



BAKER CITY, OREGON PLANNING COMMISSION MEETING AGENDA

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

REGULAR MEETING
NOVEMBER 20, 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 - 10.16.2024 City Planning Commission Hearing | Action Item |
|--|-------------|

New Business

- | | |
|---|-------------|
| 5. CUP-24-108 - A request to construct a ±336 square foot awning that is an addition to a previously approved ±960 square foot accessory structure. | Action Item |
| 6. SDR-24-117 - A request to install a utility pole and co-locate radio frequency transmission equipment on the utility pole at 3451 Broadway Street. | 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

Created by:

Date: November 20, 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

Created by:

Date: November 20, 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

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
October 16, 2024, 6:00 p.m.
Baker City Council Chambers

I. Call to Order/Introductions

Present: Gratton Miller, Aaron Still, Ken Rockwell, Laurie Parry, Larisa Bogardus, Haden Damschen

Absent:

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

II. Old Business

Review of Minutes 08.21.2024

Commissioner Rockwell moved to approve with corrections. Commissioner Still seconded. Motion Passed Unanimously.

III. New Business

Chair Miller read the public hearing statement.

CUP-24-088 Atlas Land Use-McLagan

Declaration of Ex-Parte Contact, Bias, & Conflict of Interest regarding CUP-24-088: Commissioner Still declared a working relationship with applicant Jon McLagan but did not feel it would affect his decision. Commissioner Rockwell conducted a site visit and spoke with a neighbor regarding the application and referred the gentleman to the Planning Department for questions and referred to this meeting. He also spoke with the applicant while conducting a site visit but did not discuss the application. Commissioner Rockwell also shared that neighbors spoke with him regarding their concerns with the proposed structure relating to its proposed height.

Planner Tim Smothers gave a summary of the application. The proposed accessory structure will have a size of 2,750 square feet, and a height of 25.5 feet – any accessory structure having a footprint greater than 1,200 square feet or height greater than 20 feet requires a conditional use permit and review by the Planning Commission.

Planner Smother entered several comments from neighbors into the record as Exhibits H and I for the staff report.

Planner Smothers told the Planning Commission that the property has two current uses – a residential use and tennis facility (grass tennis courts). The tennis facility was allowed through a conditional use permit 04-CUP-02 and, per the applicant, does have structures that are associated with the management and maintenance of the facility. The staff report and applicants' narrative define which structures are identified between these two uses – the detached garage is associated with the residential use, while the Club House and two sheds near the courts were identified as accessory to the Tennis Facility and thus taken out of the square footage calculation for accessory structures with respect to the residential use.

The application and narrative include the existing deck as part of the dwelling footprint. Counting the deck as part of the home footprint allows for an increase in available square footage for accessory structures on the property. BCDC Section 2.2.200(B)(2) - Restrictions - indicate that no combined total of accessory structures may exceed 1.5x the size of the primary structure (in this case the home).

Marathon Pipeline provided comments and some concern regarding the project, but it appears the proposal is outside of the area of concern. A condition of approval is in the report requiring that coordination with Marathon Pipeline be done during the design phase of the structure if approved.

This application is focusing on the residential use and the proposed residential accessory structure. The proposed site for the accessory structure appears to remove two of the existing courts from the tennis facility.

Commissioner Rockwell asked Planner Smothers clarifying questions about the total accessory use allowance. Commissioner Rockwell asked about including attached decks into the accessory structure calculation, Planner Smothers referenced definitions in the Development Code.

There were no further questions for staff. Chair Miller invited the applicant to provide testimony in support of the application

Eva Henes for Atlas Land Use, 42692 Pocahontas Rd, Baker City, OR 97814: Ms. Henes told the Planning Commission that the application is built on idea that the deck should be included in the total home footprint calculation. She referenced structures that were not on the Assessor's tax records that should be part of plan review. She said that "footprint" is not defined in the Development Code. She addressed comments from neighbors found in Exhibit H. They believe the new development is an event center, but the structure is for RV storage. The height is needed to account for RV/roll-door height. Also noted there is no second dwelling unit as alleged by neighbors. Argued that the residential use is separate from the tennis use. Ms. Henes referred to neighbor Oliviers' comments (Exhibit I) and said they're not against the proposed development but want to see the structure be as small as it can be.

Commissioner Rockwell commented that "as small as it can be" could mean the allowed 20-foot height in the Development Code.

Commissioner Still asked about the perspective of the photos Ms. Henes provided and Ms. Henes clarified that it was from the south property line.

Chair Miller invited those in support to provide testimony, seeing none, he invited those in opposition.

Tim Cameron 3890 Indiana Ave, Baker City, OR 97814: Spoke about adverse effects from the proposed accessory structure on the viewshed from his property.

Paulie Payne 947 Boulder Rd, Baker City, OR 97814: Ms. Payne testified that the proposed structure would block her view of the city, which was one of the main reasons she bought the property.

Renae Cameron 3890 Indiana Ave, Baker City, OR 97814: Concerned with adverse effects to viewshed affecting property value.

Chair Miller invited the applicant to provide rebuttal testimony.

Eva Henes for Atlas Land Use, 42692 Pocahontas Rd, Baker City, OR 97814: Height is to accommodate roll door but also other uses of the property owner's personal property. Also said there is no evidence in the record that property values will decrease. Comments about viewshed- proposed structure will sit below the neighbors' property.

The Commissioners had several clarifying questions for Ms. Henes, then began deliberating.

Commissioner Still said they should include attached deck into accessory structure footprint calculation and said that he had issue with height. Commissioner Parry said the property is 4 acres, the proposed size of the accessory structure is compatible with property and is like other structures in the area. She concluded by saying the building is appropriate to size of the lot.

Commissioner Rockwell respectfully disagreed. He said it would be inappropriate to impact viewshed to accommodate someone's RV that can be stored in a structure that meets Development Code. Agreed that with the size of the lot, footprint isn't the problem, but the height will affect neighbors to the south. Allow oversize accessory structure but with 20-foot height.

Commissioner Parry referenced criteria on page 9 of the staff report.

Commissioner Still moved to approve the footprint of the proposed accessory structure so long as it does not exceed 20 ft in height and adopt a height limitation of 20 feet as a condition of approval. Commissioner Rockwell seconded. Motion passed unanimously.

CUP-24-101 Kenworthy

Declaration of Ex-Parte Contact, Bias, & Conflict of Interest regarding CUP-24-088: Commissioner Rockwell conducted a site visit and saw that the proposed building already exists. Also saw that there is no room in the rear of the property for an accessory structure. Observed that every building on the site does not meet setbacks.

Senior Planner Tara Micka gave a summary of the application. The applicant requests a Class C Variance to allow an accessory structure to be sited in the front yard setback. All applicable requirements are met except the accessory structure's relation to the front of the primary dwelling.

There were no questions of staff. There was no testimony from the applicant, those in support or opposition.

Deliberation

Commissioner Still did not see any adverse effects to neighboring property owners. Commissioner Rockwell argued that there is no alternative for the applicants and that the hardship is not self-imposed.

Commissioner Still moved to approved as the hardship is not self-imposed and is the minimum to alleviate the hardship. Commissioner Damschen Seconded. Commissioners Rockwell, Miller, Still, Damschen and Parry voted to approve. Commissioner Bogardus voted to deny. Motion carries.

IV. Updates and Future Items

Director's Report

Director Kerns updated the Planning Commission on upcoming applications to be considered during the November Hearing.

Director Kerns also informed the Planning Commission that the City Council will be honoring Matthew Reidy's service to the community in the upcoming City Council meeting.

Date and Time for Next Meeting

Next meeting will be November 20, 2024, at 6:00 pm.

V. Adjourn

Chair Miller adjourned the meeting at 7:30 p.m.

Respectfully Submitted,
Paul King
Baker City-County Planning Department



BAKER CITY, OREGON STAFF REPORT

Commissioners:

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

Created by:

Date: November 20, 2024

Subject: CUP-24-108 - A request to construct a ±336 square foot awning that is an addition to a previously approved ±960 square foot accessory structure.

Attachments:

1. Report to PC CUP-24-108 Carey (124-24-000210-PLNG)

BAKER COUNTY-CITY PLANNING DEPARTMENT



1995 Third Street | Suite 131 | Baker City, OR 97814

Email: planning@bakercountyor.gov

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STAFF REPORT to the BAKER CITY PLANNING COMMISSION for a CONDITIONAL USE PERMIT for an ADDITION to an APPROVED ACCESSORY STRUCTURE in the RESIDENTIAL-HIGH DENSITY (R-HD) ZONE

City Case No. CUP-24-108

Staff Report Date: November 13, 2024

Report Prepared by: Timothy Smothers, Planner

Planning Commission Hearing: November 20, 2024

I. GENERAL INFORMATION AND FACTS

Applicant:	Chuck D Carey 2368 15 th St Baker City, OR 97814
Property Owners:	Nicholas and Jeanine Carey 1639 Clark St Baker City, Oregon 97814
Land Use Review:	Type III Conditional Use Permit for a ±336 square foot addition to an approved ±960 square foot accessory structure.
Property Description:	Tax Lot 8500 in Section 21ba of Township 9 South, Range 40 East, W.M., Baker County, Oregon (Ref. 4191)
Site Address & Location:	Vacant lot, west of 1639 Clark Street, Baker City, Oregon
Land Use Zone:	Residential-High Density (R-HD) Zone
Existing Development:	Vacant, but a permitted ±960 square-foot accessory structure (shop) is currently being constructed on the subject property.
Proposed Development:	±336 square foot addition (awning) to the approved ±960 square foot shop (accessory structure).
Special Flood Hazard Area:	This property is not located in a flood hazard zone according to FIRM Map #41001C0385C, effective June 3, 1988
Wetlands:	Wetlands are not present on the property according to the 1981 National Wetlands Inventory Map for Baker, Oregon
Parcel Legally Created:	The subject property was created as Parcel 2 of Partition Plat PP 2003-015, recorded with the Baker County Clerk's Office on December 9, 2003.

II. NATURE OF REQUEST

Applicant, Chuck D. Carey, on behalf of property owners Nicholas and Jeanine Carey, requests approval to construct a ±336 square foot awning as an addition to a previously approved ±960 square foot accessory structure on the above described property. The total size of the accessory structure will be ±1,296 square feet. The property is located adjacent to 1639 Clark Street, Baker City, Oregon. The applicant's narrative and plans for the proposed structure are attached to this report as Exhibit C.

III. APPLICABLE ORDINANCE, COMPREHENSIVE PLAN, AND STATE PROVISIONS

The Baker City Development Code (BCDC) requires accessory structures that exceed ±1,200 square feet in footprint or ±20 feet in height to obtain an approved Conditional Use Permit prior to receiving zoning clearance. The request is to be processed as a Type III procedure, which includes holding a public hearing before the Planning Commission who will make a decision on the request. In determining whether to grant the request, the Planning Commission will use the applicable criteria listed in BCDC Chapter 2.2 – *Residential Land Use Zones*, Section 4.4.400 – *Conditional Use Permits – Criteria, Standards and Conditions of Approval*, and the Baker City Comprehensive Plan.

Oregon Revised Statute (ORS) 227.173 states, *“Approval or denial of a permit application...shall be based upon and accompanied by a brief statement that explains the criteria and standards considered relevant to the decision, states the facts relied upon in rendering the decision and explains the justification for the decision based on the criteria, standards and facts set forth”*.

IV. ANALYSIS OF CRITERIA & FINDINGS OF FACT

BAKER CITY DEVELOPMENT CODE (BCDC)

BCDC Table 2.2.110 Land Uses Allowed in Residential Zones (R-LD, R-MD, R-HD). Table 2.2.110 identifies the land uses allowed in the Residential Zones. This table identifies that *“Accessory Structures (with a permitted use) per Section 2.2.200(B) – taller than 20 feet or larger than 1,200 ft² of building footprint”* requires a Conditional Use Permit.

BCDC Section 4.4.100 Conditional Use Permits – Purpose. *There are certain uses, which, due to the nature of their impacts on surrounding land uses and public facilities, require a case-by-case review and analysis. These are identified as “Conditional Uses” in Article 2 – Land Use Zones. The purpose of Chapter 4.4 is to provide standards and procedures under which a conditional use may be permitted, enlarged or altered if the site is appropriate, and if other appropriate conditions of approval can be met.*

BCDC Section 2.2.120 Residential Land Use Zones – Development Standards.

- ***BUILDING/YARD SETBACKS.*** Table 2.2.120 identifies the setback standards for Residential Zones. Setbacks for accessory structures are 5 feet on the side, 10 feet in the rear, and 20 feet in the front. (Exceptions: Corner Lot side-yard facing row is 10-feet; alley is 1-foot; common walls/zero lot line is 0-feet.)

Recommended Findings: According to the applicant's narrative and site plan (Exhibit C), the proposed addition will be located ±55 feet from the west (alley) property line, ±11 feet from the south property line, ±15 feet from the north (Auburn Street) property line, and ±31 feet from the east property line.

Conclusion: Based on the findings above, the criteria **are/are not** met.

- ***LOT AREA.*** The R-HD zone requires a minimum lot area of 5,000 square feet for Single Family Detached developments.

Recommended Findings: According to Assessor's records, the subject property measures ±5,600 sq. ft. The subject property exceeds the minimum area standards for the R-HD zone.

Conclusion: Based on the findings above, the criteria **are/are not** met.

- ***LOT DIMENSIONS.*** All residential zones require a minimum lot width of 40 feet and a minimum lot depth of 80 feet, for single-family detached uses.

Recommended Findings: According to the Baker County Assessor map, the subject property is ±56 feet wide and ±100 feet deep (Exhibit A).

Conclusion: Based on the findings above, the criteria **are/are not** met.

- ***DENSITY.*** The minimum and maximum dwelling units per acre in the R-HD zone are 4.0 to 40.

Recommended Findings/Conclusion: The proposed development, an addition to an approved accessory structure, will not increase the density of the subject property; therefore, **is/is not** applicable.

- ***LOT COVERAGE.*** The maximum building coverage in residential zones is 50% for a single family detached development.

Recommended Findings: According to Assessor's records, the existing primary structure measures ±1,196 square feet, and the previously permitted accessory structures (shop) will measure ±960 square feet when completed. The proposed accessory structure addition will measure ±336 square feet. Post-construction, the total

area of all structures on the subject property will measure ±2,492 square feet. According to Assessor's records, the property measures ±11,200 square feet; therefore, the total lot coverage will be ±22.25%.

Note: the accessory structure is accessory to the primary use (residence) located on the adjacent property to east (Exhibit A). Both properties are held in common ownership. Per the application narrative: "Property is comprised of two lots (adjacent) held under common ownership – the home (1196) and shop (960) equate to 2156 square feet, and the proposed awning add 336 square feet – for a total of 2,492 square feet - $2492 / 11200 = 22.25\%$ " (Exhibit C).

Conclusion: Based on the findings above, the criteria **are/are not** met.

- ***BUILDING HEIGHT.*** Table 2.2.120 identifies the height standards for Residential Zones. The maximum height for an accessory structure is 20 feet.

Recommended Findings: Per the application narrative (Exhibit C) the max height of the proposed awning (addition) is ±15 feet.

Conclusion: Based on the findings above, the criteria **can/cannot be** met with an approved conditional use permit.

BCDC Section 2.2.200(B) Accessory Uses and Structures. Accessory uses and structures are of a nature customarily incidental and subordinate to the principal use of a structure on the same or an adjacent lot held in common ownership. Typical accessory structures in the residential zones include detached garages, sheds, workshops, green houses and similar structures (see definitions). All accessory structures shall comply with all of the following standards:

1. ***Primary use required.*** An accessory structure shall not be allowed without another principal permitted use on the same parcel or an adjacent parcel held in common ownership. The accessory use may be constructed after the establishment of a principal use or in conjunction with the establishment of a principle use;

Recommended Findings: According to the application, a single-family dwelling exists on the adjacent property (east), both the subject property and parcel with primary use are held in common ownership (Exhibit C). The proposed addition to the approved accessory structure will be constructed on the property adjacent to the home (Exhibits A, B, and C).

Conclusion: Based on the findings above, the criteria **are/are not** met.

2. ***Restrictions.*** A structure shall not be placed over an easement that prohibits such placement. No structure shall encroach into the public right-of-way. No accessory structure or combination of such structures shall have a footprint any larger than 1.5 times the

primary structure. This requirement may be waived by the Planning Director in the case of established and significant agricultural operations if the accessory structure is a barn or other similar structure;

Recommended Findings: No easements have been identified by the applicant. The applicant is responsible for understanding and locating any easements on the subject property for depiction on the site plan in accordance with Condition of Approval #7.

A ±1,196 square foot single family dwelling exists on the adjacent lot (held in common ownership) which provides for a combined footprint of all accessory structures not to exceed ±1,794 square feet. The applicant is requesting an addition of ±336 square feet to an approved (and under construction) ±960 square foot accessory structure (shop). The total square footage of proposed accessory structures is ±1,296 square feet, which is under the 1.5x threshold.

Conclusion: Based on the findings above, the criteria **can/cannot** be met in accordance to Condition of Approval #7.

3. *Compliance with land division standards. The owner may be required to remove an accessory structure as a condition of land division approval when removal of the structure is necessary to comply with setback standards;*

Recommended Findings: No land division is proposed.

Conclusion: Based on the findings above, the criteria **are/are not** applicable.

4. *Setback Requirements. Accessory structures shall only be allowed in side or rear yards in the residential zones as established in the Table 2.2.120; and*

Recommended Findings: Per the application and site plan material, the proposed accessory structure will be in the rear yard (west) of the existing dwelling (Exhibit C). The accessory structure is located on an adjacent property to the dwelling and both properties are held in common ownership. Setback requirements are addressed above under Section 2.2.120.

Conclusion: Based on the findings above, the criteria **are/are not** met.

5. *Building Height and Size. An accessory structure shall not exceed 1,200 ft² in size or 20 feet in height without first obtaining a Conditional Use Permit.*

Recommended Findings: According to the application (Exhibit C), the proposed accessory structure (including this proposed addition), if approved, will measure ±1,296 square feet with a peak height of ±15 feet (Exhibit C). This application is being processed as a Type III Conditional Use Permit to allow for a structure greater than 1,200 square feet in size.

Conclusion: Based on the findings above, the criteria **are/are not** met.

BCDC Section 4.2.400(D)(4) states “The application complies with all of the Design Standards in Article 3 and other City Ordinances

- ***ACCESS and CIRCULATION.*** *Ensure that developments provide safe and efficient access and circulation for pedestrians and vehicles.*

Recommended Findings: The primary dwelling is accessed from Clark Street. The proposed addition to the accessory structure will be used as a cover for a recreational vehicle. Per the application narrative (Exhibit C): “Access w/ RV will be from existing curb cut on Auburn (north) into and under awning. No proposed sidewalk or paves from home to shop – area is already graveled.” No changes to existing site access is proposed.

Conclusion: Based on the findings above, the criteria **are/are not** met.

- ***LANDSCAPE CONSERVATION.*** *Significant vegetation and shrubs shall be retained to the extent practicable, and areas that must be disturbed shall be restored.*

Recommended Findings: Per the application narrative (Exhibit C): “No vegetation is required to be removed for the proposed awning.”

Conclusion: Based on the findings above, the criteria **are/are not** met.

- ***PARKING.*** *The number of required off-street vehicle parking spaces shall be determined in accordance with the standards in Table 3.3.300.A. On-street parking spaces may be counted toward the minimum standards as one (1) parallel parking space for each 22 feet of uninterrupted curb. BCDC Table 3.3.300.A identifies there is no standard for parking for Accessory Structures (with a permitted use), except some uses may be required to provide parking under the minimum standards for primary uses, as determined by the decision body through...Conditional Use Permit review....*

Recommended Findings: No parking standards are required for this proposed accessory structure addition project.

Conclusion: Based on the findings above, the criteria **are/are not** met.

- ***PUBLIC FACILITIES.*** *No development may occur unless required public facilities are in place.*

Recommended Findings: The property is currently served by City water and sewer. No additional public facilities have been requested to serve the approved accessory structure or the proposed addition. If connection to public water or sewer are requested in the future, they must adhere to Condition of Approval #5.

Conclusion: Based on the findings above, the criteria **can/cannot** be met in accordance with Condition of Approval #5.

BCDC Section 4.4.400 Conditional Use Permits – Criteria, Standards and Conditions of Approval. *The City shall approve, approve with conditions, or deny an application for a conditional use or to enlarge or alter a conditional use based on findings of fact with respect to each of the following standards and criteria in A-C:*

A. Use Criteria.

1. *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;*

Recommended Findings: Per the application narrative (Exhibit C): *“Shop was already approved – the awning serves as an RV cover for the owner. Shop used for storage and work area for homeowner. No major outside lighting is planned.”*

The property is relatively flat, the position of the proposed structure (including the approved shop) is to the middle of the subject property, behind the existing dwelling. The addition to the approved accessory structure is not expected to increase vehicle traffic, or produce significant exhaust, emissions, or dust or hinder visibility or safety on the subject property.

Conclusion: Based on the findings above, the criteria **are/are not** met.

2. *The negative impacts of the proposed use on adjacent properties and on the public can be mitigated through application of other Code standards, or other reasonable conditions of approval; and*

Recommended Findings: Per the application narrative (Exhibit C): *“The proposed awning – [to be] placed between the shop (approved) and home – will utilize existing curb cut on Auburn to park RV under awning.”*

Conclusion: Based on the findings above, the criteria **are/are not** met.

3. *All required public facilities have adequate capacity to serve the proposal.*

Recommended Findings: The primary dwelling at 1639 Clark Street is currently served by City water and sewer. No additional public facilities have been requested to serve the approved accessory structure or the proposed addition. The Public Works Department did not have any comments regarding this conditional use permit (Exhibit D). If connection to public water or sewer are requested in the

future, they must adhere to Condition of Approval #5.

Conclusion: Based on the findings above, the criteria **can/cannot be** met in accordance with Condition of Approval #5.

- B. Site Design Standards.** *The Site Design Review approval criteria (Section 4.2.400) shall be met.*

Recommended Findings: Site Design Review approval criteria are reviewed beginning on page 11 of this report.

Conclusion: Based on the findings above, the criteria and standards for site design review **are/are not met.**

- C. Conditions of Approval.** *The City may impose conditions that are found necessary to ensure that the use is compatible with other uses in the vicinity, and that the negative impact of the proposed use on the surrounding uses and public facilities is minimized. These conditions include, but are not limited to, the following:*

- 1. Limiting the hours, days, place and/or manner of operation;*
- 2. Requiring site or architectural design features which minimize environmental impacts such as noise, vibration, exhaust/emissions, light, glare, erosion, odor and/or dust;*
- 3. Requiring larger setback areas, lot area, and/or lot depth or width;*
- 4. Limiting the building or structure height, size or lot coverage, and/or location on the site;*
- 5. Designating the size, number, location and/or design of vehicle access points or parking areas;*
- 6. Requiring street right-of-way to be dedicated and street(s), sidewalks, curbs, planting strips, pathways, or trails to be improved;*
- 7. Requiring landscaping, screening, drainage, water quality facilities, and/or improvement of parking and loading areas;*
- 8. Limiting the number, size, location, height and/or lighting of signs;*
- 9. Limiting or setting standards for the location, design, and/or intensity of outdoor lighting;*
- 10. Requiring berms, screening or landscaping and the establishment of standards for their installation and maintenance;*
- 11. Requiring and designating the size, height, location and/or materials for fences;*
- 12. Requiring the protection and preservation of existing trees, soils, vegetation, watercourses, habitat areas, drainage areas, historic resources, cultural resources, and/or sensitive lands (Chapter 3.2);*
- 13. Requiring the dedication of sufficient land to the public, and/or construction of pedestrian/bicycle pathways in accordance with the adopted plans, or requiring the recording of a local improvement district non-remonstrance agreement for the same. Dedication of land and construction shall conform to the provisions of Chapter 3.1, and Section 3.1.300 in particular.*

Recommended Findings: All recommended conditions of approval are in Section VI of this report.

Conclusion: All conditions of approval contained in Section VI of this report shall/shall not be met.

BCDC Chapter 4.2 – Land Use Review and Site Design Review

BCDC Section 4.2.400(D) – Site Design Review Approval Criteria. *The review authority shall make written findings with respect to all of the following criteria when approving, approving with conditions, or denying an application:*

1. *The application is complete, as determined in accordance with Chapter 4.1 – Types of Applications and Section 4.2.400(C)*

Chapter 4.1 – Types of Review Procedure – This application is being processed as a Type III Site Design Review application. Chapter 4.2.400(C) – Application Submission Requirements; includes all of the submission requirements for a Site Design Review application.

Recommended Findings: On October 3, 2024, a complete application was filed with the Baker City Planning Department that met the application submission requirements for a Conditional Use Permit. Because the approved accessory structure and the proposed addition are accessory to a single-family dwelling, many site design review items were not required for this application. Notice of an opportunity to provide written comments was sent to all property owners within 100 feet of the subject property on October 31, 2024. On October 31, 2024, staff posted one (1) public notice sign in front of the subject property.

Conclusion: Based on the findings above, the criteria for a complete application **are/are not** met.

2. *The application complies with all of the applicable provisions of the underlying Land Use District (Article 2), including: building and yard setbacks, lot area and dimensions, density and floor area, lot coverage, building height, building orientation, architecture, and other special standards as may be required for certain land uses;*
3. *The applicant may be required to upgrade existing development that does not comply with the applicable land use district standards, in conformance with Chapter 5.2, Non-Conforming Uses and Development;*
4. *The application complies with all of the Design Standards in Article 3 and other City Ordinances:*
 1. *Chapter 3.1 - Access and Circulation;*
 2. *Chapter 3.2 - Landscaping, Street Trees, Fences and Walls;*
 3. *Chapter 3.3 - Parking and Loading*
 4. *Chapter 3.4 - Public Facilities*

5. *Chapter 3.5 - Signs;*
 6. *Chapter 3.6 - Radio Frequency Transmission Facilities;*
 7. *Baker City Design Review Guidelines for Historic District Properties.*
5. *Existing conditions of approval required as part of a prior Land Division (Chapter 4.3), Conditional Use Permit (Chapter 4.4), Master Planned Development (Chapter 4.5) or other approval shall be met.*

Recommended Findings: This report has been written to determine if this application complies with the underlying Land Use Zone (Article 2) and Design Standards (Article 3). The criteria for Articles 2 and 3 are addressed throughout the report.

No records of unmet conditions of approval from a previous land division, Conditional Use Permit, Master Planned Development, or other land use approval were found by Planning staff. The subject is currently being improved with an accessory structure to which this proposed addition will be attached (Exhibit C). The conditions of approval for the original shop must be complete prior to obtaining a certificate of occupancy and to date, no issues have been found with those conditions (Exhibit E).

Conclusion: Based on the findings above, the criteria **are/are not met**.

V. SUMMARY CONCLUSIONS & PLANNING COMMISSION DECISION

The Commission may approve, approve with conditions, or deny this request. The Commission may, at its discretion, add, delete, or modify proposed conditions of approval.

A Conditional Use Permit may be allowed if the request meets all applicable criteria and standards. The applicant **has/has not** demonstrated that this request for a Conditional Use Permit to construct a ±336 square foot addition to a previously approved ±960 square foot accessory structure, 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 Conditional Use Permit request, CUP-24-108, is hereby **APPROVED/DENIED**, subject to the conditions contained in Section VI of this report.

VI. RECOMMENDED CONDITIONS OF APPROVAL

Should the Commission choose to approve the requested Conditional Use Permit, staff recommend the following conditions be attached to the approval:

1. **Approval Period.** Conditional Use Permit approval shall be effective for a period of **ONE YEAR** from the date of approval. The approval shall lapse if a building permit application for the project has not been submitted to the Baker City Building Department within one year from the date of this decision.

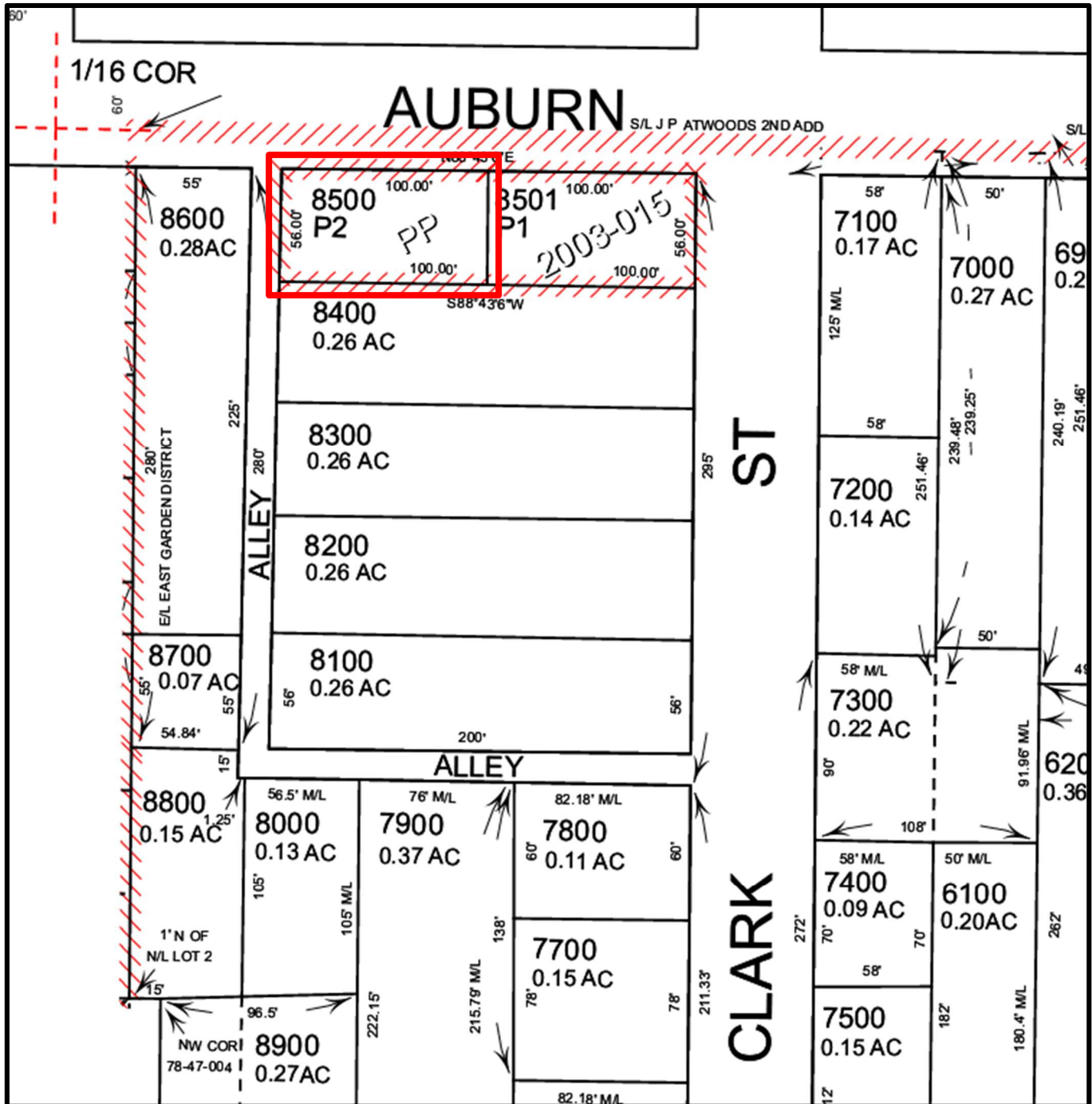
2. **Building and Fire Codes.** All development shall meet applicable fire and building code standards.
3. **Building Permits.** Applicant or property owners shall apply for and obtain all necessary permits through the Baker City Building Department and have all necessary inspections completed for the proposed development. All required inspections shall be coordinated through the Baker City Building Department.
4. **Lighting.** Outdoor lighting on the proposed building shall be of low intensity and directed down onto the structure itself so as to not shine onto adjacent properties.
5. **Public Facilities: Water, Wastewater & Stormwater.** If needed, the applicant shall coordinate with the Public Works Department to connect the proposed development to water and sewer mains, in conformance with City standards. This may include installation of new laterals and/or a new water meter. All stormwater runoff shall be maintained onsite.
6. **Utilities.** Connection to utilities was not proposed with this application. If requested the applicant shall coordinate with the appropriate entities to connect the proposed accessory structure to underground utility lines to the extent practical, in conformance with City standards.
7. **Easements.** The applicant is responsible for understanding the location of any easements on the property and accurately depicting them on the site plan. Regardless of whether the easement is shown on the site plan, a structure shall not be placed over an easement that prohibits such placement.

VII. EXHIBITS

- Exhibit A: Assessor's Map
Exhibit B: ArcGIS Aerial View of Subject Property
Exhibit C: Application, Narrative Information and Site plan with Graphics
Exhibit D: Pre-Notice Comments
Exhibit E: Conditions of Approval for LUR-24-097 (Shop)

Exhibit A: Assessor's Map

Tax Lot 8500 in Section 21ba of Township 09s, Range 40e, W.M., Baker County, OR
(Ref. 4191) - Adjacent to 1639 Clark Street - under common ownership



Tax Lot 8500 in Section 21ba of Township 09s, Range 40e, W.M., Baker County, OR
(Ref. 4191) - Adjacent to 1639 Clark Street – under common ownership

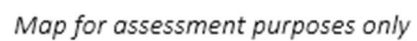


Exhibit C: Application, Site Plan and Narrative Information

BAKER CITY-COUNTY PLANNING DEPARTMENT



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



124-24-000210-PLNG

**APPLICATION FOR A
CONDITIONAL USE
PERMIT**

App. No.: CUP-24-108 City Planning: 101-131-3-40-4104
Date Submitted: 10/3/2024 Received by: TSmother
Fee Collected: \$ 450.- Date Paid: 10/3/2024

MAKE CHECKS PAYABLE TO: BAKER COUNTY PLANNING

PROPOSED USE: AWNING To Existing Shop-
(shop Approved Then LUR-24-097 - 10/2/2024)

APPLICANT			PROPERTY OWNER		
Last Name	First	MI	Last Name	First	MI
Carey	Chuck	D	CAREY	NICHOLAS	D
Mailing Address			Mailing Address		
2368 15 th St			1639 Clark St		
Physical Address			Physical Address		
2368 15 th St			1639 Clark St		
City	State	Zip	City	State	Zip
Baker City	OR	97814	BAKERCITY	OR	97814
Telephone			Telephone		
541-523-5123			850 292 4602		
Email			Email		

chuckj9carey@msu.com

PROPERTY INFORMATION

Property Address: Adjacent to 1639 Clark St (No addr) ^{HD} Zone: R-MD
Township 09 Range 40 Section 21 BA Tax Lot 8500 Ref. 4191
Township _____ Range _____ Section _____ Tax Lot _____ Ref. _____

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

Are there additional reviews pending? ☒ Yes ☐ No

If yes, File #:

LUR-24-097 (approved 10/2/24)

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: Charles Long Date: 12-2-24

Property Owner(s) Signature: Nelle S. Date: 10-2-24

Joanne Marie Carey Date: 10/2/24

***** 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.

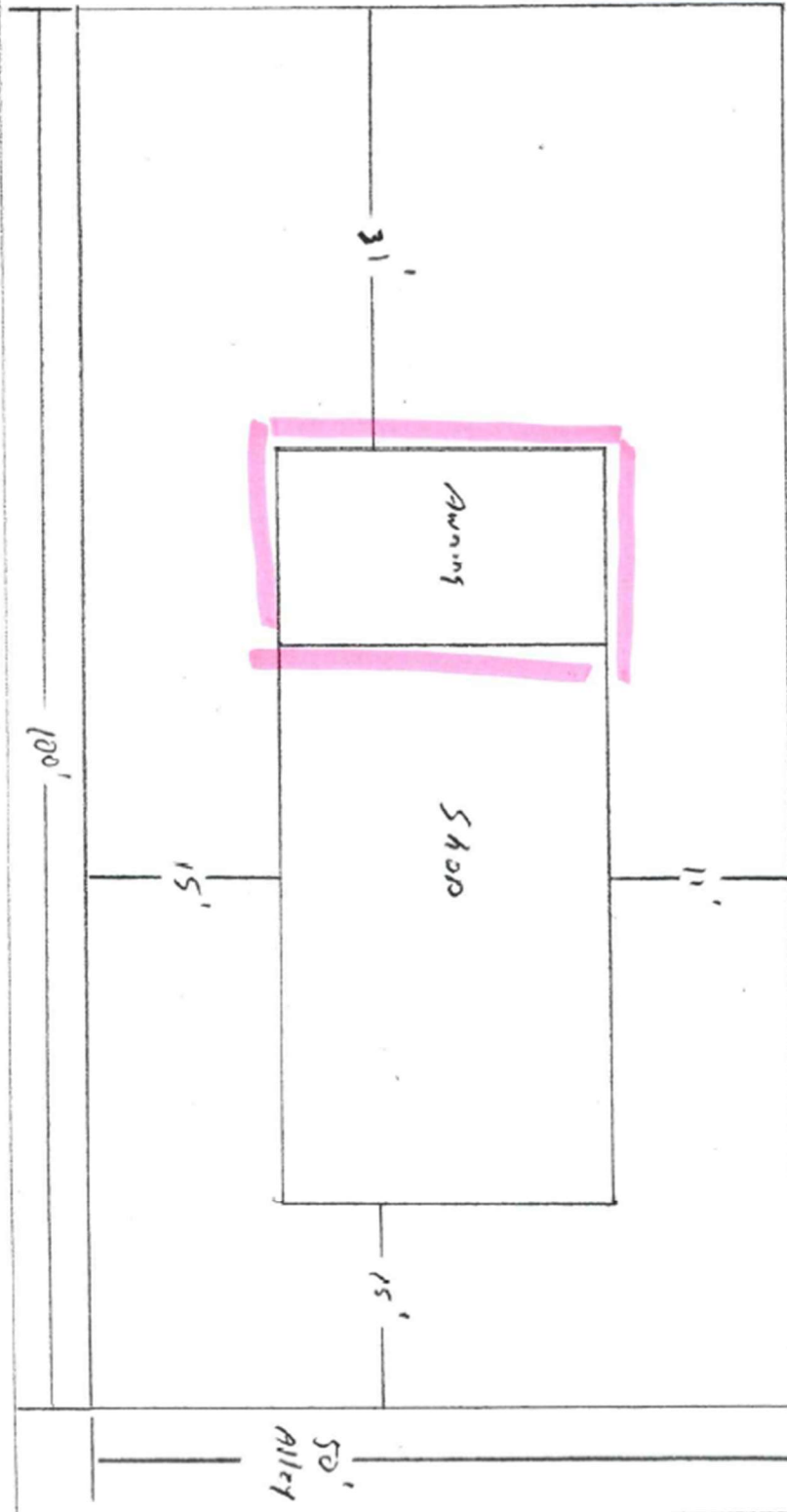
MAKING FINDINGS – A conditional use may be approved if the Planning Commission finds the application conforms to the criteria found in the Development Code and the applicable development standards. Before the Planning Commission can approve an application, the applicant must submit information that adequately 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.*

Site Plan



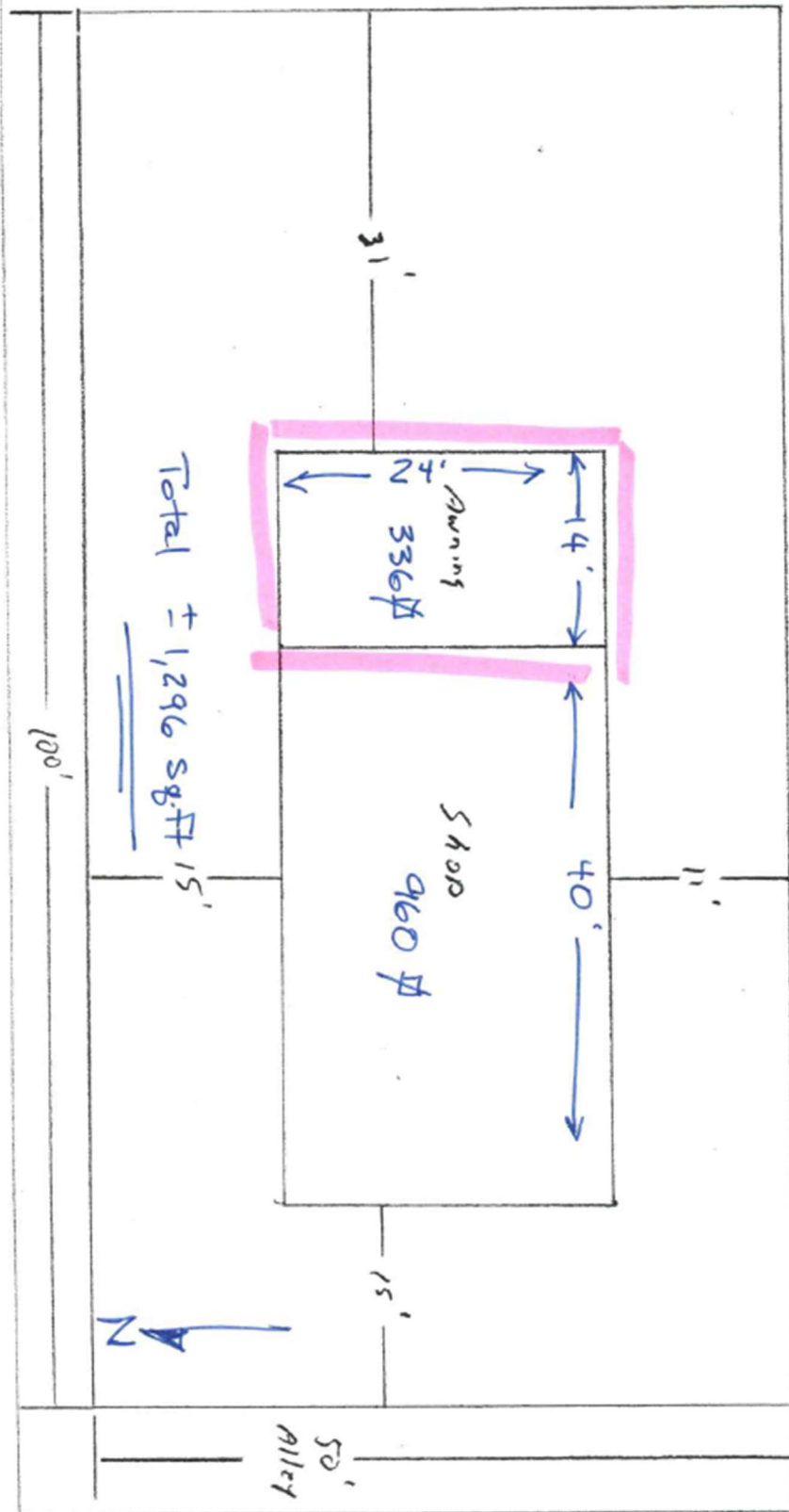
Auburn St.

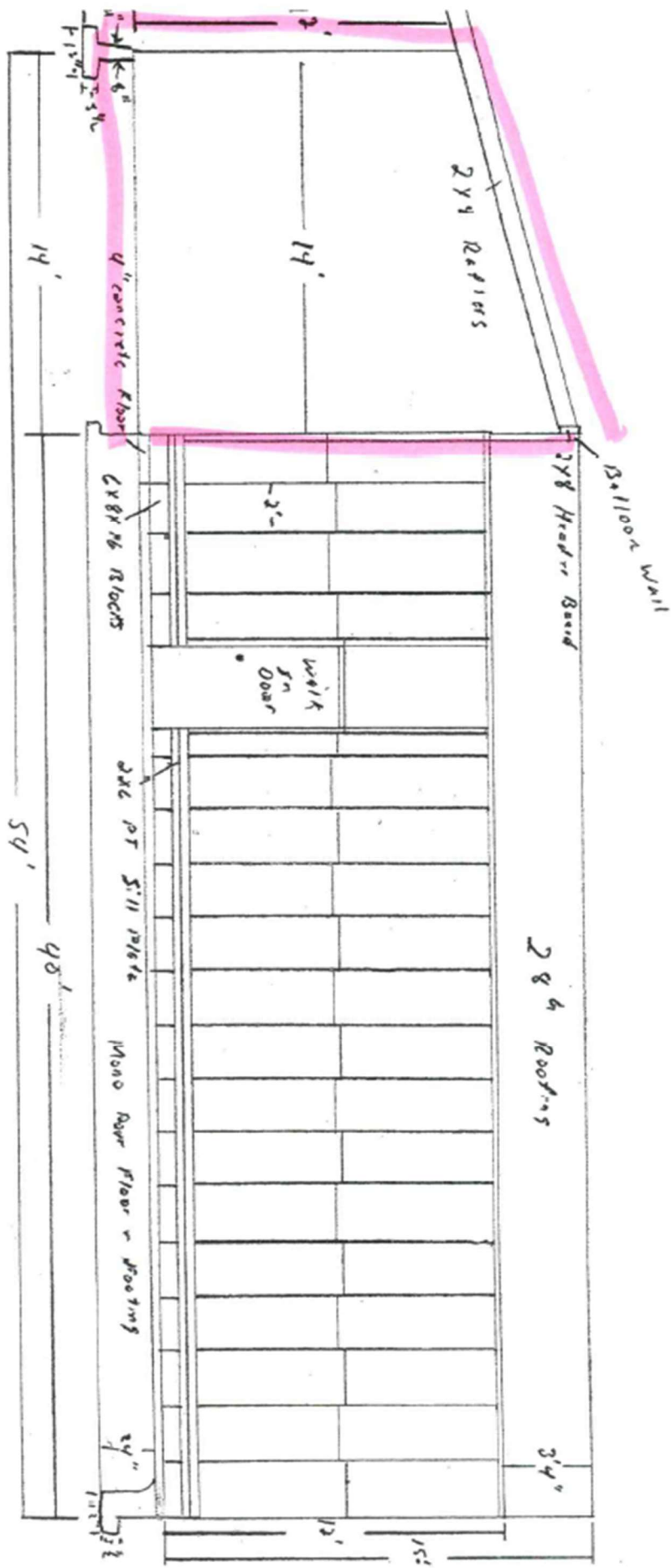
Nick Carey 1689 Clark

Scale 3/32" = 1'

Site Plan

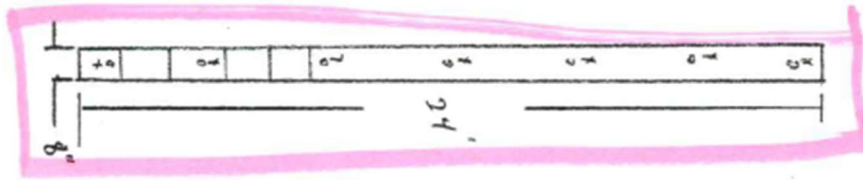
Auburn St.
Net carry 1639 clark
Scale $3\frac{1}{2}$ " = 1'
Site 12/19/97





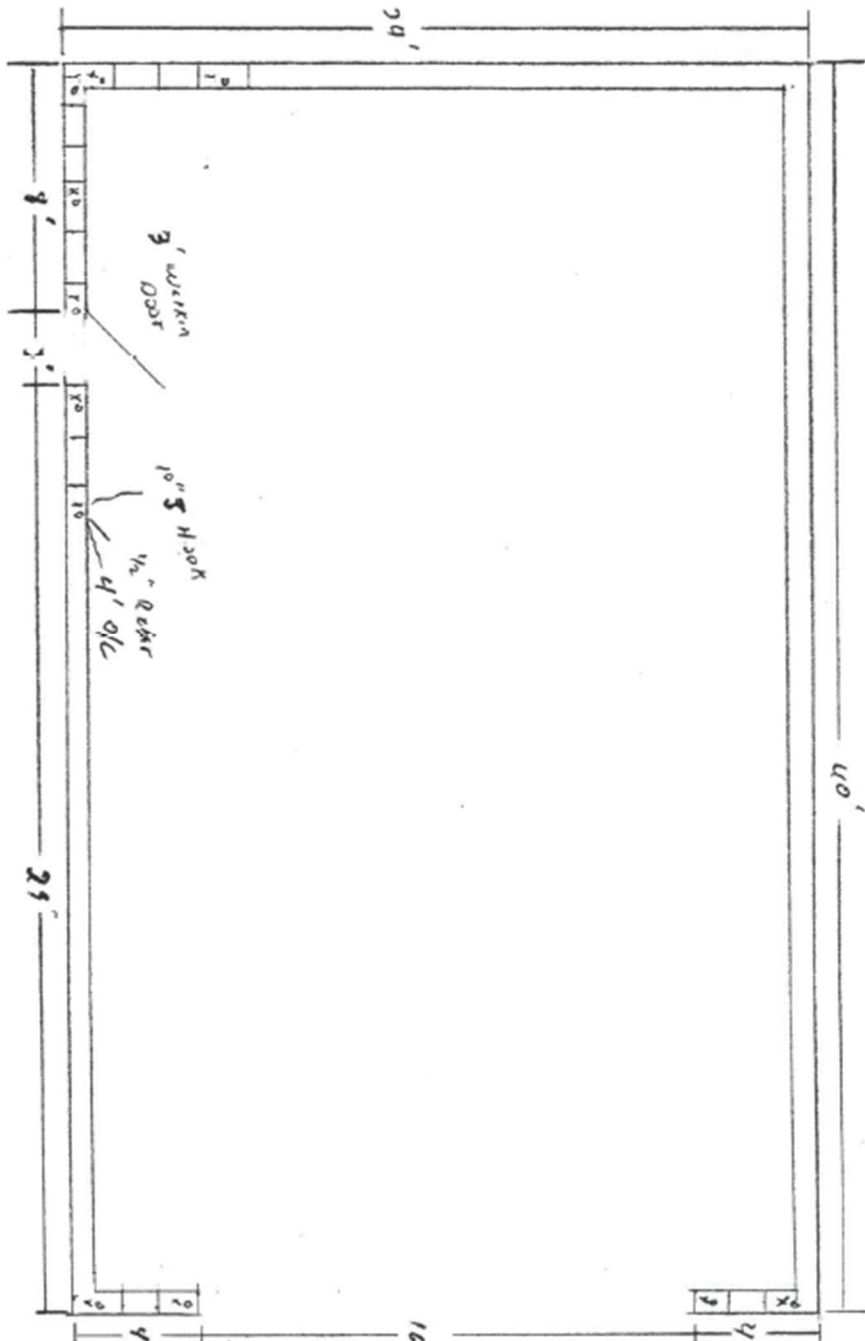
Nick Carr 1638 Clark St
 Scale 3/16" = 1'
 New Shop - Annals

View from Auburn St.
 (North Looking South)



North Carey 1635 Clark St
 scale 3/16" = 1'

Top View



BAKER COUNTY-CITY PLANNING DEPARTMENT



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Email: planning@bakercountyor.gov
Phone: (541) 523-8219



BCDC Section 4.4.400 Conditional Use Permits – Criteria, Standards and Conditions of Approval.

The City shall approve, approve with conditions, or deny an application for a conditional use or to enlarge or alter a conditional use based on findings of fact with respect to each of the following standards and criteria in A-C:

A. Use Criteria.

1. 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;

Applicant's Findings:

- Shop was already approved – the awning serves as an RV cover for the owner. Shop used for storage and work area for home owner – No major outside lighting is planned.
2. The negative impacts of the proposed use on adjacent properties and on the public can be mitigated through application of other Code standards, or other reasonable conditions of approval; and

Applicant's Findings:

Proposed awning

Placed between Shop (approved) and home – will utilize existing curb cut on Auburn to park RV under awning.

3. All required public facilities have adequate capacity to serve the proposal.

Applicant's Findings:

NA.

B. Site Design Standards. The Site Design Review approval criteria (Section 4.2.400) shall be met.

- **BUILDING/YARD SETBACKS.** Table 2.2.120 identifies the setback standards for Residential Districts. Setbacks for accessory structures are 5 feet on the side, 10 feet in the rear, and 15 feet in the front. (Exceptions: Corner Lot side-yard facing row is 10-feet; alley is 1-foot; common walls/zero lot line is 0-feet.)

Applicant's Findings:

Identified on Site Plan – Please See Site Plan

- **LOT COVERAGE.** The maximum building coverage in residential zones is 50% for a single family detached development.

Applicant's Findings: $\left(\frac{\text{Existing+Prop Structure Square footage}}{\text{lot size}} \right)$

Property is comprised of two lots (adjacent) held under common ownership – the home (1196) and shop (960) equate to 2156 square feet, and the proposed awning adds 336 square feet – for a total of 2,492 square feet – $2492 / 11200 = 22.25\%$

- **BUILDING HEIGHT.** Table 2.2.120 identifies the height standards for Residential Districts. The maximum height for an accessory structure is 20 feet. The maximum eave height for an accessory structure is 12 feet.

Applicant's Findings:

Max height of proposed awning is +/- 15 feet (matching shop at peak)

eave height 12'

- **BCDC Section 2.2.200(B) Accessory Uses and Structures:**

1. Primary use required. An accessory structure shall not be allowed without another principal permitted use on the same parcel or an adjacent parcel held in common ownership. The accessory use may be constructed after the establishment of a principal use or in conjunction with the establishment of a principle use;

Applicant's Findings:

SFD on adjacent lot held under common ownership. 1639 Clark St.

2. Restrictions. A structure shall not be placed over an easement that prohibits such placement. No structure shall encroach into the public right-of-way. No accessory structure or combination of such structures shall have a footprint any larger than 1.5 times the primary structure. This requirement may be waived by the Planning Director in the case of established and significant agricultural operations if the accessory structure is a barn or other similar structure;

Applicant's Findings: Please confirm the proposed structure will not be located over any easements, property lines, or public right of ways.

None identified

3. Compliance with land division standards. The owner may be required to remove an accessory structure as a condition of land division approval when removal of the structure is necessary to comply with setback standards;

Applicant's Findings: Please confirm there are no other accessory structures that are violating setback criteria.

Nothing on property — Vacant.

4. Set-back Requirements. Accessory structures shall only be allowed in side or rear yards in the residential districts as established in the Table 2.2.120;

Applicant's Findings: Please describe where the accessory structure will be located on the property in relation to the primary use (dwelling)

see Aerial image for Setback. —

Rear yard of adjacent property —

> 50 feet

5. Building Height and Size. An accessory structure shall not exceed 1,200 square feet in size or 20 feet in height without first obtaining a Conditional Use Permit. The eave height of an accessory structure shall not exceed 12 feet in height without first obtaining a Conditional Use Permit. Any accessory structure requiring a Conditional Use Permit shall, among other possible considerations, be reviewed based upon the following:

- a. The building mass is an appropriate scale with surrounding residential buildings and with the neighborhood in which the building is to be located;

Applicant's Findings: Please broadly describe the surrounding residential buildings. Do other properties have accessory structures? If so, are the sizes similar to the one you are proposing?

1296 sq ft with proposed awning shop/awning exceeds size by 96 sq ft - this approval will allow for construction.

Size is reasonable to allow for the parking and access of an RV under the awning.

- b. The building mass is an appropriate scale for the size of the lot and the building's location on a lot. Building proposals that loom over adjacent properties or residences may be inappropriate while the same building located on a larger lot away from property boundaries may be appropriate; and

Applicant's Findings:

Min necessary to make the awning work.

The placement allows for access to Auburn via existing curbside to place RV under proposed awning.

- c. The building's architecture and exterior construction materials compliment and do not detract from the character of the surrounding neighborhood.

Applicant's Findings: Please describe the proposed building's materials and look.

Awning will have a wall on east side, facing residence - with siding (metal) to match the approved shop.

- **BCDC Section 4.2.600(4)** states "The application complies with all of the Design Standards in Article 3 and other City Ordinances

- **ACCESS and CIRCULATION.** Ensure that developments provide safe and efficient access and circulation for pedestrians and vehicles.

Applicant's Findings: Please explain how you will access this awning area. Will you be placing sidewalk between the house and accessory building/awning?

Access w/ RV will be from existing curbcut on Auburn (north) into and under awning.

no proposed sidewalk or pavers from home to shop - area is already graveled.

- **LANDSCAPE CONSERVATION.** Significant vegetation and shrubs shall be retained to the extent practicable, and areas that must be disturbed shall be restored.

Applicant's Findings: Please describe what vegetation is located in the proposed awning area. If any vegetation will be removed please describe where it will be replaced.

no vegetation is required to be removed for the proposed awning.

- **PARKING.** The number of required off-street vehicle parking spaces shall be determined in accordance with the standards in Table 3.3.300.A. On-street parking spaces may be counted toward the minimum standards as one (1) parallel parking space for each 22 feet of uninterrupted curb. BCDC Table 3.3.300.A identifies there is no standard for parking for Accessory Structures (with a permitted use), except some uses may be required to provide parking under the minimum standards for primary uses, as determined by the decision body through...Conditional Use Permit review....

Staff Findings: No parking standards are required for this project.

- **PUBLIC FACILITIES.** No development may occur unless required public facilities are in place.

Applicant's Findings: Are any public facilities needed for your proposed awning? If so, please describe. (This is not about the shop - which has already been approved.)

NA

Exhibit D: Pre-Notice Comments

Baker City Public Works

Timothy Smothers

From: Joyce Bornstedt <bcpwdirector@bakercity.gov>
Sent: Thursday, October 31, 2024 9:53 AM
To: Timothy Smothers
Subject: RE: Pre-Notice CUP-24-108 Carey - Oversized Accessory Structure adjacent to 1639 Clark Street

Good Morning Timothy –

I do not have any comment regarding the proposed CUP.

Thank you - Jb

Exhibit E: LUR-24-097 – Conditions of Approval

Conditions of Approval for the Original Accessory Structure (Shop) of 960 square feet.

Approved 10/2/2024

Conditions of Approval:

According to the plans submitted and based on the findings and conclusions below, the application meets the development standards of the specified Residential Zone and is hereby APPROVED, subject to compliance with the following Conditions of Approval:

1. **Approval Period.** Land Use Review approval is effective for a period of TWO YEARS from the date of approval. The approval shall lapse if a building permit application for the project has not been submitted to the Baker City Building Department within two years from the date of this decision. The Planning Director may, upon written request by the applicant, grant an extension of the approval period, not to exceed one year, provided that the extension request is in conformance with the requirements in BCDC Section 4.2.600.C.
2. **Building Permit and Inspections.** The applicant shall apply for and obtain all necessary permits through the Baker City Building Department.
3. **Public Facilities – Water, Sewer & Stormwater.** If needed, the applicant shall coordinate with the Public Works Department to connect the proposed development to water and sewer mains, in conformance with City standards. This may include installation of new laterals and/or a new water meter. All stormwater runoff shall be maintained onsite.
4. **Access and Driveway.** One driveway access is permitted. If the driveway access will be modified for this development, the applicant shall coordinate with the Baker City Public Works Department and obtain all necessary permits for the modification and/or removal and/or construction of access points.
5. **Utilities.** If requested, the applicant shall coordinate with the appropriate entities to connect the proposed development to underground utility lines to the extent practical, in conformance with City standards.
6. **Built as Approved.** This approval is solely based upon the material provided with the application and the applicable sections of the Baker City Development Code being met and does not imply satisfaction of any other laws or regulations. Any modifications to what has been approved may require additional review and approval.
7. **Easements.** The applicant is responsible for understanding the location of any easements on the property and accurately depicting them on the site plan. Regardless of whether the easement is shown on the site plan, a structure shall not be placed over an easement that prohibits such placement.
8. **Other.** All other city and state regulations pertaining to this development shall be met.

BAKER CITY-COUNTY PLANNING DEPARTMENT



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



**STAFF REPORT to the BAKER CITY PLANNING COMMISSION for a
TYPE III SITE DESIGN REVIEW for a 60-FOOT UTILITY POLE AND
CO-LOCATION OF RADIO FREQUENCY TRANSMISSION EQUIPMENT in the
RESIDENTIAL- MEDIUM DENSITY (R-MD) Zone
City Case No. SDR-24-117**

Staff Report Date: November 13, 2024

Report Prepared by: Madison Tomac, Senior Planner

Planning Commission Hearing: November 20, 2024

I. GENERAL INFORMATION AND FACTS

Applicant:	Brian Vegter 3451 Broadway Street Baker City, Oregon 97814
Property Owner:	Churchill Baker, LLC PO Box 342 Baker City, OR 97814
Land Use Review:	Type III Site Design Review
Property Description:	Tax Lot 3101 in Section 17cc of Township 9 South, Range 40 East, W.M., Baker County, Oregon (Ref. 17934)
Site Address & Location:	3451 Broadway Street, Baker City, Oregon
Land Use Zone:	Residential Medium-Density (R-MD)
Existing Development:	A ±18,258 square foot mixed use structure
Proposed Development:	A ±60-foot utility pole with the co-location of radio frequency transmission equipment
Special Flood:	This property is not located in flood hazard zone according to FEMA FIRM Map #41001C0385C, effective June 3, 1988
Wetlands:	Wetlands are not present on the property according to the 1981 National Wetlands Inventory Map for Baker, Oregon
Parcel Legally Created:	The parcel was legally created as Lots 16-32 of Block 15 in the Stewart's 2 nd Addition, recorded with the Baker County Clerk's Office on May 9, 1890.

II. NATURE OF REQUEST

Applicant, Brian Vegter on behalf of property owner, Churchill Baker LLC, requests a Type III Site Design Review to construct a ±60-foot utility pole and co-locate radio frequency transmission equipment on the proposed utility pole at 3451 Broadway Street, Baker City, Oregon. The utility pole is proposed to be metal, with a total height of 60' (Exhibit C). Information provided with the application states, *"The existing utility line which crosses 17th Street... is drooping and could easily be ripped out by an over height vehicle. If that were to happen, service would be disrupted to the entire neighborhood. The new utility pole would be owned and maintained by OTEC and located in an easement granted to them for that purpose. In addition to the upgraded utility pole, a tenant at Churchill, the non-profit Broadcast Baker, proposes the co-location of radio antennas on the new utility pole, for the purpose of broadcasting Baker City's new community radio station, 89.9 FM KBZR. The co-location of the antennas is by agreement between Broadcast Baker and OTEC, similar to streetlights and other utilities on poles in our community. Access to these facilities would be strictly limited to OTEC"* (Exhibit C). The subject and abutting parcels are all zoned Residential-Medium Density (R-MD) (Exhibit E). The applicant's narrative and plans for the proposed structure are attached to this report as Exhibits C and D.

III. APPLICABLE ORDINANCE, COMPREHENSIVE PLAN, AND STATE PROVISIONS

The Baker City Development Code defines ministerial as, *"A routine administrative action or decision that involves limited discretion. The issuance of a building permit is generally such an action. See Chapter 4.1.200 (Type I Review)."* The substantial amount of discretion this application requires is beyond what is considered a Type I review and would need to be reviewed through a Type II process at a minimum. The Development Code provides the Planning Director the ability to re-designate an application from a Type II review to a Type III review (BCDC Section 4.2.400.A.2.c.) when there are unusual circumstances. The Planning Director identified unusual circumstances in this application and re-designated the application for Type III review. Substantial discretion is required because co-location is not currently defined by the Baker City Development Code. The context for co-location appears in the Baker City Development Code Chapter 3.6; however, Section 3.6.100 (E) includes the statement, *"Nothing in this section shall apply to amateur radio antennas, or facilities used exclusively for the transmission of television and radio signals."* Table 2.2.110, the use table for the residential zones, lists new towers for radio frequency transmission towers as not permitted, but co-location of new equipment is permitted.

The request is to be processed as a Type III procedure, which includes holding a public hearing before the Planning Commission makes a decision on the request. In determining whether to grant the request, the Planning Commission will use the applicable criteria listed in BCDC Chapter 2.2 – *Residential Land Use Zones*, Section 4.2.600 – *Site Design Review Approval Criteria* and the Baker City Comprehensive Plan.

Oregon Revised Statute (ORS) 227.173 states, *"Approval or denial of a permit application...shall be based upon and accompanied by a brief statement that explains the criteria and standards considered relevant to the decision, states the facts relied upon in rendering the decision and explains the justification for the decision based on the criteria, standards and facts set forth"*.

IV. ANALYSIS OF CRITERIA & FINDINGS OF FACT

BAKER CITY DEVELOPMENT CODE (BCDC)

Chapter 1.3 – Definitions

BCDC Section 1.3.300 Definitions

Utilities. For the purposes of this Code, utilities are telephone, cable, natural gas, electric, and telecommunication facilities, storm sewers, water systems, and sanitary sewers. See also, Chapter

3.6.100 – Radio Frequency Transmission Facilities.

“Co-location”, “collocation” and “transmission tower” are not defined by the Baker City Development Code.

BCDC Table 2.2.110 Land Uses Allowed in Residential Zones. This table identifies “Basic Utilities” and the “Collocation of new equipment” for a Radio Frequency Transmission Facility as permitted uses in the R-MD Zone.

<i>Table 2.2.110 – Land Uses Allowed in Residential Zones (R-LD, R-MD, R-HD)</i>	
<i>Uses</i>	<i>Status of Use in Zone</i>
<i>Use Categories</i> <i>Examples of uses are in Chapter 1.4; Definitions are in Chapter 1.3</i>	<i>Residential Medium-Density (R-MD)</i>
<i>Institutional Categories</i>	
<i>Basic Utilities</i>	<i>P</i>
<i>Radio Frequency Transmission Facilities - Collocation of new equipment</i>	<i>P</i>

BCDC Section 2.2.120 Residential Land Use Zones – Development Standards.

- ***BUILDING/YARD SETBACKS.*** Table 2.2.120 identifies the setback standards for Residential Zones. Setbacks for non-residential structures are 5 feet on the side, 10 feet in the rear, and 15 feet in the front. (Exceptions: Corner Lot side-yard facing row is 10-feet; alley is 1-foot; common walls/zero lot line is 0-feet.)

Recommended Findings: According to the applicant’s narrative and site plan and ArcGIS measurement tools (Exhibits B & D), the proposed utility pole will be located ±184 feet from the front (north) property line; ±238 feet from the side (east) property line; ±27 feet from the rear (south) property line; and ±12 feet from the side (west) property line.

Conclusion: Based on the findings above, the criteria **are/are not** met.

- ***LOT AREA.*** The R-MD zone requires a minimum lot area of 9,000 square feet for Non-Residential Uses.

Recommended Findings: According to Assessor's records, the subject property measures ±55,463 square feet. The subject property exceeds the minimum area standards for the R-MD zone.

Conclusion: Based on the findings above, the criteria **are/are not** met.

- ***LOT DIMENSIONS.*** All residential zones require a minimum lot width of 50 feet, and a minimum lot depth of 100 feet, for Non-Residential Uses.

Recommended Findings: The subject property is irregularly shaped. According to ArcGIS measuring tools, the subject property is ±255 feet wide at the widest measurement, ±127 feet wide at the narrowest measurement and ±205 feet deep at its narrowest measurement.

Conclusion: Based on the findings above, the criteria **are/are not** met.

- ***DENSITY.*** The minimum and maximum dwelling units per acre in the R-MD zone are 2.0 to 20.

Recommended Findings: The proposed use is a non-residential use (utility pole and co-location of radio frequency transmission equipment). No dwellings are proposed with this application (Exhibit C).

Conclusion: Based on the findings above, the criteria **are/are not** applicable.

- ***LOT COVERAGE.*** The maximum building coverage in residential zones is 60% for Institutional and Civic Use development.

Recommended Findings: According to the Baker County Assessor's database, the footprint of the existing primary structure measures ±18,258 square feet. No new buildings are proposed with this application. The addition of a utility pole will not affect the total lot coverage as proposed. As the subject property measures ±55,463 square feet, the total lot coverage will be approximately 33%. No outbuildings are located on the property.

Conclusion: Based on the findings above, the criteria **are/are not** met.

- ***BUILDING HEIGHT.*** Table 2.2.120 identifies the height standards for Residential Zones. The maximum allowable height of buildings and structures in the R-MD Zone is 35 feet for a level site (slope less than 15%). *Section 2.2.170(B) provides exclusions from maximum building height standards. Chimneys, bell towers, steeples, roof equipment, flag poles, and similar features not for human occupancy are exempt from the maximum building heights, provided that all applicable fire and building codes are met.

Section 1.3.300 of the Baker City Development Code defines a building as: *a structure that has a roof and is enclosed on at least 50 percent of the area of its sides. Also see*

"Structure". Structure is defined as: any object constructed in or on the ground. Structure includes buildings, decks, fences, towers, flag poles, signs and other similar objects....

Recommended Findings: According to the applicant's narrative, the utility pole is proposed to be metal, with a total height of 60' (Exhibit C). Information provided with the application states, *"The existing utility line which crosses 17th Street... is drooping and could easily be ripped out by an over height vehicle. If that were to happen, service would be disrupted to the entire neighborhood. The new utility pole would be owned and maintained by OTEC and located in an easement granted to them for that purpose... Access to these facilities would be strictly limited to OTEC"* (Exhibits C and F). The proposed utility pole is not for human occupancy and is exempt from the maximum building height, provided that all applicable fire and building codes are met in accordance with Condition of Approval #2.

Conclusion: Based on the findings above, the proposed structure **is/is not** excluded from the building height standards provided Condition of Approval #2 is met.

BCDC Section 2.2.200.L – Residential Land Use Zones - Special Use Standards for Institutional and Civic Uses. *Institutional and civic uses are allowed in the residential zones as specified in Table 2.2.110 subject to the following requirements...*

- a. *Development Site Area. The maximum development site area shall be 8 acres, except that this standard shall not apply to parks and open space uses...*
- b. *Vehicle Areas and Trash Receptacles. All vehicle areas (i.e. parking, drives, storage, etc.) and trash receptacles shall be oriented away from adjacent residences, and shall be screened with an evergreen hedge or solid fence or wall of not less than 6 feet in height.*

Recommended Findings: According to the Baker County Assessor's data and the applicant's narrative, the parcel measures ±1.27 acres which is less than 8-acres. No new vehicle or trash receptacle areas are proposed with this application.

Conclusion: Based on the findings above, the criteria **are/are not** met.

Section 4.2.400 – Site Design Review. *Land uses and developments exceeding the thresholds in Section 4.2.200(A) require Site Design Review to ensure compliance with the land use and development standards in Article 2 (e.g., lot area, building setbacks and orientation, lot coverage, maximum building height), and the design standards and public improvement requirements in Article 3.*

A. **Applicability.** *All uses and developments requiring Site Design Review shall be processed using a Type I procedure, except those uses or developments specifically described below:*

2. *Uses or developments requiring Type III Site Design Review:*

- c. *A use or development, as deemed by the Planning Director, which will generate substantial public interest and/or includes unusual circumstances. The Planning*

Director has the discretion to re-designate an application qualifying for Type II review as a Type III review. The Planning Director shall notify the applicant in writing of his/her intent to review the application by means of a Type III procedure within 30 days of the submission of a complete application per the requirements of Section 4.1.600.

Recommended Findings: The Baker City Development Code defines ministerial as, “A routine administrative action or decision that involves limited discretion. The issuance of a building permit is generally such an action. See Chapter 4.1.200 (Type I Review).” The substantial amount of discretion this application requires is beyond what is considered a Type I review and would need to be reviewed through a Type II process at a minimum. The Development Code provides the Planning Director the ability to re-designate an application from a Type II review to a Type III review (BCDC Section 4.2.400.A.2.c.) when there are unusual circumstances. The Planning Director identified unusual circumstances in this application and re-designated the application for Type III review. Substantial discretion is required due to the fact that co-location is not currently defined by the Baker City Development Code. The context for co-location appears in the Baker City Development Code Chapter 3.6; however, Section 3.6.100 (E) includes the statement, “Nothing in this section shall apply to amateur radio antennas, or facilities used exclusively for the transmission of television and radio signals.” Table 2.2.110, the use table for the residential zones, lists new towers as not permitted, but co-location as permitted.

Conclusion: Based on the findings above, a Type III Site Design Review **is/is not** required.

D. Approval Criteria. *The review authority shall make written findings with respect to all of the following criteria when approving, approving with conditions, or denying an application:*

- 1. The application is complete, as determined in accordance with Chapter 4.1 - Types of Applications and Section 4.2.400(C), above.*

Recommended Findings: On October 25, 2024, a complete application, site plan, and narrative were filed with the Baker City Planning Department that met the application submission requirements for a Site Design Review. Notification of re-designation of the Site Design Review application to a Type III review was sent to the property owner on October 31, 2024. Notice of an opportunity to provide written comments on the request was sent to all property owners within 100 feet of the subject property on October 31, 2024. On November 1, 2024, staff posted two (2) public notice sign in front and on the west side of the subject property. Public comments have been received from Matt Krabacher and Michael Moeller at the time this report was written (Exhibit H and I).

Conclusion: Based on the findings above, the criterion for a complete application **is/is not** met.

2. *The application complies with all of the applicable provisions of the underlying Land Use Zone (Article 2), including: building and yard setbacks, lot area and dimensions, density and floor area, lot coverage, building height, building orientation, architecture, and other special standards as may be required for certain land uses;*

Recommended Findings: The provisions of the R-MD Zone (Article 2) are addressed in findings for BCDC Section 2.2.120 above.

Conclusion: Based on the findings above, the criterion **is/is not** met.

3. *The applicant may be required to upgrade existing development that does not comply with the applicable land use district standards, in conformance with Chapter 5.2, Non-Conforming Uses and Development;*
4. *The application complies with all of the Design Standards in Article 3 and other City Ordinances:*
 1. *Chapter 3.1 - Access and Circulation;*
 2. *Chapter 3.2 - Landscaping, Street Trees, Fences and Walls;*
 3. *Chapter 3.3 - Parking and Loading*
 4. *Chapter 3.4 - Public Facilities*
 5. *Chapter 3.5 - Signs;*
 6. *Chapter 3.6 - Radio Frequency Transmission Facilities;*
 7. *Baker City Design Review Guidelines for Historic District Properties.*
5. *Existing conditions of approval required as part of a prior Land Division (Chapter 4.3), Conditional Use Permit (Chapter 4.4), Master Planned Development (Chapter 4.5) or other approval shall be met.*

Recommended Findings: This report has been written to determine if this application complies with the underlying Land Use Zone (Article 2) and Design Standards (Article 3). The applicable criteria for Articles 2 and 3 are addressed throughout the report. No non-conforming development was identified on the subject property. No records of unmet conditions of approval from a previous land division, Conditional Use Permit, Master Planned Development, or other land use approval were found by Planning Staff.

Conclusion: Based on the findings above, the criteria **are/are not** met.

CHAPTER 3.1 – ACCESS AND CIRCULATION

Section 3.1.200 - Vehicular Access and Circulation

A. Intent and Purpose....

- B. Applicability.*** *This Chapter applies to all public streets within the City and to all properties that abut these streets. The standards apply when lots are created, consolidated, or modified through a land division, partition, lot line adjustment, lot consolidation, or street vacation; and when properties are subject to Land Use Review or Site Design Review.*

- C. Access Permit Required** – Access to a public street (e.g., new curb cut or driveway approach), requires an Access Permit...
- D. Traffic Study Requirements...**
- E. Conditions of Approval.** The City may require the closing or consolidation of existing curb cuts or other vehicle access points, recording of reciprocal access easements (i.e., for shared driveways), development of a frontage street, installation of traffic control devices, and/or other mitigation as a condition of granting an access permit, to ensure the safe and efficient operation of the street and highway system...
- F. Corner and Intersection Separation; Access Spacing; Backing onto Public Streets.** New and modified accesses shall conform to the following standards...
- G. Site Circulation...**
- H. Joint and Cross Access – Requirement...**
- I. Joint and Cross Access – Reduction in Required Parking Allowed...**
- J. Joint and Cross Access – Easement and Use and Maintenance Agreement...**
- K. Access Connections and Driveway Design.** All driveway connections to a public right-of-way (access) and driveways shall conform to all of the following design standards...

Recommended Findings: According to the application narrative, “Access for maintenance will be restricted to authorized OTEC personnel only. Emergency and maintenance access is from the parking lot off 16th and through a secure gate” (Exhibit C). The subject property has pre-existing access from 16th Street.

A traffic impact analysis (TIA) was not deemed necessary for this proposal.

No new access point, driveways, traffic control devices, or joint access are proposed, or required by the Baker City Public Works Department. The proposal is not projected to increase vehicle, pedestrian, or bike traffic to the site. The proposed development does not include a residential dwelling unit.

Conclusion: Based on the findings above, the criteria **are/are not** met or **are/are not** applicable.

- L. Fire Access and Turnarounds.** Except as waived by the Fire Chief, a fire equipment access drive shall be provided for any portion of an exterior wall of the first story of a building that is located more than 150 feet from an existing public street or approved fire equipment access drive. The drive shall contain unobstructed adequate aisle width (14 or 20 feet depending on circumstances) and turn-around area for emergency vehicles (cul-de-sac, hammerhead, Y-turnaround or other similar alternative approved by the Fire Chief). The Fire Chief may require that fire lanes be marked as “No Stopping/No Parking.” For requirements related to cul-de-sacs or dead-end streets, please refer to Section 3.4.100.N.

Recommended Findings: According to the site plan, the proposed development would be located within 150 feet from 17th Street. In addition, a fire hydrant is currently located on the northeast corner of Broadway and 17th Streets.

No comments were received from the Baker City Fire Department or the State Fire Marshal regarding the proposed access points or circulation on the property at the time

this report was written.

All fire and building code requirements are required to be met in accordance with Condition of Approval #2.

Conclusion: Based on these findings above, the criteria **can/cannot be** met in accordance with Condition of Approval #2.

- M. Vertical Clearance.** *Driveways, private streets, aisles, turn-around areas and ramps shall have a minimum vertical clearance of 13'6" for their entire length and width.*
- N. Vision Clearance.** *No visual obstruction (e.g., sign, structure, solid fence, or shrub vegetation) between two (2) feet and eight (8) feet in height shall be placed in "vision clearance areas" on streets, driveways, alleys, or mid-block lanes where no traffic control stop sign or signal is provided... The minimum vision clearance area may be modified by the City Engineer upon finding that less sight distance is required (i.e., due to traffic speeds, roadway alignment, etc.). This standard does not apply to light standards, utility poles, trees trunks and similar objects.*

Recommended Findings: No portion of a driveway, private street, drive aisle, turn-around area or ramp was identified to have a vertical clearance less than $\pm 13'6"$. According to the applicant's site plan, no obstructions are identified within the vision clearance area at Broadway and 17th Streets (northeast corner). The proposed development is a ± 60 foot utility pole and the co-location of Radio Frequency Transmission Equipment.

Conclusion: Based on the findings above, the criteria **are/are not** met.

- O. Construction.** *The following development and maintenance standards shall apply to all driveways and private streets, except that the standards do not apply to driveways serving one single-family detached dwelling:*

1. Surface Options...
2. Surface Water Management...
3. Driveway Aprons...

Recommended Findings: According to the application, no new driveways are proposed. An existing driveway is located off of 16th Street. The proposed development does not include a residential dwelling unit.

Conclusion: Based on the findings above, the criteria **are/are not** applicable.

Section 3.1.300 – Pedestrian Access and Circulation

- A. Site Layout and Design.** *To ensure safe, direct, and convenient pedestrian circulation, all developments shall provide a continuous pedestrian system...*

Recommended Findings: A phased development is not proposed. The applicant submitted site plan drawings demonstrating where structures are proposed to be located. No new buildings, parking areas or public access areas are proposed with this application.

No storage areas, recreational facilities, off-site adjacent trails, public parks, or common areas were identified on the site plan. No topographic constraints were identified on-site the site is relatively flat. According to the site plans (Exhibits B and D) and ArcGIS measurement tools, no contiguous parking area measures more than ±3 acres in size.

Conclusion: Based on the findings above, the criteria **are/are not** met.

B. Walkway Design and Construction. *Walkways, including those provided with pedestrian access ways, shall conform to all of the standards in subsections 1-4...:*

1. Vehicle/Walkway Separation...
2. Crosswalks...
3. Walkway Width and Surface...
4. Accessible routes...

C. Multi-use pathways. *Multi-use paths, where provided pursuant to the Transportation System Plan, shall conform to the standards in Section 3.4.100.F and be constructed of asphalt, concrete, or other all-weather surface as approved by the Public Works Director.*

Recommended Findings: No pedestrian walkways, driveways, crosswalks, or ADA accessible routes were proposed or required with this application. According to the Baker City Transportation System Plan (TSP) a multi-use pathway is identified on 17th Street adjacent to this property (Exhibit G). The property owners have previously signed a Non-Remonstrance Agreement to install curb, gutter, and multi-use path per a Condition of Approval for HOP-18-049/SDR-18-050/CUP-18-051.

Conclusion: Based on the findings above, the criteria **are/are not** met or **are/are not** applicable.

Section 3.2.300 – Landscaping

A. Applicability. *This Section shall apply to all new developments requiring Site Design Review.*

B. Landscape Plan Required. *A landscape plan is required. All landscape plans shall conform to the requirements in Chapter 4.2.500, Section B.5 (Landscape Plans).*

1. ***Landscape Area Standards.*** *Residential Zones:* *R-MD: 7% of site.*

D. Landscape Materials. *Permitted landscape materials include trees, shrubs, grass, ground cover plants, non-plant ground covers, and outdoor hardscape features, as described below. "Coverage" is based on the projected size of the plants at maturity, i.e., typically*

three (3) or more years after planting.

1. Existing Vegetation. Existing non-invasive vegetation may be used in meeting landscape requirements. When existing mature trees are protected on the site (e.g., within or adjacent to parking areas) the decision making body may reduce the number of new trees required by a ratio of one (1) inch diameter of new trees at four (4) feet height of new tree(s) for every one (1) inch diameter at four (4) feet height of existing tree(s) protected.
2. Plant Selection. A combination of deciduous and evergreen trees, shrubs, and ground covers shall be used for all planted areas, the selection of which shall be based on local climate, exposure, water availability, and drainage conditions. When new vegetation is planted, soils shall be amended, as necessary, to allow for healthy plant growth.
3. "Non-native, invasive" plants, as per Section 3.2.200.B, shall be removed during site development and the planting of new invasive species is prohibited.
4. Hardscape features, i.e., patios, decks, plazas, etc., may cover up to 30 percent of the required landscape area; except in the Central Commercial Zone where hardscape features may cover up to 100 percent of the landscape area. Swimming pools, sports courts, and similar active recreation facilities may not be counted toward fulfilling the landscape requirement.
5. Ground Cover Standard. All landscaped area, whether or not required, that is not planted with trees and shrubs, or covered with non-plant material (subsection 8, below), shall have ground cover plants that are sized and spaced as follows: a minimum of one plant per 12 inches on center in triangular spacing, or other planting pattern that is designed to achieve 50 percent coverage at maturity of the area not covered by shrubs and tree canopy.
6. Tree Size. Trees shall have a minimum diameter of two (2) inches or greater at time of planting as measured at four (4) feet above grade.
7. Shrub Size. Shrubs shall be planted from 5-gallon containers or larger.
8. Non-plant Ground Covers. Bark dust, chips, aggregate, or other non-plant ground covers may be used, but shall cover no more than 50 percent of the area to be landscaped and shall be confined to areas underneath plants. Non-plant ground covers cannot be a substitute for ground cover plants.
9. Significant Vegetation. Significant vegetation protected in accordance with Section 3.2.200 may be credited toward meeting the minimum landscape area standards...
10. Storm Water Facilities. Storm water treatment facilities (e.g., detention/retention ponds and swales designed for water quality treatment), when required...

E. Landscape Design Standards. All yards, parking lots, and required street tree planter strips shall be landscaped to provide, as applicable, erosion control, visual interest, buffering, privacy, open space and pathway identification, shading, and wind buffering, based on the following criteria:

1. Parking areas...
2. Protecting Landscaping/Buildings. Buffering and screening are required under the following conditions:
 - a. Parking/Maneuvering Area Adjacent to Streets and Drives...
 - b. Parking/Maneuvering Area Adjacent to Building...

Recommended Findings: Using ArcGIS measurement tools (Exhibit B), it was determined that ±9,964 square feet of landscaping exist on the subject property. No

new landscaping is proposed with this application. No significant vegetation is proposed to be removed. No storm water facilities are proposed with this application. No new parking areas are proposed with this application. The proposed development is a utility pole with the co-location of radio frequency transmission equipment on the utility pole.

Conclusion: Based on the findings above, the criteria **are/are not met or are/are not** applicable.

c. *Screening of Mechanical Equipment, Trash Receptacles, Outdoor Storage, Service and Delivery Areas, and Other Screening When Required. All mechanical equipment, trash receptacles, outdoor storage and manufacturing, and service and delivery areas, shall be screened from view from all public streets and adjacent Residential zones. When these or other areas are required to be screened, such screening shall be provided by:*

- i. *a decorative wall (i.e., masonry or similar quality material),*
- ii. *evergreen hedge,*
- iii. *opaque fence complying with Section 3.2.500, or*
- iv. *a similar feature that provides an opaque barrier.*

Walls, fences, and hedges shall comply with the vision clearance requirements and provide for pedestrian circulation, in accordance with Chapter 3.1 - Access and Circulation. (See Section 3.2.500 for standards specific to fences and walls.)

Recommended Findings: No trash receptacles, outdoor storage, service and delivery areas are proposed with this development. The proposal is for a utility pole with the co-location of radio frequency transmission equipment on the utility pole (Exhibit C).

Conclusion: Based on the findings above, the criteria **are/are not met.**

d. *Flag Lot Screen. In approving a flag lot...*

Recommended Findings/Conclusion: The subject property is not a flag lot; therefore, the criteria **are/are not** applicable.

F. Maintenance and Irrigation. *The use of drought-tolerant plant species is encouraged, and may be required when irrigation is not available. Irrigation shall be provided for plants that are not drought-tolerant. If the plantings fail to survive, the property owner shall replace them with an equivalent specimen (i.e., evergreen shrub replaces evergreen shrub, deciduous tree replaces deciduous tree, etc.). All man-made features required by this Code shall be maintained in good condition, or otherwise replaced by the owner.*

Recommended Findings: Landscaping exists on the property, according to the application narrative, "Irrigation systems are already in place for the landscaped areas" (Exhibit C).

Conclusion: Based on the findings above, the criteria **are/are not** met.

Section 3.2.400 – Street Trees. *Street trees shall be planted for all developments that are subject to Subdivision or Site Design Review...*

- A. Baker City Tree Board Authority...**
- B. Growth Characteristics...**
- C. Caliper Size...**
- D. Spacing and Location....**
- E. Soil Preparation, Planting and Care...**
- F. Street Tree List...**

Recommended Findings: Street trees were required for this site through CUP-18-051 and have been planted. No new street trees are being required by the Baker City Public Works Department.

Conclusion: Based on the findings above, the criteria **are/are not** be met.

Section 3.2.500 - Fences and Walls. *Construction of fences and walls shall conform to all of the following requirements:*

Recommended Findings: Information about existing or proposed fencing was not provided with this application. If a new fence is proposed with this development, a fence permit shall be obtained from the Baker City Building Department prior to construction of a new fence in accordance with Condition of Approval #3. No walls or berms are proposed or required with this application, nor is an existing fence required to be removed.

Conclusion: Based on the findings above, the criteria **can/cannot be** met in accordance with Condition of Approval #3.

CHAPTER 3.3 – PARKING AND LOADING

Section 3.3.300 – Automobile Parking Standards

- A. Vehicle Parking – Minimum Standards by Use.** *The number of required off-street vehicle parking spaces shall be determined in accordance with the standards in Table 3.3.300.A – Minimum and Maximum Parking Required by Use... Parking that counts toward the minimum requirement is parking in garages, carports, parking lots, bays along driveways, shared parking, and qualifying on-street parking.*

Table 3.3.300.A – Minimum and Maximum Required Parking by Use	
Use Categories (Examples of uses are in Chapter 1.4; Definitions are in Chapter 1.3.)	Minimum Parking per Land Use (fractions rounded down to the closest whole number)
Maximum Allowed Parking	For parking areas exceeding 25 spaces, no use shall exceed 125% of the minimum requirement
INSTITUTIONAL CATEGORIES	
Basic Utilities	None

B. Central Commercial Zone – Minimum Standards...

C. Leased Parking...

D. Vehicle Parking – Minimum Accessible Parking.

1. Accessible parking shall be provided for all uses in accordance with the standards in Table 3.3.300.B; parking spaces used to meet the standards in Table 3.3.300.B shall be counted toward meeting off-street parking requirements in Table 3.3.300.A...

E. On-Street Parking. On-street parking shall conform to the following standards:

F. Shared Parking.

G. Off-site Parking

H. General Parking Standards...

I. Parking Stall Design and Minimum Dimensions...

Recommended Findings: According to Table 3.3.300.A., no parking is required or proposed with this application. An existing parking facility is in place on site. No modifications are proposed to the existing parking facility, and none are required with this application.

The subject property is not located in the C-C Zone, leased parking is not proposed or required with this application. According to Table 3.3.300.A. and Table 3.3.300.B, no accessible parking is required or proposed with this application. The applicant does not propose off-site parking, or shared parking

Conclusion: Based on the findings above, the criteria **are/are not** met.

Section 3.3.400 – Bicycle Parking Standards. All uses that are subject to Site Design Review shall provide bicycle parking, in conformance with the standards in Table 3.3.400, and subsections A-H, below.

- A. Minimum Required Bicycle Parking Spaces.** Uses shall provide long- and short-term bicycle parking spaces, as designated in Table 3.3.400. Where two options are provided (e.g., 2 spaces, or 1 per 8 bedrooms), the option resulting in more bicycle parking is used.

Table 3.3.400 – Minimum Required Bicycle Parking by Use		
Use Categories	Specific Uses	Bicycle Parking Spaces
INSTITUTIONAL CATEGORIES		
Basic Utilities	Bus transit center	None
OTHER CATEGORIES		

Table 3.3.400 – Minimum Required Bicycle Parking by Use		
Use Categories	Specific Uses	Bicycle Parking Spaces
<i>Other Categories</i>	<i>Determined through LUR, SDR or CUP Review, as applicable</i>	

- B. Exemptions...**
- C. Location and Design...**
- D. Visibility and Security...**
- E. Options for Storage...**
- F. Lighting...**
- G. Reserved Areas...**
- H. Hazards...**

Recommended Findings: The proposed development is a ±60-foot utility pole and the co-location of radio transmission equipment which falls under the Basic Utility category but is not considered a bus transit center as described in Table 3.3.400. The utility pole is not proposed to be open to the public and is proposed to be fenced off from the public right of way. Bicycle parking is not required for this proposal, and none was identified near the proposed development.

Conclusion: Based on the findings above, the criteria **are/are not** met.

Section 3.3.500 – Loading Areas. *Section 3.3.500 applies to residential projects with 50 or more dwelling units, and non-residential and mixed-use buildings with 20,000 square feet or more total floor area.*

Recommended Findings/Conclusion: The proposed use is for a non-residential structure. A utility pole is proposed and does not meet the definition of a building; therefore, the criteria **are/are not** applicable.

CHAPTER 3.4 – PUBLIC FACILITIES

Section 3.4.200 – Public Improvements

- A. Conditions of Development Approval.** *No development may occur unless required public improvements are in place or guaranteed, in conformance with the provisions of this Code.*
- B. Exempt Developments.** *The following developments are excluded from these requirements:*
 - *Signs*
 - *Additions to existing developments which do not increase vehicle and/or pedestrian traffic*
 - *Landscaping, or*
 - *Other similar developments which do not increase vehicle and/or pedestrian traffic*

Recommended Findings: The proposed development is not expected to increase vehicle and/or pedestrian traffic to the subject property. According to the application narrative, *“the required public improvements are already in place.* Approval of this application will bolster the usefulness and longevity of public services

already on the property, plus add an extremely valuable new service, community radio” (Exhibit C).

Conclusion: Based on the findings above, the proposed development **is/is not** considered an exempt use; therefore, the criteria **are/are not** applicable.

Section 3.4.300 – Transportation Standards

A. Development Standards. *The following standards shall be met for all new uses and developments:*

- 1. All new lots created, consolidated or modified through a land division, partition, lot line adjustment, lot consolidation, or street vacation must have frontage or approved access to a public street;*
- 2. Streets and sidewalks within or adjacent to a development that will increase vehicle or pedestrian traffic shall be improved in accordance with the Transportation System Plan and the provisions of this Chapter, except where specifically exempt by subsection (B) below, or other provisions of this Code;*
- 3. Development of new streets, street extensions, and modifications to existing streets, shall be improved in accordance with this Section, and public streets shall be dedicated to the applicable road authority;*
- 4. Bike lanes shall be provided pursuant to the Bike Projects Plan and the standards of this Chapter;*
- 5. Where the TSP designates a multi-use path, construction of a multi-use path in lieu of a standard sidewalk improvement is required.*
- 6. When a developer cannot provide the required sidewalk improvements at the time of development or construction, as applicable, the application shall be processed as a Type III procedure. The City decision body may require the installation of said improvements, the dedication of rights-of-way or easements for future improvements, construction of interim improvements, and/or a property owner agreement to not remonstrate against the formation of a local improvement district created to complete such improvements in the future, in accordance with subsection (B) below.*
- 7. New streets, drives and shared use paths shall be paved with asphalt, concrete, or other all-weather surface approved by the Public Works Director, pursuant to this Chapter.*

Recommended Findings: See findings for BCDC Section 3.4.200 above.

1. No lots are proposed to be created, consolidated or modified through land division, partition, lot line adjustment, lot consolidation or street vacation with this application.
2. Vehicular and pedestrian traffic are not projected to increase with this proposed development.
3. The development, extension, modification or dedication of a public street was not proposed or deemed necessary for this request.

4. A bicycle lane is not identified in the Transportation System Plan for Broadway, 16th or 17th Street abutting the property (Exhibit G).
5. A multi-use path is identified in the Transportation System Plan for 17th Street fronting the subject property (Exhibit G). The property owners have previously signed a Non-Remonstrance Agreement to install curb, gutter, and multi-use path per a Condition of Approval for HOP-18-049/SDR-18-050/CUP-18-051.
6. See findings for subsection 2 above. Public improvements are not required with this development.
7. No new streets, drives or shared use paths were proposed or deemed necessary for this request.

Conclusion: Based on the findings above, the criteria **are/are not** met.

- B. **Guarantee.** The City may accept a future improvement guarantee (e.g., owner agrees not to object to the formation of a local improvement district in the future) in lieu of improvements if one or more of the following conditions exist...*
- C. **Waiver or Deferral of Required Street or Sidewalk Improvements...***
- D. **Creation of Rights-of-Way and Easements...***
- E. **Variances...***
- F. **Street Location, Width, and Grade...***
- G. **Minimum Rights-of-Way and Street Sections...***
- H. **Subdivision Street Connectivity...***
- I. **Traffic Signals and Traffic Calming Features...***
- J. **Future Street Plan and Extension of Streets...***
- K. **Street Alignment, Radii, and Connections...***

Recommended Findings: The Planning Commission reviewed the entirety of these criteria and determined they did not apply to the proposed development request. The property owners have previously signed a Non-Remonstrance Agreement to install curb, gutter, and multi-use path per a Condition of Approval for HOP-18-049/SDR-18-050/CUP-18-051.

Conclusion: Based on the findings above, the criteria **are/are not** applicable.

- L. **Sidewalks, Planter Strips, Bicycle Lanes.** Sidewalks, planter strips, and bicycle lanes shall be installed in conformance with the standards in Table 3.4.100.F, applicable provisions of Transportation System Plan, the Comprehensive Plan, and adopted street plans. Maintenance of sidewalks and planter strips in the right-of-way is the continuing obligation of the adjacent property owner.*

Recommended Findings: See findings for Sections 3.4.200 and 3.4.300 above.

Conclusion: Based on the findings above, the criteria **are/are not** be met.

- M. Intersection Angles...*
- N. Existing Rights-of-Way...*
- O. Cul-de-sacs...*
- P. Grades and Curves...*
- Q. Curbs, Curb Cuts, Ramps, and Driveway Approaches...*
- R. Streets Adjacent to Railroad Right-of-Way.*
- S. Development Adjoining Arterial Streets...*
- T. Alleys, Public or Private...*
- U. Private Streets...*
- V. Gated Communities...*
- W. Street Names...*
- X. Survey Monuments...*
- Y. Street Signs...*
- Z. Mail Boxes...*
- AA. Streetlight Standards...*

Recommended Findings/Conclusion: See findings for BCDC Chapter 3.1 above. The Planning Commission reviewed the entirety of these criteria and determined they did not apply to the proposed development request; therefore, the criteria **are/are not** applicable.

Section 3.4.400 – Public Use Areas

- A. Dedication of Public Use Areas...*
- B. System Development Charge Credit...*

Recommended Findings/Conclusion: No public use areas are proposed to be dedicated with this development request; therefore, the criteria **are/are not** applicable.

Section 3.4.500 – Sanitary Sewer and Water Service Improvements

- A. Sewers and Water Mains Required...*
- B. Sewer and Water Plan Approval...*
- C. Over-Sizing...*
- D. Inadequate Facilities...*

Recommended Findings: No sewer or water is requested for this development. If sewer or water additions or modifications is required in the future coordination with the Baker City Public Works Department.

Conclusion: Based on the findings above, the criteria **are/are not** met.

Section 3.4.600 – Storm Drainage Improvements

- A. General Provisions...*
- B. Accommodation of Upstream Drainage...*
- C. Effect on Downstream Drainage...*
- D. Over-Sizing...*

E. Existing Watercourse...

Recommended Findings: No modifications to the existing stormwater management system are proposed with this application, nor were any requested by the Baker City Public Works Department.

Conclusion: Based on the findings above, the criterion **are/are not** met.

Section 3.4.700 – Utilities

A. Underground Utilities

1. **General Information.** *All new utility lines including, but not limited to, those required for electric, communication, lighting, and cable television services and related facilities shall be placed underground, except for surface mounted transformers, surface mounted connection boxes and meter cabinets which may be placed above ground, temporary utility service facilities during construction, and high capacity electric lines operating at 50,000 volts or above.*
2. **Subdivisions.** *The following additional standards apply to all new subdivisions...*

B. Exception to Undergrounding Requirement. *The standard applies only to proposed subdivisions...*

Recommended Findings: Extension of utilities is proposed with the requested development. Utilities are required to be located below ground to the greatest extent possible. This includes electric communication, lighting, and electric lines operating at $\pm 50,000$ volts or above. This is required as Condition of Approval #4.

No subdivision is proposed.

Conclusion: Based on the findings above, the criteria **can/cannot** be met in accordance with Condition of Approval #4.

Section 3.4.800 – Easements

Section 3.4.900 – Construction Plan Approval and Assurances

Section 3.4.1000 – Installation

A. Conformance Required. *Improvements installed by the developer...*

Recommended Findings: See Section 3.4.200 above. No public improvements are required or proposed with this development. No performance guarantee was requested with the application.

Conclusion: Based on the findings above, the criteria **are/are not** applicable.

CHAPTER 3.6 – RADIO FREQUENCY TRANSMISSION FACILITIES

Section 3.6.100 – Purpose. *The provisions of this section are intended to ensure that radio frequency transmission facilities are located, installed, maintained and removed in a manner that:*

- E. Ensures that all radio frequency transmission facilities, including towers, antennas, and ancillary facilities are located and designed to minimize the visual impact on the immediate surroundings and throughout the community, and minimize public inconvenience and disruption. Nothing in this section shall apply to amateur radio antennas, or facilities used exclusively for the transmission of television and radio signals.*

Recommended Findings/Conclusion: The proposed co-location is for a facility used exclusively for the transmission of radio signals; therefore, the criteria **are/are not** applicable.

V. SUMMARY CONCLUSIONS & PLANNING COMMISSION DECISION

The Commission may approve, approve with conditions, or deny this request. The Commission may, at its discretion, add, delete, or modify proposed conditions of approval.

A Type III Site Design Review may be allowed if the request meets all applicable criteria and standards. The applicant **has/has not** demonstrated that this request for a Site Design Review to construct a ±60 foot tall utility pole and co-locate radio frequency transmission equipment in the R-MD Zone 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 Site Design Review request, SDR-24-117, is hereby **APPROVED/DENIED**, subject to the conditions contained in Section VI of this report.

VI. RECOMMENDED CONDITIONS OF APPROVAL

Should the Commission choose to approve the requested Site Design Review, staff recommends that the following conditions be attached to the approval:

1. **Approval Period.** Site Design Review approval is effective for a period of **TWO YEARS** from the date of approval. The approval shall lapse if a building permit application for the project has not been submitted to the Baker City Building Department within two years from the date of this decision, The Planning Director may, upon written request by the applicant, grant an extension of the approval period, not to exceed one year, provided the extension request is in conformance with the requirements in BCDC Section 4.2.600.C.
2. **Building and Fire Codes.** All development shall meet applicable fire and building code standards. Applicant shall apply for and obtain all necessary permits through the Baker City Building Department and have all necessary inspections completed for the

proposed development.

3. **Fence Permit.** A fence permit shall be obtained from the Baker City Building Department prior to construction or replacement of any new fences.
4. **Underground Utilities.** Extension of the utilities to provide for electric communication, lighting, and electric lines operating at $\pm 50,000$ volts or above shall be installed underground to the greatest extent possible. All installation requirements must be met as required by Baker City Development Code Chapter 3.4.800. Work within or around easements for utilities shall be coordinated with the appropriate utility entity. Confirmation from affected utility entities that corresponding utilities and any necessary easements are in place and satisfactory shall be submitted to the Baker City Planning Department prior to issuance of a Certificate of Occupancy.
5. **Other.** All other city and state regulations pertaining to this development shall be met.

VI. EXHIBITS

Exhibit A:	Assessor's Map
Exhibit B:	ArcGIS Aerial View of Subject Property
Exhibit C:	Application & Written Narrative
Exhibit D:	Applicant's Site Plan
Exhibit E:	Baker City Zoning Map
Exhibit F:	Google Street View of Subject Property from 17 th Street
Exhibit G:	Exerts from the Baker City Transportation System Plan
Exhibit H:	Public Comment from Michael Moeller
Exhibit I:	Public Comment from Matt Krabacher

Exhibit A: Assessor's Map

Tax Lot 3101 in Section 17cc of Township 9 South, Range 40 East, W.M.,
Baker County, OR (Ref. #17934)

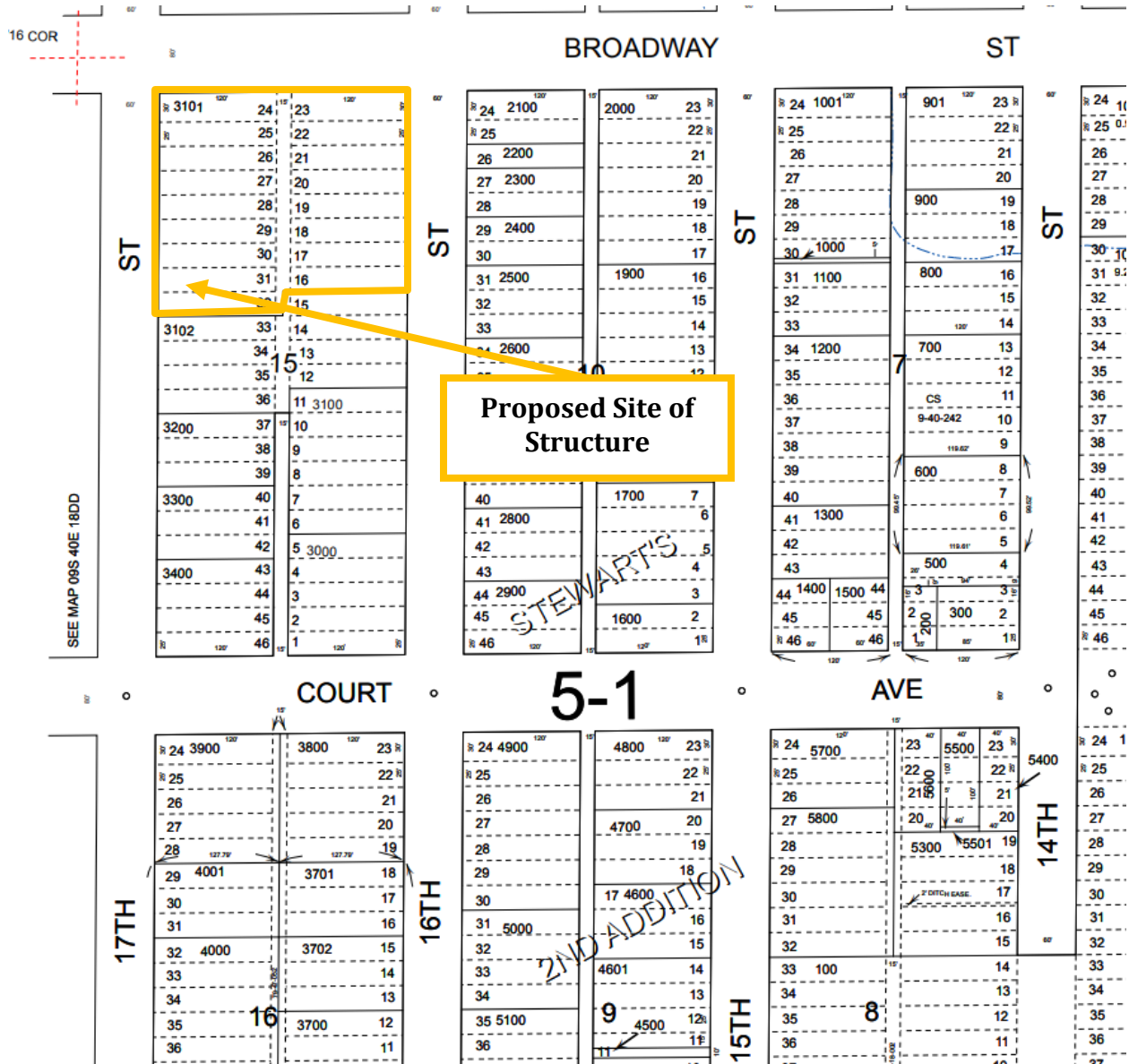


Exhibit B: ArcGIS Aerial View of Subject Property

Tax Lot 3101 in Section 17cc of Township 9 South, Range 40 East, W.M.,
Baker County, OR (Ref. #17934)



Exhibit C: Application & 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 SITE DESIGN REVIEW

124-24-000245-PLNG
File No. SDR- 24 - 117 City Planning: 101-131-3-40-4104
Received by: HK Date Received: 10/2
Fee Collected: \$ NA Date Paid: NA

TYPE: ☒ I ☐ II ☐ III

MAKE CHECKS PAYABLE TO: BAKER COUNTY PLANNING

PROPOSED USE/DEVELOPMENT: Upgraded utility pole and co-
location of community radio antenna

APPLICANT			PROPERTY OWNER		
<u>Veater Brian</u>			<u>same</u>		
Last Name	First	MI	Last Name	First	MI
<u>3451 Broadway St.</u>					
Mailing Address			Mailing Address		
<u>Baker City OR 97814</u>					
Physical Address			Physical Address		
<u>Same</u>					
City	State	Zip	City	State	Zip
Telephone			Telephone		
Email			Email		

PROPERTY INFORMATION

Township 09S Range 40E Section _____ Tax Lot _____ Ref. _____

Township 09S Range 40E Section _____ Tax Lot _____ Ref. _____

Property Address: 3451 Broadway St.

Zone: R-MD Overlay: _____ Floodplain: ☐ YES ☐ NO Historic District: ☐ YES ☐ NO

Size and Type of Existing Structures: Historic school building built
in 1925.

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

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

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

Name: Broadcast Baker Phone: 425.239.9458
Katie Bratcher, Pres
Mailing Address: POB 1163 Email: Katie@broadcast
Baker City OR baker.com
Name: _____ Phone: _____
Mailing Address: _____ Email: _____

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.

By signing the application form, applicant certifies that the information provided herein is accurate. Applicant further certifies 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 division of land. The City of Baker City does not monitor, nor have enforcement authority over CC&Rs.

Applicant Signature: Ramon Vega Date: 10/25/24
Property Owner(s) Signature: Ramon Vega Date: 10/25/24
Corinne Vega Date: 10/25/24

*** 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.

1. Original **APPLICATION FORM** signed by all parties. Multiple forms may be used if necessary.
2. **NARRATIVE** including all approval criteria and your responses.
3. **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 1/2 X 11 shall be folded to 8 1/2 X 11 size.

APPLICABLE BAKER CITY DEVELOPMENT CODE (BCDC) SECTIONS

Section 4.2.400(C)(2) – Site Design Review Information. In addition to the general submission requirements, an applicant for Site Design Review shall provide the following additional information, as deemed applicable by the City Planning Official. The Planning Official may deem applicable any information that he or she needs to review the request and prepare a complete staff report and recommendation to the approval body:

1. Proposed Site Plan. The site plan shall generally contain the following information:

TO: HONORABLE MEMBERS, BAKER CITY-COUNTY PLANNING COMMISSION
AND TO: HOLLY KERNS, PLANNING DIRECTOR
FROM: BRIAN VEGTER, APPLICANT
RE: SITE DESIGN REVIEW FOR UPGRADED UTILITY POLE W/RADIO ANTENNA

Thank you so much for the opportunity to bring this matter forward.

We are seeking Site Design Review by the Planning Commission regarding the addition of a new, taller metal pole (60') on the subject property. The existing utility line which crosses 17th Street, the only collector street where oversize vehicles often travel, is drooping and could easily be ripped out by an over height vehicle. If that were to happen, service would be disrupted to the entire neighborhood. The new utility pole would be owned and maintained by OTEC and located in an easement granted to them for that purpose.

In addition to the upgraded utility pole, a tenant at Churchill, the non-profit Broadcast Baker, proposes the co-location of radio antennas on the new utility pole, for the purpose of broadcasting Baker City's new community radio station, 89.9 FM KBZR. The co-location of the antennas is by agreement between Broadcast Baker and OTEC, similar to streetlights and other utilities on poles in our community. Access to these facilities would be strictly limited to OTEC.

We have met with representatives of the Public Works Department and OTEC regarding this plan. Neither have any objections to our proposal. In fact, Joyce was very supportive of the safety improvement aspect of raising the line over 17th Street, noting it's use as a truck route. Neighboring property owners have unanimously supported the proposal, both regarding the safety improvements of the new pole as well as the location of the antenna. Letters from neighbors are included in this packet.

We hope you will see the value in this creative solution we are proposing. The concept of community radio in Baker City has been so well received by the community, please help us make it a reality.

Sincerely,

Brian Vegter

Property Owner

Katie Bratcher

Pres, Broadcast Baker

BAKER CITY DEVELOPMENT CODE (BCDC)

BCDC Section 2.2.110 – Allowed Land Uses. Table 2.2.110 identifies the land uses that are allowed in the Residential Zones...

Table 2.2.110 – Land Uses Allowed in Residential Zones (R-LD, R-MD, R-HD)	
Uses	Status of Use in Zone
Use Categories	Residential Medium-Density (R-MD)
<i>Examples of uses are in Chapter 1.4; Definitions are in Chapter 1.3</i>	
Institutional Categories	
<i>Basic Utilities</i>	<i>P</i>

BCDC Section 4.2.400 – Site Design Review. Land uses and developments exceeding the thresholds in Section 4.2.200(A) require Site Design Review to ensure compliance with the land use and development standards in Article 2 (e.g., lot area, building setbacks and orientation, lot coverage, maximum building height), and the design standards and public improvement requirements in Article 3.

- A. Applicability.** All uses and developments requiring Site Design Review shall be processed using a Type I procedure, except those uses or developments specifically described below...
- B. Procedure.** Where Site Design Review is required, it shall be conducted using a Type I, Type II or Type III procedure, consistent with Section 4.2.400(A), and using the application requirements and approval criteria contained in Sections 4.2.400(C) through 4.2.400(D), below.
- C. Application Submission Requirements.** All of the following information is required for Site Design Review application submittal:
- General Submission Requirements.** An application for Site Design Review shall contain all of the information required for a Type I review (Section 4.1.200), Type II review (Section 4.1.300) or Type III review (Section 4.1.400), consistent with project designations under Section 4.2.400(A).
 - Site Design Review Information.** In addition to the general submission requirements, an applicant for Site Design Review shall provide the following additional information, as deemed applicable by the City Planning Official. The Planning Official may deem applicable any information that he or she needs to review the request and prepare a complete staff report and recommendation to the approval body:
 - Proposed Site Plan.** The site plan shall generally contain the following information...
 - Architectural drawings.** Architectural drawings showing one or all of the following shall be required for new buildings and major remodels:

- c. Preliminary grading & surface water retention plan. A preliminary grading plan prepared by a registered engineer shall be required for development sites 1 acre or larger. The preliminary grading plan shall show the location and extent to which grading will take place, indicating general changes to contour lines, slope ratios, slope stabilization proposals, and location and height of retaining walls, if proposed. Surface water retention and treatment plans may also be required, in accordance with Section 3.4.400.
- d. Landscape plan. A landscape plan may be required and at the direction of the City Planning Official shall show the following:
- e. Sign drawings. If signage is proposed, drawings and information for all signs shall be included. Signs shall conform with Chapter 3.5 – Signs.
- f. Deed restrictions. If deed restrictions are proposed, copies of all existing and proposed restrictions or covenants, including those for access control, shall be provided.
- g. Narrative. A written narrative shall be included, documenting compliance with the applicable approval criteria contained in Section 4.2.400(D) – Approval Criteria.
- h. Traffic Impact Study. When required, a traffic impact study shall be prepared in accordance with the road authority's requirements. See Section 4.1.900 and Section 3.4.100 for relevant standards.
- i. Other Information. As determined by the City Planning Official, the City may require studies or exhibits prepared by qualified professionals to address specific site features or project impacts (e.g., traffic, noise, environmental features, natural hazards, etc.), in conformance with this Code. Supplemental analysis may include Public Facilities and Service Impact Studies. Said studies may be required to quantify and assess the effect of the development on public facilities and services. The City shall advise as to the scope of the study during the required pre-application conference (Section 4.1.600C).
- j. Dedication of Real Property. In situations where this Code requires the dedication of real property to the City...

D. Approval Criteria. The review authority shall make written findings with respect to all of the following criteria when approving, approving with conditions, or denying an application:

1. The application is complete, as determined in accordance with Chapter 4.1 - Types of Applications and Section 4.2.400(C), above.
2. The application complies with all of the applicable provisions of the underlying Land Use Zone (Article 2), including: building and yard setbacks, lot area and dimensions, density and floor area, lot coverage, building height, building orientation, architecture, and other special standards as may be required for certain land uses;

BCDC Section 2.2.120 – Development Standards. The development standards in Table 2.2.120 apply to all uses, structures, buildings, and development, and major remodels in the Residential Zones.

Minimum Lot Area. 9000 ft²

Minimum Lot Width. 50ft for non-residential uses

Minimum Lot Depth. x2 minimum width for non-residential uses

Structure Height. The maximum allowable height of buildings and structures in the R-MD Zone is 35 feet for a level site (slope less than 15%). *Section 2.2.170 (B) provides exclusions from maximum building height standards. Chimneys, bell towers, steeples, roof equipment, flag poles, and similar features not for human occupancy are exempt from the maximum building heights, provided that all applicable fire and building codes are met.

Lot Coverage. The maximum building coverage (footprint as percent of site area) is 60% for Institutional Uses in the R-MD Zone

Response: Lot coverage is not affected by this proposal as no new buildings are proposed.

Minimum Landscape Area. 7% of site area in the R-MD zone

Response: Landscaped area greatly exceeds the minimum as illustrated in images.

Minimum Setbacks. Front/Street- 15 ft., Side Corner Lot side-yard facing ROW- 10 ft., and Rear – 10ft.

Response: The pole will be located on an easement granted to OTEC with standard setbacks for utility poles.

OVERLAY DISTRICTS. Historic District, Special Flood Hazard Area, Wetlands and Interchange Overlay Zone.

3. The applicant may be required to upgrade existing development that does not comply with the applicable land use zone standards, in conformance with Chapter 5.2, Non-Conforming Uses and Development;
4. The application complies with all of the Design Standards in Article 3 and other City Ordinances:
 - a. Chapter 3.1 - Access and Circulation;
 - b. Chapter 3.2 - Landscaping, Street Trees, Fences and Walls
 - c. Chapter 3.3 - Parking and Loading
 - d. Chapter 3.4 - Public Facilities
 - e. Chapter 3.5 - Signs;

- f. Chapter 3.6 –Radio Frequency Transmission Facilities;
 - g. Baker City Design Review Guidelines for Historic District Properties.
5. Existing conditions of approval required as part of a prior Land Division (Chapter 4.3), Conditional Use Permit (Chapter 4.4), Master Planned Development (Chapter 4.5) or other approval shall be met.

Response: (Most sections are detailed below- only need to address what is applicable.)

BCDC Section 3.1.200 – Vehicular Access and Circulation

- A. **Intent and Purpose.** The intent of this Section is to manage access to land uses and on-site circulation, and to preserve the transportation system in terms of safety, capacity, and function. This Section implements the access management policies of the Baker City Comprehensive Plan and Transportation System Plan.
- B. **Applicability.** This Chapter applies to all public streets within the City and to all properties that abut these streets. The standards apply when lots are created, consolidated, or modified through a land division, partition, lot line adjustment, lot consolidation, or street vacation; and when properties are subject to Land Use Review or Site Design Review.

Response: Please describe how the pole would be accessed by the property owners, fire department and/or OTEC. Access for maintenance will be restricted to authorized OTEC personnel only. Emergency and maintenance access is from the parking lot off 16th and through a secure gate.

BCDC Section 4.2.500 – Bonding and Assurances...

BCDC Section 4.2.600 – Development in Accordance with Permit Approval; Modifications; Permit Expiration...

Findings/Conclusion: Public improvements are not required or requested with this development request; therefore, the criteria are not applicable.

BCDC Chapter 3.2 Landscaping, Street Trees, Fences and Walls

3.2.300 Landscaping

- A. **Applicability.** This Section shall apply to all new developments requiring Site Design Review.
- B. **Landscape Plan Required.** A landscape plan is required. All landscape plans shall conform to the requirements in Chapter 4.2.500, Section B.5 (Landscape Plans).

C. **Landscape Area Standards.** The minimum percentage of required landscaping equals:

1. Residential Zones (multifamily): R-LD: 10% of site; R-MD and R-HD 7% of site.

D. **Landscape Materials.** Permitted landscape materials include trees, shrubs, grass, ground cover plants, non-plant ground covers, and outdoor hardscape features, as described below. "Coverage" is based on the projected size of the plants at maturity, i.e., typically three (3) or more years after planting.

1. Existing Vegetation. Existing non-invasive vegetation may be used in meeting landscape requirements. When existing mature trees are protected on the site (e.g., within or adjacent to parking areas) the decision making body may reduce the number of new trees required by a ratio of one (1) inch diameter of new trees at four (4) feet height of new tree(s) for every one (1) inch diameter at four (4) feet height of existing tree(s) protected.
2. Plant Selection. A combination of deciduous and evergreen trees, shrubs, and ground covers shall be used for all planted areas, the selection of which shall be based on local climate, exposure, water availability, and drainage conditions. When new vegetation is planted, soils shall be amended, as necessary, to allow for healthy plant growth.
3. "Non-native, invasive" plants, as per Section 3.2.200.B, shall be removed during site development and the planting of new invasive species is prohibited.
4. Hardscape features, i.e., patios, decks, plazas, etc., may cover up to 30 percent of the required landscape area; except in the Central Commercial Zone where hardscape features may cover up to 100 percent of the landscape area. Swimming pools, sports courts, and similar active recreation facilities may not be counted toward fulfilling the landscape requirement.
5. Ground Cover Standard. All landscaped area, whether or not required, that is not planted with trees and shrubs, or covered with non-plant material (subsection 8, below), shall have ground cover plants that are sized and spaced as follows: a minimum of one plant per 12 inches on center in triangular spacing, or other planting pattern that is designed to achieve 50 percent coverage at maturity of the area not covered by shrubs and tree canopy.
6. Tree Size. Trees shall have a minimum diameter of two (2) inches or greater at time of planting as measured a four (4) feet above grade.
7. Shrub Size. Shrubs shall be planted from 5-gallon containers or larger.
8. Non-plant Ground Covers. Bark dust, chips, aggregate, or other non-plant ground covers may be used, but shall cover no more than 50 percent of the area to be landscaped and shall be confined to areas underneath plants. Non-plant ground covers cannot be a substitute for ground cover plants.

9. Significant Vegetation. Significant vegetation protected in accordance with Section 3.2.200 may be credited toward meeting the minimum landscape area standards. Credit shall be granted on a per square foot basis. The Street Tree standards of Section 3.2.400 may be waived by the City when existing trees protected within the front yard provide the same or better shading and visual quality as would otherwise be provided by street trees.
 10. Storm Water Facilities. Storm water treatment facilities (e.g., detention/retention ponds and swales designed for water quality treatment), when required under Section 3.4.400, shall be landscaped with water tolerant, native plants
- E. - - - - -
- F. **Maintenance and Irrigation.** The use of drought-tolerant plant species is encouraged, and may be required when irrigation is not available. Irrigation shall be provided for plants that are not drought-tolerant. If the plantings fail to survive, the property owner shall replace them with an equivalent specimen (i.e., evergreen shrub replaces evergreen shrub, deciduous tree replaces deciduous tree, etc.). All man-made features required by this Code shall be maintained in good condition, or otherwise replaced by the owner.

Response: Irrigation systems are already in place for the landscaped areas.

3.2.400 Street Trees. Street trees shall be planted for all developments that are subject to Subdivision or Site Design Review. Requirements for street tree planting strips are provided in Section 3.4.300, Transportation Standards. Planting of street trees shall generally follow construction of curbs and sidewalks, however, the City may defer tree planting until final inspection of completed dwellings to avoid damage to trees during construction. The planting and maintenance of street trees shall conform to the following standards and guidelines and applicable requirements of the Baker City Tree Board (Baker City Code Chapter 94):

- A. **Baker City Tree Board Authority.** No trees, shrubs, bushes, or other woody vegetation shall be planted in or removed from any public parking strip or other public place in the City without first securing approval from the Baker City Tree Board administered through the Baker City Public Works Department.
- B. **Growth Characteristics.** Trees shall be selected based on climate zone, growth characteristics and site conditions, including available space, overhead clearance, soil conditions, exposure, and desired color and appearance. The City Public Works Department maintains a tree guide of tree species approved by the Tree Board acceptable for planting in public planting strips. No species other than those included in the list may be planted as street trees without written permission of the City Tree Board (Contact City Public Works Department). The following should guide tree selection in matching an appropriate species to the site:
 1. Provide a broad canopy where shade is desired, except where limited by available space or except in section 4.
 2. Use low-growing trees for spaces under low utility wires.

3. Select trees, which can be “limbed-up” to comply with vision clearance requirements.
 4. Use narrow or “columnar” trees where awnings or other building features limit growth, or where greater visibility is desired between buildings and the street.
 5. Use species with similar growth characteristics on the same block for design continuity.
 6. Avoid using trees that are susceptible to insect damage and trees that produce excessive seeds or fruit.
 7. Select trees that are well-adapted to the environment, including soil, wind, sun exposure, temperature tolerance, and exhaust. Drought-resistant trees should be chosen where they suit the specific soil type.
 8. Select trees for their seasonal color if desired.
 9. Use deciduous trees for summer shade and winter sun, unless unsuited to the location due to soil, wind, sun exposure, annual precipitation, or exhaust.
 10. The diameter of the tree trunk at maturity shall not exceed the width and size of the planter strip or tree well.
- C. **Caliper Size.** The minimum diameter or caliper size at planting, as measured 4 feet above grade, shall be 2 inches.
- D. **Spacing and Location.** Street trees shall be planted within the street right-of-way within existing and proposed planting strips or in sidewalk tree wells on streets without planting strips, except when utility easements occupy these areas. Street tree spacing shall be based upon the type of tree(s) selected and the canopy size at maturity and, at a minimum, the planting area shall contain 16 ft², or typically, 4 feet by 4 feet. In general, trees shall be spaced no more than 30 feet apart, except where planting a tree would conflict with existing trees, retaining walls, utilities and similar physical barriers. All street trees shall be placed outside utility easements. Refer to adopted spacing guidelines in Baker City Code Chapter 94.
- E. **Soil Preparation, Planting and Care.** The developer shall be responsible for planting street trees, including soil preparation, ground cover material, staking, and temporary irrigation for two years after planting. The developer or property owner shall also be responsible for tree care (pruning, watering, fertilization, and replacement as necessary) for two years after planting or until such time as the responsibility is passed-on to the property owner adjacent to the planting strip.
- F. **Street Tree List.** See the City Public Works Department for an official list of permitted street tree species.

3.2.500 Fences and Walls. Construction of fences and walls shall conform to all of the following requirements:

A. General Requirements

1. All fences and walls shall comply with the height limitations of the respective zoning zone (Article 2) and the standards of this Section. The City may require installation of walls and/or fences as a condition of development approval, in accordance with land division approval (e.g., flag lots), approval of a conditional use permit, or site design review approval. New fences and walls require Land Use Review (Type I) approval; if greater than 6 feet in height, a building permit is also required. (See also, Section 3.2.300 for landscape screening wall requirements.)
2. Fences shall not conflict with the requirements for clear vision areas set forth in section 3.1.200(N).
3. All fences shall be constructed and maintained in a structurally sound manner. Fences, which are structurally unsound, are subject to abatement as set forth in subsection (F).
4. Fences may be constructed of wood, masonry, wire, or similar materials employed by standard building practice. Prohibited fence and wall materials include; straw bales; barbed or razor wire; scrap lumber, metal, tires or other scrap or salvage materials not originally designed as structural components of fences.
5. Any free-standing property perimeter wall, which is not a retaining wall, shall be considered a fence. Retaining walls may be constructed to the height necessary to protect a cut-fill type needed grade, but shall be a maximum of nine (9) inches above finished grade along the fill side of the wall.
6. Where an earthen berm is used as a barrier in lieu of a fence, the height restrictions of this resolution shall apply and shall be measured from the highest finished grade of the berm or any fence atop the berm.
7. It shall be the property owner's responsibility and obligation to identify the property line when proposing to construct a fence upon the property line. A property survey may be necessary to accurately determine the property line location. Property line disputes are a civil matter and may not be resolved by the City.

B. Dangerous Fences. No person shall construct or maintain any fence which contains barbed wire as a part thereof, unless it meets the following conditions:

1. It is located inside the area in which certain large animals are allowed according to Baker City Code Chapter 90, and it is actually used or intended for use for control of such animals; or

2. It is actually used for security of commercial or industrial property regardless of location. In such instances, any barbed wire must be planed above a fence at least otherwise six (6) feet in height.
3. No person shall install, maintain or operate any electric fence unless such fence is first approved by the City Manager or his or her designee. Electric fences must be set back at least five (5) feet from the property line or enclosed by additional fencing or other barriers, which prevent access to the electric fence by persons on the adjacent property.

C. Dimensions – Residentially Zoned Fences

1. **Front Yard.** From the front yard setback line (front plane of the structure) to the front property line, no fence shall exceed four (4) feet in height with the following exceptions. The front yard fence height may be up to (6) feet in height in accordance with the following illustration. If the property abuts a commercial or industrial zone, fences may be erected and maintained to a height of eight (8) feet along the commercial or industrial zone line.
2. **Rear and Side Yards.** Fences not to exceed six (6) feet in height are permitted in side and rear yards, but shall not extend into the front yard setback area. If the property abuts a commercial or industrial zone, fences may be erected and maintained to a height of eight (8) feet along the zone line. For residential properties located in a commercial or industrial zone, fences may be up to eight (8) feet tall on side and rear yards.
3. **Gates and Arbors.** One arbor, gate, or similar garden structures not exceeding 8 feet in height and 4 feet in width is allowed within the front yard, provided that it is not within a clear vision triangle.
4. **Swimming Pool...**

Response:

Chapter 3.3 — Parking and Loading

Basic Utilities do not have a minimum parking standard. Loading spaces are not required for this type of development.

Chapter 3.4 — Public Facilities

3.4.200 Public Improvements

A. **Conditions of Development Approval.** No development may occur unless required public improvements are in place or guaranteed, in conformance with the provisions of this Code.

B. **Exempt Developments.** The following developments are excluded from these requirements:

- Signs
- Additions to existing developments which do not increase vehicle and/or pedestrian traffic
- Landscaping, or
- Other similar developments which do not increase vehicle and/or pedestrian traffic

Response: The required public improvements are already in place. Approval of this application will bolster the usefulness and longevity of public services already on the property, plus add an extremely valuable new service, community radio.

3.4.700 Utilities

A. **Underground Utilities**

1. General Information. All new utility lines including, but not limited to, those required for electric, communication, lighting, and cable television services and related facilities shall be placed underground, except for surface mounted transformers, surface mounted connection boxes and meter cabinets which may be placed above ground, temporary utility service facilities during construction, and high capacity electric lines operating at 50,000 volts or above.

Response: This is an upgrade to an existing electrical line, not new service.

Exhibit D: Applicants' Site Plan

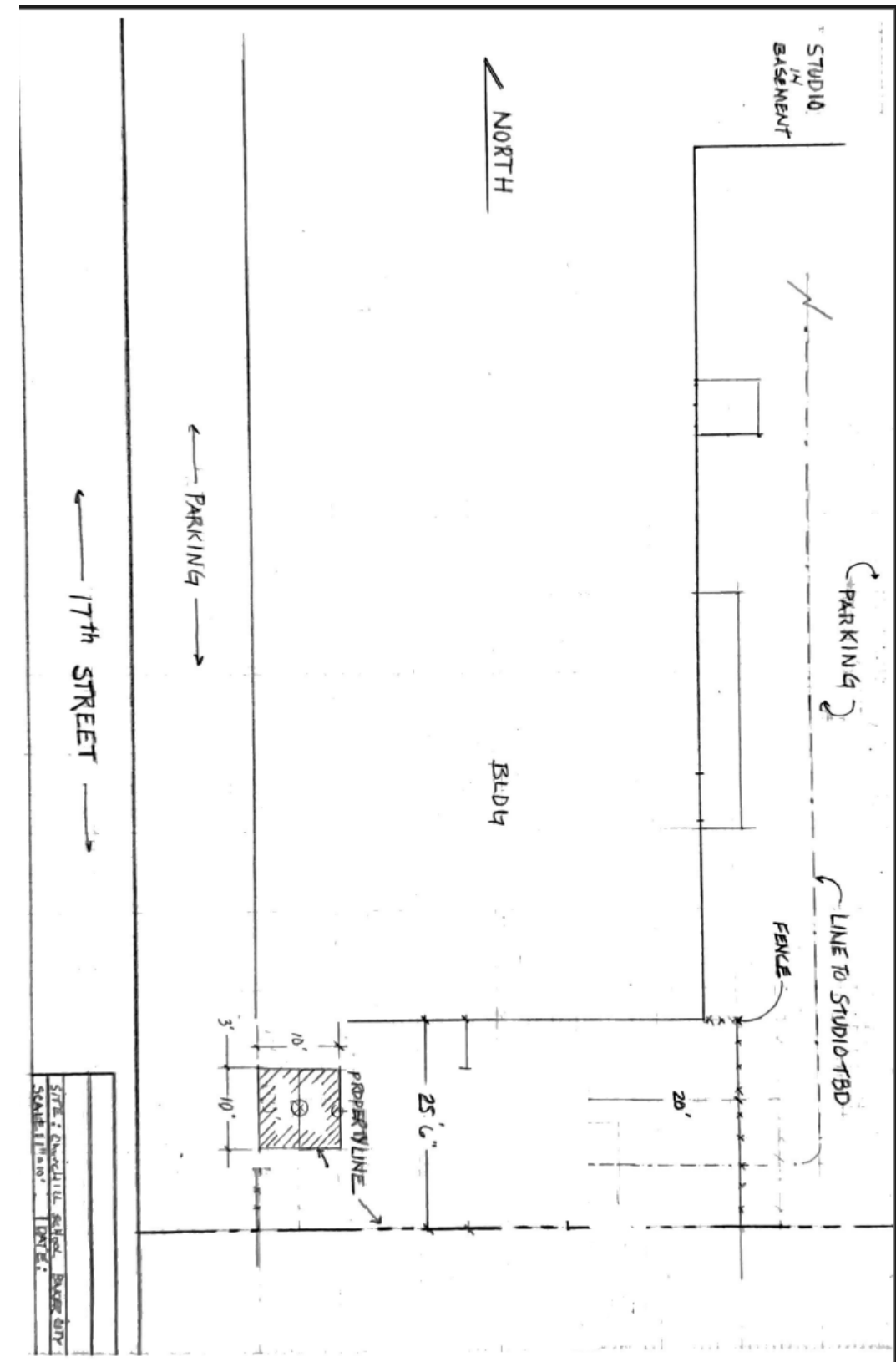
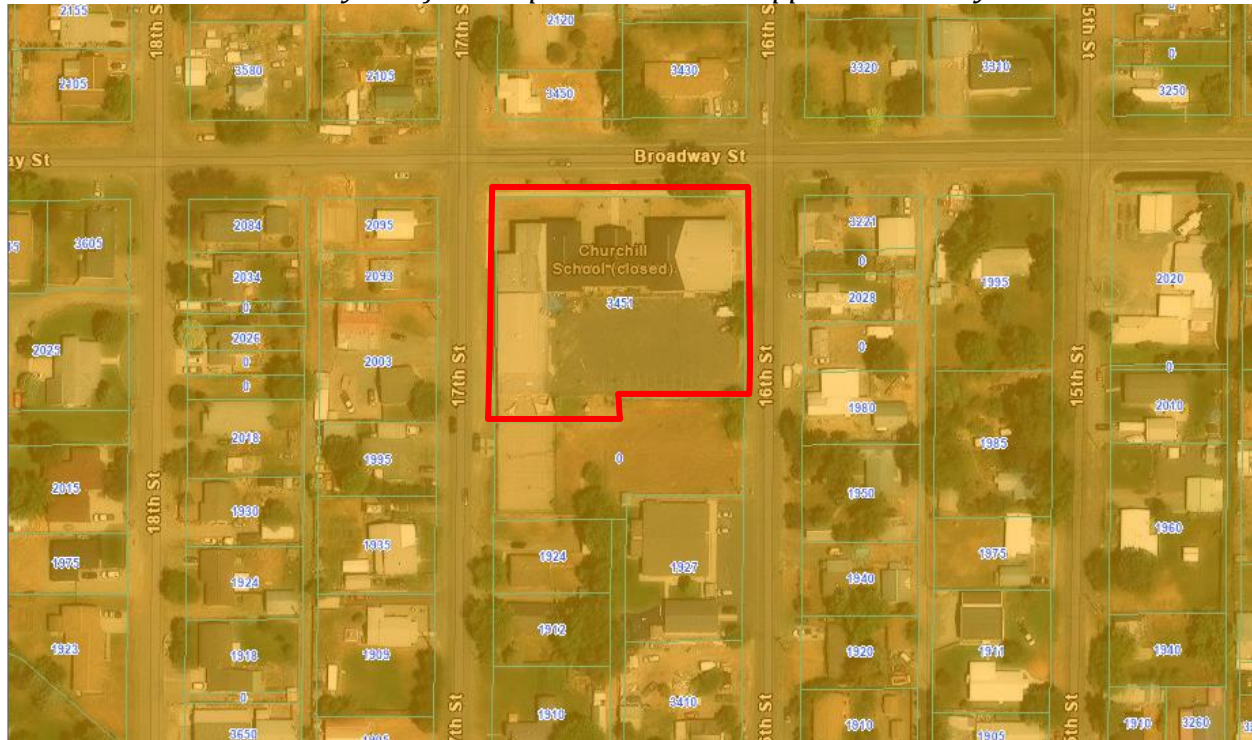


Exhibit E: Baker City Zoning Map

The layout of lots depicted below are approximate only.



**The solid red outline shows the approximate location of the subject property.*

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)		

Exhibit F: Google Street View of Subject Property from 17th Street



Looking south down 17th Street toward location of proposed utility pole



Looking east from 17th Street toward location of proposed utility pole



Looking east from 17th Street toward location of proposed utility pole and neighboring property



Looking north on 17th Street toward location of proposed utility pole

Baker City TSP Update

June 2013



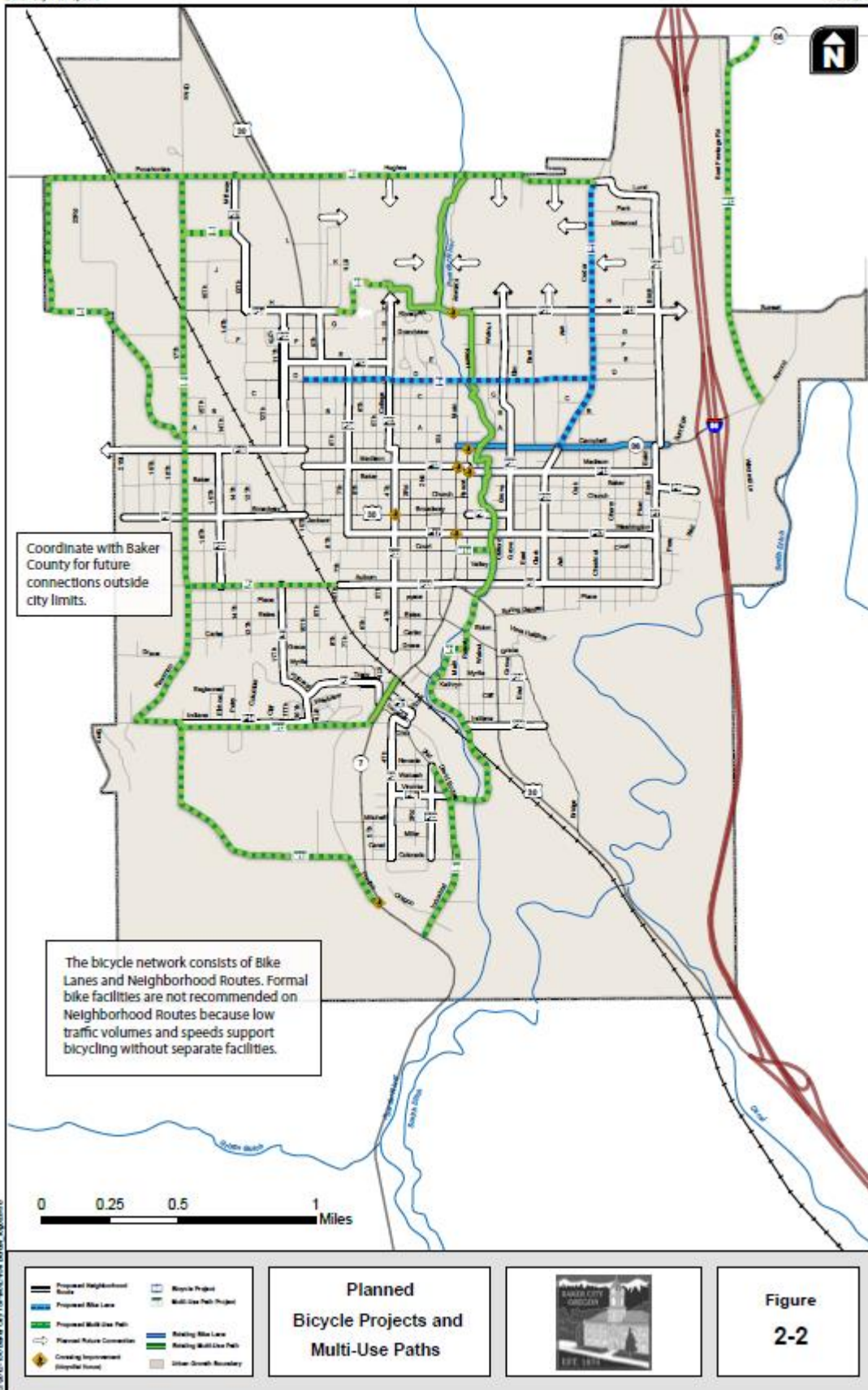


Exhibit H: Public Comment from Michael Moelle

October 1, 2024

Dear Planning Commission,

My name is Michael Moeller and I live on 3430 Broadway Street. I think the addition of a taller utility pole for both raising the lines and adding the community radio antenna is an excellent idea. Many larger vehicles and loads travel through this area. If something were to happen to the lines themselves because of the larger vehicles it would be very inconvenient to the people in this area; the addition of the taller pole could minimize this potential.

In addition, utilizing the pole to place the radio antenna also removes the necessity to add another visual disturbance to our skyline and creates a dual purpose and added value to the community.

I see this as an upgrade to our local infrastructure and have no issue with Churchill pursuing this, and am excited to see it move forward.

Thank you for your time,
Michael Moelle

Exhibit I: Public Comment from Matt Krabacher

October 11, 2024

Dear Planning Commission,

I'm writing to support the addition of a new utility pole at Churchill for the purpose of raising the power lines and co-locating community radio antennas.

I live two doors north of Churchill on 17th and my electricity comes from the same power lines that service Churchill. 17th Street has regular large and non-standard vehicle traffic and to have OTEC raise the line to Churchill seems like a benefit to all residences that would be affected if an oversized vehicle were to damage or break their service line.

I have no problem with the addition of a new utility pole to our neighborhood for the purposes mentioned above.

Sincerely,
Matt Krabacher