



BAKER CITY, OREGON PLANNING COMMISSION MEETING AGENDA

Commissioners:
Aaron Still
Haden Damschen
Laurie Parry
Gratton Miller
Ken Rockwell
Larisa Bogardus
Matthew Reidy

REGULAR MEETING
JANUARY 8, 2024 - 6:00 PM
CITY HALL COUNCIL CHAMBERS

Call to Order/Introduction

- | | |
|-------------------|------------|
| 1. Call to Order | Procedural |
| 2. Roll Call | Procedural |
| 3. Public Comment | Procedural |

Old Business

- | | |
|---|-------------|
| 4. Review of Minutes - 12.20.2023 | Action Item |
| 5. RZ-23-121 Atlas Land Use Consulting - Rezone of +/- 33 acres of vacant land from General Industrial (I) to Residential Low Density (RLD) | Action Item |

New Business

- | | |
|----------------------|-------------|
| 6. Officer Elections | Action Item |
|----------------------|-------------|

Updates and Future Items

- | | |
|---------------------------------|-------------|
| 7. Director's Report | Information |
| 8. Set Next Meeting Date & Time | Action Item |

Adjourn

- | | |
|------------|------------|
| 9. Adjourn | Procedural |
|------------|------------|

Baker City operates under an EEO policy and complies with section 504 of the Rehabilitation Act of 1973 and the Americans with Disabilities Act. Assistance is available for individuals with disabilities by calling 541-523-6541.



BAKER CITY, OREGON STAFF REPORT

Commissioners:

Aaron Still
Haden Damschen
Laurie Parry
Gratton Miller
Ken Rockwell
Larisa Bogardus
Matthew Reidy

Created by:

Date: January 8, 2024

Subject: Call to Order

Attachments:

None



BAKER CITY, OREGON STAFF REPORT

Commissioners:

Aaron Still
Haden Damschen
Laurie Parry
Gratton Miller
Ken Rockwell
Larisa Bogardus
Matthew Reidy

Created by:

Date: January 8, 2024

Subject: Public Comment

Attachments:

None

Baker City Planning Commission
Baker County Courthouse
1995 Third Street, Ste. 131
Baker City, Oregon 97814
Phone: (541) 523-8219, Fax: (541) 523-8340

The minutes are only a third party summary of the original meeting. For a complete transcript, an audio recording is available. Please contact the Baker City-County Planning Department for further information.

Baker City Planning Commission
Public Hearing
December 20, 2023, 6:00 p.m.
Baker City Council Chambers

I. Call to Order/Introductions

Present: Matthew Reidy, Ken Rockwell, Haden Damschen

Participating Virtually: Laurie Parry

Absent: Gratton Miller, Aaron Still, Larisa Bogardus

Staff Present: Planning Director Holly Kerns, Senior Planner Tara Micka, Planning Technician Paul King

II. Old Business

Review of Minutes 09.20.2023

Review of Minutes 10.18.2023

Commissioner Reidy moved to approve the minutes from the September 20, 2023 meeting and the October 18, 2023 meeting. Commissioner Damschen seconded. Motion passed unanimously.

III. New Business

Commissioners were asked to declare any biases, conflicts of interest, or ex parte contacts.

Commissioner Reidy declared that he had done a site visit to the subject property and noted that the railroad crossing in the northeast corner of the subject property is no longer feasible to use as all crossing infrastructure has been removed. Chair Rockwell also conducted a site visit and noted that all existing access to the subject property is through private means and that there is no public right of way access.

RZ-23-121 Atlas Land Use Consulting – Rezone of ±33 acres of vacant land from General Industrial (I) to Residential Low Density (RLD)

Chair Rockwell read the public hearing statement.

Senior Planner Tara Micka provided a summary of the application. The Planning Commission is hearing an application for a zone change from General Industrial to Residential Low Density for property located in southeast Baker City between the Powder River and the UPRR/Hwy 30. The subject property is currently vacant.

Planner Micka highlighted number 9 on page 17 of the Staff report, which talks about certain conditions existing when changes to the Comprehensive Plan are proposed.

Planner Micka told the Commission that the applicant provided a Traffic Generation Letter showing that industrial zoned lands generate more traffic than those zoned residential. Planner Micka highlighted a letter provided by David Boyd, Physical Engineer with ODOT, stating that he agreed with the assessment the applicant provided.

Planner Micka told the Commission that there is no public access to the subject properties. The applicant has indicated that if the rezone is approved, public facilities would be extended to serve future development. The applicant has indicated that if the rezone is approved, public facilities will be extended to serve future development.

Planner Micka told the Commission that based on the Economic Opportunities Analysis, Buildable Lands Inventory and Housing Needs Analysis, there are adequate acres of all land use zones in Baker City. While not proposed, if the property is rezoned to RLD, 144 single-family dwellings could be built or 144 duplexes resulting in 288 total dwelling units.

Planner Micka entered new evidence into the record:

Exhibit N – Comments from Heidi Dalton

Exhibit O – Comments from Christina Smith

Exhibit P – Industrial Zone Excerpt provided by the applicant

Exhibit Q – Existing Industrial uses in the Area provided by the applicant

Exhibit R – Existing Residences in the Area provided by the applicant.

Planner Micka offered to answer any questions from the Commission.

Chair Rockwell clarified that the Commission is only considering the rezone of the subject property; no development is proposed with this application. Chair Rockwell discussed with Planning Staff the context of the Traffic Generation Letter and whether if a study based on hypothetical development ought to be considered in the Commission's decision. Director Kerns clarified that the letter is a comparison of the traffic impact associated with generic industrial use and generic residential use, and is not a comparison of the impact of traffic for any one specific hypothetical development.

Baker City Public Works Director Joyce Bornstedt then testified as a member of Staff to clarify any misunderstandings relating to public facilities for the Planning Commissioners.

Joyce Bornstedt, Baker City Public Works Director

Director Bornstedt told the Commissioners that she agrees that there are challenges to accessing the subject property from public right of way. Colorado Avenue at David Eccles Road (which provides access from the west of the property) is considered unopen right of way to the west side of the Powder River and access to the property by way of the bridge across the river is through a private easement, not a publicly maintained Colorado Avenue. The bridge which crosses the river is not maintained to city standard.

David Eccles Road is considered a collector in the Baker City Transportation System Plan and is currently unpaved. In the event the subject property is developed with residences, there would likely be a requirement that David Eccles Road be paved. The easement to and across the bridge actually diverges to the north of Colorado Avenue's platted location. Director Bornstedt continued that, depending on how the subject property would become developed, the present access would have to be realigned to correspond with Colorado Avenue's platted location.

Any development regardless if it's industrial or residential would come with access concerns. The bridge would have to be replaced as it is only wide enough to carry a single lane and is believed to be privately owned. Access from the east off US Highway 30 to the subject property would require an additional public railroad crossing and Director Bornstedt believed that would be "very difficult".

The subject property is served by a water and wastewater main on the north side. Director Bornstedt said that in her opinion, it has adequate capacity to provide service to the whole of the property but she would be concerned about wastewater flow via gravity from the south.

Commissioner Reidy asked about the bridge that exists north of Colorado Avenue which connects to Virginia Avenue on the west side of the property and if that bridge is inaccessible. Director Bornstedt said that is correct, and what is left of that bridge is privately owned.

Chair Rockwell asked Director Bornstedt if the City has any plans in the short term to develop the connector as proposed in the City TSP between Highway 7 and Highway 30 which would include Virginia Avenue and would run across the north of the subject property, and she answered there are no such plans at this time nor in the near future.

Chair Rockwell then invited the applicant to testify. Eva Henes of Atlas Land Use testified on behalf of the property owner, Rocking River Ranch LLC.

Eva Henes, 42008 Salmon Creek Road, Baker City, OR 97814

Ms. Henes clarified that no development is currently proposed with the request, the property owners seek only to rezone the land at this time; therefore a lack of City infrastructure does not necessarily need considered yet. Such criteria would be reviewed if and when a development plan is submitted.

Ms. Henes made reference to the criteria for Quasi-Judicial Amendments and she said that she believes the request is consistent with both statewide planning goals and with the Comprehensive Plan, which are the first two criteria for granting such an application.

Criteria #3 states that, *"The property and affected area is presently provided with adequate public facilities, services and transportation networks to support the use, or such facilities, services and transportation networks are planned to be provided in the planning period"*. Ms. Henes said it was her understanding that the current "planning period" is 30 years and expires in 2033, and that it will likely take private development (such as a residential Master Planned Development) to construct the public facilities such as utilities and rights of way.

Ms. Henes spoke about the current access to the property and she said it was correct that the public right of way of Colorado Avenue leads into a private access across the southern bridge on the property. She said that it was her understanding that the bridge belongs to the subject property

owners (Rocking River Ranch, LLC) at least in part. Ms. Henes said that there is no plan whatsoever to utilize the southern bridge access in any future development as it is too narrow and there is no interest in replacing it. The bridge to the north is wider and is believed by the applicant to provide more suitable access should the subject property become developed. Further, she said Virginia Avenue is platted from David Eccles Road to a private access easement across the north bridge that the owners of the subject properties have a right to access. The northern bridge is what would be utilized for access for any future development, and would carry the connection between Highway 7 and Highway 30 that is prescribed in the TSP and discussed earlier. Ms. Henes said that reopening the railroad crossing that is required for this connection was discussed in pre-application meetings with Baker City officials and that it is her understanding that local jurisdictions have greater success in having crossings granted by the Union Pacific than private landowners do.

Chair Rockwell made reference to the criteria which states that *“the property and affected area is presently provided with adequate public facilities, services and transportation networks to support the use”* and clarified that such adequate public facilities do not yet exist. Ms. Henes said that is correct but emphasized the second half of the criteria which states, *“Or such facilities, services and transportation networks are planned to be provided in the planning period”* and such public facilities would be provided by future developers. Chair Rockwell asked about the width of the provided easement and Ms. Henes said it is 30 feet wide at present, but the property owners are in discussion to have it widened to city right of way width of 60 feet. Chair Rockwell followed up and asked if the easement would be available to a hypothetical industrial development and Ms. Henes said it could be, but the property owners are not looking to have industrial development on the subject property.

Chair Rockwell asked that, given the need for public facility development to support either industrial or residential development, why the proposal to rezone the property residential fits better within the public good than its current industrial zoning. Ms. Henes referenced the Traffic Generation Letter sent by ODOT and said that industrial uses will be more impactful to neighbors and abutting property owners than residential uses. She also mentioned that there is more suitable industrial land with existing access to public facilities in northern Baker City that has yet to be developed. Ms. Henes pointed out that the subject property is surrounded by residential use and that there is a “huge” surplus of industrial land that already exists. While there is also a surplus of residential land, there are impediments to developing that land due to availability of city services and other topographic factors.

Ms. Henes then made reference to Criteria 5 which states, *“The amendment conforms to the Transportation Planning Rule provisions under Section 4.7.600”* and referred the Planning Commission to page 5 of the Staff Report which discusses whether the proposal has a “significant effect” on transportation facilities. Ms. Henes said that while there would be more traffic to the subject property in the event of a residential development, the proposal would not change the functional classification of any City rights of way. Since there is no development proposed with the rezone request, the applicant and property owner did not feel it was necessary to provide a Traffic Impact Analysis. Further, while the application includes renderings of a full residential development on the subject property, those were included as reference and are not being proposed at this time. Ms. Henes discussed the rezone request and how it fits in to the Comprehensive Plan, and pointed the Planning Commission to the findings which begin on page 17 of the Staff Report. She said that even if the subject property is rezoned residential, there will still be a surplus of industrial land as is prescribed in the Comprehensive Plan. She also discussed the criteria relating to the “suitability” of the land for residential use as opposed to its current industrial zoning and asserted that potential industrial use would be more impactful to surrounding properties than the proposed residential use.

Ms. Henes then directed the Planning Commission to the “Land Suitability” section of the Staff Report which begins on the bottom of page 38. Ms. Henes said the land suitability map was created in 1979 and has not been updated since; and does not reflect the current situation in Baker City. She gave the example that when the map was created, the subject property had access to a rail spur that no longer exists, and has lost key features that would make the subject property a desirable industrial use, including the designation of wetlands and floodplains on the property.

Chair Rockwell pointed out that the designation of industrial land in and around the area of the subject parcel could have been in part due to its proximity to the railroad which still exists. Ms. Henes in turn pointed out that there is other industrial land in the City which is undeveloped, is in close proximity to the railroad, and would not include any of the regulatory issues associated with wetlands and floodplains.

Ms. Henes then pointed the Planning Commission to the zoning maps included in the Staff Report and pointed out that a rezone to residential use would not cause there to be any “islands” of industrial use which are to be avoided. Ms. Henes also said that the ongoing industrial use to the west of the subject property, a shed building facility and storage yard, is sufficiently screened by vegetation and the Powder River, and has obtained a letter of support from the owners of this current industrial use. She made reference to other abutting commercial and industrial uses on the east side of the subject property which would be sufficiently separated from proposed residential uses due to the railroad and Highway 30. Because of this, she and the subject property owners do not see there being a conflict between future residential use and current commercial and industrial uses which abut the subject property should the subject property be rezoned. Further, Ms. Henes listed current residential uses abutting the subject property to show that the property is surrounded by residential use at least in part.

Ms. Henes referenced Exhibit P of the Staff Report, which details allowed uses in the General Industrial Zone. Ms. Henes discussed these uses and their potential impact to surrounding property owners and contrasted that to the comparatively lesser impact of residential use. She pointed out that these industrial uses could be permitted outright by Planning Staff without the opportunity of noticing and comment from adjacent property owners. She further named other industrial uses that require noticing but would still be disruptive should they be permitted through a Type II or Type III procedure. Ms. Henes asserted that the “highest and best” use of the land would be residential.

Ms. Henes then compared the subject property to other vacant industrial lands to show there are undeveloped industrial lands in the City (the Baker City Industrial Park) which would be more desirable for industrial development than the subject property. Commissioner Damschen said he would be curious to see a similar comparison showing the suitability and desirability of the subject property for residential development as compared to vacant residential lands that already exist in the City.

Ms. Henes spoke about the greater potential of residential development to create, preserve and enhance pedestrian facilities and the wetlands found on the subject property, such as the extension of the Leo Adler pathway south through the subject property and the Powder River and Sutton Creek, more so than if the subject property were to remain zoned for industrial uses.

Ms. Henes directed the Planning Commission to page 47 of the Staff Report which lists Housing Policies under the Comprehensive Plan, and pointed out Policy #2 specifically which states, *"The City shall provide for a variety of housing options and sites and plan for suitable locations. It is recognized that the private sector will continue their leadership role in this function."* Ms. Henes stated her belief that the present request is in line with this policy. She then mentioned Policy #7 which states, *"The City recognizes that certain housing policies must be tied very closely with existing land and environmental features..."* Ms. Henes argued that in comparing the subject property to other industrial lands and their environmental features, it showed that the subject property is best utilized with residential development as opposed to industrial. Last, Ms. Henes discussed Policy #10, which states, *"The City shall give consideration to alternative residential construction both in form and layout, for such reasons as aesthetics, energy conservation, lessened development costs, and provision of more usable open space."*, and tied that in with the Housing Needs Analysis report issued by the City in 2020. If the property were rezoned she said, they would likely pursue a Master Planned Development which includes a variety of housing types, and the HNA lists rezoning usable land to residential zoning as a priority. Such a Master Planned Development could develop more housing types for middle income households as prescribed in the HNA, and hopefully lessen the burden of the housing crisis.

Lastly, Ms. Henes directed the Planning Commission to the economic chapter of the Comprehensive Plan and the associated criteria on pages 51 and 52 of the staff report. Ms. Henes discussed the Economic Opportunities Analysis that states there is more than enough employment lands in Baker City's inventory, and the rezoning of the ±33 acre subject parcel to residential zoning would still satisfy the Baker City EOA. Ms. Henes also spoke about the environmental criteria and how the proposed residential zone would better protect the wetlands and natural beauty of the subject property, more so than the current industrial zoning.

The Commissioners had no further questions for Ms. Henes.

Chair Rockwell asked for any testimony in favor. There was none present. Chair Rockwell asked for testimony in opposition.

Tony Constantine, 1341 10th Street, Baker City, OR 97814

Mr. Constantine testified in opposition to the proposed rezone. Mr. Constantine's was concerned with how the proposed rezone may economically devalue adjacent industrial and commercial zoned lands. Mr. Constantine believed that certain existing businesses would suffer being adjacent to a residential development because complaints about noise, light, etc. are inevitable in such close proximity; thereby making the adjacent industrial lands less desirable for industrial development.

Aaron Van Dyken, 20914 S. Airport Ln, Baker City, OR 97814

Mr. Van Dyken testified in opposition to the proposed rezone. Mr. Van Dyken shared concerns relating to the flood plain and the ability to build a residential development on the subject property given what he knows to be a high water table. Chair Rockwell pointed out that ±11 acres of the ±33 acres in the subject property are within the floodplain, but Mr. Van Dyken maintained his concern with what he believes to be a high water table on the subject property.

Kevin Woodworth, 18438 W Campbell Loop, Baker City, OR 97814

Mr. Woodworth testified in opposition to the proposed rezone. Mr. Woodworth owns an industrial business along the east side of the subject property across Highway 30. His concerns lie with potential complaints from residences on the subject property when he engages in industrial processes which are allowed under the Code, because complaints from residences “always trumps zoning”. He continued that, if he or his family ever sell the business/property, he does not think it will be as desirable of an industrial property with residences nearby and will therefore affect the economic value of his property.

Anita Boesch, 100 Resort Street, Baker City, OR 97814

Ms. Boesch testified in opposition to the proposed rezone. Her home and property abuts the subject property and she is one of the neighbors that uses the private access across the south bridge to access her home. She has concerns with build-out renderings provided by the applicants in the Staff Report which shows that the applicants plan to utilize the southern bridge and also shows a path going right across her driveway. It is her understanding that the applicant does not have an agreement with property owner Steve Ritch to use the northern bridge for access. She does not believe the rezone is ideal because it would put residences in the middle of other industrial-zoned lands, and there would be a significant traffic impact upon existing residences and her home in particular. She strongly disagreed with the report which concludes industrial use would have a greater traffic impact than residential use, because it presently does not see much traffic in its current industrial zoning. She brought up concerns with access to public facilities such as water and sewer.

Chair Rockwell pointed out that the property may become developed some day regardless if it's industrial or residential development, and asked Ms. Boesch which type of development she would rather see going into the subject property. She answered that she would rather see industrial development.

Arvid Anderson 1400 Colorado Avenue, Baker City, OR 97814

Mr. Anderson shared his concerns relating to access of the property, specifically that both the north or south bridge will have to be improved/removed to accommodate development and that gaining access to Highway 30 across the railroad track would be very difficult. Mr. Anderson said that the south bridge should not be used, as his access across it was surveyed, platted, and recorded from David Eccles Road up to the corner of his property. Additionally, Mr. Anderson was told at one time that the Baker City Fire Department would not use the south bridge to respond to calls. Mr. Anderson subsequently had a licensed engineer inspect the bridge who concluded that the bridge is capable of holding 80,000 pound fire trucks.

Chair Rockwell asked if there were any more opponents to the proposed rezone request. Seeing none, Chair Rockwell invited Ms. Henes to provide rebuttal testimony.

Eva Henes, 42008 Salmon Creek Road, Baker City, OR 97814

Ms. Henes made reference to a previous comment from Commissioner Damschen who said he would have liked to see the suitability of the subject property for residential development as compared to

other residentially-zoned lands within Baker City; and said that while the subject parcel may be partially covered by flood plain, much of the other undeveloped residential lands have serious impediments to development. Ms. Henes named topographic hurdles such as high slopes, even greater coverage by the flood plain, and a lack of straightforward access to City services.

Ms. Henes made reference to previous discussion about potential conflict between industrial/commercial uses and the proposed residential land and said that there are noise and light ordinances that help to ease conflict between residential and industrial uses.

Ms. Henes clarified again that the southern bridge is not considered for access in any hypothetical plans to develop the property. She said that the question of access from the northern bridge is between two property owners and such questions would be fully answered at the time that development would take place. She also clarified the concerns from Ms. Boesch regarding build-out renderings that show development across Ms. Boesch's driveway; and said that it is only a conceptual display of what full build-out of the subject property would look like and tried to follow property lines as best they could. Any renderings that show development across property lines were done in error.

Commissioner Reidy asked for clarification regarding public access at the northern bridge. Public Works Director Bornstedt said that it was unclear at this time but could be found out.

Ms. Henes added that there is an easement across the northern bridge to the end of Virginia Avenue, and is shown on page 82 in the Staff Report. Travis Bloomer of Rocking River Ranch, LLC who owns the property provided brief testimony to clarify the status of the easement across the north bridge.

Travis Bloomer, 1485 Colorado Avenue, Baker City, OR 97814

Mr. Bloomer clarified the lineage and status of the easement across the northern bridge. It is his understanding that the previous property owner had secured an access easement across that bridge, and is in ongoing discussion with Steve Ritch to secure access to David Eccles Road from that bridge.

Deliberation

Chair Rockwell closed the public hearing.

Commissioner Parry said that based on testimony, the project meets the criteria. She acknowledged that there are concerns relating to wetlands, flood zone, and access; but she sees it as being in the public's best interest to rezone the property to residential based on the City's housing study. In her opinion, the area is better suited for housing than industrial development.

Commissioner Reidy reiterated much of what Commissioner Parry said. He has concerns about access and public facilities, but those questions are directly related to a specific project proposal and not necessarily the proposal to have the land rezoned. He agreed with Commissioner Parry's assertion that there is a need for housing in Baker City, and though the subject property may not be the most ideal; it is in the public's best interest to make the subject property available to residential development. He said most of the concerns he has will be addressed down the road when the Commission is approached with a specific development proposal.

Commissioner Damschen reiterated what the previous Commissioners said; and agreed that the proposed rezone would meet the needs of the City.

Chair Rockwell then gave his input. He agreed with the assessment that the subject property is imperfect; and regardless of the nature of future development, there will be impacts. He agreed with the Commissioners that on its face, the subject property is not a great piece of property for residential or industrial development. However, the property has been zoned General Industrial for years, and no development has yet happened. He said that the residential zoning proposal meets criteria on pages 3 and 17, and said he would like to see if a residential zoning would better encourage development. He asserted that changing the zoning could lead to greater opportunities and that it would be better for Baker City to have a surplus of residential land than industrial given the current housing crisis. In discussing the suitability of the land to be residentially zoned, he pointed out that the subject property does directly abut properties that are zoned Residential Low Density. There are other industrial lands such as at the Baker City Industrial Park that are much better suited for industrial development that are still vacant. Chair Rockwell then referenced the multi-use path that is discussed in the TSP to be extended through the subject property and said such an extension would be good for the public and would be much more likely to happen in conjunction with residential development as opposed to industrial development.

Director Kerns then said that the Commission has voiced findings for a majority of the criteria, but still needed to create findings for the criteria found under Section 4.7.300.B.3, which states that, *"The property and affected area is presently provided with adequate facilities, services, and transportation networks to support the use, or such facilities, services, and transportation networks are planned to be provided in the planning period."*

After some deliberation regarding this criteria, the Planning Commission directed Planning Staff to create language for a finding to 4.7.300.B.3.

Chair Rockwell moved to continue the hearing for RZ-23-121 until Monday, January 8, at 6:00 PM. Commissioner Reidy seconded. Motion passed unanimously.

IV. Updates and Future Items

Director's Report

Director Kerns had no report.

Date and Time for Next Meeting

Next meeting will be January 8, 2024 at 6:00 pm.

V. Adjourn

Chair Rockwell adjourned the meeting at 10:05 p.m.

Respectfully Submitted,

Paul King

Baker City-County Planning Department

BAKER COUNTY-CITY PLANNING DEPARTMENT



1995 Third Street | Suite 131 | Baker City, OR| 97814
Email: planning@bakercountyor.gov
Phone: (541) 523-8219



STAFF REPORT to the BAKER CITY PLANNING COMMISSION for an AMENDMENT to the BAKER CITY COMPREHENSIVE PLAN and ZONING MAP

City Case No. RZ-23-121

Report Date: December 29, 2023

Report Prepared by: Tara Micka, Senior Planner

Planning Commission Hearing Dates: December 20, 2023 and January 8, 2024

I. GENERAL INFORMATION AND FACTS

Applicant:	Atlas Land Use Consulting, LLC Attn: Eva Henes 42008 Marble Creek Road Baker City, OR 97814
Property Owner:	Rocking River Ranch, LLC 1485 Colorado Avenue Baker City, OR 97814
Land Use Review:	Rezone of subject property from General Industrial (I) to Residential-Low Density (R-LD)
Property Description:	±33 acres consisting of the following: • Portion of Tax Lot 200 of Assessor's Map 09s40e20da (Ref. 3778), • Tax Lots 900, 1000, 1100, 1200, 1300 and 1400 of Assessor's Map 09s40e21cb (Refs. 15144, 4070, 15140, 15142, 15141 & 15143); • Tax Lots 100, 200, 300, 1400 and 1500 of Assessor's Map 09s40e21cc (Refs. 4076, 4074, 4072, 4071 & 4073).
Site Address & Location:	East of the Powder River and west of the Union Pacific Railroad/Highway 30 in southeast Baker City, Oregon
Land Use Zone:	General Industrial (I)
Existing Development:	Vacant
Proposed Development:	No new development proposed
Special Flood Hazard Area:	Portions of the subject properties are located within an identified flood hazard area according to FEMA FIRMs #41001CO385C and 395C dated June 3, 1988.
Wetlands:	Wetlands are identified on the subject property according to the 1995 National Wetlands Inventory Map for Baker, Oregon
Parcel Legally Created:	Yes, the subject properties were legally created as evidenced by

multiple deeds recorded with the Baker County Clerk's Office and include the following:

- Deed No. 70-27-012 dated July 6, 1970
- Deed No. 72-40-015 dated October 3, 1972
- Deed No. 78-18-002 dated April 28, 1978
- Deed No. 86-11-047 dated March 12, 1986

II. **PURPOSE & CONTEXT:** The Planning Commission will consider a proposed revision to the Baker City Comprehensive Plan and Zoning Maps for property located in southeast Baker City, Oregon, between the Powder River and Union Pacific Railroad/Highway 30. The proposal is to rezone certain land from General Industrial (I) to Residential Low Density (R-LD). The Planning Commission will make a recommendation to the City Council on the proposal.

III. **BACKGROUND:** Atlas Land Use Consulting, LLC, on behalf of property owner, Rocking River Ranch, LLC, requests approval to rezone the above identified properties from General Industrial to Residential-Low Density (see Exhibit D). The subject properties are bordered on the west by properties zoned General Industrial (I), on the east by properties zoned both General Commercial (C-G) and General Industrial (I), on the north by properties zoned General Commercial (C-G) and on the south by properties zoned Residential Low Density (R-LD) (Exhibit C & Attachment 2 of Exhibit D). Maps of the properties proposed to be re-zoned are included in Exhibits B & C, along with Attachments 2 & 3 of Exhibit D.

According to the applicant, "As noted in the Findings section of the Public Involvement and Procedures for Planning chapter of the Comprehensive Plan: "...planning should be flexible enough to respond to changes in public opinion and unforeseen circumstances, yet avoiding decisions made to satisfy special interests. Planning should be a thoughtful, reasoned process based on the best data available, attempting to avoid hastily made judgments in heated political atmospheres. Planning must be in the interests of the entire community and conducted in a fair and open manner." It is the position of this application that the highest and best use of the area under review is not industrial zoning. At one point in time, an industrial zoning designation made sense based historic and established industrial uses; however, changes in the local economy and overall "vision" for our community have occurred, as have the closure of existing industrial businesses in the area. Baker City and Baker County are known for their beauty and livability – two facets that this rezone request hopes to directly improve upon by increasing housing options in this area of town and helping to usher future industrial uses towards lands in the northwest of the city intended for that type of development. It stands to reason that the community would only benefit from concentrating industrial uses away from residential areas. Similarly, only benefit can be gained from the enhancement and restoration of the Powder River, Sutton Creek, and wetlands in this area. Combine these features with the increased City infrastructure, accessibility, and housing that a residential development would bring to the area, and the potential negative impacts (which can be mitigated) are heavily outweighed by the positive. This assertion is supported by the findings and data included in this application narrative, as well as the support received from property owners included in this application and others in the community (Attachment 6)" (Exhibit D).

The Planning Commission will hear this request on December 20, 2023 and January 8, 2024, and make a recommendation to the City Council. All written testimony received at the time record was open are included as exhibits to this report.

IV. APPLICABLE CRITERIA & FINDINGS:

Quasi-judicial land use decisions must comply with the criteria in Section 4.7.300-600 of the Baker City Development Code. The following goals, rules, plan policies, and Development Code text are the criteria applicable to review of the proposal.

BAKER CITY DEVELOPMENT CODE (BCDC)

Chapter 4.7 – Land Use District Map and Text Amendments:

Section 4.7.300 Quasi-Judicial Amendments

A. *Applicability of Quasi-Judicial Amendments.* *Quasi-judicial amendments are those that involve the application of adopted policy to a specific development application or Code revision, and not the adoption of new policy (i.e., through legislative decisions). Quasi-judicial zone map amendments shall follow the Type III procedure, as governed by Section 4.1.400, using standards of approval in Section 4.7.300.B. The approval authority shall be as follows:*

3. *The Planning Commission shall make a recommendation to the City Council on a land use zone change application that also involves a comprehensive plan map amendment application. The City Council shall decide both applications.*

Planning Commission Findings: This application is for a change to both the zone map and the comprehensive plan map; therefore, the Planning Commission will make a recommendation to the City Council as described in Section 4.7.300.A.3.

Conclusion: Based on the findings above, the criteria **are** met.

B. *Criteria for Quasi-Judicial Amendments.* *A recommendation or a decision to approve, approve with conditions or to deny an application for a quasi-judicial amendment shall be based on all of the following criteria:*

1. *Approval of the request is consistent with the Statewide Planning Goals;*
2. *Approval of the request is consistent with the Comprehensive Plan;*
3. *The property and affected area is presently provided with adequate public facilities, services and transportation networks to support the use, or such facilities, services and transportation networks are planned to be provided in the planning period; and*
4. *The change is in the public interest with regard to neighborhood or community conditions, or corrects a mistake or inconsistency in the comprehensive plan or land use zone map regarding the property which is the subject of the application; and*
5. *The amendment conforms to the Transportation Planning Rule provisions under Section 4.7.600.*

Planning Commission Findings:

- 1-2. See findings for the Statewide Planning Goals and the Baker City Comprehensive Plan beginning on page 12 of this report.
3. According to the applicant, *“The subject properties are currently served by City sewer and water, with extension of those services to future development available. City streets do*

not serve the properties in their current configuration, though the Baker City TSP does show a proposed future collector street planned on the properties (exact located undecided). Upon future development of the property, all required public facilities will be provided as required by the Baker City Development Code” (Exhibit D).

See findings for BCDC Section 4.7.600 and the ‘*Transportation*’ section of the Baker City Comprehensive Plan for additional information about the transportation network. See also findings for the ‘*Public Facility Plan*’ section of the Baker City Comprehensive Plan.

Oregon Administrative Rule Chapter 660 Division 12 implements Statewide Planning Goal 12 (Transportation). OAR 660-012-0005 (40) defines “Planning period” as the twenty-year period beginning with the date of adoption of a Transportation System Plan (TSP). Baker City’s Transportation System Plan was adopted in June 2013, and the planning period will end in 2033. The TSP has a Roadway and Intersection Improvement Plan outlining Baker City’s specific roadway and intersection improvement projects. Table 3-6 of the TSP lists a Planned Roadway Extension called the ‘Southeast Connector’, which includes constructing a new roadway connecting David Eccles Road (near Virginia Avenue) to US 30 (Elm Street). The reason for the project is to “*facilitate growth, mobility and connectivity in the southeast part of the city.*” This improvement is a longer-term project and no monies have been allocated for it at this time.

In Exhibit D the applicant states, “*The theoretical local and collector streets that could be developed if this zone change request is approved would provide through service between existing local (Colorado Avenue), collector (David Eccles), and arterial (Hwy 30) streets. Required public improvements to future streets, and David Eccles Road, specifically, would ensure that the existing collector and arterial streets surrounding/within the subject properties could handle added traffic generated by future residential development (see attached Trip Generation Letter for more detail).*”

At the Planning Commission hearing on December 20, 2023, the applicant testified that while water and sewer are available on the subject property, it is unlikely these would be extended by Baker City within the planning period. The applicant added that the bridge crossing the Powder River at Colorado Avenue is privately owned and maintained, and is not part of city infrastructure. The applicant clarified that the Colorado Avenue access is not proposed to be used by development that would result from the proposed rezone; the plan is to use the northern access via an existing easement and to pursue reinstating the public railroad crossing on the northeast corner of the property. The applicant stated that public rights-of-way are proposed to provide access to the subject property and in order to provide access that meets city standards, other landowners would be contacted to see if additional land could be obtained.

At the December 20, 2023 Planning Commission, Anita Boesch, who owns property to the south of the subject property, testified that the applicant does not have legal access to the northern bridge. At this same hearing, Arvid Anderson added that the southern bridge shouldn’t be used as it is a private access to the homeowners off of Colorado Avenue.

At the December 20, 2023 Planning Commission hearing, Baker City Public Works Director, Joyce Bornstedt, stated that Colorado Avenue is an unopened right-of-way from

David Eccles Road to the Powder River. She also added that David Eccles is an unpaved collector, which is adequate based on the street and is wide enough; however, future development could trigger improvements. She shared that she has concerns with any development happening on the property based on the public facilities in the area now. Director Bornstedt added that the proposed northeast access across the Union Pacific Railroad would have its challenges. She also clarified that the northern river crossing is a private access and there is no plan to construct the road connection from Virginia to Highway 30 as listed in the TSP.

The subject property and immediately surrounding area, including land west of the Powder River, were platted in May of 1890 as the Wilovale Addition (Exhibit S). The Wilovale Addition is approximately depicted in Exhibit T, where the subdivision plat has been overlaid onto an aerial photo using GIS mapping. This exhibit is meant only as an approximation, a survey would be required to definitively identify the lines and corners in the Wilovale Addition on the ground. City staff research indicates there are three platted right of ways that have not been vacated that provide potential access to the property. Because of the age of the subdivision, there could be additional documents City staff have not located yet that would affect these right of ways.

- The northernmost is at Elm Street. Elm Street is developed in the area of the property, but the railroad tracks separate the property from the street. The applicant proposes pursuing a public crossing across the railroad tracks in order to utilize Elm Street for access to the subject property, but as of today, there is not a public railroad crossing at Elm Street. There is a platted, undeveloped “stub” of Elm Street south of Indiana Street that runs south from developed Elm Street, across the railroad tracks, and into the subject property.
- The middle right of way is at Virginia Street. The status of Virginia Street in this area is complex. There is a private bridge shown on the aerial photo that appears to be south of the nearest platted right of way. Baker City obtained an easement from Stoddard Lumber Company on March 24, 1932 (deed book 132, page 349) that extends roughly 300 feet east of David Eccles Road. The overlay in Exhibit T gives an approximation showing access to the subject property may be possible within existing platted streets when combined with the easement obtained by Baker City in 1932. A survey may show this is not the actually case.
- The southernmost is at Colorado Avenue. Colorado Avenue is platted running east-west, and the Wilovale Addition plat shows Colorado Avenue crossing the Powder River and extending east. As previously noted in findings, the current bridge crossing the Powder River at or near platted Colorado Avenue is privately maintained and not part of the City’s public street infrastructure. Colorado Avenue transitions from paving to gravel between 2nd Street and David Eccles Road.

At a hearing on December 20, 2023, the Planning Commission found that the property and affected area is presently provided with adequate sewer and water utilities, based on testimony from the Public Works Director stating the existing utility lines have capacity to serve the subject property.

4. According to the applicant, *“This proposal has been formed based on the belief that a rezoning of this area from industrial to residential would benefit the Baker City community as a whole, as detailed further in findings on pages 12-13 and 25-30 of this application”* (Exhibit D).
5. See findings for BCDC Section 4.7.600 and the ‘*Transportation*’ section of the Baker City Comprehensive Plan for additional information about the transportation network.

Conclusion: Based on the findings above, the criteria for a quasi-judicial amendment **are/are not** met.

Section 4.7.400 Conditions of Approval for Quasi-Judicial Amendments. *A quasi-judicial decision may be for denial, approval, or approval with conditions; conditions shall be based on applicable regulations and factual evidence in the record. Legislative amendments may only be approved or denied.*

Section 4.7.500 Record of Amendments. *The City Recorder shall maintain a record of amendments to the text of this Code and the land use zone map in a format convenient for public use. This shall be located in Article 6.*

Planning Commission Findings: The Planning Commission may recommend conditions of approval, and the City Council can require conditions of approval, based on the applicable regulations and evidence in the record. If approved by the City Council, a record of the zone map and comprehensive plan map amendment will be included in Article 6 of the Baker City Development Code. See criteria under Article 6 below on page 13 and the accompanying table in Exhibit G.

Conclusion: Based on the findings above, the criteria **can** be met in accordance with all Conditions of Approval listed in Section VI or **are** met.

Section 4.7.600 – Transportation Planning Rule Compliance

A. Review of Applications for Effect on Transportation Facilities. *When a development application includes a proposed comprehensive plan amendment or land use zone change, the proposal shall be reviewed to determine whether it significantly affects a transportation facility, in accordance with Oregon Administrative Rule (OAR) 660-012-0060 (the Transportation Planning Rule – TPR) and the Traffic Impact Study provisions of Section 4.1.900. “Significant” means the proposal would:*

1. *Change the functional classification of an existing or planned transportation facility (exclusive of correction of map errors). This would occur, for example, when a proposal causes future traffic to exceed the levels associated with a “collector” street classification, requiring a change in the classification to an “arterial” street, as identified by the City’s Transportation System Plan (“TSP”); or*
2. *Change the standards implementing a functional classification system; or*

3. *Reduce the performance of an existing or planned transportation facility below the minimum acceptable performance standard identified in the City's Comprehensive Plan; or*
4. *Worsen the performance of an existing or planned transportation facility that is otherwise projected to perform below the minimum acceptable performance standard identified in the road authority's transportation system plan (TSP).*

Planning Commission Findings: The proposed revisions include amendments to the comprehensive plan and land use zoning. Regarding significance:

1. According to the applicant, *"No change in the functional classification of existing or planned transportation facilities is proposed. The Baker City TSP (page 35) shows a "Future Collector" in the area of the subject property. By definition in the TSP, Collector streets generally facilitate the movement of traffic within the city's urban areas. Collectors provide for circulation and mobility for all users of the system. Collectors carry lower volumes than arterials and typically have two-lane cross-sections with on-street parking. They serve as the primary routes into residential neighborhoods. Although they carry higher volumes than local streets, they are intended to provide direct access to adjacent land rather than serving through traffic. Based on this information, it seems that a collector would be more than adequate to serve a potential residential development of this size and would be accompanied by the development of additional local streets"* (Exhibit D).
2. According to the applicant, *"No change to the standards implementing a functional classification system is proposed"* (Exhibit D).
3. According to the applicant, *"At this time, no changes are proposed which would reduce the performance of an existing or planned transportation facility. The theoretical local and collector streets that could be developed if this zone change request is approved would provide through service between existing local (Colorado Avenue), collector (David Eccles), and arterial (Hwy 30) streets. Required public improvements to future streets, and David Eccles Road, specifically, would ensure that the existing collector and arterial streets surrounding/within the subject properties could handle added traffic generated by future residential development (see attached Trip Generation Letter for more detail)"* (Exhibit D).

No development is proposed at this time. The property is accessed from David Eccles Road via Colorado Avenue and another unnamed access point as shown by the applicant's map on page 20 of Exhibit D. A privately maintained bridge across the Powder River connects Colorado Avenue to this property. There are a number of undeveloped platted streets within the property. Existing land uses in the area include a mixture of commercial, industrial and residential uses (a railroad, landscaping and plant nursery, an automotive upholstery business and residences), and the existing transportation facility is considered adequate for those uses. The proposed zone change is not expected to have any effect on the capacity of abutting streets. The transportation impact of all uses allowed in the Industrial zone compared to the Residential zone is not projected to have a significant impact on transportation facilities.

4. According to the applicant, *“At this time, no changes are proposed which would worsen the performance of an existing or planned transportation facility. See findings for subsection (3) above”* (Exhibit D).

See findings for BCDC Section 4.1.900 and OAR 660-012-0060 below.

David W. Boyd, P.E., Region 5 Access Management Engineer with the Oregon Department of Transportation submitted the following comments: *“I have reviewed the Trip Generation Letter (Traffic Report) and concur with the conclusion that this Zone Change (ZC) will not create a Significant affect to the State highway system per Oregon Highway Plan, Policy 1F.5. Even though the Trip Generation Letter was not produced by an Oregon Registered Professional Engineer, I have verified the facts and conclusion and am satisfied with the conclusion. The one comment I would add is that they used the 7th edition of the ITE Trip Generation Manual verses the current 10th edition. This does not affect the conclusion of the Trip Generation Letter; the Industrial trips are lower in the 7th vs the 10th edition”* (Exhibit E).

Conclusion: Based on the findings above, the proposed revisions **do not** significantly affect a transportation facility and, therefore, the criteria **are not** applicable.

- B. **Amendments that Affect Transportation Facilities.** Except as provided in subsection C, amendments to the comprehensive plan and land use regulations which significantly affect a transportation facility shall...*
- C. **Exceptions.** Amendments to the Comprehensive Plan or land use regulations with a significant effect on a transportation facility...*

Planning Commission Findings: See findings for subsection A above.

Conclusion: Based on the findings above, the proposed revisions **do not** significantly affect a transportation facility and, therefore, **are not** applicable.

Section 4.1.900 – Traffic Impact Studies. *The purpose of this section of the code is to assist in determining which road authorities participate in land use decisions, and to implement Section 660-012-0045(2)(e) of the State Transportation Planning Rule that requires the City to adopt a process to apply conditions to development proposals in order to minimize impacts and protect transportation facilities. This Chapter establishes the standards for when a proposal must be reviewed for potential traffic impacts; when a Traffic Impact Study must be submitted with a development application in order to determine whether conditions are needed to minimize impacts to and protect transportation facilities; what must be in a Traffic Impact Study; and who is qualified to prepare the Study.*

- A. **When a Traffic Impact Study is Required.** The City or other road authority with jurisdiction may require a Traffic Impact Study (TIS) as part of an application for development, a change in use, or a change in access. A TIS may be required when a land use application involves one or more of the following actions:*

- 1. A change in zoning or a plan amendment designation;*

2. Any proposed development or land use action that a road authority states may have operations or safety concerns along its facility(ies);
3. An increase in site traffic volume generation by 300 Average Daily Trips (ADT) or more;
4. An anticipated increase in peak hour volume of a particular movement to and from the State or road authority highway by 20 percent or more; or
5. An increase in use of adjacent streets by vehicles exceeding 20,000-pound gross vehicle weights by 10 vehicles or more per day; or
6. The location of the access driveway does not meet the minimum sight distance requirements, or is located where vehicles entering or leaving the property are restricted, or such vehicles queue or hesitate on the State Highway, creating a safety hazard; or
7. A change in internal traffic patterns that may cause safety problems, such as back up onto a street or greater potential for traffic accidents.

B. Traffic Impact Study Preparation. A Traffic Impact Study shall be prepared by a professional engineer licensed in Oregon in accordance with the requirements of the road authority. If the road authority is the Oregon Department of Transportation (ODOT), consult ODOT's regional development review planner and OAR 734-051-180.

Planning Commission Findings: According to the applicant (Exhibit D), "The City of Baker City's standards for triggering a traffic impact analysis/study (TIA/TIS) clearly show that the intent of this requirement is to evaluate concrete development proposals for their effect on traffic, safety, and existing transportation systems. No concrete development proposal is included within this re-zone application and, as such, it seems most appropriate to require a TIA as part of a future development application when street layouts and lot configurations have been determined. The conceptual renderings included within the Trip Generation Letter (Attachment 7) are meant to give examples of maximum built-out capability. The conceptual renderings included within this written narrative for the re-zone application (page 34) are meant to provide an additional example of what future development of the properties could look like.

It should be emphasized that this re-zone decision will not grant any permissions or approvals to develop the lands as conceptually included in the application. Such development will require a separate land use application subsequent to the re-zoning, at which time both the Baker City Development Code and Oregon Administrative Rule will require a traffic impact analysis. Upon future development, all traffic impacts attributable to this development will be required to be mitigated as part of the project (e.g. railroad crossings, turn lanes, signal improvements, street and intersection improvements, etc.).

It is the position of this application that a Traffic Impact Study is not appropriate at this time. If this current re-zone application is approved, subsequent land use applications will be required prior to development of the subject properties. At that point in the future, a Traffic Impact Study would be most appropriate for a concrete development plan, and will be completed based on such a development plan. Please see the attached Trip Generation Letter for additional detail.

In evaluating criteria from Section 4.1.900(A)(1-7), listed above, it should be noted that even if one or more of the following criterion are true, discretion is given to the City or road authority on when to require a TIA.

1. A zone change is proposed.
2. No such comments relating to operational or safety concerns were received from the Baker City Public Works Department or the Oregon Department of Transportation. As all public rights-of-way have been designed so as to adhere to requirements within the Baker City Development Code, operational and safety concerns are not anticipated. Subsequent applications for development (if this re-zone application is approved) will allow for mitigation of any identified operational or safety concerns.
3. The requested zone change will not immediately increase site traffic volume; however, anticipated future development as depicted on page 34 could generate a minimum of ± 420 ADT. The figures included within this application narrative and Attachment 7 – Trip Generation Letter are estimates only, as a final development plan requires application and approval through a separate land use process. Please see attached Trip Generation Letter for more detail (Attachment 7).
4. Such increase is not anticipated, as estimated traffic counts for residential versus industrial uses show a decrease in ADT (Attachment 7 – Trip Generation Letter).
5. Heavy vehicle traffic is not anticipated in this area upon future development of the subject properties as established truck routes exist elsewhere in South Baker.
6. It is believed driveway access points would/could meet all sight distance requirements at the time of development. No development is proposed with this re-zone request.
7. Such safety problems are not anticipated, as all public rights-of-way have been designed so as to adhere to requirements within the Baker City Development Code.

See findings for OAR 660-012-0060 below.”

Conclusion: Based on the findings above, the Planning Commission finds that the proposal **will not** have a significant effect a transportation facility; therefore, the criteria **are not** applicable.

OREGON ADMINISTRATIVE RULES (OAR)

OAR 660-012-0060 – Plan and Land Use Regulation Amendments

1. If an amendment to a functional plan, an acknowledged comprehensive plan, or a land use regulation (including a zoning map) would significantly affect an existing or planned transportation facility, then the local government must put in place measures as provided in section (2) of this rule, unless the amendment is allowed under section (3), (9) or (10) of this rule. A plan or land use regulation amendment significantly affects a transportation facility if it would:

Planning Commission Findings: According to the applicant (Exhibit D), “It is the position of this application that no significant affect will come from the proposed re-zone, as detailed in the Traffic Generation Letter (Attachment 7).”

- a. Change the functional classification of an existing or planned transportation facility (exclusive of correction of map errors in an adopted plan);
- b. Change standards implementing a functional classification system; or

Planning Commission Findings: See findings for Section 4.7.600 above.

- c. *Result in any of the effects listed in paragraphs (A) through (C) of this subsection. If a local government is evaluating a performance standard based on projected levels of motor vehicle traffic, then the results must be based on projected conditions measured at the end of the planning period identified in the adopted TSP. As part of evaluating projected conditions, the amount of traffic projected to be generated within the area of the amendment may be reduced if the amendment includes an enforceable, ongoing requirement that would demonstrably limit traffic generation, including, but not limited to, transportation demand management. This reduction may diminish or completely eliminate the significant effect of the amendment.*
- A. *Types or levels of travel or access that are inconsistent with the functional classification of an existing or planned transportation facility;*

Planning Commission Findings: According to the applicant (Exhibit D), *“Not inconsistent with TSP. As the TSP does not show a definite plan for this area aside from the proposed future collector street, it seems the addition of a collector and several local streets through the proposed development would not be inconsistent with the TSP and projected future need for connectivity and access in this area.”*

According to the Functional Classification Plan in the Baker City Transportation System Plan (Figure 3-1), David Eccles Road is classified as a ‘Collector’ and Colorado Avenue is classified as a ‘Local’ street. See snippets of the referenced Baker City TSP section in Exhibit L. These streets do not currently meet the street designs for local or collector streets shown in Figures 3-2 to 3-4 of the Comprehensive Plan (see Exhibit L).

- B. *Degrade the performance of an existing or planned transportation facility such that it would not meet the performance standards identified in the TSP or comprehensive plan; or*

Planning Commission Findings: According to the applicant (Exhibit D), *“At this time, no changes are proposed which would reduce the performance of an existing or planned transportation facility. The theoretical local and collector streets that could be developed if this zone change request is approved would provide through service between existing local (Colorado Avenue), collector (David Eccles), and arterial (Hwy 30) streets. Required public improvements to future streets, and David Eccles Road, specifically, would ensure that the existing collector and arterial streets surrounding/within the subject properties could handle added traffic generated by future residential development (see attached Trip Generation Letter for more detail).”*

- C. *Degrade the performance of an existing or planned transportation facility that is otherwise projected to not meet the performance standards identified in the TSP or comprehensive plan.*

Planning Commission Findings: See also findings for BCDC Sections 4.7.600 and 4.1.900 above.

According to the applicant (Exhibit D), *“Same comment as above.”*

In regards to all of subsection 1, the applicant concludes, *“In summary, it is the position of this application that no significant affect is generated by this re-zone request. This is supported by findings in the Trip Generation Letter (Attachment 7)”* (Exhibit D).

David W. Boyd, P.E., Region 5 Access Management Engineer with the Oregon Department of Transportation submitted the following comments: *“I have reviewed the Trip Generation Letter (Traffic Report) and concur with the conclusion that this Zone Change (ZC) will not create a Significant affect to the State highway system per Oregon Highway Plan, Policy 1F.5. Even though the Trip Generation Letter was not produced by an Oregon Registered Professional Engineer, I have verified the facts and conclusion and am satisfied with the conclusion. The one comment I would add is that they used the 7th edition of the ITE Trip Generation Manual verses the current 10th edition. This does not affect the conclusion of the Trip Generation Letter; the Industrial trips are lower in the 7th vs the 10th edition”* (Exhibit E).

According to the Baker City Public Works Director, *“I don’t have any specific comments related to the rezone. I think the impact will need to be evaluated when/if a development plan is submitted for review”* (Exhibit F).

Conclusion: Based on the findings above, the Planning Commission finds that the proposal **will not** have a significant effect a transportation facility; therefore, the criteria **are not** applicable.

2. *If a local government determines that there would be a significant effect, then the local government must ensure that allowed land uses are consistent with the performance standards of the facility measure or projected at the end of the planning period identified in the adopted TSP through one or a combination of the remedies listed in subsections (a) through (e) below...*
3. *Notwithstanding sections (1) and (2) of this rule, a local government may approve an amendment that would significantly affect an existing transportation facility without ensuring that the allowed land uses are consistent with the performance standards of the facility where:*

Planning Commission Findings: According to the applicant (Exhibit D), *“In the event that a road authority disagrees with the finding of no significant affect outlined in the Trip Generation Letter (Attachment 7), the findings in subsection (a) to (d) below have been provided.”*

- a. *In the absence of the amendment, planned transportation facilities, improvements, and services as set forth in section (4) of this rule would not be adequate to achieve consistency with the performance standard for that facility by the end of the planning period identified in the adopted TSP;*

Planning Commission Findings: According to the applicant (Exhibit D), *“The requirement for future improvement of public streets within the a residential*

development on the subject properties is expected if this re-zone application is approved, as are potential improvements to undeveloped David Eccles. A multi-use path through the property is also proposed should a re-zone occur. Without a rezone and subsequent development of this area, future connection between David Eccles and Hwy 30 is unlikely within the planning period (2013-2033), as is installation of a multi-use path."

See findings for OAR 660-012-0060 section 1.c.C. above and the findings for the 'Transportation' section of the Baker City Comprehensive Plan below.

The Baker City Transportation System Plan (TSP) has a Roadway and Intersection Improvement Plan outlining Baker City's specific roadway and intersection improvement projects for 20 years (plan was written in 2013). Table 3-6 of the TSP lists a Planned Roadway Extension called the 'Southeast Connector', which includes constructing a new roadway connecting David Eccles Road (near Virginia Avenue) to US 30. The reason for the project is to *"facilitate growth, mobility and connectivity in the southeast part of the city."* This improvement is a longer-term project and no monies have been allocated for it at this time.

- b. Development resulting from the amendment will, at a minimum, mitigate the impacts of the amendment in a manner that avoids further degradation to the performance of the facility by the time of the development through one or a combination of transportation improvements or measures;*

Planning Commission Findings: According to the applicant (Exhibit D), *"Same findings as subsection (a) above. All streets within any future development would be designed and improved to City standards so as to accommodate anticipated traffic."*

See findings for OAR 660-012-0060 section 1.c.C. above and the findings for the 'Transportation' section of the Baker City Comprehensive Plan below.

The TSP has a Roadway and Intersection Improvement Plan outlining Baker City's specific roadway and intersection improvement projects for 20 years (plan was written in 2013). Table 3-6 of the TSP lists a Planned Roadway Extension called the 'Southeast Connector', which includes constructing a new roadway connecting David Eccles Road (near Virginia Avenue) to US 30. The reason for the project is to *"facilitate growth, mobility and connectivity in the southeast part of the city."* This improvement is a longer-term project and no monies have been allocated for it at this time.

- c. The amendment does not involve property located in an interchange area as defined in paragraph (4)(d)(C); and*

Planning Commission Findings: According to the applicant (Exhibit D), *"Properties are not in an interchange area."*

- d. For affected state highways, ODOT provides a written statement that the proposed funding and timing for the identified mitigation improvements or measures are, at a minimum, sufficient to avoid further degradation to the performance of the affected*

state highway. However, if a local government provides the appropriate ODOT regional office with written notice of a proposed amendment in a manner that provides ODOT reasonable opportunity to submit a written statement into the record of the local government proceeding, and ODOT does not provide a written statement, then the local government may proceed with applying subsections (a) through (c) of this section.

Planning Commission Findings: David W. Boyd, P.E., Region 5 Access Management Engineer with the Oregon Department of Transportation submitted the following comments: *“I have reviewed the Trip Generation Letter (Traffic Report) and concur with the conclusion that this Zone Change (ZC) will not create a Significant affect to the State highway system per Oregon Highway Plan, Policy 1F.5. Even though the Trip Generation Letter was not produced by an Oregon Registered Professional Engineer, I have verified the facts and conclusion and am satisfied with the conclusion. The one comment I would add is that they used the 7th edition of the ITE Trip Generation Manual verses the current 10th edition. This does not affect the conclusion of the Trip Generation Letter; the Industrial trips are lower in the 7th vs the 10th edition”* (Exhibit E).

4. *Determinations under sections (1)–(3) of this rule shall be coordinated with affected transportation facility and service providers and other affected local governments....*

Planning Commission Findings: See findings for subsection 1 above for the determination of whether the proposed rezone will significantly affect a transportation facility.

Conclusion: Based on the findings above, the proposed revisions **do not** significantly affect a transportation facility, therefore, these criteria **are not** applicable.

BAKER CITY DEVELOPMENT CODE (BCDC)

Article 6 – Map Amendments and Code Interpretations

Section 6.1.100 Purpose *The purpose of Article 6 is to create a place for filing land use zone /zoning map amendments made under Chapter 4.7, including Master Planned Developments overlays, and code interpretations made under Chapter 4.8, for reference by staff and applicants. This section of the code does not amend the procedures for completing land use district map and text amendments located in Chapter 4.7. Map amendments shall be located in this section in chronological order based on date of adoption.*

[Reserved for land use district/zoning amendments and code interpretation decisions.]

Planning Commission Findings: If approved, the proposed map amendment will be added to Chapter 6.1 as demonstrated by the table in Exhibit G.

Conclusion: Based on the findings above, the criteria **are** satisfied.

STATEWIDE PLANNING GOALS

GOAL 1: CITIZEN INVOLVEMENT – To develop a citizen involvement program that insures the opportunity for citizens to be involved in all phases of the planning process.

Refer to “Public Involvement and Procedures for Planning” in the Baker City Comprehensive Plan

GOAL 2: LAND USE PLANNING – To establish a land use planning process and policy framework as a basis for all decisions and actions related to use of land and to assure an adequate factual base for such decisions and actions.

Refer to “Public Involvement and Procedures for Planning” in the Baker City Comprehensive Plan

GOAL 3: AGRICULTURAL LANDS – To preserve and maintain agricultural lands.

Refer to “Land Suitability” and “Urbanization” in the Baker City Comprehensive Plan

GOAL 4: FOREST LANDS – To conserve forest lands by maintaining the forest land base and to protect the state’s forest economy by making possible economically efficient forest practices that assure the continuous growing and harvesting of forest tree species as the leading use on forest land consistent with sound management of soil, air, water, and fish and wildlife resources and to provide for recreational opportunities and agriculture

Not applicable and not addressed in the Baker City Comprehensive Plan

GOAL 5: NATURAL RESOURCES, SCENIC AND HISTORIC AREAS, AND OPEN SPACES – To protect natural resources and conserve scenic and historic areas and open spaces.

Refer to Public Facilities and Services - “Parks & Recreation,” “Existing Natural Features and Land Use”, “Land Suitability,” and “Historic Preservation” in the Baker City Comprehensive Plan

GOAL 6: AIR, WATER AND LAND RESOURCES QUALITY – To maintain and improve the quality of the air, water and land resources of the state.

Refer to “Existing Natural Features and Land Use”, Public Facilities and Services – “Sewer System”, “Solid Waste Disposal,” and “Domestic Water” in the Baker City Comprehensive Plan

GOAL 7: AREAS SUBJECT TO NATURAL HAZARDS – To protect people and property from natural hazards.

Refer to “Existing Natural Features and Land Use” in the Baker City Comprehensive Plan

GOAL 8: RECREATIONAL NEEDS – To satisfy the recreational needs of the citizens of the state and visitors and, where appropriate, to provide for the siting of necessary recreational facilities including destination resorts.

Refer to Public Facilities and Services – “Parks & Recreation” in the Baker City Comprehensive Plan

GOAL 9: *ECONOMIC DEVELOPMENT* - *To provide adequate opportunities throughout the state for a variety of economic activities vital to the health, welfare, and prosperity of Oregon's citizens.*

Refer to “Economic Element” in the Baker City Comprehensive Plan

GOAL 10: *HOUSING*– *To provide for the housing needs of citizens of the state.*

Refer to “Housing” in the Baker City Comprehensive Plan

GOAL 11: *PUBLIC FACILITIES AND SERVICES*– *To plan and develop a timely, orderly and efficient arrangement of public facilities and services to serve as a framework for urban and rural development.*

Refer to “Public Facilities and Services” in the Baker City Comprehensive Plan

GOAL 12: *TRANSPORTATION* – *To provide and encourage a safe, convenient and economic transportation system.*

Refer to Public Facilities and Services – “Transportation” in the Baker City Comprehensive Plan

GOAL 13: *ENERGY CONSERVATION* - *To conserve energy.*

Refer to “Public Facilities and Services”, “Existing Natural Features and Land Use”, “Urbanization”, and “Economic Element” in the Baker City Comprehensive Plan

GOAL 14: *URBANIZATION* - *To provide for an orderly and efficient transition from rural to urban land use, to accommodate urban population and urban employment inside urban growth boundaries, to ensure efficient use of land, and to provide for livable communities.*

Refer to “Urbanization” in the Baker City Comprehensive Plan

Planning Commission Findings: While slight differences in phrasing exist in Goals 5, 7, 9, and 14, the Baker City Comprehensive Plan Goals 1-14 mirror the intent of Oregon Statewide Planning Goals 1-14. Please see findings for Baker City Comprehensive Plan Goals 1-14, beginning on page 15.

Conclusion: Based on the findings above, the intent of Goals 1-14 of the Baker City Comprehensive Plan **are** satisfied.

GOALS 15-19

Planning Commission Findings: These Statewide Planning Goals are not applicable as

Baker City is not located within the Willamette River Greenway nor within or adjacent to any coastal or estuarine resources.

Conclusion: Based on the findings above, Goals 15 to 19 **are not** applicable to the proposed revisions.

THE BAKER CITY COMPREHENSIVE PLAN

PUBLIC INVOLVEMENT AND PROCEDURES FOR PLANNING – To provide for public involvement at all stages of planning decisions and to establish procedures for changing the plan and making related policies. [Implements Statewide Planning Goal 1 – Citizen Involvement and Planning Goal 2 – Land Use Planning]

Planning Commission Findings: Applicable policies from the Baker City Comprehensive Plan were identified (gray highlighted text) and satisfied as follows:

1. *The City will make all reasonable efforts to publicize planning issues and meetings where these issues will be discussed and decided upon.*

A mailed notice was sent to all property owners within 100 feet of the subject property (at the address listed in the Assessor's records on November 27, 2023) and affected agencies on November 30, 2023, explaining the rezone proposal and how these changes may impact their properties. Public notice of the proposed revisions and scheduled public hearings was published in the December 5, 2023 edition of the Baker City Herald. A sign with information about the proposed change and hearings was posted at the property on December 6, 2023. Information regarding the public hearing and meeting materials was shared online via the official Baker City website (<http://bakercity.com/2293/Meeting-Materials-Webcasts>).

Moving forward, the City Council will hold at least two public hearings on this proposal, consistent with the City's acknowledged procedures for quasi-judicial amendments in the Baker City Development Code. These hearings will provide an opportunity for citizens to be involved in the proposed revisions and adoption process and to provide input to decision makers. The first public hearing with the Planning Commission was held on Wednesday, December 20, 2023, which was continued to Wednesday, January 8, 2024. The first City Council hearing is tentatively scheduled for Tuesday, January 23, 2024, a second hearing scheduled for February 13, 2024 and a third hearing on February 27, 2024, if necessary.

2. *Persons or firms making proposals or applications for land use decisions that may have an affect on neighbors or the general public will be expected to provide descriptive materials and information adequate for the determination being made.*

All application materials and information provided by the property owner for this rezone request are available for public review at or from the Baker City-County Planning Department and are attached as exhibits to this report.

According to the applicant (Exhibit D), *“The required application form and supporting materials were submitted to the Planning Department and are available for public review.”*

3. *The Planning Commission will continue to undertake efforts to involve and inform the public of planning issues.*

See findings relating to public noticing under Policy 1 above.

4. *In instances where public hearings are required, relative to this plan, the Planning Commission and City Council will follow procedures established in the City's zoning ordinance. These bodies are responsible for considering the affects of a decision on the entire community and should not be swayed unduly by the number of persons testifying for or against a particular course of action.*

The criteria this application must meet are included in the Baker City Development Code, and findings for the criteria will be included in the final decision. The Planning Commission will make a recommendation to City Council on the proposed revisions. City Council will make the final decision to approve, modify or deny all or part of the proposed revision..”

5. *Planning decisions generally, and amendments to this plan particularly, will be consistent with the state planning goals.*

This staff report has been written to determine consistency with Statewide Planning Goals, which are addressed in this report.

6. *Planning related decisions of the City will be in accord with the policies of the Comprehensive Plan.*

This staff report has been written to determine consistency with the Baker City Comprehensive Plan. See findings beginning on page 16.

7. *The City will maintain and regularly update information and maps used as a basis for making planning decisions.*

The Baker City Comprehensive Plan Map and Zone Map are proposed to be updated to reflect new information. If this rezone request is approved, the Comprehensive Plan and Zone Maps will be updated accordingly as depicted in Exhibits B and C.

According to the applicant (Exhibit D), *“The information in the Housing chapter of the Comprehensive Plan was recently updated in 2021. Other chapters have not been recently updated. The frequently referenced Land Suitability Map has not been revised since its creation in 1979. Zoning Maps were last revised in 2020.”*

8. *The Comprehensive Plan will be thoroughly reviewed...*
9. *Changes to the Comprehensive Plan may be made at any time. Proposals for change may be initiated by the City Council, Planning Commission, City staff or citizens. Once a proposal is made, the following procedures will be followed:*

- a. *It must be demonstrated that the following conditions exist, when applicable:*
- i. *There is a mistake or omission in the plan;*
 - ii. *There is not an adequate amount of land designated as suitable for specific uses by the Plan;*
 - iii. *If a particular area is proposed for a change in designation, it must be demonstrated that the proposed use is more suitable in the area than the existing use;*
 - iv. *It must be demonstrated that public facilities will be used efficiently and that no unnecessary tax burden will fall upon the general public or nearby landowners;*
 - v. *The effects on the area surrounding a proposed change will not be reasonably harmful or incompatible; and*
 - vi. *The proposed policy or land use change is consistent with the state planning goals.*

The proposed revision to the Baker City Comprehensive Plan Map was initiated by the property owner.

- i. The proposed rezone is not to correct a mistake or omission in the Comprehensive Plan.

According to the 2020 Baker City Buildable Lands Inventory (BLI), *“There is a total of 615 acres of developable land across residential designations within the Baker City UGB... The majority of this land is in the R-LD zone (503 acres) although there also is buildable land in the R-MD and R-HD designations (about 91 and 21 acres, respectively). A significant portion of the City’s inventory is impacted by steep slopes, particularly in the RLD zone. The portions of individual properties subject to steep slopes have been deducted from the total developable acreage. In some cases, the viability of developing lesser-sloped portions of these properties may be diminished due to the presence of steep slopes elsewhere on the site. However, the assumed densities in this analysis are low enough that further take-outs of constrained land are not necessary – developers on these properties could achieve the same number of units by clustering smaller lots away from steep slopes. Floodplains are also a significant constraint in the city, particularly at the northern edge of the UGB. Acreage impacted by the floodplain has been removed from this inventory.”*

TABLE 3. DEVELOPMENT CAPACITY BY ZONE

Zone		Vacant	Partially Vacant	Developed	Committed/ Constrained	Total
R-LD (3.25 du/ac)	Tax Lots	69	101	311	41	522
	Unconstrained Acres	166.2	337.5	0	0	503.7
	Units	540	1096	0	0	1637
R-MD (5.4 du/ac)	Tax Lots	193	86	1,407	69	1,755
	Unconstrained Acres	33.3	58.0	0	0	91.3
	Units	179	313	0	0	493
R-HD (15 du/ac)	Tax Lots	107	23	1,912	96	2,138
	Unconstrained Acres	4.9	16.0	0	0	20.9
	Units	73	240	0	0	313
Total	Tax Lots	369	210	3,630	206	4,415
	Unconstrained Acres	204.4	411.5	0	0	615.9
	Units	792	1,649	0	0	2,443

The 2020 Baker City Housing Needs Analysis (HNA) provided a summary based on the data determined in the BLI as follows:

FIGURE 6.1: ESTIMATED BUILDABLE LANDS CAPACITY BY ACREAGE AND NO. OF UNITS (2020)

ZONING	Typical Housing Types*	Unconstrained Acres				Unit Capacity	
		Vacant	Part. Vac.	Redev.	Total	Units	Share
R-LD (Low-Density)	Single-family detached; Duplex	166.2	337.5	0.0	503.7	1,637	67%
R-M D (Medium-Density)	SF attached; Mobile home; 2-4 plexes	33.3	58.0	0.0	91.3	493	20%
R-HD (High-Density)	Multi-family apartments	4.9	16.0	0.0	20.9	313	13%
TOTALS:		204.4	411.5	0.0	616	2,443	100%

* The housing types listed are not exclusive. Residential zones will experience development of a range of allowed types.

Source: Angelo Planning Group

The HNA goes on to provide a comparison of housing need and capacity stating, “There is a total forecasted need for roughly 235 units over the next 20 years based on the forecasted growth rate (457 units in the alternative forecast). This is well below the estimated total capacity of 2,443 units. Figure 6.3 below represents a comparison of the BLI capacity for new housing units, compared to the estimate for new unit need by 2040. It breaks down need by general zoning category (LDR, MDR, HDR).

- The results find ample remaining capacity for housing of all types, with the greatest estimated surplus in the R-LD zone, and the smallest estimated surplus in the R-HD zone.

- Under the Baseline Forecast, the projected number of new units can be absorbed, while leaving over 550 acres undeveloped. Under the alternative forecast there would be a total of 500 additional acres.
- Under recently adopted state rules (UB2001, 2019), cities over 10,000 people will be required to allow for additional housing types in low-density residential zones. This includes duplex units for “medium cities” (10k to 25k population). “Large cities” (over 25k population) will allow attached single-family homes (townhomes), duplex-to-fourplex, and compact small-unit “cottage cluster” developments in low-density zones.”

FIGURE 6.3: COMPARISON OF FORECASTED FUTURE LAND NEED (2040) WITH AVAILABLE CAPACITY

					BASELINE FORECAST			ALTERNATIVE FORECAST		
WITHIN CITY LIMITS		SUPPLY			DEMAND (2040)			DEMAND (2040)		
Zone & Plan Category	Typical Housing Type	Buildable Land Inventory (Total)			Growth Rate (0%)			Growth Rate (0%)		
		Developable Acres	Unit Capacity	Avg. Density (units/ac)	New Unit Need	Surplus or (Deficit)		New Unit Need	Surplus or (Deficit)	
						Units	Acres		Units	Acres
R-L D (Low-Density)	Single-family detached; Some SF attached & plex	503.7	1,637	3.2	137	1,500	462	332	1,305	402
R-M D (Medium-Density)	SF attached; Manufact. home; 2-4 plexes	91.3	493	5.4	45	448	83	48	445	82
R-HD (High-Density)	Multi-family apartments	20.9	313	15.0	52	261	17	78	235	16
TOTALS:		615.9	2,443	4.0	234	2,209	562	458	1,985	500

Sources: Angelo Planning Group, Johnson Economics

- ii. According to the applicant, “A change in zoning designation is proposed for the area identified in Attachment 2 from General Industrial to Residential Low Density. Please see detailed findings under the Land Suitability chapter on pages 25-30 of this narrative” (Exhibit D).
- iii. The northern portion of the subject properties are served by public facilities. Additional public facilities are not requested with this application, nor are changes proposed to the existing public facilities in the area. The subject property is bordered by commercial, industrial and residential zoning. No tax burden is anticipated for the general public or nearby landowners.

According to the applicant, “There are no anticipated changes to the current use of public facilities. If approved, adequate public utilities will be extended to serve future development. No new tax burden is anticipated. Please see detailed findings under the Public Facility Plan chapter on pages 16-18 of this narrative” (Exhibit D).

At the Planning Commission hearing on December 20, 2023, Tony Constantine and Kevin Woodworth testified that rezoning the subject property to residential would impede other industrial uses coming into the area because of the concern of having more residences in the area.

- iv. The proposed rezone will affect multiple properties under a common ownership. The existing and allowed uses on surrounding properties will not change. The subject property is located in an area where three different zones exist on directly

adjacent properties. If approved, the subject property will be rezoned to Residential-Low Density (R-LD).

According to the applicant (Exhibit D), *“The table below summarizes the anticipated impacts of the proposed rezone on multiple fronts:*

	Positive Impacts	Negative Impacts
Surrounding Residential Areas	- Decrease industrial zoning and potential for industrial development in the area - River restoration - Create opportunity for a park and extensions of Leo Adler Pathway - Potential improvement to area streets - Redevelopment acts as a “gateway” for further development and extensions of city services to the RLD-zoned lands to the south	- Development of vacant land - Increased traffic
Surrounding Industrial Areas	- Master-planned development on property could accommodate multiple uses and easily tie into existing industrial zoning/uses to the north with “use buffers” - Highway 30 and Powder River provides natural buffering between subject property and adjacent tracts - Industrial land to the southeast is developed with single-family dwellings (west of Hwy 30) - RR is existing and logical barrier between land uses	- Potential for increased “rub” between existing industrial uses and future residential development
Powder River	- River restoration - Replace potential for industrial use development with residential development along river = less possibility of contamination	

Community as a Whole	- Improved viewshed when viewed from the south, I-84 or Hwy 30 - Improve setting for future extension of Leo Adler Pathway - Increased potential for additional connection between Hwy 30 and Hwy 7 - River restoration	- Potential for increased “rub” between existing industrial uses and future residential development - Creation of “islands” of industrial zoning
Property Owners Included within Request	- River restoration - Improved viewshed - Improved access to this area of the City and existing development	- Development of vacant land - Increased traffic

“For the purposes of this section, mitigation of potential negative impacts of the proposal is reviewed in detail below. Potential positive impacts are reviewed elsewhere in this narrative (pages 3-36)” (Exhibit D).

	Negative Impacts	Comments/Mitigation
Surrounding Residential Areas	- Development of vacant land - Increased traffic	- Development of vacant land is inevitable but can be done thoughtfully and would include development of future streets to city standards to accommodate expected traffic
Surrounding Industrial Areas	- Potential for increased “rub” between existing industrial uses and future residential development	- Powder River provides natural buffer between potential residences and existing industrial uses to the north and west - Industrial land to the southeast is developed with single-family dwellings (west of Hwy 30) - UPRR and Hwy 30 provided developed buffer between potential residences and existing industrial uses - Future CCRs (recorded with deeds) can detail proximity development allowances to industrially-zoned land and industrial uses
Community as a Whole	- Potential for increased “rub” between existing industrial uses and future residential development	- Future CCRs (recorded with deeds) can detail proximity development allowances to industrially-zoned land and industrial uses - Potential “island” consists of 5 lots on the east side of Hwy 30, adjacent to commercial zoning (which would be

	- Creation of "islands of industrial zoning	separated from potential housing by Hwy 30 and UPRR) and existing single-family dwellings on industrially-zoned lots to the southeast (two in total)
Property Owners Included within Request	- Development of vacant land - Increased traffic	- Development of vacant land is inevitable but can be done thoughtfully and would include development of future streets to city standards to accommodate expected traffic

v. According to the applicant, *"The application narrative has been written to determine consistency with the Statewide Planning Goals, findings for which can be found in findings for the Comprehensive Plan and other statewide planning goals beginning on page 10 of this report"* (Exhibit D). This report has been written to determine consistency with the Statewide Planning Goals.

b. The City will attempt to gain media coverage of the issues and public notice of the proposed change will be advertised.

See findings relating to public noticing efforts above. Notification of the proposed revision was published in the Baker City Herald on December 5, 2023, and a sign was posted at the property on December 6, 2023. A second notice was published in the Baker City Herald on December 26, 2023. Information regarding the application and associated public hearing was shared online via the official Baker City website (<http://bakercity.com/2293/Meeting-Materials-Webcasts>).

c. Affected public agencies will be informed and asked for a response to the proposed change.

The Planning Department sent notice of the proposed change to affected public agencies via email on November 30, 2023, requesting comments from the Baker City Public Works, Fire and Building Departments, along with Oregon Trail Electric Cooperative, Cascade Natural Gas and Century Link. All written comments received at the time this report was written are attached as exhibits to this report.

d. The proposed change will be submitted to the LCDC for comment (if required by state law).

Notice was provided to DLCD (staff to LCDC) through the online Post-Acknowledgement Plan Amendment (PAPA) portal on November 13, 2023.

e. Recommendations will be forwarded by the Planning Commission to the City Council where changes will be considered according to ordinance adoption procedures.

The recommendation from the Baker City Planning Commission will be forwarded to City Council in the form of this staff report in accordance with ordinance adoption procedures.

f. Any measures necessary to implement the change will be initiated as soon as practicable.

If approved, any revisions to the Baker City Comprehensive Plan or Zoning Maps will take effect 30 days after adoption by City Council, as is standard.

10. Amendments to the Comprehensive Plan which involve an exception to the statewide goals shall comply with all requirements of ORS 197.732.

The proposed revisions do not involve an exception to statewide planning goals.

Conclusion: Based on the findings above, the intent of Goals 1 and 2 **are** satisfied.

FIRE PROTECTION – *To protect the community’s citizens and property from loss due to fire by a program of inspection, direction in methods of prevention, and swift suppression of any fire outbreak. [Implements Statewide Planning Goal 11 – Public Facilities and Services]*

Policy #1: In order to provide the best possible service to the community, a conscientious and studied evaluation of the department’s operation and facilities shall be made regularly, with particular attention paid to demands incurred by growth.

Policy #2: Adequate facilities are required for combating fires and housing both men and equipment; these facilities shall be provided by the City as needed.

Planning Commission Findings: According to the applicant, “Findings within this section of the Comprehensive Plan note: 1. Unless present city boundaries are significantly expanded, response time from a single, centrally-located station house will remain within acceptable limits. No changes to the city limit boundaries are proposed. Additional demands on fire protection services are expected upon future development of the land included within this request. These demands can be mitigated through existing City water infrastructure and City right-of-way development on the subject properties (see Attachment 2) and in the general area, as well as requirements for the installation of City water infrastructure upon future development” (Exhibit D).

Conclusion: Based on the findings above, the portion of Goal 11 implemented by this section is satisfied.

PARKS & RECREATION – *To maintain present park and recreation areas and provide for the varied and growing needs of the City’s residents and its visitors. [Implements Statewide Planning Goal 5 – Natural Resources, Scenic and Historic Areas, and Open Spaces & Planning Goal 8 – Recreational Needs]*

Planning Commission Findings: No policies within the Baker City Comprehensive Plan’s Parks and Recreation chapter were identified to directly apply to or conflict with the proposed revision.

According to the applicant, “No policies within the Parks & Recreation chapter were determined to be applicable to this proposal; however, findings within this section of the Comprehensive

Plan note: 5. ...a city-wide planning survey taken in the summer of 1977 found that 63% of the respondents felt present facilities were adequate. A respectable minority of some 22%, however, did express the desire to develop an additional park...

Additionally, according to the Baker City Parks Master Plan (2015), extension of a multi-use path in this area is listed as a Proposed Future Development (pg. 38) as part of the Leo Adler Pathway. This is mirrored in the Baker City Transportation Systems Plan, an excerpt of which is included on page 21 of this narrative.

If approved, the lands included within this request could include a park, extension of the Leo Adler Memorial Parkway and/or designation of identified wetlands as reserve space (see draft Master Planned Development rendering on page 34)” (Exhibit D).

Conclusion: Based on the findings above, the intent of Goal 8 **is** satisfied.

POLICE PROTECTION – *To protect the community’s residents and their property through a program of citizen awareness and enforcement of local and state laws. [Implements Statewide Planning Goal 11 – Public Facilities and Services]*

Policy #1: In order to provide the best possible service to the community, a conscientious and studied evaluation of the department’s operation and facility needs shall be made regularly, with particular attention paid to new demands caused by growth, state directives or local consolidation efforts.

Planning Commission Findings: According to the applicant, “*The lands included within this request are undeveloped and are plagued with continual trespassing issues. If rezoned, the area can be developed with a network of City streets, providing better access and visibility for police services. It is assumed that industrial development under the current zoning would require larger lots and therefore the opportunity for fewer streets, leading to lower visibility for police services. Additionally, the opportunity for future development of residences in the area would provide occupied structures (dwellings), as opposed to industrial developments which are generally left unattended outside of operating hours*” (Exhibit D).

Conclusion: Based on the findings above, the portion of Goal 11 implemented by this section **is** satisfied.

SCHOOLS – *To assure suitable siting for the City’s public schools appropriate to the policies established in the plan. [Implements Statewide Planning Goal 11 – Public Facilities and Services]*

Planning Commission Findings: According to the applicant, “*No policies within the Schools chapter were determined to be applicable to this proposal*” (Exhibit D).

Conclusion: Based on the findings above, the portion of Goal 11 implemented by this section **is** satisfied.

PUBLIC FACILITY PLAN – *1. To assure urban development is guided and supported by types and levels of urban facilities and services appropriate for the needs and requirements of the community. 2. To*

assure that facilities and services are provided in a timely, orderly and efficient arrangement. 3. To provide a framework for urban and rural development within the City's urban growth boundary (UGB) by establishing appropriate levels of service for development within the UGB. [Implements Statewide Planning Goal 11 – Public Facilities and Services]

Policy #1: The City of Baker City shall insure the provision of urban services (water, sewer and storm drainage and transportation infrastructure) to residential, commercial and industrial lands within the City's Urban Growth Area.

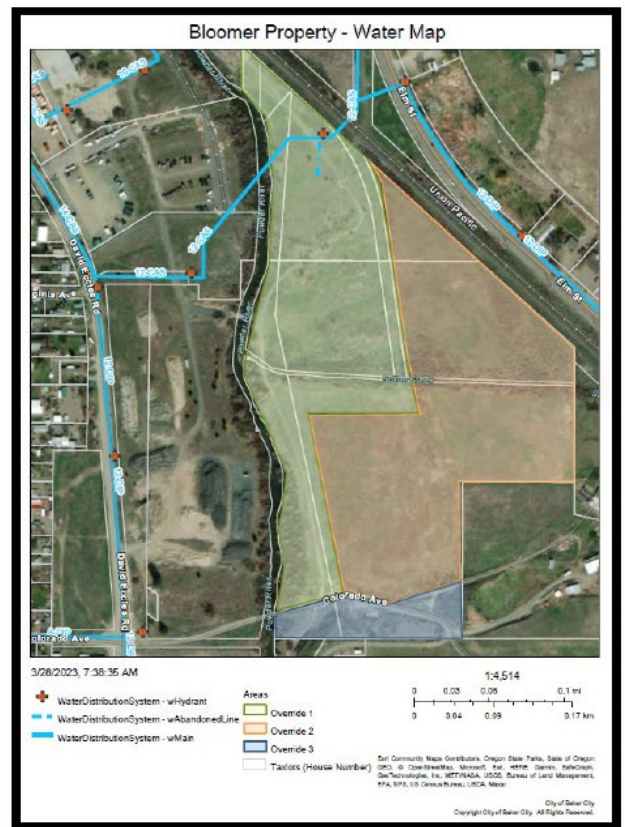
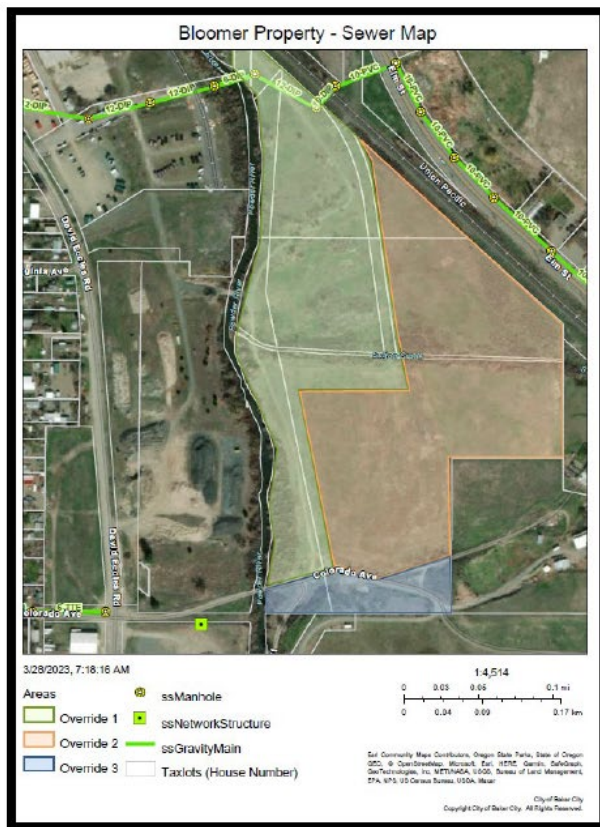
Policy #4: The City will require that all urban level development in the City and urbanizable areas of the urban growth boundary be served with full urban services.

Policy #7: The City shall only support development that is compatible with City's ability to provide adequate public facilities and services.

Policy #8: The City may prioritize the extension of water, sewer and transportation infrastructure within the UGB and will include a list of improvements needed to serve growth needs in the comprehensive plan.

Policy #17: The City shall maintain an eight-year supply of commercial and industrial land that is serviceable by water, sewer, and transportation infrastructure.

Planning Commission Findings: According to the applicant, *"The ability to serve the properties included within this rezone request with City streets, sewer and water exists, as mainline connection is available in the northern portion of the area under review (see maps below)"* (Exhibit D).



The applicant also states, “Currently, the continued development of properties/residences to the south requires well and septic installation by individual property owners. If rezoned, development of the area under review would bring City sewer and water further south, allowing for simple connection to City services by existing and future homes located to the south of the subject properties.”

“No new uses are proposed with this rezone request and no changes to the city limits boundaries are proposed.”

“In relation to Policy (17) listed above, review of the Baker City Zoning Map reveals that the City has several areas of vacant, industrially-zoned land (see Baker City Zoning Map below). This is supported by the 2021 Buildable Lands Inventory completed for Baker City, which notes there is a surplus of vacant, industrially-zoned land in the City. A review of the development potential of many of these sites for industrial use is included on pages 27-29 of this narrative. In summary, removal of the area under review from industrial zoning will not negatively impact future industrial development in Baker City, as the area under review is not considered “development ready” (as other sites are) due to undeveloped access and lack of City sewer and water. As noted in the Land Suitability findings (pages 25-30 of this narrative), the area under review was zoned industrial many decades ago when site conditions were different. Current community needs and conditions suggest this area would be better suited to other uses, as detailed in this application” (Exhibit D).

Based on information from the Baker City Public Works Director and Baker City Public Works GIS data, there is a 12” cast iron water mainline providing connection from David Eccles Road to Hwy 30 (Exhibit F). This mainline crosses the northern portion of the subject properties and connects to the one hydrant currently located on the subject properties (see maps above). This

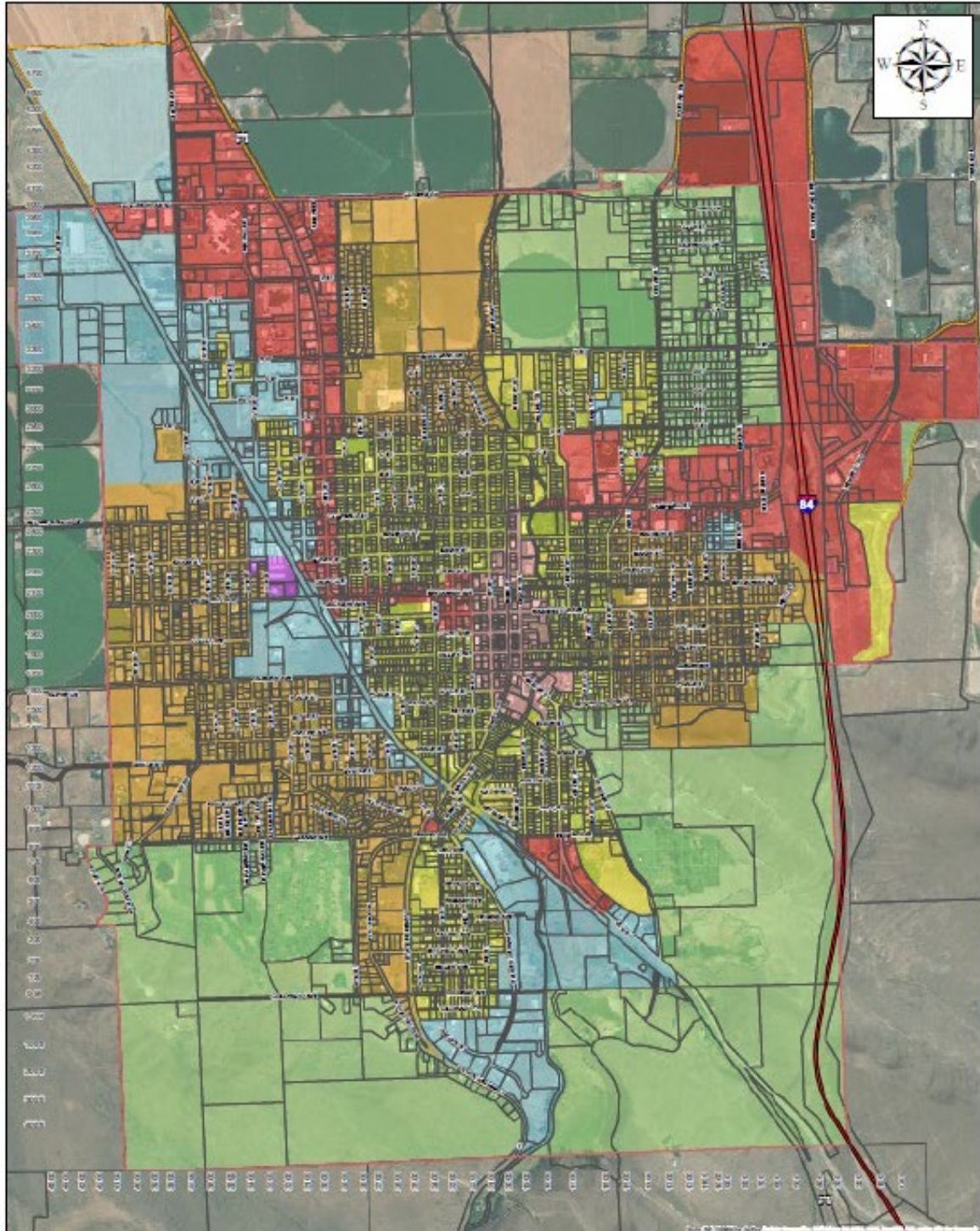
mainline is located beneath the Powder River north of the existing northernmost bridge (Exhibit F).

According to information from the Baker City Public Works Department, the subject property currently accesses a 6" transitioning to a 10" ductile iron wastewater mainline (Exhibit F). This access is located north of the water mainline as shown by the maps above.

Stormwater mainlines do not currently exist on the property but a 12" stormwater mainline is located within a portion of the Highway 30 right-of-way to the east of the subject properties as demonstrated by the stormwater map included as Exhibit J.

See findings under the "*Transportation*" section of the Comprehensive Plan for information related to the transportation system below.

BAKER CITY - LAND USE ZONING

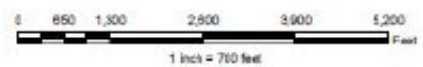


Legend

Zoning

- | | | |
|--------------------------|-----------------------------------|-----------------------|
| Central Commercial (C-C) | Light Industrial (L-I) | Tax Lots |
| General Commercial (C-G) | Low Density Residential (R-LD) | Baker City Limits |
| General Industrial (I) | Medium Density Residential (R-MD) | Urban Growth Boundary |
| | High Density Residential (R-HD) | |

Includes zoning revision through Ordinance No. 3380 - Effective October 9th, 2020
Created by: Baker City Planning Commission, 2020. All rights reserved. Baker City Planning Commission



NOTE
 This map was created from imprecise
 source information, subject to change,
 and is intended for
PLANNING PURPOSES ONLY

At the Planning Commission hearing on December 20, 2023, the Baker City Public Works Director testified that based on calculations the public utilities (water and sewer) have capacity to serve future development on the subject property.

See findings for BCDC Section 4.7.300.B.3 above.

Conclusion: Based on the findings above, the portion of Goal 11 implemented by this section is satisfied.

SEWER SYSTEM – *To efficiently provide developed areas of the City with storm and sanitary sewer adequate for the proper maintenance of health, safety and public convenience. [Implements Statewide Planning Goal 6 – Air, Water and Land Resources Quality and Goal 11 – Public Facilities and Services]*

Policy #5: The City will require all urban-level development to connect to the sanitary sewer system and will encourage the incremental extension of sewer service.

Policy #9: The City shall strive toward eventually servicing all urban level development within the city limits with sanitary sewer.

Planning Commission Findings: According to the applicant, “According to the Comprehensive Plan, urban development is defined as: “Residential development that individually or in the aggregate yields a density equal or greater than one dwelling per 2 acres...”. As such, existing homes on lands in the area are not considered urban development; however, based on the size and current zoning of said parcels (R-LD), the potential for future urban development exists. The ability to extend City streets, sewer and water to the properties included in this request is possible (as noted on page 17 of this narrative), as is the potential to allow connection of those services to existing/future residential development to the south” (Exhibit D).

See findings for the ‘Public Facility Plan’ section of the Baker City Comprehensive Plan beginning on page 25.

Conclusion: Based on the findings above, the portions of Goals 6 and 11 implemented by this section are satisfied.

SOLID WASTE DISPOSAL – *To assure a clean, healthful environment for Baker City residents, specifically through provision of fair and efficient disposal of solid wastes accumulating within the city. [Implements Statewide Planning Goal 6 – Air, Water and Land Resources Quality and Goal 11 – Public Facilities and Services]*

Planning Commission Findings: According to the applicant, “No policies within the Solid Waste Disposal chapter were determined to be applicable to this proposal. It is assumed that solid waste service could be provided to the areas included with this request, regardless of zoning” (Exhibit D).

See findings for the ‘Public Facility Plan’ section of the Baker City Comprehensive Plan

beginning on page 25.

Conclusion: Based on the findings above, the portions of Goals 6 and 11 implemented by this section **are** satisfied.

TRANSPORTATION – *To provide a safe, efficient and convenient transportation system realizing maximum mobility for the community’s citizens. [Implements Statewide Planning Goal 12 – Transportation]*

Policy #2: The City shall determine street status designation on a continuing basis.

Policy #3: Street construction standards, signaling, signing, and all services (for example, sweeping and snow removal) shall correspond with these designations and be appropriate to the particular street’s design and use.

Policy #5: The City will strive to facilitate variety and adequacy of the transportation services available to the community.

Policy #6: The City shall repair, construct new, and generally upgrade its streets to the greatest extent possible recognizing monetary constraints.

Policy #9: Bike lanes shall be provided as designated by the Bicycle Network Plan to make bicycling safe, enjoyable and an efficient alternative to local motorized transport. Potential recreational use shall be considered as well, particularly in designating routes inappropriate for motor vehicle traffic.

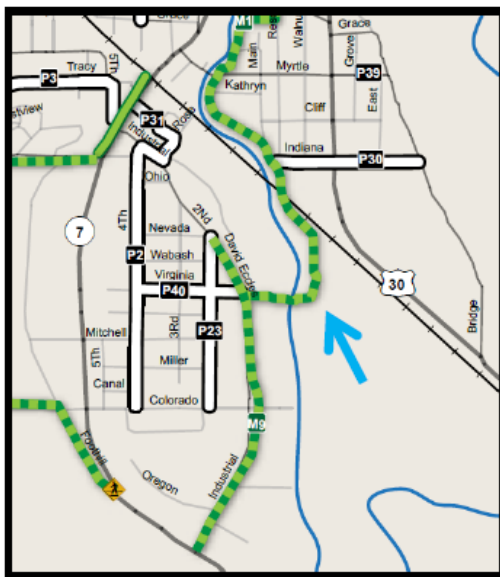
Policy #10: Multi-use paths are appropriate in the general locations shown on the Pedestrian and Bicycle Network Plans. Where there is property owner support for creating multi-use paths, the City will work cooperatively with property owners and pursue grants to develop multi-use paths. The City may also adopt incentives for pathway development, for example, through transportation system development charge credits and/or adjustments to open space and/or standard subdivision improvement requirements. (These options would require amending the Development Code.)

Policy #11: Any proposed public right-of-way extension, opening, addition, widening, or improvement, closure or vacation must be formally approved and accepted by the City, pursuant to Development Code provisions and the 2013 Baker City Transportation System Plan, and any amendments thereto. Also, any private use of any public right-of-way must receive prior approval. The City may, at its discretion, require certain improvements be made or make other stipulations as a condition to the City’s acceptance of any street or alley use. This is done specifically for reasons of the City’s liability in public right-of-way, maintenance obligation, police patrol, fire access and responsibility generally for the public peace, safety and welfare.

Policy #12: The City of Baker City will address access concerns in the development of new streets and the management of existing ones. In addressing these concerns, the City shall coordinate with ODOT and avoid conflicts with State Highway Access Management Rules...

Planning Commission Findings: According to the applicant, “Applicable findings in this section of the Comprehensive Plan include: 8. Key transportation needs include: c) expansion of the multi-use pathway network. E) Expansion of the existing roadway grid to serve potential future

The applicant also states, “In response to findings and policies in this section of the Comprehensive Plan, redevelopment of the land included within this request would lead to vehicle, bicycle and pedestrian access crossing the Powder River, with improvement of streets leading to existing river crossings (see map at right). These crossings were originally installed as part of the Sumpter Valley Railroad and facilitated narrow-gauge rail service for logging and timber companies in the late 1880s. This narrow-gauge rail service was removed in/around the early 1960s. Only the southern crossing is currently in use today and is used for vehicle traffic, serving four existing residences on the east side of the Powder River.”

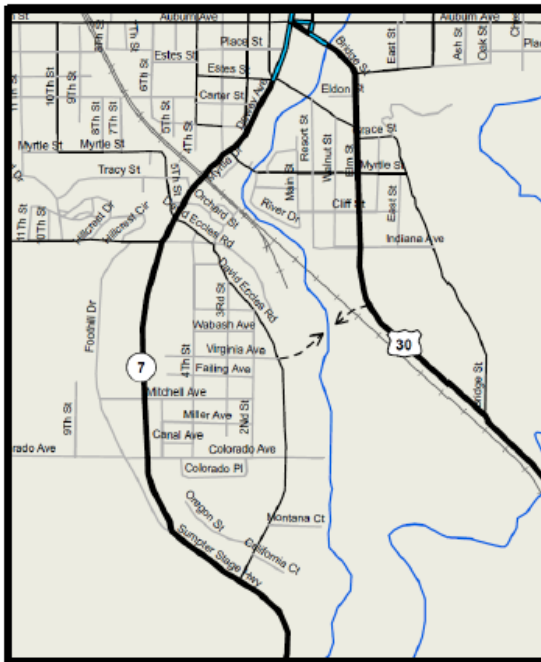


“Re-zoning and redevelopment of the subject properties would allow extension of the Leo Adler Parkway (a multi-use path) through the area, connecting east and west sides of Powder River, as outlined in the Baker City TSP (see excerpt at left).”

"The Comprehensive Plan specifically states multi-use path development will be done cooperatively, with property owner support. Re-zoning and redevelopment of this land for residential use would lend well to the continuation of the Leo Adler Pathway. Without re-zoning, existing property owners fail to see the benefit of a multi-use path in the area, as it would lead to increased trespassing issues in the current

“The Baker City TSP suggests future public street connection in the area between Highway 30 and David Eccles Road, crossing railroad tracks and the Powder River (see TSP excerpt on next page).”

"The private rail crossing which existed to serve the subject properties (providing access directly to Tax Lot 1200 of Map9s40e21cb) was abandoned by UPRR and is not currently useable (see aerial image below)."



Baker City TSP Figure 3-1



"It is common knowledge that reinstating private railroad crossings after abandonment is nearly impossible, as private property owners have little success in receiving permission from UPRR. What seems to be more of a possibility for receiving crossing approval is a coordinated effort between private property owners and local jurisdictions to request a public railroad crossing. With rezoning and redevelopment of the subject properties, a great community benefit exists in pursuing a public crossing for the extension of City streets and the Leo Adler Pathway, as outlined in the TSP (see TSP excerpt above). At a pre-application meeting on August 16th, 2023, no objection from the City of Baker City nor the Oregon Department of Transportation (ODOT) was received in response to the proposal of jointly pursuing reinstatement of this crossing. Discussions have been initiated with the ODOT Region 5 office and the ODOT Rail Crossing Safety Specialist to outline this application and approval process, which would be pursued if the re-zone is approved. Please see additional transportation-related findings in the Trip Generation Letter (Attachment 7), which outlines potential public right-of-way connection and addresses additional traffic-related concerns."

According to the Baker City TSP, there are no existing pedestrian networks in the vicinity of the subject property; however, according to Table 2-1 Planned Pedestrian Network, a multi-use pathway is proposed along David Eccles Road from its intersection with 2nd Street south to its intersection with Hwy 7. A multi-use pathway is also identified to extend from the intersection of David Eccles and Virginia Avenue east across the Powder River, through the subject property and north to connect to the existing Leo Adler Pathway on the east side of the Powder River. This is a long-term project and no specific funds have been allocated for this multi-use path development at this time.

According to the Functional Classification Plan (Figure 3-1), David Eccles Road is classified as a 'Collector' and Colorado Avenue is classified as a 'Local' street. A future Collector is identified in the TSP, connecting Virginia Avenue (a local street) to Hwy 30 (an arterial), through the subject property. See snippets of the referenced Baker City TSP sections in Exhibit L.

David Eccles Road is identified as a Collector according to the Baker City TSP and is also maintained by the City. In the vicinity of the subject property (intersection of David Eccles & Virginia to intersection of David Eccles & Colorado Avenue), David Eccles Road is identified as a 60-foot ROW. From Highway 7 to just south of the intersection of David Eccles and 2nd Street, David Eccles is paved and has an 80-foot ROW. From the intersection of David Eccles and 2nd Street, south to its connection to Hwy 7, David Eccles is a gravel road only, approximately 40-feet wide.

Colorado Avenue is identified as a Local street according to the Baker City TSP. From David Eccles to the subject property, Colorado Avenue is graveled. There are no other street improvements. The portion of Colorado Avenue between Hwy 7 & 2nd Street is paved (shortly after this intersection, the road becomes gravel).

A diagram of the road system in the vicinity of the subject property is included as Exhibit K. This map demonstrates where existing street improvements and pedestrian walkways are located.

According to the TSP, "Access management standards vary depending on the functional classification and purpose of a given roadway. Roadways on the higher end of the functional classification system (i.e., arterials and collectors) tend to have higher spacing standards, while local streets allow more closely spaced access points. These standards apply to new development or redevelopment. Existing accesses are allowed to remain as long as the land use does not change and no safety problem is posed. As a result, access management is a long-term process in which the desired access spacing to a street slowly evolves over time as redevelopment occurs."

The TSP has a Roadway and Intersection Improvement Plan outlining Baker City's specific roadway and intersection improvement projects for 20 years (plan was written in 2013). Table 3-6 of the TSP lists a Planned Roadway Extension called the 'Southeast Connector', which includes constructing a new roadway connecting David Eccles Road (near Virginia Avenue) to US 30. The reason for the project is to *"facilitate growth, mobility and connectivity in the southeast part of the city."* This improvement is a longer-term project and no monies have been allocated for it at this time.

The properties are accessed by a privately maintained bridge from Colorado Avenue across the Powder River. There are a number of platted but undeveloped streets within the properties.

At the December 20, 2023 Planning Commission hearing, Baker City Public Works Director, Joyce Bornstedt, stated that Colorado Avenue is an unopened right-of-way from David Eccles Road to the Powder River. She also added that David Eccles is an unpaved collector, which is adequate based on the street and is wide enough; however, future development could trigger improvements. She shared that she has concerns with any development happening on the property based on the public facilities in the area now. Director Bornstedt added that the proposed northeast access across the Union Pacific Railroad would have its challenges. She also clarified that the northern river crossing is a private access and there is no plan to construct the road connection from Virginia to Highway 30 as listed in the TSP.

Also, see findings for Section 4.7.300(B)(3) beginning on page 3.

Conclusion: Based on the findings above, the intent of Goal 12 **is/is not** satisfied.

DOMESTIC WATER– *To provide in a cost-efficient manner, good quality water meeting all standards of pleasant taste, at adequate pressure, and in sufficient quantity for development within the City’s Urban Growth Boundary. [Implements Statewide Planning Goal 6 – Air, Water and Land Resources Quality and Goal 11 – Public Facilities and Services]*

Policy #2: System needs shall be identified annually with particular attention to growth demands.

Policy #4: All proposed system improvements shall be in accord with the policies of this plan and be scheduled and coordinated with other City activities and plans listed in the Public Facility Plan.

Planning Commission Findings: According to the applicant, “Domestic Water chapter were determined to be applicable to this proposal; however, the ability to serve the properties included within this rezone request with City water exists, as mainline connection is available in the northern portion of the subject properties (see maps on page 17 of this narrative)” (Exhibit D).

See findings for the ‘Public Facility Plan’ section of the Baker City Comprehensive Plan beginning on page 25.

Conclusion: Based on the findings above, the portions of Goals 6 and 11 implemented by this section **are** satisfied.

EXTENSION OF SEWER AND WATER SERVICE– *To provide procedures for the extension of City sewer and water appropriate to the findings and policies established in this plan. [Implements Statewide Planning Goal 6 – Air, Water and Land Resources Quality and Goal 11 – Public Facilities and Services]*

Policy #3: New users shall pay for extending service to their property in a manner proportionate to the cost of providing that service to their land holding. The City may elect to provide a portion of the initial cost for a period of time, but in a manner that would result essentially in a non-subsidized extension.

Policy #5: The cost for providing additional capacity through oversized lines will be borne by the developer when the need is attributable to his project. On the other hand, general system needs for oversized lines, known and identifiable whether a specific proposed project is constructed or not, will be the financial responsibility of the City.

Policy #6: The City may, for exceptional cause and if deemed in the best interests of the community, waive or modify the policies as set forth above, if not inconsistent with the other land use planning goals.

Planning Commission Findings: See findings for the Public Facilities and Services – “Sewer System”, “Solid Waste Disposal”, and “Domestic Water” sections of the Comprehensive Plan addressed throughout this report.

Conclusion: Based on the findings above, the portions of Goals 6 and 11 implemented by this section **are** satisfied.

EXISTING NATURAL FEATURES AND LAND USE – To preserve, protect, and conserve the quality of our environment and natural resources while providing for the orderly growth and development of the City. [Implements Statewide Planning Goal 5 – Open Spaces, Scenic and Historic Areas, and Natural Resources; Planning Goal 6 – Air, Water and Land Resources Quality; Planning Goal 7 – Areas Subject to Natural Disasters and Hazards; and Goal 13 – Energy Conservation.]

Policy #4: The City shall strive for energy efficiency in its buildings, street lighting, equipment operation, and in the provision of all City services and products.

Policy #5: The City shall take necessary actions to prevent the contamination or degrading of all natural water supplies including both surface run-off and groundwater. In particular, any effluent being discharged into the Powder River shall be in accordance with allowable EPA and DEQ requirements.

Policy #6: The City shall not specifically act to encourage development in known hazard areas. When construction does take place in these areas, the City will require proper precautions to be taken.

Policy #7: The City shall strive for development of land to its highest and best use, recognizing the various needs of all its citizens.

Implementation #1: The City shall in all instances where it has jurisdiction act in each case to maintain water and air quality at a high level.

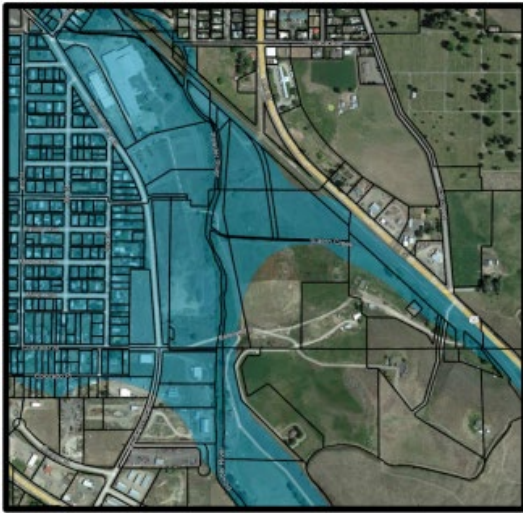
Implementation #3: The City shall enforce all requirements of the Uniform Building Code, Uniform Plumbing Code, and Uniform Mechanical Code, noting particularly requirements for construction in flood zones and certain other hazard areas.

Implementation #4: The City shall use the ‘Land Suitability’ map and criteria within this plan as a basis for future zoning and other development decisions.

Planning Commission Findings: See findings for the “Parks & Recreation”, “Land Suitability”, “Historic Preservation” and Public Facilities and Services – “Public Facility Plan”, “Sewer System”, “Solid Waste Disposal”, and “Domestic Water”, along with the “Urbanization” and “Economic Element” sections of the Comprehensive Plan addressed throughout this report.

According to the applicant, “A portion of the properties included in this proposal are located in an identified floodplain (see map on next page, at left). Any future development in this area will be required to meet floodplain development standards, regardless of development type (residential, industrial, etc.). Elevation work was completed on a majority of the lands included in this request, revealing more detailed land contours (see image on next page, at right). This information is in the process of being submitted to FEMA for remapping of the floodplain. It is believed that, based on this information, a revised floodplain map can be issued by FEMA,

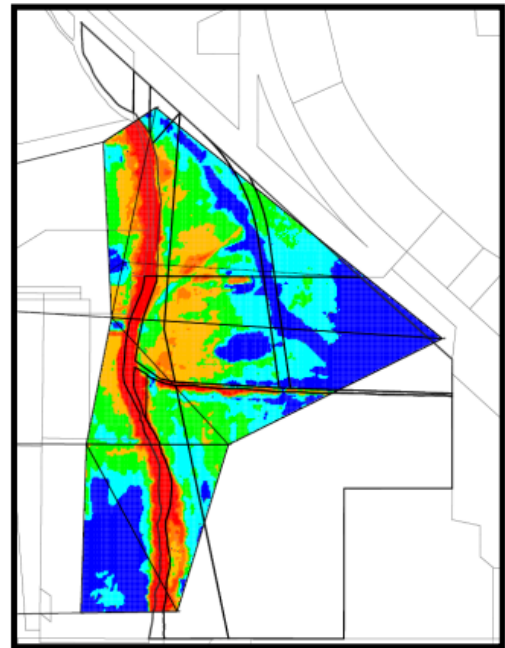
significantly reducing the bounds of the floodplain to only those areas shaded red and orange (at right)” (Exhibit D).



Flood zone map in vicinity of subject properties

“Regardless of this potential for remapping the floodplain, a potential for flooding still exists. From a natural resource perspective, flooding of industrial uses would be more negatively impactful to the surrounding area than would a flood in areas of residential development (i.e. hazardous spills). From a development perspective, the cost of building a structure for industrial use to meet floodplain development standards is arguably greater than the cost of building a residence to meet floodplain development standards. As noted on pages 27-29 of this narrative, industrial developers in the current age would likely find this area undesirable for siting an industrial use due to the proximity of the Powder River and Sutton Creek, large swaths of identified wetlands, and the potential for flooding.”

“Wetlands are located on the subject properties (see map at right). According to the Oregon Department of State Lands, a significant portion of the subject properties are designated as freshwater emergent wetlands (green), and riverine wetlands are present within the confines of the Powder River and Sutton Creek (blue). If approved for this rezone request, the property owners on which these wetlands are identified will pursue grant funding through the Oregon Watershed Enhancement Board (OWEB) to restore riparian habitat, create a natural ‘wetland park’, and improve identified bull trout habitat (see map on next page, at left).”



Applicant’s elevation data



Wetlands Inventory Map



Applicant's OWEB Grant Map

"According to the Oregon Conservation Strategy, a high percentage of low-elevation and valley bottom riparian habitats have been altered or lost, most often when riparian vegetation is converted to other uses. Such is the case on the subject properties, which were converted to industrial use in the early 1900's for the storage of logs prior to processing. This area also provided the space needed for railroad car turn arounds for Union Pacific and the Sumpter Valley railroad since the late 1800's. Historical photos indicate Sutton Creek has been relocated to different areas of the subject properties over the last 100

years, altering hydrological regimes. Natural hydrological function is still present within the area and the recreation of riparian habitats within these areas is possible with willow, dogwood and other native vegetation plantings."

"Property owners included in this application would like to create a natural 'wetland park' that could be enjoyed by area residents as a natural park. The restored wetland area would measure approximately 6 acres and would simultaneously improve water quality of the Powder River system, while providing respite and beautification to the area. Such improvements would allow beavers to continue maintaining habitat complexity, promoting riparian vegetation to prevent erosion, preserve water quality, and promote water temperatures favorable for fish. Additionally, the property owners propose improvement of trout habitat in both the Powder River and Sutton Creek reaches that flow through the area, with strategic placement of large boulders to increase the diversity of river flows and habitats within the aquatic system. Echoing the goal of this chapter, all of this work is proposed in an effort to conserve and enhance the quality of the local environment and natural resources. As an added bonus, this work can be accomplished while providing for the logical redevelopment of vacant land."

Addressing policy 7 listed above, reference to the chapter goal is needed: "GOAL: To preserve, protect, and conserve the quality of our environment and natural resources while providing for the orderly growth and development of the City." The guiding documents of Baker City have always stressed the importance of protecting the city's natural setting, beauty, and resources. This is evident even within the Economic chapter of this plan, the stated goal of which is, "To improve and diversify the City's economy in order to sustain a moderate rate of growth while protecting the natural environment and enhancing the quality of life in the community". It is inevitable that Baker City will continue to grow and develop - what remains to be seen is how. On this note, important questions should be asked and answered:

- Is this the area of town where Baker City would like to see industrial development continued and intensified?*
- Will the natural setting of this portion of Baker City, Sutton Creek, and the Powder River be enhanced with industrial development?*
- Would a smelting plant, metal manufacturing facility, or wholesale distribution center (all uses permitted in the industrial zone) be less impactful to the area than residential development?"*

“It is the position of this application that the natural beauty of this portion of the Sutton Creek and the Powder River (see Attachment 5 – Site Photos) should not be stamped out with industrial uses and structures. Instead, it should be enhanced, restored and protected. This can be accomplished hand-in-hand with thoughtful redevelopment of this area to integrate residences and other low-impact uses (see draft rendering on page 34), which would be the highest and best use of the properties” (Exhibit D).

Portions of the subject properties are located within an identified flood hazard areas (Zones A and AE) according to FEMA FIRM #41001CO395C dated June 3, 1988 (Exhibit M). The applicant intends on filing a Letter of Map Amendment (LOMA) to FEMA to remove the portions of the subject property elevated above the Base Flood Elevation; however, no data has been provided to the Planning Department regarding this request.

The applicant states above that they would like to create a “±6 acre ‘wetlands park’ that could be enjoyed by area residents as a natural park.” Baker City does not have a Goal 5 inventory of specific areas within the urban growth boundary that deserve added protection. According to current provisions in the Baker City Development Code, Parks and Open Space uses are allowed in both the General Industrial and Residential-Low Density zones upon receiving the necessary approval from the Baker City Planning Department. As stated in BCDC Section 1.4.460 – *Parks and Open Areas* - the characteristics of these areas are *uses of land focusing on natural areas, large areas consisting mostly of vegetative landscaping or outdoor recreation, community gardens, or public squares. Lands tend to have few structures.* A copy of the National Wetlands Inventory map showing existing wetland areas are included above on page 36.

Any future development on the subject properties, regardless of zoning, will be required to meet all local, state and federal standards for development.

As outlined in the ‘Public Facility Plan’ and ‘Transportation’ sections of the Comprehensive Plan, public infrastructure and roadways will be required to be extended to the property to adequately and efficiently serve future development.

According to testimony provided by Darin Van Dyken at the Planning Commission hearing on December 20, 2023, he is concerned the ground is not suitable for development because of the high water table.

Conclusion: Based on the findings above, the portions of Goals 5, 6, 7 and 13 implemented by this section **are** satisfied.

LAND SUITABILITY– [Implements Statewide Planning Goal 3 – Agricultural Lands and Planning Goal 5 – Natural Resources]

Planning Commission Findings: According to the applicant (Exhibit D), *“No policies are contained in the Land Suitability chapter; however, text within the chapter was deemed applicable and is included below:*

per unit conversion costs of raw land to improved lots is lessened; and thus, new housing is affordable to a greater percentage of the buyer's market.

The primary increase in industrial land designations excepting the area outside the city limits, is in the extreme northwest corner of the city where large parcel size, rail access, proximity to industrial uses and fringe location weigh favorably for this classification. This new area, along with pre-existing industrial areas of town, is generally seen as suitable for heavy industry. A light-industrial category is suggested here for most of the industrial land shown outside the city limits. With the development of a frontage road between the central and north interchanges, this land, the majority of which is flat and able to be readily served by necessary utilities, could prove to be a valuable asset to the community. In addition, the industrial category is suggested for the industrial land outside the city limits north and south of Pocahontas Road and west of 17th Street extended. This industrial parcel is needed due to the fact that it contains fairly large sections of land which would be suitable for developers or industrial users needing a large number of continuous acres. Parcels of this size are presently unavailable within the city limits. This industrial site is further appropriate due to the fact that it lies adjacent to the main line of the Union Pacific Railroad and has easy access to I-84 via Hughes Lane.

New land designated for commercial uses is to be found, principally, in three locations. Significantly, these areas are outside the city limits - in the U.S. 30, Chico Lane, Pocahontas Road triangle, north of Hughes Lane and south of the freeway interchange between I-84 N and the county

"The excerpt above (page 49 of the Baker City Comprehensive Plan) is included to provide context for zoning decisions made when the Land Suitability (and ultimately the Baker City Zoning Map) were created in 1979. Reservation of industrial zoning at the location of the current Industrial Park is discussed, in addition to "pre-existing industrial areas of town". The majority of the subject properties were previously the site of an Ellingson Lumber Company log yard. This industrial use has been gone for nearly 30 years. This application intends to initiate a review of how this area could be put to its highest and best use given the current site conditions and needs of the community."



"At the time the zoning maps were created, this area was used somewhat industrially and had direct access to both the rail line, via a spur line into the site from the north, and Highway 30, via a rail crossing. Since this section of the Comprehensive Plan was written (and land use maps made), several area conditions have changed:

- *Union Pacific Rail Road (UPRR) removed the rail spur (date unknown)*
- *UPRR removed the rail crossing (after 1970) so no direct access to Highway 30 now exists*
- *Ellingson Lumber Company, which established a log yard on these lands in/around 1950, shut down in 1995*
- *Riverine wetlands were designated within the Powder River and Sutton Creek and freshwater emergent wetlands were designated on large swaths of Tax Lots 1500 (09s40e21cc), 705 and 800 (09s40e21cd)*
- *A large swath of the area was designated as lying within a Zone A floodplain, per FEMA maps (1988)*

As such, this area has lost the majority of factors necessary to classify it as a desirable site for industrial development."

"The table below compares the suitability of the area under review with four similarly large, industrially-zoned and vacant sites present in Baker City based on features contained in the Baker City Comprehensive Plan (pages 47-48 of Comp. Plan) and other elements:

	Area under review (Bloomer)	Industrially-zoned land between Broadway and Auburn (Smith, Fouts)	Industrially-zoned land west of 17th Street (Tennant)	Elkhorn Industrial Park (Baker City and purchasing property owners)	Industrially-zoned land between Chico Road and RR (Ward)
Parcel Size (I zoning)	±33 acres	±36 acres	±55 acres	Varying	±112 acres
Direct rail access	No	Yes	No	No	No
Access	David Eccles (collector street) leads to Highway 7 (arterial)	Broadway and Auburn (collector streets) lead to 17 th Street (collector) and Main Street (arterial)	17 th Street (collector) leads to Pocahontas Road (arterial)	23 rd Street/Settlers Loop (collector) leads to Pocahontas Road (arterial)	Chico Road (arterial)
Located on identified Truck Route	No	Yes	Yes	No	Yes
Condition of roads adjacent to site	All undeveloped (graveled)	All hard-surfaced	All hard-surfaced	All hard-surfaced	All hard-surfaced
Current availability of City storm water, sewer and water service	- Water and sewer immediately available at the northern portion of properties; southern portion of properties not presently served by city services - No stormwater present in the area	Stormwater, water and sewer mains adjacent to and available to site	Stormwater, water and sewer mains adjacent to and available to site	Stormwater, water and sewer mains adjacent to and available to site	Stormwater, water and sewer mains adjacent to and available to site
Current and adjacent uses	- Vacant - Separated from industrially-zoned land and industrial	- Currently used as leased storage space (commercial use)	- Vacant - Active industrial uses (Industrial Park) to the north along	- Some vacant lots, some lots developed with active industrial uses - Active	- Currently used as agricultural ground - Active commercial

	uses to the west by Powder River - Separated from commercially- and industrially-zoned land to the east by Highway 30 and railroad - Adjacent to active industrial use to the north - Adjacent to established residential area to the south	- Active industrial uses to the southeast along railroad	railroad, and to the east (north of D Street and west of railroad)	industrial uses to the north (Behlens, etc.) - Vacant industrial land to the south	uses (and zoning) to the south and east - UPRR to the west
Adjacent to Powder River	Yes	No	No	No	No
Identified wetlands on-site (aside from riverine)	Yes	No	No	No	No
Floodplain	Yes, portions of property located within floodplain even after detailed elevation work and revised FEMA maps	Yes, though confined to channelized Settler's Slough	Yes, though confined to channelized Settler's Slough	Yes, though confined to channelized Settler's Slough	No
Visibility	- Immediately visible to visitors of Baker City and Baker Valley from WB I-84 and Hwy 30 - R-LD lands on hillside to the south overlook this area	- Immediately visible to adjacent residential zones to the west, south and east - Immediately visible from 10 th Street, Broadway Avenue, and Auburn Avenue (truck routes)	- Immediately visible from 17 th Street (truck route) - Adjacent to developed industrial area	Set within established and active industrial area	- Visible from Hwy 30 and Pocahontas Road (truck routes) - Set within established and active commercial and industrial area

Expansion capability	- Bound by the Powder River to the west and Highway 30 and the UPRR to the east (Attachment 2) - Steep hillside to the south - Not adjacent to city limits or UGB	- Bound by developed residential areas to the west and south - Bound by UPRR to the east - Industrial zoning and established uses to the north - Not adjacent to city limits or UGB	- Adjacent to farm ground to the west - Abuts Industrial Park to the north - Bound by residential zoning and uses to the south - Adjacent to city limits	- Adjacent to farm ground to the west and south - Adjacent to vacant industrially-zoned land to the south - Bound by UPRR to the east - Industrial zoning and established uses to the north - Adjacent to city limits	- Adjacent to farm ground to the west and north - Bound by UPRR to the west - Commercial zoning and established uses to the east and south - Within UGB
"Development Ready" (access and services)	No	Yes	Yes	Yes	Yes

"Looking at the city as a whole, the area under review is less desirable to both industrial use developers and, arguably, the Baker City community, as an area of continued industrial development. Aside from those features listed above, sizeable effort went into establishing the Baker City Industrial Park, which is primed for development of industrial uses thanks to grants, subsidies, and matching funds. Redevelopment or rezoning of the lands included within the park is highly unlikely. Similarly, lands adjacent to or nearby the Industrial Park are also "development ready" and better suited to industrial development by sheer proximity to the Industrial Park and/or adjacent industrial or commercial uses/zoning.

Industrial developers of today are moving away from citing industrial uses/complexes adjacent to waterways and protected areas (i.e. wetlands). Similarly, and as a whole, industrial developments are no longer sited in the center of cities or areas of residential development, finding less conflict and negative impacts when industrial uses are located on the fringes of said cities and away from residences.

From the perspective of an industrial use developer, it is assumed that the lands included in this re-zone request are relatively undesirable for the following reasons:

- *Location next to Powder River and Sutton Creek increases liability for waterway contamination*
- *Location within the floodplain creates development hurdles and increases potential for damage to structure and contamination of area due to flooding*
- *Identified wetlands on-site removes large swath of land from use; increases permitting requirements if area in wetlands were to be used for industrial development; raises concerns about impacts to wetlands*
- *Lack of rail access makes other industrial sites more desirable due to difficulty of obtaining permission for crossing/access from UPRR (see table above)*

- *Lack of direct highway (arterial street) access increases negative impact on surrounding residential uses and lower classification streets; this area is not on identified truck route*
- *Undeveloped state of streets leading to site increases development costs; not “development ready” site*
- *Lack of city sewer and water service to most parcels increases development costs; not “development ready” site*
- *Proximity to established residential zones*

“From a community perspective, this area is better suited to residential use for several reasons:

- *Visibility of properties from Highway 30 and Interstate 84 – visitors would see residences interspersed with trees and other vegetation as opposed to large buildings and storage yards associated with industrial uses*
- *Multi-use path through a residential development would mirror current feel of Leo Adler Pathway, providing a serene setting for community use*
- *Wetlands and river on-site can be enhanced through restoration projects and designated as ‘reserve space’, which can be used to enhance a residential development and this areas contribution to the greater community*

The properties included in this request are located between the Powder River to the west and Highway 30 and the Union Pacific Rail Road to the east (Attachment 2). The proposed re-zone would allow a large swath of unused industrial land adjacent to an established residential area to be redeveloped for residential use, with natural and manmade buffers remaining between proposed residential lands and remaining adjacent industrial and commercial zoning/uses (Attachment 3).

Additional findings relating to housing can be found on pages 31-34 of this narrative.”

According to the *Existing Natural Features and Land Use* chapter, Policy 4, “*The City shall use the ‘Land Suitability’ map and criteria within this plan as a basis for future zoning and other development decisions.*” The property to be rezoned is consistent with the *Land Suitability* map:

Existing Zone(s)	Proposed Zone	Land Suitability Map Designation
General Industrial	Residential Low Density	Industrial

The *Land Suitability Map* was created in 1979 and was most recently revised in 2021 (Ordinance No. 3382). No policies are listed within the *Land Suitability* chapter of the Baker City Comprehensive Plan.

According to the *Existing Natural Features and Land Use* chapter, Policy 7, “*The City shall strive for development of land to its highest and best use, recognizing the various needs of all its citizens.*” The proposed revision to the Baker City zoning map affects multiple properties under one ownership. Rezoning the subject property will not negatively impact the existing uses of abutting properties. The area proposed to be rezoned Residential-Low Density (R-LD) adjoins other properties zoned R-LD. Property owners within ±100-feet of the subject property were contacted about the proposed zone change.

According to the Land Suitability section of the Comprehensive Plan, “It must first be assumed that essentially all developable land within the city will eventually be improved or built upon. The ‘Land Suitability’ map following, then designates areas deemed appropriate for each general type of development. Four categories are shown: (1) Residential (2) High-Density Residential (3) Commercial (4) Industrial.”

The Land Suitability section goes on to say, “Each criterion is weighed as to its significance to each type of land development category. The reader should keep in mind that all land whether developed or not had to be included in this evaluation.”

	Generally Serious Consideration XX	Some Consideration X	Minor or None	
	Residential	High-Density Residential	Commercial	Industrial
SITE SPECIFIC LAND FEATURES:				
Parcel Size			XX	XX
Availability of Land for Site Expansion				X
Terrain, Slope	X	XX	XX	XX
Soil Stability		X	X	XX
Water Table	X	X	X	X
Flood Zone	X	X	X	X
TRANSPORTATION NETWORK:				
Direct Rail Access				XX
Nearby Highway Access			X	XX

Convenient Arterial Street		X	XX	XX
Right-of-Way Adequacy for Proper Traffic Circulation	X	XX	XX	XX

	Residential	High-Density Residential	Commercial	Industrial
PUBLIC FACILITIES, UTILITIES AND SERVICES:				
Condition of Street Utilities Present or Available to the General Area	X	XX	XX	XX
Existing Fire Zone			X	
Frequent Police Checks Area			X	
INTER-RELATIONSHIPS OF LAND, ITS USES AND ITS PEOPLE:				
Visibility			X	
Proximity of Like Development	XX	X	XX	
Proximity of Conflicting Land Uses or Development having Adverse Affect	XX	X	X	
*Proximity of Supportive Land Uses and/or Needed Services	X	XX	X	
Existing Zoning Density	X	X	X	

*For residential areas, supportive land uses include such things as schools, and parks and recreation facilities, high-density residential would also consider distance to grocery and retail stores. In the commercial area, government buildings, for example, would be directly supportive of certain businesses or professions, such as a land title company being close to the County Courthouse.

Additional information from this portion of the Comprehensive Plan states, *“The residential designation contemplates a gradual conversion of vacant parcels, large residential holdings and agricultural lands to residential use of varying density depending both on the natural features of the sites and the preferences of developers and the market. A 7500 square foot minimum lot size is planned for increasing the efficiency of land use and making development more feasible economically for both the private and public sectors.”*

Other applicable policies within the Baker City Comprehensive Plan are addressed under *Agricultural Lands*, *Public Facilities and Services - Parks & Recreation*; *Existing Natural Features and Land Use*; *Urbanization* or *Historic Preservation* contained within this report.

At the Planning Commission hearing on December 20, 2023, Tony Constantine and Kevin Woodworth testified that rezoning the subject property to residential would impede other industrial uses coming into the area because it would generate complaints from the owners of new houses in the area. Mr. Woodworth also stated that new homes in the area would financially affect his industrial-zoned property that is across the railroad tracks and Highway 30 from the subject property. He said the rezone should not be allowed based on its location and proximity to existing industrial uses.

At this same hearing, Anita Boesch, who owns property to the south of the subject property, testified that the proposed residential zone in an industrial area would cause other zoning issues. She also stated that there are plenty of other developable residential areas in Baker City. She also shared that residential development is not conducive to the area as it doesn't match existing uses and that she would prefer the property remain industrial.

Conclusion: Based on the findings above, the portions of Goals 3 and 5 implemented by this section either **are/are not** applicable or **are/are not** satisfied.

URBANIZATION – *To minimize the expansion of the urban service area outside the city limits in order to provide for the efficient use of land, eliminate the unnecessary and uneconomical expansion of public facilities, and to conserve agricultural lands outside of the city. [Implements Statewide Planning Goal 14 – Urbanization]*

Planning Commission Findings: According to the applicant (Exhibit D), “No policies within the Urbanization chapter were determined to be applicable to this proposal, as the subject property is located within city limits and no modification to the existing city limit boundaries or Urban Growth Boundary are requested.”

The proposed revision does not include any modifications to code language or zoning that are expected to restrict or negatively affect urbanization or the transition from rural to urban land use.

Conclusion: Based on the findings above, the intent of Goal 14 **is** satisfied.

HOUSING – *To encourage the availability of adequate numbers of needed housing units at price ranges and rent levels which are commensurate with the financial capabilities of Oregon households and allow for flexibility of housing location, type and density. [Implements Statewide Planning Goal 10 – Housing]*

Policy #2: The City shall provide for a variety of housing options and sites and plan for suitable locations. It is recognized that the private sector will continue their leadership role in this function.

Policy #3: The City shall support the creation of housing that is affordable to low-and moderate-income households through partnerships, land use policies, and programmatic efforts, giving consideration to the options described in the Housing Strategies Report included as Appendix D. The Housing Needs Analysis and Buildable Lands Inventory are also included as Appendix B and Appendix C.

Policy #5: The City shall advance where possible the evolution of safe and aesthetically pleasing residential neighborhoods that are efficiently integrated with business and commercial property, schools, parks, public facilities, and other urban development.

Policy #6: The City shall seek to make the most efficient use of developable land, particularly that are already provided with City services.

Policy #7: The City recognizes that certain housing policies must be tied very closely with existing

land and environmental features. The reader is referred to the 'Land Suitability' section of this plan.

Policy #8: The City shall regularly monitor and update this information to ensure that an adequate supply of land meets future projected housing needs.

Policy #9: The City shall keep an inventory of the City's housing stock and regularly update significant statistics.

Policy #10: The City shall give consideration to alternative residential construction both in form and layout, for such reasons as aesthetics, energy conservation, lessened development costs, and provision of more usable open space.

Policy #11: The City shall, in light of increasing demand for multi-family housing, provide suitable and adequate areas for such development.

Policy #13: The City may encourage residential development within the city limits in areas determined most appropriate.

Policy #17: The City shall encourage residential uses mixed with other compatible uses in the same building or on the same site within the City's mixed-use zones. The City shall allow and support the development of Accessory Dwelling Units in all residential zones as required by State law.

Policy #18 The City shall prioritize providing infrastructure to un-serviced areas that are otherwise ready for residential development.

Planning Commission Findings: The proposed revision does not include modifications to housing.

According to the applicant (Exhibit D), "The Housing chapter was recently updated based on the new Housing Needs Analysis (HNA) and Buildable Lands Inventory (BLI) conducted for Baker City by Johnson Economics and Angelo Planning Group."

"The Buildable Lands Inventory for Baker City provided information relating to unconstrained, vacant R-LD Zone lands (page 11 of the BLI). That information has been included in the table below and has been coupled with the acreage and details for the properties included with this rezone request."

	<i>Total Acres</i> (constrained and unconstrained)	<i>Unconstrained & Vacant</i>	<i>Constrained</i>
<i>Existing inventory of R-LD zoned lands</i>	±503.7 acres (unconstrained only, vacant or partially vacant)	±166.2 acres	Not included in study
<i>Lands proposed to be re-zoned with this application</i>	±33 acres	±11 acres	±22 acres (floodplain)
<i>Resulting acreage if subject properties are re-zoned:</i>	±536.7 acres	±177.2 acres	unknown

“In summary, ±11 acres of unconstrained, vacant land is proposed to be added to the R-LD inventory.

While the Buildable Lands Inventory did not identify a shortage of residentially-zoned land, it should be noted that:

- the projected housing need is estimated within a limited 20 year forecast period and rezoning of these properties looks further into the future with the highest and best use of the area in mind;*
- a significant portion of the City’s vacant R-LD lands are impacted by steep slopes or floodplains (page 11 of the BLI), as is the case with the subject properties (floodplain);*
- redevelopment of existing residential properties to increase density potential, as proposed by the Housing Needs Analysis, will not be possible on all residential lands within the City (namely small lots/parcels and lack of property owner desire) and, therefore, larger undeveloped areas should be sought for residential development; and*
- previous zone change requests to convert employment lands to residential use have been approved throughout the city for varying reasons (1991-2002)*

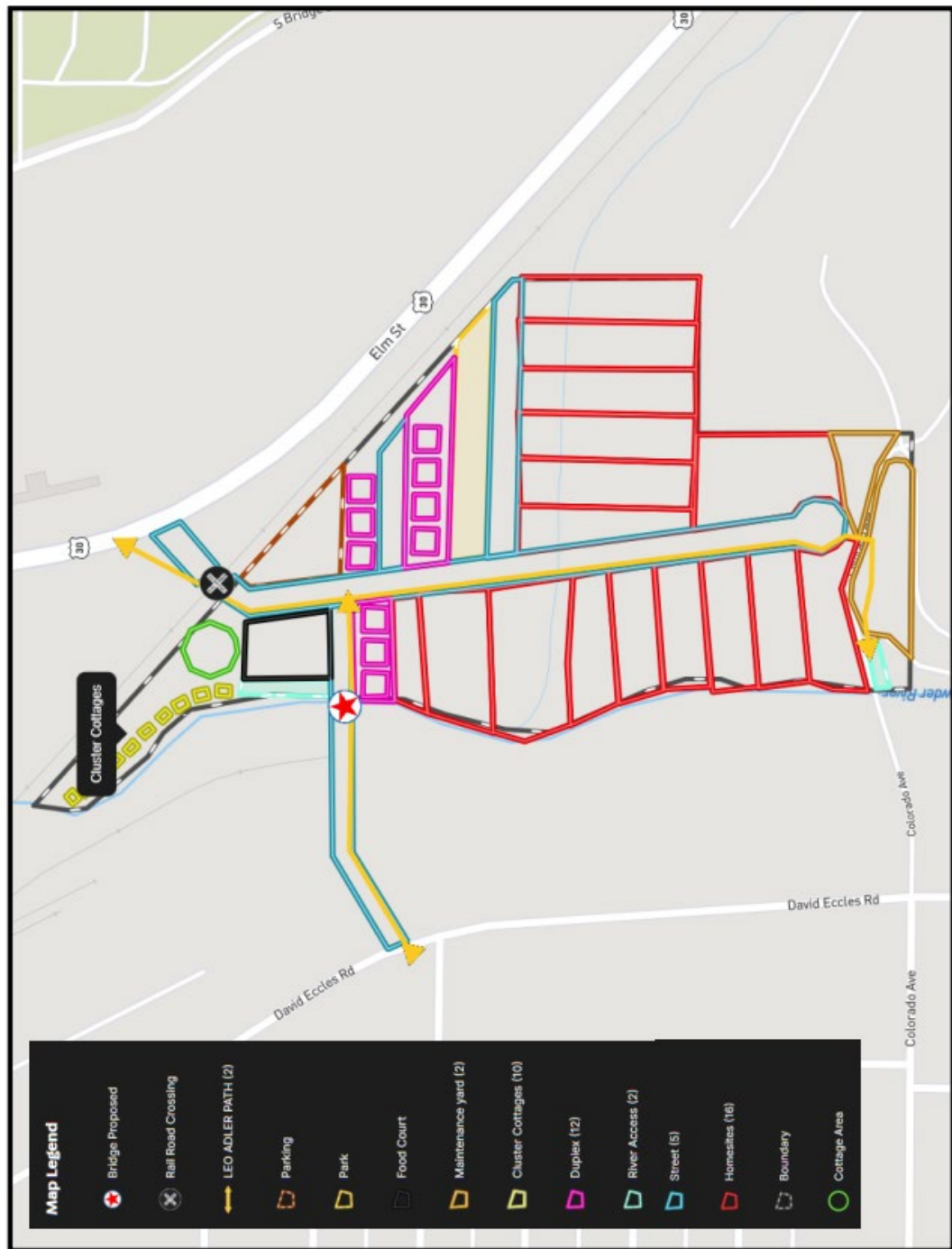
The Housing policies listed above (page 31) were deemed applicable to the request at hand. Findings specific to each of these policies are listed below:

- 2) This rezone application has been submitted based on the belief that this previously-industrialized area is now better suited to redevelopment as a continuation of surrounding RLD zoning. If approved for rezoning, the subject properties would be included in a proposal for a Master Planned Development. This proposal would include mixed uses, such as varying residential unit types, low-impact commercial uses (permitted in R-LD Zone if part of a Master Planned Development, see Attachment 4), a park, natural reserve space, and extension of the Leo Adler Pathway (see rendering on page 34).*
- 3) The inclusion of housing at various income levels can be accomplished if this area is rezoned (see rendering on page 34).*
- 5) The creation of a safe and aesthetically pleasing residential neighborhood in this area is clearly possible, post-rezone. Via the Master Planned Development application process, varying types of housing can be efficiently arranged, buffered and integrated with existing residential and industrial development in the area, as well as new, low-impact businesses, reserve space (wetlands) and a multi-use path.*
- 6) Redevelopment of this area for residential use is the most beneficial and efficient use of this naturally beautiful portion of Baker City. Further industrial development is ill-suited to the site for reasons previously noted within this narrative.*
- 7) As noted in findings relating to the Land Suitability chapter (pages 25-30 this narrative), the area under review does not lend itself well to industrial development for many reasons. The 2021 Buildable Lands Inventory completed for Baker City notes there is a surplus of vacant, industrially-zoned land in the City. Of these industrially-zoned lands, most of the other large parcels are better suited than the area under review to accommodate industrial developments in this day and age, as demonstrated on pages 27-29 of this narrative.*

10, 11, 13 and 17) While no physical development is proposed with this application, the outcome of this request will directly affect the types of development available to the area. The stated goal of this chapter is, "To encourage the availability of adequate numbers of needed housing units at price ranges and rent levels which are commensurate with the financial capabilities of Oregon households and allow for flexibility of housing location, type and density." Upon rezoning, the intent of a residential development pursued via the Master Planned Development pathway would be to create a variety of new housing units at varying price points, two needs also identified within the Baker City Housing Needs Analysis (2021). The size of the subject properties lends itself well to creative and efficient solutions to the housing crisis experienced by many in Baker City. This can be accomplished via the Master Planned Development application route. A draft Master Planned Development for the area under review is shown on the following page and includes the potential to develop the following uses, each of which are identified as "needs" in the Baker City HNA:

- More homes in the \$35k-\$75k bracket (highest need)
- Attached housing (to rent and own)
- Studio and 1BR housing (to own)
- Larger SFDs (to rent)
- SFDs in the \$150k-\$250k range

According to the Baker City Housing Needs Analysis completed for Baker City in 2021, re-zoning land is listed as an initial priority for increasing land available for residential use" (Exhibit D).



Regarding Policy #18 above, information from the Baker City Public Works Director and Baker City Public Works GIS data describes a 12" cast iron water mainline providing connection from David Eccles Road to Hwy 30 (Exhibit F). This mainline crosses the northern portion of the subject properties and connects to the one hydrant currently located on the subject properties (see maps above). This mainline is located beneath the Powder River north of the existing northernmost bridge (Exhibit F).

According to information from the Baker City Public Works Department, the subject property currently accesses a 6" transitioning to a 10" ductile iron wastewater mainline (Exhibit F). This access is located north of the water mainline as shown by the maps above.

Stormwater mainlines do not currently exist on the property but a 12" stormwater mainline is located within a portion of the Highway 30 right-of-way to the east of the subject properties as demonstrated by the stormwater map included as Exhibit J.

See additional findings under the "Public Facility Plan" and "Transportation" sections of the Comprehensive Plan for information related to public facilities and the transportation system.

Conclusion: Based on the findings above, the intent of Goal 10 is satisfied.

HISTORIC PRESERVATION – *To recognize and preserve buildings and structures identified as having particular historic significance or of a special architectural merit in order to further education, stabilize property values, aid in beautification of the City, and focus community pride in our colorful past. [Implements Statewide Planning Goal 5 – Natural Resources, Scenic and Historic Areas, and Open Spaces]*

Planning Commission Findings: According to the applicant (Exhibit D), "No policies within the Historic Preservation chapter were determined to be applicable to this proposal. While the area has historic significance based on its use as part of the Sumpter Valley Railroad and Baker County timber heritage, no structures remain on site for preservation or community enjoyment."

No modifications to the City's inventory of historic sites and structures, including those buildings within the Baker City Historic District or those included otherwise on the National Register of Historic Places, are proposed.

See findings for the "Parks & Recreation", "Existing Natural Features and Land Use", and "Land Suitability" sections of the Baker City Comprehensive Plan outlined in this report.

Conclusion: Based on the findings above, the portion of Goal 5 implemented by this section is satisfied.

ECONOMIC ELEMENT – *To improve and diversify the City's economy in order to sustain a moderate rate of growth while protecting the natural environment and enhancing the quality of life in the community. [Implements Statewide Planning Goal 9 – Economic Development]*

Policy #1: The City shall encourage and work towards increased employment opportunities for those unemployed or under-employed, particularly young adults.

Policy #2: The City will be supportive of economic development resulting in increased income levels for Baker City households.

Policy #3: The City shall provide by zoning for development space suitable to the needs of industrial and commercial development, maximizing especially transportation and convenient locations.

Policy #5: The City shall vigilantly protect its natural environment, certainly one of its finest features.

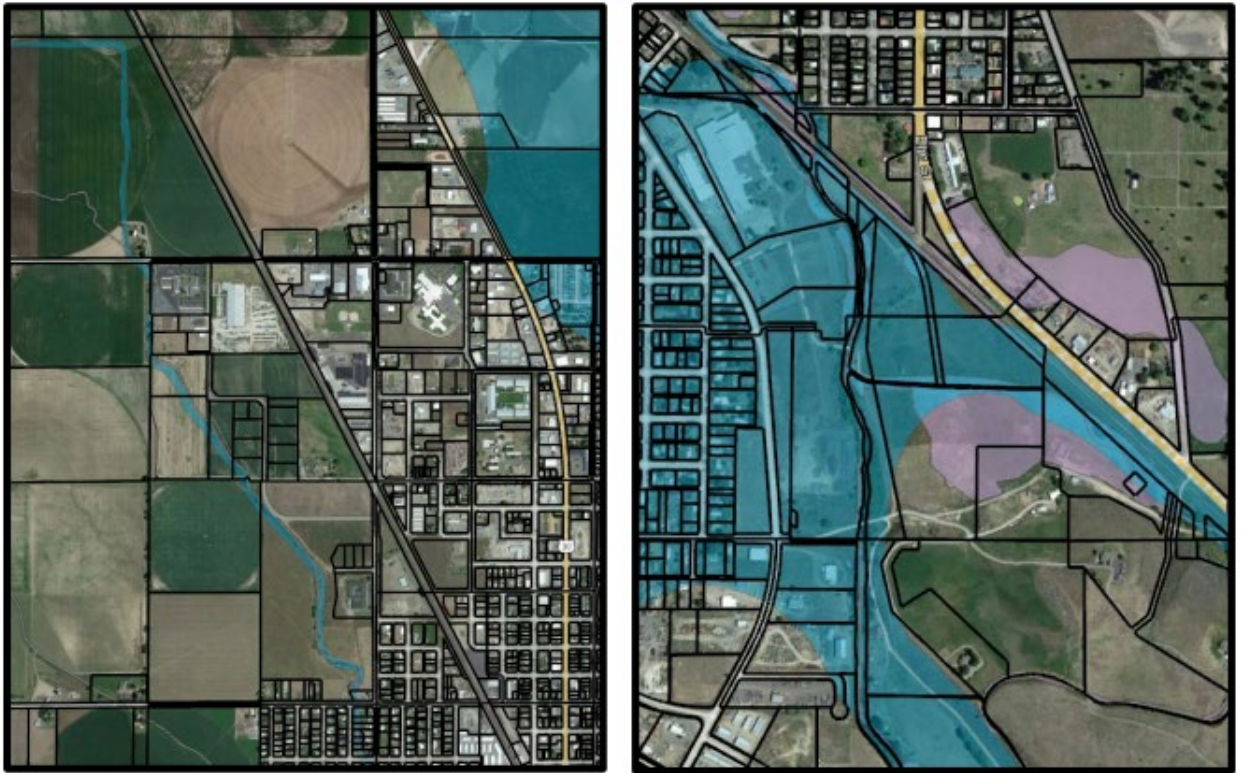
Policy #6: The City, in considering any economic development proposal, shall evaluate its effect on the community beyond simply monetary terms and consistently seek to enhance our quality of life.

Planning Commission Findings: An Economic Opportunities Analysis (EOA) for Baker City was adopted in 2020. This EOA determined there is adequately zoned land in all zones within Baker City to meet projected needs.

According to the applicant, “The stated goal of the Economic Element of the Comprehensive Plan includes “...protecting the natural environment and enhancing the quality of live in the community”. This is supported by policies (5) and (6), included above. Rezoning and redevelopment of the subject properties will satisfy both of these goals, with planned wetland protection, enhancement and restoration of natural vegetation along the Powder River and Sutton Creek, and the opportunity to provide extension of the Leo Adler Pathway for public use. Thoughtful redevelopment and overall beautification of the area is at the forefront of this re-zone request, which will serve to enhance quality of life in the community.

As summarized in the Employment Land Inventory Conclusions (page 120 of the Baker City Comprehensive Plan), “there is currently sufficient buildable employment land (industrial and commercial) within the Baker City urban growth boundary to accommodate the projected need for new development of these land uses over the 20-year period. If the economy and industry growth outpace the projections in this analysis, there should still be a significant surplus of land to accommodate this growth” (emphasis added). The section goes on to read, “the analysis presented in the 2019 EOA (Economic Opportunities Analysis) report points to a sufficient supply of employment land within the Urban Growth Boundary to accommodate forecasted growth for at least 20 years.” Lastly, the section identifies a need for 55 acres of employment lands, which is noted as being “well less than the... 327 acres of industrial... land found in the Buildable Lands Inventory” (page 120). In conclusion, a large amount of industrially-zoned land remains undeveloped within the city limits of Baker City and its UGB. If this rezone request is approved, comparably sized, industrially-zoned parcels remain available for sizeable industrial developments. Each of these sites are arguably more desirable, accessible and better supported by city services than the area under review (see findings on pages 27-29 of this report for more detail). Additionally, it is noted within the Economic Element chapter of the Comprehensive plan that wetlands and floodplains pose environmental constraints to industrial lands. As outlined in this narrative, sizeable swaths of both wetlands and floodplain are identified on the subject properties. In contrast, identified wetlands and floodplain are confined to Settler’s Slough on the industrial lands in the northwest corner of Baker City (see images below)” (Exhibit D).

“According to the Economic Opportunities Analysis included in the Comprehensive Plan, only one of the eight listed target industries for the City of Baker City is considered an industrial use – manufacturing (page 119 of Comprehensive Plan)” (Exhibit D).



Applicant's Flood Zone & Wetland Maps

Conclusion: Based on the findings above, the intent of Goal 9 **is** satisfied.

GOAL 3: *AGRICULTURAL LANDS – To preserve and maintain agricultural lands.*

Planning Commission Findings: No agricultural zoning designation exists within the city limits or UGB of Baker City. No policies within the Baker City Comprehensive Plan's *Land Suitability* or *Urbanization* chapters were identified to directly apply to or conflict with the proposed revisions.

Conclusion: Based on the findings above, Goal 3 **is not** applicable to the proposed revisions.

GOAL 4: *FOREST LANDS – To conserve forest lands for forest use.*

Planning Commission Findings: No forest zoning exists within the city limits or UGB of Baker City. As noted in the Baker City Comprehensive Plan, Goal 4 is *“Not applicable and not addressed in this plan.”*

Conclusion: Based on the findings above, Goal 4 **is not** applicable to the proposed revisions.

V. SUMMARY CONCLUSIONS & PLANNING COMMISSION RECOMMENDATION

The proposed revisions to the Comprehensive Plan Map and Zoning Map contained within RZ-23-121 may be allowed if the request is determined to be consistent with all applicable statewide planning goals, applicable policies of Baker City Comprehensive Plan and Baker City Development Code Section 4.7.200. As summarized herein, this staff report for RZ-23-121 **HAS/HAS NOT** demonstrated that the proposed revision meets or is able to meet through Conditions of Approval, all of the applicable review criteria and development standards.

Therefore, based on the information contained in Sections I through IV of this report, and the above review criteria, findings of fact and conclusions and public testimony received, the Baker City Planning Commission recommends **APPROVAL/DENIAL** of the proposed revision to Baker City Council.

Dated this _____ day of _____, 2024.

Baker City Planning Commission

Commission Chair

VI. RECOMMENDED CONDITIONS OF APPROVAL

VII. EXHIBITS:

- A. Assessor's Map of Subject Properties
- B. Comprehensive Plan Map showing Potential Re-Zoned Property
- C. Land Use Zoning Map showing Potential Re-Zoned Property
- D. Application and Written Narrative
 - Attachment 1: Current Baker City Zoning Map
 - Attachment 2: Zoning of Tax Lots Included in Re-Zone Request
 - Attachment 3: Baker City Zoning Map with Approval of this Re-Zone Application
 - Attachment 4: Excerpt of the Baker City Development Code – Pages 73 and 74
 - Attachment 5: Site Photos
 - Attachment 6: Letters of Support (*pending*)
 - Attachment 7: Trip Generation Letter
- E. Comments from ODOT
- F. Comments from Baker City Public Works
- G. Map Amendment and Code Interpretations Table
- H. Comments from Thad Unruh
- I. Comments from Andrew Martin
- J. Stormwater Map
- K. Street Inventory Map
- L. City Transportation System Plan Snippets
- M. FEMA Floodzone Map - FIRM #41001CO395C
- N. Comments from Heidi Dalton
- O. Comments from Christina Smith

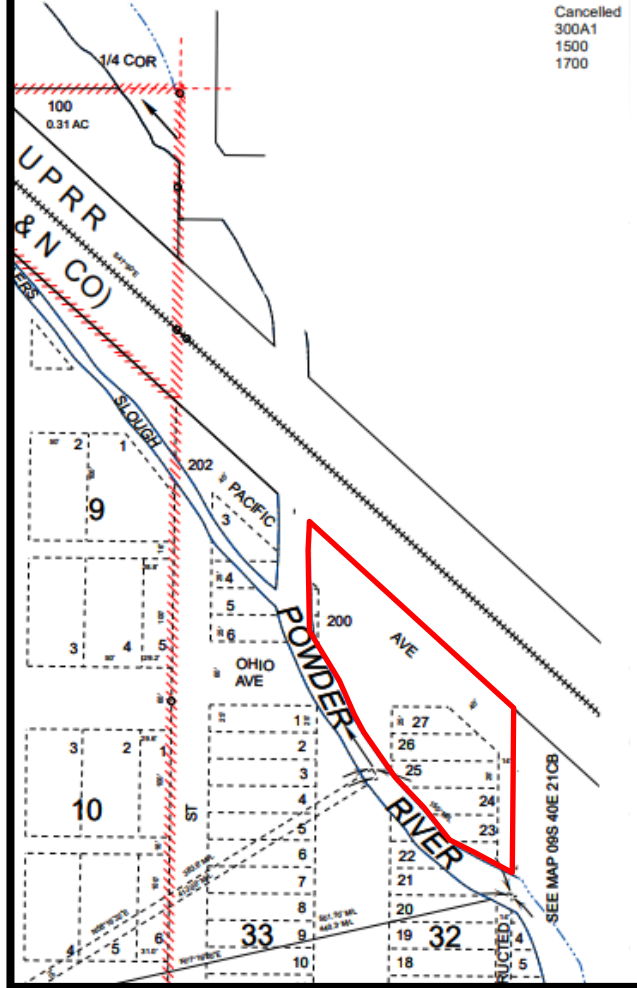
- P. Industrial Zone Excerpt
 - Q. Existing Industrial Uses in the Area
 - R. Existing Residences in the Area
 - S. Wilovale Addition and Dedication, May 1890
 - T. Wilovale Addition Subdivision Overlay and Location of Existing Vacations
-

Exhibit A - Assessor's Map of Subject Properties

Portion of Tax Lot 200 of Assessor's Map 09s40e20da (Ref. 3778), Tax Lots 900, 1000, 1100, 1200, 1300 and 1400 of Assessor's Map 09s40e21cb (Refs. 15144, 4070, 15140, 15142, 15141 & 15143); and Tax Lots 100, 200, 300, 1400 and 1500 of Assessor's Map 09s40e21cc (Refs. 4076, 4074, 4072, 4071 & 4073)

09S40E20DA
BAKER CITY

Cancelled
300A1
1500
1700



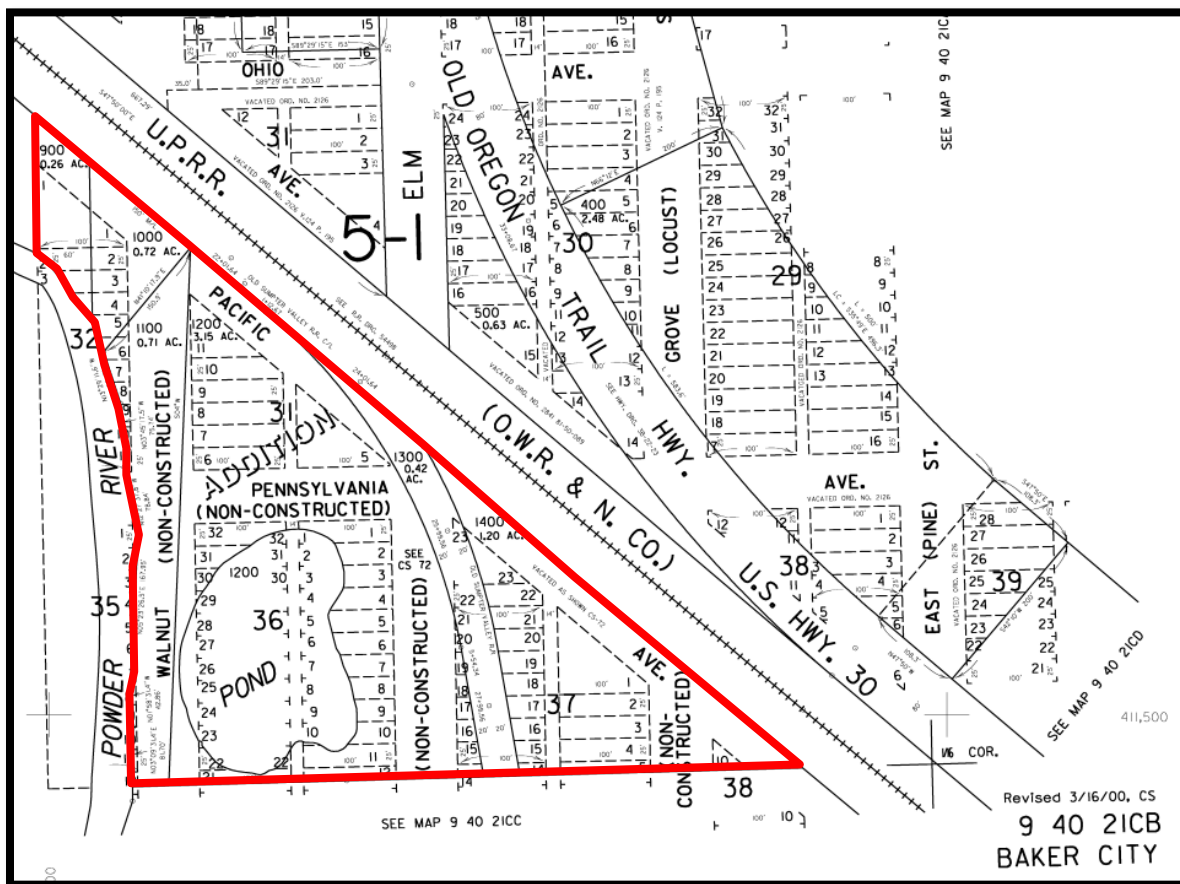


Exhibit B - Comprehensive Plan Map showing Potential Re-Zoned Property

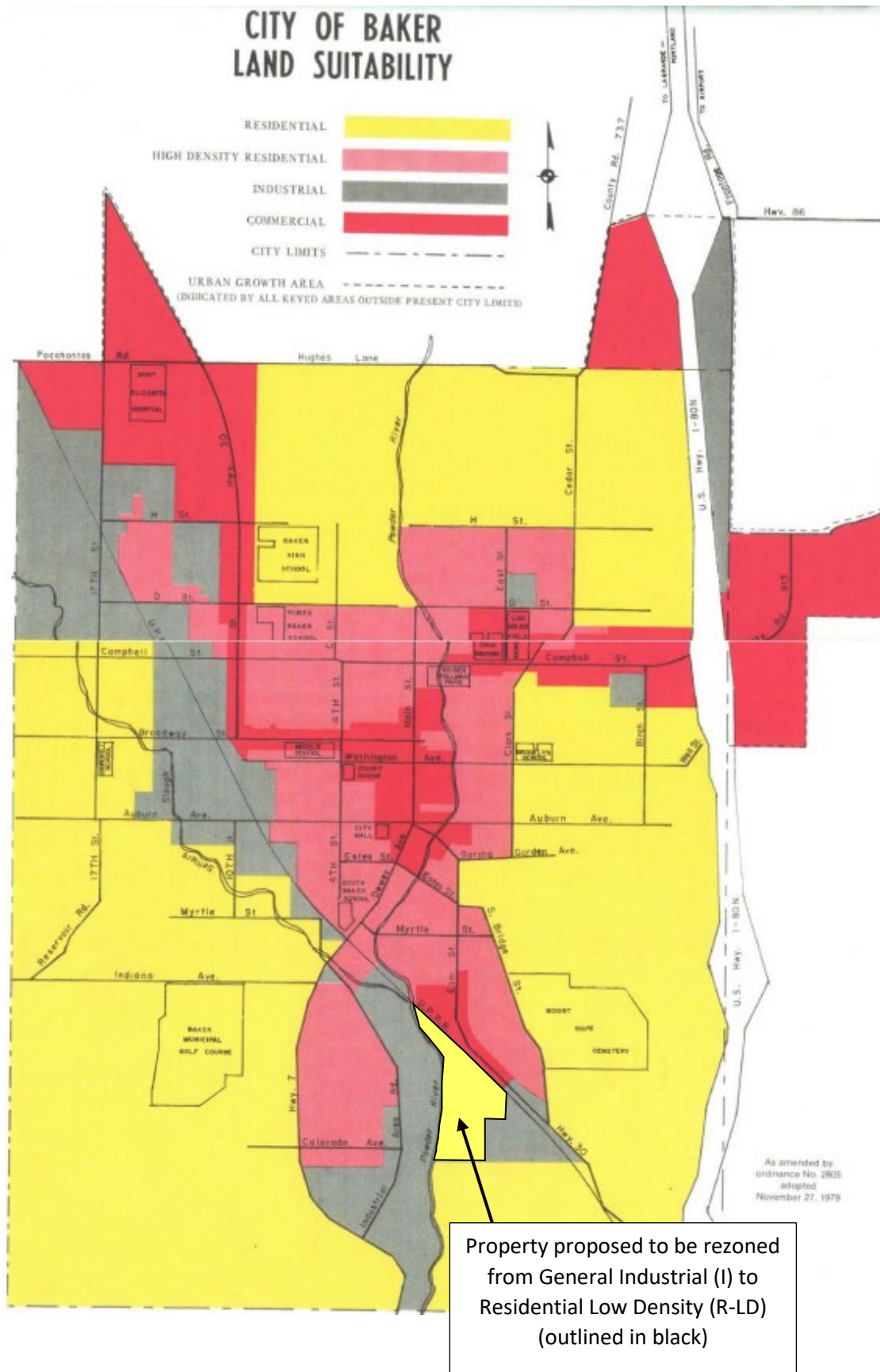
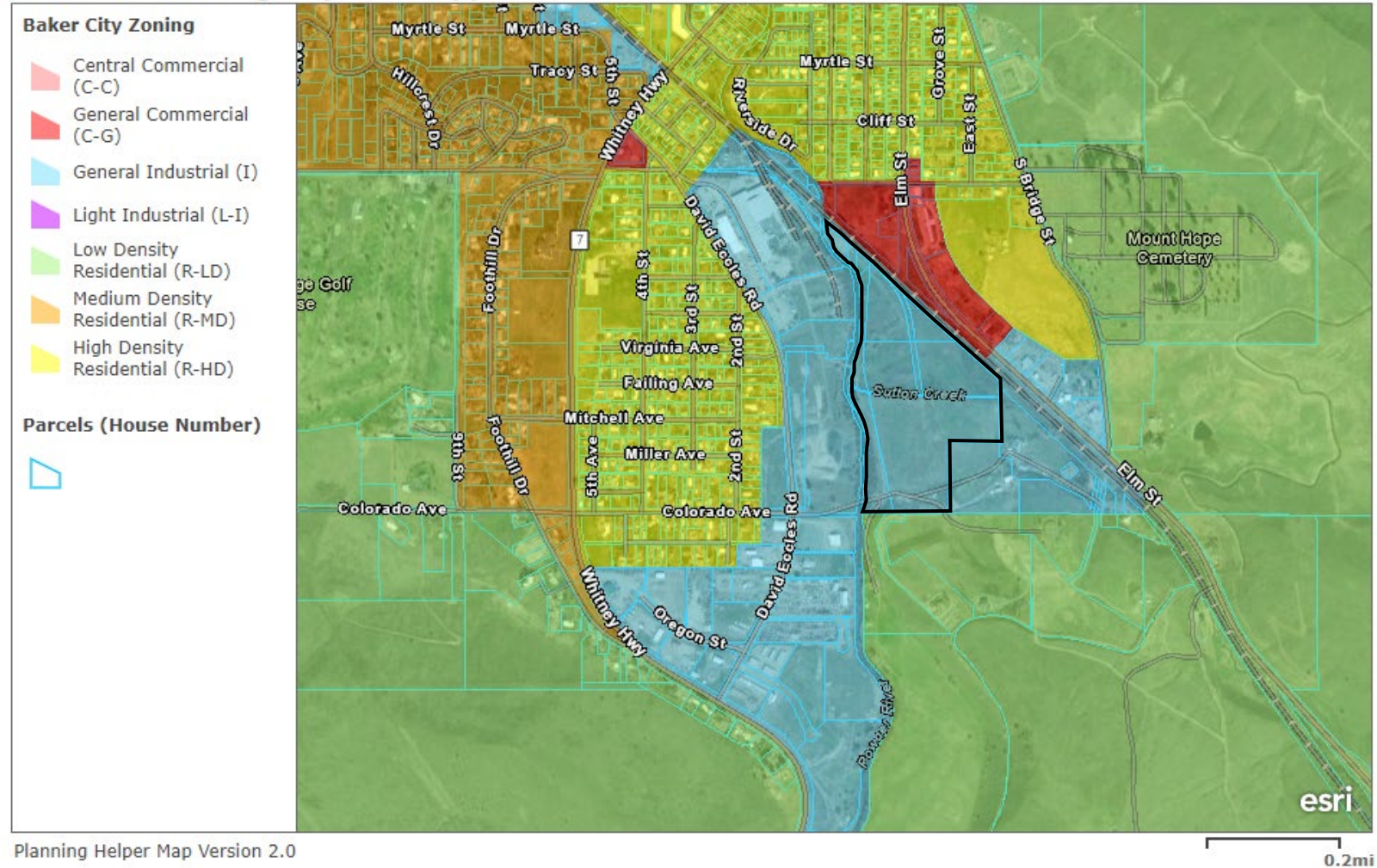


Exhibit C - Land Use Zoning Map showing Potential Re-Zoned Property

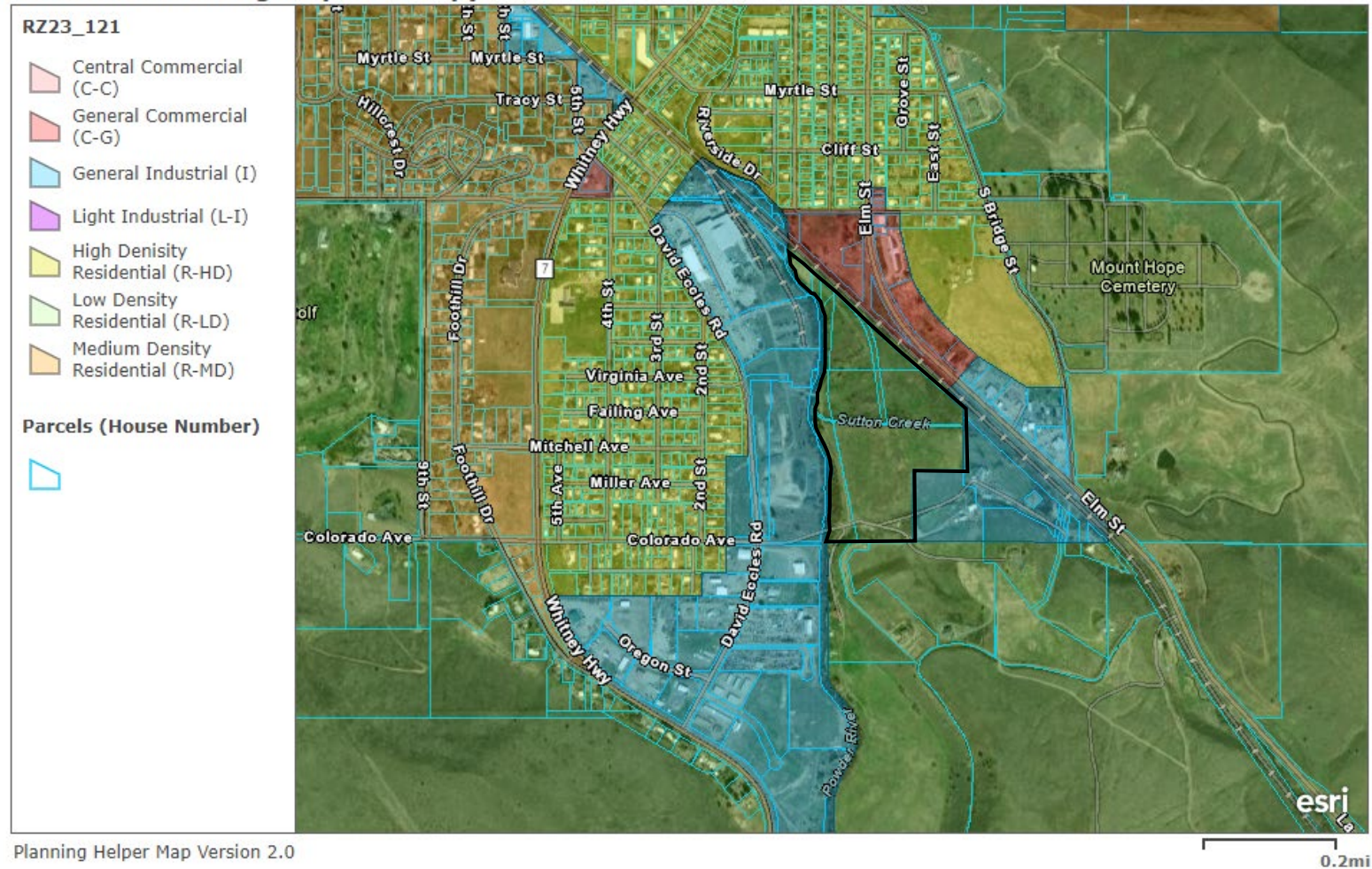
RZ-23-121 Planning Helper V2-Copy



Maxar | Esri Community Maps Contributors, Oregon State Parks, State of Oregon GEO, © OpenStreetMap, Microsoft, Esri, HERE, Garmin, SafeGraph, GeoTechnologies, Inc, METI/NASA, USGS, Bureau of Land Management, EPA, NPS, US Census Bureau, USDA

EXISTING

RZ-23-121 Planning Helper V2-Copy



Maxar | Esri Community Maps Contributors, Oregon State Parks, State of Oregon GEO, © OpenStreetMap, Microsoft, Esri, HERE, Garmin, SafeGraph, GeoTechnologies, Inc, METI/NASA, USGS, Bureau of Land Management, EPA, NPS, US Census Bureau, USDA

PROPOSED

Exhibit D - Application and Written Narrative

BAKER CITY-COUNTY PLANNING DEPARTMENT

1995 Third Street | Suite 131 | Baker City, OR | 97814
 Phone: (541) 523-8219 | Fax: (541) 523-8340



APPLICATION FOR A CODE, MAP OR PLAN AMENDMENT

App. No. _____ City Planning: 101-131-3-40-4104
 Date Submitted: _____ Received by: _____
 Fee Collected: \$ _____ Date Paid: _____
 MAKE CHECKS PAYABLE TO: **BAKER COUNTY PLANNING**

PROPOSED AMENDMENT: Re-zone properties from General Industrial to Residential Low-Density

APPLICANT			PROPERTY OWNER		
Atlas Land Use Consulting (Eva Henes)			Rocking River Ranch, LLC (Tish & Travis Bloomer)		
Last Name	First	MI	Last Name	First	MI
42008 Salmon Creek Road			1485 Colorado Avenue		
Mailing Address			Mailing Address		
Physical Address			Physical Address		
Baker City	OR	97814	Baker City	OR	97814
City	State	Zip	City	State	Zip
541-403-3123			Telephone		
atlaslanduseconsulting@gmail.com			Email		
Email			Email		

PROPERTY INFORMATION

Property Address: none assigned Zone: I

Township 09s Range 40e Section 21cc Tax Lot see attachment Ref. _____

Township 09s Range 40e Section 21cb Tax Lot see attachment Ref. _____

Was a pre-application conference held for this project? ☒ Yes ☐ No

Are there additional reviews pending? ☐ Yes ☒ No If yes, File #: _____

NOTICE TO APPLICANT: On original application form, please print legibly using black/dark blue ink or type. Applicants are advised to review the list of submittal requirements and recommendations indicated on each land use application form and in the applicable Code Section prior to submitting an application. Incomplete applications will not be scheduled for review until the Planning Department receives all required submittal materials. Failure to provide materials or address the approval criteria in sufficient detail may cause your application to be delayed or denied.

ADDITIONAL PROJECT TEAM MEMBERS. Please include any other parties you wish to receive notice and staff report(s).

Name: _____ Phone: _____

Mailing Address: _____ Email: _____

Name: _____ Phone: _____

Mailing Address: _____ Email: _____

NOTICE TO APPLICANT: By signing, the applicant certifies the information provided herein is accurate and that he/she is authorized to make the application and that there are no covenants, conditions or restrictions (CC&Rs) that may limit or prohibit the proposed adjustment. The City of Baker City does not monitor, nor have enforcement authority over CC&Rs.

Applicant Signature: Eva Henes Date: September 10th, 2023

Property Owner(s) Signature: TRANS BLOOMER Date: 9/11/2023
DocuSigned by: CAA34EFD11654DB...
Tish Bloomer Date: 9/11/2023
DocuSigned by: E190EDF0FA4A4B7...

***** Note:** If the applicant is not the owner, by signing, the owner hereby grants permission for the applicant to act in his/her behalf concerning this application.

APPLICATION SUBMISSION REQUIREMENTS – All materials shall be submitted in complete, collated application packets. Packets shall be stapled, bound, or otherwise attached to prevent loss of individual sheets or parts.

- Original **APPLICATION FORM** signed by all parties. Multiple forms may be used if necessary.
- **NARRATIVE** including all approval criteria and your responses.
- **SITE PLAN** showing existing conditions and proposed changes. All site plans should be printed at 1" = 20' scale; 1:40 or 1:100 scale may be used for very large projects. All materials larger than 8 ½ X 11 shall be folded to 8 ½ X 11 size.

MAKING FINDINGS – A Development Code, Zoning Map or Comprehensive Plan amendment may be approved if the Planning Commission finds the application conforms to the criteria found in the Development Code, the Comprehensive Plan, Statewide Planning Goals and the applicable development standards. Before the Planning Commission can review an application, the applicant must submit information that adequately supports the application. **The applicant bears the burden of proof to show that the criteria are met.**

FORMAT FOR FINDINGS – Statements addressing individual criteria consist of two parts:

1. Factual information, such as the distance between buildings, the width and type of streets, the particular operating characteristics of a proposed use, etc. Facts should reference their source: onsite inspection, a plot plan, City plans, etc.
2. An explanation of how those facts result in a conclusion supporting the criterion.

EXAMPLE: **Criterion:** *The site size, dimensions, location, topography and access are adequate for the needs of the proposed use, considering the proposed building mass, parking, traffic, noise, vibration, exhaust/emissions, light, glare, erosion, odor, dust, visibility, safety, and aesthetic considerations.*

INTRODUCTION

As noted in the *Findings* section of the *Public Involvement and Procedures for Planning* chapter of the Comprehensive Plan: “...planning should be flexible enough to respond to changes in public opinion and unforeseen circumstances, yet avoiding decisions made to satisfy special interests. Planning should be a thoughtful, reasoned process based on the best data available, attempting to avoid hastily made judgments in heated political atmospheres. Planning must be in the interests of the entire community and conducted in a fair and open manner.” It is the position of this application that the highest and best use of the area under review is not industrial zoning. At one point in time, an industrial zoning designation made sense based historic and established industrial uses; however, changes in the local economy and overall “vision” for our community have occurred, as have the closure of existing industrial businesses in the area. Baker City and Baker County are known for their beauty and livability – two facets that this rezone request hopes to directly improve upon by increasing housing options in this area of town and helping to usher future industrial uses towards lands in the northwest of the city intended for that type of development. It stands to reason that the community would only benefit from concentrating industrial uses away from residential areas. Similarly, only benefit can be gained from the enhancement and restoration of the Powder River, Sutton Creek, and wetlands in this area. Combine these features with the increased City infrastructure, accessibility, and housing that a residential development would bring to the area, and the potential negative impacts (which can be mitigated) are heavily outweighed by the positive. This assertion is supported by the findings and data included in this application narrative, as well as the support received from property owners included in this application and others in the community (Attachment 6).

APPLICABLE CRITERIA

BAKER CITY DEVELOPMENT CODE (BCDC)

BCDC Chapter 4.7 – Land Use District Map and Text Amendments:

BCDC Section 4.7.300 Quasi-Judicial Amendments

A. *Applicability of Quasi-Judicial Amendments.* *Quasi-judicial amendments are those that involve the application of adopted policy to a specific development application or Code revision, and not the adoption of new policy (i.e., through legislative decisions). Quasi-judicial zone map amendments shall follow the Type III procedure, as governed by Section 4.1.400, using standards of approval in Section 4.7.300.B. The approval authority shall be as follows:*

- 1. The Planning Commission shall review and act upon land use zone map changes that do not involve comprehensive plan map amendments;*
- 2. The Planning Commission shall make a recommendation to the City Council on an application for a comprehensive plan map amendment. The City Council shall decide such applications; and*
- 3. The Planning Commission shall make a recommendation to the City Council on a land use zone change application that also involves a comprehensive plan map amendment application. The City Council shall decide both applications.*

B. *Criteria for Quasi-Judicial Amendments.* *A recommendation or a decision to approve, approve with conditions or to deny an application for a quasi-judicial amendment shall be based on all of the following criteria:*

- 1. Approval of the request is consistent with the Statewide Planning Goals;*
- 2. Approval of the request is consistent with the Comprehensive Plan;*
- 3. The property and affected area is presently provided with adequate public facilities, services and transportation networks to support the use, or such facilities, services and transportation networks are planned to be provided in the planning period; and*
- 4. The change is in the public interest with regard to neighborhood or community conditions, or corrects a mistake or inconsistency in the comprehensive plan or land use zone map regarding the property which is the subject of the application; and*
- 5. The amendment conforms to the Transportation Planning Rule provisions under Section 4.7.600.*

Applicant Findings: This request includes both a land use zone map change and a comprehensive plan map amendment.

- 1) See findings beginning on page 10 of this application.
- 2) See findings beginning on page 10 of this application.
- 3) The subject properties are currently served by City sewer and water, with extension of

those services to future development available. City streets do not serve the properties in their current configuration, though the Baker City TSP does show a proposed future collector street planned on the properties (exact location undecided). Upon future development of the property, all required public facilities will be provided as required by the Baker City Development Code.

- 4) This proposal has been formed based on the belief that a re-zoning of this area from industrial to residential would benefit the Baker City community as a whole, as detailed further in findings on pages 12-13 and 25-30 of this application.
- 5) See findings under BCDC Section 4.7.600, below.

BCDC Section 4.7.600 – Transportation Planning Rule Compliance

A. *Review of Applications for Effect on Transportation Facilities.* When a development application includes a proposed comprehensive plan amendment or land use district change, the proposal shall be reviewed to determine whether it significantly affects a transportation facility, in accordance with Oregon Administrative Rule (OAR) 660-012-0060 (the Transportation Planning Rule – TPR) and the Traffic Impact Study provisions of Section 4.1.900. “Significant” means the proposal would:

- i. *Change the functional classification of an existing or planned transportation facility (exclusive of correction of map errors). This would occur, for example, when a proposal causes future traffic to exceed the levels associated with a “collector” street classification, requiring a change in the classification to an “arterial” street, as identified by the City’s Transportation System Plan (“TSP”); or*
- ii. *Change the standards implementing a functional classification system; or*
- iii. *Reduce the performance of an existing or planned transportation facility below the minimum acceptable performance standard identified in the City’s Comprehensive Plan; or*
- iv. *Worsen the performance of an existing or planned transportation facility that is otherwise projected to perform below the minimum acceptable performance standard identified in the road authority’s transportation system plan (TSP).*

Applicant Findings: This request includes both a land use zone map change and a comprehensive plan map amendment.

1. No change in the functional classification of existing or planned transportation facilities is proposed. The Baker City TSP (page 35) shows a “Future Collector” in the area of the subject property. By definition in the TSP, *Collector streets generally facilitate the movement of traffic within the city’s urban areas. Collectors provide for circulation and mobility for all users of the system. Collectors carry lower volumes than arterials and typically have two-lane cross-sections with on-street parking. They serve as the primary routes into residential neighborhoods. Although they carry higher volumes than local streets, they are intended to provide direct access to adjacent land rather than serving through traffic.* Based on this information, it seems that a collector would be more than adequate to serve a potential residential development of this size and would be accompanied by the development of additional local streets.

2. No change to the standards implementing a functional classification system is proposed.
3. At this time, no changes are proposed which would reduce the performance of an existing or planned transportation facility. The theoretical local and collector streets that could be developed *if this zone change request is approved* would provide through service between existing local (Colorado Avenue), collector (David Eccles), and arterial (Hwy 30) streets. Required public improvements to future streets, and David Eccles Road, specifically, would ensure that the existing collector and arterial streets surrounding/within the subject properties could handle added traffic generated by future residential development (see attached *Trip Generation Letter* for more detail).
4. At this time, no changes are proposed which would worsen the performance of an existing or planned transportation facility. See findings for subsection (3) above.

See findings for BCDC Section 4.1.900 below.

BCDC Section 4.1.900 – Traffic Impact Studies. *The purpose of this section of the code is to assist in determining which road authorities participate in land use decisions, and to implement Section 660-012-0045 (2) (e) of the State Transportation Planning Rule that requires the City to adopt a process to apply conditions to development proposals in order to minimize impacts and protect transportation facilities. This Chapter establishes the standards for when a proposal must be reviewed for potential traffic impacts; when a Traffic Impact Study must be submitted with a development application in order to determine whether conditions are needed to minimize impacts to and protect transportation facilities; what must be in a Traffic Impact Study; and who is qualified to prepare the Study (underline added for emphasis).*

- A. *When a Traffic Impact Study is Required. The City or other road authority with jurisdiction may require a Traffic Impact Study (TIS) as part of an application for development, a change in use, or a change in access. A TIS may be required when a land use application involves one or more of the following actions: (underline added for emphasis)*
1. *A change in zoning or a plan amendment designation;*
 2. *Any proposed development or land use action that a road authority states may have operational or safety concerns along its facility(ies);*
 3. *An increase in site traffic volume generation by 300 Average Daily Trips (ADT) or more; or*
 4. *An anticipated increase in peak hour volume of a particular movement to and from the State or road authority highway by 20 percent or more; or*
 5. *An increase in use of adjacent streets by vehicles exceeding the 20,000-pound gross vehicle weights by 10 vehicles or more per day; or*
 6. *The location of the access driveway does not meet minimum sight distance requirements, or is located where vehicles entering or leaving the property are restricted, or such vehicles queue or hesitate on the State highway, creating a safety hazard; or*
 7. *A change in internal traffic patterns that may cause safety problems, such as back up onto a street or greater potential for traffic accidents.*

- B. *Traffic Impact Study Preparation. A Traffic Impact Study shall be prepared by a professional engineer licensed in Oregon in accordance with the requirements of the road authority. If the road authority is the Oregon Department of Transportation (ODOT), consult ODOT's regional development review planner and OAR 734-051-180.*

The City of Baker City's standards for triggering a traffic impact analysis/study (TIA/TIS) clearly show that the intent of this requirement is to evaluate concrete development proposals for their effect on traffic, safety, and existing transportation systems. No concrete development proposal is included within this re-zone application and, as such, it seems most appropriate to require a TIA as part of a future development application when street layouts and lot configurations have been determined. The conceptual renderings included within the Trip Generation Letter (Attachment 7) are meant to give examples of maximum built-out capability. The conceptual renderings included within this written narrative for the re-zone application (page 34) are meant to provide an additional example of what future development of the properties could look like.

It should be emphasized that this re-zone decision will not grant any permissions or approvals to develop the lands as conceptually included in the application. Such development will require a separate land use application subsequent to the re-zoning, at which time both the Baker City Development Code and Oregon Administrative Rule will require a traffic impact analysis. Upon future development, all traffic impacts attributable to this development will be required to be mitigated as part of the project (e.g. railroad crossings, turn lanes, signal improvements, street and intersection improvements, etc.).

It is the position of this application that a Traffic Impact Study is not appropriate at this time. If this current re-zone application is approved, subsequent land use applications will be required prior to development of the subject properties. At that point in the future, a Traffic Impact Study would be most appropriate for a concrete development plan, and will be completed based on such a development plan. Please see the attached *Trip Generation Letter* for additional detail.

In evaluating criteria from Section 4.1.900(A)(1-7), listed above, it should be noted that even if one or more of the following criterion are true, discretion is given to the City or road authority on when to require a TIA.

- 1) A zone change is proposed.
- 2) No such comments relating to operational or safety concerns were received from the Baker City Public Works Department or the Oregon Department of Transportation. As all public rights-of-way have been designed so as to adhere to requirements within the Baker City Development Code, operational and safety concerns are not anticipated. Subsequent applications for development (if this re-zone application is approved) will allow for mitigation of any identified operational or safety concerns.
- 3) The requested zone change will not immediately increase site traffic volume; however, anticipated future development as depicted on page 34 could generate a minimum of ± 420 ADT. The figures included within this application narrative

and Attachment 7 – Trip Generation Letter are *estimates only*, as a final development plan requires application and approval through a separate land use process. Please see attached Trip Generation Letter for more detail (Attachment 7).

- 4) Such increase is not anticipated, as estimated traffic counts for residential versus industrial uses show a decrease in ADT (Attachment 7 – Trip Generation Letter).
- 5) Heavy vehicle traffic is not anticipated in this area upon future development of the subject properties as established truck routes exist elsewhere in South Baker.
- 6) It is believed driveway access points would/could meet all sight distance requirements at the time of development. No development is proposed with this re-zone request.
- 7) Such safety problems are not anticipated, as all public rights-of-way have been designed so as to adhere to requirements within the Baker City Development Code.

See findings for OAR 660-012-0060 below.

OAR 660-012-0060 – Plan and Land Use Regulation Amendments

1. *If an amendment to a functional plan, an acknowledged comprehensive plan, or a land use regulation (including a zoning map) would significantly affect an existing or planned transportation facility, then the local government must put in place measures as provided in section (2) of this rule, unless the amendment is allowed under section (3), (9) or (10) of this rule. A plan or land use regulation amendment significantly affects a transportation facility if it would:*

It is the position of this application that no significant affect will come from the proposed re-zone, as detailed in the Traffic Generation Letter (Attachment 7).

- a. *Change the functional classification of an existing or planned transportation facility (exclusive of correction of map errors in an adopted plan);*

No change in the functional classification of existing or planned facilities is proposed. The Baker City TSP (page 35) shows a "Future Collector" in the area of the subject property. By definition in the TSP, *Collector streets generally facilitate the movement of traffic within the city's urban areas. Collectors provide for circulation and mobility for all users of the system. Collectors carry lower volumes than arterials and typically have two-lane cross-sections with on-street parking. They serve as the primary routes into residential neighborhoods. Although they carry higher volumes than local streets, they are intended to provide direct access to adjacent land rather than serving through traffic.* Based on this information, it seems that a collector would be more than adequate to serve a potential residential development of this size and would be accompanied by the development of additional local streets.

- b. *Change standards implementing a functional classification system; or*

No such change is requested.

- c. *Result in any of the effects listed in paragraphs (A) through (C) of this subsection. If a local government is evaluating a performance standard based on projected levels of motor vehicle traffic, then the results must be based on projected conditions measured at the end of the planning period identified in the adopted TSP. As part of evaluating projected conditions, the amount of traffic projected to be generated within the area of the amendment may be reduced if the amendment includes an enforceable, ongoing requirement that would demonstrably limit traffic generation, including, but not limited to, transportation demand management. This reduction may diminish or completely eliminate the significant effect of the amendment.*

- A. *Types or levels of travel or access that are inconsistent with the functional classification of an existing or planned transportation facility;*

Not inconsistent with TSP. As the TSP does not show a definite plan for this area aside from the proposed future collector street, it seems the addition of a collector and several local streets through the proposed development would not be inconsistent with the TSP and projected future need for connectivity and access in this area.

- B. *Degrade the performance of an existing or planned transportation facility such that it would not meet the performance standards identified in the TSP or comprehensive plan; or*

At this time, no changes are proposed which would reduce the performance of an existing or planned transportation facility. The theoretical local and collector streets that could be developed *if this zone change request is approved* would provide through service between existing local (Colorado Avenue), collector (David Eccles), and arterial (Hwy 30) streets. Required public improvements to future streets, and David Eccles Road, specifically, would ensure that the existing collector and arterial streets surrounding/within the subject properties could handle added traffic generated by future residential development (see attached *Trip Generation Letter* for more detail)

- C. *Degrade the performance of an existing or planned transportation facility that is otherwise projected to not meet the performance standards identified in the TSP or comprehensive plan.*

Same comment as above.

In summary, is it the position of this application that no significant affect is generated by this re-zone request. This is supported by findings in the Trip Generation Letter (Attachment 7).

2. *If a local government determines that there would be a significant effect, then the local government must...*

3. *Notwithstanding sections (1) and (2) of this rule, a local government may approve an amendment that would significantly affect an existing transportation facility without ensuring that the allowed land uses are consistent with the performance standards of the facility where:*

In the event that a road authority disagrees with the finding of no significant affect outlined in the Trip Generation Letter (Attachment 7), the findings in subsection (a) to (d) below have been provided.

- a. *In the absence of the amendment, planned transportation facilities, improvements, and services as set forth in section (4) of this rule would not be adequate to achieve consistency with the performance standard for that facility by the end of the planning period identified in the adopted TSP;*

The requirement for future improvement of public streets within the a residential development on the subject properties is expected *if this re-zone application is approved*, as are potential improvements to undeveloped David Eccles. A multi-use path through the property is also proposed should a re-zone occur. Without a rezone and subsequent development of this area, future connection between David Eccles and Hwy 30 is unlikely within the planning period (2013-2033), as is installation of a multi-use path.

- b. *Development resulting from the amendment will, at a minimum, mitigate the impacts of the amendment in a manner that avoids further degradation to the performance of the facility by the time of the development through one or a combination of transportation improvements or measures;*

Same findings as subsection (a) above. All streets within any future development would be designed and improved to City standards so as to accommodate anticipated traffic.

- c. *The amendment does not involve property located in an interchange area as defined in paragraph (4)(d)(C); and*

Properties are not in an interchange area.

- d. *For affected state highways, ODOT provides a written statement that the proposed funding and timing for the identified mitigation improvements or measures are, at a minimum, sufficient to avoid further degradation to the performance of the affected state highway. However, if a local government provides the appropriate ODOT regional office with written notice of a proposed amendment in a manner that provides ODOT reasonable opportunity to submit a written statement into the record of the local government proceeding, and ODOT does not provide a written statement, then the local government may proceed with applying subsections (a) through (c) of this section.*

Comment needed from ODOT.

4. *Determinations under sections (1)–(3) of this rule shall be coordinated with affected transportation facility and service providers and other affected local governments....*

THE BAKER CITY COMPREHENSIVE PLAN

PUBLIC INVOLVEMENT AND PROCEDURES FOR PLANNING

GOAL: To provide for public involvement at all stages of planning decisions and to establish procedures for changing the plan and making related policies.

[Implements Statewide Planning Goals 1 - CITIZEN INVOLVEMENT – To develop a citizen involvement program that insures the opportunity for citizens to be involved in all phases of the planning process; and 2 - LAND USE PLANNING – To establish a land use planning process and policy framework as a basis for all decisions and actions related to use of land and to assure an adequate factual base for such decisions and actions.]

POLICIES:

- 1. The City will make all reasonable efforts to publicize planning issues and meetings where these issues will be discussed and decided upon.*
- 2. Persons or firms making proposals or applications for land use decisions that may have an effect on neighbors or the general public will be expected to provide descriptive materials and information adequate for the determination being made.*
- 3. The Planning Commission will continue to undertake efforts to involve and inform the public of planning issues.*
- 4. In instances where public hearings are required, relative to this plan, the Planning Commission and City Council will follow procedures established in the City's zoning ordinance. These bodies are responsible for considering the effects of a decision on the entire community and should not be swayed unduly by the number of persons testifying for or against a particular course of action.*
- 5. Planning decisions generally, and amendments to this plan particularly, will be consistent with the state planning goals.*
- 6. Planning related decisions of the City will be in accord with the policies of the Comprehensive Plan.*
- 7. The City will maintain and regularly update information and maps used as a basis for making planning decisions.*
- 8. The Comprehensive Plan will be thoroughly reviewed and necessary alterations made every three years. The staff will prepare an initial review for presentation to the Planning Commission, which will conduct at least one public hearing and make its recommendations to the City Council.*
- 9. Changes to the Comprehensive Plan may be made at any time. Proposals for change may be initiated by the City Council, Planning Commission, City staff or citizens. Once a proposal is made, the following procedures will be followed:*
 - a) It must be demonstrated that the following conditions exist, when applicable:*
 - i) There is a mistake or omission in the plan;*
 - ii) There is not an adequate amount of land designated as suitable for specific uses by the Plan;*
 - iii) If a particular area is proposed for a change in designation, it must be demonstrated that the proposed use is more suitable in the area than the existing use;*
 - iv) It must be demonstrated that public facilities will be used efficiently and that no unnecessary tax burden will fall upon the general public or nearby landowners;*
 - v) The effects on the area surrounding a proposed change will not be reasonably harmful or incompatible; and*
 - vi) The proposed policy or land use change is consistent with the state planning goals.*

- b) *The City will attempt to gain media coverage of the issues and public notice of the proposed change will be advertised.*
 - c) *Affected public agencies will be informed and asked for a response to the proposed change.*
 - d) *The proposed change will be submitted to the LCDC for comment (if required by state law).*
 - e) *Recommendations will be forwarded by the Planning Commission to the City Council where changes will be considered according to ordinance adoption procedures.*
 - f) *Any measures necessary to implement the change will be initiated as soon as practicable.*
10. *Amendments to the Comprehensive Plan which involve an exception to the statewide goals shall comply with all requirements of ORS 197.732.*

Applicant Findings:

(1) It is assumed that all notice requirements outlined in the BCDC have been adhered to by Planning Department staff.

(2) The required application form and supporting materials were submitted to the Planning Department and are available for public review.

(3) It is assumed that all notice requirements outlined in the BCDC will be adhered to by Planning Department staff.

(4) It is assumed that the procedures outlined in the BCDC for public hearings for this proposal will be adhered to.

(5) The application narrative was written to determine consistency with Statewide Planning Goals. See findings for each Planning Goal, as applicable.

(6) This narrative has been written to determine consistency with the Baker City Comprehensive Plan.

(7) The information in the Housing chapter of the Comprehensive Plan was recently updated in 2021. Other chapters have not been recently updated. The frequently referenced Land Suitability Map has not been revised since its creation in 1979. Zoning maps were last revised in 2020.

(8) All proposed revisions to the Comprehensive Plan will be presented to the Planning Commission, who will make a recommendation to City Council.

(9) The proposed revisions to the Comprehensive Plan Zone Map and the Baker City Zoning Map are proposed by citizens of Baker City.

a) The following conditions exist:

i. Not applicable.

ii. Not applicable. The recently-completed Buildable Lands Inventory demonstrates there is not a shortage of residentially-zoned land available to meet the current projected housing need; however, it should be noted that:

- the projected housing need is estimated within a limited 20 year forecast period and re-zoning of these properties looks further into the future with the highest and best use of the area in mind;
 - a significant portion of the City’s vacant R-LD lands are impacted by steep slopes or floodplains (page 11 of the BLI), as is the case with the subject properties;
 - redevelopment of existing residential properties to increase density potential, as proposed by the Housing Needs Analysis, will not be possible on all residential lands within the City (namely small lots/parcels and lack of property owner desire) and, therefore, larger undeveloped areas should be sought for residential development; and
 - previous zone change requests to convert employment lands to residential use have been approved throughout the city for varying reasons (1991-2002)
- iii. A change in zoning designation is proposed for the area identified in Attachment 2 from General Industrial to Residential Low Density. Please see detailed findings under the *Land Suitability* chapter on pages 25-30 of this narrative.
- iv. There are no anticipated changes to the current use of public facilities. If approved, adequate public utilities will be extended to serve future development. No new tax burden is anticipated. Please see detailed findings under the *Public Facility Plan* chapter on pages 16-18 of this narrative.
- v. The table below summarizes the anticipated impacts of the proposed rezone on multiple fronts:

	Positive Impacts	Negative Impacts
Surrounding Residential Areas	- Decrease industrial zoning and potential for industrial development in the area - River restoration - Create opportunity for a park and extension of Leo Adler Pathway - Potential improvement to area streets - Redevelopment acts as a “gateway” for further development and extension of city services to the RLD-zoned lands to the south	- Development of vacant land - Increased traffic
Surrounding Industrial Areas	- Master-planned development on property could accommodate multiple uses and easily tie into existing industrial zoning/uses to the north with “use buffers” - Highway 30 and Powder River provides natural buffering between subject property and adjacent industrial tracts - Industrial land to the southeast is developed with single-family dwellings (west of Hwy 30) - RR is existing and logical barrier between land uses	- Potential for increased “rub” between existing industrial uses and future residential development
Powder River	- River restoration - Replace potential for industrial use	

	development with residential development along river = less possibility of contamination	
Community as a Whole	- Improved viewshed when viewed from the south, I-84 or Hwy 30 - Improve setting for future extension of Leo Adler Pathway - Increased potential for additional connection between Hwy 30 and Hwy 7 - River restoration	- Potential for increased “rub” between existing industrial uses and future residential development - Creation of “islands” of industrial zoning
Property Owners Included within Request	- River restoration - Improved viewshed - Improved access to this area of the City and existing development	- Development of vacant land - Increased traffic

For the purposes of this section, mitigation of potential negative impacts of the proposal is reviewed in detail below. Potential positive impacts are reviewed elsewhere in this narrative (pages 3-36).

	Negative Impacts	Comments/Mitigation
Surrounding Residential Areas	- Development of vacant land - Increased traffic	- Development of vacant land is inevitable but can be done thoughtfully and would include development of future streets to city standards to accommodate expected traffic
Surrounding Industrial Areas	- Potential for increased “rub” between existing industrial uses and future residential development	- Powder River provides natural buffer between potential residences and existing industrial uses to the north and west - Industrial land to the southeast is developed with single-family dwellings (west of Hwy 30) - UPRR and Hwy 30 provide developed buffer between potential residences and existing industrial uses - Future CCRs (recorded with deeds) can detail proximity development allowances to industrially-zoned land and industrial uses
Community as a Whole	- Potential for increased “rub” between existing industrial uses and future residential development - Creation of “islands” of industrial zoning	- Future CCRs (recorded with deed) to note proximity to industrially-zoned land and industrial uses - Potential “island” consists of 5 lots on the east side of Hwy 30, adjacent to commercial zoning (which would be separated from potential housing by Hwy 30 and UPRR) and existing single-family dwellings on industrially-zoned lots to the southeast (two in total)
Property Owners Included within Request	- Development of vacant land - Increased traffic	- Development of vacant land is inevitable but can be done thoughtfully and would include development of future streets to city standards to accommodate expected traffic

- vi. The application narrative has been written to determine consistency with the Statewide Planning Goals, findings for which can be found in findings for the Comprehensive Plan and other statewide planning goals beginning on page 10 of this report.
 - b) It is assumed that adequate media coverage will be sought by Planning Department staff.
 - c) It is assumed that all affected public agencies will be informed of the proposal and asked for a response by Planning Department staff.
 - d) It is assumed that the Department of Land Conservation and Development will be informed of the proposal and asked for a response by Planning Department staff.
 - e) It is assumed that the Baker City Planning Commission will make a recommendation to City Council on this request, in accordance with ordinance adoption procedures.
 - f) If approved, it is assumed that revisions to the Comprehensive Plan Zone Map and Baker City Zoning Map will take effect in accordance with standard procedures.
- 10) The proposed revisions do not involve an exception to statewide planning goals.

FIRE PROTECTION

GOAL: To protect the community's citizens and property from loss due to fire by a program of inspection, direction in methods of prevention, and swift suppression of any fire outbreak.

[Implements a portion of Statewide Planning Goal 11 – PUBLIC FACILITIES AND SERVICE – To plan and develop a timely, orderly and efficient arrangement of public facilities and services to serve as a framework for urban and rural development.]

POLICIES

- (1) In order to provide the best possible service to the community, a conscientious and studied evaluation of the department's operation and facilities shall be made regularly, with particular attention paid to demands incurred by new growth.*
- (2) Adequate facilities are required for combating fires and housing both men and equipment; these facilities shall be provided by the City as needed.*

Applicant Findings: Findings within this section of the Comprehensive Plan note:

- 1. Unless present city boundaries are significantly expanded, response time from a single, centrally-located station house will remain within acceptable limits.*

No changes to the city limit boundaries are proposed. Additional demands on fire protection services are expected upon future development of the land included within this request. These demands can be mitigated through existing City water infrastructure and

City right-of-way development on the subject properties (see Attachment 2) and in the general area, as well as requirements for the installation of City water infrastructure upon future development.

PARKS & RECREATION

GOAL: To maintain present park and recreation areas and provide for the varied and growing needs of the City's residents and its visitors.

[Implements Statewide Planning Goal 8 - RECREATIONAL NEEDS – To satisfy the recreational needs of the citizens of the state and visitors.]

POLICIES

- (1) The City shall coordinate plans for park and recreation space expansion with other agencies (notably the school district and the Baker County Court).*
- (2) Requirements for dedicating land for recreation space or paying some equivalent fee with any new development will be further studied.*
- (3) The need for parks and other open space recreation facilities will be regularly evaluated and identified.*

Applicant Findings: No policies within the Parks & Recreation chapter were determined to be applicable to this proposal; however, findings within this section of the Comprehensive Plan note:

- 5. ...a city-wide planning survey taken in the summer of 1977 found that 63% of the respondents felt present facilities were adequate. A respectable minority of some 22%, however, did express the desire to develop an additional park...*

Additionally, according to the Baker City Parks Master Plan (2015), extension of a multi-use path in this area is listed as a *Proposed Future Development* (pg. 38) as part of the Leo Adler Pathway. This is mirrored in the Baker City Transportation Systems Plan, an excerpt of which is included on page 21 of this narrative.

If approved, the lands included within this request could include a park, extension of the Leo Adler Memorial Parkway and/or designation of identified wetlands as reserve space (see draft Master Planned Development rendering on page 34).

POLICE PROTECTION

GOAL: To protect the community's residents and their property through a program of citizen awareness and enforcement of local and state laws.

[Implements a portion of Statewide Planning Goal 11 - PUBLIC FACILITIES AND SERVICE – To plan and develop a timely, orderly and efficient arrangement of public facilities and services to serve as a framework for urban and rural development.]

POLICIES

(1) In order to provide the best possible service to the community, a conscientious and studied evaluation of the department's operation and facilities shall be made regularly, with particular attention paid to demands incurred by new growth.

Applicant Findings: The lands included within this request are undeveloped and are plagued with continual trespassing issues. If rezoned, the area can be developed with a network of City streets, providing better access and visibility for police services. It is assumed that industrial development under the current zoning would require larger lots and therefore the opportunity for fewer streets, leading to lower visibility for police services. Additionally, the opportunity for future development of residences in the area would provide occupied structures (dwellings), as opposed to industrial developments which are generally left unattended outside of operating hours.

SCHOOLS

GOAL: To assure suitable siting for the City's public schools appropriate to the policies established in the plan.

[Implements Statewide Planning Goal 11 – PUBLIC FACILITIES AND SERVICE – To plan and develop a timely, orderly and efficient arrangement of public facilities and services to serve as a framework for urban and rural development.]

Applicant Findings: No policies within the Schools chapter were determined to be applicable to this proposal.

PUBLIC FACILITY PLAN

[Implements Statewide Planning Goal 11 – PUBLIC FACILITIES AND SERVICE – To plan and develop a timely, orderly and efficient arrangement of public facilities and services to serve as a framework for urban and rural development.]

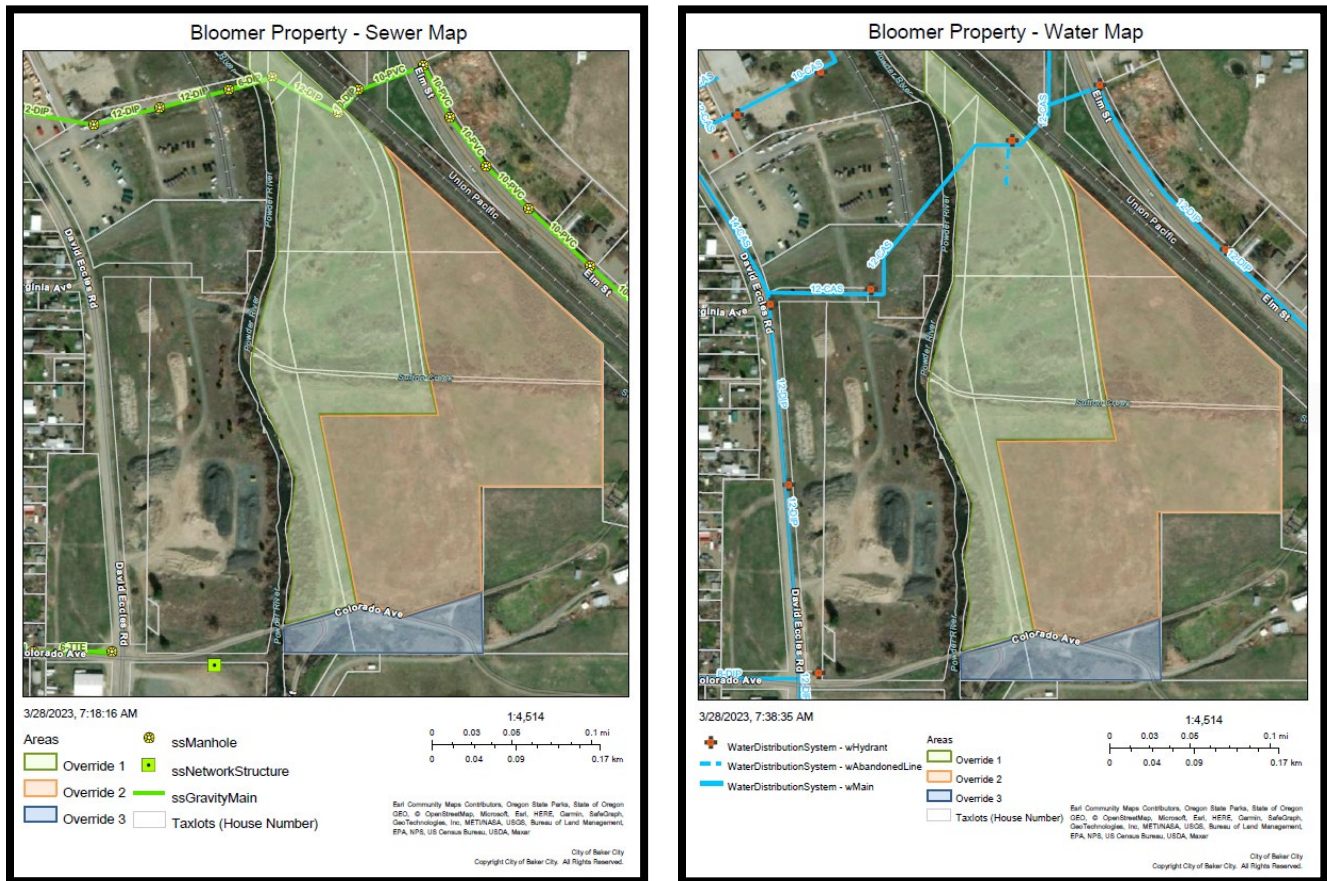
POLICIES

(1) The City of Baker City shall insure the provision of urban services (water, sewer and storm drainage and transportation infrastructure) to residential, commercial and industrial lands within the City's Urban Growth Area.

(7) The City shall only support development that is compatible with the City's ability to provide adequate public facilities and services.

(17) The City shall maintain an eight-year supply of commercial and industrial land that is serviceable by water, sewer, and transportation infrastructure.

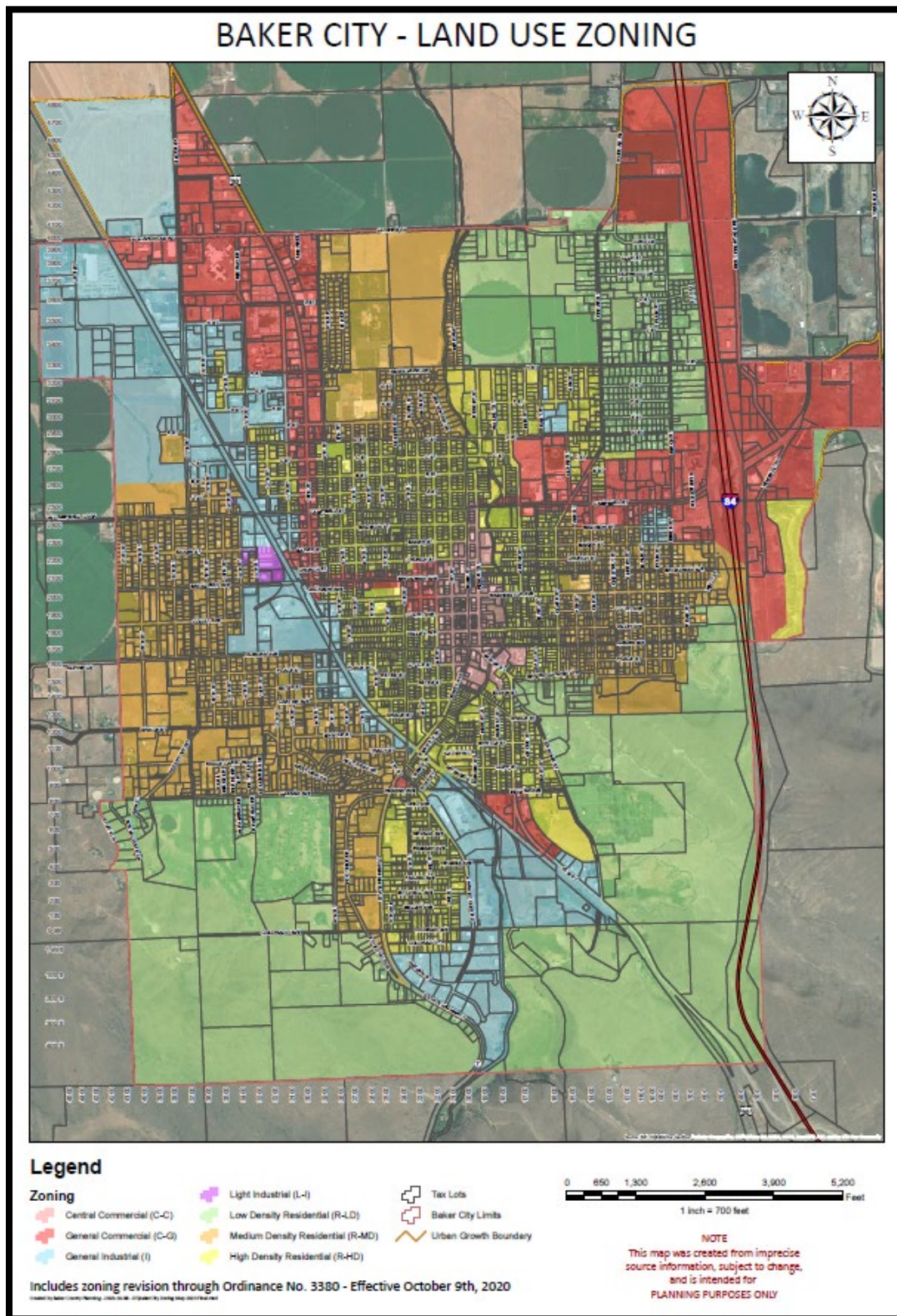
Applicant Findings: The ability to serve the properties included within this rezone request with City streets, sewer and water exists, as mainline connection is available in the northern portion of the area under review (see maps below).



Currently, the continued development of properties/residences to the south requires well and septic installation by individual property owners. If rezoned, development of the area under review would bring City sewer and water further south, allowing for simple connection to City services by existing and future homes located to the south of the subject properties.

No new uses are proposed with this rezone request and no changes to the city limits boundaries are proposed.

In relation to *Policy (17)* listed above, review of the Baker City Zoning Map reveals that the City has several areas of vacant, industrially-zoned land (see Baker City Zoning Map below). This is supported by the 2021 Buildable Lands Inventory completed for Baker City, which notes there is a surplus of vacant, industrially-zoned land in the City. A review of the development potential of many of these sites for industrial use is included on pages 27-29 of this narrative. In summary, removal of the area under review from industrial zoning will not negatively impact future industrial development in Baker City, as the area under review is not considered “development ready” (as other sites are) due to undeveloped access and lack of City sewer and water. As noted in the *Land Suitability* findings (pages 25-30 of this narrative), the area under review was zoned industrial many decades ago when site conditions were different. Current community needs and conditions suggest this area would be better suited to other uses, as detailed in this application.



SEWER SYSTEM

GOAL: To efficiently provide developed areas of the City with storm and sanitary sewer adequate for the proper maintenance of health, safety and public convenience.

[Implements Statewide Planning Goal 11 – PUBLIC FACILITIES AND SERVICE – To plan and develop a timely, orderly and efficient arrangement of public facilities and services to serve as a framework for urban and rural development.]

(9) The City shall strive toward eventually servicing all urban level development within the city limits with sanitary sewer.

Applicant Findings: According to the Comprehensive Plan, urban development is defined as: “Residential development that individually or in the aggregate yields a density equal or greater than one dwelling per 2 acres...”. As such, existing homes on lands in the area are not considered urban development; however, based on the size and current zoning of said parcels (R-LD), the potential for future urban development exists. The ability to extend City streets, sewer and water to the properties included in this request is possible (as noted on page 17 of this narrative), as is the potential to allow connection of those services to existing/future residential development to the south.

SOLID WASTE DISPOSAL

GOAL: To assure a clean, healthful environment for Baker City residents, specifically through provision of fair and efficient disposal of solid wastes accumulating within the city.

[Implements Statewide Planning Goal 11 – PUBLIC FACILITIES AND SERVICE – To plan and develop a timely, orderly and efficient arrangement of public facilities and services to serve as a framework for urban and rural development.]

Applicant Findings: No policies within the Solid Waste Disposal chapter were determined to be applicable to this proposal. It is assumed that solid waste service could be provided to the areas included with this request, regardless of zoning.

TRANSPORTATION

GOAL: To provide a safe, efficient and convenient transportation system realizing maximum mobility for the community’s citizens.

[Implements Statewide Planning Goal 12 – TRANSPORTATION – To provide and encourage a safe, convenient and economic transportation system.]

(9) Bike lanes shall be provided as designated by the Bicycle Network Plan to make bicycling safe, enjoyable and an efficient alternative to local motorized transport...

(10) Multi-use paths are appropriate in the general locations shown on the Pedestrian and Bicycle Network Plans. Where there is property owner support for creating multi-use paths, the City will work cooperatively with property owners and pursue grants to develop multi-use paths...

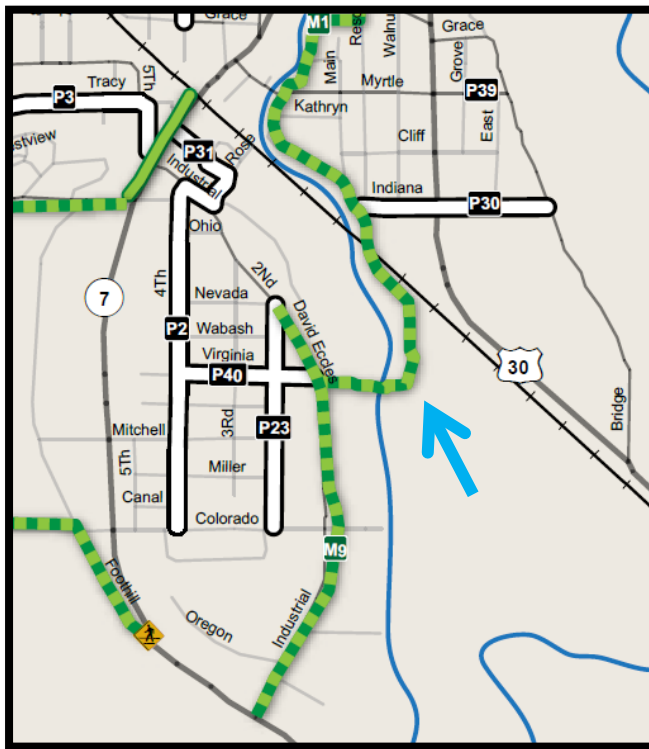
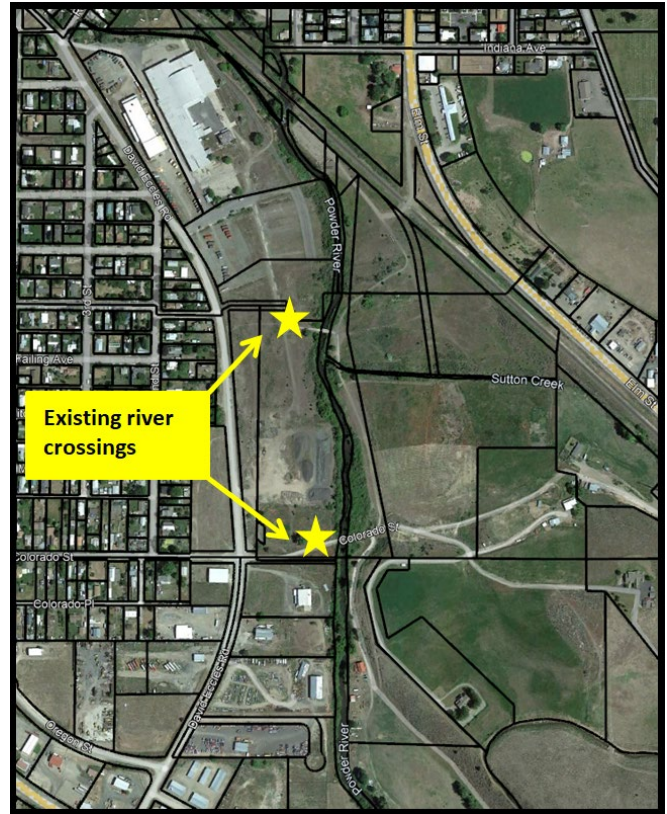
(12) The City of Baker City will address access concerns in the development of new streets and the management of the existing ones...

Applicant Findings: Applicable findings in this section of the Comprehensive Plan include:

c) *Expansion of the multi-use pathway network.*

e) *Expansion of the existing roadway grid to serve potential future development.*

In response to findings and policies in this section of the Comprehensive Plan, redevelopment of the land included within this request would lead to vehicle, bicycle and pedestrian access crossing the Powder River, with improvement of streets leading to existing river crossings (see map at right). These crossings were originally installed as part of the Sumpter Valley Railroad and facilitated narrow-gauge rail service for logging and timber companies in the late 1880s. This narrow-gauge rail service was removed in/around the early 1960s. Only the southern crossing is currently in use today and is used for vehicle traffic, serving four existing residences on the east side of the Powder River.

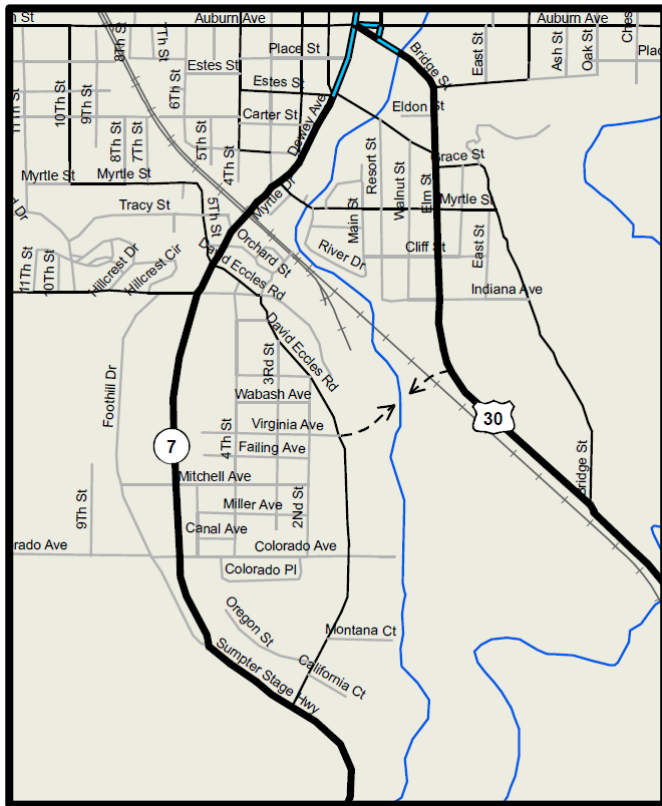


Re-zoning and redevelopment of the subject properties would allow extension of the Leo Adler Parkway (a multi-use path) through the area, connecting east and west sides of Powder River, as outlined in Baker City TSP (see excerpt at left).

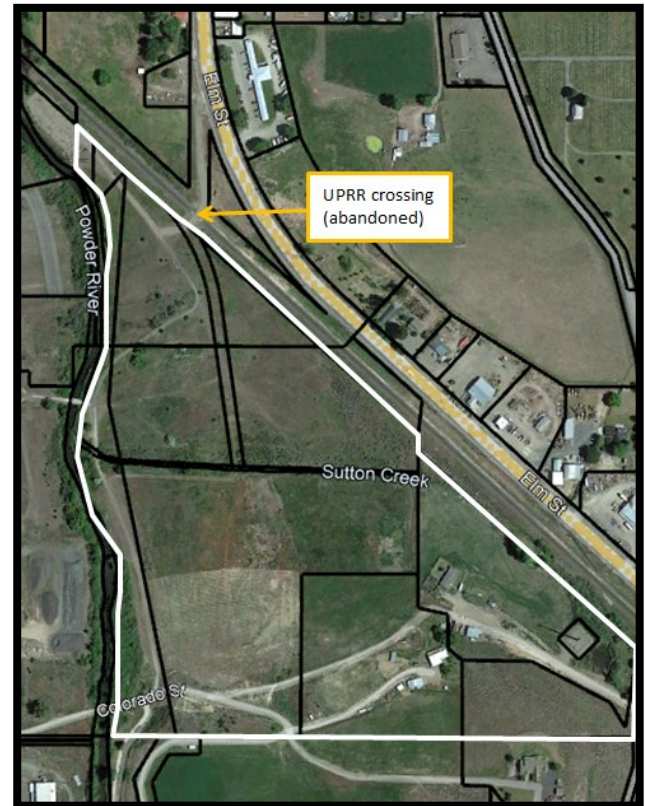
The Comprehensive Plan specifically states multi-use path development will be done cooperatively, with property owner support. Re-zoning and redevelopment of this land for residential use would lend well to the continuation of the Leo Adler Pathway. Without re-zoning, existing property owners fail to see the benefit of a multi-use path in the area, as it would lead to increased trespassing issues in the current vacant state of the properties. If developed with industrial uses under the current zoning, this pathway would traverse areas of industrial use, which do not generally

benefit from increases in pedestrian traffic that a pathway would inevitably generate.

The Baker City TSP suggests future public street connection in the area between Highway 30 and David Eccles Road, crossing railroad tracks and the Powder River (see TSP excerpt on next page).



The private rail crossing which existed to serve the subject properties (providing access directly to Tax Lot 1200 of Map 09s40e21cb) was abandoned by UPRR and is not currently useable (see aerial image below).



It is common knowledge that reinstating private railroad crossings after abandonment is nearly impossible, as private property owners have little success in receiving permission from UPRR. What seems to be more of a possibility for receiving crossing approval is a coordinated effort between private property owners and local jurisdictions to request a public railroad crossing. With rezoning and redevelopment of the subject properties, a great community benefit exists in pursuing a public crossing for the extension of City streets and the Leo Adler Pathway, as outlined in the TSP (see TSP excerpt above). At a pre-application meeting on August 16th, 2023, no objection from the City of Baker City nor the Oregon Department of Transportation (ODOT) was received in response to the proposal of jointly pursuing reinstatement of this crossing. Discussions have been initiated with the ODOT Region 5 office and the ODOT Rail Crossing Safety Specialist to outline this application and approval process, which would be pursued if the re-zone is approved. Please see additional transportation-related findings in the Trip Generation Letter (Attachment 7), which outlines potential public right-of-way connection and addresses additional traffic-related concerns.

DOMESTIC WATER

GOAL: To provide in a cost-efficient manner, good quality water meeting all standards of pleasant taste, at adequate pressure, and in sufficient quantity for development within the City's Urban Growth Boundary.

[Implements Statewide Planning Goal 11 – PUBLIC FACILITIES AND SERVICE – To plan and develop a timely, orderly and efficient arrangement of public facilities and services to serve as a framework for urban and rural development.]

Applicant Findings: No policies within the Domestic Water chapter were determined to be applicable to this proposal; however, the ability to serve the properties included within this rezone request with City water exists, as mainline connection is available in the northern portion of the subject properties (see maps on page 17 of this narrative).

EXTENSION OF SEWER AND WATER SERVICES

GOAL: To provide procedures for the extension of City sewer and water appropriate to the findings and policies established in this plan.

[Implements Statewide Planning Goal 11 – PUBLIC FACILITIES AND SERVICE – To plan and develop a timely, orderly and efficient arrangement of public facilities and services to serve as a framework for urban and rural development.]

Applicant Findings: See findings for *PUBLIC FACILITIES AND SERVICE* on page 16 of this narrative.

EXISTING NATURAL FEATURES AND LAND USE

GOAL: To preserve, protect, and conserve the quality of our environment and natural resources while providing for the orderly growth and development of the City.

[Implements Statewide Planning Goal 6 – AIR, WATER AND LAND RESOURCES QUALITY – To maintain and improve the quality of the air, water and land resources of the state; and Statewide Planning Goal 7 – AREAS SUBJECT TO NATURAL DISASTERS AND HAZARDS – To protect life and property from natural disasters and hazards; and Goal 13 – ENERGY CONSERVATION.]

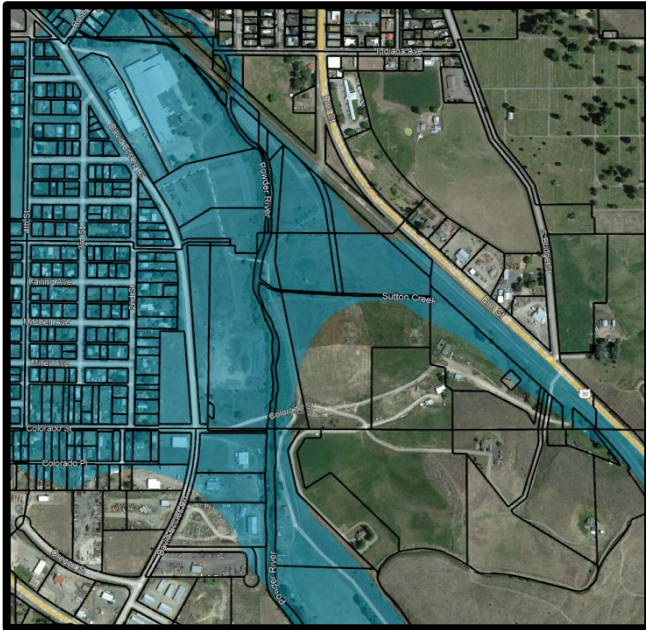
POLICIES

- (6) The City shall not specifically act to encourage development in known hazard areas. When construction does take place in these areas, the City will require proper precautions to be taken.*
- (7) The City shall strive for development of land to its highest and best use, recognizing the various needs of all its citizens.*

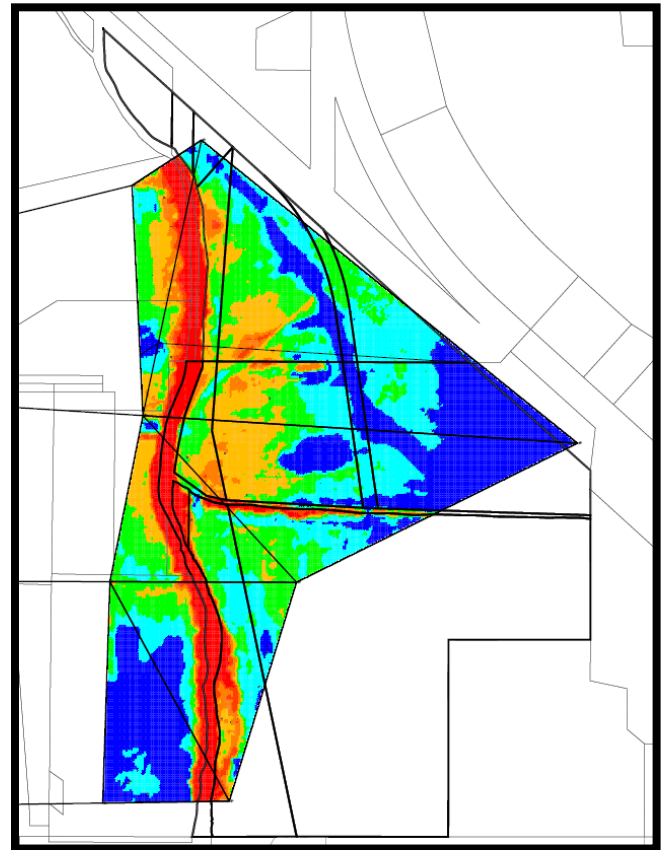
IMPLEMENTATION

- 4. The City shall use the ‘Land Suitability’ map and criteria within this plan as a basis for future zoning and other development decisions.*

Applicant Findings: A portion of the properties included in this proposal are located in an identified floodplain (see map on next page, at left). Any future development in this area will be required to meet floodplain development standards, regardless of development type (residential, industrial, etc.). Elevation work was completed on a majority of the lands included in this request, revealing more detailed land contours (see image on next page, at right). This information is in the process of being submitted to FEMA for remapping of the floodplain. It is believed that, based



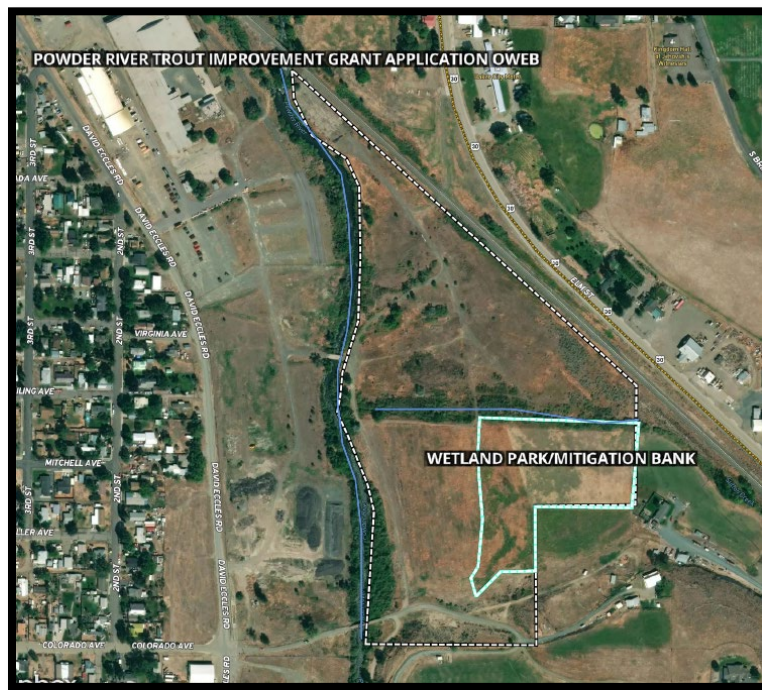
on this information, a revised floodplain map can be issued by FEMA, significantly reducing the bounds of the floodplain to only those areas shaded red and orange (at right).



Regardless of this potential for remapping the floodplain, a potential for flooding still exists. From a natural resource perspective, flooding of industrial uses would be more negatively impactful to the surrounding area than would a flood in areas of residential development (i.e. hazardous spills). From a development perspective, the cost of building a structure for industrial use to meet floodplain development standards is arguably greater than the cost of building a residence to meet floodplain development standards. As noted on pages 27-29 of this narrative, industrial developers in the current age would likely find this area undesirable for siting an industrial use due to the proximity of the Powder River and Sutton Creek, large swaths of identified wetlands, and the potential for flooding.

Wetlands are located on the subject properties (see map at right). According to the Oregon Department of State Lands, a significant portion of the subject properties are designated as freshwater emergent wetlands (green), and riverine wetlands are present within the confines of the Powder River and Sutton Creek (blue). If approved for this rezone request, the property owners on which these wetlands are identified will pursue grant funding through the Oregon Watershed Enhancement Board (OWEB) to restore riparian habitat, create a natural ‘wetland park’, and improve identified bull trout habitat (see map on next page, at left).





According to the Oregon Conservation Strategy, a high percentage of low-elevation and valley bottom riparian habitats have been altered or lost, most often when riparian vegetation is converted to other uses. Such is the case on the subject properties, which were converted to industrial use in the early 1900's for the storage of logs prior to processing. This area also provided the space needed for railroad car turn arounds for Union Pacific and the Sumpter Valley railroad since the late 1800's. Historical photos indicate Sutton Creek has been relocated to different areas of the subject properties over the last 100 years, altering hydrological regimes. Natural

hydrological function is still present within the area and the recreation of riparian habitats within these areas is possible with willow, dogwood and other native vegetation plantings.

Property owners included in this application would like to create a natural 'wetland park' that could be enjoyed by area residents as a natural park. The restored wetland area would measure approximately 6 acres and would simultaneously improve water quality of the Powder River system, while providing respite and beautification to the area. Such improvements would allow beavers to continue maintaining habitat complexity, promoting riparian vegetation to prevent erosion, preserve water quality, and promote water temperatures favorable for fish. Additionally, the property owners propose improvement of trout habitat in both the Powder River and Sutton Creek reaches that flow through the area, with strategic placement of large boulders to increase the diversity of river flows and habitats within the aquatic system. Echoing the goal of this chapter, all of this work is proposed in an effort to conserve and enhance the quality of the local environment and natural resources. As an added bonus, this work can be accomplished while providing for the logical redevelopment of vacant land.

Addressing policy 7 listed above, reference to the chapter goal is needed: *"GOAL: To preserve, protect, and conserve the quality of our environment and natural resources while providing for the orderly growth and development of the City."* The guiding documents of Baker City have always stressed the importance of protecting the city's natural setting, beauty, and resources. This is evident even within the Economic chapter of this plan, the stated goal of which is, *"To improve and diversify the City's economy in order to sustain a moderate rate of growth while protecting the natural environment and enhancing the quality of life in the community"*. It is inevitable that Baker City will continue to grow and develop - what remains to be seen is how. On this note, important questions should be asked and answered:

- *Is this the area of town where Baker City would like to see industrial development continued and intensified?*
- *Will the natural setting of this portion of Baker City, Sutton Creek, and the Powder River be enhanced with industrial development?*

- *Would a smelting plant, metal manufacturing facility, or wholesale distribution center (all uses permitted in the industrial zone) be less impactful to the area than residential development?*

It is the position of this application that the natural beauty of this portion of the Sutton Creek and the Powder River (see Attachment 5 – Site Photos) should not be stamped out with industrial uses and structures. Instead, it should be enhanced, restored and protected. This can be accomplished hand-in-hand with thoughtful redevelopment of this area to integrate residences and other low-impact uses (see draft rendering on page 34), which would be the highest and best use of the properties.

LAND SUITABILITY

[Implements Statewide Planning Goal 2 – LAND USE PLANNING – to establish a land use planning process and policy framework as a basis for all decisions and actions related to use of land and to assure an adequate and factual base for such decisions and actions.]

Applicant Findings: No policies are contained in Land Suitability chapter; however, text within the chapter was deemed applicable and is included below:

per unit conversion costs of raw land to improved lots is lessened; and thus, new housing is affordable to a greater percentage of the buyer's market.

The primary increase in industrial land designations excepting the area outside the city limits, is in the extreme northwest corner of the city where large parcel size, rail access, proximity to industrial uses and fringe location weigh favorably for this classification. This new area, along with pre-existing industrial areas of town, is generally seen as suitable for heavy industry. A light-industrial category is suggested here for most of the industrial land shown outside the city limits. With the development of a frontage road between the central and north interchanges, this land, the majority of which is flat and able to be readily served by necessary utilities, could prove to be a valuable asset to the community. In addition, the industrial category is suggested for the industrial land outside the city limits north and south of Pocahontas Road and west of 17th Street extended. This industrial parcel is needed due to the fact that it contains fairly large sections of land which would be suitable for developers or industrial users needing a large number of continuous acres. Parcels of this size are presently unavailable within the city limits. This industrial site is further appropriate due to the fact that it lies adjacent to the main line of the Union Pacific Railroad and has easy access to I-84 via Hughes Lane.

New land designated for commercial uses is to be found, principally, in three locations. Significantly, these areas are outside the city limits - in the U.S. 30, Chico Lane, Pocahontas Road triangle, north of Hughes Lane and south of the freeway interchange between I-84 N and the county

The excerpt above (page 49 of the Baker City Comprehensive Plan) is included to provide context for zoning decisions made when the Land Suitability (and ultimately the Baker City Zoning Map) were created in 1979. Reservation of industrial zoning at the location of the current Industrial Park is discussed, in addition to “*pre-existing industrial areas of town*”. The majority of the subject properties were previously the site of an Ellingson Lumber Company log yard. This industrial use has been gone for nearly 30 years. This application intends to initiate a review of how this area could be put to its highest and best use given the current site conditions and needs of the community.



At the time the zoning maps were created, this area was used somewhat industrially and had direct access to both the rail line, via a spur line into the site from the north, and Highway 30, via a rail crossing. Since this section of the Comprehensive Plan was written (and land use maps made), several area conditions have changed:

- Union Pacific Rail Road (UPRR) removed the rail spur (date unknown)
- UPRR removed the rail crossing (after 1970) so no direct access to Highway 30 now exists
- Ellingson Lumber Company, which established a log yard on these lands in/around 1950, shut down in 1995
- Riverine wetlands were designated within the Powder River and Sutton Creek and freshwater emergent wetlands were designated on large swaths of Tax Lots 1500 (09s40e21cc), 705 and 800 (09s40e21cd)
- A large swath of the area was designated as lying within a Zone A floodplain, per FEMA maps (1988)

As such, this area has lost the majority of factors necessary to classify it as a desirable site for industrial development.

The table below compares the suitability of the area under review with four similarly large, industrially-zoned and vacant sites present in Baker City based on features contained in the Baker City Comprehensive Plan (pages 47-48 of Comp. Plan) and other elements:

	Area under review (Bloomer)	Industrially-zoned land between Broadway and Auburn (Smith, Fouts)	Industrially-zoned land west of 17th Street (Tennant)	Elkhorn Industrial Park (Baker City and purchasing property owners)	Industrially-zoned land between Chico Road and RR (Ward)
Parcel Size (zoning)	±33 acres	±36 acres	±55 acres	Varying	±112 acres
Direct rail access	No	Yes	No	No	No
Access	David Eccles (collector street) leads to Highway 7 (arterial)	Broadway and Auburn (collector streets) lead to 17 th Street (collector) and Main Street (arterial)	17 th Street (collector) leads to Pocahontas Road (arterial)	23 rd Street/Settlers Loop (collector) leads to Pocahontas Road (arterial)	Chico Road (arterial)
Located on identified Truck Route	No	Yes	Yes	No	Yes
Condition of roads adjacent to site	All undeveloped (graveled)	All hard-surfaced	All hard-surfaced	All hard-surfaced	All hard-surfaced
Current availability of City storm water, sewer and water service	- Water and sewer immediately available at the northern portion of properties; southern portion of properties not presently served by city services - No stormwater present in the area	Stormwater, water and sewer mains adjacent to and available to site	Stormwater, water and sewer mains adjacent to and available to site	Stormwater, water and sewer mains adjacent to and available to site	Stormwater, water and sewer mains adjacent to and available to site
Current and adjacent uses	- Vacant - Separated from industrially-zoned land and industrial	- Currently used as leased storage space (commercial use)	- Vacant - Active industrial uses (Industrial Park) to the north along	- Some vacant lots, some lots developed with active industrial uses - Active	- Currently used as agricultural ground - Active commercial

	uses to the west by Powder River - Separated from commercially- and industrially-zoned land to the east by Highway 30 and railroad - Adjacent to active industrial use to the north - Adjacent to established residential area to the south	- Active industrial uses to the southeast along railroad	railroad, and to the east (north of D Street and west of railroad)	industrial uses to the north (Behlens, etc.) - Vacant industrial land to the south	uses (and zoning) to the south and east - UPRR to the west
Adjacent to Powder River	Yes	No	No	No	No
Identified wetlands on-site (aside from riverine)	Yes	No	No	No	No
Floodplain	Yes, portions of property located within floodplain even after detailed elevation work and revised FEMA maps	Yes, though confined to channelized Settler's Slough	Yes, though confined to channelized Settler's Slough	Yes, though confined to channelized Settler's Slough	No
Visibility	- Immediately visible to visitors of Baker City and Baker Valley from WB I-84 and Hwy 30 - R-LD lands on hillside to the south overlook this area	- Immediately visible to adjacent residential zones to the west, south and east - Immediately visible from 10 th Street, Broadway Avenue, and Auburn Avenue (truck routes)	- Immediately visible from 17 th Street (truck route) - Adjacent to developed industrial area	Set within established and active industrial area	- Visible from Hwy 30 and Pocahontas Road (truck routes) - Set within established and active commercial and industrial area

Expansion capability	- Bound by the Powder River to the west and Highway 30 and the UPRR to the east (Attachment 2) - Steep hillside to the south - Not adjacent to city limits or UGB	- Bound by developed residential areas to the west and south - Bound by UPRR to the east - Industrial zoning and established uses to the north - Not adjacent to city limits or UGB	- Adjacent to farm ground to the west - Abuts Industrial Park to the north - Bound by residential zoning and uses to the south - Adjacent to city limits	- Adjacent to farm ground to the west and south - Adjacent to vacant industrially-zoned land to the south - Bound by UPRR to the east - Industrial zoning and established uses to the north - Adjacent to city limits	- Adjacent to farm ground to the west and north - Bound by UPRR to the west - Commercial zoning and established uses to the east and south - Within UGB
“Development Ready” (access and services)	No	Yes	Yes	Yes	Yes

Looking at the city as a whole, the area under review is less desirable to both industrial use developers and, arguably, the Baker City community, as an area of continued industrial development. Aside from those features listed above, sizeable effort went into establishing the Baker City Industrial Park, which is primed for development of industrial uses thanks to grants, subsidies, and matching funds. Redevelopment or rezoning of the lands included within the park is highly unlikely. Similarly, lands adjacent to or nearby the Industrial Park are also “development ready” and better suited to industrial development by sheer proximity to the Industrial Park and/or adjacent industrial or commercial uses/zoning.

Industrial developers of today are moving away from citing industrial uses/complexes adjacent to waterways and protected areas (i.e. wetlands). Similarly, and as a whole, industrial developments are no longer sited in the center of cities or areas of residential development, finding less conflict and negative impacts when industrial uses are located on the fringes of said cities and away from residences.

From the perspective of an industrial use developer, it is assumed that the lands included in this re-zone request are relatively undesirable for the following reasons:

- Location next to Powder River and Sutton Creek increases liability for waterway contamination
- Location within the floodplain creates development hurdles and increases potential for damage to structure and contamination of area due to flooding
- Identified wetlands on-site removes large swath of land from use; increases permitting requirements if area in wetlands were to be used for industrial development; raises concerns about impacts to wetlands

- Lack of rail access makes other industrial sites more desirable due to difficulty of obtaining permission for crossing/access from UPRR (see table above)
- Lack of direct highway (arterial street) access increases negative impact on surrounding residential uses and lower classification streets; this area is not on identified truck route
- Undeveloped state of streets leading to site increases development costs; not “development ready” site
- Lack of city sewer and water service to most parcels increases development costs; not “development ready” site
- Proximity to established residential zones

From a community perspective, this area is better suited to residential use for several reasons:

- Visibility of properties from Highway 30 and Interstate 84 – visitors would see residences interspersed with trees and other vegetation as opposed to large buildings and storage yards associated with industrial uses
- Multi-use path through a residential development would mirror current feel of Leo Adler Pathway, providing a serene setting for community use
- Wetlands and river on-site can be enhanced through restoration projects and designated as ‘reserve space’, which can be used to enhance a residential development and this areas contribution to the greater community

The properties included in this request are located between the Powder River to the west and Highway 30 and the Union Pacific Rail Road to the east (Attachment 2). The proposed re-zone would allow a large swath of unused industrial land adjacent to an established residential area to be redeveloped for residential use, with natural and manmade buffers remaining between proposed residential lands and remaining adjacent industrial and commercial zoning/uses (Attachment 3).

Additional findings relating to housing can be found on pages 31-34 of this narrative.

URBANIZATION

GOAL: To minimize the expansion of the urban service area outside the city limits in order to provide for the efficient use of land, eliminate the unnecessary and uneconomical expansion of public facilities, and to conserve agricultural lands outside of the city.

[Implements Statewide Planning Goal 14 – URBANIZATION – To provide for an orderly and efficient transition from rural to urban land use.]

Applicant Findings: No policies within the Urbanization chapter were determined to be applicable to this proposal, as the subject property is located within city limits and no modification to the existing city limit boundaries or Urban Growth Boundary are requested.

HOUSING

GOAL: To encourage the availability of adequate numbers of needed housing units at price ranges and rent levels which are commensurate with the financial capabilities of Oregon households and allow for flexibility of housing location, type and density.

[Implements Statewide Planning Goal 10 – HOUSING – To provide for the housing needs of the citizens of the state.]

POLICIES:

2. *The City shall provide for a variety of housing options and sites and plan for suitable locations. It is recognized that the private sector will continue their leadership role in this function.*
3. *The City shall support the creation of housing that is affordable to low-and moderate-income households through partnerships, land use policies, and programmatic efforts, giving consideration to the options described in the Housing Strategies Report included as Appendix D. The Housing Needs Analysis and Buildable Lands Inventory are also included as Appendix B and Appendix C.*
5. *The City shall advance where possible the evolution of safe and aesthetically pleasing residential neighborhoods that are efficiently integrated with business and commercial property, schools, parks, public facilities, and other urban development.*
6. *The City shall seek to make the most efficient use of developable land, particularly that are already provided with City services.*
7. *The City recognizes that certain housing policies must be tied very closely with existing land and environmental features. The reader is referred to the ‘Land Suitability’ section of this plan.*
10. *The City shall give consideration to alternative residential construction both in form and lay- out, for such reasons as aesthetics, energy conservation, lessened development costs, and provision of more usable open space.*
11. *The City shall, in light of increasing demand for multi-family housing, provide suitable and adequate areas for such development.*
13. *The City may encourage residential development within the city limits in areas determined most appropriate.*
17. *The City shall encourage residential uses mixed with other compatible uses in the same building or on the same site within the City’s mixed-use zones. The City shall allow and support the development of Accessory Dwelling Units in all residential zones as required by State law.*

Applicant Findings: The Housing chapter was recently updated based on the new Housing Needs Analysis (HNA) and Buildable Lands Inventory (BLI) conducted for Baker City by Johnson Economics and Angelo Planning Group.

The Buildable Lands Inventory for Baker City provided information relating to unconstrained, vacant R-LD Zone lands (page 11 of the BLI). That information has been included in the table below and has been coupled with the acreage and details for the properties included with this re-zone request.

	Total Acres (constrained and unconstrained)	Unconstrained & Vacant	Constrained
Existing inventory of R-LD zoned lands	±503.7 acres (unconstrained only, vacant or partially vacant)	±166.2 acres	not included in study
Lands proposed to be re-zoned with this	±33 acres	±11 acres	±22 acres (floodplain)

application			
Resulting acreage if subject properties are re-zoned:	±536.7 acres	±177.2 acres	unknown

In summary, ±11 acres of unconstrained, vacant land is proposed to be added to the R-LD inventory.

While the Buildable Lands Inventory did not identify a shortage of residentially-zoned land, it should be noted that:

- the projected housing need is estimated within a limited 20 year forecast period and re-zoning of these properties looks further into the future with the highest and best use of the area in mind;
- a significant portion of the City's vacant R-LD lands are impacted by steep slopes or floodplains (page 11 of the BLI), as is the case with the subject properties (floodplain);
- redevelopment of existing residential properties to increase density potential, as proposed by the Housing Needs Analysis, will not be possible on all residential lands within the City (namely small lots/parcels and lack of property owner desire) and, therefore, larger undeveloped areas should be sought for residential development; and
- previous zone change requests to convert employment lands to residential use have been approved throughout the city for varying reasons (1991-2002)

The *Housing* policies listed above (page 31) were deemed applicable to the request at hand. Findings specific to each of these policies are listed below:

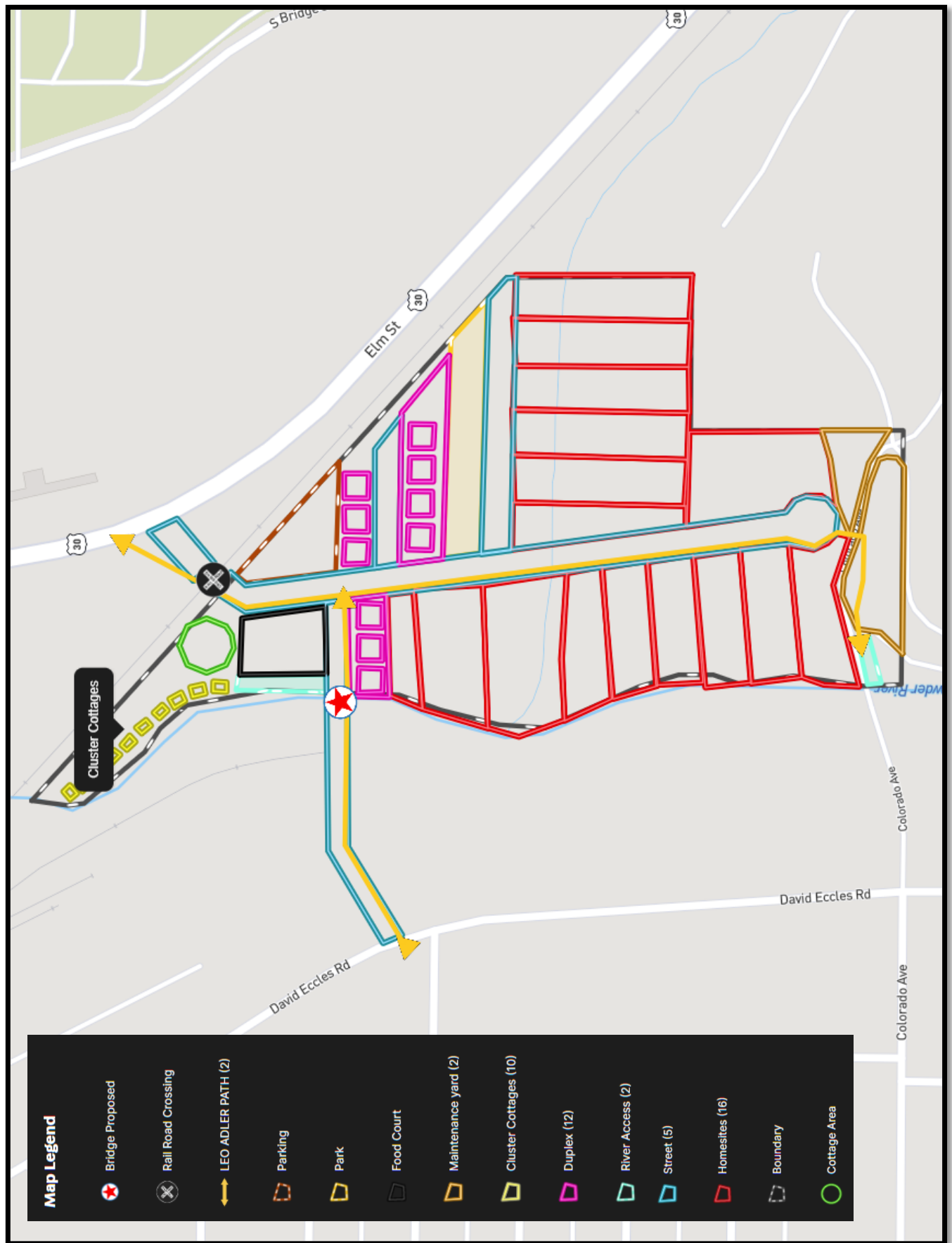
- 2) This rezone application has been submitted based on the belief that this previously-industrialized area is now better suited to redevelopment as a continuation of surrounding R-LD zoning. If approved for rezoning, the subject properties would be included in a proposal for a Master Planned Development. This proposal would include mixed uses, such as varying residential unit types, low-impact commercial uses (permitted in R-LD Zone if part of a Master Planned Development, see Attachment 4), a park, natural reserve space, and extension of the Leo Adler Pathway (see rendering on page 34).
- 3) The inclusion of housing at various income levels can be accomplished if this area is rezoned (see rendering on page 34).
- 5) The creation of a safe and aesthetically pleasing residential neighborhood in this area is clearly possible, post-rezone. Via the Master Planned Development application process, varying types of housing can be efficiently arranged, buffered and integrated with existing residential and industrial development in the area, as well as new, low-impact businesses, reserve space (wetlands) and a multi-use path.
- 6) Redevelopment of this area for residential use is the most beneficial and efficient use of this naturally beautiful portion of Baker City. Further industrial development is ill-suited to the site for reasons previously noted within this narrative.
- 7) As noted in findings relating to the Land Suitability chapter (pages 25-30 this narrative), the area under review does not lend itself well to industrial development for many reasons. The

2021 Buildable Lands Inventory completed for Baker City notes there is a surplus of vacant, industrially-zoned land in the City. Of these industrially-zoned lands, most of the other large parcels are better suited than the area under review to accommodate industrial developments in this day and age, as demonstrated on pages 27-29 of this narrative.

10, 11, 13 and 17) While no physical development is proposed with this application, the outcome of this request will directly affect the types of development available to the area. The stated goal of this chapter is, *“To encourage the availability of adequate numbers of needed housing units at price ranges and rent levels which are commensurate with the financial capabilities of Oregon households and allow for flexibility of housing location, type and density.”* Upon rezoning, the intent of a residential development pursued via the Master Planned Development pathway would be to create a variety of new housing units at varying price points, two needs also identified within the Baker City Housing Needs Analysis (2021). The size of the subject properties lends itself well to creative and efficient solutions to the housing crisis experienced by many in Baker City. This can be accomplished via the Master Planned Development application route. A draft Master Planned Development for the area under review is shown on the following page and includes the potential to development the following uses, each of which are identified as “needs” in the Baker City HNA:

- More homes in the \$35k-\$75k bracket (highest need)
- Attached housing (to rent and own)
- Studio and 1BR housing (to own)
- Larger SFDs (to rent)
- SFDs in the \$150k-\$250k range

According to the Baker City Housing Needs Analysis completed for Baker City in 2021, re-zoning land is listed as an initial priority for increasing land available for residential use.



HISTORIC PRESERVATION

GOAL: To recognize and preserve buildings and structures identified as having particular historic significance or of special architectural merit in order to further education, stabilize property values, aid in beautification of the City, and focus community pride in our colorful past.

[Implements Statewide Planning Goal 5 – OPEN SPACES, SCENIC AND HISTORIC AREAS, AND NATURAL RESOURCES – To conserve open space and protect natural and scenic resources.]

Applicant Findings: No policies within the Historic Preservation chapter were determined to be applicable to this proposal. While the area has historic significance based on its use as part of the Sumpter Valley Railroad and Baker County timber heritage, no structures remain on site for preservation or community enjoyment.

ECONOMIC ELEMENT

GOAL: To improve and diversify the City's economy in order to sustain a moderate rate of growth while protecting the natural environment and enhancing the quality of life in the community.

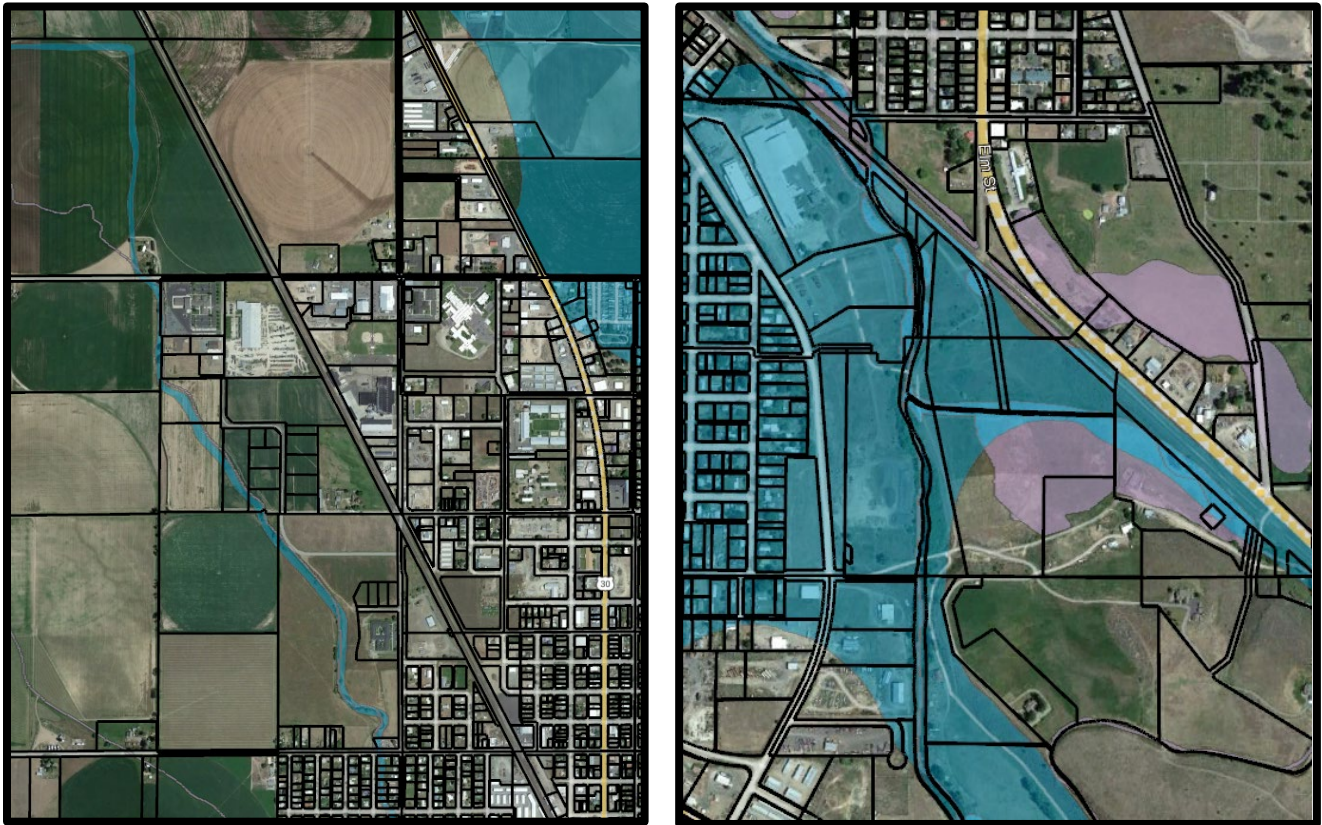
[Implements Statewide Planning Goal 9 – ECONOMY OF THE STATE – To diversify and improve the economy of the state.]

- (3) The City shall provide by zoning for development space suitable to the needs of industrial and commercial development, maximizing especially transportation and convenient locations.*
- (5) The City shall vigilantly protect its natural environment, certainly one of its finest features.*
- (6) The City, in considering any economic development proposal, shall evaluate its effect on the community beyond simply monetary terms and consistently seek to enhance our quality of life.*

Applicant Findings: The stated goal of the Economic Element of the Comprehensive Plan includes “...protecting the natural environment and enhancing the quality of live in the community”. This is supported by policies (5) and (6), included above. Rezoning and redevelopment of the subject properties will satisfy both of these goals, with planned wetland protection, enhancement and restoration of natural vegetation along the Powder River and Sutton Creek, and the opportunity to provide extension of the Leo Adler Pathway for public use. Thoughtful redevelopment and overall beautification of the area is at the forefront of this re-zone request, which will serve to enhance quality of life in the community.

As summarized in the *Employment Land Inventory Conclusions* (page 120 of the Baker City Comprehensive Plan), “there is currently sufficient buildable employment land (industrial and commercial) within the Baker City urban growth boundary to accommodate the projected need for new development of these land uses over the 20-year period. If the economy and industry growth outpace the projections in this analysis, there should still be a significant surplus of land to accommodate this growth” (emphasis added). The section goes on to read, “the analysis presented in the 2019 EOA (Economic Opportunities Analysis) report points to a sufficient supply of employment land within the Urban Growth Boundary to accommodate forecasted growth for at least 20 years.” Lastly, the section identifies a need for 55 acres of employment lands, which is noted as being “well less than the... 327 acres of industrial... land found in the Buildable Lands Inventory” (page 120). In conclusion, a large amount of industrially-zoned land remains undeveloped within

the city limits of Baker City and its UGB. If this rezone request is approved, comparably sized, industrially-zoned parcels remain available for sizeable industrial developments. Each of these sites are arguably more desirable, accessible and better supported by city services than the area under review (see findings on pages 27-29 of this report for more detail). Additionally, it is noted within the *Economic Element* chapter of the Comprehensive plan that wetlands and floodplains pose environmental constraints to industrial lands. As outlined in this narrative, sizeable swaths of both wetlands and floodplain are identified on the subject properties. In contrast, identified wetlands and floodplain are confined to Settler's Slough on the industrial lands in the northwest corner of Baker City (see images below).



According to the Economic Opportunities Analysis included in the Comprehensive Plan, only one of the eight listed target industries for the City of Baker City is considered an industrial use – manufacturing (page 119 of Comprehensive Plan).

STATEWIDE PLANNING GOALS WHICH ARE NOT APPLICABLE TO BAKER CITY

GOAL 3: *AGRICULTURAL LANDS – To preserve and maintain agricultural lands.*

Applicant Findings: No agricultural zoning designation exists within the city limits or UGB of Baker City.

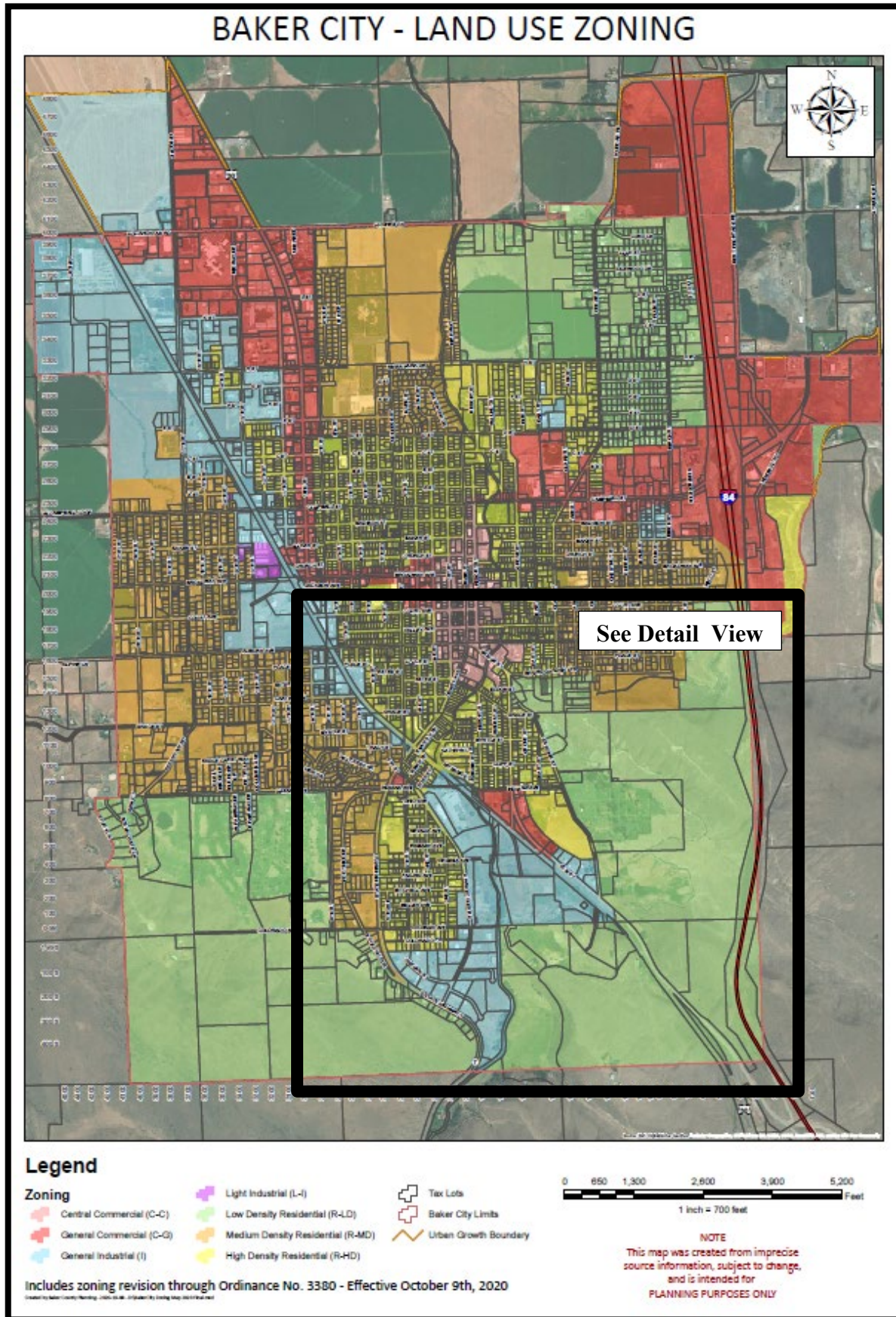
GOAL 4: *FOREST LANDS – To conserve forest lands for forest use.*

Applicant Findings: No forest zoning exists within the city limits or UGB of Baker City. As noted in the Baker City Comprehensive Plan, Goal 4 is, “*Not applicable and not addressed in this plan.*”

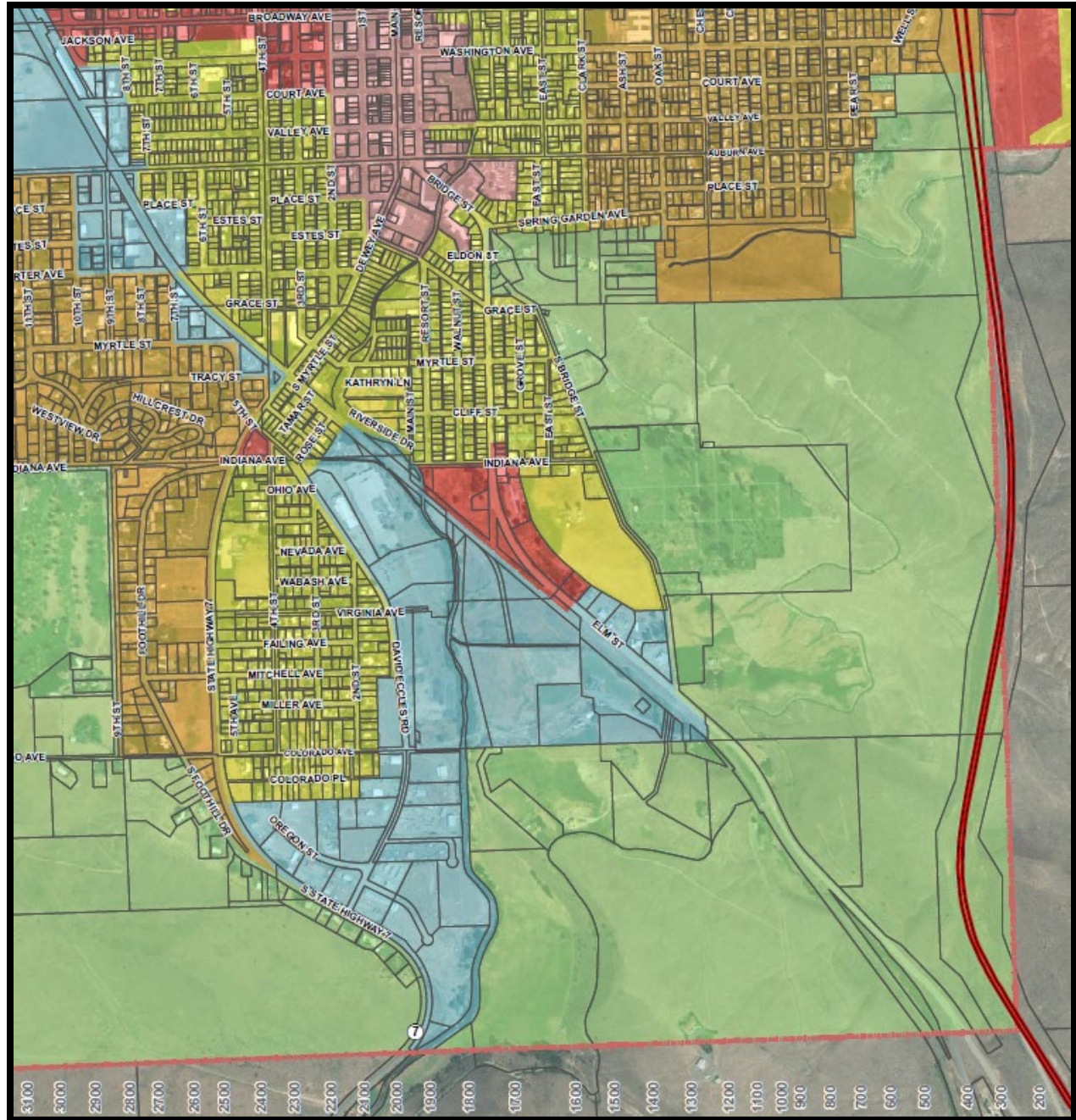
GOALS 15-19:

Applicant Findings: These Statewide Planning Goals are not applicable as Baker City is not located within the Willamette River Greenway, and is not located within or adjacent to any coastal or estuarine resources.

Attachment 1 – Current Baker City Zoning Map



Attachment 1 – Current Baker City Zoning Map – Detail View (continued)



Legend

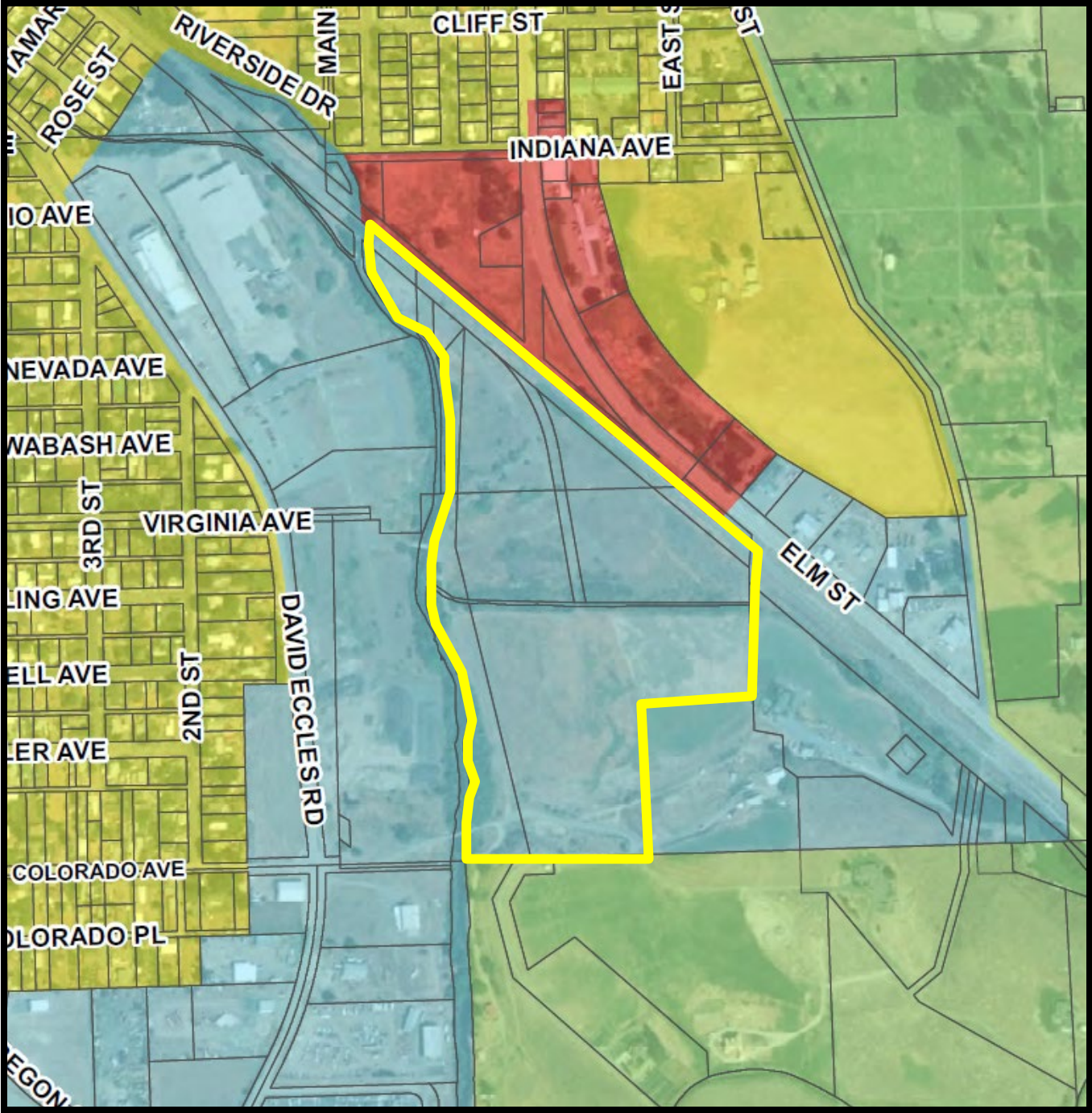
Zoning

	Central Commercial (C-C)		Light Industrial (L-I)		Tax Lots
	General Commercial (C-G)		Low Density Residential (R-LD)		Baker City Limits
	General Industrial (I)		Medium Density Residential (R-MD)		Urban Growth Boundary
			High Density Residential (R-HD)		

Includes zoning revision through Ordinance No. 3380 - Effective October 9th, 2020

Created by Baker County Planning - 2020-10-08 - D:\BakerCity Zoning Map 2020 Final.mxd

Attachment 2 – Zoning of Tax Lots Included in Re-Zone Request



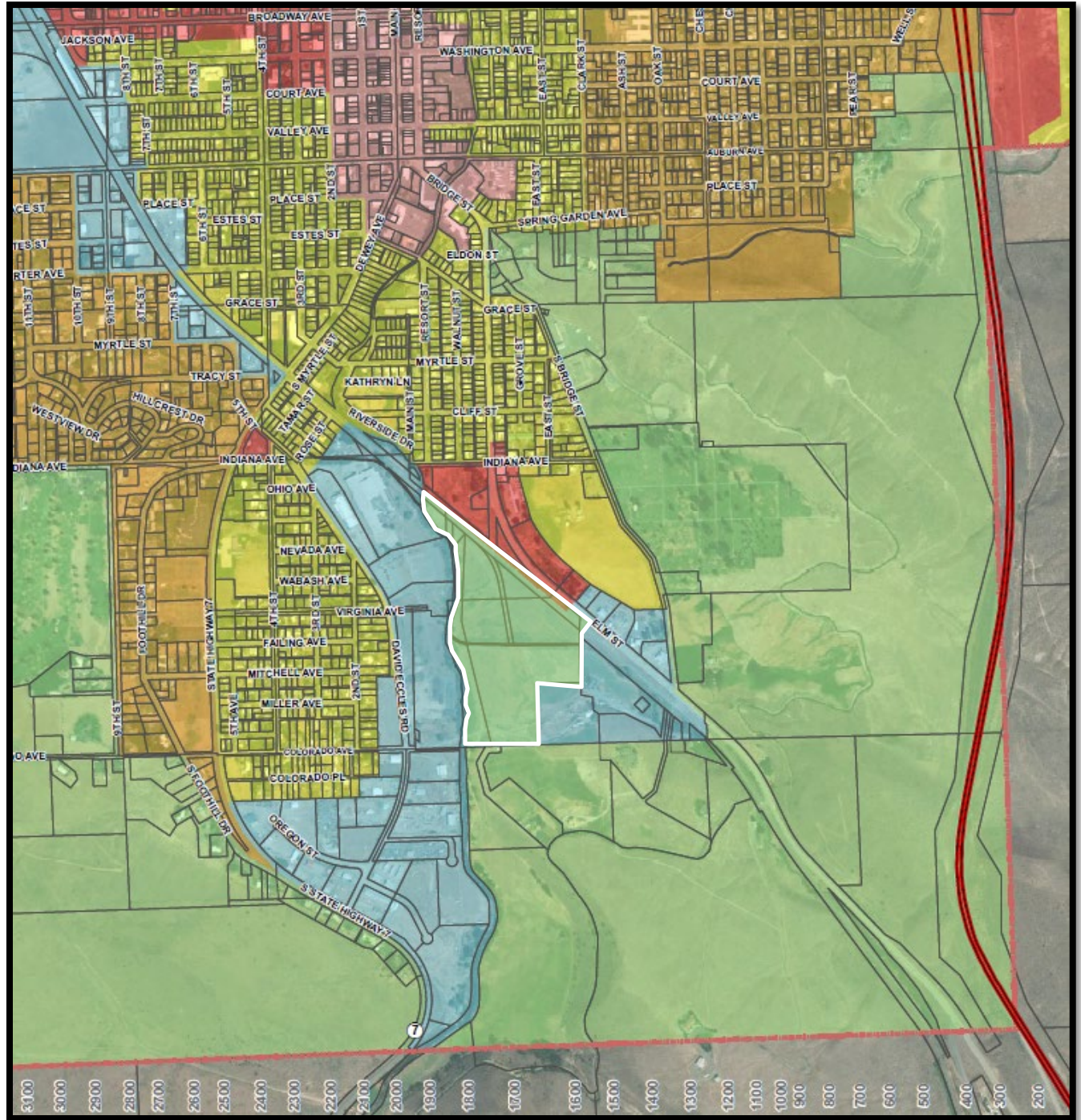
Legend

Zoning			
Central Commercial (C-C)	Light Industrial (L-I)	Tax Lots	Baker City Limits
General Commercial (C-G)	Low Density Residential (R-LD)	Urban Growth Boundary	
General Industrial (I)	Medium Density Residential (R-MD)		
	High Density Residential (R-HD)		

Includes zoning revision through Ordinance No. 3380 - Effective October 9th, 2020

Created by Baker County Planning - 2020-10-08 - D:\BakerCity Zoning Map 2020 Final.mxd

Attachment 3 – Baker City Zoning Map with Approval of this Re-Zone Application



Legend

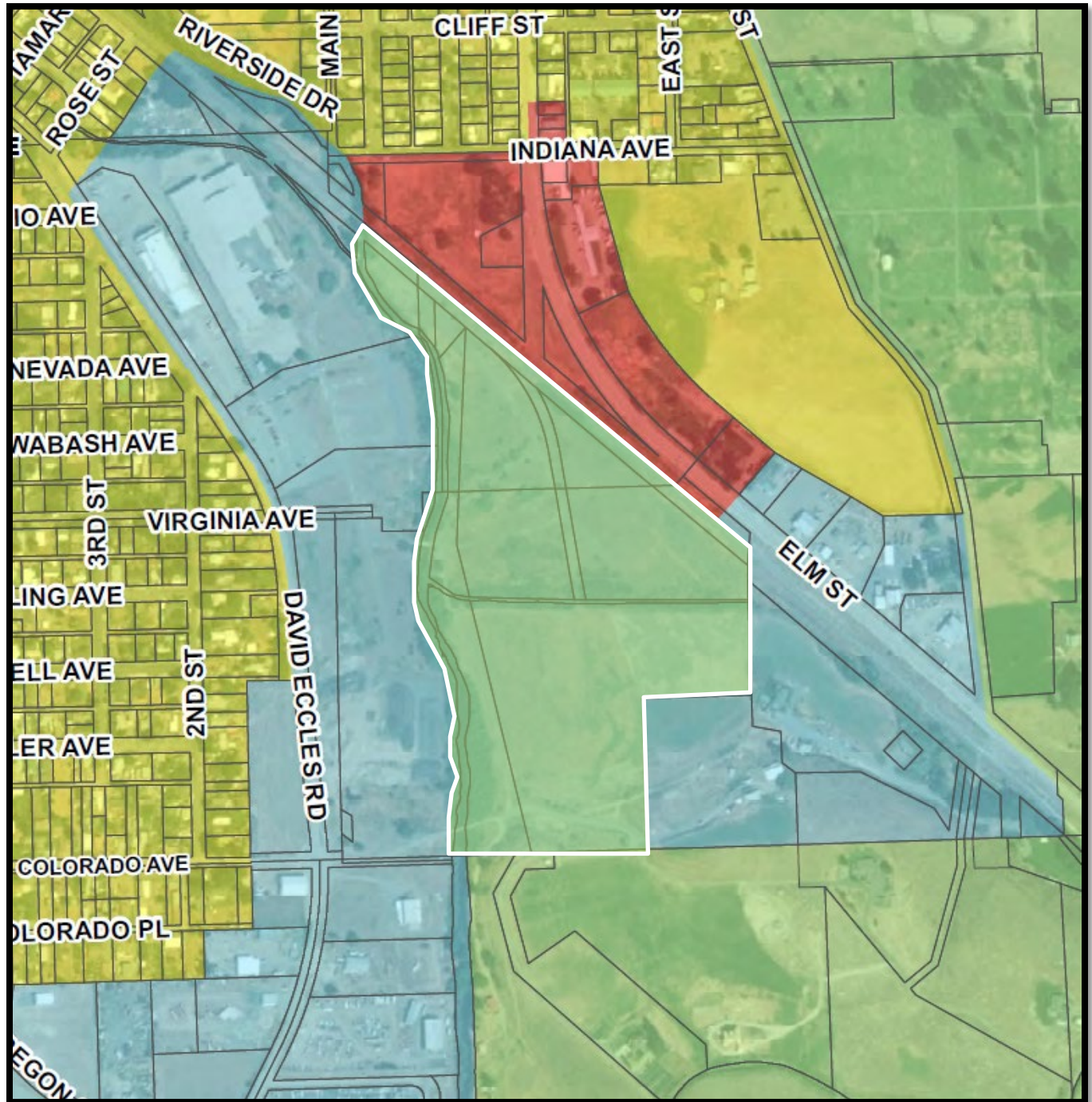
Zoning

	Central Commercial (C-C)		Light Industrial (L-I)		Tax Lots
	General Commercial (C-G)		Low Density Residential (R-LD)		Baker City Limits
	General Industrial (I)		Medium Density Residential (R-MD)		Urban Growth Boundary
			High Density Residential (R-HD)		

Includes zoning revision through Ordinance No. 3380 - Effective October 9th, 2020

Created by Baker County Planning - 2020-10-08 - D:\BakerCity Zoning Map 2020 Final.mxd

Attachment 3 – Baker City Zoning Map with Approval of this Re-Zone Application (continued)



Legend

Zoning

 Central Commercial (C-C)	 Low Density Residential (R-LD)	 Tax Lots
 General Commercial (C-G)	 Medium Density Residential (R-MD)	 Baker City Limits
 General Industrial (I)	 High Density Residential (R-HD)	 Urban Growth Boundary

Includes zoning revision through Ordinance No. 3380 - Effective October 9th, 2020

Created by Baker County Planning - 2020-10-08 - D:\BakerCity Zoning Map 2020 Final.mxd

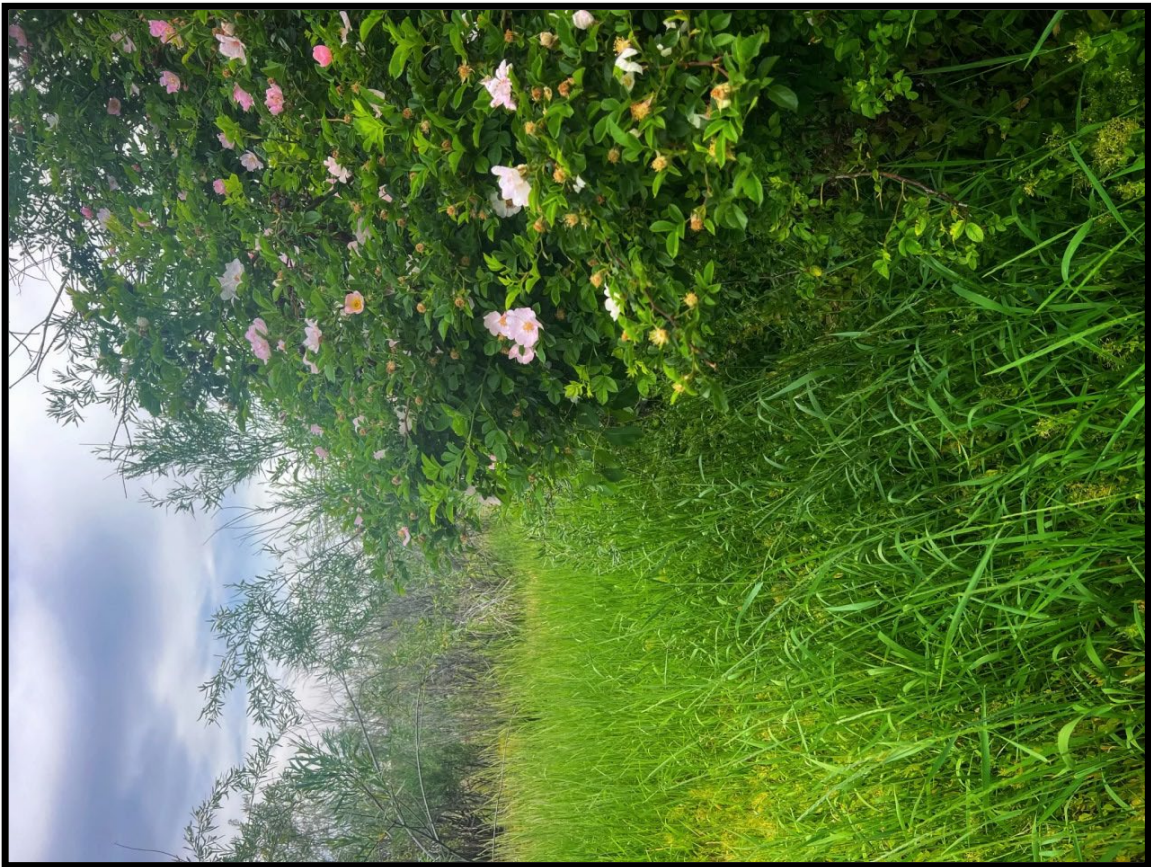
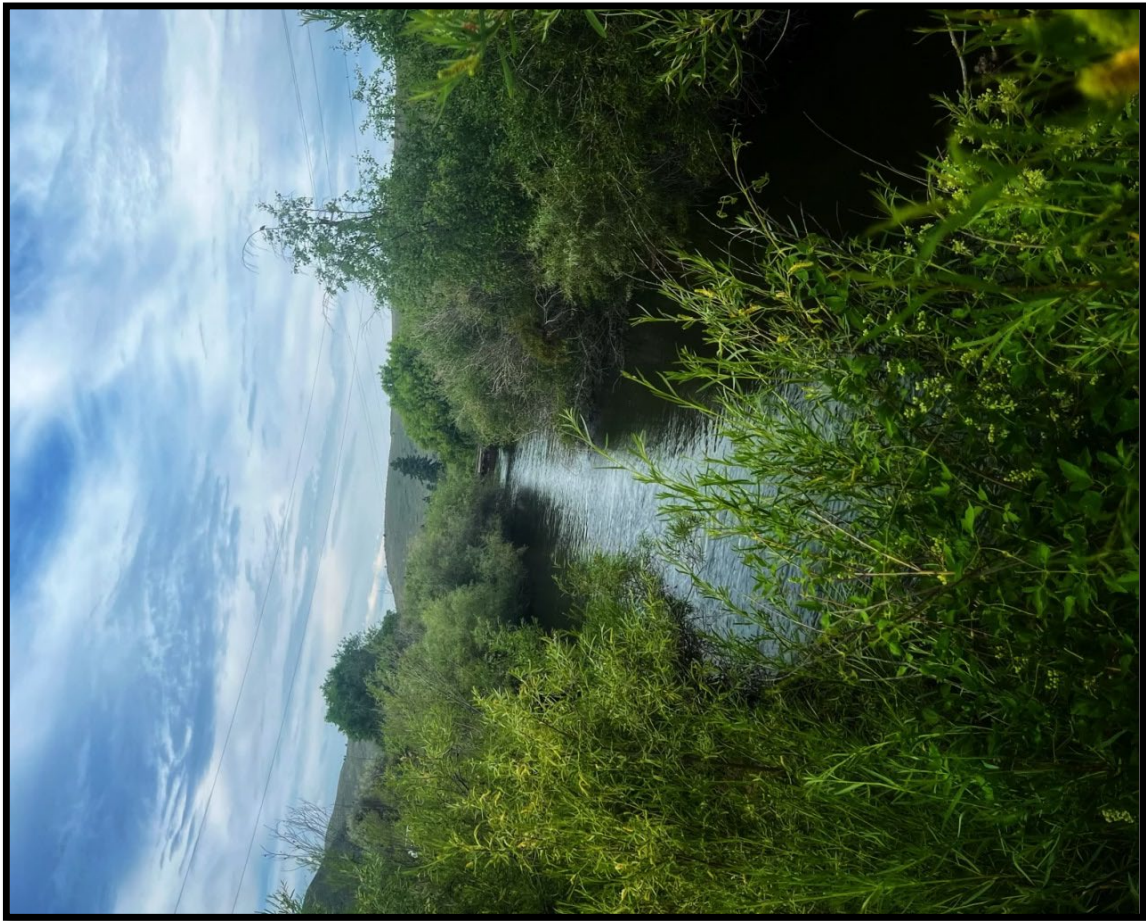
2.2.110 Allowed Land Uses. Table 2.2.110 identifies the land uses that are allowed in the Residential Zones. The specific land use categories are described and uses are defined in Chapter 1.3 and 1.4.

Table 2.2.110 – Land Uses Allowed in Residential Zones (R-LD, R-MD, R-HD)			
Uses	Status of Use in Zone		
Use Categories (Examples of uses are in Chapter 1.4; Definitions are in Chapter 1.3.)	Residential Low- Density (R-LD)	Residential Medium- Density (R-MD)	Residential High- Density (R-HD)
RESIDENTIAL CATEGORIES			
Household Living			
Single-Family Detached	P	P	P
Accessory Dwelling, per Section 2.2.200(A)	S	S	S
Duplexes	P	P	P
Single-Family Attached (2 or more common-wall single-family dwellings, each on its own lot), per Section 2.2.200(C)	S	S	S
Cottage Cluster (2-4 single-family dwellings on one lot, oriented to an alley or common green, and each containing less than 700 ft ² of floor area). <i>Exception: Cottage Clusters may be permitted in Master Planned Developments.</i>	N	P	P
Manufactured Home, per Section 2.2.200(G)	S	S	S
Manufactured Dwelling Park/Mobile Home Park, per Section 2.2.200(H)	S	S	S
Zero Lot Line Housing (not common wall), per Section 2.2.200(K)	S	S	S
Multi-Family (3 or more dwellings on lot) per Section 2.2.200(I), except as provided for Cottage Housing; includes Senior Housing, Assisted Living, and Single Room Occupancy Uses, but not Group Living. <i>Exception: May be permitted in R-LD as part of a Master Planned Development, per 2.2.200(I)</i>	N	S	S
Bed and Breakfast Inn, per 2.2.200(D)	S	S	S
Hostels, per 2.2.200(D)	S	S	S
Group Living			
Group Care Home (5 or less individuals), per Section 2.2.200(E)	S	S	S
Group Care Facility (6 to 15 individuals), per Section 2.2.200(E)	N	S	S

Table 2.2.110 – Land Uses Allowed in Residential Zones (R-LD, R-MD, R-HD)			
Uses	Status of Use in Zone		
Use Categories (Examples of uses are in Chapter 1.4; Definitions are in Chapter 1.3.)	Residential Low- Density (R-LD)	Residential Medium- Density (R-MD)	Residential High- Density (R-HD)
Other Group Living per 2.2.200(1)(1), (2) and (4). Exception: <i>May be permitted in R-LD as part of a Master Planned Development.</i> - 5 or less individuals - 6 to 15 individuals - 16 or more individuals	P N N	P S S	P S S
COMMERCIAL CATEGORIES			
Commercial Educational Services, not a school (e.g., tutoring or similar services), floor area limited to 2,000ft ² per use	N	N	N
Commercial Outdoor Recreation. Exception: <i>May be permitted in a Master Planned Development</i>	N	N	N
Commercial Parking Facility	N	N	N
Drive-Up / Drive-In / Drive-Through (drive-up windows, drive-up kiosks, drive-up ATM's, similar uses/facilities), per Section 2.3.190(A)	N	N	N
Home Occupation, - per the standards in Section 2.2.200.F - per the procedures in Section 4.9.200	S CU	S CU	S CU
Major Event Entertainment	N	N	N
Mobile Vending Units, per standards in Section 4.9.300	N	N	N
Office, floor area limited to 2,000ft ² per use. Exceptions: <i>May be permitted in R-LD if in a Master Planned Development; and, may be in excess of 2,000ft² if approved.</i>	N	CU	CU
Quick Vehicle Servicing or Vehicle Repair	N	N	N
Retail Sales and Service, floor area limited to 2,000ft ² per use. Exceptions: <i>May be permitted in a Master Planned Development; and, may be in excess of 2,000 ft² if approved.</i>	N	N	N
Self-Service Storage. Exception: <i>May be permitted in a Master Planned Development.</i>	N	N	N
INDUSTRIAL CATEGORIES			
Industrial Service, enclosed in primary building	N	N	N
Manufacturing and Production, enclosed in primary building	N	N	N
Warehouse and Freight Movement	N	N	N
Waste-Related	N	N	N

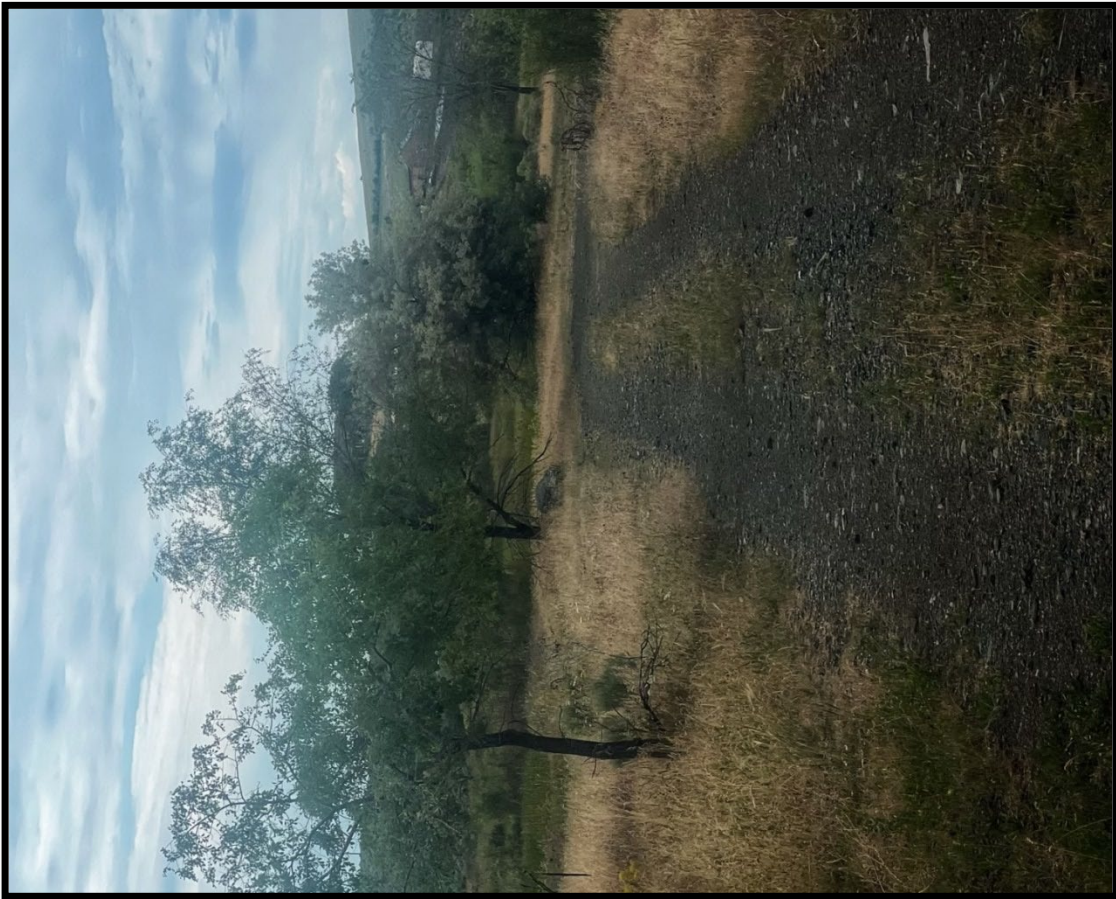
Attachment 6 – Site Photos













Attachment 6 – Letters of Support

(pending)

Attachment 7 – Trip Generation Letter

(see attachment)

Trip Generation Letter

Rocking River Ranch Properties – Re-Zone Proposal

Prepared by: Atlas Land Use Consulting

Introduction:

In relation to traffic impacts, the following analysis was performed to compare average ADT for industrial versus residential developments on the subject properties. The figures included are for maximum-buildout and include *highest and best use* scenarios.

Baker City Development Code Section 4.7.600 echoes the requirements set forth by OAR 660-012-0060 in determining whether the threshold of “*significant*” has been reached for a particular land use regulation amendment. As described in discussions with Oregon Department of Transportation staff, the threshold of “*significant*” is met when a change in use surpasses the 400 ADT mark. This analysis was completed to review the ADT generated by *highest and best uses* at *maximum-buildout* both before and after the proposed zone change in an effort to determine whether the proposed re-zone application surpasses that threshold.

Background:

The application under review seeks only for approval to re-zone the subject properties from industrial to residential – no request to subdivide or develop the subject properties is requested at this time. The “*draft Master Planned Development*” concept provided within the application narrative (page 32) is theoretical in nature and was provided as a rough draft for conceptual development purposes only.

The focus of the current application is predominantly on the “need” and justification for re-zoning, and less on the specific development standards that may or may not be applicable.

If this re-zone application is approved, a concrete development proposal will be created for the subject properties and the appropriate land division and development applications will be pursued through the Baker City Planning Department. At that time in the future, specific details concerning layout of city streets, lot configuration, and proposed uses will be decided upon. Based on those details, anticipated traffic estimates can then be appropriately calculated and a Traffic Impact Analysis can be completed. At that time, the City will require further coordination with the Baker City Public Works Department, ODOT, UPRR and other entities to ensure that all jurisdictional requirements are considered relating to access, traffic, and safety.

Analysis:

Residential Low-Density (R-LD) Zone (as proposed)

According to the Baker City Development Code, Table 2.2.110 (pages 73-76), the following uses are permitted in the R-LD Zone:

- Single-family detached (and accessory dwellings)
- Single-family attached

- Duplexes

Of these permitted uses, single-family dwellings create the most peak hour trips, according to the ITE Trip Generation Manual 7th Edition. For the purposes of this review, duplexes (identified as *single-family attached housing* in the ITE Manual) were also included, for comparison.

At maximum build-out, the following estimates for acreage dedicated to public rights-of-way, a multi-use path, and future lots can be assumed:

	Acres	Square feet
Total area of subject properties	±33	±1,437,000
Estimated roadways	±7.46	± 324,957.6
Estimated multi-use path	±0.65	±28,314
Estimated developable land	±24.89	±1,084,208.4

The estimated number of residential lots (*minimum lot size 7,500 square feet, per BCDC Table 2.2.120*) that can be created from the resultant ±24.89 acres of developable land is ±144. An example layout of such a development is included on page 3 of this letter, for estimation purposes.

Based on these figures, trip generation estimates were calculated using the ITE Trip Generation Manual 7th Edition:

TABLE 1 – Estimated Trips Generated for Residential Uses				
Residential – Single-Family Detached Housing			Residential – Single-Family Attached Housing (Duplex)	
Trip Generation Times	Trips	24.89 acres (144 DU)	Trips	24.89 acres (288 DU)
Average Daily Trips – Weekday	9.43	1,358/day	7.20	2,074/day
Peak Hour – Weekday AM	0.70	101 peak	0.48	138 peak
Peak Hour – Weekday PM	0.94	135 peak	0.57	164 peak



** This map was created for estimation purposes only. Lots depicted represent estimated minimum lot size requirements per the BCDC.*

General Industrial (I) Zone (current zoning)

According to the Baker City Development Code, Table 2.4.110 (pages 121-123), the following uses are permitted in the I Zone:

- Commercial parking facility
- Retail sales and service uses (various)
- Industrial service
- Manufacturing and production
- Warehouse and freight movement
- Waste-related uses
- Wholesales sales
- Basic utilities
- Detention facilities
- Medical centers
- Mining
- Transportation facilities

Of these permitted uses, *Utilities* (defined as “free-standing buildings that contain electromechanical or industrial space/equipment... may also have storage areas and office space) creates the most peak hour trips, according to the ITE Trip Generation Manual 7th Edition, and was used for the purposes of this review.

At maximum build-out, the following estimates for acreage dedicated to public rights-of-way, a multi-use path, and future lots can be assumed:

	Acres	Square feet
Total area of subject properties	±33	±1,437,000
Estimated roadways	±1.64	± 71,438.4
Estimated multi-use path	±0.65	± 28,314
Estimated developable land	±30.71	± 1,337,727.6

No minimum lot size exists in the industrial zone, per BCDC Table 2.2.140. For the purposes of this review, three development sites were created from the remaining ±30.71 acres of developable land:

	Total Acres	Total Square Feet	Estimated Developable Site Area, in square feet (50% of total area)
Site 1	±2.14	±93,218.4	±46,607.2
Site 2	±12	±522,720	±261,360
Site 3	±16.3	±710,028	±355,014

For the purposes of this review, three sizeable industrial sites were created to accommodate potential industrial developments (see image on page 5 of this letter).



** This map was created for estimation purposes only.*

Assuming 50% of each site could be used as developable space, the following table was created to review the estimated peak hour trips generated by potential industrial developments in the *Utilities* category, as estimated in the ITE Trip Generation Manual 7th Edition:

TABLE 2 – Estimated Trips Generated for Industrial Uses - Utilities							
	Site 1		Site 2		Site 3		Entire Site Totals
Trip Generation Times	Trips	±46,607.2 square feet (half of site)	Trips	±261,360 square feet (half of site)	Trips	±355,014 square feet (half of site)	
Average Daily Trips – Weekday	12.29	574/day	12.29	3,214/day	12.29	4,364/day	8,152/day
Peak Hour – Weekday AM	2.23	104 peak	2.23	583 peak	2.23	792 peak	1,479 peak
Peak Hour – Weekday PM	2.16	101 peak	2.16	565 peak	2.16	767 peak	1,433 peak

The next-highest daily rate for uses permitted in the industrial zone is that of a *Specialty Trade Contractor*, which could be permitted as an *Industrial Service* per the Baker City Development Code. The following figures are estimates provided by the ITE Trip Generation Manual 7th Edition for said use:

TABLE 3 – Estimated Trips Generated for Industrial Uses – Specialty Trade Contractor							
	Site 1		Site 2		Site 3		Entire Site Totals
Trip Generation Times	Trips	±46,607.2 square feet	Trips	±261,360 square feet	Trips	±355,014 square feet	
Average Daily Trips – Weekday	9.82	458/day	9.82	2,568/day	9.82	3,488/day	6,514/day
Peak Hour – Weekday AM	1.66	77 peak	1.66	434 peak	1.66	589	1,130 peak
Peak Hour – Weekday PM	1.93	90 peak	1.93	504 peak	1.93	685	1,279 peak

Summary:

Based on figures from the ITE Trip Generation Manual 7th Edition, a re-zone of lands from industrial to residential appears to result in a reduction of anticipated ADT by a minimum of 68% at maximum build out, as outlined in Table 4 below. This falls below the threshold necessary to evaluate when determining *significance*.

TABLE 4 – Comparison of Estimated ADTs Generated – Residential vs. Industrial				
Trip Generation Times	Residential – Single-Family Detached Housing	Residential – Single-Family Attached Housing (Duplex)	Utilities	Specialty Trade Contractor
Total Average Daily Trips – Weekday	1,358/day	2,074/day	8,152/day	6,514/day

Re: Bloomer Rezone Questions

Eva Henes <atlaslanduseconsulting@gmail.com>

Fri 10/20/2023 4:41 AM

To: Tara Micka <tmicka@bakercountyor.gov>

Hi Tara,

I'm glad that conversation has happened!

I chose three larger sites for industrial uses because most industrial uses have a large footprint or need for outdoor storage space. I was thinking of sites about the size of the industrial park or Marvins, etc. When calculating the number of trips generated by an industrial use, it's all based on square footage. Since there is no way to know how large a future building would be, I estimated that somewhere around 50% of a site could be covered, logically (even though the code allows more lot coverage). This would allow for outdoor storage, driveways, etc. Perhaps I should have allowed for more square footage building-wise but the results are clear -- industrial uses create more trips than residential.

If we use the same "plat" for lots that I did with the residential zone, here is a rough calc of the results for the industrial uses in that format:

Each lot measures 7500 square feet. According to the table, that 7.5 units to be used to calculate ADT (weekday) for a *Utilities* use. Daily, 94 trips are generated, with 17 AM Peak Trips and 16 PM Peak Trips. There are 144 lots in the "plat", so $94 \times 144 = 13,536$ ADT weekday. Same equation for *Specialty Trade Contractor*, but the figures come out at 74ADT.... $74 \times 144 = 10,656$ ADT weekday. Again, residential comes in with lower trip counts, even at full build out.

All of these numbers were crunched using a spreadsheet for trip generation that Lisa from ODOT shared with me. Screenshot below. She also provided lots of helpful information on how I should put my letter together, and that I even could. Before speaking with her and learning that ODOT didn't really need a full blown traffic study or engineered traffic report at this point in the application, we were going in circles trying to describe what was needed (or wasn't) to traffic engineering firms that wanted \$5-\$20k for a simple letter. It's been a ride.

Please let me know what other questions you have. If you'd like me to re-do my letter to show the same plat breakdown for Industrial Uses, I would be happy to.

Is our application under review for completeness now?

Eva Henes

Land Use Consultant

Atlas Land Use Consulting

CHAMPS Land Use code

Trip Generation Planner (ITE Trip Generation Manual, 11th Edition, 2021) for Calculat

Weekday/Weekend Peak Trip Generation Trips Based on Average Rates/Equations		Project Name Project Number	Rocking River Ranch, LLC (Blc Re-Zone Request (I to RLD)											
Average	ITE Code	Land Use Description	Independent Variable	No. of Units	Avg Rate or Eq	Trip Rates					Total Trips			
						Weekday		Weekend			Weekday			W
						Daily Rate	AM Rate	PM Rate	Daily Rate	Peak Rate	Daily Trips	AM Peak Trips	PM Peak Trips	Daily Trips
	021	Commercial Airport	Employee(s)		Avg	10.28				10.23				
	022	General Aviation Airport	Employee(s)		Avg	14.94	1.58	1.57	12.61					
	030	Intermodal Truck Terminal	1,000 Sq Ft		Avg		1.97	1.87						
	090	Park and Ride w/ Bus or Light Rail Service	Parking Space(s)		Avg	3.88	0.44	0.55						
	110	General Light Industrial	1,000 Sq Ft		Avg	4.87	0.74	0.65	5.00	0.69				
	130	Industrial Park	1,000 Sq Ft		Avg	3.37	0.34	0.34	2.54	0.44				
	140	Manufacturing	1,000 Sq Ft		Avg	4.75	0.68	0.74	1.49	0.18				
	150	Warehousing	1,000 Sq Ft		Avg	1.71	0.17	0.18	0.15	0.05				
	151	Mini-Warehouse	1,000 Sq Ft		Avg	1.45	0.09	0.15	1.77	0.17				
	154	High-Cube Transload & Short-Term Storage Warehouse	1,000 Sq Ft		Avg	1.40	0.08	0.10	0.94	0.12				
	155	High-Cube Fulfillment Center Warehouse -Non Sort	1,000 Sq Ft		Avg	1.81	0.15	0.16						
	155a	High-Cube Fulfillment Center Warehouse -Sort	1,000 Sq Ft		Avg	6.44	0.87	1.20						
	156	High-Cube Parcel Hub Warehouse	1,000 Sq Ft		Avg	4.63	0.70	0.64						
	157	High-Cube Cold Storage Warehouse	1,000 Sq Ft		Avg	2.12	0.11	0.12						
	160	Data Center	1,000 Sq Ft		Avg	0.99	0.11	0.09						
	170	Utilities	1,000 Sq Ft	7.50	Avg	12.29	2.23	2.16			94	17	16	
	180	Specialty Trade Contractor	1,000 Sq Ft		Avg	9.82	1.66	1.93						
	190	Marijuana Cultivation and Processing Facility	1,000 Sq Ft		Avg		0.69	0.64						
	210	Single-Family Detached Housing	Dwelling Unit(s)	163	Avg	9.43	0.70	0.94	9.48	0.92	1536	114	153	154
	215	Single-Family Attached Housing	Dwelling Unit(s)	326	Avg	7.20	0.48	0.57	6.70	0.57	2348	156	186	283
	220	Multifamily Housing (Low-Rise) Not Close to Rail Tran	Dwelling Unit(s)		Avg	6.74	0.40	0.51	4.55	0.41				
	220a	Multifamily Housing (Low-Rise) Close to Rail Transit	Dwelling Unit(s)		Avg	4.72	0.38	0.61						
	221	Multifamily Housing (Mid-Rise) Not Close to Rail Trans	Dwelling Unit(s)		Avg	4.54	0.37	0.39	4.57	0.39				
	221a	Multifamily Housing (Mid-Rise) Close to Rail Transit	Dwelling Unit(s)		Avg	4.75	0.32	0.29						
	222	Multifamily Housing (High-Rise) Not Close to Rail Tran	Dwelling Unit(s)		Avg	4.54	0.27	0.32	4.54	0.36				
	222a	Multifamily Housing (High-Rise) Close to Rail Transit	Dwelling Unit(s)		Avg	3.98	0.23	0.26	4.74	0.40				
	223	Affordable Housing-Income Limits	Dwelling Unit(s)		Avg	0.36	0.46	12.00	1.28					
	223a	Affordable Housing-Senior	Dwelling Unit(s)		Avg		0.18	0.09						
	225	Off-Campus Student Apartment (Low-Rise) Adjacent	Bedrooms		Avg	3.57	0.12	0.24		0.20				
	226	Off-Campus Student Apartment (Mid-Rise) Adjacent	Bedrooms		Avg	2.57	0.07	0.21						
	230	Low-Rise Residential with Ground-Floor Commercial	Dwelling Unit(s)		Avg	3.44	0.44	0.36						
	231	Mid-Rise Residential with Ground-Floor Commercial	Dwelling Unit(s)		Avg		0.22	0.17						
	240	Mobile Home Park	Dwelling Unit(s)		Avg	7.12	0.39	0.58	7.05	0.65				
	251	Senior Adult Housing-Single Family	Dwelling Unit(s)		Avg	4.31	0.24	0.30	2.84	0.24				
	252	Senior Adult Housing-Multifamily	Dwelling Unit(s)		Avg	3.24	0.20	0.25	2.74	0.32				
	253	Congregate Care Facility	Dwelling Unit(s)		Avg	2.21	0.08	0.18						
	254	Assisted Living	1,000 Sq Ft		Avg	4.19	0.38	0.48						
	255	Continuing Care Retirement Community	Unit(s)		Avg	2.47	0.15	0.19	2.06	0.23				
	260	Recreational Homes	Dwelling Unit(s)		Avg	3.55	0.22	0.29	3.34	0.39				
	265	Timeshare	Dwelling Unit(s)		Avg	8.63	0.40	0.63	7.34	0.38				

On Thu, Oct 19, 2023 at 4:04 PM Tara Micka <tmicka@bakercountyor.gov> wrote:

Hi Eva,

We had a discussion with ODOT and Public Works to make sure we understand the Transportation Planning Rule. This is not only helpful for your rezone application but for future applications as well. Since we have an application for a rezone from you, we used it as an example to aid in our discussion of understanding this rule.

Questions came up about the Trip Generation Letter that you prepared for the Bloomer rezone. Would you be able to provide more information on why the Industrial zone was broken up into three large parcels verses having smaller ones? Why weren't both the residential and industrial zones broken up in a similar way? Is this to show potential phases of development? Any additional insight you have would be helpful.

Tara Micka | Senior Planner

Baker County & City Planning Department

1995 Third Street | Ste. 131 | Baker City, OR 97814

Office: 541.523.8219, ext. 146

tmicka@bakercountyor.gov | www.bakercounty.org

Exhibit E - Comments from ODOT**RE: Follow Up to Transportation Planning Rule Discussion**

BOYD David W <David.W.BOYD@odot.oregon.gov>

Fri 10/20/2023 11:19 AM

To: Tara Micka <tmicka@bakercountyor.gov>; HAYES Lisa M <Lisa.M.HAYES@odot.oregon.gov>; ELLIOTT Lynn A <Lynn.A.ELLIOTT@odot.oregon.gov>; JARVIS-SMITH Cheryl <Cheryl.JARVIS-SMITH@odot.oregon.gov>; bcpwdirector@bakercity.gov <bcpwdirector@bakercity.gov>

 2 attachments (7 MB)

Written Narrative 3.0 - Bloomer Re-Zone.pdf; Trip Generation Letter - Bloomer.pdf;

Tara,

I have reviewed the Trip Generation Letter (Traffic Report) and concur with the conclusion that this Zone Change (ZC) will not create a Significant affect to the State highway system per Oregon Highway Plan, Policy 1F.5.

Even though the Trip Generation Letter was not produced by an Oregon Registered Professional Engineer, I have verified the facts and conclusion and am satisfied with the conclusion. The one comment I would add is that they used the 7th edition of the ITE Trip Generation Manual versus the current 10th edition. This does not affect the conclusion of the Trip Generation Letter; the Industrial trips are lower in the 7th vs the 10th edition.

If you have any questions, please give me a call. I will be off this afternoon.

David W. Boyd, P.E.
Region 5 Access Management Engineer
3012 Island Ave, La Grande, OR 97850
541-419-5977

From: Tara Micka <tmicka@bakercountyor.gov>**Sent:** Friday, October 20, 2023 8:08 AM

To: BOYD David W <David.W.BOYD@odot.oregon.gov>; HAYES Lisa M <Lisa.M.HAYES@odot.oregon.gov>; ELLIOTT Lynn A <Lynn.A.ELLIOTT@odot.oregon.gov>; JARVIS-SMITH Cheryl <Cheryl.JARVIS-SMITH@odot.oregon.gov>; bcpwdirector@bakercity.gov

Subject: Re: Follow Up to Transportation Planning Rule Discussion

This message was sent from outside the organization. Treat attachments, links and requests with caution. Be conscious of the information you share if you respond.

Here you go. So sorry about that.

Tara

From: BOYD David W <David.W.BOYD@odot.oregon.gov>**Sent:** Thursday, October 19, 2023 5:05 PM

To: Tara Micka <tmicka@bakercountyor.gov>; HAYES Lisa M <Lisa.M.HAYES@odot.oregon.gov>; ELLIOTT Lynn A <Lynn.A.ELLIOTT@odot.oregon.gov>; JARVIS-SMITH Cheryl <Cheryl.JARVIS-SMITH@odot.oregon.gov>; bcpwdirector@bakercity.gov <bcpwdirector@bakercity.gov>

Subject: RE: Follow Up to Transportation Planning Rule Discussion

Tara,

This is your report, which does not have the Traffic Generation Letter attached.

David W. Boyd, P.E.
Region 5 Access Management Engineer
3012 Island Ave, La Grande, OR 97850
541-419-5977

From: Tara Micka <tmicka@bakercountyor.gov>

Sent: Thursday, October 19, 2023 3:49 PM

To: HAYES Lisa M <Lisa.M.HAYES@odot.oregon.gov>; ELLIOTT Lynn A <Lynn.A.ELLIOTT@odot.oregon.gov>; JARVIS-SMITH Cheryl <Cheryl.JARVIS-SMITH@odot.oregon.gov>; BOYD David W <David.W.BOYD@odot.oregon.gov>; bcpwdirector@bakercity.gov

Subject: Follow Up to Transportation Planning Rule Discussion

This message was sent from outside the organization. Treat attachments, links and requests with caution. Be conscious of the information you share if you respond.

Thank you all for showing up for our discussion this afternoon about the Transportation Planning Rule. I really appreciated your insight and expertise. I've attached a copy of the consultant's Trip Generation Letter regarding the Bloomer property in SE Baker between the Powder River and Highway 30 (same document Holly handed out during our discussion).

If possible, we would like to have your comments on this Trip Generation Letter by the end of the day tomorrow, Friday, October 20th.

Tara Micka | Senior Planner

Baker County & City Planning Department

1995 Third Street | Ste. 131 | Baker City, OR 97814

Office: 541.523.8219, ext. 146

tmicka@bakercountyor.gov | www.bakercounty.org

Exhibit F - Comments from Baker City Public Works**RE: Rocking River Ranch Rezone Question - Public Services**

Joyce Bornstedt <bcpwdirector@bakercity.gov>

Mon 12/11/2023 3:05 PM

To: Tara Micka <tmicka@bakercountyor.gov>

Hi Tara –

This is a calculation that I would need to have our City Engineer perform. The area currently accesses a 6" transitioning to 10" ductile iron wastewater mainline, and a 12" cast iron water mainline. I can have him take a look at this, but I don't know that we can have that information by Wednesday. Additionally, there may be issues with gravity flow to the wastewater for the entire parcel. The depth of the mainline where the connection would need to be made is under 5.5' deep.

Joyce Bornstedt

CPSI

Public Works Director

Baker City Public Works

Office: 541.524.2031

www.bakercity.com

I have a new email address! bcpwdirector@bakercity.gov Please update your contact information!

From: Tara Micka <tmicka@bakercountyor.gov>**Sent:** Monday, December 11, 2023 2:37 PM**To:** Joyce Bornstedt <bcpwdirector@bakercity.gov>**Subject:** Rocking River Ranch Rezone Question - Public Services

Hi Joyce,

I'm working on finalizing the staff report for the upcoming Planning Commission hearing on the rezone request for property in SE Baker City between the Powder River and the UPRR/Hwy 30, which needs to be sent out on Wednesday. If the rezone is successful, there could be up to 144 single-family dwellings or 288 duplexes built on the property at max buildout. Is there enough capacity in the City to service this many dwelling units (i.e. sewer, water, stormwater, etc...)? The applicant provided an estimation of how many dwelling units are possible in the attached Trip Generation Letter.

Thank you!

*Tara Micka | Senior Planner**Baker County & City Planning Department**1995 Third Street | Ste. 131 | Baker City, OR 97814**Office: 541.523.8219, ext. 146**tmicka@bakercountyor.gov | www.bakercountyor.gov*

RE: Proposed Rezone - Between Powder River & Highway 30

Joyce Bornstedt <bcpwdirector@bakercity.gov>

Wed 10/25/2023 4:22 PM

To: Tara Micka <tmicka@bakercountyor.gov>

Hi Tara –

I don't have specific comments related to the rezone. I think the impact will need to be evaluated when/if an development plan is submitted for review.

Thanks for following up!

Joyce Bornstedt

CPSI

Public Works Director

Baker City Public Works

Office: 541.524.2031

www.bakercity.com



I have a new email address! bcpwdirector@bakercity.gov Please update your contact information!

From: Tara Micka <tmicka@bakercountyor.gov>

Sent: Wednesday, October 25, 2023 3:24 PM

To: Joyce Bornstedt <bcpwdirector@bakercity.gov>

Subject: Proposed Rezone - Between Powder River & Highway 30

Good morning Joyce,

I wanted to follow up and see if you had any official comments related to the proposed rezone for the Rocking River Ranch properties (Bloomer) between the Powder River and Highway 30? I was hoping to get something from Public Works regarding availability and adequacy of utilities (water, sewer, stormwater) and access. Do you foresee the proposed rezone having a significant impact on the City's transportation system?

If you have any questions, please let me know.

Tara Micka | Senior Planner

Baker County & City Planning Department

1995 Third Street | Ste. 131 | Baker City, OR 97814

Office: 541.523.8219, ext. 146

tmicka@bakercountyor.gov | www.bakercounty.org

Exhibit G - Map Amendments and Code Interpretations Table

Date of Approval	Ordinance #	Map Amendment or Code Interpretation	Property(ies) effected by decision (Map, Tax Lot & Ref.)	New Zoning Designation	Previous Zoning Designation	Comprehensive Plan Map and/or Zoning Map Amendment	Planning Application #
09/08/2020	3380	Map Amendment	Multiple	Various	Various	Zoning Map Amendment	ZT-20-013
TBD	TBD	Map Amendment	Portion of Tax Lot 200 of 09s40e20da (Ref. 3778); Tax Lots 900, 1000, 1100, 1200, 1300 and 1400 of 09s40e21cb (Refs. 15144, 4070, 15140, 15142, 15141 & 15143); Tax Lots 100, 200, 300, 1400 and 1500 of 09s40e21cc (Refs. 4076, 4074, 4072, 4071 & 4073)	Residential-Low Density (R-LD)	General Industrial	Comprehensive Plan & Zoning Map Amendment	RZ-23-121

Exhibit H - Comments from Elkhorn Barns

Rocking River Ranch

Thad Unruh <elkhornbarns@gmail.com>

Mon 12/4/2023 1:24 PM

To: Tara Micka <tmicka@bakercountyor.gov>

To whom it may concern,

We as Elkhorn Barns approve of the rezoning of the property for Rocking River Ranch.

I believe it would be a improvement to our community! Any questions call 541 519 2968 or email us.

Thanks and have a great day !

December 12, 2023

To: Baker County Planning Commission

Re: Rezone Application

I am pleased to support Travis and Letisha Bloomer's initiative to change the zoning from industrial to residential.

The property is bordered on two sides by the Powder River and Union Pacific Railroad creating natural and logical boundary separation. The land topography is relatively flat with good access to live water. In addition our local housing availability in Baker has been limited in supply for a long time placing additional burdens on many of our residents. For the above mentioned reasons, I urge you to support a rezone of this property.

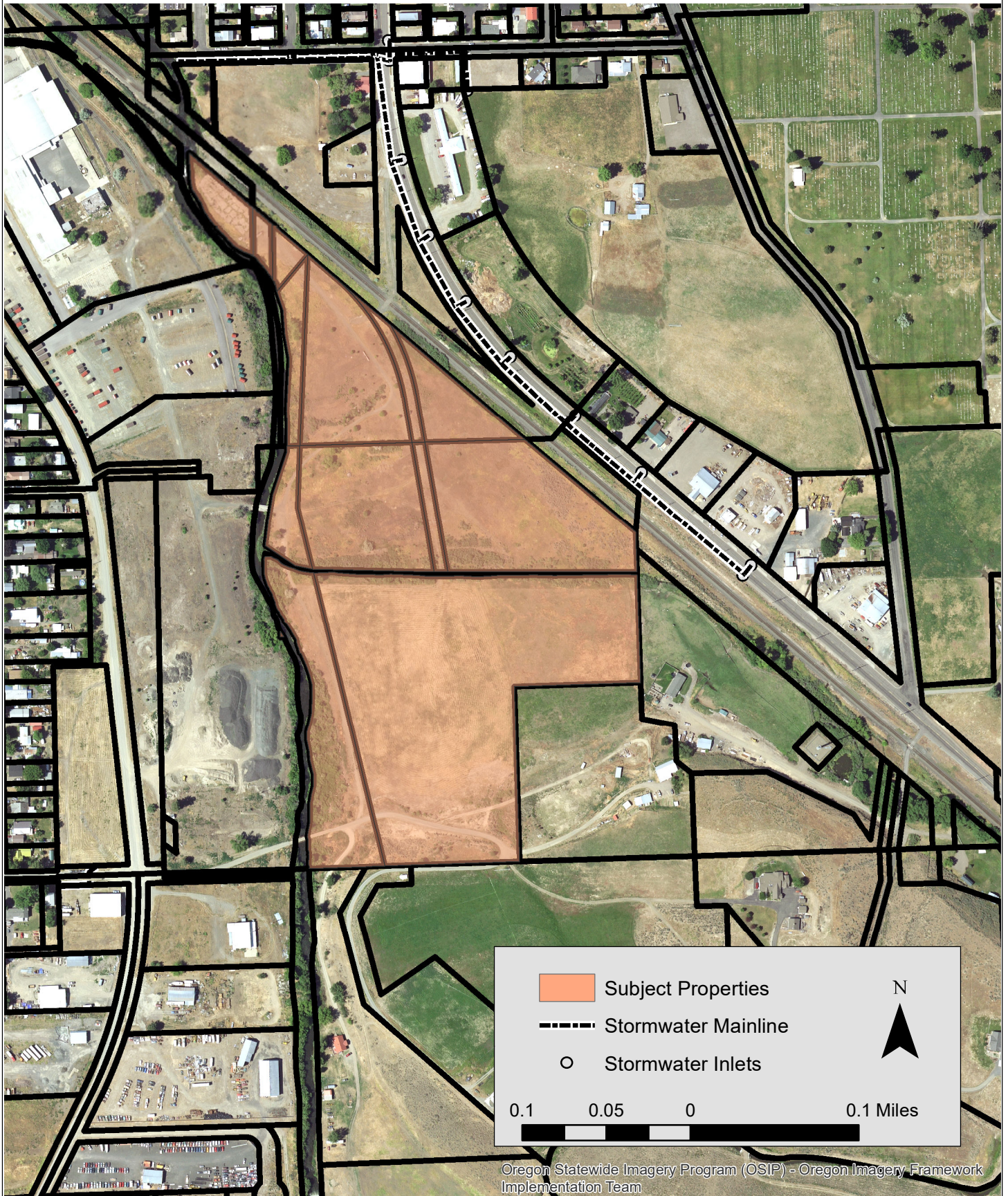
I have worked with Travis over the past seven years on many complicated real estate transactions. Both Travis and Tish are well respected within the community. They have volunteered for many years coaching various youth sports in our community and Travis is currently the President of our local Baker County Livestock Association. It has been my personal experience that any project involving Travis has been handled with a high level of integrity.

Respectfully Submitted,

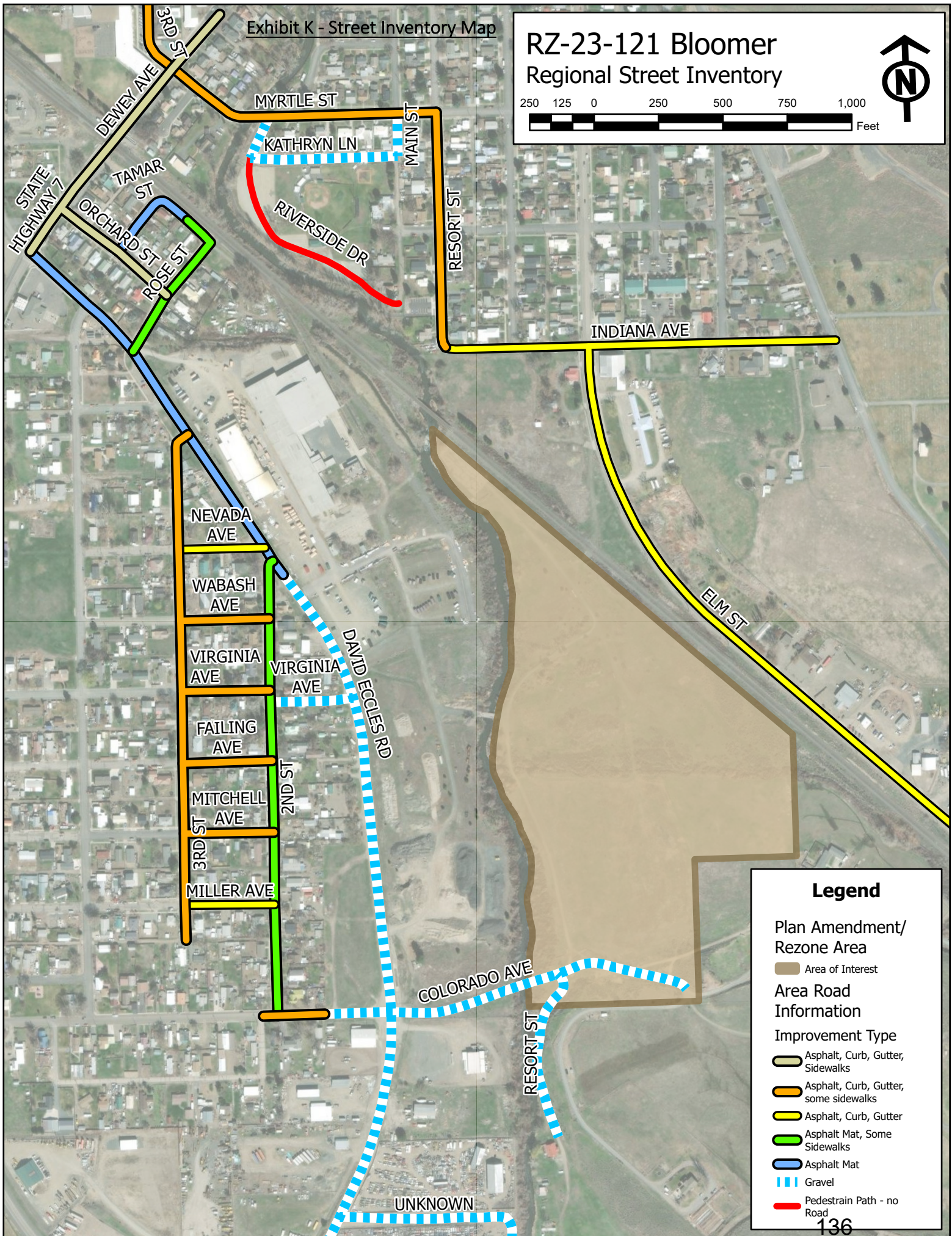
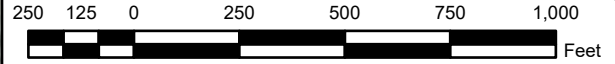
A handwritten signature in cursive script, reading "Andrew G. Martin", followed by a long horizontal line extending to the right.

Andrew Martin,

RZ-23-121 Atlas Land-Rocking River Ranch Stormwater Mainline and Inlet Locations



RZ-23-121 Bloomer Regional Street Inventory



Legend

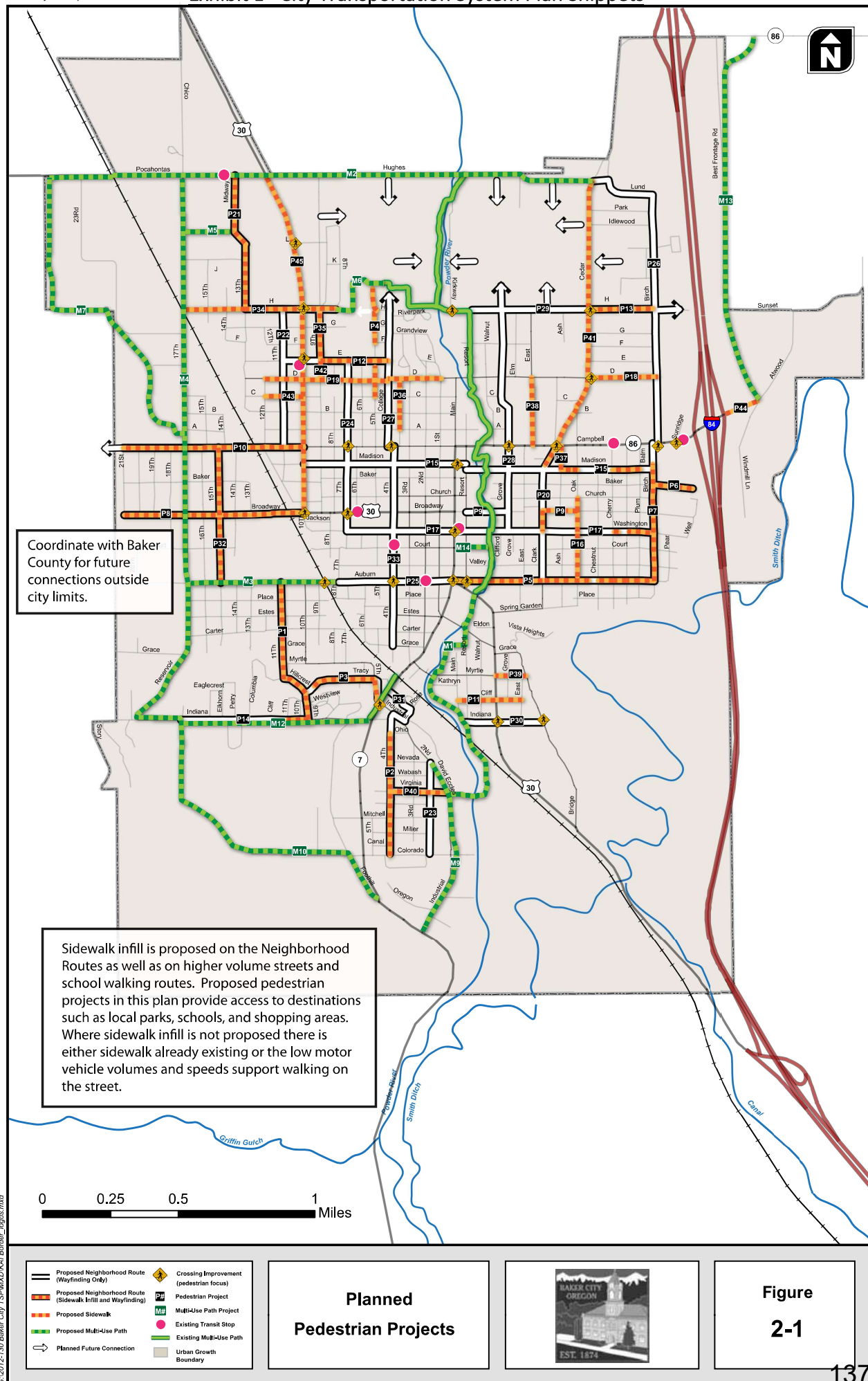
Plan Amendment/
Rezone Area

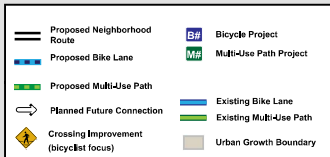
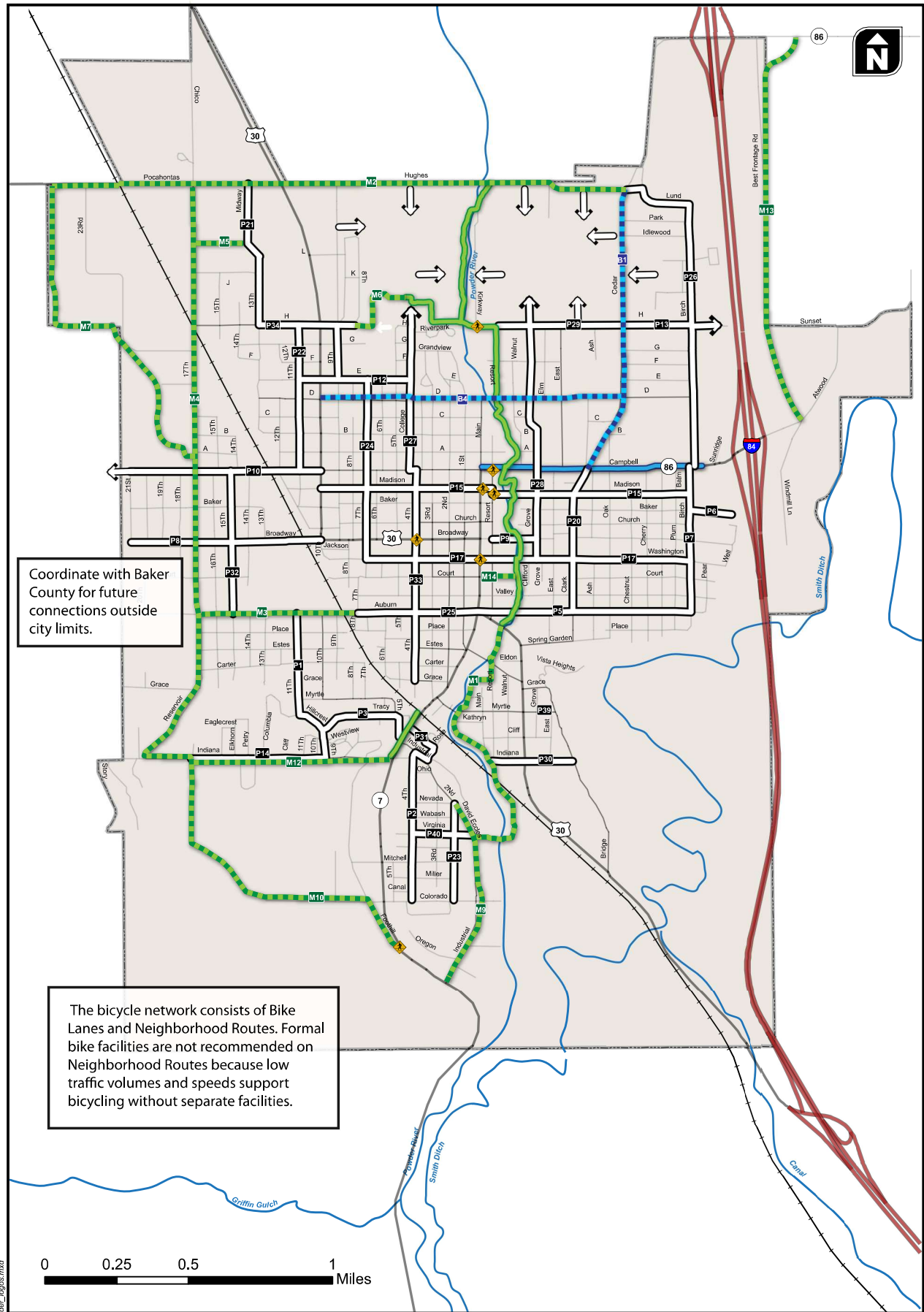
Area of Interest

Area Road
Information

Improvement Type

- Asphalt, Curb, Gutter, Sidewalks
- Asphalt, Curb, Gutter, some sidewalks
- Asphalt, Curb, Gutter
- Asphalt Mat, Some Sidewalks
- Asphalt Mat
- Gravel
- Pedestrian Path - no Road





Planned Bicycle Projects and Multi-Use Paths



Figure 2-2

PLANNED MULTI-USE PATH NETWORK

The multi-use path network is intended to establish a network of multi-use paths that serve the City's recreational needs as well as enhance the overall network of bicycle and pedestrian facilities. The planned multi-use path network for Baker City is detailed in Table 2-3 and shown in Figure 2-2. This network increases route options and connectivity to serve bicyclists with a wide range of skill sets and comfort levels (i.e. to serve novice to experienced riders).

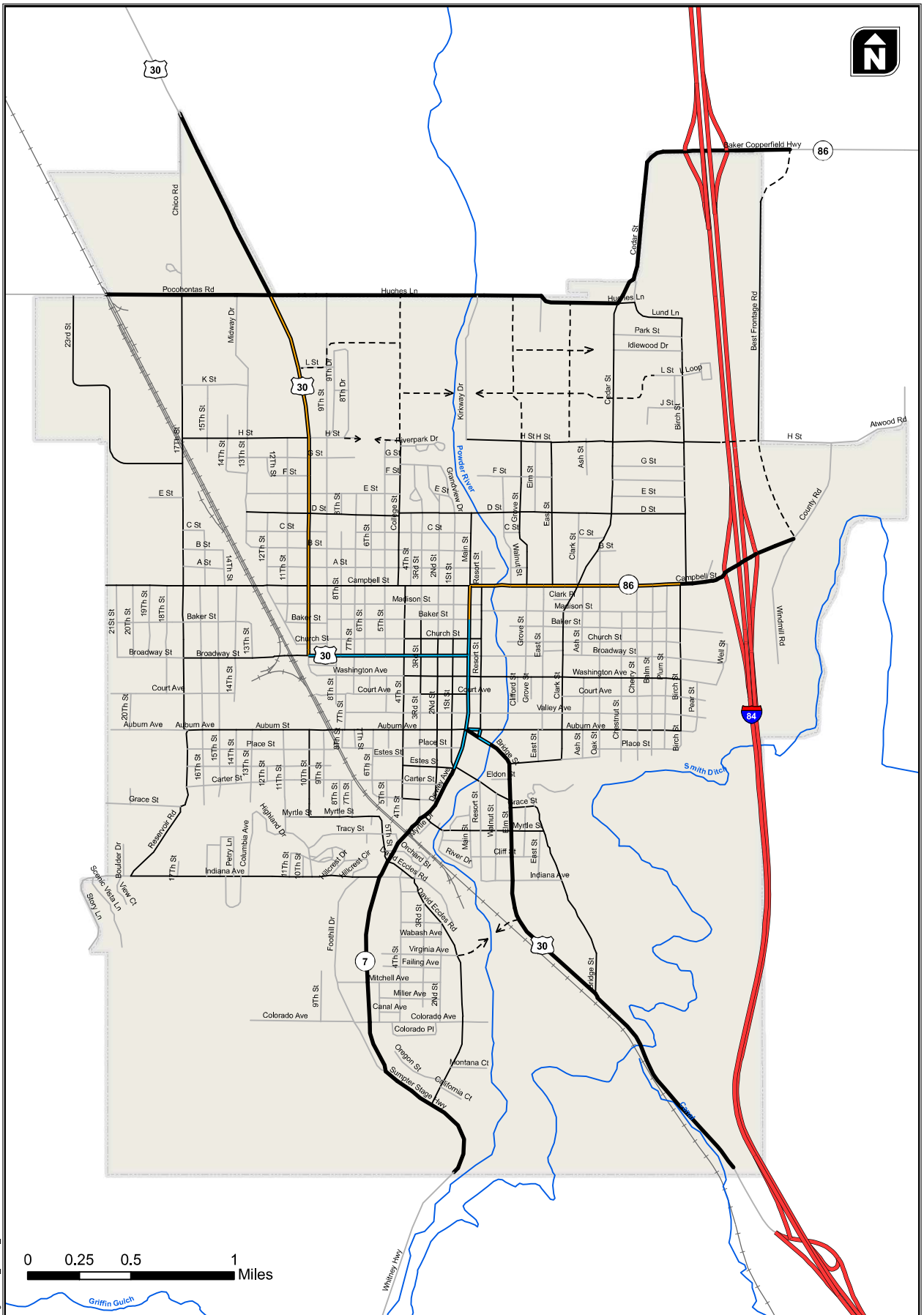
Table 2-3: Planned Multi-Use Path Network

(Project #) Name	Description	Reason for the Project	Priority (Timeline)	Cost ¹
(M1) Leo Adler Pathway Extension	Add multi-use path from Bridge Street to David Eccles Road; project will require coordination with ODOT Rail Division at rail crossing	Promote recreational and non-motorized travel	Near-term	\$627,000
(M2) Pocahontas/Hughes	Add multi-use path from Settlers Loop to Cedar Street	Promote recreational and non-motorized travel	Long-term	\$1,169,000
(M3) Auburn	Add multi-use path from 17 th Street to Railroad tracks; project will require coordination with ODOT Rail Division at rail crossing	Promote recreational and non-motorized travel	Near-term	\$309,000
(M4) 17 th Ave Trail	Add multi-use path from Indiana Avenue to Pocahontas Road; project will require coordination with ODOT Rail Division at rail crossing	Promote recreational and non-motorized travel	Near-term	\$1,294,000
(M5) Hospital Connector	Add multi-use path from 17 th Street to Midway Drive	Promote recreational and non-motorized travel	Near-term	\$116,000
(M6) Sports Complex Connector	Add multi-use path from H Street to Sports Complex	Promote recreational and non-motorized travel	Near-term	\$168,000
(M7) Settler's Trail	Add multi-use path from Pocahontas Road to 17 th Street	Promote recreational and non-motorized travel	Long-term	\$746,000
(M8) Cemetery Connector²	Add multi-use path from Bridge Street to Proposed Smith Ditch Trail	Promote recreational and non-motorized travel	Long-term	\$213,000
(M9) David Eccles Rd	Add multi-use path from 2 nd Street to OR 7	Promote recreational and non-motorized travel	Long-term	\$378,000
(M10) Golf Course Trail	Add multi-use path from Indiana Avenue to OR 7	Promote recreational and non-motorized travel	Long-term	\$691,000
(M11) Smith Ditch	Add multi-use path from Cherry Street to OR 7; project will require coordination with ODOT Rail Division at rail crossing	Promote recreational and non-motorized travel	Long-term	\$2,089,000
(M12) Indiana Avenue	Add multi-use path from 17 th Street to OR 7	Promote recreational and non-motorized travel	Near-term	\$259,000
(M13) Best Frontage Road	Add multi-use path from OR 86 to Atwood Road	Promote recreational and non-motorized travel	Near-term	Already Funded
(M14) Central Park Connector	Add multi-use path from Resort Street at Court Street to the LAMP Connector	Promote recreational and non-motorized travel	Near-term	\$122,000
Sub-Totals				
Near-Term Priority (0-5 Years)				\$2,514,000
Longer-Term Priority (5-20 Years)				\$3,365,000
Total				\$5,879,000

Notes:

¹Planning level cost estimates are for construction and engineering. Cost estimates assume striping and signing changes occur within the existing pavement width (i.e., no additional construction or road expansion is required).

²Strikethrough text reflects changes made to the project list during Planning Commission and City Council hearings.



- Interstate
- Arterial
- - - Future Arterial
- Special Transportation Area (Arterial)
- Urban Business Area (Arterial)
- Collector
- - - Future Collector
- Local

Functional Classification Plan

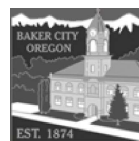


Figure 3-1

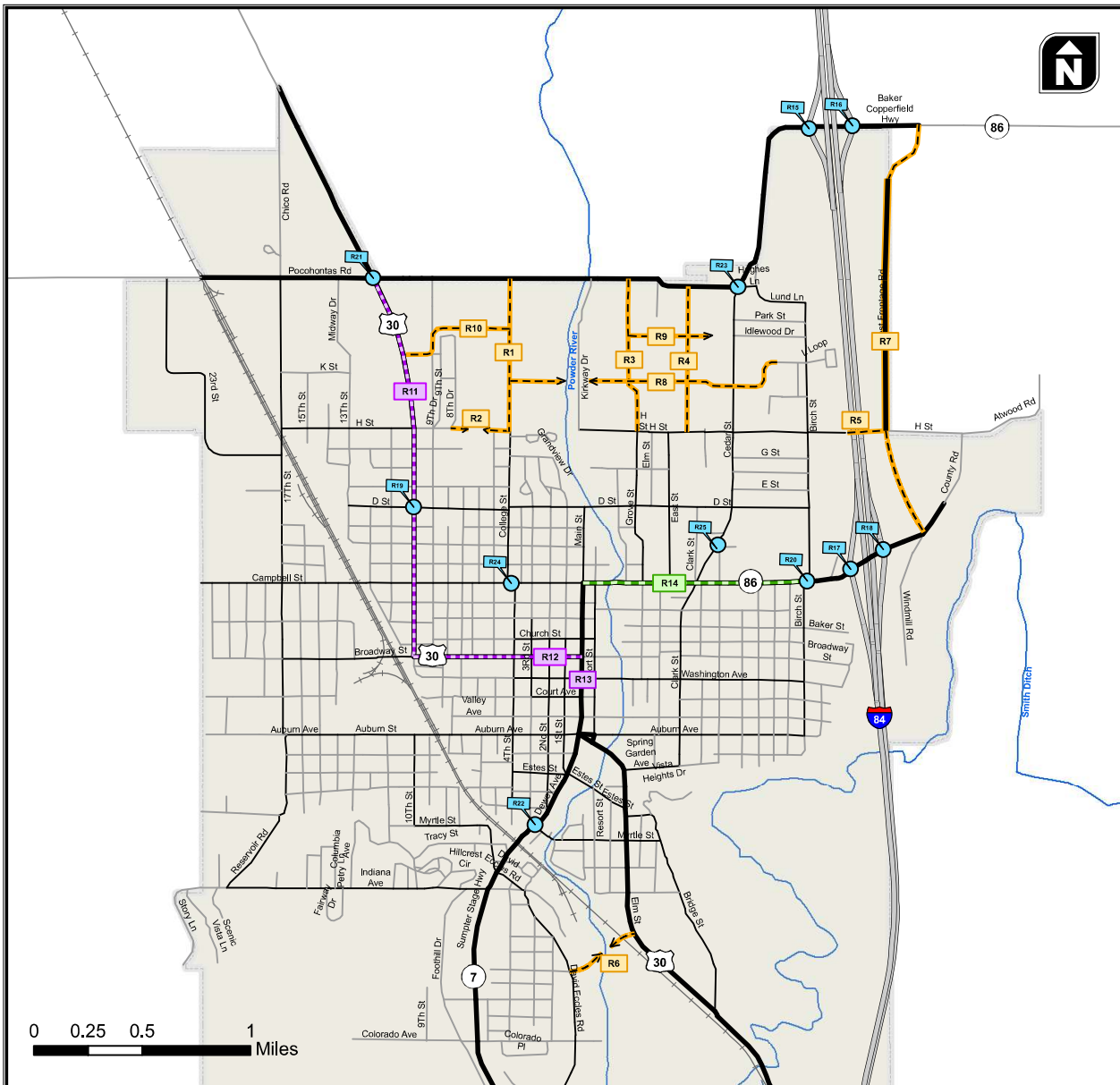
H:\profile\12196 - Baker City TSP Update\gis\12196_FIG3-1.FC.mxd

also seeks to develop an efficient transportation network that will reduce reliance on the main east-west and north-south state highways through development of parallel facilities. New roadways or roadway extensions are planned to serve all modes. These include road segments to fill gaps in the existing street system, new roads to serve development on adjacent properties, and new arterials and collectors to create an efficient grid system of future roadways.

Table 3-6 summarizes the planned roadway extension projects, new roadways, and intersection projects. Figure 3-6 illustrates the location of these projects.

Table 3-6: Planned Roadway and Intersection Projects

(Project #) Project Name	Project Description	Reasons for the Project	Priority (Timeline)	Cost ¹
Planned Roadway Extensions				
(R1) College Street Extension	Extend College Street from H Street to Hughes Lane	Facilitate north-south mobility and connectivity for future growth north of the recreation complex	Development Driven	\$2,367,000
(R2) H Street Extension	Extend H Street from 8 th Street to College Street	Facilitate east-west mobility and connectivity between the east and west sides of the Sports Complex/High School Area	Development Driven	\$928,000
(R3) Grove Street Extension	Extend Grove Street from H Street to Hughes Lane	Facilitate north-south mobility, growth, connectivity, and access for future development north of H Street	Development Driven	\$2,455,000
(R4) Clark Street Extension	Extend Clark Street from H Street to Hughes Lane	Facilitate north-south mobility, growth, connectivity, and access for future development north of H Street	Development Driven	\$2,274,000
(R5) H Street Overpass	Extend H Street over I-84 from H Street stub to Best Frontage Road	Facilitate east-west mobility and connectivity between the east and west sides of I-84	Longer-Term	\$17,350,000
(R6) Southeast Connector	Construct new roadway connecting David Eccles Road (near Virginia Avenue) to US 30	Facilitate growth, mobility and connectivity in the southeast part of the city	Longer-Term	\$4,305,000
(R7) Best Frontage Road Reconstruction/Extension	Extend Best Frontage Road from H Street to Campbell Street	Accommodate growth and facilitate better roadway connectivity on the east side of I-84.	Near-Term	Already Funded
(R8) K Street Alignment	Extend K Street from L Street to College Street Extension	Facilitate east-west mobility, growth, connectivity, and access for future development north of H Street	Development Driven	\$4,442,000
(R9) East Idlewood Extension	Extend Idlewood Drive from College Street to Cedar Street	Facilitate east-west mobility, growth, connectivity, and access for future development north of H Street	Development Driven	\$1,632,000
(R10) West Idlewood Extension	Construct new roadway connecting College Street Extension through to 10 th Street	Facilitate east-west mobility, growth, connectivity, and access for future development north of H Street	Development Driven	\$1,920,000
Planned Roadway Modifications				
(R14) Campbell Street	Perform a study of Campbell Street from Main Street to Birch Street that would revisit signal timing plans and median placement.	Accommodate changing traffic and development patterns.	Near-Term	\$10,000



Planned Roadway Extensions

- | | | | |
|------------------------------------|------------------------------------|--|----------------------------------|
| R1 College Street Extension | R2 H Street Extension | R3 Grove Street Extension | R4 Clark Street Extension |
| R5 H Street Overpass | R6 Southeast Connector | R7 Best Frontage Road Extension | R8 K Street Alignment |
| R9 East Idlewood Extension | R10 West Idlewood Extension | | |

Refinement Studies

- | | | |
|---|---|--|
| R11 10th Street Refinement Study | R12 Broadway Street Refinement Study | R13 Main Street Refinement Study (Extents to be determined) |
|---|---|--|

Planned Roadway Modifications

- R14** Campbell Street Modification

Planned Intersection Improvements

- | | | | |
|---|--|---|---|
| R15 SB I-84 Ramp & OR 86 | R16 NB I-84 Ramp & OR 86 | R17 SB I-84 Ramp & Campbell Street | R18 NB I-84 Ramp & Campbell Street |
| R19 US 30/10th Street & D Street | R20 Birch Street & Campbell Street | R21 US 30/10th Street & Pocahontas/Hughes Lane | R22 Dewey Avenue & Myrtle Street |
| R23 Cedar Street & Hughes Lane | R24 4th Street/College Street & Campbell Street | R25 Cedar Street & B Street | |

IMPROVEMENT TYPE

- Planned Intersection Project
- Refinement Plan
- Roadway Modification
- Roadway Extension
- Roadway Reconstruction

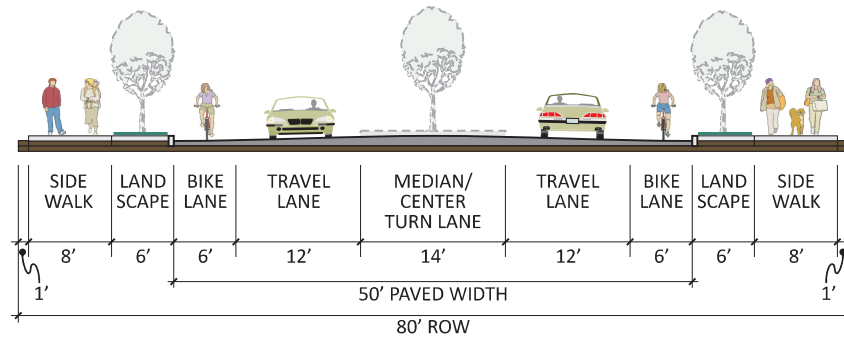
Planned Intersection Improvements and Roadway Connections



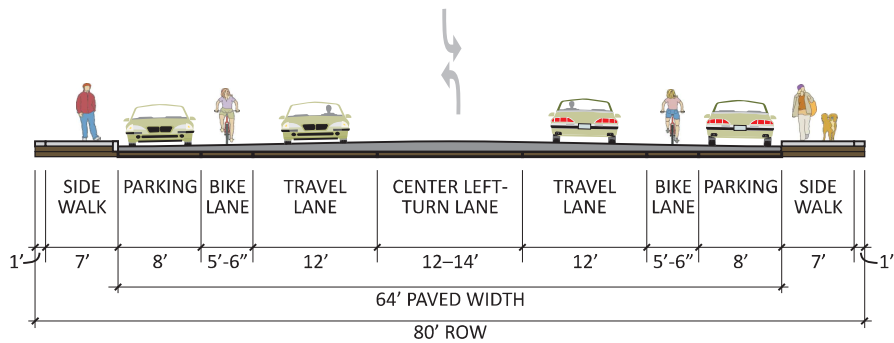
Figure

3-6

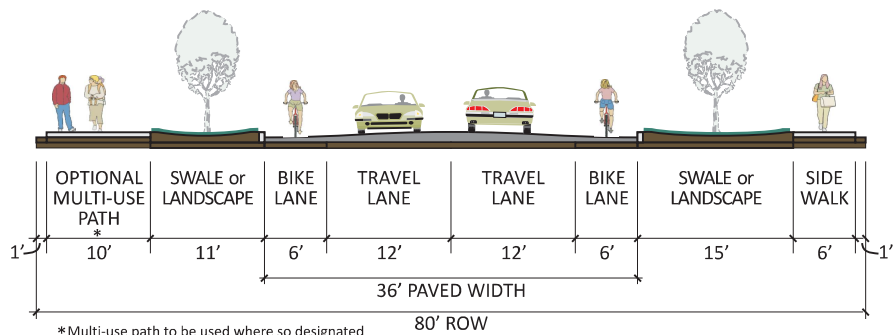
Urban Arterial Street (50' Paving with No Parking)



Urban Arterial Street (with Parking on Both Sides)



Commercial Street (36' Paving with No Parking)



* Multi-use path to be used where so designated in the TSP or where approved for use by City Engineer. When no multi-use path is used, provide 6' sidewalk on both sides.



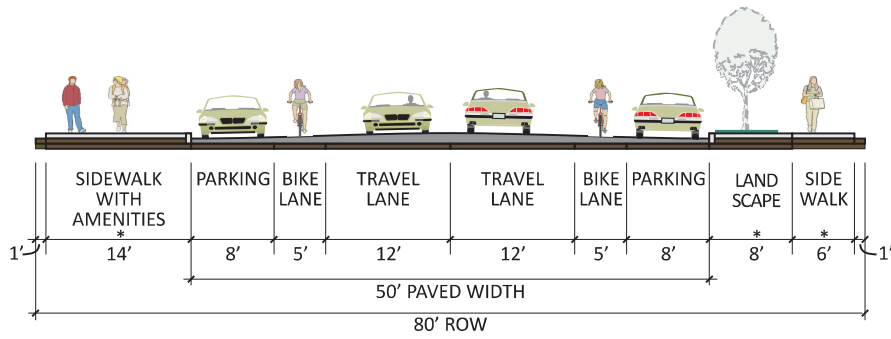
Trees to be provided per city code and location specific

Roadway Cross Sections



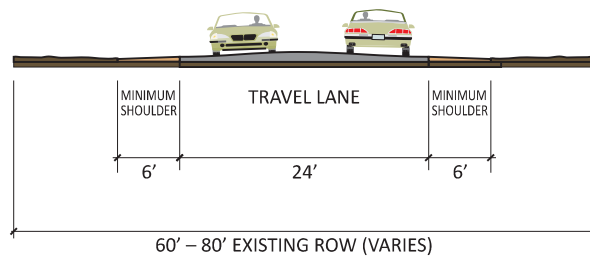
Figure
3-2

Commercial Street (50' Paving – Parking Both Sides)



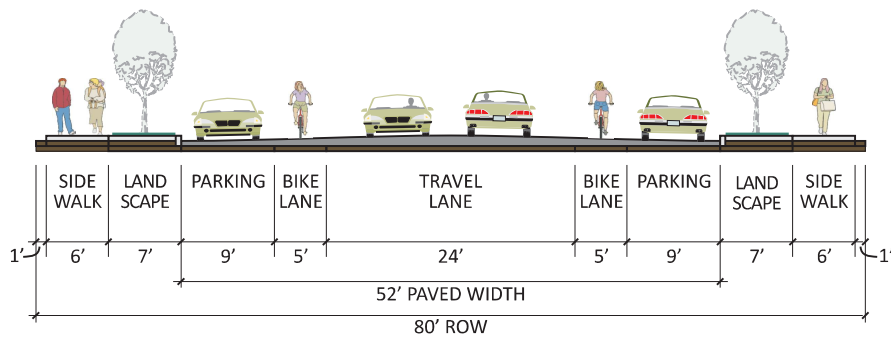
* Design may utilize either setback sidewalks with a landscape strip or a continuous 14' sidewalk with a 4' – 5" wide strip for amenities (lighting, trees, benches, etc.) adjacent to curb. The Central Commercial Zone will have 14' sidewalks with amenities and the General Commercial Zones shall have the landscape strip and sidewalks.

Local Industrial*

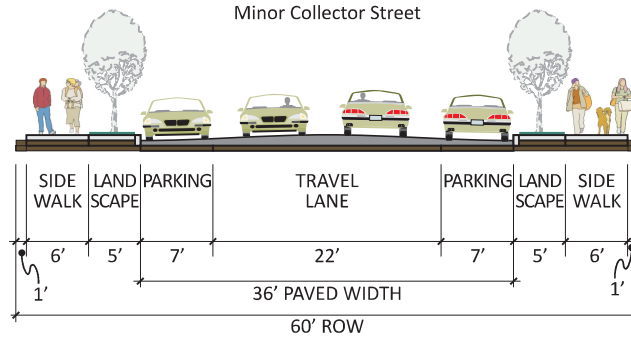


* Section to be used only for industrial streets that are not designated as collectors or arterials.

Major Collector Street



Minor Collector Street



H:\profile\12196 - Baker City TSP Update\dwg\figs\cdiffies\12196_figure-3.3.cdr

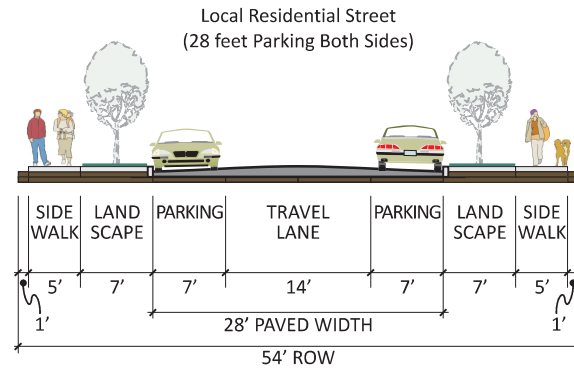
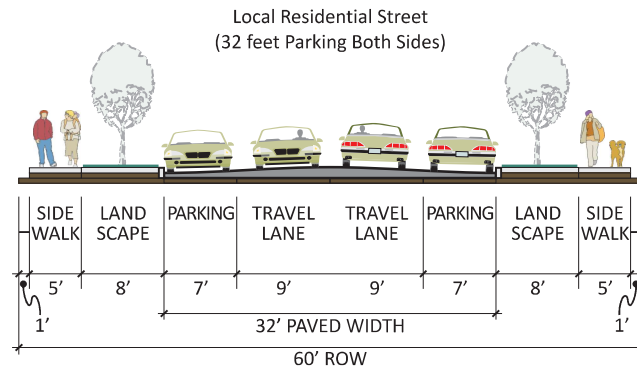


Trees to be provided per city code and location specific

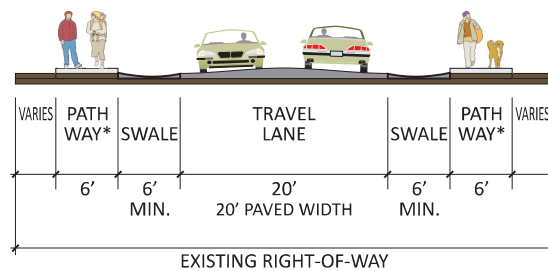
Roadway Cross Sections



Figure 3-3

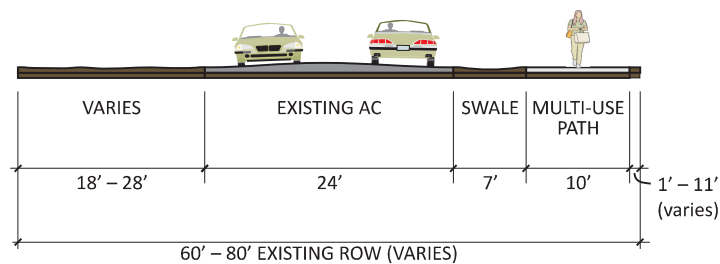


Improvement Option
for
Existing Unpaved Local Residential Streets



* Pathway may be constructed on one side or both sides of street.
Pathway shall be hard surface (concrete, asphalt or equivalent).

Multi-Use Path Street Option



Trees to be provided
per city code and
location specific

Roadway Cross Sections



Figure
3-4

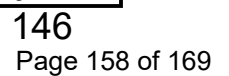


Exhibit N - Comments from Heidi Dalton

Heidi Dalton
2005 Washington Ave Ste 311
Baker City, OR 97814
December 14, 2023

Baker County Planning Commission
1995 3rd Street
Baker City, OR 97814

Re: Travis and Tish Bloomer Rezone Application: Rocking River Ranch Letter of Support

Dear Baker County Planning Commission:

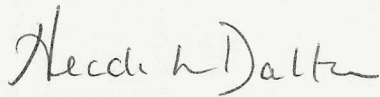
I am writing in support of the rezone application submitted by Travis and Tish Bloomer. I am a Baker City resident and owner of a mixed-use commercial building downtown. I have a vested interest in strategic development and thoughtful growth in our community and this project reflects that.

As you are aware, there is limited land available for development within Baker City limits to address the housing shortage our community is experiencing. My understanding is that the land owned by the Bloomers has not been used for industrial purposes for almost three decades and there are no plans to develop additional industrial properties in that area of town.

Travis and Tish have done a great job cleaning up this vacant land. The land is surrounded by residential properties, and it would make sense for it to be zoned residential as well. I have seen the proposed map to create residential housing not only for traditional homes but duplexes and cottages. Allowing for the opportunity to fill a variety of housing needs inside the Baker City limits would greatly benefit the residents of our community. It would also significantly improve the housing supply while making great use of the vacant land.

I encourage you to consider approving this rezone application. This is the type of creative, strategic development of land that our community needs.

Respectfully,

A handwritten signature in cursive script that reads "Heidi Dalton".

Heidi Dalton

Exhibit O - Comments from Christina Smith



October 11, 2023

To Whom it May Concern,

My name is Christina Smith. I am the owner/ Principal Broker of Sunfire Real Estate here in Baker City. I am writing on behalf of Travis and Tish Bloomer's application for a rezone change from industrial land to residential within the Baker City limits. In my opinion, Oregonians statewide and especially in Baker City are under the pressure of an increasingly unaffordable housing market. From supply to affordability there are limited options in our area for many buyers.

Travis and Tish Bloomer are proposing a multifunctional residential area with homesites, duplexes and cluster cottages. This land is bordered by Union Pacific Railroad on one side and the river on the other. It seems like a logical use of the resources to increase housing supply and affordability in our area since it is already surrounded by residential housing. I encourage you to strongly consider supporting the effort to rezone this property.

Please contact me at 541-523-7727 if you have any questions or would like to discuss further.

Respectfully,

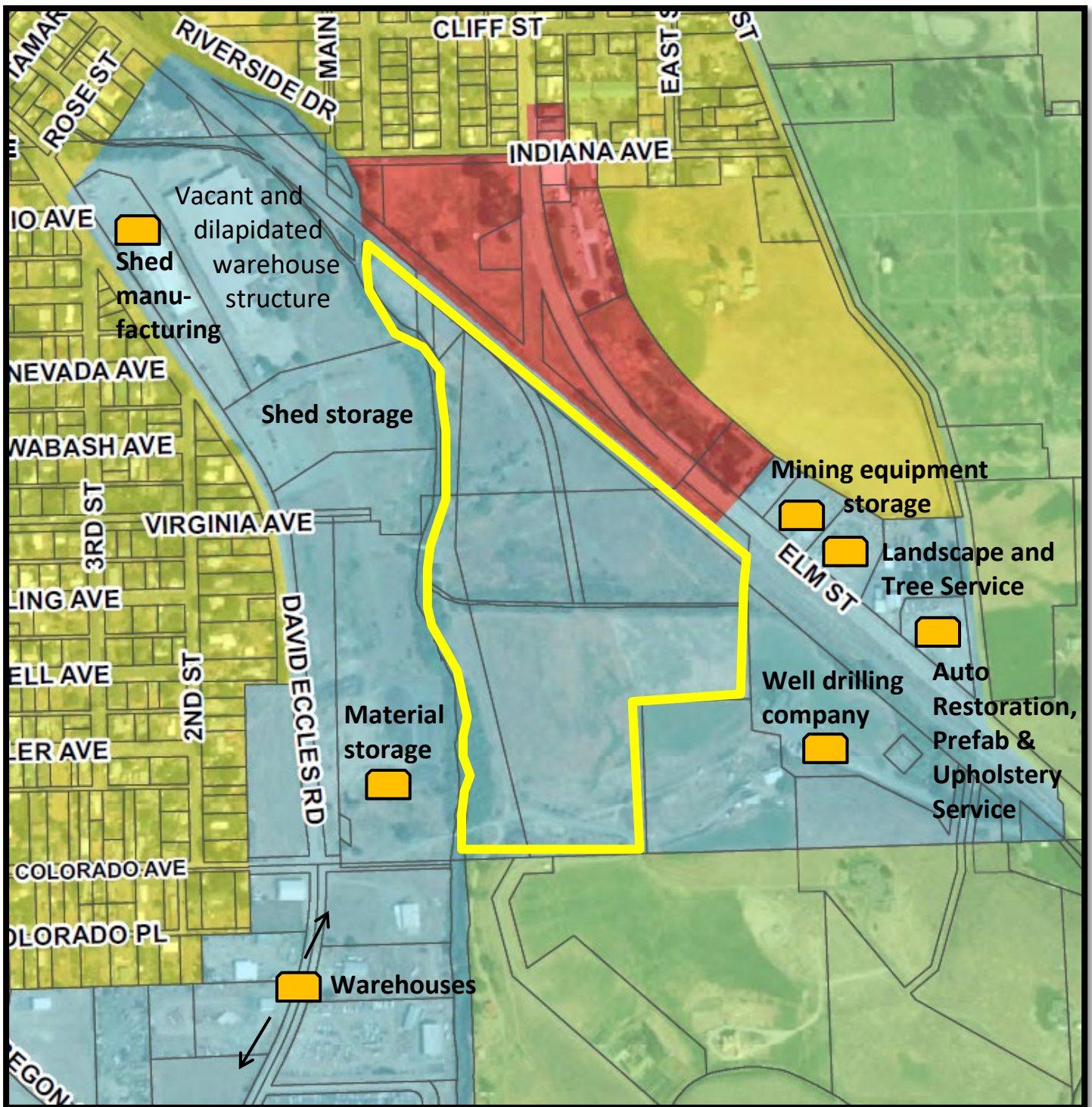

Christina Smith-ABR, GRI, SRS, IPS-C, SFR, PBA, MRP

EXHIBIT P – Excerpt from Industrial Chapter of Development Code

Chapter 2.4 – Industrial Districts

Use Categories (Examples of uses are in Chapter 1.4; definitions are in Chapter 1.3.)	General Industrial (I)	Light Industrial (LI)
RESIDENTIAL CATEGORIES		
Household Living		
All Residential Uses (Household Living and Group Living) allowed, if:		
- lawfully existing as of 2/13/04	P	P
- May be expanded including the addition of accessory structures when in association with a principal use single-family detached house per Section 2.3.190(D)	S	S
- new dwelling built in conjunction with a permitted commercial or industrial use (residential use is allowed above ground floor only), or one industrial watchman's caretaker unit, per Section 2.4.160(B)	N	P
	S	S
Bed and Breakfast Inn, per Section 2.2.200(D)	N	N
Hostels, per Section 2.2.200(D)	N	N
COMMERCIAL CATEGORIES		
Commercial Educational Services, not a school (e.g., tutoring or similar services)	N	CU
Commercial Outdoor Recreation	N	CU
Commercial Parking Facility (when not an accessory use)	CU	CU
Drive-Up / Drive-In / Drive-Through (drive-up windows, kiosks, ATM's, similar uses/facilities), per Section 2.3.190(A)	S	S
Home Occupation		
- per the standards in Section 2.2.200(F)	S	S
- per the procedures in Section 4.9.200	CU	CU
Major Event Entertainment	N	CU
Mobile Vending Units, per standards in Section 4.9.300	S	S
Offices	P	P
Quick Vehicle Servicing or Vehicle Repair (see also Drive-Up Uses)	P	P
Retail Sales and Service, See also, Drive-Up Uses		
- less than 10,000 ft ² floor area	P	P
- greater than 10,000 ft ² floor area	N	N
Self-Service Storage	S	S
Short Term Vacation Rental	N	N
INDUSTRIAL CATEGORIES		
Industrial Service (see also Drive-Up Uses)		
- fully enclosed (e.g., office)	P	P
- not enclosed	P	CU
Manufacturing and Production		
- fully enclosed	P	P
- not enclosed	P	CU
Warehouse and Freight Movement	P	P
Waste-Related	CU	N

Exhibit Q – Existing Industrial Uses in the Area



Legend

Zoning

- Central Commercial (C-C)
- General Commercial (C-G)
- General Industrial (I)

- Light Industrial (L-I)
- Low Density Residential (R-LD)
- Medium Density Residential (R-MD)
- High Density Residential (R-HD)

- Tax Lots
- Baker City Limits
- Urban Growth Boundary

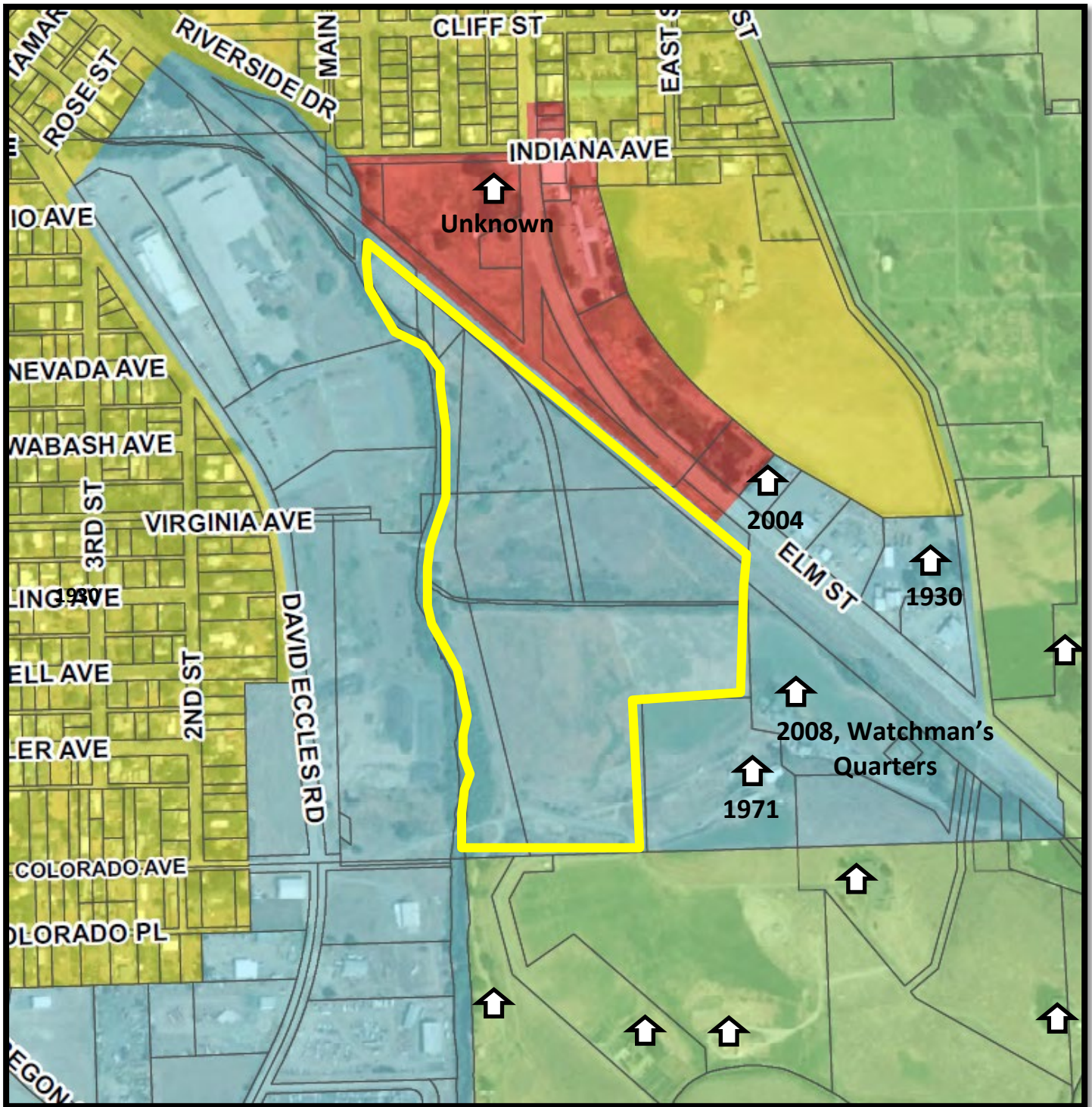
- Subject properties

- Existing Industrial Uses

Includes zoning revision through Ordinance No. 3380 - Effective October 9th, 2020

Created by Baker County Planning - 2020-10-08 - D:\BakerCity Zoning Map 2020 Final.mxd

Exhibit R – Existing Residences in the Area



Legend

Zoning

- Central Commercial (C-C)
- General Commercial (C-G)
- General Industrial (I)

- Light Industrial (L-I)
- Low Density Residential (R-LD)
- Medium Density Residential (R-MD)
- High Density Residential (R-HD)

- Tax Lots
- Baker City Limits
- Urban Growth Boundary

- Subject properties

- ↑

 Existing Residences

Includes zoning revision through Ordinance No. 3380 - Effective October 9th, 2020

Created by Baker County Planning - 2020-10-08 - D:\BakerCity Zoning Map 2020 Final.mxd

Table 2.4.110 – Land Uses Allowed in Industrial Zones

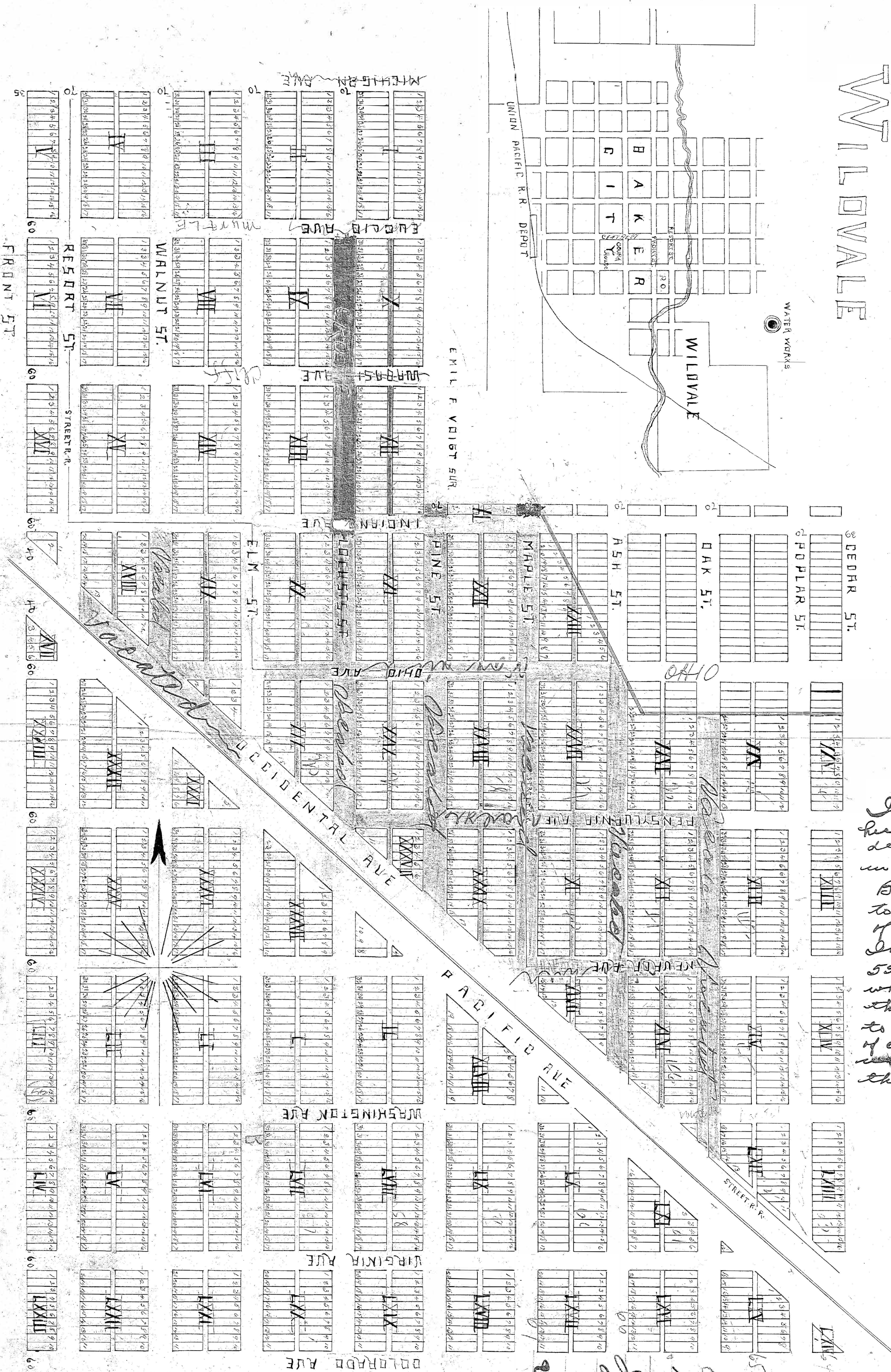
Uses	Status of Use in Zone	
	General Industrial (I)	Light Industrial (LI)
Use Categories (Examples of uses are in Chapter 1.4; definitions are in Chapter 1.3.)		
Wholesale Sales		
- fully enclosed	S	S
- not enclosed	S	S
INSTITUTIONAL CATEGORIES		
Basic Utilities	P	P
Colleges	N	CU
Community Service	CU	CU
Daycare, adult or child day care; does not include Family Daycare (12 or fewer children) under ORS 657A.250	N	CU
Detention Facilities and Correctional Institutions	P	CU
Medical Centers	P	P
Parks and Open Space		
- pedestrian amenities	P	P
- parks and recreation facilities	CU	CU
- other open space	P	P
Religious Institutions and Houses of Worship		
- lawfully existing as of 2/13/04	P	P
- new	N	N
Schools		
- lawfully existing as of 2/13/04	P	P
- new	N	N
OTHER CATEGORIES		
Accessory Structures (with a permitted use)	P	P
Agriculture – Animals, when		
- existing use as of 2/13/04	P	P
- accessory to a permitted industrial use	CU	CU
- new use	CU	CU
Agriculture – Nurseries and similar horticulture (See also, Wholesale and Retail Uses)	S	S
Mining	CU	N
Radio Frequency Transmission Facilities, per Chapter 3.6		
- within structure height limit of zone	S	S
- exceeding structure height limit of zone (both free-standing or building-mounted facilities)	CU	CU

Table 2.4.110 – Land Uses Allowed in Industrial Zones		
Uses	Status of Use in Zone	
Use Categories (Examples of uses are in Chapter 1.4; definitions are in Chapter 1.3.)	General Industrial (I)	Light Industrial (LI)
Rail Lines and Utility Corridors, except those existing prior to effective date of Development Code are allowed.	CU	CU
Temporary Uses, per Section 4.9.100.	P	P
Transportation Facilities (operation, maintenance, preservation, and construction [in accordance with the City's Transportation System Plan])	P	P

Key:

- P = Permitted, subject to site/development review
- S = Permitted with standards and subject to site/development review
- CU = Conditional Use Permit required (Chapter 4.4)
- N = Not permitted

Exhibit S Wilovale Addition and Dedication



117-168
125-522
132-350

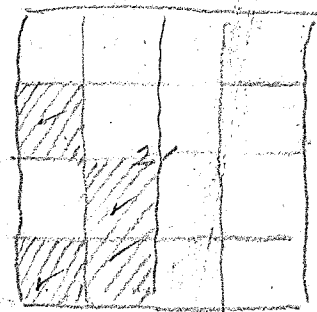
I D W C Nelson County Surveyor of Baker County
hereby certify that a plat of Block 11 here in after
described was located Feb 5th 1945 and recorded
in Deed Book 1136 at page 255.

Beginning at the SE corner of Block 11 of Wilovale Addition
to the city of Baker Ore which point is on the W line
of block 11 where it intersects with the N line of
Indiana Ave thence N on said N line of block 11
55 ft more or less to the East West center line of block 21
which is part of the N boundary of Wilovale Addition
thence easterly on above described center line 70 feet
to the E line of block 11; thence southerly on the E line
of block 11 55 feet to the N line of Indiana Ave thence
easterly on the said N line of Indiana Ave 70 feet
to the point of beginning

D W C Nelson
County Surveyor

Recorded in Deed Book 1136 at page 255
DB 1136 Pg. 255

Ordinance 2127 Rec 125 Page 22 Deeds
in Wilovale Addition
Grove Street Bounded on North by South Line
MYRTLE STREET on South by North Line Cliff St
THAT PORTION of Grove Street on North
by South Line Cliff St on South by N Line
INDIANA. V ALLEGES RUNNING N-S THROUGH
BLOCKS 10 and 12—
D W C Nelson
County Surveyor



Know all men by these presents, That we Luther W. Place, M. Ida Sisley and Rennie P. Palmer
Filed for Record May 7th 1890 owners and holders of the legal title to all and singular the lands by us laid out, and platted upon
Recorded in Vol. R Page 570 the map hereto attached of Melonvale in Baker County, State of Oregon being the SW 1/4 of
Baker County Records the SW 1/4 of the NW 1/4 the E 1/2 of the SW 1/4 of Section Twentyone (21) Town-
ship Number Nine (9) Range 40 B. W. M. do hereby dedicate to public use all that portion
E. K. Min of the lands so platted, which are represented upon said map as Streets, Avenues and Alleys
County Clerk to the full extent and dimensions as represented upon said map. Save and except forever
By J. W. Gray the right of way over and upon all the streets, said Avenues of said plat of land for
Deputy Street railways which is hereby dedicated to the Baker City Street Railway and
Motor Company a private Corporation and to its assigns forever.

In Witness Whereof the parties hereto have this 5th day of May 1890 set
their hands and seals
Signed and Sealed
in presence of

Luther W. Place
M. Ida Sisley

By
C. P. Palmer
Atty in fact
Rennie P. Palmer
By C. P. Palmer
Atty in fact

State of Oregon } ss
County of Baker }

Before me a Notary Public personally appeared the within named Luther
W. Place to me known to be the individual described in and who executed the within deed. And
the said Luther W. Place acknowledged that he executed the same for the uses and purposes therein
named.

Witness my hand and Official seal this 5th day of May 1890

L. M. Robinson
Notary Public for Oregon

Official
Seal

State of Oregon } ss
County of Baker }

Before me the undersigned appeared the above named M. Ida Sisley and Rennie P. Palmer
by their Atty in fact the above named C. P. Palmer to me known to be the individual described in
and who executed the within deed of behalf of said M. Ida Sisley and Rennie P. Palmer and acknowledged
that he executed the same.

Witness my hand and seal this 5th day of May 1890

L. M. Robinson
N. P. for Ogn

Official
Seal

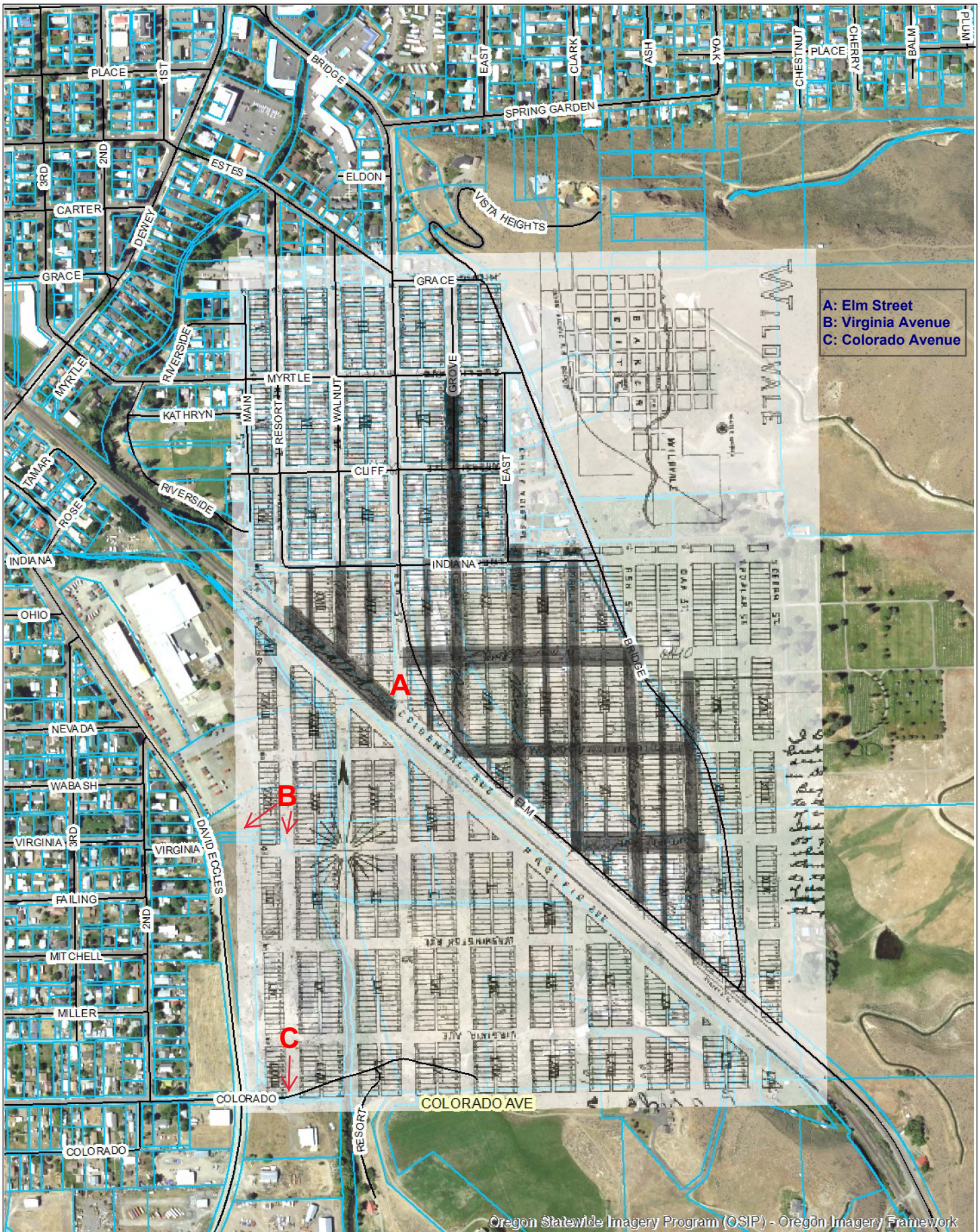
Exhibit T: Wilovale Addition Subdivision Overlay and Location of Existing Vacations

Disclaimer: The property lines displayed are a graphical representation for use by the Baker County Assessor's Office and for general reference only. The Subdivision Overlay is a georeferenced representation of the original hand drawn plat map. A land survey is required to determine exact property and subdivision lines.



Approximate Location of Existing Vacations in the Wilovale Subdivision

Disclaimer: The property lines displayed are a graphical representation for use by the Baker County Assessor's Office and for general reference only. The Subdivision Overlay and vacation locations are a georeferenced representation of the original hand drawn plat map. A land survey is required to determine exact property and subdivision lines.



A: Elm Street
B: Virginia Avenue
C: Colorado Avenue