lorton since Joe Della Valle has moved he is taking over his tradition of speaking during this time.

Renee Vorm from Your Community Mediators asked if the City Budget has been approved, spoke of their request for a grant award and said she appreciates the Council's support.

## 6. ANNOUNCEMENTS/REPORTS/PRESENTATIONS

### 1) Street Closure Permits – Carlton Crush and Sutch Wedding

8:05 PM

Olsen presented the staff report (see official meeting packet for full report).

**MOTION: Rake/Ward Mullen** to approve the temporary closure of North Kutch from Main Street to West Monroe on September 12, 2015 for Carlton Crush event. Motion carried (7 Yes/0 No/ Absent/0 Abstain).

**MOTION: Jernstedt/Ward-Mullen** to approve the temporary closure of North Scott from North Scott to West Monroe on September 9, 2015 for Sutch Wedding event. Motion carried (7 Yes/0 No/0 Absent/0 Abstain).

## 2) Tourism committee

The revised FY16 budget was handed out (see official meeting packet for full report). The Tourism Committee is asking for Council to release budget funds.

**MOTION: Carl/Jernstedt** to approve the Tourism Fund Budget for Fiscal Year 2015-16 as submitted. Motion carried (7 Yes/0 No/ Absent/0 Abstain).

The Tourism Committee also wants to register the Visit Carlton trademark and start the trademark procedure. The trademark process includes a search to verify the trademark is not currently being used or trademarked. The Council agreed by consensus to approve the Visit Carlton logo to be trademarked and to direct the City Attorney to initiate the trademark process.

## 3) Community Grant Program Distribution

Local non-profit organizations Your Community Mediators, Homeward Bound and the Carlton Business Association (CBA) flower purchases have all made requests for community grant funds. Last year, the Mayor delegated the amounts to be distributed to the various non-profits grant requests.

**MOTION: Rake/Carl** to authorize the Mayor to make monetary decisions regarding the allocation of the community grant awards. Motion carried (7 Yes/0 No/ Absent/0 Abstain).

## 7. CONSENT AGENDA

8:31 PM

- 1) Meeting Minutes
  - City Council Special Session Minutes: July 7, 2015
- 2) Department Monthly Reports
- 3) Accounts Payable Report

**MOTION: Jernstedt/ Rake** to approve the consent agenda as submitted. Motion carried (7 Yes/0 No/0 Absent/0 Abstain).

## 8. ORDINANCE PRESENTATION, DISCUSSION & POTENTIAL ACTION ITEMS

8:31 PM

- 1) Ordinance No. 2015 – 708: Amending Titles 5 and 17 of the Carlton Municipal Code To Adopt Standards for Medical Marijuana Dispensaries: **(Second Reading)**

This was ordinance approved in the first reading at the July 7, 2015 Special City Council meeting and set for a



final reading at the July meeting after the City Attorney has an opportunity to review impacts new State laws regarding medical marijuana dispensaries and make any additional changes required.

**MOTION: Jernstedt/Rake** to read **Ordinance No. 2015-708** by title only. Motion carried (7 Yes/0 No/0 Absent/0 Abstain).

Gowell read the title of the ordinance.

**MOTION: Rake/Carl** to adopt **Ordinance No. 2015-708** amending titles 5 and 17 of the Carlton Municipal Code to adopt development standards for medical marijuana dispensaries in the second reading, read by title only. Motion carried (7 Yes/0 No/0 Absent/0 Abstain).

## **2) Ordinance No. 2015 – 712: Comcast Franchise Agreement**

Staff presented the report (see official meeting packet). Definitions, allowances and prohibited use of TV or cable services is defined on page 73. The agreement will have a 10-year term with annual reviews. A description of tree trimming and use of City easements in right away changes are included as well as new safety requirements that follow City adopted codes. Other changes also include: underground utilities, free service to public buildings, reimbursements of costs due to undergrounding, and regulation of rates for basic cable and equipment.

**MOTION: Rake/Jernstedt** to read **Ordinance No. 2015-712** by title only. Motion carried (7 Yes/0 No/0 Absent/0 Abstain).

Gowell read the title of the ordinance.

**MOTION: Rake/Jernstedt** to approve **Ordinance No. 2015-712** renewing the franchise for the operation of a cable system to Comcast of Oregon II, Inc. and superceding Ordinance No. 636 and all other ordinances in conflict with this ordinance, in the first reading and read by title only. Motion carried (7 Yes/0 No/0 Absent/0 Abstain).

## **3) Resolution No. 2015-213: Transfer of Contingency Funds for Capital Outlay Purchases for the MT 25i Walker Zero Turn Mower Equipment Purchase** **8:11 PM**

Purchasing a zero turn mower and a trailer would allow public works to drive on the road around town and not damage the mower. The allocation of \$7,500 from the water and sewer contingency fund combines the public work funds/general fund. Finance Director Christy Martinez distributed a handout with the budget layout and numbers (see official meeting packet for full report).

**MOTION: Rake/Rhoads** to approve and authorize the Mayor to sign **Resolution No. 2015-213** monies from the water contingency fund of \$6,265.00 to water fund capital outlay and sewer contingency fund of \$6,264.00 to sewer fund capital outlay in order to purchase the MT25i Walker Zero Turn Mower from Keiser Outdoor Power for \$20,265.05 . Motion carried (7 Yes/0 No/0 Absent/0 Abstain).



#### 4) Exchange Agreement – North Pine, LLC

9:00 PM

Olsen and Gowell presented the report and said the City is to complete an appraisal of the land in question, see if there is any value difference and pay the shortage. The agreement is similar to one with Ken Wright on Monroe Street (see official meeting packet for report submitted).

Ward-Mullen asked about street vacation and a definition. Olsen offered a description of the vacation of streets and how it is allotted. It was noted the appraisal of the property is difficult due to lack of interest.

**MOTION: Rake/Jernstedt** to approve the execution of the Exchange Agreement by the Mayor and direct staff to initiate a street vacation proceeding pursuant to ORS 271.130 that will result in public notice of the proposed street vacation and a public hearing before the City Council at the Council's September 14, 2015 meeting. Motion carried (7 Yes/0 No/0 Absent/0 Abstain).

#### 5) Agreement with MWV-Council of Governments - IFA Construction Compliance

Olsen presented the staff report (see meeting packet).

**MOTION: Ward-Mullen/Carl** to approve an agreement with the Mid-Willamette Valley Council of Governments (MWVCOG) to provide administration services for the Safe Drinking Water Revolving Loan (SDWRL) for labor standard compliance. Motion carried (7 Yes/0 No/0 Absent/0 Abstain).

#### 6) Intergovernmental Agreement with the City of St. Helens – Communication Services

Olsen presented the staff report (see meeting packet). Fiscal Year 2016 has budgeted for communication services to continue this activity; the first agreement extended services for a year and the second extends for an additional year.

**MOTION: Rake/Rhoads** to approve Amendment No. 2 to the Intergovernmental Agreement (IGA) with the City of St. Helens for communication services provided by their Communications Officer. Motion carried (7 Yes/0 No/0 Absent/0 Abstain).

#### 7) Equipment Purchase – MT25i Walker Zero Turn Mower/Landscape Trailer

This agenda item was moved to 8.3 and included in the discussion of Resolution No. 2015-213 above.

#### 8) Vehicle Purchase – Police Department Chevrolet Tahoe

9:02 PM

Chief Martinez presented the staff report (see official meeting packet). He found three quotes for a Chevy Tahoe for the Police Department fully outfitted for Police use. The lease will include a clause allowing the City give back the vehicle if they are not completely satisfied. Gowell added this is not an unsecured debt. The payment is spread out over three years with minimal interest. Martinez added the Crown Victoria will not be released with the addition of the Tahoe due to presence and visibility to public.

**MOTION: Chitwood/Rake** to approve and authorize the purchase of a new 2014 Chevrolet Tahoe to be facilitated by ERS, Emergency Responder Services, Inc. Motion carried (7 Yes/0 No/0 Absent/0 Abstain).

Staff presented the staff report (see meeting packet). Tapani, Inc had lowest bid for project.

**MOTION:** Rake/Rhoads to approve the City Engineer’s recommendation to authorize the award the bid contract to Tapani, Inc. for the 2015 Regional Solutions Waterlines project on Yamhill, Grant, Main & Monroe Streets including a construction contingency budget of ±5% of the bid total (ie. ±\$27, 400) to address unknown conditions or issues that may come to light during construction.. Motion carried (7 Yes/0 No/0 Absent/0 Abstain).

**9. ADJOURNMENT**

The meeting adjourned at 9:46 PM.

**APPROVED** by the City of Carlton City Council on this 14<sup>th</sup> day of September, 2015.

ATTEST:

  
Jennifer L. Nelson, City Recorder

  
Kathie Oriet, Mayor



**CITY OF CARLTON  
CITY COUNCIL REGULAR MEETING AGENDA  
MONDAY, AUGUST 10, 2015, 7:00 P.M.  
CITY COUNCIL CHAMBERS, 191 E. MAIN STREET, CARLTON**

*The Mission of the City of Carlton is to sustain and enhance the viability of the community by providing essential services with professionalism and integrity.*

**1) Call to Order – Roll Call**

- 1) Salute to the Flag
- 2) Changes to the Agenda

**2) Public Hearing – Amending the Carlton Development Code (Title 17) to Define and Allow Food Carts as a Conditional Use in the DD, CB, CI and IG Zones and to Establish Food Cart Permitting Procedures and Standards for the Development, Maintenance and Operation of Food Carts** Pages

- **Ordinance 2015-711 – Amending Title 17 of the Carlton Municipal Code to Adopt Standards for Food Cart Vendors (*Deliberations*)** **1 - 18**

**3) Citizen Comments**

*This section of the agenda allows members of the public to address the City Council on any item not otherwise on the agenda. Members of the public, when recognized by the Mayor, should come forward and identify themselves. Comments are normally limited to three (3) minutes.*

**4) Announcements/Reports/Presentations** Pages

- Street Closure Application – CBA – Carlton Crush Special Event **19 - 22**
- Street Closure Application – Michael Sutch – West Monroe Street **23 - 27**
- Tourism Committee – FY16 Budget and Visit Carlton Trademark **No Handout**
- Community Grant Program Distribution **No Handout**

**5) Consent Agenda**

- 1) Meeting Minutes **29 - 35**
  - City Council Special Meeting Minutes – July 7, 2015
- 2) Department Monthly Reports **36 - 37**
- 3) Accounts Payable Report **38 - 43**

**6) Ordinance Presentation, Discussion and Potential Action Items**

- 1) Ordinance 2015 – 708: Amending Titles 5 and 17 of the Carlton Municipal Code To Adopt Standards for Medical Marijuana Dispensaries **(Second Reading)** **45 - 54**
- 2) Ordinance 2015 – 712: Comcast Franchise Agreement **(First Reading)** **55 - 86**
- 3) Resolution - Resolution No. 2015-213 – Transfer of Contingency Funds for Capital Outlay Purchases **87 - 88**
- 4) Exchange Agreement – North Pine LLC **89 - 102**
- 5) Agreement with MWV-Council of Governments - IFA Construction Compliance **103-108**
- 6) Intergovernmental Agreement with the City of St. Helens – Communication Services **109-112**
- 7) Equipment Purchase – MT25i Walker Zero Turn Mower/Landscape Trailer **113**
- 8) Vehicle Purchase – Police Department Chevrolet Tahoe **115**
- 9) Recommendation of Bid Award – Regional Solutions Water Distribution Project **117-119**

**7) Adjournment**

*This facility is ADA accessible. If you need special accommodation please contact the City Recorder at 503.852.7575 at least 24 hours prior to this meeting.*



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## MEMORANDUM

**To:** The Mayor and City Council  
**From:** Chad Olsen, City Manager  
**Subject:** Announcements/Reports/Presentations  
**Date:** August 6, 2015

- 1. Public Hearing** – Amending the Carlton Development Code (Title 17) to Define and Allow Food Carts as a Conditional Use in the DD, CB, CI and IG Zones and to Establish Food Cart Permitting Procedures and Standards for the Development, Maintenance and Operation of Food Carts. The Staff Report and proposed ordinance is attached. One note of discussion by the Planning Commission during their deliberations concerned alcohol and food carts.

The proposed ordinance defines “Food Cart” to be “...the sale of food and/or non-alcoholic beverages from an enclosed mobile unit...”. The definition would not allow food carts to sale alcohol. The Planning Commission noted this and had discussion on the issue however left the proposed ordinance language as submitted and requested the City Manager to inform the Council of the conversation and some concerns of the number of special permits a food vendor could apply for during a calendar year.

- 2. Street Closure Application – CBA – Carlton Crush Special Event**

All material for the street closure is included in the packet.

- 3. Street Closure Application – Michael Sutch – West Monroe Street**

All material for the street closure is included in the packet.

- 4. Tourism Committee – FY16 Budget and Visit Carlton Trademark**

The Tourism Committee (Visit Carlton) has prepared an annual expense plan based on the FY16 Adopted Budget and will submit it to the Council during Monday’s meeting. The intent of the Committee is to review the spending plan and request the Council to release the budget for the year. Also, the Committee will request the Council to direct the City Attorney to register the Visit Carlton trademark/logo.

- 5. Community Grant Program Distribution**

The FY16 General Fund budget includes \$8,000 for the “Community Grant Program”. This program helps support local agencies provision of services to our community. This has previously included Your Community Mediators, Homeward Bound and the CBA hanging basket program, for example. Last year the Council delegated the final determination and awards to the Mayor which worked well. This is included for Council direction.



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191 E. Main Street  
Carlton, OR 97111



1 of 120  
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**Please Post until 8/11/2015**

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## NOTICE OF PLANNING COMMISSION AND CITY COUNCIL PUBLIC HEARINGS Legislative Amendment 2015-02

NOTICE IS HEREBY GIVEN the **City of Carlton Planning Commission** will hold a public hearing on **Monday, August 3, 2015 at 6:00 PM** at Carlton City Hall, 191 E Main Street, Carlton, Oregon regarding a Legislative Amendment to amend the Carlton Municipal Code to update the land-use regulations and standards for temporary food cart vendors within the City of Carlton. The Planning Commission will consider the proposed amendments and make a recommendation to the Carlton City Council. The City Council then makes the final decision in the matter.

A second public hearing is scheduled before the **Carlton City Council** to consider the proposed amendments on **Monday, August 10, 2015 at 7:00 PM** also at Carlton City Hall.

**NATURE OF AMENDMENT:** An ordinance amending title 17 of the Carlton Municipal Code to adopt standards for food cart vendors or temporary vendors within the City of Carlton.

**APPLICABLE CRITERIA:** Carlton Code Title 17 and the Oregon Statewide Planning Goals.

**FILE NUMBER:** LA 2015-02

**HOW TO PARTICIPATE:** Anyone interested in commenting on this request may do so in person or by personal representative at the public hearing or in writing before the public hearing. Written comments may be submitted in advance of the public hearing addressed to: City Planner, Carlton City Hall, 191 E Main St, Carlton, OR 97111. Documents, evidence and staff reports may be reviewed at City Hall during regular business hours and on the city's website ([www.ci.carlton.or.us](http://www.ci.carlton.or.us)) at no cost. Copies are available for \$0.25 per page. A staff report will be available seven (7) days before the public hearing. The facility is ADA accessible. For further information or if you need any special accommodations to attend or participate in the hearing please, notify the City Recorder at least 24 hours before the hearing at (503) 852-7575.

*This facility is ADA accessible. If you need special accommodation please contact the City Recorder Jennifer Nelson at 503.852.7575 x111 or by email [jnelson@ci.carlton.or.us](mailto:jnelson@ci.carlton.or.us) at least 24 hours prior to this meeting.*

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## Legal Notices

### PUBLIC HEARING

#### NOTICE OF PLANNING COMMISSION AND CITY COUNCIL PUBLIC HEARINGS

Legislative Amendment 15-03  
NOTICE IS HEREBY GIVEN the **City of Carlton Planning Commission** will hold a public hearing on **Monday, August 3, 2015 at 6:00 PM** at Carlton City Hall, 191 E Main Street, Carlton, Oregon regarding a Legislative Amendment to amend the Carlton Municipal Code to update the land-use regulations and standards for temporary food cart vendors within the City of Carlton. The Planning Commission will consider the proposed amendments and make a recommendation to the Carlton City Council. The City Council then makes the final decision in the

matter.

A second public hearing is scheduled before the **Carlton City Council** to consider the proposed amendments on **Monday, August 10, 2015 at 7:00 PM** also at Carlton City Hall.

**NATURE OF AMENDMENT:** An ordinance amending title 17 of the Carlton Municipal Code to adopt standards for food cart vendors or temporary vendors within the City of Carlton.

**APPLICABLE CRITERIA:** Carlton Code Title 17 and the Oregon Statewide Planning Goals.

**FILE NUMBER:** LA 15-03

**HOW TO PARTICIPATE:** Anyone interested in commenting on this request may do so in person or by personal representative at the public hearing or in writing before the public hearing. Written comments may be submitted in advance of the public hearing addressed to: City Planner, Carlton City Hall, 191 E Main St, Carlton, OR 97111. Documents, evidence and staff reports may be reviewed at City Hall during regular business hours and on the city's website ([www.ci.carlton.or.us](http://www.ci.carlton.or.us)) at no cost. Copies are available for \$0.25 per page. A staff report will be available seven (7) days before the public hearing. The facility is ADA accessible. For further information or if you need any special accommodations to attend or participate in the hearing please, notify the City Recorder at least 24 hours before the hearing at (503) 852-7575.

NR Published July 24, 2015

**CITY OF CARLTON****CITY COUNCIL****STAFF REPORT:**

LA 2015-02

**HEARING DATE:**

August 10, 2015

**PROPOSAL:** To amend the Carlton Development Code (Title 17) to define and allow Food Carts as a conditional use in the DD, CB, CI, and IG zones, and to establish food cart permitting procedures and standards for the development, maintenance and operation of Food Carts.

**CRITERIA:** Carlton Comprehensive Plan

**EXHIBITS:** A. Ordinance 2015-711

**ACRONYMS:** CDC - Carlton Development Code

**I. BACKGROUND**

The Carlton Development Code allows eating establishments in commercial zones but does not include development standards specific to the establishment and operation of food carts. In February 2014, the Council initiated amendments to the Carlton Development Code to address the placement of food carts within the City's commercial zone districts. Work on the draft regulations was temporarily suspended due to an increase in permit activity and changes in staffing. At their meeting of February 2015, the City Council reviewed alternative actions related to Food Carts presented in a memorandum by the City Attorney and directed city staff to work with the Planning Commission to develop code provisions related to Food Carts.

A Planning Commission work session was held on May 18, 2015 and June 15, 2015 to discuss possible code amendments related to Food Carts. Topics related to food carts that were considered in the work session included: use considerations, location, review process, the number of units per lot, permit duration, operating times and standards, utility and power connections, and signage.

On August 3, 2015, the Carlton Planning Commission held a public hearing on the proposed amendments and have provided recommended text amendments to the Carlton Development Code (attached). No oral or written testimony were provided as part of the hearing.

**II. PROCEDURE**

Text Amendments to the Code are processed as Type IV actions. Type IV procedures are addressed in CDC 17.144.050. The procedures for Type IV actions are included in CDC 17.212.020. There are no criteria in the CDC for the review of Type IV actions. However, the updated text shall be reviewed for consistency with all relevant Comprehensive Plan goals and policies.

### III. REVIEW & FINDINGS

#### A. Comprehensive Plan (CP) Goal 1 - Citizen Involvement

**Goal 1: To maintain a Citizen Involvement Plan that ensures the opportunity for citizens to be involved in all phases of the planning process.**

**FINDING 1:** City of Carlton staff has encouraged citizen involvement in the public hearings by providing notice of the scheduled hearings to the Department of Land Conservation and Development (DLCD) and publishing notice in the McMinnville News-Review on July 24, 2015, consistent with the notice requirements in CDC Section 17.192.

Staff and the Planning Commission found Goal 1 was met.

#### B. Comprehensive Plan (CP) Goal 9 - Economic Development

**Goal 1. To provide for the needs of existing industries, encourage desired economic growth, develop a stable community-based economy, and provide for greater employment opportunities for Carlton's citizens.**

**Policy 10(e). Carlton shall, encourage a strategy of economic development that will identify and promote industry and/or economic activity that will be compatible with, and enhance and maintain Carlton's small town character, quality of life and identity.**

**Policy 13. Carlton shall encourage business development that retains, strengthens and expands the business base in Carlton.**

**Policy 14. Carlton shall encourage businesses that will complement and improve the existing downtown commercial mix and will enhance downtown's attractiveness to its target markets.**

**FINDING 2:** The revisions to the Carlton Development Code proposed in Ordinance 2015-711 will define and allow food carts as conditional uses in the DD, CB, CI and IG zoning districts and will provide development and operating standards in response to interest expressed by small business owners and as directed by the City Council. The development and operating standards proposed for Chapter 17.126 will ensure that food carts will be established in a manner that complements and/or improves the existing commercial mix and the area's appearance.

Staff and the Planning Commission found Goal 9 was met. Staff and the Planning Commission found other Comprehensive Plan Goals did not apply.

#### **IV. CONCLUSIONS AND RECOMMENDATIONS**

As indicated in the Findings listed above, staff and the Planning Commission found the proposal can be considered consistent with the Comprehensive Plan Goals and Policies for Economic Development and the process utilized can be considered consistent with the Comprehensive Goal and Policies related to Citizen Involvement. Based upon the findings in the staff report, staff and the Carlton Planning Commission recommend approval of the amendments and adoption of Ordinance 2015-711.

#### **V. CITY COUNCIL SAMPLE MOTIONS**

- A. Move to **APPROVE** the adoption of Ordinance 2015-711 based upon the findings in the LA 2015-02 Staff Report as recommended by staff and the Planning Commission.
- B. Move to **DENY** the adoption of Ordinance 2015-711, stating how the amendments are not consistent with the Carlton Comprehensive Plan.
- C. Continue the hearing to a time certain or indefinitely.



ORDINANCE NO. 2015-711

**AN ORDINANCE AMENDING TITLE 17 OF THE CARLTON MUNICIPAL CODE TO ADOPT STANDARDS FOR FOOD CART VENDORS**

*Note: Proposed language is **bold and underlined**. Existing sections of the code that might be relevant to the discussion or development of Food Cart regulations have been included for reference.*

*Please note that the list of standards starting in "17.126" may contain redundant standards, please note any you find at the work session.*

**17.12.020 Definitions.**

The following words and phrases, when used in this title, shall have the meanings set forth in this section, except in those instances where the context clearly indicates a different meaning:

...

**"Drive-Through Facility" means a drive-through use is a business activity involving buying or selling of goods or the provision of services where one of the parties conducts the activity from within a motor vehicle. Facilities usually associated with a drive through use are queuing lanes, service windows, and service islands for vehicular use.**

...

**"Eating and Drinking Establishment" A retail service establishment where meals and/or beverages are prepared and served to the public generally for primarily indoor consumption on the premises.**

...

**"Food Cart" means the sale of food and/or non-alcoholic beverages from an enclosed mobile unit located on private property which is used for the purpose of preparing, processing or converting food for immediate consumption as a drive-in or walk-up service. Examples include trailers designed to prepare and serve food but does not include outdoor barbecue grills, street vendors. Exceptions include: 1) residential lemonade stands and similar short-term sales associated with residential uses, and 2) Temporary uses that last less than seven days in a calendar year that are directed toward specific event.**

**Chapter 17.30 - DOWNTOWN (DD) DISTRICT**

...

**17.30.020 Permitted uses.**

The following uses are permitted in the Downtown district subject to the site review (Chapter 17.156), provided such uses are primarily conducted indoors, do not include drive-through facilities, and are not otherwise subject to conditional use permit approval (Section 17.30.030).

- A. Art galleries and artist studios.
- B. Banks and similar financial institutions.
- C. Commercial services, including retail sales and personal and professional services.
- D. Bed and breakfast inn.
- E. Dwellings, provided dwelling units within one hundred (100) feet of Main Street shall be located on the second story, or above, in a building meeting the design standards of this Chapter.
- F. Eating and drinking establishment (**not including Food Carts or Drive-through facilities**).
- G. Offices, including professional, administrative, medical, governmental, and similar office uses.



- H. Outdoor (unenclosed) uses subject to the limitations of Section 17.30.040
- I. Overnight accommodations, including hotels, motels, inn, and similar lodging uses.
- J. Parks, plazas, outdoor dining areas, sidewalk café seating and sales (permit required), and similar outdoor uses, subject to the limitations of Section 17.30.040
- K. Public and/or institutional uses, including public parking; and new on-premise parking subject to a public shared parking agreement.
- L. Retail sales and commercial services.
- M. Theaters, including movie theaters, subject to a public shared parking agreement when on-premise parking is provided.
- N. Manufacturing and/or processing of food, beverages, arts, crafts, and/or similar goods, including wineries, subject to the limitations of Section 17.30.040
- O. Other uses the City Planning Official or Planning Commission, as applicable, determines to be similar to those uses listed above.

**17.30.030 Conditional uses.**

The following uses and uses determined by the City to be similar to those listed are allowed with a conditional use permit, except such uses located within 100 feet of Main Street are limited to those lawfully existing as of [Effective date of Downtown District]; such lawfully created nonconforming uses are allowed to continue pursuant to Chapter 17.164.

~~A. Except as provided under Section 17.30.040, a use or any portion of a use not enclosed in a building (e.g., retail sales, rentals, commercial services, manufacturing, processing, repair, storage, and other unenclosed uses), including an unenclosed accessory use, requires a conditional use permit.~~

- A. Veterinary clinics and animal boarding facilities.
- B. Drive-through facility, including but not limited to drive-up windows (e.g., restaurants, banks, and pharmacies), automatic teller machines and similar facilities. Electric fueling stations for plug-in electric vehicles do not require a conditional use permit but are subject to site review.
- C. Manufacturing and/or processing uses that meet any one of the following criteria require a conditional use permit:
  - 1. Uses with shift(s) arriving or departing earlier than 7:00 a.m. or later than 9:00 p.m. on thirty (30) or more days during a calendar year.
  - 2. Processing or packaging of meat, fish, dairy, or other animal products.
  - 3. Taxidermy.
  - 4. Uses the City Planning Official or Planning Commission, as applicable, determines to be similar to those listed in subsections 1—3, above.

**D. Food Carts, subject to the provisions in Chapter 17.126.**

...

**Chapter 17.32 - COMMERCIAL BUSINESS (CB) DISTRICT**

...

**17.32.020 Permitted uses.**

The following uses are permitted outright in the commercial business district, subject to the site design review in accordance with Chapter 17.156:

- A. Residences that are located on the second story above a permitted use commercial building.
- B. Business offices including, but not limited to, insurance, real estate and title insurance; credit agencies, brokerages, loan companies, and investment companies; and, miscellaneous offices such as detective agencies, drafting services or contractors offices.
- C. Professional offices including, but not limited to, medical, dental, engineering and legal services.
- D. Art gallery, artisan's or craftsperson's studio, photographic studio, picture framing.
- E. Banks and other financial institutions.

- F. Retail sales outlet including, but not limited to, food stores, pharmacy, furniture store, hobby or photography store, florist, liquor store, hardware store, appliance or stereo equipment store, pet shop, sporting goods, department store, jewelry, gift, and other types retail activities.
- G. **Eating and drinking establishment, such as a restaurant, delicatessen, tavern, or snack shop, but not including drive-through facility or food cart.** ~~and other types of eating and drinking establishments.~~
- H. Bakery, butcher shop, candy manufacturing when retail sales are provided on the premises.
- I. Retail and service related stores such as TV and radio sales and service, bicycle shop, gunsmith, equipment rental, upholstery shop or other similar activities where a service department is customarily a secondary activity to the retail use.
- J. Service related businesses such as barber shops, beauty shops, advertising agencies, printing or photocopying, dancing or music school, health and fitness club, or other activities where the primary activity is the providing of a service to retail customers.
- K. Bed and breakfast.
- L. Place of worship, club lodge, or fraternal organizations.
- M. A single-family vacation rental dwelling unit, when such dwelling is a legal nonconforming use and obtains a vacation rental dwelling permit in accordance with the vacation rental dwelling conditional use standards and procedures set forth in Chapter 17.125

#### **17.32.030 Conditional uses.**

The following conditional uses are allowed in the commercial business district subject to obtaining a conditional use permit per Chapter 17.152 and completing a site design review in accordance with Chapter 17.156:

- A. Automobile, truck, motorcycle, trailer, recreational vehicle and boat sales or repair, except retail and service uses entirely enclosed in a building and setback one hundred (100) feet or more from a residential zone are permitted under Section 17.32.020
- B. Retail tire sales, service and repair; tire recapping, service and repair, paint and body shop.
- C. Automobile service station, including towing services and vehicle washing and polishing facilities, and services.
- D. Parts and accessory sales for automobiles, trucks, motorcycles, trailers, recreational vehicles and boats, except retail and service uses entirely enclosed in a building and setback one hundred (100) feet or more from a residential zone are permitted under Section 17.32.020
- E. Lumberyard and contracting supplies for lumber, stone, masonry or metal (sales only).
- F. Special trade contracting facilities such as floor laying, building equipment, masonry and stone, plumbing, electrical, metal work or painting, except showrooms and similar office or retail uses entirely enclosed in a building and setback one hundred (100) feet or more from a residential zone are permitted under Section 17.32.020
- G. Welding shop and blacksmith where activities are conducted wholly within a building.
- H. Newspaper, periodical, publishing and printing, except such uses entirely enclosed in a building and setback 100 feet or more from a residential zone are permitted under Section 17.32.020
- I. Tractor and farm equipment, logging equipment sales and service.
- J. Veterinary clinics, except such uses entirely enclosed in a building and setback one hundred (100) feet or more from a residential zone are permitted under Section 17.32.020
- K. ~~Drive-in restaurant.~~ **Drive-through facility.**
- L. Cabinet manufacturing shop, except such uses entirely enclosed in a building and setback one hundred (100) feet or more from a residential zone are permitted under Section 17.32.020
- M. Tent and awning shop, except such uses entirely enclosed in a building and setback one hundred (100) feet or more from a residential zone are permitted under Section 17.32.020

- N. Public utility buildings and structures, including community centers, except such uses entirely enclosed in a building and setback one hundred (100) feet or more from a residential zone are permitted under Section 17.32.020
- O. Theaters, including movie theaters, except such uses entirely enclosed in a building and setback 100 feet or more from a residential zone are permitted under Section 17.32.020
- P. Commercial (private) automobile parking facilities, except as accessory to a primary permitted use, as specified in Chapter 17.68
- Q. Wineries, and wine sales and tasting rooms operated in conjunction with a winery.
- R. Food Carts, subject to the provisions in Chapter 17.126.**

**17.32.040 Limitations on use.**

- A. All business, services, processing, or merchandise displays shall be conducted wholly within an enclosed building except for the following:
  1. Off-street parking or loading;
  2. Drive-through ~~facility windows or service stations~~;
  3. Temporary display and sales of merchandise, not exceeding three (3) days in any seven (7) day period, provided it is under cover of a projecting roof and does not interfere with pedestrian, bicycle, or automobile circulation;
  4. Businesses, which, in all cases, require outdoor storage of merchandise, e.g., automobile, RV sales lots, or gas stations.
  5. Outdoor entertainment and outdoor events, such as weddings, music concerts, religious gatherings, public gatherings, sporting events, and similar uses and activities, when not accessory to a permitted use, require approval of a Special Event Permit. Special Event Permits are staff-level approvals; except that use of a public right-of-way requires City Council approval.
- B. Not more than fifty (50) percent of the floor area of the building and not more than twenty-five (25) percent of the lot area of the commercial enterprise shall be used in the manufacturing, processing, or compounding of products.

**Chapter 17.36 - COMMERCIAL INDUSTRIAL (CI) DISTRICT**

...

**17.36.020 Permitted uses.**

The following uses are permitted in the CI district, subject to a site design review in accordance with Chapter 17.156:

- A. All uses permitted in the CB district, Section 17.32.020
- B. All conditional uses in the CB district (**except Food Carts**) and without the CB district standards for residential district setbacks or building enclosure, Section 17.32.030
- C. Warehouses including mini-warehouse storage; assembly, including light manufacturing, processing, packaging, treatment, fabrication of goods or merchandise; laboratories, offices, bottling and distribution centers, light repair facilities, wholesale businesses, and similar uses. These uses must be located and arranged according to a plan providing for aesthetic and other conditions in harmony with the neighborhood, and not be offensive or obnoxious by reason of emission of odor, dust, smoke, gas, light, noise or vibration. All such uses must first be approved by the Planning Commission.

**17.36.030 - Conditional uses.**

The following conditional uses are allowed in the commercial industrial district subject to obtaining a conditional use permit per Chapter 17.152 and completing a site design review in accordance with Chapter 17.156:

- A. Public utility structures, such as pump stations, reservoirs, and electric substations.
- B. Food Carts, subject to the provisions in Chapter 17.126.**

...  
**Chapter 17.40 - GENERAL INDUSTRIAL (IG) DISTRICT**

...  
**17.40.030 - Conditional uses.**

The following uses may be allowed in an IG district subject to obtaining a conditional use permit per Chapter 17.152:

- A. Junk yard.
- B. Bulk storage of flammable liquids or gases.
- C. Concrete or asphalt batch plants.
- D. Chemical, fertilizer, insecticide, or paint product manufacturing.
- E. Extraction and processing of minerals, rocks, sand, gravel, or other earth products.

**F. Food Carts, subject to the provisions in Chapter 17.126.**

...  
**Chapter 17.68 - OFF-STREET PARKING AND LOADING**

**Commercial Uses**

A. Movie theater, theater	1 space per 4 seats
B. Amusement and recreational services	1 space/200 s.f. of gross floor area
C. Retail store	1 space/400 s.f. of gross floor area plus one-space/2 employees.
D. Service or repair shop, retail store handling exclusively bulky merchandise such as automobiles and furniture	1 space/600 s.f. of gross floor area plus one-space/2 employees.
E. Banks, financial institutions, professional offices	1 space/200 s.f. of gross floor area plus one-space/2 employees.
F. Motel or hotel	1 space/guest room
G. <b><u>Restaurant Eating and drinking establishment, for consumption on the premises or drive-through facility</u></b>	1 space/4 seats or 8 feet of bench length  or  <b><u>OR 1 space/4 seats or 1 space/200 s.f. of floor area, whichever is greater</u></b>
<b><u>H. Food Cart</u></b>	<b><u>1 space/200 s.f. of gross outdoor seating area plus one-space/2 employees.</u></b>

...  
**Chapter 17.126 - FOOD CART PERMITS**

**17.126.010 - Applicability. The provisions of this section apply to food carts used in the preparation and/or sales of food and beverage items to the general public on private property. A Food Cart that remains on one lot for more than four hours in any one day and for more than 90 days in any 12-month must be approved following the procedures identified in Section 17.126.**

**17.126.020 - Approval Required. Food Carts are allowed as conditional uses in the DD, CB, CI and GI zoning districts and must be reviewed and approved by the Planning Commission following a Major Conditional Use Permit review procedure for compliance with the use and dimensional provisions of the underlying zone (not including design standards), the criteria for a Conditional Use Permit and the**

provisions of Section 17. 126. Food Carts must also obtain approval of a City Business License and all relevant County and State permits and licenses for a mobile food unit.

17.126.030 - Application Submission Requirements. An application for approval for the placement and operation of a Food Cart in the City of Carlton must include the following:

- A. A completed application form for a Conditional Use Permit in addition to any other land use applications required by the underlying zoning district and an application fee.
- B. The initial application and each annual renewal requires the signature of the property owner authorizing the use on the site.
- C. Site plan drawn to scale including:
  - a. Site dimensions.
  - b. Relationship of the site to adjoining properties, streets, alleys, structures, public utilities, and drainage ways.
  - c. Number and location of food carts on the site.
  - d. Individual square footage of all food carts.
  - e. Accessible pedestrian routes.
  - f. Size and location of customer seating areas.
  - g. Vehicular circulation and ingress/egress points.
  - h. Parking and loading areas.
  - i. Location and design elevation of all proposed structures and landscaped areas.
  - j. Location and specifications of food cart pads.
  - k. Location and design of fences and walls.
  - l. Number and location of trash and recycling areas.
  - m. Location and type of auxiliary storage.
- D. Pictures of all sides of proposed food cart(s).
- E. Proximity to bathroom and written permission for use of hand-washing facilities and bathroom(s).
- F. Disposal plan for wastewater and gray water.
- G. Exterior lighting plan indicating location, size, height, typical design, material, color, and method of illumination.
- H. Written verification that the food cart has been permitted, inspected and meets applicable County Health regulations.
- I. Any additional information that may be required by the City Manager to properly evaluate the proposed site plan. The City Manager may waive any of the requirements above where determined that the information required is unnecessary to properly evaluate the proposal.

17.126.040 - Permit Terms and Conditions. Each food cart permit issued shall terminate December 31st of the year in which it is issued and shall be subject to the following minimum conditions:

- A. Food Cart permits are valid for the calendar year in which they are issued and will be renewed through a Minor Conditional Use Permit Application procedure, except if the use was the subject of a City Code Enforcement action. If an enforcement action has occurred, the use shall be reviewed at the time of renewal following the Major Conditional Use Permit review procedure.
- B. The initial application and each annual renewal requires the signature of the property owner authorizing the use on the site.

- C. The permit issued shall be specific to one property and specific to the permittee only and the permit is not transferable to others in any manner. The permittee will be responsible for compliance with all conditions of approval.
- D. The permit is specifically limited to the area approved or as modified by the City Manager, and will include a site plan indicating the area approved for the operation of one or more food carts and the location of common seating areas.
- E. A Class I - IV Mobile Food Unit license issued by the Yamhill County Department of Health must be must be displayed on the unit at all times so it can be read from the outside. The registration must be current and valid. The vehicle registration of the Mobile Food Unit must be displayed on the unit at all times so it can be read from the outside. The registration must be current and valid.
- F. Each food cart shall be inspected by the New Carlton Fire District once per calendar year, or as warranted by the Carlton Fire District.
- G. All food carts are subject to all applicable city, county, and state codes and regulations.
- H. It is the responsibility of the permittee holder to notify the City Manager if the food cart will be closed for more than 30 days.

17.126.050 Use Limitations and Development Standards. The following limitations and standards shall apply to all food carts permitted after the effective date of this ordinance.

A. Use Limitations

- 1. Food Carts shall not provide drive-through facilities and are not allowed to provide internal floor space to customers.
- 2. Food carts must be mobile units but are not permitted to operate from a motorized vehicle. An example of a mobile unit that meets this standard includes a trailer modified for the purpose of selling food but does not include a push-cart.

B. Size and Placement

- 1. Carts shall not exceed 26 feet in length, not including the trailer hitch, or be greater than 260 square feet.
- 2. All carts shall be placed on a paved surface such as but not limited to concrete, asphalt or pavers, or other approved material excluding gravel. If new paved surface is added to a site to accommodate a cart, the parking area shall comply with applicable parking design standards contained in Chapter 17.98.
- 3. All seating areas shall be located on the subject property at least 10 feet from a food cart and seating areas shall be separated from parking areas by an approved fence or barrier.
- 4. Ingress and egress shall be safe and adequate when combined with the other uses of the property and will comply with provisions of Section 17.68.



5. Food carts shall provide adequate vision clearance as required by Section 17.92.070.
6. Carts shall not occupy parking needed to meet minimum vehicle and bicycle parking requirements, and shall not occupy pedestrian walkways or required landscape areas. Blocking automobile access to parking spaces shall be considered occupying the spaces.
7. Carts shall be located at least three (3) feet from the public right-of-way or back of sidewalk, whichever provides the greater distance from the public right-of-way.
8. Carts shall remain at least 10 feet away from other Food Carts, buildings and parking stalls.
9. Carts shall not be located within 25 feet of an active driveway entrance as measured in all directions from where the driveway enters the site at the edge of the street right-of-way. Carts shall not occupy fire lanes or drive aisles necessary for vehicular circulation or fire/emergency vehicle access. Customer service windows shall be located at least five (5) feet from an active drive aisle used by cars. Each cart shall provide an awning for shelter to customers with a minimum clearance of seven (7) feet between the ground and the awning.

#### C. Operation and Maintenance

1. Carts shall limit the visual effect of accessory items not used by customers, including but not limited to tanks, barrels, etc. by screening with a site-obscuring fence or landscaping, or containing them within a storage shed not to exceed 100 square feet.
2. The exterior surfaces of all carts shall be clean and free from dents, rust, peeling paint, and deterioration, and windows shall not be cracked or broken.
3. The exterior surface of all Food Carts proposed to be located in the Downtown District shall be a color that is consistent with the Carlton Downtown Historic Color Palette.
4. Carts shall not have missing siding, skirting or roofing.
5. Structures used to provide shelter to customers shall only be tents, canopies and similar membrane structures. Other structures for customer shelter are not allowed. This does not preclude the use of awnings attached to and supported by a mobile unit or umbrellas designed for café or picnic tables. All canopies, tents and other membrane structures erected on Food and Beverage Cart sites shall comply with Building Code anchoring and engineering standards and Fire Code standards. Tents and canopies shall not have not tears, mold, or broken or non-functioning supports and shall be securely anchored.
6. Unenclosed areas intended to be occupied by customers, such as areas near Food Cart service windows and customer seating, shall be illuminated when carts are in operation during hours of darkness;
7. No source of outdoor lighting shall be visible at the property line adjacent to residential uses at 3 feet above ground level.

8. Outdoor lighting fixtures shall be oriented and/or shielded so as not to create glare on abutting properties.
9. Food carts are exempt from land-use district density, floor-area ratio and Downtown District design guidelines and standards. Accessory items to the Food Cart that are not for customer use, such as barrels, tanks or containers shall be screened to substantially limit the views of such items from the street.
10. Signage shall comply with the Carlton Sign Code regulations. Each cart is permitted one (1) A-Frame sign.

#### D. Fire and Safety

1. Carts shall not have components or attachments in disrepair in a manner that causes an unsafe condition.
2. Uses shall not create tripping hazards in pedestrian or vehicular areas with items such as cords, cables and pipes.
3. If external electric service is necessary, an underground electric service outlet providing electricity to the unit may be used. The outlet must have a ground fault interrupter and meet all applicable city, state and federal codes. The extension cord from the outlet to the Mobile Food Unit must not be longer than ten (10) feet and must meet all city, state and federal codes.
4. Carts shall meet Fire Code requirements regarding distances from other structures or combustible materials.
5. Any cooking device within a food cart that creates grease-laden vapors shall provide an approved hood and extinguishing system, or be the type with a self-closing lid as approved by the Fire Marshall. Appropriate fire extinguishers are required.
6. Propane tanks shall be stored and handled properly and be located at least 10 feet from combustible vegetation and trash receptacles and 20 feet from a potential ignition source. Propane tanks shall remain outdoors and be secured from falling.

#### E. Health and Sanitation

1. Trash and recycle receptacles shall be provided on site, and must be emptied and maintained. Trash and recycle receptacles shall be provided at a rate of one (1) receptacle for every food cart. Where the food cart operator proposes to provide an outdoor seating area a minimum of one (1) 20-gallon trash receptacle and one (1) 20-gallon recycle receptacle shall be provided in the common seating area.
2. Restrooms with hand washing facilities shall be provided for employees and customers. The restroom can be on-site or within one-quarter mile or a five-minute walk (such as at a neighboring business) and must be available during the cart's hours of operation. If the restroom is not on-site, the food cart operator shall submit written permission from an adjacent business or property owner where the facility is located.

3. Sites containing more than one food cart shall provide a restroom facility on the same lot as the food cart.
4. Wastewater and gray water shall be disposed of properly without harm to the environment or city infrastructure. An approved disposal plan shall detail storage and removal methods.
5. Food carts that are fully contained; i.e., carts that provide their own water, power, and waste disposal, are permitted with no additional utility considerations beyond the permitting process and site plan approval described herein. Food carts that require a water source, power source, or waste disposal location are permitted only where the City Manager has approved site plans that show safe access and location of the aforementioned provisions. Such provisions may be subject to all applicable building permits and System Development Charge requirements.

#### 17.126.060 Legal Non-Conforming Food Carts

- A. Food cart permits issued prior to ~~[-date of adoption-]~~ may be renewed under the code provisions that existed at the time they were permitted, except the following new standards apply and supersede the standards in effect prior ~~[-date of adoption-]~~ Section 17.126.020.
- B. Food Carts shall not have any internal floor space available to customers.
- C. Food Carts mobile units shall not exceed 26 feet in length or exceed 260 square feet in area.
- D. Food carts shall comply with the vision clearance requirements of Section 17.92.070.
- E. Awnings attached to a Food and/or Beverage Cart shall have a minimum of 7 feet of clearance between the ground and the awning to allow access for pedestrians under the awning.
- F. Carts shall be located at least 3 feet from the right-of-way or back of sidewalk, whichever provides the greater distance from the right of way.
- G. Carts shall provide at least 5 feet between service windows or other customer service points and an active drive aisle.
- H. Carts shall remain at least 10 feet away from other Food Carts, buildings and parking stalls.
- I. Carts shall not occupy off-street parking spaces, fire lanes or drive aisles necessary for vehicular circulation or fire/emergency vehicle access as determined by the Manager. Carts may occupy other drive aisles. In cases where a portion of a drive aisle is occupied, at least 4 feet of clear maneuvering space shall be provided between the closed portion of the drive aisle and the abutting active parking spaces.
- J. Unless otherwise specified in this section, legal non-conforming food carts shall be exempt from a finding of adequate public facilities unless it is determined that the proposed use exceeds the capacity of existing public facilities or causes unsafe conditions.
- K. Food carts are exempt from land-use district density, floor-area ratio and Downtown District design guidelines and standards. Accessory items to the Food Cart that are not for customer use, such as

barrels, tanks or containers shall be screened to substantially limit the views of such items from the street.

- L. Structures used to provide shelter to customers shall only be tents, canopies and similar membrane structures. Other structures for customer shelter are not allowed. This does not preclude the use of awnings attached to and supported by a mobile unit or umbrellas designed for café or picnic tables. All canopies, tents and other membrane structures erected on Food and Beverage Cart sites shall comply with Building Code anchoring and engineering standards and Fire Code standards. Tents and canopies associated with a food cart shall not have visible tears or mold, missing anchoring or broken and/or non-functioning supports.
- M. Unenclosed areas intended to be occupied by customers, such as areas near Food Cart service windows and customer seating, shall be illuminated when carts are in operation during hours of darkness.
- N. No source of outdoor lighting shall be visible at the property line adjacent to residential uses at 3 feet above ground level.
- O. Outdoor lighting fixtures shall be oriented and/or shielded so as not to create glare on abutting properties.
- P. Carts shall not have missing siding, skirting or roofing.
- Q. Permits are not transferrable to new owners of the food cart. Non-conforming status is non-transferable to a new owner or operator. Legal non-conforming status of pre-existing food carts will expire on December 31, 2020.

**17.128.070 - Revocation or Suspension of Permit**

- A. A food cart permit shall be subject to revocation by the City if the application is found to include false information.
- B. A food cart permit shall be suspended if the Food Cart is closed for more than 90-days without providing advance written notice to the City Manager.

**ADOPTED** by the City Council on this \_\_\_\_\_ day of \_\_\_\_\_, 2015, by the following votes:

**AYES:                      NAYES:                      ABSENT:                      ABSTAIN:**

**APPROVED** and signed by the Mayor this \_\_\_\_\_ day of \_\_\_\_\_, 2015.

\_\_\_\_\_  
Kathie Oriet, Mayor

**ATTEST:** \_\_\_\_\_  
Jennifer L. Nelson, City Recorder



alcohol. It was determined to leave the proposed ordinance language as submitted, but to direct the city manager to inform Council of their concerns regarding the number of special permits a food vendor could apply for in a calendar year. Wakeley clarified a city has the ability to deny a special event permit application and OLCC can still issue the permit from their end; however, getting the OLCC permit does not supersede the Code.

Nelson mentioned scrivener's errors regarding the Carlton Fire Department needing to be changed to Fire District. Olsen suggested revisions to page 8 of the proposed ordinance under 17.126.050 (B)(5) to remove the language "not encroach within".

**MOTION: Lowry/Lorton** to approve the amendment under 17.126.050 (B)(5) to remove the language "not encroach within". Motion carried (7 Yes/0 No/0 Absent/0 Abstain).

Wakeley revised the staff recommendation to approve the adoption of the Ordinance No. 2015-711 based upon the findings proposed in the LA 2015-02 Staff Report to the Planning Commission as amended.

**MOTION: Schroeder/Lorton** to approve Ordinance 2015-711 amending Title 17 of the Carlton Municipal Code to adopt standards for food cart vendors as amended and stated by staff. Motion carried. (7 Yes/ 0 No/ 0 Abstain).

Graham directed staff to inform the City Council of the Planning Commission's concerns regarding alcohol service and the number of special event permits allowed.

5. **OTHER BUSINESS** – None appeared.


6. **ADJOURNMENT**

The meeting adjourned at 6:57 PM.

**APPROVED** by the City of Carlton Planning Commission on this 19<sup>th</sup> day of October, 2015.

ATTEST:

  
Aimee Amerson, Office Specialist/Planning Clerk

  
Bob Graham, Chair



**CITY OF CARLTON  
PLANNING COMMISSION**

**STAFF REPORT:** LA 2015-02  
**HEARING DATE:** August 3, 2015

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**PROPOSAL:** To amend the Carlton Development Code (Title 17) to define and allow Food Carts as a conditional use in the DD, CB, CI, and IG zones, and to establish food cart permitting procedures, and standards for the development, maintenance and operation of Food Carts.

**CRITERIA:** Carlton Comprehensive Plan

**EXHIBITS:** A. Ordinance 2015-711

**ACRONYMS:** CDC - Carlton Development Code

**I. BACKGROUND**

The Carlton Development Code allows eating establishments in commercial zones but does not include development standards specific to the establishment and operation of food carts. In February 2014, the Council initiated amendments to the Carlton Development Code to address the placement of food carts within the City’s commercial zone districts. Work on the draft regulations was temporarily suspended due to an increase in permit activity and changes in staffing. At their meeting of February 2015, the City Council reviewed alternative actions related to Food Carts presented in a memorandum by the City Attorney and directed city staff to work with the Planning Commission to develop code provisions related to Food Carts.

A Planning Commission work session was held on May 18, 2015 and June 15, 2015 to discuss possible code amendments related to Food Carts. Topics related to food carts that were considered in the work session included: use considerations, location, review process, the number of units per lot, permit duration, operating times and standards, utility and power connections, and signage.

This public hearing will be followed with a public hearing by the City Council on August 10, 2015.

**II. PROCEDURE**

Text Amendments to the Code are processed as Type IV procedures. Type IV procedures are addressed in CDC17.144.050. The procedures for Type IV actions are included in CDC 17.212.020. There are no criteria in the CDC for the review of Type IV actions, however the updated plan will be reviewed for consistency with all relevant Comprehensive Plan goals and policies.

**III. REVIEW & FINDINGS**

**A. Comprehensive Plan (CP) Goal 1 - Citizen Involvement**

**Goal 1: To maintain a Citizen Involvement Plan that ensures the opportunity for citizens to be involved in all phases of the planning process.**

**FINDING 1:** City of Carlton staff has encouraged citizen involvement in the public hearings by providing notice of the scheduled hearings to DLCD on June 23, 2015 and publishing notice in the

McMinnville News-Register on July 24, 2015 consistent with the notice requirements in CDC Section 17.192.

**B. Comprehensive Plan (CP) Goal 9 - Economic Development**

**Goal 1. To provide for the needs of existing industries, encourage desired economic growth, develop a stable community-based economy, and provide for greater employment opportunities for Carlton's citizens.**

**Policy 10(e). Carlton shall, encourage a strategy of economic development that will identify and promote industry and/or economic activity that will be compatible with, and enhance and maintain Carlton's small town character, quality of life and identity.**

**Policy 13. Carlton shall encourage business development that retains, strengthens and expands the business base in Carlton.**

**Policy 14. Carlton shall encourage businesses that will complement and improve the existing downtown commercial mix and will enhance downtown's attractiveness to its target markets.**

**FINDING 2:** The revisions to the Carlton Development Code proposed in Ordinance 2015-711 will define and allow food carts as conditional uses in the DD, CB, CI and IG zoning districts and will provide development and operating standards in response to interest expressed by small business owners. The development and operating standards proposed for Chapter 17.126 will ensure that food carts will be established in a manner that complements and/or improves the existing commercial mix and the area's appearance.

**IV. CONCLUSIONS AND RECOMMENDATIONS**

As indicated in the Findings listed above, the proposal can be considered consistent with the Comprehensive Plan Goals and Policies for Economic Development and the process utilized can be considered consistent with the Comprehensive Goal and Policies related to Citizen Involvement. Based upon the findings in the staff report, it is recommended that the Planning Commission forward Ordinance 2015-711 to the City Council with a recommendation for approval.

**V. PLANNING COMMISSION ALTERNATIVES**

- A. Move to recommend to the City Council to **APPROVE** the adoption of Ordinance 2015-711 based upon the findings proposed in the LA 2015-02 Staff Report to the Planning Commission.
- B. Move to recommend to the City Council to **DENY** the adoption of Ordinance 2015-711, stating the how the amendments are not consistent with the Carlton Comprehensive Plan.
- C. Continue the hearing to a time certain or indefinitely.



## ORDINANCE NO. 2015-711

## AN ORDINANCE AMENDING TITLE 17 OF THE CARLTON MUNICIPAL CODE TO ADOPT STANDARDS FOR FOOD CART VENDORS

*Note: Proposed language is **bold and underlined**. Existing sections of the code that might be relevant to the discussion or development of Food Cart regulations have been included for reference.*

*Please note that the list of standards starting in "17.126" may contain redundant standards, please note any you find at the work session.*

### 17.12.020 Definitions.

The following words and phrases, when used in this title, shall have the meanings set forth in this section, except in those instances where the context clearly indicates a different meaning:

...

**"Drive-Through Facility" means a drive-through use is a business activity involving buying or selling of goods or the provision of services where one of the parties conducts the activity from within a motor vehicle. Facilities usually associated with a drive through use are queuing lanes, service windows, and service islands for vehicular use.**

...

**"Eating and Drinking Establishment" A retail service establishment where meals and/or beverages are prepared and served to the public generally for primarily indoor consumption on the premises.**

...

**Food Cart" means the sale of food and/or non-alcoholic beverages from an enclosed mobile unit located on private property which is used for the purpose of preparing, processing or converting food for immediate consumption as a drive-in or walk-up service. Examples include trailers designed to prepare and serve food but does not include outdoor barbecue grills, street vendors. Exceptions include: 1) residential lemonade stands and similar short-term sales associated with residential uses, and 2) Temporary uses that last less than seven days in a calendar year that are directed toward specific event.**

### Chapter 17.30 - DOWNTOWN (DD) DISTRICT

...

#### 17.30.020 Permitted uses.

The following uses are permitted in the Downtown district subject to the site review (Chapter 17.156), provided such uses are primarily conducted indoors, do not include drive-through facilities, and are not otherwise subject to conditional use permit approval (Section 17.30.030).

- A. Art galleries and artist studios.
- B. Banks and similar financial institutions.
- C. Commercial services, including retail sales and personal and professional services.
- D. Bed and breakfast inn.
- E. Dwellings, provided dwelling units within one hundred (100) feet of Main Street shall be located on the second story, or above, in a building meeting the design standards of this Chapter.
- F. Eating and drinking establishment (**not including Food Carts or Drive-through facilities**).
- G. Offices, including professional, administrative, medical, governmental, and similar office uses.

- H. Outdoor (unenclosed) uses subject to the limitations of Section 17.30.040
- I. Overnight accommodations, including hotels, motels, inn, and similar lodging uses.
- J. Parks, plazas, outdoor dining areas, sidewalk café seating and sales (permit required), and similar outdoor uses, subject to the limitations of Section 17.30.040
- K. Public and/or institutional uses, including public parking; and new on-premise parking subject to a public shared parking agreement.
- L. Retail sales and commercial services.
- M. Theaters, including movie theaters, subject to a public shared parking agreement when on-premise parking is provided.
- N. Manufacturing and/or processing of food, beverages, arts, crafts, and/or similar goods, including wineries, subject to the limitations of Section 17.30.040
- O. Other uses the City Planning Official or Planning Commission, as applicable, determines to be similar to those uses listed above.

**17.30.030 Conditional uses.**

The following uses and uses determined by the City to be similar to those listed are allowed with a conditional use permit, except such uses located within 100 feet of Main Street are limited to those lawfully existing as of [Effective date of Downtown District]; such lawfully created nonconforming uses are allowed to continue pursuant to Chapter 17.164.

~~A. Except as provided under Section 17.30.040, a use or any portion of a use not enclosed in a building (e.g., retail sales, rentals, commercial services, manufacturing, processing, repair, storage, and other unenclosed uses), including an unenclosed accessory use, requires a conditional use permit.~~

- A. Veterinary clinics and animal boarding facilities.
- B. Drive-through facility, including but not limited to drive-up windows (e.g., restaurants, banks, and pharmacies), automatic teller machines and similar facilities. Electric fueling stations for plug-in electric vehicles do not require a conditional use permit but are subject to site review.
- C. Manufacturing and/or processing uses that meet any one of the following criteria require a conditional use permit:
  - 1. Uses with shift(s) arriving or departing earlier than 7:00 a.m. or later than 9:00 p.m. on thirty (30) or more days during a calendar year.
  - 2. Processing or packaging of meat, fish, dairy, or other animal products.
  - 3. Taxidermy.
  - 4. Uses the City Planning Official or Planning Commission, as applicable, determines to be similar to those listed in subsections 1—3, above.

**D. Food Carts, subject to the provisions in Chapter 17.126.**

...

**Chapter 17.32 - COMMERCIAL BUSINESS (CB) DISTRICT**

...

**17.32.020 Permitted uses.**

The following uses are permitted outright in the commercial business district, subject to the site design review in accordance with Chapter 17.156:

- A. Residences that are located on the second story above a permitted use commercial building.
- B. Business offices including, but not limited to, insurance, real estate and title insurance; credit agencies, brokerages, loan companies, and investment companies; and, miscellaneous offices such as detective agencies, drafting services or contractors offices.
- C. Professional offices including, but not limited to, medical, dental, engineering and legal services.
- D. Art gallery, artisan's or craftsperson's studio, photographic studio, picture framing.
- E. Banks and other financial institutions.

- F. Retail sales outlet including, but not limited to, food stores, pharmacy, furniture store, hobby or photography store, florist, liquor store, hardware store, appliance or stereo equipment store, pet shop, sporting goods, department store, jewelry, gift, and other types retail activities.
- G. **Eating and drinking establishment, such as a Restaurant, delicatessen, tavern, or snack shop, but not including drive-through facility or food cart.** ~~and other types of eating and drinking establishments.~~
- H. Bakery, butcher shop, candy manufacturing when retail sales are provided on the premises.
- I. Retail and service related stores such as TV and radio sales and service, bicycle shop, gunsmith, equipment rental, upholstery shop or other similar activities where a service department is customarily a secondary activity to the retail use.
- J. Service related businesses such as barber shops, beauty shops, advertising agencies, printing or photocopying, dancing or music school, health and fitness club, or other activities where the primary activity is the providing of a service to retail customers.
- K. Bed and breakfast.
- L. Place of worship, club lodge, or fraternal organizations.
- M. A single-family vacation rental dwelling unit, when such dwelling is a legal nonconforming use and obtains a vacation rental dwelling permit in accordance with the vacation rental dwelling conditional use standards and procedures set forth in Chapter 17.125

**17.32.030 –Conditional uses.**

The following conditional uses are allowed in the commercial business district subject to obtaining a conditional use permit per Chapter 17.152 and completing a site design review in accordance with Chapter 17.156:

- A. Automobile, truck, motorcycle, trailer, recreational vehicle and boat sales or repair, except retail and service uses entirely enclosed in a building and setback one hundred (100) feet or more from a residential zone are permitted under Section 17.32.020
- B. Retail tire sales, service and repair; tire recapping, service and repair, paint and body shop.
- C. Automobile service station, including towing services and vehicle washing and polishing facilities, and services.
- D. Parts and accessory sales for automobiles, trucks, motorcycles, trailers, recreational vehicles and boats, except retail and service uses entirely enclosed in a building and setback one hundred (100) feet or more from a residential zone are permitted under Section 17.32.020
- E. Lumberyard and contracting supplies for lumber, stone, masonry or metal (sales only).
- F. Special trade contracting facilities such as floor laying, building equipment, masonry and stone, plumbing, electrical, metal work or painting, except showrooms and similar office or retail uses entirely enclosed in a building and setback one hundred (100) feet or more from a residential zone are permitted under Section 17.32.020
- G. Welding shop and blacksmith where activities are conducted wholly within a building.
- H. Newspaper, periodical, publishing and printing, except such uses entirely enclosed in a building and setback 100 feet or more from a residential zone are permitted under Section 17.32.020
- I. Tractor and farm equipment, logging equipment sales and service.
- J. Veterinary clinics, except such uses entirely enclosed in a building and setback one hundred (100) feet or more from a residential zone are permitted under Section 17.32.020
- K. ~~Drive-in restaurant.~~ **Drive-through facility.**
- L. Cabinet manufacturing shop, except such uses entirely enclosed in a building and setback one hundred (100) feet or more from a residential zone are permitted under Section 17.32.020
- M. Tent and awning shop, except such uses entirely enclosed in a building and setback one hundred (100) feet or more from a residential zone are permitted under Section 17.32.020

- N. Public utility buildings and structures, including community centers, except such uses entirely enclosed in a building and setback one hundred (100) feet or more from a residential zone are permitted under Section 17.32.020
- O. Theaters, including movie theaters, except such uses entirely enclosed in a building and setback 100 feet or more from a residential zone are permitted under Section 17.32.020
- P. Commercial (private) automobile parking facilities, except as accessory to a primary permitted use, as specified in Chapter 17.68
- Q. Wineries, and wine sales and tasting rooms operated in conjunction with a winery.
- R. Food Carts, subject to the provisions in Chapter 17.126.**

**17.32.040 –Limitations on use.**

- A. All business, services, processing, or merchandise displays shall be conducted wholly within an enclosed building except for the following:
  - 1. Off-street parking or loading;
  - 2. Drive-through ~~facility windows or service stations~~;
  - 3. Temporary display and sales of merchandise, not exceeding three (3) days in any seven (7) day period, provided it is under cover of a projecting roof and does not interfere with pedestrian, bicycle, or automobile circulation;
  - 4. Businesses, which, in all cases, require outdoor storage of merchandise, e.g., automobile, RV sales lots, or gas stations.
  - 5. Outdoor entertainment and outdoor events, such as weddings, music concerts, religious gatherings, public gatherings, sporting events, and similar uses and activities, when not accessory to a permitted use, require approval of a Special Event Permit. Special Event Permits are staff-level approvals; except that use of a public right-of-way requires City Council approval.
- B. Not more than fifty (50) percent of the floor area of the building and not more than twenty-five (25) percent of the lot area of the commercial enterprise shall be used in the manufacturing, processing, or compounding of products.

**Chapter 17.36 - COMMERCIAL INDUSTRIAL (CI) DISTRICT**

...

**17.36.020 Permitted uses.**

The following uses are permitted in the CI district, subject to a site design review in accordance with Chapter 17.156:

- A. All uses permitted in the CB district, Section 17.32.020
- B. All conditional uses in the CB district (**except Food Carts**) and without the CB district standards for residential district setbacks or building enclosure, Section 17.32.030
- C. Warehouses including mini-warehouse storage; assembly, including light manufacturing, processing, packaging, treatment, fabrication of goods or merchandise; laboratories, offices, bottling and distribution centers, light repair facilities, wholesale businesses, and similar uses. These uses must be located and arranged according to a plan providing for aesthetic and other conditions in harmony with the neighborhood, and not be offensive or obnoxious by reason of emission of odor, dust, smoke, gas, light, noise or vibration. All such uses must first be approved by the Planning Commission.

**17.36.030 - Conditional uses.**

The following conditional uses are allowed in the commercial industrial district subject to obtaining a conditional use permit per Chapter 17.152 and completing a site design review in accordance with Chapter 17.156:

- A. Public utility structures, such as pump stations, reservoirs, and electric substations.
- B. Food Carts, subject to the provisions in Chapter 17.126.**



...  
**Chapter 17.40 - GENERAL INDUSTRIAL (IG) DISTRICT**

...  
**17.40.030 - Conditional uses.**

The following uses may be allowed in an IG district subject to obtaining a conditional use permit per Chapter 17.152:

- A. Junk yard.
- B. Bulk storage of flammable liquids or gases.
- C. Concrete or asphalt batch plants.
- D. Chemical, fertilizer, insecticide, or paint product manufacturing.
- E. Extraction and processing of minerals, rocks, sand, gravel, or other earth products.

**F. Food Carts, subject to the provisions in Chapter 17.126.**

...  
**Chapter 17.68 - OFF-STREET PARKING AND LOADING**

**Commercial Uses**

A. Movie theater, theater	1 space per 4 seats
B. Amusement and recreational services	1 space/200 s.f. of gross floor area
C. Retail store	1 space/400 s.f. of gross floor area plus one-space/2 employees.
D. Service or repair shop, retail store handling exclusively bulky merchandise such as automobiles and furniture	1 space/600 s.f. of gross floor area plus one-space/2 employees.
E. Banks, financial institutions, professional offices	1 space/200 s.f. of gross floor area plus one-space/2 employees.
F. Motel or hotel	1 space/guest room
G. <b><u>Restaurant Eating and drinking establishment, for consumption on the premises or drive-through facility</u></b>	1 space/4 seats or 8 feet of bench length  or  <b><u>OR 1 space/4 seats or 1 space/200 s.f. of floor area, whichever is greater</u></b>
<b><u>H. Food Cart</u></b>	<b><u>1 space/200 s.f. of gross outdoor seating area plus one-space/2 employees.</u></b>

...  
**Chapter 17.126 - FOOD CART PERMITS**

**17.126.010 - Applicability. The provisions of this section apply to food carts used in the preparation and/or sales of food and beverage items to the general public on private property. A Food Cart that remains on one lot for more than four hours in any one day and for more than 90 days in any 12-month must be approved following the procedures identified in Section 17.126.**

**17.126.020 - Approval Required. Food Carts are allowed as conditional uses in the DD, CB, CI and GI zoning districts and must be reviewed and approved by the Planning Commission following a Major Conditional Use Permit review procedure for compliance with the use and dimensional provisions of the underlying zone (not including design standards), the criteria for a Conditional Use Permit and the**

provisions of Section 17. 126. Food Carts must also obtain approval of a City Business License and all relevant County and State permits and licenses for a mobile food unit.

17.126.030 - Application Submission Requirements. An application for approval for the placement and operation of a Food Cart in the City of Carlton must include the following:

- A. A completed application form for a Conditional Use Permit in addition to any other land use applications required by the underlying zoning district and an application fee.
- B. The initial application and each annual renewal requires the signature of the property owner authorizing the use on the site.
- C. Site plan drawn to scale including:
  - a. Site dimensions.
  - b. Relationship of the site to adjoining properties, streets, alleys, structures, public utilities, and drainage ways.
  - c. Number and location of food carts on the site.
  - d. Individual square footage of all food carts.
  - e. Accessible pedestrian routes.
  - f. Size and location of customer seating areas.
  - g. Vehicular circulation and ingress/egress points.
  - h. Parking and loading areas.
  - i. Location and design elevation of all proposed structures and landscaped areas.
  - j. Location and specifications of food cart pads.
  - k. Location and design of fences and walls.
  - l. Number and location of trash and recycling areas.
  - m. Location and type of auxiliary storage.
- D. Pictures of all sides of proposed food cart(s).
- E. Proximity to bathroom and written permission for use of hand-washing facilities and bathroom(s).
- F. Disposal plan for wastewater and gray water.
- G. Exterior lighting plan indicating location, size, height, typical design, material, color, and method of illumination.
- H. Written verification that the food cart has been permitted, inspected and meets applicable County Health regulations.
- I. Any additional information that may be required by the City Manager to properly evaluate the proposed site plan. The City Manager may waive any of the requirements above where determined that the information required is unnecessary to properly evaluate the proposal.

17.126.040 - Permit Terms and Conditions. Each food cart permit issued shall terminate December 31st of the year in which it is issued and shall be subject to the following minimum conditions:

- A. Food Cart permits are valid for the calendar year in which they are issued and will be renewed through a Minor Conditional Use Permit Application procedure, except if the use was the subject of a City Code Enforcement action. If an enforcement action has occurred, the use shall be reviewed at the time of renewal following the Major Conditional Use Permit review procedure.
- B. The initial application and each annual renewal requires the signature of the property owner authorizing the use on the site.

- C. The permit issued shall be specific to one property and specific to the permittee only and the permit is not transferable to others in any manner. The permittee will be responsible for compliance with all conditions of approval.
- D. The permit is specifically limited to the area approved or as modified by the City Manager, and will include a site plan indicating the area approved for the operation of one or more food carts and the location of common seating areas.
- E. A Class I - IV Mobile Food Unit license issued by the Yamhill County Department of Health must be must be displayed on the unit at all times so it can be read from the outside. The registration must be current and valid. The vehicle registration of the Mobile Food Unit must be displayed on the unit at all times so it can be read from the outside. The registration must be current and valid.
- F. Each food cart shall be inspected by the New Carlton (Fire Department) once per calendar year, or as warranted by the Fire Department.
- G. All food carts are subject to all applicable city, county, and state codes and regulations.
- H. It is the responsibility of the permittee holder to notify the City Manager if the food cart will be closed for more than 30 days.

17.126.050 Use Limitations and Development Standards. The following limitations and standards shall apply to all food carts permitted after the effective date of this ordinance.

A. Use Limitations

- 1. Food Carts shall not provide drive-through facilities and are not allowed to provide internal floor space to customers.
- 2. Food carts must be mobile units but are not permitted to operate from a motorized vehicle. An example of a mobile unit that meets this standard includes a trailer modified for the purpose of selling food but does not include a push-cart.

B. Size and Placement

- 1. Carts shall not exceed 26 feet in length, not including the trailer hitch, or be greater than 260 square feet.
- 2. All carts shall be placed on a paved surface such as but not limited to concrete, asphalt or pavers, or other approved material excluding gravel. If new paved surface is added to a site to accommodate a cart, the parking area shall comply with applicable parking design standards contained in Chapter 17.98.
- 3. All seating areas shall be located on the subject property at least 10 feet from a food cart and seating areas shall be separated from parking areas by an approved fence or barrier.
- 4. Ingress and egress shall be safe and adequate when combined with the other uses of the property and will comply with provisions of Section 17.68.

5. Food carts shall not encroach within provide adequate vision clearance as required by Section 17.92.070.
6. Carts shall not occupy parking needed to meet minimum vehicle and bicycle parking requirements, and shall not occupy pedestrian walkways or required landscape areas. Blocking automobile access to parking spaces shall be considered occupying the spaces.
7. Carts shall be located at least three (3) feet from the public right-of-way or back of sidewalk, whichever provides the greater distance from the public right-of-way.
8. Carts shall remain at least 10 feet away from other Food Carts, buildings and parking stalls.
9. Carts shall not be located within 25 feet of an active driveway entrance as measured in all directions from where the driveway enters the site at the edge of the street right-of-way. Carts shall not occupy fire lanes or drive aisles necessary for vehicular circulation or fire/emergency vehicle access. Customer service windows shall be located at least five (5) feet from an active drive aisle used by cars. Each cart shall provide an awning for shelter to customers with a minimum clearance of seven (7) feet between the ground and the awning.

C. Operation and Maintenance

1. Carts shall limit the visual effect of accessory items not used by customers, including but not limited to tanks, barrels, etc. by screening with a site-obscuring fence or landscaping, or containing them within a storage shed not to exceed 100 square feet.
2. The exterior surfaces of all carts shall be clean and free from dents, rust, peeling paint, and deterioration, and windows shall not be cracked or broken.
3. The exterior surface of all Food Carts proposed to be located in the Downtown District shall be a color that is consistent with the Carlton Downtown Historic Color Palette.
4. Carts shall not have missing siding, skirting or roofing.
5. Structures used to provide shelter to customers shall only be tents, canopies and similar membrane structures. Other structures for customer shelter are not allowed. This does not preclude the use of awnings attached to and supported by a mobile unit or umbrellas designed for café or picnic tables. All canopies, tents and other membrane structures erected on Food and Beverage Cart sites shall comply with Building Code anchoring and engineering standards and Fire Code standards. Tents and canopies shall not have not tears, mold, or broken or non-functioning supports and shall be securely anchored.
6. Unenclosed areas intended to be occupied by customers, such as areas near Food Cart service windows and customer seating, shall be illuminated when carts are in operation during hours of darkness;
7. No source of outdoor lighting shall be visible at the property line adjacent to residential uses at 3 feet above ground level.

8. Outdoor lighting fixtures shall be oriented and/or shielded so as not to create glare on abutting properties.
9. Food carts are exempt from land-use district density, floor-area ratio and Downtown District design guidelines and standards. Accessory items to the Food Cart that are not for customer use, such as barrels, tanks or containers shall be screened to substantially limit the views of such items from the street.
10. Signage shall comply with the Carlton Sign Code regulations. Each cart is permitted one (1) A-Frame sign.

#### D. Fire and Safety

1. Carts shall not have components or attachments in disrepair in a manner that causes an unsafe condition.
2. Uses shall not create tripping hazards in pedestrian or vehicular areas with items such as cords, cables and pipes.
3. If external electric service is necessary, an underground electric service outlet providing electricity to the unit may be used. The outlet must have a ground fault interrupter and meet all applicable city, state and federal codes. The extension cord from the outlet to the Mobile Food Unit must not be longer than ten (10) feet and must meet all city, state and federal codes.
4. Carts shall meet Fire Code requirements regarding distances from other structures or combustible materials.
5. Any cooking device within a food cart that creates grease-laden vapors shall provide an approved hood and extinguishing system, or be the type with a self-closing lid as approved by the Fire Marshall. Appropriate fire extinguishers are required.
6. Propane tanks shall be stored and handled properly and be located at least 10 feet from combustible vegetation and trash receptacles and 20 feet from a potential ignition source. Propane tanks shall remain outdoors and be secured from falling.

#### E. Health and Sanitation

1. Trash and recycle receptacles shall be provided on site, and must be emptied and maintained. Trash and recycle receptacles shall be provided at a rate of one (1) receptacle for every food cart. Where the food cart operator proposes to provide an outdoor seating area a minimum of one (1) 20-gallon trash receptacle and one (1) 20-gallon recycle receptacle shall be provided in the common seating area.
2. Restrooms with hand washing facilities shall be provided for employees and customers. The restroom can be on-site or within one-quarter mile or a five-minute walk (such as at a neighboring business) and must be available during the cart's hours of operation. If the restroom is not on-site, the food cart operator shall submit written permission from an adjacent business or property owner where the facility is located.

3. Sites containing more than one food cart shall provide a restroom facility on the same lot as the food cart.
4. Wastewater and gray water shall be disposed of properly without harm to the environment or city infrastructure. An approved disposal plan shall detail storage and removal methods.
5. Food carts that are fully contained; i.e., carts that provide their own water, power, and waste disposal, are permitted with no additional utility considerations beyond the permitting process and site plan approval described herein. Food carts that require a water source, power source, or waste disposal location are permitted only where the City Manager has approved site plans that show safe access and location of the aforementioned provisions. Such provisions may be subject to all applicable building permits and System Development Charge requirements.

**17.126.060 Legal Non-Conforming Food Carts**

- A. Food cart permits issued prior to [--date of adoption--] may be renewed under the code provisions that existed at the time they were permitted, except the following new standards apply and supersede the standards in effect prior [--date of adoption--] Section 17.126.020.
- B. Food Carts shall not have any internal floor space available to customers.
- C. Food Carts mobile units shall not exceed 26 feet in length or exceed 260 square feet in area.
- D. Food carts shall comply with the vision clearance requirements of Section 17.92.070.
- E. Awnings attached to a Food and/or Beverage Cart shall have a minimum of 7 feet of clearance between the ground and the awning to allow access for pedestrians under the awning.
- F. Carts shall be located at least 3 feet from the right-of-way or back of sidewalk, whichever provides the greater distance from the right of way.
- G. Carts shall provide at least 5 feet between service windows or other customer service points and an active drive aisle.
- H. Carts shall remain at least 10 feet away from other Food Carts, buildings and parking stalls.
- I. Carts shall not occupy off-street parking spaces, fire lanes or drive aisles necessary for vehicular circulation or fire/emergency vehicle access as determined by the Manager. Carts may occupy other drive aisles. In cases where a portion of a drive aisle is occupied, at least 4 feet of clear maneuvering space shall be provided between the closed portion of the drive aisle and the abutting active parking spaces.
- J. Unless otherwise specified in this section, legal non-conforming food carts shall be exempt from a finding of adequate public facilities unless it is determined that the proposed use exceeds the capacity of existing public facilities or causes unsafe conditions.
- K. Food carts are exempt from land-use district density, floor-area ratio and Downtown District design guidelines and standards. Accessory items to the Food Cart that are not for customer use, such as



barrels, tanks or containers shall be screened to substantially limit the views of such items from the street.

- L. Structures used to provide shelter to customers shall only be tents, canopies and similar membrane structures. Other structures for customer shelter are not allowed. This does not preclude the use of awnings attached to and supported by a mobile unit or umbrellas designed for café or picnic tables. All canopies, tents and other membrane structures erected on Food and Beverage Cart sites shall comply with Building Code anchoring and engineering standards and Fire Code standards. Tents and canopies associated with a food cart shall not have visible tears or mold, missing anchoring or broken and/or non-functioning supports.
- M. Unenclosed areas intended to be occupied by customers, such as areas near Food Cart service windows and customer seating, shall be illuminated when carts are in operation during hours of darkness.
- N. No source of outdoor lighting shall be visible at the property line adjacent to residential uses at 3 feet above ground level.
- O. Outdoor lighting fixtures shall be oriented and/or shielded so as not to create glare on abutting properties.
- P. Carts shall not have missing siding, skirting or roofing.
- Q. Permits are not transferrable to new owners of the food cart. Non-conforming status is non-transferable to a new owner or operator. Legal non-conforming status of pre-existing food carts will expire on December 31, 2020.

**17.128.070 - Revocation or Suspension of Permit**

- A. A food cart permit shall be subject to revocation by the City if the application is found to include false information.
- B. A food cart permit shall be suspended if the Food Cart is closed for more than 90-days without providing advance written notice to the City Manager.

ADOPTED by the City Council on this \_\_\_\_\_ day of \_\_\_\_\_, 2015, by the following votes:

**AYES:                      NAYES:                      ABSENT:                      ABSTAIN:**

**APPROVED** and signed by the Mayor this \_\_\_\_\_ day of \_\_\_\_\_, 2015.

\_\_\_\_\_  
Kathie Oriet, Mayor

ATTEST: \_\_\_\_\_  
Jennifer L. Nelson, City Recorder

0.  
0.

**00 "EXHIBIT A"**

**PUBLIC HEARING**

**NOTICE OF PLANNING COMMISSION AND CITY COUNCIL PUBLIC HEARINGS**

Legislative Amendment 15-03  
NOTICE IS HEREBY GIVEN the City of Carlton Planning Commission will hold a public hearing on **Monday, August 3, 2015 at 6:00 PM** at Carlton City Hall, 191 E Main Street, Carlton, Oregon regarding a Legislative Amendment to amend the Carlton Municipal Code to update the land-use regulations and standards for temporary food cart vendors within the City of Carlton. The Planning Commission will consider the proposed amendments and make a recommendation to the Carlton City Council. The City Council then makes the final decision in the matter

A second public hearing is scheduled before the **Carlton City Council** to consider the proposed amendments on Monday, **August 10, 2015 at 7:00 PM** also at Carlton City Hall.

**NATURE OF AMENDMENT:** An ordinance amending title 17 of the Carlton Municipal Code to adopt standards for food cart vendors or temporary vendors within the City of Carlton.

**APPLICABLE CRITERIA:** Carlton Code Title 17 and the Oregon Statewide Planning Goals.

**FILE NUMBER:** LA 15-03

**HOW TO PARTICIPATE:** Anyone interested in commenting on this request may do so in person or by personal representative at the public hearing or in writing before the public hearing. Written comments may be submitted in advance of the public hearing addressed to: City Planner, Carlton City Hall, 191 E Main St, Carlton, OR 97111. Documents, evidence and staff reports may be reviewed at City Hall during regular business hours and on the city's website ([www.ci.carlton.or.us](http://www.ci.carlton.or.us)) at no cost. Copies are available for \$0.25 per page. A staff report will be available seven (7) days before the public hearing. The facility is ADA accessible. For further information or if you need any special accommodations to attend or participate in the hearing please, notify the City Recorder at least 24 hours before the hearing at (503) 852-7575.

NR Published July 24, 2015

# News-Register

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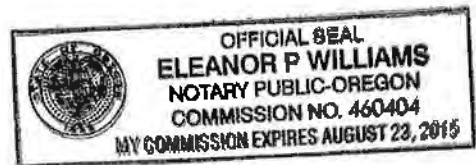
STATE OF OREGON } ss.  
County of Yamhill

I, Connie Crafton, being first duly sworn, depose and say that I am the Legal Clerk, of the NEWS-REGISTER, a newspaper of general circulation as defined by O.R.S. 193.010 and O.R.S. 193.020 published two times each week at McMinnville, County of Yamhill, State of Oregon, and that **City of Carlton - Public Hearing Legislative Amendment 15-03- - July 24, 2015** Subscribed and sworn before me this **7/28/2015** .

*Connie Crafton*

*Eleanor P. Williams*

Notary Public for Oregon  
My Commission Expires 08/23/2015





# NOTICE OF A PROPOSED CHANGE TO A COMPREHENSIVE PLAN OR LAND USE REGULATION

<b>FOR DLCD USE</b>
File No.:
Received:

Local governments are required to send notice of a proposed change to a comprehensive plan or land use regulation **at least 35 days before the first evidentiary hearing.** (See [OAR 660-018-0020](#) for a post-acknowledgment plan amendment and [OAR 660-025-0080](#) for a periodic review task). The rules require that the notice include a completed copy of this form.

Jurisdiction: **City of Carlton**

Local file no.: **LA 2015-03**

Please check the type of change that best describes the proposal:

- Urban growth boundary (UGB) amendment** including more than 50 acres, by a city with a population greater than 2,500 within the UGB
- UGB amendment** over 100 acres by a metropolitan service district
- Urban reserve designation**, or amendment including over 50 acres, by a city with a population greater than 2,500 within the UGB
- Periodic review task** – Task no.:
- Any other change** to a comp plan or land use regulation (*e.g.*, a post-acknowledgement plan amendment)

Local contact person (name and title): Chad Olsen, City Manager  
 Phone: 503-852-7575 E-mail: Chad Olsen <chad@ci.carlton.or.us>  
 Street address: 191 E. Main Street City: Carlton Zip: 97111

**Briefly summarize the proposal** in plain language. Please identify all chapters of the plan or code proposed for amendment (maximum 500 characters):

**The City Council intends to conduct a public hearing on the attached resolution proposing to adopt a temporary development moratorium pursuant to ORS 197.520 on establishment of food carts.**

Date of first evidentiary hearing: 07/27/2015 or 08/03/2015  
 Date of final hearing: 08/10/2015

This is a revision to a previously submitted notice. Date of previous submittal:

Check all that apply:

- Comprehensive Plan text amendment(s)
- Comprehensive Plan map amendment(s) – Change from \_\_\_\_\_ to \_\_\_\_\_  
Change from \_\_\_\_\_ to \_\_\_\_\_
- New or amended land use regulation
- Zoning map amendment(s) – Change from \_\_\_\_\_ to \_\_\_\_\_  
Change from \_\_\_\_\_ to \_\_\_\_\_
- An exception to a statewide planning goal is proposed – goal(s) subject to exception:
- Acres affected by map amendment:

Location of property, if applicable (site address and T, R, Sec., TL):

List affected state or federal agencies, local governments and special districts: Yamhill County

# NOTICE OF A PROPOSED CHANGE – SUBMITTAL INSTRUCTIONS

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1. Except under certain circumstances,<sup>1</sup> proposed amendments must be submitted to DLCD's Salem office at least 35 days before the first evidentiary hearing on the proposal. The 35 days begins the day of the postmark if mailed, or, if submitted by means other than US Postal Service, on the day DLCD receives the proposal in its Salem office. **DLCD will not confirm receipt of a Notice of a Proposed Change unless requested.**

2. A Notice of a Proposed Change must be submitted by a local government (city, county, or metropolitan service district). DLCD will not accept a Notice of a Proposed Change submitted by an individual or private firm or organization.

3. **Hard-copy submittal:** When submitting a Notice of a Proposed Change on paper, via the US Postal Service or hand-delivery, print a completed copy of this Form 1 on light green paper if available. Submit **one copy** of the proposed change, including this form and other required materials to:

Attention: Plan Amendment Specialist  
Dept. of Land Conservation and Development  
635 Capitol Street NE, Suite 150  
Salem, OR 97301-2540

This form is available here:

<http://www.oregon.gov/LCD/forms.shtml>

4. **Electronic submittals** of up to 20MB may be sent via e-mail. Address e-mails to [plan.amendments@state.or.us](mailto:plan.amendments@state.or.us) with the subject line "Notice of Proposed Amendment."

Submittals may also be uploaded to DLCD's FTP site at [http://www.oregon.gov/LCD/Pages/papa\\_submittal.aspx](http://www.oregon.gov/LCD/Pages/papa_submittal.aspx).

E-mails with attachments that exceed 20MB will not be received, and therefore FTP must be used for these electronic submittals. **The FTP site must be used for all .zip files** regardless of size. The maximum file size for uploading via FTP is 150MB.

Include this Form 1 as the first pages of a combined file or as a separate file.

5. **File format:** When submitting a Notice of a Proposed Change via e-mail or FTP, or on a digital disc, attach all materials in one of the following formats: Adobe .pdf (preferred); Microsoft Office (for example, Word .doc or docx or Excel .xls or xlsx); or ESRI .mxd, .gdb, or .mpk. For other file formats, please contact the plan amendment specialist at 503-934-0017 or [plan.amendments@state.or.us](mailto:plan.amendments@state.or.us).

6. **Text:** Submittal of a Notice of a Proposed Change for a comprehensive plan or land use regulation text amendment must include the text of the amendment and any other information necessary to advise DLCD of the effect of the proposal. "Text" means the specific language proposed to be amended, added to, or deleted from the currently acknowledged plan or land use regulation. A general description of the proposal is not adequate. The notice may be deemed incomplete without this documentation.

7. **Staff report:** Attach any staff report on the proposed change or information that describes when the staff report will be available and how a copy may be obtained.

8. **Local hearing notice:** Attach the notice or a draft of the notice required under ORS 197.763 regarding a quasi-judicial land use hearing, if applicable.

9. **Maps:** Submittal of a proposed map amendment must include a map of the affected area showing existing and proposed plan and zone designations. A paper map must be legible if printed on 8½" x 11" paper. Include text regarding background, justification for the change, and the application if there was one accepted by the local government. A map by itself is not a complete notice.

10. **Goal exceptions:** Submittal of proposed amendments that involve a goal exception must include the proposed language of the exception.

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<sup>1</sup> 660-018-0022 provides:

(1) When a local government determines that no goals, commission rules, or land use statutes apply to a particular proposed change, the notice of a proposed change is not required [a notice of adoption is still required, however]; and

(2) If a local government determines that emergency circumstances beyond the control of the local government require expedited review such that the local government cannot submit the proposed change consistent with the 35-day deadline, the local government may submit the proposed change to the department as soon as practicable. The submittal must include a description of the emergency circumstances.

**If you have any questions** or would like assistance, please contact your DLCD regional representative or the DLCD Salem office at 503-934-0017 or e-mail [plan.amendments@state.or.us](mailto:plan.amendments@state.or.us).

**Notice checklist. Include all that apply:**

- Completed Form 1
- The text of the amendment (e.g., plan or code text changes, exception findings, justification for change)
- Any staff report on the proposed change or information that describes when the staff report will be available and how a copy may be obtained
- A map of the affected area showing existing and proposed plan and zone designations
- A copy of the notice or a draft of the notice regarding a quasi-judicial land use hearing, if applicable
- Any other information necessary to advise DLCD of the effect of the proposal



**ORDINANCE NO. 2015-7**

**AN ORDINANCE AMENDING TITLE 17 OF THE CARLTON MUNICIPAL CODE TO ADOPT STANDARDS FOR FOOD CART VENDORS**

**ATTACHMENT A**

Existing and possible code provisions relevant to Food Carts  
June 2015 Planning Commission Work Session

*Note: Proposed language is **bold and underlined**. Existing sections of the code that might be relevant to the discussion or development of Food Cart regulations have been included for reference.*

*Please note that the list of standards starting in "17.126" may contain redundant standards, please note any you find at the work session.*

**17.12.020 –Definitions.**

The following words and phrases, when used in this title, shall have the meanings set forth in this section, except in those instances where the context clearly indicates a different meaning.:

**A. "Drive-Through Facility"**

- **Alternative 1: means a drive-through use is a business activity involving buying or selling of goods or the provision of services where one of the parties conducts the activity from within a motor vehicle. Facilities usually associated with a drive through use are queuing lanes, service windows, and service islands for vehicular use.**
- **Alternative 2: A facility that sales food and beverages directly to patrons inside motor vehicles for off-site consumption. Drive-through facilities rely on long driveways or lanes that provide adequate room for vehicle stacking at a drive-up service window.**

**"Eating and Drinking Establishment" A retail service establishment where meals and/or beverages are prepared and served to the public generally for primarily indoor consumption on the premises.**

**B.**

**"Food Cart" means the sale of food and/or non-alcoholic beverages from an enclosed mobile unit located on private property which is used for the purpose of preparing, processing or converting food for immediate consumption as a drive-in or walk-up service. Examples include trailers designed to prepare and serve food but does not include outdoor barbecue grills, street vendors. Exceptions include: 1) residential lemonade stands and similar short-term sales associated with residential uses, and 2) Temporary uses that last less than seven days in a calendar year that are directed toward specific event.**

**"Chapter 17.30**

**–DOWNTOWN (DD) DISTRICT**



**17.30.020 – Permitted uses.**

The following uses are permitted in the Downtown district subject to the site review (Chapter 17.156), provided such uses are primarily conducted indoors, do not include drive-through facilities, and are not otherwise subject to conditional use permit approval (Section 17.30.030).

- A. Art galleries and artist studios.
- B. Banks and similar financial institutions.
- C. Commercial services, including retail sales and personal and professional services.
- D. Bed and breakfast inn.
- E. Dwellings, provided dwelling units within one hundred (100) feet of Main Street shall be located on the second story, or above, in a building meeting the design standards of this Chapter.
- F. Eating and drinking establishment **(not including Food Carts or Drive-through facilities).**
- G. Offices, including professional, administrative, medical, governmental, and similar office uses.
- H. Outdoor (unenclosed) uses subject to the limitations of Section 17.30.040
- I. Overnight accommodations, including hotels, motels, inn, and similar lodging uses.
- J. Parks, plazas, outdoor dining areas, sidewalk café seating and sales (permit required), and similar outdoor uses, subject to the limitations of Section 17.30.040
- K. Public and/or institutional uses, including public parking; and new on-premise parking subject to a public shared parking agreement.
- L. Retail sales and commercial services.
- M. Theaters, including movie theaters, subject to a public shared parking agreement when on-premise parking is provided.
- N. Manufacturing and/or processing of food, beverages, arts, crafts, and/or similar goods, including wineries, subject to the limitations of Section 17.30.040
- O. Other uses the City Planning Official or Planning Commission, as applicable, determines to be similar to those uses listed above.

**17.30.030 – Conditional uses.**

The following uses and uses determined by the City to be similar to those listed are allowed with a conditional use permit, except such uses located within 100 feet of Main Street are limited to those lawfully existing as of [Effective date of Downtown District]; such lawfully created nonconforming uses are allowed to continue pursuant to Chapter 17.164.

- ~~A. Except as provided under Section 17.30.040, a use or any portion of a use not enclosed in a building (e.g., retail sales, rentals, commercial services, manufacturing, processing, repair, storage, and other unenclosed uses), including an unenclosed accessory use, requires a conditional use permit. (CONFLICTS WITH 17.30.020(H)).~~
- B. Veterinary clinics and animal boarding facilities.
- C. Drive-through facility, including but not limited to drive-up windows (e.g., restaurants, banks, and pharmacies), automatic teller machines and similar facilities. Electric fueling stations for plug-in electric vehicles do not require a conditional use permit but are subject to site review.
- D. Manufacturing and/or processing uses that meet any one of the following criteria require a conditional use permit:
  - 1. Uses with shift(s) arriving or departing earlier than 7:00 a.m. or later than 9:00 p.m. on thirty (30) or more days during a calendar year.
  - 2. Processing or packaging of meat, fish, dairy, or other animal products.
  - 3. Taxidermy.
  - 4. Uses the City Planning Official or Planning Commission, as applicable, determines to be similar to those listed in subsections 1—3, above. \_\_\_\_\_
- E. Food Cart, subject to the limitations in Section 17.126.**

**17.30.040 - Prohibited uses and uses permitted with limitations.**

- A. Prohibited Uses.
  - 1. Self-storage units, including mini-storage warehouses, portable storage units and similar facilities are prohibited, except temporary storage facilities that are accessory to a primary permitted use are permitted when setback at least one hundred (100) feet from Main Street and screened from all public rights-of-way.
  - 2. Commercial parking facilities on surface parking lots when not subject to a public shared parking agreement.
  - 3. Unenclosed commercial or industrial uses that do not meet the standards and limitations of this Chapter.
- B. Permitted Outdoor Display, Storage and/or Sales. Except as permitted under Section 17.30.020, or as approved with a conditional use permit under Section 17.30.030, outdoor display, storage, and/or sales of merchandise shall not exceed three (3) days in any seven (7) day period, and shall be located under cover of a projecting roof, canopy, awning, or other City-approved shelter. None of the uses permitted herein shall interfere with pedestrian, bicycle, or automobile circulation.
- C. Permitted manufacturing, processing and/or packaging and distribution activities are permitted provided such activities shall meet all of the following standards:
  - 1. Manufacturing, processing, packaging, and storage, including waste/recycling handling and storage, and similar activities must be enclosed within a building; except as approved with a conditional use permit, or as permitted for wineries under subsection 17.30.040(C)(2).
  - 2. Outdoor processing, packaging, bottling, and storage directly related to winery operations is permitted pursuant to subsection 17.30.040(D), provided such activity is not located within one hundred (100) feet of Main Street.
  - 3. Where a parcel is located within one hundred (100) feet of Main Street, manufacturing and processing uses shall comprise not more than fifty (50) percent of the total site area. The balance of the site area must contain permitted commercial, residential (e.g., upper story) public, institutional, or open space use, pursuant to subsection 17.30.040(C)(5).
  - 4. Where a parcel is located more than one hundred (100) feet from Main Street, manufacturing and processing uses shall comprise not more than eighty (80) percent of total site. The balance of the site area must be in a permitted commercial, residential (e.g., upper story), public, institutional, or open space use, pursuant to subsection 17.30.040(C)(5).
  - 5. Shared parking and open space areas may be used to satisfy the requirements of subsections 17.30.040(C)(3) or 17.30.040(C)(4) where such areas are improved to city standards and allow public access, either through dedication to the city or through a public access easement with a maintenance agreement. Examples of open space areas include plazas, outdoor seating/dining areas, convertible plazas that may be used for parking or special events/community gatherings, and similar uses.
  - 6. Adequate water, sanitary sewer, and fire protection services must be available to the proposed use, as determined by the applicable local decision making body.
  - 7. All applicable building code, state licensing, and health and safety requirements must be met.
  - 8. The city decision-making body may require conditions of approval to ensure compliance with the above use requirements.

**17.30.050 –Dimensional standards.**

The following minimum dimensional standards, with the exception of modifications permitted under Chapter 17.132.

Minimum Lot Area	None
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Minimum Front/Street Side Yards	<p><b>D-MS:</b> No front setback is allowed, except for a pedestrian plaza, landscaping, or similar purpose.</p> <p><b>D-WG:</b> 5-foot minimum. Setback must be landscaped or serve as an extension of the sidewalk (e.g., outdoor café or plaza), except where access drives/alleys preclude landscaping.</p> <p><b>D-RR:</b> None, except setback area provided must be landscaped or serve as an extension of the sidewalk (e.g., outdoor café or plaza), except where access drives/alleys preclude landscaping.</p>
Minimum Rear Yard	None, except 15 feet when abutting a residential district or city-owned plaza or parking lot.
Minimum Side Yard	None, except 10 feet required when abutting a residential district or city-owned plaza or parking lot, and as required for Street Side Yards (above).
Minimum and Maximum Structure Height	<p><b>D-MS:</b> 21 feet minimum and 35 maximum building height; or 45 feet with height bonus, subject to subsection 17.30.060(H). Minimum 14 foot first floor ceiling height.</p> <p><b>D-WG &amp; D-RR:</b> 35 feet, except existing grain elevator is permitted and may be rebuilt in current location to original height.</p>

**“Chapter 17.32-32  
–COMMERCIAL BUSINESS (CB) DISTRICT**

**17.32.020 –Permitted uses.**

The following uses are permitted outright in the commercial business district, subject to the site design review in accordance with Chapter 17.156:

- A. Residences that are located on the second story above a permitted use commercial building.
- B. Business offices including, but not limited to, insurance, real estate and title insurance; credit agencies, brokerages, loan companies, and investment companies; and, miscellaneous offices such as detective agencies, drafting services or contractors offices.
- C. Professional offices including, but not limited to, medical, dental, engineering and legal services.
- D. Art gallery, artisan's or craftsperson's studio, photographic studio, picture framing.
- E. Banks and other financial institutions.
- F. Retail sales outlet including, but not limited to, food stores, pharmacy, furniture store, hobby or photography store, florist, liquor store, hardware store, appliance or stereo equipment store, pet shop, sporting goods, department store, jewelry, gift, and other types retail activities.
- G. **Eating and drinking establishment, such as a Restaurant, delicatessen, tavern, or snack shop, but not including drive-through facility or food cart.** ~~and other types of eating and drinking establishments.~~
- H. Bakery, butcher shop, candy manufacturing when retail sales are provided on the premises.
- I. Retail and service related stores such as TV and radio sales and service, bicycle shop, gunsmith, equipment rental, upholstery shop or other similar activities where a service department is customarily a secondary activity to the retail use.
- J. Service related businesses such as barber shops, beauty shops, advertising agencies, printing or photocopying, dancing or music school, health and fitness club, or other activities where the primary activity is the providing of a service to retail customers.
- K. Bed and breakfast.
- L. Place of worship, club lodge, or fraternal organizations.

- M. A single-family vacation rental dwelling unit, when such dwelling is a legal nonconforming use and obtains a vacation rental dwelling permit in accordance with the vacation rental dwelling conditional use standards and procedures set forth in Chapter 17.125

**17.32.030 –Conditional uses.**

The following conditional uses are allowed in the commercial business district subject to obtaining a conditional use permit per Chapter 17.152 and completing a site design review in accordance with Chapter 17.156:

- A. Automobile, truck, motorcycle, trailer, recreational vehicle and boat sales or repair, except retail and service uses entirely enclosed in a building and setback one hundred (100) feet or more from a residential zone are permitted under Section 17.32.020
- B. Retail tire sales, service and repair; tire recapping, service and repair, paint and body shop.
- C. Automobile service station, including towing services and vehicle washing and polishing facilities, and services.
- D. Parts and accessory sales for automobiles, trucks, motorcycles, trailers, recreational vehicles and boats, except retail and service uses entirely enclosed in a building and setback one hundred (100) feet or more from a residential zone are permitted under Section 17.32.020
- E. Lumberyard and contracting supplies for lumber, stone, masonry or metal (sales only).
- F. Special trade contracting facilities such as floor laying, building equipment, masonry and stone, plumbing, electrical, metal work or painting, except showrooms and similar office or retail uses entirely enclosed in a building and setback one hundred (100) feet or more from a residential zone are permitted under Section 17.32.020
- G. Welding shop and blacksmith where activities are conducted wholly within a building.
- H. Newspaper, periodical, publishing and printing, except such uses entirely enclosed in a building and setback 100 feet or more from a residential zone are permitted under Section 17.32.020
- I. Tractor and farm equipment, logging equipment sales and service.
- J. Veterinary clinics, except such uses entirely enclosed in a building and setback one hundred (100) feet or more from a residential zone are permitted under Section 17.32.020
- K. ~~Drive-in restaurant.~~ **Drive-through facility.**
- L. Cabinet manufacturing shop, except such uses entirely enclosed in a building and setback one hundred (100) feet or more from a residential zone are permitted under Section 17.32.020
- M. Tent and awning shop, except such uses entirely enclosed in a building and setback one hundred (100) feet or more from a residential zone are permitted under Section 17.32.020
- N. Public utility buildings and structures, including community centers, except such uses entirely enclosed in a building and setback one hundred (100) feet or more from a residential zone are permitted under Section 17.32.020
- O. Theaters, including movie theaters, except such uses entirely enclosed in a building and setback 100 feet or more from a residential zone are permitted under Section 17.32.020
- P. Commercial (private) automobile parking facilities, except as accessory to a primary permitted use, as specified in Chapter 17.68
- Q. Wineries, and wine sales and tasting rooms operated in conjunction with a winery.
- R. Food Cart, subject to the limitations in Section 17.126.**

**17.32.040 –Limitations on use.**

- A. All business, services, processing, or merchandise displays shall be conducted wholly within an enclosed building except for the following:
  - 1. Off-street parking or loading;
  - 2. Drive-through **facility** ~~windows or service stations;~~

3. Temporary display and sales of merchandise, not exceeding three (3) days in any seven (7) day period, provided it is under cover of a projecting roof and does not interfere with pedestrian, bicycle, or automobile circulation;
  4. Businesses, which, in all cases, require outdoor storage of merchandise, e.g., automobile, RV sales lots, or gas stations.
  5. Outdoor entertainment and outdoor events, such as weddings, music concerts, religious gatherings, public gatherings, sporting events, and similar uses and activities, when not accessory to a permitted use, require approval of a Special Event Permit. Special Event Permits are staff-level approvals; except that use of a public right-of-way requires City Council approval.
- B. Not more than fifty (50) percent of the floor area of the building and not more than twenty-five (25) percent of the lot area of the commercial enterprise shall be used in the manufacturing, processing, or compounding of products.

**17.32.050 –Dimensional standards.**

The following minimum dimensional standards, with the exception of modifications permitted under Chapter 17.132. Minimum Lot Area	None
Minimum Yard Setbacks, except as provided for Accessory Structures under Chapter 17.96	
Front yard	No front yard setback permitted except: A setback from the street line may be permitted subject to design review for a pedestrian plaza, landscaping, or similar purpose. No outside storage, driveways, loading or parking shall be allowed
Rear yard	
Adjoining a nonresidential district	None
Adjoining a residential district	15 feet
Side yard	
Adjoining a street	No side yard setback permitted except: A setback from the street line may be permitted subject to design review for a pedestrian plaza, landscaping, or similar purpose. No outside storage, driveways, loading or parking shall be allowed
Adjoining a nonresidential district	None
Adjoining a residential district	10 feet
Maximum structure height	35 feet

**17.32.060 –Development standards.**

All developments in the CB district shall comply with the applicable provisions of Chapters 17.128 through 17.140. In addition, the following specific standards shall apply:

- A. Off-Street Parking. Off-street parking, if provided, shall be located at the rear of the property in accordance with Chapter 17.68
- B. Signs. Signs in the CB district shall be subject to the provisions of Chapter 17.80

- C. Subdivisions and Partitions. All land divisions shall be reviewed in accordance with the provisions of Chapters 17.172 through 17.176, as applicable.
- D. Site Design Review. New development and expansion of existing structures or uses may be subject to site design review. See Chapter 17.156 for requirements.
- E. Landscaping. Landscaping improvements shall be installed and maintained in all yard areas accordance with Chapter 17.84. Additionally, screening shall be required for the following:
  - 1. All outdoor storage areas shall be screened by a six-foot (6 ft.) sight-obscuring fence or wall;
  - 2. Where a commercial use abuts a residential zone, a six-foot (6 ft.) sight-obscuring fence or wall shall be installed along the full length of the property line. This requirement shall not cause the placement of a fence or wall in the vision clearance area.

**Chapter 17.36**

**-COMMERCIAL INDUSTRIAL (CI) DISTRICT**

**17.36.010 –Purpose.**

The commercial industrial (CI) district provides areas for a range of commercial light manufacturing, wholesale, transportation, and service uses. To assure compatibility between these uses and adjacent residential and industrial uses, special design standards are specified.

**17.36.020 –Permitted uses.**

The following uses are permitted in the CI district, subject to a site design review in accordance with Chapter 17.156:

- A. All uses permitted in the CB district, Section 17.32.020
- B. All conditional uses in the CB district (**except Food Carts**) and without the CB district standards for residential district setbacks or building enclosure, Section 17.32.030
- C. Warehouses including mini-warehouse storage; assembly, including light manufacturing, processing, packaging, treatment, fabrication of goods or merchandise; laboratories, offices, bottling and distribution centers, light repair facilities, wholesale businesses, and similar uses. These uses must be located and arranged according to a plan providing for aesthetic and other conditions in harmony with the neighborhood, and not be offensive or obnoxious by reason of emission of odor, dust, smoke, gas, light, noise or vibration. All such uses must first be approved by the Planning Commission.

**17.36.030 –Conditional uses.**

The following conditional uses are allowed in the commercial industrial district subject to obtaining a conditional use permit per Chapter 17.152 and completing a site design review in accordance with Chapter 17.156:

- A. Public utility structures, such as pump stations, reservoirs, and electric substations.

**17.36.040 –Limitations on use.**

All business, services, processing, or merchandise displays shall be conducted wholly within an enclosed building except for the following:

- A. Off-street parking or loading;
- B. Drive-through windows or service stations;
- C. Temporary display and sales of merchandise provided it is under cover of a projecting roof and does not interfere with pedestrian, bicycle, or automobile circulation;
- D. Businesses, which, in all cases, require outdoor storage of merchandise, e.g., automobile, RV sales lots, or gas stations.

**17.36.050 –Dimensional standards.**

The following minimum dimensional standards, with the exception of modifications permitted under Chapter 17.132.

Minimum Lot Area	None
Minimum Yard Setbacks, except as provided for Accessory Structures under Chapter 17.96	
Front yard	
Adjoining a nonresidential district	None
Adjoining a residential district	20 feet
Rear yard	
Adjoining a nonresidential district	None
Adjoining a residential district	20 feet
Side yard	
Adjoining a nonresidential district	None
Adjoining a residential district	20 feet
Maximum structure height	45 feet

**17.36.060 - Development standards.**

All developments in the CI district shall comply with the applicable provisions of Chapters 17.128 through 17.140. In addition, the following specific standards shall apply:

- A. Off-Street Parking. Off-street parking shall be as specified in Chapter 17.68
- B. Signs. Signs shall be subject to the provisions of Chapter 17.80
- C. Subdivisions and Partitions. All land divisions shall be reviewed in accordance with the provisions of Chapters 17.172 through 17.176, as applicable.
- D. Site Design Review. New development and expansion of an existing structures or uses may be subject to site design review. See Chapter 17.156 for requirements.
- E. Landscaping. Landscaping improvements shall be installed and maintained in all yard areas accordance with Chapter 17.84. Additionally, screening shall be required for the following:
  - 1. All outdoor storage areas shall be screened by a six-foot (6 ft.) sight-obscuring fence or wall;
  - 2. Where a commercial use abuts a residential zone, a six-foot (6 ft.) sight-obscuring fence or wall shall be installed along the full length of the property line. This requirement shall not cause the placement of a fence or wall in the vision clearance area.

**Chapter 17.68**

**—OFF-STREET PARKING AND LOADING**

**17.68.020 –Scope.**

Development of off-street parking and loading areas for commercial, industrial, or multi-family development shall be subject to the site design review procedures of Chapter 17.156. The provisions of this chapter shall apply to the following types of development:

- A. Any new building or structure erected after the effective date of the ordinance codified in this title, except as provided in subsection E of this section.
- B. The construction or provision of additional floor area, seating capacity, or other expansion of an existing building or structure.



- C. A change in the use of a building or structure that would require additional parking spaces or off-street loading areas under the provisions of this chapter.
- D. As a condition of approval in a land use decision.
- E. Off-street parking and off-street loading area requirements for a particular use as enumerated in this chapter are not required for a new or expanding use when located within the parking district delineated in this chapter. See also, the requirements of Chapter 17.30 Downtown (D) District.

**17.68.030 –Location.**

Off-street parking and loading areas shall be provided on the same lot with the main building or structure or use except that:

- B. In any nonresidential zone, the parking area may be located off the site of the main building, structure or use if it is within five hundred (500) feet of such site.

**17.68.040 - Joint use.**

Parking area may be used for a loading area during those times when the parking area is not needed or used. Parking areas may be shared subject to city approval for nonresidential uses where hours of operation or use are staggered such that peak demand periods do not occur simultaneously. The requirements of Section 17.68.050 may be reduced accordingly. Such joint use shall not be approved unless satisfactory legal evidence is presented which demonstrates the access and parking rights of parties.

**17.68.050 - Off-street parking requirements.**

Except where other city code provisions waive off-street parking requirements or allow credit for on-street parking in lieu of off-street parking, developments and changes in use that are subject to site design review shall provide off-street parking as required by Section 17.68.080 and approved by the city in the amount not less than listed below. The Planning Commission may reduce the off-street parking requirements contained herein without the need for a variance upon finding that the specific characteristics of a proposed use are different than a typical use regulated by this section and the proposed use warrants less parking, as demonstrated by evidence in the record.

**Commercial Uses**

A. Movie theater, theater	1 space per 4 seats
B. Amusement and recreational services	1 space/200 s.f. of gross floor area
C. Retail store	1 space/400 s.f. of gross floor area plus one-space/2 employees.
D. Service or repair shop, retail store handling exclusively bulky merchandise such as automobiles and furniture	1 space/600 s.f. of gross floor area plus one-space/2 employees.
E. Banks, financial institutions, professional offices	1 space/200 s.f. of gross floor area plus one-space/2 employees.
F. Motel or hotel	1 space/guest room
G. <del>Restaurant</del> <b>Eating and drinking establishment, for consumption on the premises or drive-through facility</b>	1 space/4 seats or 8 feet of bench length  <b><u>OR 1 space/4 seats or 1 space/200 s.f. of floor area, whichever is greater</u></b>

<b><u>H. Food Cart</u></b>	<b><u>1 space/200 s.f. of gross outdoor seating area plus one-space/2 employees.</u></b>

...

**...17.68.050 –Off-street parking requirements.**

Except where other city code provisions waive off-street parking requirements or allow credit for on-street parking in lieu of off-street parking, developments and changes in use that are subject to site design review shall provide off-street parking as required by Section 17.68.080 and approved by the city in the amount not less than listed below. The Planning Commission may reduce the off-street parking requirements contained herein without the need for a variance upon finding that the specific characteristics of a proposed use are different than a typical use regulated by this section and the proposed use warrants less parking, as demonstrated by evidence in the record.

...

**“Chapter 17.126**

**-FOOD CARTS**

**17.126.010 - Applicability**

**The provisions of this section apply to food carts used in the preparation and/or sales of food and beverage items to the general public. Food Carts are not permitted to provide drive-through facilities. Carts must be mobile units but are not permitted to operate from a motorized vehicle. An example of a mobile unit that meets this standard includes a trailer modified for the purpose of selling food but does not include a push-cart.**

**Approval Required**

**A. ~~1.~~** A Food Cart that remains on one lot for more than four hours in any one day and for more than 90 days in any 12-month must be approved following the procedures identified in Section 17.126.

**B. ~~2.~~** Food Carts are allowed as conditional uses in the 4 zoning districts and must be reviewed and approved by the Planning Commission following a Major Conditional Use Permit review procedure for compliance with the use and dimensional provisions of the underlying zone (not including design standards), the criteria for a Conditional Use Permit and the provisions of Section 17. 126. Food Carts must also obtain approval of a City Business License and all relevant County and State permits and licenses for a mobile food unit.

**C. ~~3.~~** Food Cart permits are valid for the calendar year in which they are issued and will be renewed through a Minor Conditional Use Permit Application procedure, except if the use was the subject of a City Code Enforcement action. If an enforcement action has occurred, the use shall be reviewed at the time of renewal following the Major Conditional Use Permit review procedure.

**Submission Requirements**

**A.** An application for approval for the placement and operation of a Food Cart in the City of Carlton must include the following:

- 1.** A completed application form for a Conditional Use Permit in addition to any other land use applications required by the underlying zoning district and an application fee.
- 2.** List for property owners within 200 feet of the subject property.
- 3.** Site plan drawn to scale including:
  - a. Site dimensions.
  - b. Relationship of the site to adjoining properties, streets, alleys, structures, public utilities, and drainage ways.
  - c. Number and location of food carts on the site.
  - d. Individual square footage of all food carts.

- e. Accessible pedestrian route.
  - f. Size and location of customer seating areas.
  - g. Vehicular circulation and ingress/egress points.
  - h. Parking and loading areas.
  - i. Location and design elevation of all structures.
  - j. Location and specification of landscaped areas.
  - k. Location and specifications of food cart pads including materials planned.
  - l. Location and design of fences and walls.
  - m. Number and location of trash and recycling areas.
  - n. Location and type of auxiliary storage.
4.    Pictures of all sides of proposed food cart(s).
  5.    Proximity to bathroom and written permission.
  6.    Disposal plan for wastewater and gray water.
  7.    Exterior lighting plan indicating location, size, height, typical design, material, color, and method of illumination.
  8.    Written verification that the food cart has been permitted, inspected and meets applicable County Health regulations.
  9.    Any additional information that may be required by the City Manager to properly evaluate the proposed site plan. The City Manager may waive any of the requirements above where determined that the information required is unnecessary to properly evaluate the proposal.

### **Conditions of Permit**

- A.** In addition to naming the property owner as permittee and other information deemed appropriate, the permit shall contain the following minimum conditions:
  1. The initial application and each annual renewal requires the signature of the property owner in addition to the applicant.
  2. Each food cart permit issued shall terminate December 31st of the year in which it is issued.
  3. The permit issued shall be personal to the permittee only and is not transferable in any manner. The permittee will be responsible for compliance with all conditions of approval.
  4. The permit is specifically limited to the area approved or as modified by the City Manager, and will include a site plan indicating the area approved for the operation of one or more food carts and the location of common seating areas, if provided.
  5. All mobile food carts shall be appropriately licensed and approved for operation in Yamhill County as a Class I – IV mobile food cart.
  6. Each food cart shall be inspected by the New Carlton (Fire Department) once per calendar year, as warranted by the Fire Department.
  7. All food carts are subject to all applicable city, county, and state regulations.

8. The property owner shall ensure that each food cart located on the subject site complies with these regulations.

**Revocation or Suspension of Permit**

- A. 1-**A food cart permit shall be subject to revocation by the City if the application is found to include false information.
- B. 2-**Permits are suspended if the Food Cart is closed for more than 90-days without prior notice to the City Recorder.

**17.126.010 –Development and Operational Standards for Food Carts**

**Location and Design**

- 1-A.** Drive-through facilities for Foods Carts are not allowed.
- 2-B.** Food Carts are specifically exempted from compliance with the Section 17.030.060 and 17.030.070.
- 3-C.** Ingress and egress shall be safe and adequate when combined with the other uses of the property and will comply with provisions of Section 17.68.
- 4-D.** Uses shall not create tripping hazards in pedestrian or vehicular areas with items such as cords, cables and pipes.
- 5-E.** If external electric service is necessary, an underground electric service outlet providing electricity to the unit may be used. The outlet must have a ground fault interrupter and meet all applicable city, state and federal codes. The extension cord from the outlet to the Mobile Food Unit must not be longer than ten (10) feet and must meet all city, state and federal codes.
- 6-F.** Mobile Food Unit license issued by the County Department of Health must be must be displayed on the unit at all times so it can be read from the outside. The registration must be current and valid.
- 7-G.** The vehicle registration of the Mobile Food Unit must be displayed on the unit at all times so it can be read from the outside. The registration must be current and valid.
- 8-H.** Carts shall not occupy parking needed to meet minimum vehicle and bicycle parking
- I. #R**Requirements per Chapter 17.98 or for another user under Section 17.68.
  - 9-1.** Blocking automobile access to parking spaces shall be considered occupying the spaces. ~~spaces shall be considered occupying the spaces.~~
  - 10-2.** ~~2-~~Carts shall not exceed 20 feet in length, not including the trailer hitch, or be greater than 200 square feet.
  - 11-3.** ~~3-~~All carts shall be placed on a paved surface such as but not limited to concrete, asphalt or pavers, or other approved material excluding gravel. If new paved surface is added to a site to accommodate a cart, the parking area shall comply with applicable parking design standards contained in Chapter 17.98.

- ~~12.~~ **J.** Carts shall be located at least three (3) feet from the public right-of-way or back of sidewalk, whichever provides the greater distance from the public right-of-way.
- ~~13.~~ **K.** Carts shall be located at least 5 feet away from other carts.
- ~~14.~~ **L.** Carts shall not be located within 25 feet of an active driveway entrance as measured in all directions from where the driveway enters the site at the edge of the street right-of-way.
- ~~15.~~ **M.** Carts shall not occupy fire lanes or drive aisles necessary for vehicular circulation or fire/emergency vehicle access.
- ~~16.~~ **N.** Customer service windows shall be located at least five (5) feet from an active drive aisle used by cars.
- ~~17.~~ **O.** Carts shall not occupy pedestrian walkways or required landscape areas.
- ~~18.~~ The exterior surfaces of all carts shall be clean and free from dents, rust, peeling paint, ~~20.~~ and deterioration, and windows shall not be cracked or broken. The exterior surface of all Food Carts proposed to be located in the Downtown District shall be a color that is consistent with the Carlton Downtown Historic Color Palette. Each cart shall provide an awning for shelter to customers with a minimum clearance of ~~21.~~ seven (7) feet between the ground and the awning. Tents and canopies shall not have not tears, mold, or broken or non-functioning supports ~~22.~~ **P.** and shall be securely anchored.
- ~~23.~~ Carts shall limit the visual effect of accessory items not used by customers, including but **n** —not limited to tanks, barrels, etc. by screening with a site-obscuring fence or landscaping, **Q.** or containing them within a storage shed not to exceed 100 square feet.
- All seating areas shall be located on the subject property at least 10 feet from a food cart **and**
- R.** ~~and~~ seating areas shall be separated from parking areas by an approved fence or barrier.
- 
- ~~24.~~ Signage shall comply with the Carlton Sign Code regulations. Each cart is permitted **S.** one (1) A-Frame sign.
- ~~26.~~ **T.** Food Carts shall not have any internal floor space available to customers.
- ~~27.~~ **U.** Structures used to provide shelter to customers shall only be tents, canopies and similar membrane structures. Other structures for customer shelter are not allowed. This does not preclude the use of awnings attached to and supported by a mobile unit or umbrellas designed for café or picnic tables. All canopies, tents and other membrane structures erected on Food and Beverage Cart sites shall comply with Building Code anchoring and engineering standards and Fire Code standards.
- ~~28.~~ **V.** Food Carts shall have outdoor lighting to ensure a safe environment for customers that meet the following standards:
- ~~1.~~ **a.** Areas intended to be occupied by customers, such as areas near Food Cart service windows and customer seating, shall be illuminated when carts are in operation during hours of darkness; and
  - ~~2.~~ **b.** No direct light source shall be visible at the property line adjacent to residential at 3 feet above ground level; and
  - ~~3.~~ **c.** Lighting fixtures shall be oriented and/or shielded so as not to create glare on abutting properties

- ~~c.4.~~ **Carts shall not have missing siding, skirting or roofing.**
- ~~d.5.~~ **Carts shall not have more than 10 percent of any side experiencing rust, peeling paint, corrosion or other deterioration.**
- ~~e.6.~~ **Carts shall not have components or attachments in disrepair in a manner that causes an unsafe condition.**
- ~~f.7.~~ **Tents and canopies associated with the carts shall not have:**
  - ~~a. i.~~ **Tears in the tent/canopy material that exceed 6 inches.**
  - ~~b. ii.~~ **Mold on more than 10 percent of the material.**
  - ~~c. iii.~~ **A lack of anchoring.**
  - ~~d. iv.~~ **Broken or non-functioning supports.**

### **Fire Safety**

- ~~26.~~ **A. Carts shall meet Fire Code requirements regarding distances from other structures or combustible materials.**
- ~~27.~~ **B. Any cooking device within a food cart that creates grease-laden vapors shall provide an approved hood and extinguishing system, or be the type with a self-closing lid as approved by the Fire Marshall.**
- ~~28.~~ **C. Appropriate fire extinguishers are required.**
- ~~29.~~ **D. Propane tanks shall be stored and handled properly and be located at least 10 feet from combustible vegetation and trash receptacles and 20 feet from a potential ignition source. Propane tanks shall remain outdoors and be secured from falling.**
- ~~30.~~ **E. Carts shall not have any internal floor space available to customers.**

### **Health and Sanitation**

- ~~31.~~ **A. Trash and recycle receptacles shall be provided on site, and must be emptied and maintained. Trash and recycle receptacles shall be provided at a rate of one (1) receptacle for every food cart. Where the food cart operator proposes to provide an outdoor seating area a minimum of one (1) 20-gallon trash receptacle and one (1) 20-gallon recycle receptacle shall be provided in the common seating area.**
- ~~32.~~ **B. Restrooms with ~~handwashing~~hand-washing facilities shall be provided for employees and customers. The restroom can be on-site or within one-quarter mile or a five-minute walk (such as at a neighboring business) and must be available during the cart's hours of operation. If the restroom is not on-site, the food cart operator shall submit written permission from an adjacent business or property owner where the facility is located.**
- ~~33.~~ **C. Sites containing more than one food cart shall provide a restroom facility on-site.**
- ~~34.~~ **D. Wastewater and gray water shall be disposed of properly without harm to the environment or city infrastructure. An approved disposal plan shall detail storage and removal methods.**
- ~~35.~~ **E. Food carts that are fully contained; i.e., carts that provide their own water, power, and waste disposal, are permitted with no additional utility considerations beyond the permitting process and site plan approval described herein. Food carts that require a water source, power source, or waste disposal location are permitted only where the City Manager has approved site plans that show safe access and location of the aforementioned**



provisions. Such provisions may be subject to all applicable building permits and System Development Charge requirements.

**Standards for Legal Non-Conforming Food Carts**

Food cart permits issued prior to [--date of adoption--] may be renewed under the code provisions that existed at the time they were permitted, except the following new standards apply and supersede the standards in effect before [--date of adoption--] Section 17.126.020.

1.

~~2. A. For a location to be approved it must comply with the provisions of Carlton Municipal Code Chapter 17.68 for Off-Street Parking. Food Carts with drive-through facilities are not allowed.~~

3.

4. B. If a site where a cart is located abuts a lot with a residential use, the cart use shall meet the narrowest minimum buffer width required in Section [-----] for a proposed commercial use.

~~5. C. The use shall provide adequate vision clearance as required by Section [---].~~

6. D. Awnings attached to a Food and/or Beverage Cart shall have a minimum of 7 feet of clearance between the ground and the awning to allow access for pedestrians under the awning.

7. E. Carts shall be located at least 3 feet from the right-of-way or back of sidewalk, whichever provides the greater distance from the right of way.

8. F. Carts shall provide at least 5 feet between service windows or other customer service points and an active drive aisle.

9. G. Carts shall remain at least 10 feet away from other Food Carts, buildings and parking stalls.

10. H. Carts shall not occupy off-street parking spaces, fire lanes or drive aisles necessary for vehicular circulation or fire/emergency vehicle access as determined by the Manager. ~~Carts may occupy other drive aisles. In cases where a portion of a drive aisle is occupied, at least 4 feet of clear maneuvering space shall be provided between the closed portion of the drive aisle and the abutting active parking spaces.~~

~~1. Unless otherwise specified in this section, Food Carts shall be exempt from a finding of adequate public facilities unless it is determined that the proposed use exceeds the capacity of existing public facilities or causes unsafe conditions.~~

11. I. ~~Carts are exempt from land-use district density, floor-area ratio and Downtown District design guidelines and standards.~~ Accessory items to the Food Cart that are not for customer use, such as barrels, tanks or containers shall be screened to substantially limit the views of such items from the street.

12. J. Food Carts shall ensure the availability of a restroom with hand washing facilities for employees.

- ~~13.~~ **K.** Food Carts that serve food to walk-up customers shall ensure the availability of a restroom with hand washing facilities for customer. The restrooms must be within one-quarter mile or within 5 minutes walking distance and be available during the carts' hours of operation. Applicants shall provide the City with documentation that restrooms are available.
- ~~14.~~ **L.** Food Carts shall not have any internal floor space available to customers.
- ~~15.~~ **M.** Food Carts mobile units shall not exceed 26 feet in length.
- ~~16.~~ **N.** Structures used to provide shelter to customers shall only be tents, canopies and similar membrane structures. Other structures for customer shelter are not allowed. This does not preclude the use of awnings attached to and supported by a mobile unit or umbrellas designed for café or picnic tables. All canopies, tents and other membrane structures erected on Food and Beverage Cart sites shall comply with Building Code anchoring and engineering standards and Fire Code standards.
- ~~17.~~ **O.** Food Carts shall have outdoor lighting to ensure a safe environment for customers that meet the following standards:
- ~~1.~~ **a.** Areas intended to be occupied by customers, such as areas near Food Cart service windows and customer seating, shall be illuminated when carts are in operation during hours of darkness; and
  - ~~2.~~ **b.** No direct light source shall be visible at the property line adjacent to residential at 3 feet above ground level; and
  - ~~3.~~ **c.** Lighting fixtures shall be oriented and/or shielded so as not to create glare on abutting properties.
- ~~18.~~
- P.** Carts shall not have missing siding, skirting or roofing.
- Q.** Carts shall not have more than 10 percent of any side experiencing rust, peeling paint, corrosion or other deterioration.
- R.** Carts shall not have components or attachments in disrepair in a manner that causes an unsafe condition.
- S.** Tents and canopies associated with the carts shall not have:
- ~~g.~~
  - ~~h.~~ Carts shall not have more than 10 percent of any side experiencing rust, peeling paint, corrosion or other deterioration.
  - ~~i.~~ Carts shall not have components or attachments in disrepair in a manner that causes an unsafe condition.
  - ~~j.~~ Tents and canopies associated with the carts shall not have:
    - ~~1.~~ **i.** Tears in the tent/canopy material that exceed 6 inches.
    - ~~2.~~ **ii.** Mold on more than 10 percent of the material.
    - ~~3.~~ **iii.** A lack of anchoring.
    - ~~4.~~ **iv.** Broken or non-functioning supports.
- T.** For drive through carts, the following standards apply:
- ~~a.1.~~ To ensure adequate distance for at least three vehicles to line up behind the vehicle ordering at the drive-through, drive-through Food Carts shall have at least 85

~~feet in queuing distance behind each drive-through window where sales occur. Required queuing distance may be increased as determined by the Manager if a change in distance will promote traffic and pedestrian safety. Queuing distance shall be measured from the rear of the service window or point of service, along the queuing path, to where the driveway from the street crosses from the right of way into the property. The measurement method can be adjusted by the Manager for unusual circumstances or if needed to meet the intent of this standard.~~

**19.U. Permits are not transferrable to new owners.**

**20.V. Non-conforming status is non-transferable to a new owner or operator.**

**W. Non-conforming status is sunset to expire December 31, 2020.**

**ADOPTED** by the City Council on this \_\_\_\_\_ day of \_\_\_\_\_, 2015, by the following votes:

**AYES:** \_\_\_\_\_ **NAYES:** \_\_\_\_\_ **ABSENT:** \_\_\_\_\_ **ABSTAIN:** \_\_\_\_\_

**APPROVED** and signed by the Mayor this \_\_\_\_\_ day of \_\_\_\_\_, 2015.

\_\_\_\_\_  
Kathie Oriet, Mayor

**ATTEST:**

21. \_\_\_\_\_ Jennifer L. Nelson, City Recorder

191 E. Main Street  
Carlton, OR 97111



Phone: (503) 852-7575  
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[www.ci.carlton.or.us](http://www.ci.carlton.or.us)

**Please Post until 8/11/2015**

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## **NOTICE OF PLANNING COMMISSION AND CITY COUNCIL PUBLIC HEARINGS**

### **Legislative Amendment 15-03**

NOTICE IS HEREBY GIVEN that the City of Carlton Planning Commission will hold a public hearing on **Monday, August 3, 2015 at 6:00 PM** at Carlton City Hall, 191 E Main Street, Carlton, Oregon regarding a Legislative Amendment to amend the Carlton Municipal Code to update the land-use regulations and standards for food cart vendors. The Planning Commission will consider the proposed amendments and make a recommendation to the Carlton City Council. The City Council then makes the final decision in the matter.

A second public hearing is scheduled before the **Carlton City Council** to consider the proposed amendments on Monday, **August 10, 2015 at 7:00 PM** also at Carlton City Hall.

NATURE OF AMENDMENT: An ordinance amending title 17 of the Carlton Municipal Code to adopt standards for *food cart vendors or temporary vendors*.

APPLICABLE CRITERIA: Carlton Code Title 17 and the Oregon Statewide Planning Goals.

FILE NUMBER: LA 15-03

HOW TO PARTICIPATE: Anyone interested in commenting on this request may do so in person or by personal representative at the public hearing or in writing before the public hearing. Written comments may be submitted in advance of the public hearing addressed to: City Planner, Carlton City Hall, 191 E Main St, Carlton, OR 97111. Documents, evidence and staff reports may be reviewed at City Hall during regular business hours and on the city's website ([www.ci.carlton.or.us](http://www.ci.carlton.or.us)) at no cost. Copies are available for \$0.25 per page. A staff report will be available seven (7) days before the public hearing. The facility is ADA accessible. For further information or if you need any special accommodations to attend or participate in the hearing please, notify the City Recorder at least 24 hours before the hearing at (503) 852-7575.

*This facility is ADA accessible. If you need special accommodation please contact the City Recorder Jennifer Nelson at 503.852.7575 x111 or by email [jnelson@ci.carlton.or.us](mailto:jnelson@ci.carlton.or.us) at least 24 hours prior to this meeting.*