



BAKER CITY, OREGON PLANNING COMMISSION MEETING AGENDA

Commissioners:
Aaron Still
Haden Damschen
Laurie Parry
Ken Rockwell
Larisa Bogardus
Tom Shrider

REGULAR MEETING
JANUARY 15, 2025 - 6:00 PM
CITY HALL COUNCIL CHAMBERS

Call to Order/Introduction

- | | |
|----------------------|------------|
| 1. Call to Order | Procedural |
| 2. Roll Call | Procedural |
| 3. Public Comment | Procedural |
| 4. Officer Elections | Procedural |

Old Business

- | | |
|---|------------|
| 5. Review of Minutes from November 20, 2024 | Procedural |
|---|------------|

New Business

- | | |
|---|-------------|
| 6. Public Involvement Review | Discussion |
| 7. RZ-24-129: Rezone request from General Commercial to Residential-High Density at 2815 E Street | Action Item |
| 8. Typographical Revisions to Development Code | Action Item |

Updates and Future Items

- | | |
|----------------------------------|-------------|
| 9. Director's Report | Information |
| 10. Set Next Meeting Date & Time | Action Item |

Adjourn

- | | |
|-------------|------------|
| 11. 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
Ken Rockwell
Larisa Bogardus
Tom Shrider

Created by:

Date: January 15, 2025

Subject: Call to Order

Attachments:

None



BAKER CITY, OREGON STAFF REPORT

Commissioners:

Aaron Still
Haden Damschen
Laurie Parry
Ken Rockwell
Larisa Bogardus
Tom Shrider

Created by:

Date: January 15, 2025

Subject: Public Comment

Attachments:

None



BAKER CITY, OREGON STAFF REPORT

Commissioners:

Aaron Still
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Created by:

Date: January 15, 2025

Subject: Officer Elections

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
November 20, 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

Absent: Haden Damschen

Staff Present: Planning Director Holly Kerns, Senior Planner Madison Tomac, Planning Technician Paul King

II. Old Business

Review of Minutes 10.16.2024

Commissioner Bogardus moved to approve the minutes from the 10/16/2024 Hearing. Commissioner Still seconded. Motion Passed Unanimously.

III. New Business

Chair Miller read the public hearing statement.

CUP-24-108

Declaration of Ex-Parte Contact, Bias, & Conflict of Interest regarding CUP-24-108: Commissioner Rockwell conducted a site visit and observed an existing curb cut to access the accessory structure.

Senior Planner Madison Tomac gave a summary of the application. The first application is a Conditional Use Permit request to approve a 336 square foot awning addition to a previously approved 960 square foot accessory structure, bringing the total structure square footage to 1,296 square feet.

The proposed structure is accessory to the primary use, a residence located on the adjacent property to the east at 1639 Clark Street in the Residential High-Density Zone. Both properties are held in common ownership.

Commissioner Rockwell asked about any concerns from Public Works regarding driveway access, and there were none.

There were no further questions for staff. Chair Miller invited the applicant to testify.

Chuck Carey, 1639 Clark Street, Baker City, OR 97814: The proposed addition is to better able shelter and RV that is stored on the property.

Commissioner Rockwell asked if they planned to build a cement apron around the existing curb cut, to which Mr. Carey said no. There were no further questions from the Commissioners.

Chair Miller asked those in support of or in opposition to the application to testify. There were none.

The Commissioners began deliberating.

The Commissioners agreed that the application meets criteria. Commissioner Rockwell had some concern regarding access but found the application to meet all criteria.

Commissioner Parry moved to approve CUP-24-108 with amended Conditions of Approval. Commissioner Bogardus seconded. Motion passed unanimously.

SDR-24-117

Declaration of Ex-Parte Contact, Bias, & Conflict of Interest regarding SDR-24-117: Chair Miller works at Churchill and therefore recused himself from the hearing, with Commissioner Still becoming the acting Chair. Commissioner Still spoke with Charlie Tracy from OTEC regarding the need for raising the power line, and Mr. Tracy told Commissioner Still that there are other options to raise the sagging power line without a 60-foot-tall poll and conducted a site visit.

Senior Planner Madison Tomac gave a summary of the application. Application SDR-24-117 is an application for 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.

Planner Tomac addressed some of the concerns outlined in Exhibit J and L, the Baker City Development Code does not have any criteria to address regarding health risks and the FCC sets standards for health. The local government can verify compliance with the FCC's exposure limits. If this application is found to meet the criteria, a Condition of Approval could be added stating similar to the following: "Radio broadcast facilities are required to verify requirements with Federal Communications Commission (FCC) standards, including those for exposure limits. The applicant/property owner shall supply a copy of permits or licenses from the FCC to the Planning Department."

Commissioner Rockwell asked about the process for OTEC to site a utility pole in most circumstances. Director Kerns answered that utility pole are generally not required to receive a permit to be sited. Commissioners Still and Parry asked various clarifying questions regarding the exact nature of the application.

Commissioner Rockwell discussed that radio transmission equipment is not allowed in the residential zones and questioned whether the application is for a utility colocation or for a radio transmission tower, given the excess height of the proposed utility pole.

Chair Still invited the applicant to testify.

Brian Vegter, 3451 Broadway Street, Baker City OR: Mr. Vegter said that he was initially told by the Planning Department that the radio transmission tower was exempt and bought a 60-foot transmission pole under that assumption. After learning that the exemption was for a tower collocated on the existing building, and not for a tower sited on the ground.

Commissioner Rockwell asked about the height if it were collocated on the building, and Mr. Vegter said it would likely be 60 feet tall.

Chair Still asked about alternate locations for the tower, and Mr. Vegter said that it would cost more money on a regular basis to transmit FM waves off site.

Commissioner Rockwell asked if OTEC would own and install the pole, to which Mr. Vegter answered yes.

Katie Bratcher, 3310 Eagle Crest Way, Baker City, OR 97814: Ms. Bratcher is the president of the non-profit radio station Broadcast Baker KBZR. Ms. Bratcher discussed the nature of the request, noting that KBZR would be “low power” and discussed the FCC license that KBZR would operate under. Ms. Bratcher conceded that there likely is not a need for a 60-foot-tall utility pole, but that it “wouldn’t hurt”, and elevating the existing utility wires would benefit over-height traffic on 17th Street. Ms. Bratcher discussed RF exposure concerns and noted that Mr. Vegter would live on site with no concern over exposure, and RF exposure would be within FCC-recommended thresholds. KBZR is considering the proposed height in part so that RF exposure would be cut by 50% on the ground.

Chair Still asked how they are broadcasting now, and Ms. Bratcher said that it is streamed over the internet at this point. KBZR has less than a year to get on FM waves or they lose the license.

Arthur Sappington, 3055 10th Street Apt. 9, Baker City, OR 97814: Mr. Sappington testified in support of community radio.

Lindianne Sappington, 3055 10th Street Apt. 9, Baker City, OR 97814: Ms. Sappington spoke about her experience with community radio and advocated for the radio antenna, naming benefits she saw for the community from the radio station.

Paul Garvin 43685 Pocahontas Rd, Baker City, OR 97814: Mr. Garvin is a member of the board of the radio station. Mr. Garvin reiterated the value of public radio. Commissioner Still reminded Mr. Garvin that the application is site specific, and the Commission does see the value of community radio.

Taylor Lee 3645 Birch Street, Baker City, OR 97814: Mr. Lee is a member of the radio board and testified about the benefits of community radio.

Chair Still invited anyone else in support to testify those in opposition to testify.

Valerie Omann, 2003 17th Street, Baker City, OR 97814: Ms. Omann testified in opposition to the 60-foot pole, and said that the height is not needed for the utility, but it is really for the radio tower and did not see a real utility need. Ms. Omann detailed her concerns about health risks, and how the pole may affect her property values.

Chair Still invited anyone else in the audience to testify in opposition. Seeing none, Chair Miller invited Mr. Vegter to provide rebuttal testimony.

Brian Vegter 3451 Broadway, Baker City, OR 97814: Mr. Vegter clarified that the radio waves would have no effect on Wi-Fi, and the height proposed is based on FCC guidelines regarding allowed RF levels.

Commissioner Rockwell asked how the tower would look on the roof, and Mr. Vegter said it wouldn't look much unlike the radio antenna atop the fire station.

Commissioner Parry asked how an antenna would be exempt if collocated on the building, and Director Kerns said that collocation of new equipment is allowed in the zone if it collocated on an existing structure.

The Planning Commissioners discussed the definition of "collocation" and how that relates to the proposed radio equipment regarding its use being allowed within the Residential Medium-Density Zone. Chair Still established his belief that the application before them is really for a radio transmission tower and not for utility collocation, which is not an allowed use within the zone. Commissioner Bogardus recalled prior transmission tower applications that came before the Planning Commission in the past that were denied because of their height excess height.

Commissioner Parry asked Staff if OTEC would be allowed to install a utility pole in the future and then the applicants apply for a collocation later, and Director Kerns answered affirmatively. Commissioner Parry suggested to the applicant that OTEC ought to install the pole (which would not require a Planning Commission decision), and then apply for a collocation of radio equipment, which would be an allowed use.

Commissioner Still moved to deny the application. Commissioner Bogardus seconded the motion. Motion carried unanimously.

IV. Updates and Future Items

Director's Report

Director Kerns reported that the Planning Department is looking at contractors to perform an audit of the Baker City Development Code to help alleviate barriers to establishing new housing within Baker City, as well as assisting with other miscellaneous updates to the Code.

Date and Time for Next Meeting

Next meeting will be December 18, 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-COUNTY PLANNING DEPARTMENT



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Phone: (541) 523-8219 | Fax: (541) 523-8340



BAKER CITY PLANNING COMMISSION REVIEW OF PUBLIC INVOLVEMENT PROCEDURES

Staff Report Date: January 3, 2024

Report Prepared by: Holly Kerns, Planning Director

Planning Commission Meeting: January 15, 2025

Statewide Planning Goal 1, Citizen Involvement, requires *“a citizen involvement program that insures the opportunity for citizens to be involved in all phases of the planning process.”* Baker City implemented this goal through the Comprehensive Plan chapter **Public Involvement and Procedures for Planning**. One of the implementation measures in this chapter anticipates the need to review and adapt procedures over time, reading, *“The Planning Commission will annually review the effectiveness of formal and informal procedures for public involvement and make suggestions to the City Council for improvements.”*

This staff report provides an overview of both the formal and informal procedures the Planning Department and Planning Commission use to get information about planning **to and from** members of our community.

Formal Procedures

Formal procedures for public involvement are included in the Development Code.

- Attachment 2 (see highlights) shows the requirements for public notification and opportunities for citizen involvement in decision making, including appealing a decision. As the complexity of the application increases, the opportunity for citizen involvement increases.
- All Planning Commission and City Council meetings are open to the public both in person and through the internet. Meeting information is available on the City’s webpage: <https://bakercity.com/2293/Meeting-Materials-Webcasts>.
- For most legislative decisions, notices are mailed to every property owner of properties that could be impacted by a change (called Measure 56 notices).
- Impacted departments and agencies are notified of applications and proposed legislative changes with an opportunity to participate.

Informal Procedures

Informal procedures for public involvement are not required by the Development Code but are other ways the Planning Commission and Planning Department raise awareness and promote participation in planning decisions.

- Planning Department webpage. Information about large projects, particularly in relation to the City’s housing work, have been included on the City’s website.
- Communication with media: The Planning Department provides interviews on items

of interest to the media, and contacts the media about creating an article for high interest policy discussions.

- For legislative decisions, commonly used methods are:
 - Radio ads
 - Open houses to provide/receive information and have informal discussions
 - Flyers posted on community billboards
 - Information on the City's website (often a dedicated webpage)
 - Planning Commission work sessions open to the public
 - Technical advisory groups
- The Housing Production Strategy provided an opportunity to use new methods of community engagement, including:
 - Placing table tents at local businesses
 - Providing surveys, both online and paper copies
 - Participating in focus group interviews
 - Hiring a translator/interpreter to produce materials in Spanish and convert questions and feedback into English
 - Sharing information on Baker City's Facebook page
 - The Planning Department created an email list of individuals interested in keeping up with the City's housing policy work.

Planning Commission Action

1. Review the effectiveness of formal and informal procedures for public involvement
2. Make suggestions to the City Council for improvements

Attachments

1. Statewide Planning Goal 1
2. Baker City Comprehensive Plan Chapter - Public Involvement and Procedures for Planning
3. Baker City Development Code Chapter 4.1 (public involvement is highlighted)

BAKER CITY-COUNTY PLANNING DEPARTMENT



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STAFF REPORT to the BAKER CITY PLANNING COMMISSION for an AMENDMENT to the BAKER CITY COMPREHENSIVE PLAN and ZONING MAPS – City Case No. RZ-24-129

Report Date: January 8, 2025

Report Prepared by: Tara L. Micka, Senior Planner

Hearing Date: January 15, 2025

I. GENERAL INFORMATION AND FACTS

Applicant:	Atlas Land Use Consulting 42692 Pocahontas Road Baker City, OR 97814
Property Owner:	Geraldine Herbes 3123 Estampida San Clemente, CA 92673
Land Use Review:	Rezone of property from General Commercial (CG) to Residential High-Density (RHD)
Property Description:	±.73 acres: Tax Lots 4600 & 4700 in Section 17BA of Township 9 South, Range 40 East, W.M., Baker City, Oregon (Refs. 2017, 2018).
Site Address & Location:	2815 E Street, Baker City, OR – Bounded by D Street on the south, E Street on the north and 9 th Street on the west.
Land Use Zone:	General Commercial (CG)
Existing Development:	Outbuildings
Proposed Development:	No development is proposed with this rezone request.
Special Flood Hazard Area:	The property is not located within an identified floodplain or floodway according to FEMA FIRM #41001CO385C dated June 3, 1988.
Wetlands:	Wetlands are not identified on the subject property according to the 1995 National Wetlands Inventory Map for Baker, Oregon

Parcel Legally Created: The subject property was legally created according to Deed Book 172, Page 969, recorded with the Baker County Clerk's Office on May 17, 1963.

II. PURPOSE & BACKGROUND: The Planning Commission will make a recommendation to the City Council on a proposed revision to the Baker City Comprehensive Plan and Zoning Maps. Atlas Land Use Consulting on behalf of the property owner, Geraldine Herbes, proposes to rezone approximately $\pm$.73 acres from General Commercial (CG) to Residential High-Density (R-HD). The subject property is abutted by General Commercial (CG) zoned properties to the north and west, Residential Medium-Density (RMD) zoned properties to the east and Residential High-Density (RHD) zoned properties to the south (Exhibit 2). Maps of the property proposed to be rezoned are included in Exhibits 1, 2 & 4.

III. APPLICABLE CRITERIA & FINDINGS:

Quasi-judicial land use decisions must comply with the criteria in Section 4.7.300-600 of the Baker City Development Code and Oregon Administrative Rule 660-012-0060. The following goals, rules, plan policies, and Development Code text are the criteria applicable to review of the proposal. If approved, record of the amendment will be recorded in Article 6 of the Development Code as shown in Exhibit 5.

BAKER CITY DEVELOPMENT CODE (BCDC)

Chapter 4.7 – Land Use District Map and Text Amendments:

Section 4.7.300 Quasi-Judicial Amendments

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

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

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

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

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

Recommended Findings:

- 1-2. See findings for the Baker City Comprehensive Plan and Statewide Planning Goals addressed in this report.
3. According to the applicant, *“The subject properties are currently served by City sewer and water, with extension of those services to future development available. City streets serve the properties in their current configuration. Upon future development of the property, all required public facilities will be provided as required by the Baker City Development Code”* (Exhibit 4).

The applicant requests rezoning the subject property from General Commercial to Residential High-Density. The allowed density in the Residential High-Density zone is 4-45 dwelling units per acre. The subject property measures .73 acres; therefore, at maximum density, $0.73 \text{ acres} \times 45 \text{ dwelling units per acre} = 32.85 \text{ dwelling units}$. While not part of this rezone, the applicant has indicated that a 16.5-foot-wide alleyway will be provided with future development, which would be an unbuildable portion of the subject property. If the alleyway area is removed from the buildable land, the calculation would be $.637 \text{ acres} \times 45 \text{ dwelling units} = 28.65 \text{ dwelling units}$. If the rezone is approved, the maximum density on the subject property would be between 28.65 and 32.85 dwelling units. To reach this maximum density, both single-family dwellings and multi-family uses would need to be constructed on the property (i.e. apartments, triplexes, etc....). The maximum lot coverage in this zone (*footprint as a % of site area*) is between 50-70%. Permitted uses in the Residential High-Density Zone include single-family dwellings, accessory dwelling units, cottage clusters, manufactured homes, multi-family developments, a bed & breakfast inn, group living facilities, basic utilities, daycares, and accessory structures.

In the General Commercial Zone, there are no maximum density standards; however, the lot coverage is limited to 90-93%. Permitted uses in this zone range from a new dwelling built in conjunction with a permitted commercial use (residential use above or below ground floor commercial area) and multi-family developments to commercial educational services, offices, retail sales and service uses, fully enclosed industrial services or manufacturing and production uses, along with wholesale sales, basic utilities, colleges, community service uses, daycares, medical centers and schools.

Comments from the Public Works Director state, *“With regard to public utilities, Public Works has reviewed the existing infrastructure and have determined the following: a. The water infrastructure in the area is sufficient to accommodate the conceptual number of dwelling units”* (Exhibit 7). Regarding wastewater, these comments go on to say: *“The wastewater infrastructure presents some challenges along the 9th street frontage in terms of ability to serve. The terminus of the existing main line is relatively shallow. If the main must be extended to serve the northern portion of the parcel, the extension distance would be limited. Likewise, the placement of dwelling units on the parcel may require that the owner/developer use a lift station to obtain gravity flow to the main line. Further, a considerable number of dwelling units could potentially require extension of the deeper mainline located approximately 150 feet south of G Street or to the mainline located on D Street (this extension would require dedication of a public alleyway along the west portion of the parcel.) The serviceability of wastewater will be determined when a development plan is submitted.”*

Additional information regarding wastewater was provided by the Public Works Director stating, *“It is difficult to put a number to how many units until we see a development plan...The current wastewater infrastructure has the capacity to serve up to the maximum 32.85 dwelling units. My concern is primarily the logistics of serving the north portion of the parcel. The only mainline currently available to serve this lot does not have adequate depth. If the parcel were to be developed to the full capacity of 28.65 - 32.85 dwelling units divided equally on the four lots, serving 7 - 8 units on the north lot would be difficult if not impossible.”*

“The public wastewater facility is not currently inadequate. There is a potential for service issues based on the development plan...The facility plan does not address this issue in the 20-year planning period. I believe this is due to the existing infrastructure to the north (south of ‘G’ Street) and to the South (‘D’ Street) that has adequate depth to serve larger development in the area.

“As stated above, the ability to serve will be dependent upon the development plan. Extension of the 9th Street mainline or connection primarily to the ‘D’ Street mainline would resolve the adequacy. Keep in mind that mainlines must be constructed/extended within the public right of way or within easements dedicated for public utilities. Additionally, the applicant for service must own or control the property to be served at the terminus of the lateral. In other words, a lateral could not connect at ‘D’ Street and serve the lot at ‘E’ Street if the parcel were divided and under separate ownership” (Exhibit 7).

The subject property is bounded by three public streets as follows: E Street borders the subject property on its northern boundary, 9th Street on its eastern boundary and D Street on its southern boundary. These streets are currently developed with an asphalt surface, curb and gutter. E Street is also developed with sidewalk.

The Public Works Director states significant traffic impacts are not anticipated as a result of the rezone (Exhibit 7). See findings for BCDC Section 4.7.600 for additional information about the transportation network and findings for the Baker City Comprehensive Plan *Public Facility Plan* section.

4. According to the applicant, *“This proposal has been formed based on the belief that a rezoning of these properties from commercial to residential would benefit the Baker City community as a whole, as detailed further in this application”* (Exhibit 4). The requested rezone does not correct a mistake or inconsistency in the comprehensive plan or land use zone map.

Comments were provided from Liz White, Owner/Operator of Paizano’s Pizza and Bad Barkley LLC at the corner of 10th and D Streets, which state, *“My husband Steve and I were both happy to hear that someone is planning to build houses and add an egress alley to the block. We are in favor of those changes”* (Exhibit 6).

5. See findings for BCDC Section 4.7.600 below.

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

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

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

Recommended Findings: The Planning Commission may recommend conditions of approval, and the City Council can require conditions of approval, based on the applicable regulations and evidence in the record. If approved by the City Council, a record of the zone map and comprehensive plan map amendment will be included in Article 6 of the Baker City Development Code. See criteria under Article 6 and the accompanying table in Exhibit 5.

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

Section 4.7.600 – Transportation Planning Rule Compliance

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

1. *Change the functional classification of an existing or planned transportation facility (exclusive of correction of map errors). This would occur, for example, when a proposal causes future traffic to exceed the levels associated with a “collector” street classification, requiring a*

change in the classification to an “arterial” street, as identified by the City’s Transportation System Plan (“TSP”); or

- 2. Change the standards implementing a functional classification system; or*
- 3. Reduce the performance of an existing or planned transportation facility below the minimum acceptable performance standard identified in the City’s Comprehensive Plan; or*
- 4. Worsen the performance of an existing or planned transportation facility that is otherwise projected to perform below the minimum acceptable performance standard identified in the road authority’s transportation system plan (TSP).*

Recommended Findings: This application requests both a land use zoning map and comprehensive plan map change.

1. According to the applicant, *“The Baker City TSP (page 35) shows local (E and 9th) and collector (D) streets immediately abutting the subject properties. No change in the functional classification of existing or planned transportation facilities is proposed or required to support this request”* (Exhibit 4). The applicant provided a Trip Generation Letter comparing commercial and residential uses (see Attachment 4 of Exhibit 4). This Trip Generation Letter concludes, *“Based on figures from the ITE Trip General Manual 7th Edition, a re-zone of lands from commercial to residential appears to result in a significant reduction of anticipated ADT, as outlined in Table 4 below. This falls below the threshold necessary to evaluate when determining significance”* (Attachment 4 of Exhibit 4).

The applicant requests rezoning the subject property from General Commercial to Residential High-Density. The allowed density in the Residential High-Density zone is 4-45 dwelling units per acre. The subject property measures .73 acres; therefore, at maximum density, $0.73 \text{ acres} \times 45 \text{ dwelling units per acre} = 32.85 \text{ dwelling units}$. While not part of this rezone, the applicant has indicated that a 16.5-foot-wide alleyway will be provided with future development, which would be an unbuildable portion of the subject property. If we remove this alleyway portion out of the buildable land, the calculation would be $.637 \text{ acres} \times 45 \text{ dwelling units} = 28.65 \text{ dwelling units}$. If the rezone is approved, the maximum density on the subject property would be between 28.65 and 32.85 dwelling units. To reach this maximum density, both single-family dwellings and multi-family uses would need to be constructed on the property (i.e. apartments, triplexes, etc....). The maximum lot coverage in this zone (*footprint as a % of site area*) is between 50-70%. Permitted uses in the Residential High-Density Zone include single-family dwellings, accessory dwelling units, cottage clusters, manufactured homes, multi-family developments, a bed & breakfast inn, group living facilities, basic utilities, daycares, and accessory structures.

In the General Commercial Zone, the lot coverage is limited to 90-93%. Permitted uses in this zone include a new dwelling built in conjunction with a permitted commercial use (residential use above or below ground floor commercial area), multi-family developments, commercial educational services, offices, retail sales and service uses, fully enclosed industrial services or manufacturing and production uses, along with wholesale sales, basic utilities, colleges, community service uses, daycares, medical centers and schools. There are no maximum density standards in the General Commercial Zone.

2. According to the applicant, “No change to the standards implementing a functional classification system is proposed” (Exhibit 4). The Transportation System Plan defines the street classifications as follows:
 - **Arterials.** Arterials are roadways that are primarily intended to serve traffic entering and leaving the urban area. While arterials may provide access to adjacent land, that function is subordinate to the mobility service provided to major traffic movements. Arterials also serve local pedestrian and/or bicycle activities, which should be accommodated in the arterial streetscape.
 - **Collectors.** Collector streets generally facilitate the movement of traffic within the city’s urban areas. Collectors provide for circulation and mobility for all users of the system. Collectors carry lower volumes than arterials and typically have two-lane cross-sections with on-street parking. They serve as the primary routes into residential neighborhoods. Although they carry higher volumes than local streets, they are intended to provide direct access to adjacent land rather than serving through traffic.
 - **Local Streets.** Local streets are primarily intended to provide access to abutting land uses. Local street facilities offer the lowest level of mobility and consequently tend to be low-speed facilities. As such, local streets should primarily serve passenger cars, pedestrians, and bicyclists. Heavy truck traffic is discouraged. On street parking is common. Sidewalks are provided, though the relatively low travel speeds and traffic volumes allow bicycles to share the vehicle travel lanes.
3. According to the applicant, “No changes are proposed which would reduce the performance of an existing or planned transportation facility. D, E, and 9th Streets surrounding the subject properties could handle the amount of traffic generated by residential development (see attached Trip Generation Letter for more detail” (Attachment 4 of Exhibit 4). According to the referenced Trip Generation Letter, “Based on figures from the ITE Trip General Manual 7th Edition, a re-zone of lands from commercial to residential appears to result in a significant reduction of anticipated ADT, as outlined in Table 4 below. This falls below the threshold necessary to evaluate when determining significance” (Attachment 4 of Exhibit 4).
4. No changes are proposed which would worsen the performance of an existing or planned transportation facility.

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

According to the Baker City Public Works Director, “Public Works does not anticipate the rezone proposal will have a significant impact on the existing transportation facility” and “Public Works does agree with the information provided in the Trip Generation Letter” (Exhibit 7).

Conclusion: Based on the findings above, the proposed revisions **do/do not** significantly affect the transportation facility.

Sections B & C below are only required to be evaluated if a significant effect to a transportation facility is found to exist, which is determined in accordance with Section A above.

B. Amendments That Affect Transportation Facilities. *Except as provided in subsection C, amendments to the comprehensive plan and land use regulations which significantly affect a transportation facility shall assure that allowed land uses are consistent with the function, capacity, and level of service of the facility identified in the TSP. This shall be accomplished by one of the following:*

- 1. Adopting measures that demonstrate that allowed land uses are consistent with the planned function of the transportation facility; or*
- 2. Amending the Comprehensive Plan to provide transportation facilities, improvements, or services adequate to support the proposed land uses; such amendments shall include a funding plan to ensure the facility, improvement, or service will be provided by the end of the planning period; or,*
- 3. Altering land use designations, densities, or design requirements to reduce demand for automobile travel and meet travel needs through other modes of transportation; or*
- 4. Amending the planned function, capacity or performance standards of the transportation facility; or*
- 5. Providing other measures as a condition of development or through a development agreement or similar funding method, specifying when such measures will be provided.*

C. Exceptions. *Amendments to the Comprehensive Plan or land use regulations with a significant effect on a transportation facility, where the facility is already performing below the minimum acceptable performance standard identified in the road authority's transportation system plan (TSP), may be approved when all of the following criteria are met:*

- 1. The amendment does not include property located in an interchange area, as defined under applicable law;*
- 2. The currently planned facilities, improvements or services are not adequate to achieve the standard;*
- 3. Development resulting from the amendment will, at a minimum, mitigates the impacts of the amendment in a manner that avoids further degradation to the performance of the facility by the time of the development; and*
- 4. The road authority provides a written statement that the proposed funding and timing for the proposed development mitigation are sufficient to avoid further degradation to the facility.*

Recommended Findings: If a determination of significance is made, then it shall be assured that the allowed land uses are consistent with the function, capacity, and level of service of the facility identified in the TSP as outlined in subsection B above. Amendments to the Comprehensive Plan with a significant effect on a transportation facility, where the facility is already performing below the minimum acceptable performance standard identified in the City's TSP, may be approved if all of the exception criteria outlined in subsection C above are met.

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

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

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

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

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

Recommended Findings: *A Trip Generation letter was provided by the applicant in lieu of a Traffic Impact Study. According to the applicant's Trip Generation Letter (Attachment 4 of Exhibit 4), "Summary: Based on figures from the ITE Trip Generation Manual 7th Edition, a re-zone of lands from commercial to residential appears to result in a significant reduction of anticipated ADT, as outlined in Table 4 below. This falls below the threshold necessary to evaluated when determining significance."*

According to the Baker City Public Works Director, "Public Works does not anticipate the rezone proposal will have a significant impact on the existing transportation facility" and "Public Works does agree with the information provided in the Trip Generation Letter" (Exhibit 7).

See findings for OAR 660-012-0060 below.

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

The following Oregon Administrative Rule is only required to be evaluated if a significant effect to a transportation facility is found to exist.

OREGON ADMINISTRATIVE RULE 660-012-0060 (Transportation Planning) Plan and Land Use Regulation Amendments

- (1) *If an amendment to a functional plan, an acknowledged comprehensive plan, or a land use regulation (including a zoning map) would significantly affect an existing or planned transportation facility, then the local government must put in place measures as provided in section (2) of this rule, unless the amendment is allowed under section (3), (9) or (10) of this rule. A plan or land use regulation amendment significantly affects a transportation facility if it would:*
- a) Change the functional classification of an existing or planned transportation facility (exclusive of correction of map errors in an adopted plan);*
 - b) Change standards implementing a functional classification system; or*
 - c) Result in any of the effects listed in paragraphs (A) through (C) of this subsection. If a local government is evaluating a performance standard based on projected levels of motor vehicle traffic, then the results must be based on projected conditions measured at the end of the planning period identified in the adopted TSP. As part of evaluating projected conditions, the amount of traffic projected to be generated within the area of the amendment may be reduced if the amendment includes an enforceable, ongoing requirement that would demonstrably limit traffic generation, including, but not limited to, transportation demand management. This reduction may diminish or completely eliminate the significant effect of the amendment.*
 - A. Types or levels of travel or access that are inconsistent with the functional classification of an existing or planned transportation facility;*
 - B. Degrade the performance of an existing or planned transportation facility such that it would not meet the performance standards identified in the TSP or comprehensive plan; or*
 - C. Degrade the performance of an existing or planned transportation facility that is otherwise projected to not meet the performance standards identified in the TSP or comprehensive plan.*
- (2) *If a local government determines that there would be a significant effect...*
- (3) *Notwithstanding sections (1) and (2) of this rule, a local government may approve an amendment that would significantly affect an existing transportation facility...*
- (4) *Determinations under sections (1)–(3) of this rule shall be coordinated with affected transportation facility and service providers and other affected local governments.*
- a) In determining whether an amendment has a significant effect on an existing or planned transportation facility under subsection (1)(c) of this rule, local governments shall rely on existing transportation facilities and services and on the planned transportation facilities, improvements and services set forth in subsections (b) and (c) below.*
 - b) Outside of interstate interchange areas, the following are considered planned facilities, improvements, and services:*
 - A. Transportation facilities, improvements or services that are funded for construction or implementation in the Statewide Transportation Improvement Program or a locally or regionally adopted transportation improvement program or capital improvement plan or program of a transportation service provider.*

- B. *Transportation facilities, improvements or services that are authorized in a local transportation system plan and for which a funding plan or mechanism is in place or approved. These include, but are not limited to, transportation facilities, improvements or services for which: transportation systems development charge revenues are being collected; a local improvement district or reimbursement district has been established or will be established prior to development; a development agreement has been adopted; or conditions of approval to fund the improvement have been adopted.*
- E. *Improvements to regional and local roads, streets or other transportation facilities or services that are included as planned improvements in a regional or local transportation system plan or comprehensive plan when the local government(s) or transportation service provider(s) responsible for the facility, improvement or service provides a written statement that the facility, improvement or service is reasonably likely to be provided by the end of the planning period.*
- c) *Within interstate interchange areas...*
- d) *As used in this section and section (3):*
 - A. *Planned interchange means...*
 - B. *Interstate highway means...*
 - C. *Interstate interchange area means...*
- e) *For purposes of this section, a written statement provided pursuant to paragraphs (b)(D), (b)(E) or (c)(A) provided by ODOT, a local government or transportation facility provider, as appropriate, shall be conclusive in determining whether a transportation facility, improvement, or service is a planned transportation facility, improvement, or service. In the absence of a written statement, a local government can only rely upon planned transportation facilities, improvements, and services identified in paragraphs (b)(A)-(C) to determine whether there is a significant effect that requires application of the remedies in section (2).*
- (7) *Amendments to acknowledged comprehensive plans and land use regulations that meet all of the criteria listed in subsections (a)–(c) below shall include an amendment to the comprehensive plan, transportation system plan, the adoption of a local street plan, access management plan, future street plan, or other binding local transportation plan to provide for on-site alignment of streets or accessways with existing and planned arterial, collector, and local streets surrounding the site as necessary to implement the requirements in OAR 660-012-0020(2)(b) and 660-012-0045(3):*
 - a) *The plan or land use regulation amendment results in designation of two or more acres of land for commercial use;*
 - b) *The local government has not adopted a TSP or local street plan that complies with OAR 660-012-0020(2)(b)....; and*
 - c) *The proposed amendment would significantly affect a transportation facility as provided in section (1).*

Recommended Findings: See findings for BCDC Section 4.7.600. All streets abutting the subject property are under the jurisdiction of the Baker City Public Works Department. The subject property is not located at an interchange area or along a state highway.

According to the Baker City Public Works Director, “Public Works does not anticipate the rezone proposal will have a significant impact on the existing transportation facility” (Exhibit 7).

The Baker City Transportation System Plan (TSP) includes projects at or near the property proposed to be rezoned. A proposed neighborhood route (sidewalk infill and wayfinding) is identified on E Street from 11th Street to College Street, which abuts the north side of the subject property; a proposed sidewalk is identified on D Street from 1st Street to 12th Street, which abuts the south side of the subject property, and a proposed sidewalk is identified on 9th Street from D Street to E Street, which abuts the east side of the subject property. See projects P12, P19 and P42 in Table 2-1 and Figure 2-1 of the TSP (Exhibit 8). These three sidewalk related projects are all listed as near-term priorities; however, a funding mechanism is not in place or approved for these projects at this time according to the Baker City Public Works Department (Exhibit 9).

The TSP identifies a bike lane on D Street from 10th Street to Cedar Street, which abuts the south side of the subject property. See project B4 in Table 2-2 and Figure 2-2 of the TSP (Exhibit 8). This bike lane project is listed as a near-term priority; however, a funding mechanism is not in place or approved for these projects at this time according to the Baker City Public Works Department (Exhibit 7).

7. The proposed zoning and comprehensive plan map amendment includes a request to rezone a ±.73-acre parcel from General Commercial to Residential High-Density. Baker City has adopted a TSP.

Conclusion: Based on the findings above, the proposed zoning and comprehensive plan map amendment **will/will not have** a significant affect on an existing or planned transportation facility; therefore, the criteria **are/are not** applicable.

Article 6 – Map Amendments and Code Interpretations

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

Recommended Findings: If approved, the map amendment will be added to Chapter 6.1 as shown in the table in Exhibit 5.

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

STATEWIDE PLANNING GOALS

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

Recommended Findings: Refer to findings for “Public Involvement and Procedures for Planning” in the Baker City Comprehensive Plan findings and Exhibit 4.

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

Recommended Findings: Refer to findings for “Public Involvement and Procedures for Planning” in the Baker City Comprehensive Plan findings and Exhibit 4.

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

Recommended Findings: No agricultural zoning designation exists within the city limits or UGB of Baker City. Refer to findings for “Land Suitability” and “Urbanization” in the Baker City Comprehensive Plan findings and Exhibit 4.

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

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

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

Recommended Findings: Refer to the findings for “Public Facilities and Services”, “Parks & Recreation”, “Existing Natural Features and Land Use”, “Land Suitability”, and “Historic Preservation” in the Baker City Comprehensive Plan and Exhibit 4.

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

Recommended Findings: Refer to findings for “Existing Natural Features and Land Use”, “Public Facilities and Services”, “Sewer System”, “Solid Waste Disposal”, and “Domestic Water” in the Baker City Comprehensive Plan and Exhibit 4.

GOAL 7: *AREAS SUBJECT TO NATURAL DISASTERS AND HAZARDS – To protect life and property from natural disasters and hazards.*

Recommended Findings: Refer to findings for “Existing Natural Features and Land Use” in the Baker City Comprehensive Plan and Exhibit 4.

GOAL 8: *RECREATIONAL NEEDS – To satisfy the recreational needs of the citizens of the state and visitors.*

Recommended Findings: Refer to findings for “Public Facilities and Services” and “Parks and

Recreation” in the Baker City Comprehensive Plan and Exhibit 4.

GOAL 9: *ECONOMY OF THE STATE – To diversify and improve the economy of the state.*

Recommended Findings: Refer to findings for “Economic Element” in the Baker City Comprehensive Plan and Exhibit 4.

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

Recommended Findings: Refer to findings for “Housing” in the Baker City Comprehensive Plan and Exhibit 4.

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

Recommended Findings: Refer to findings for “Public Facilities and Services” in the Baker City Comprehensive Plan and Exhibit 4.

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

Recommended Findings: Refer to findings for “Transportation” in the Baker City Comprehensive Plan, section 4.7.600 of the Baker City Development Code, OAR 660-012-0060, as well as Exhibit 4.

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

Recommended Findings: Refer to findings for “Public Facilities and Services”, “Existing Natural Features and Land Use”, “Urbanization”, and “Economic Element” in the Baker City Comprehensive Plan and Exhibit 4.

GOAL 14: *URBANIZATION – To provide for an orderly and efficient transition from rural to urban land use.*

Recommended Findings: Refer to findings for “Urbanization” in the Baker City Comprehensive Plan.

GOALS 15-19:

Recommended Findings: These statewide planning goals are not applicable, as Baker City is not located within the Willamette River Greenway nor within or adjacent to any coastal or estuarine resources.

Conclusion: Based on the findings above, the intent of Goals 1-14 **is/is not** satisfied, and Goals 15-19 **are/are not** applicable.

THE BAKER CITY COMPREHENSIVE PLAN

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

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

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

A mailed notice explaining the rezone proposal was sent to property owners within 100 feet of the subject property and affected agencies on December 26, 2024. Public notice of the proposed revisions and scheduled public hearings was published in the January 1, 2025, edition of the East Oregonian. A sign with information about the proposed change and hearings was posted at the property on December 30, 2024. Information regarding the public hearing and meeting materials was shared online via the official Baker City website (<http://bakercity.com/2293/Meeting-Materials-Webcasts>).

The City will hold at least two public hearings on this proposal, consistent with the City's acknowledged procedures for quasi-judicial amendments in the Baker City Development Code. These hearings will provide an opportunity for citizens to be involved in the proposed revisions and adoption process and to provide input to decision makers. The first hearing with the Planning Commission is scheduled for Wednesday, January 15, 2025, and the first City Council hearing is tentatively scheduled for Tuesday, January 28, 2025.

See additional findings relating to citizen involvement in Goal 2 below. No additional policies within the Baker City Comprehensive Plan's *Public Involvement and Procedures for Planning* chapter were identified to directly apply to or conflict with the proposed revisions.

According to the applicant, *"It is assumed that all notice requirements outlined in the BCDC have been adhered to by Planning Department staff"* (Exhibit 4).

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

All application materials and information provided by the applicant for this request are available for public review at or from the Planning Department and are attached as exhibits to this report.

According to the applicant, *"The required application form and supporting materials were submitted to the Planning Department and are available for public review"* (Exhibit 4).

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

See findings relating to public noticing under Policy 1 above. According to the applicant, *“It is assumed that all notice requirements outlined in the BCDC will be adhered to by Planning Department staff”* (Exhibit 4).

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

The criteria this application must meet are included in the Baker City Development Code, and findings for the criteria will be included in the final decision. The Planning Commission will make a recommendation to City Council on the proposal. City Council will make the final decision to approve, modify or deny all or part of the proposal. According to the applicant, *“It is assumed that the procedures outlined in the BCDC for public hearings for this proposal will be adhered to”* (Exhibit 4).

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

This staff report has been written to determine consistency with Statewide Planning Goals, which are addressed in this report. According to the applicant, *“The application narrative was written to determine consistency with Statewide Planning Goals. See findings for each Planning Goal, as applicable”* (Exhibit 4).

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

This staff report has been written to determine consistency with the Baker City Comprehensive Plan. According to the applicant, *“This narrative has been written to determine consistency with the Baker City Comprehensive Plan”* (Exhibit 4).

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

This proposal is for an amendment to the Baker City Comprehensive Plan Map and Zone Map. If approved, the Comprehensive Plan and Zone Maps will be updated as shown in Exhibits 2 and 3. According to the applicant, *“The information in the Housing chapter of the Comprehensive Plan was recently updated in 2021. Other chapters have not been recently updated. The frequently referenced Land Suitability Map has not been revised since its creation in 1979. Zoning maps were last revised in 2023”* (Exhibit 4).

8. *The Comprehensive Plan will be thoroughly reviewed...*
9. *Changes to the Comprehensive Plan may be made at any time. Proposals for change may be initiated by the City Council, Planning Commission, City staff or citizens. Once a proposal is made, the following procedures will be followed:*
 - a. *It must be demonstrated that the following conditions exist, when applicable:*
 - i. *There is a mistake or omission in the plan;*

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

The proposed revision to the Baker City Comprehensive Plan Map was initiated by Atlas Land Use Consulting on behalf of the property owner.

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

TABLE 3. DEVELOPMENT CAPACITY BY ZONE

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

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

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

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

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

Source: Angelo Planning Group

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

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

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

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

Sources: Angelo Planning Group, Johnson Economics

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

- There is a noted surplus of employment lands (commercial and industrial) in the city
- Not all land identified as vacant or redevelopable in the BLI will be available for housing development or redevelopment at any given time
- 120 single-family dwellings are projected as being needed by 2040, with that figure increasing to 229 in the alternative forecast
- R-HD zoning allows for the most homes on the least amount of land” (Exhibit 4).

- The request is to rezone the subject property from General Commercial to Residential High-Density. The land abutting the subject property on the north and west are zoned Commercial General, the lands to the east are zoned Residential Medium Density and lands to the south are zoned Residential High Density. If this application is approved, the property will be rezoned to Residential High Density, and will continue abutting the same zones stated above.

The application states, “A change in zoning designation is proposed for the area identified in Attachment 1 from General Commercial to Residential High Density. Please see detailed findings under the Land Suitability chapter on page 13 of this narrative” (Exhibit 4).

- The application states, “There are no anticipated changes to the current use of public facilities. If approved, adequate public utilities will be extended to serve future development. No new tax burden is anticipated. Please see detailed findings under the Public Facility Plan chapter on pages 11 of this narrative” (Exhibit 4). See findings for the Public Facility Plan section of the Comprehensive Plan.
- According to the applicant, “The table below summarized the anticipated impacts of the proposed rezone on multiple fronts:

	Positive Impacts	Negative Impacts
Surrounding Residential Areas	- Keep commercial zoning on lots with frontage on 10th Street; decrease potential for further commercial development creep the area - Improvement to area sidewalks	- Development of vacant land - Increased traffic
Surrounding Commercial Areas	- Property was previously used residentially, so no change in use - Proposed public alleyway will create buffering between subject property and adjacent commercial/residential uses	- Potential for increased “rub” between existing commercial uses and future residential development
Community as a Whole	- Focus commercial zoning to lands with frontage on 10th Street - Increase new housing stock	- Potential for increased “rub” between existing commercial uses and future residential development

For the purposes of this section, mitigation of potential negative impacts of the proposal is reviewed in detail below. Potential positive impacts are reviewed elsewhere in this narrative” (Exhibit 4).

	Negative Impacts	Comments/Mitigation
Surrounding Residential Areas	- Redevelopment of vacant land - Increased traffic	- Development of vacant land is inevitable but can be done thoughtfully and would include development of a public alleyway to accommodate expected traffic to future development
Surrounding Commercial Areas	- Potential for increased “rub” between existing commercial uses and future residential	- Proposed alleyway will create buffering between subject property and adjacent residential and commercial uses
	development	
Community as a Whole	- Potential for increased “rub” between existing commercial uses and future residential development	- Proposed alleyway will create buffering between subject property and adjacent residential and commercial uses

See findings for statewide planning goals in this report. The application states, “*The application narrative has been written to determine consistency with the Statewide Planning Goals, findings for which can be found in findings for the Comprehensive Plan and other statewide planning goals beginning on page 9 of this report*” (Exhibit 4).

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

See findings relating to media and public noticing above. See findings for statewide planning goals in this report. The application states, “*It is assumed that adequate media coverage will be sought by Planning Department staff*” (Exhibit 4).

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

The Planning Department sent notice of the proposed change to affected public agencies via email on December 26, 2024. All written comments received at the time this report was written are attached as exhibits to this report. The application states, *“It is assumed that all affected public agencies will be informed of the proposal and asked for a response by Planning Department staff”* (Exhibit 4).

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

Notice was provided to DLCD (staff to LCDC) through the online Post-Acknowledgement Plan Amendment (PAPA) portal on December 11, 2024. The application states, *“It is assumed that the Department of Land Conservation and Development will be informed of the proposal and asked for a response by Planning Department staff”* (Exhibit 4).

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

The recommendation from the Baker City Planning Commission will be forwarded to City Council in the form of this staff report in accordance with ordinance adoption procedures. The application states, *“It is assumed that the Baker City Planning Commission will make a recommendation to City Council on this request, in accordance with ordinance adoption procedures”* (Exhibit 4).

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

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

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

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

Conclusion: Based on the findings above, the policies of the Public Involvement and Procedures in Planning section **are/are not** satisfied.

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

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

Policy #2: Adequate facilities are required for combating fires and housing both men and

equipment; these facilities shall be provided by the City as needed.

Recommended Findings: The application states, “Findings within this section of the Comprehensive Plan note: 1. Unless present city boundaries are significantly expanded, response time from a single, centrally-location station house will remain within acceptable limits. No changes to the city limit boundaries are proposed. Additional demands on fire protection services are expected upon future development of the land included within this request. These demands can be mitigated by existing City water infrastructure extension to fully serve development on the subject properties (Attachment 5)” (Exhibit 4).

According to comments from Baker City Manager Barry Murphy on behalf of the Baker City Fire Department, they have no concerns with the proposed rezone (Exhibit 9).

Conclusion: Based on the findings above, the policies of the Fire Protection section **are/are not** satisfied.

PARKS & RECREATION – *To maintain present park and recreation areas and provide for the varied and growing needs of the City’s residents and its visitors.*

Recommended Findings: No policies within the Parks & Recreation chapter were identified to directly apply to or conflict with the proposed revision.

Conclusion: Based on the findings above, the policies of the Parks & Recreation section **are/are not** applicable.

POLICE PROTECTION – *To protect the community’s residents and their property through a program of citizen awareness and enforcement of local and state laws.*

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

Recommended Findings: The applicant states, “No policies within the Police Protection chapter were determined to be applicable to this proposal” (Exhibit 4). At the time this report was written, no comments were submitted by the Baker City Police Department.

Conclusion: Based on the findings above, the policy of the Police Protection section **is/is not** satisfied.

SCHOOLS – *To assure suitable siting for the City’s public schools appropriate to the policies established in the plan.*

Recommended Findings: No policies within the Schools chapter were identified to directly apply to or conflict with the proposed revision.

Conclusion: Based on the findings above, the policies of the Schools section **are/are not** applicable.

PUBLIC FACILITY PLAN – GOALS: 1. To assure urban development is guided and supported by types and levels of urban facilities and services appropriate for the needs and requirements of the community. 2. To assure that facilities and services are provided in a timely, orderly and efficient arrangement. 3. To provide a framework for urban and rural development within the City’s urban growth boundary (UGB) by establishing appropriate levels of service for development within the UGB.

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

Policy #2: To minimize the cost of providing public services and infrastructure, the City will discourage urban development that lacks adequate public facilities and promote efficient use of urban and urbanizable land within the City’s urban growth boundary.

Policy #3: For purposes of this plan, urban development is defined as:

- *Residential development that individually or in the aggregate yields a density equal or greater than one dwelling per 2 acres.*

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

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

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

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

Recommended Findings: According to the applicant, “The ability to serve the properties included within this rezone request with City streets, sewer and water exists (Attachment 5).”

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

“In relation to Policy (17) listed above, review of the Baker City Zoning Map reveals that the City has several areas of vacant, commercially-zoned land (Attachment 1). This is supported by the 2021 Buildable Lands Inventory completed for Baker City, which notes there is a surplus of vacant, commercially-zoned land in the City. In summary, removal of the area under review from commercial zoning will not negatively impact future commercial development in Baker City, as the area under review does not front an arterial street and is not prime commercial real estate. Current community needs and conditions suggest this area would be better suited to

other uses, as proposed in this application” (Exhibit 4).

According to the Baker City Development Code, the allowed density in the Residential High-Density zone is 4-45 dwelling units per acre. The subject property measures $\pm .73$ acres; therefore, at maximum density, $0.73 \text{ acres} \times 45 \text{ dwelling units per acre} = 32.85 \text{ dwelling units}$. While not part of this rezone request, the applicant has indicated that a 16.5-foot-wide alleyway will be provided with future development, which would be an unbuildable portion of the subject property. If the alleyway portion is taken out of the buildable land, the calculation would be $.637 \text{ acres} \times 45 \text{ dwelling units} = 28.65 \text{ dwelling units}$. At maximum buildout, the subject property could serve between 28.65 - 32.85 dwelling units.

Comments from the Public Works Director state, *“With regard to public utilities, Public Works has reviewed the existing infrastructure and have determined the following: a. The water infrastructure in the area is sufficient to accommodate the conceptual number of dwelling units” (Exhibit 7).* Regarding wastewater, these comments go on to say: *“The wastewater infrastructure presents some challenges along the 9th street frontage in terms of ability to serve. The terminus of the existing main line is relatively shallow. If the main must be extended to serve the northern portion of the parcel, the extension distance would be limited. Likewise, the placement of dwelling units on the parcel may require that the owner/developer use a lift station to obtain gravity flow to the main line. Further, a considerable number of dwelling units could potentially require extension of the deeper mainline located approximately 150 feet south of G Street or to the mainline located on D Street (this extension would require dedication of a public alleyway along the west portion of the parcel.) The serviceability of wastewater will be determined when a development plan is submitted.”*

Additional information regarding wastewater was provided by the Public Works Director stating, *“It is difficult to put a number to how many units until we see a development plan...The current wastewater infrastructure has the capacity to serve up to the maximum 32.85 dwelling units. My concern is primarily the logistics of serving the north portion of the parcel. The only mainline currently available to serve this lot does not have adequate depth. If the parcel were to be developed to the full capacity of 28.65 - 32.85 dwelling units divided equally on the four lots, serving 7 - 8 units on the north lot would be difficult if not impossible.”*

“The public wastewater facility is not currently inadequate. There is a potential for service issues based on the development plan...The facility plan does not address this issue in the 20-year planning period. I believe this is due to the existing infrastructure to the north (south of ‘G’ Street) and to the South (‘D’ Street) that has adequate depth to serve larger development in the area.

“As stated above, the ability to serve will be dependent upon the development plan. Extension of the 9th Street mainline or connection primarily to the ‘D’ Street mainline would resolve the adequacy. Keep in mind that mainlines must be constructed/extended within the public right of way or within easements dedicated for public utilities. Additionally, the applicant for service must own or control the property to be served at the terminus of the lateral. In other words, a lateral could not connect at ‘D’ Street and serve the lot at ‘E’ Street if the parcel were divided and under separate ownership” (Exhibit 7).

See findings for Development Code section 4.7.600, OAR 660-012-0060, and the Transportation section of the Baker City Comprehensive Plan.

Conclusion: Based on the findings above, the policies of the Public Facility Plan section **is/is not** satisfied.

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

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

Policy #7: All lines shall be adequately sized based on the best information available, taking into consideration foreseeable service demand and the economic return on the City's investment.

Recommended Findings: See findings for the 'Public Facility Plan' section of the Baker City Comprehensive Plan. According to the applicant, *"The ability to serve the subject properties with City sewer is possible upon future development"* (Exhibit 4).

Conclusion: Based on the findings above, the Sewer System section **is/is not** satisfied.

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

Recommended Findings: No policies within the *Solid Waste Disposal* chapter were identified to directly apply to or conflict with the proposed revision. According to the applicant, *"No policies within the Solid Waste Disposal chapter were determined to be applicable to this proposal. It is assumed that solid waste service could be provided to the areas included with this request, regardless of zoning"* (Exhibit 4).

Conclusion: Based on the findings above, the policies of the Solid Waste Disposal section **are/are not** applicable.

TRANSPORTATION – To provide a safe, efficient and convenient transportation system realizing maximum mobility for the community's citizens.

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

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

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

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

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

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

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

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

Recommended Findings: Comments from Joyce Bornstedt, the Baker City Public Works Director, state "Public Works does not anticipate that the rezone proposal will have a significant impact on the existing transportation facility" (Exhibit 7).

According to the applicant, "Re-zoning and future redevelopment of the subject properties will allow for extension of sidewalks along all street frontages of the subject properties – currently, sidewalks exist only on the E Street frontage. Street surfaces are present on all street frontages."

"Please see additional transportation-related findings in the Trip Generation Letter (Attachment 4), which addresses additional traffic-related concerns" (Exhibit 4).

See findings for Section 4.7.600 of the Development Code, OAR 660-012-0060 and the Public Facility Plan section of the Baker City Comprehensive Plan.

Conclusion: Based on the findings above, the policies of the Transportation section **are/are not** satisfied.

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

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

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

Recommended Findings: See findings for the ‘Public Facility Plan’ section of the Baker City Comprehensive Plan. According to the applicant, “No policies within the Domestic Water chapter were determined to be applicable to this proposal; however, the ability to serve the properties included within this rezone request with City water exists (Attachment 5)” (Exhibit 4).

Comments from the Public Works Director state, “With regard to public utilities, Public Works has reviewed the existing infrastructure and have determined the following: a. The water infrastructure in the area is sufficient to accommodate the conceptual number of dwelling units” (Exhibit 7).

Conclusion: Based on the findings above, the policies of the Domestic Water section **are/are** not satisfied.

EXTENSION OF SEWER AND WATER SERVICE – To provide procedures for the extension of City sewer and water appropriate to the findings and policies established in this plan.

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

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

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

Recommended Findings: See findings for the “Public Facility Plan”, “Sewer System”, “Solid Waste Disposal”, and “Domestic Water” sections of the Comprehensive Plan addressed throughout this report.

According to the applicant, “See findings for PUBLIC FACILITIES AND SERVICE on page 12 of this narrative” (Exhibit 4).

Conclusion: Based on the findings above, the policies of the Extension of Sewer and Water Service section **are/are not** satisfied.

EXISTING NATURAL FEATURES AND LAND USE – To preserve, protect, and conserve the quality of our environment and natural resources while providing for the orderly growth and development of the City.

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

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

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

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

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

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

Recommended Findings: See findings for the “Parks & Recreation”, “Land Suitability”, “Historic Preservation” and Public Facilities and Services – “Public Facility Plan”, “Sewer System”, “Solid Waste Disposal”, and “Domestic Water”, along with the “Urbanization” and “Economic Element” sections of the Comprehensive Plan addressed throughout this report. No existing natural features, floodplain or wetlands are identified on the subject property.

According to the applicant, “No policies within the Existing Natural Features and Land Use chapter were determined to be applicable to this proposal” (Exhibit 4).

Conclusion: Based on the findings above, the policies of the Existing Natural Features and Land Use section **are/are not** satisfied.

LAND SUITABILITY

It must first be assumed that essentially all developable land within the city will eventually be improved or built upon. The ‘Land Suitability’ map following, then designates areas deemed appropriate for each general type of development. Four categories are shown:

- (1) Residential*
- (2) High-Density Residential*
- (3) Commercial*
- (4) Industrial*

The rationale used in this mapping flows out of the many policy statements made throughout this land and to the degree possible, all land-related criteria pertinent to the particular development category. It is of course, recognized that few if any development decisions will be based on all the criteria identified or may, in fact, be based primarily on some other, such as parcel availability,

which would be impossible to map. In a sense, then, each development decision is unique, needing the right combination of financing, market, and site. The purpose here is to assist in choosing the latter; and though recognizing that each contemplated use would mean some alteration in the relative value of all factors to be considered, the following chart outlines the City's basic concerns for each of the four development categories.

Each criterion is weighed as to its significance to each type of land development category. The reader should keep in mind that all land whether developed or not had to be included in this evaluation.

	Generally Serious Consideration XX	Some Consideration X	Minor or None	
	Residential	High-Density Residential	Commercial	Industrial
SITE SPECIFIC LAND FEATURES:				
Parcel Size			XX	XX
Availability of Land for Site Expansion				X
Terrain, Slope	X	XX	XX	XX
Soil Stability		X	X	XX
Water Table	X	X	X	X
Flood Zone	X	X	X	X
TRANSPORTATION NETWORK:				
Direct Rail Access				XX
Nearby Highway Access			X	XX
Convenient Arterial Street		X	XX	XX
Right-of-Way Adequacy for Proper Traffic Circulation	X	XX	XX	XX
	Residential	High-Density Residential	Commercial	Industrial
PUBLIC FACILITIES, UTILITIES AND SERVICES:				
Condition of Street Utilities Present or Available to the General Area	X	XX	XX	XX
Existing Fire Zone			X	
Frequent Police Checks Area			X	
INTER-RELATIONSHIPS OF LAND, ITS USES AND ITS PEOPLE:				
Visibility			X	
Proximity of Like Development	XX	X	XX	
Proximity of Conflicting Land Uses or Development having Adverse Affect	XX	X	X	
* Proximity of Supportive Land Uses and/or Needed Services	X	XX	X	
Existing Zoning Density	X	X	X	

*For residential areas, supportive land uses include such things as schools, and parks and

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

It should be re-emphasized that the four suitability categories are the basis for further refinements of the particular uses to be allowed within specific areas. This will be accomplished through a comprehensive evaluation and revision of the present zoning ordinance. By quickly comparing the land suitability map with existing land uses, a number of significant changes from existing to proposed uses become apparent. A few observations here may aid in the reader's understanding of these changes and give a clearer picture of the intended uses within the four basic categories. (The reader is also referred to the Housing and Economic sections of this plan for additional details.)

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

The high-density designation for residential use has been expanded considerably. From the central part of the city, high density residential (with a minimum lot size of 5000 square feet for a single family residence and greater allowance for multi-family dwellings) extends southward to include the Wilovale area and all of south Baker City and eastward to approximately Clark Street. In addition, much of the area north of Campbell Street and east of the river now zoned commercial is shown returning to its earlier residential classification. Also, this area has developed as a site for assisted housing, particularly housing for the elderly. As of 1981, one 32-unit congregate housing project has been located in this area and another 30 units planned for 1982 has actually been built. This development has served to spur the installation of the utilities in this area necessary to support residential growth. Very little commercial development of this property has occurred. With its close-in location, the availability of service facilities and the large amount of publicly owned lands dedicated to recreational opportunities, high density residential use appears particularly appropriate. Furthermore, the designation of this land and additional areas of town for such use means that the per unit conversion costs of raw land to improved lots is lessened; and thus, new housing is affordable to a greater percentage of the buyer's market.

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New land designated for commercial uses is to be found, principally, in three locations. Significantly, these areas are outside the city limits – in the U.S. 30, Chico Lane, Pocahontas Road triangle, north of Hughes Lane and south of the freeway interchange between I-84 N and the county road, and south of 'H' Street, and east of I-84 N. Much of the triangle is already developed with some properties already receiving City water and sewer; the other areas are essentially undeveloped to any urban use, but their potential, due primarily to location, has been recognized. Only a small portion of the east Campbell Street area is presently developed in commercial use and it is anticipated that retailing and particularly services for the motoring public will increase in time, while the downtown should remain the heart of the city's commercial life, boosted considerably by a transfusion of old blood in the form of a National Historic District.

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This plan, finally, makes an effort to balance out proposed development, so that a suitable amount of space is set aside for all contemplated uses. It is at the same time both expected and hoped for that the criteria named represent many of the concerns of future developers of the city, for the success of this plan will be measured in great part by their actions.

Recommended Findings: According to the applicant, “No policies are contained in Land Suitability chapter; however, text within the chapter was deemed applicable and is included below:

Table on page 47: rates Convenient Arterial Street access with XX, meaning Generally Serious Consideration.

Review of the Baker City Zoning Map (Attachment 1) shows the majority of lands zoned CG are located on arterial streets. The subject properties are not located on an arterial street” (Exhibit 4).

See findings for the “Parks & Recreation”, “Land Suitability”, and Public Facilities and Services – “Public Facility Plan”, “Sewer System”, “Solid Waste Disposal”, and “Domestic Water”, along with the “Urbanization” and “Economic Element” sections of the Comprehensive Plan addressed throughout this report. No existing natural features, floodplain or wetlands are identified on the subject property. The nearest identified wetland or flood zone is located ±1,785 feet east of the subject property.

According to the Land Suitability map, the subject property is currently designated as Commercial, with Commercial abutting it to the north and west, High-Density Residential abutting it to the south and Residential (Residential-Medium Density) abutting it to the east (see Exhibit 3). No development is proposed with the current rezone request; however, the applicant has indicated that it is likely the property will be developed with five single-family dwellings if the rezone is successful.

The subject property is surrounded by three public streets (D, E and 9th) and contains an existing outbuilding. The property had a dwelling until it was destroyed by fire.

The property to the north of the subject property across E Street is zoned General Commercial and is currently owned by the Baker 5J School District. This property is 48,064sf in size, which is used primarily as an overflow parking lot and contains a building that has been used for a variety of businesses since it was constructed.

The abutting properties to the west and southwest are also zoned General Commercial. The properties directly to the west are developed with a restaurant (Paizano’s Pizza) and a mobile vending unit. All of these contiguous properties are owned by a single owner and range in size from 10,625sf to 11,250sf. The abutting properties to the southwest (south of D Street) are developed with a dentist’s office (Hills Family Dentistry), a podiatry clinic (Sanders Podiatry), a duplex, a single-family dwelling and office, along with a single-family dwelling and detached garage. These properties range in size from 3,000sf to 6,000sf.

The abutting properties to the east and northeast are zoned Residential Medium-Density (R-MD). The property northeast of the subject property (across E Street) is owned by Baker School District 5J and contains the Baker High School, football field and track, among other

accessory buildings. This property measures 435,600sf. The properties directly east of the subject property (across 9th Street) are developed with dwellings and range in size from 2,400sf to 9,840sf.

The abutting properties to the south and southeast are zoned Residential High-Density. The property directly south (across D Street) of the subject property contains a small housing development with six individual dwelling units. This property measures 24,000sf. The property to the southeast is owned by the Baker School District 5J, which is developed with a school, parking lot, playground and modular units. This property measures 158,343.93sf.

According to Google Street View imagery, this area of Baker City is relatively flat, with minimal slopes. No existing natural features, floodplain or wetlands are identified on the subject property. The nearest identified wetland or flood zone is located ±1,785 feet east of the subject property near the Powder River.

According to ArcGIS aerial imagery and measurement tools, the distance from the subject property to schools, parks, recreational facilities, grocery stores and retail stores are as follows:

- Schools
 - North Baker School: ±560 feet
 - Baker High School: ±620 feet
 - Baker Middle School: ±3,027 feet
- Parks & Recreational Facilities
 - Baker Sports Complex: ±1,600 feet
 - Leo Adler Pathway: ±2,915 feet
 - Club 24: ±3,478 feet
 - Geiser Pollman: ±3,450 feet
 - YMCA: ±4,310 feet
 - Central Park: ±4,387 feet
- Grocery Stores
 - Gas & Snack Convenience Store: ±2,335 feet
 - Baker Food Co-Op: ±3,421 feet
 - Albertsons: ±5,417 feet
 - Safeway: ±5,572 feet
- Retail Stores
 - Cashway Lumber: ±850 feet
 - Commercial Tire: ±1,540 feet
 - Birds on a Wire Mercantile: ±1,850 feet
 - Salvation Army: ±2,808 feet
 - Squeaky Stirrup: ±3,255 feet
 - Eastern Oregon Rental & Sales: ±3,422 feet
 - D&B Supply: ±4,145 feet
 - Miller's Home Center: ±4,565 feet
 - Rite Aid: ±5,371 feet

While the above list does not include a every school, park, recreational facility, grocery or retail store located within Baker City, it does provide a summary of a variety of them in the vicinity of the subject property.

Conclusion: Based on the findings above, the Land Suitability section **is/is not** satisfied.

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

Recommended Findings: No policies in the Urbanization chapter were determined to be applicable to this application. The property is within the existing city limits and would not cause a change in the location of the city limits or urban growth boundary. The proposal does not include any modifications to code language or zoning that are expected to restrict or negatively affect urbanization or the transition from rural to urban land use.

According to the applicant, “No policies within the Urbanization chapter were determined to be applicable to this proposal, as the subject property is located within city limits and no modification to the existing city limit boundaries or Urban Growth Boundary are requested” (Exhibit 4).

Conclusion: Based on the findings above, the Urbanization section **is/is not** applicable.

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

COMPARISON OF CURRENT HOUSING DEMAND WITH CURRENT SUPPLY

A comparison of estimated current housing demand with the existing supply identifies the existing discrepancies between needs and the housing which is currently available. The estimated number of units outnumbers the number of households by roughly 180 units, indicating an average vacancy rate of 5%.

In general, this identifies that there is currently support for more ownership housing in the middle price ranges. This is because much housing in Baker City is clustered at lower-value levels (older substandard homes, mobile homes), while analysis of household incomes and ability to pay indicates that some households could afford housing at higher price points. The analysis supports the feedback from local stakeholders, that more homes are needed in the \$150k to \$250k price range, while homes on the market tend to be above or below this range.

The analysis finds that the current market rates for most rental units are in the \$400 to \$1,000/month range. Therefore, this is where most of the rental unit supply is currently clustered. While there is a fair amount of low- rent and subsidized units in the community, there is still some unmet need at the lowest end of the income scale, where many current renters pay more than 30% of their income in housing costs. There is also an indication that some renter households could support more units at higher rent levels. Rentals at more expensive levels generally represent single family homes for rent...

In general, these findings demonstrate that there is a need for more home buying opportunities in the heart of Baker City’s income distribution, where most households are found. There is also a need for additional subsidized affordable units for low-income households. There is also a need

for more market-rate apartment units of all types to alleviate low vacancy and availability in the community, even though this is where most of the current units are clustered. There may also be support for more higher-end rentals, often found in single family homes for rent.

FIGURE 5.3: PROJECTED FUTURE NEED FOR NEW HOUSING UNITS (2040), BAKER CITY

OWNERSHIP HOUSING									
Unit Type:	Single Family		Multi-Family			Manuf. home	Boat, RV, other temp	Total Units	% of Units
	Detached	Attached	2-unit	3- or 4-plex	5+ Units MFR				
Totals:	62	0	0	0	0	8	0	71	30.2%
Percentage:	87.8%	0.6%	0.0%	0.2%	0.6%	10.8%	0.0%	100%	

RENTAL HOUSING									
Unit Type:	Single Family		Multi-Family			Manuf. home	Boat, RV, other temp	Total Units	% of Units
	Detached	Attached	2-unit	3- or 4-plex	5+ Units MFR				
Totals:	68	5	18	14	52	7	0	163	69.8%
Percentage:	41.5%	2.9%	10.8%	8.5%	31.7%	4.6%	0.0%	100%	

TOTAL HOUSING UNITS									
Unit Type:	Single Family		Multi-Family			Manuf. home	Boat, RV, other temp	Total Units	% of Units
	Detached	Attached	2-unit	3- or 4-plex	5+ Units MFR				
Totals:	130	5	18	14	52	15	0	234	100%
Percentage:	55.5%	2.2%	7.6%	6.0%	22.3%	6.4%	0.0%	100%	

Sources: PSU, City of Baker City, Census, Environics Analytics, JOHNSON ECONOMICS

FIGURE 5.4: PROJECTED NEED FOR NEW HOUSING AT DIFFERENT INCOME LEVELS

Household Income Segment		Income Level (Rounded)*	Afford. Rent Range	Afford. Price Range	Owner Units	Renter Units	Total	Share	Common Housing Product
Extremely Low Inc.	< 30% AMI	< \$18,500	<\$500	<\$80k	6	50	56	24%	Govt-subsidized; Voucher
Very Low Income	30% - 50% AMI	\$18.5k - \$31k	\$500-\$700	\$80k-\$140k	2	24	26	11%	Aging/substandard rentals; Govt-subsidized; Voucher
Low Income	50% - 80% AMI	\$31k - \$49k	\$700-\$1,100	\$140k-\$220k	2	35	37	16%	Market apts; Manuf. homes; Plexes; Aging SFR
Middle Income	80% - 120% AMI	\$49k - \$74k	\$1,100-\$1,300	\$220k-\$270k	22	21	43	18%	Single-family detached; Townhomes; Small homes; New apts
Upper Income	> 120% AMI	> \$74,000	\$1,300+	\$270k+	38	33	71	30%	Single-family detached
TOTAL:					71	163	234	100%	

* Adjusted to 2020 dollars. The median household income level in 2020 will be will be inflated from current levels.

Sources: HUD, Census, Environics Analytics, JOHNSON ECONOMICS

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

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

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

Source: Angelo Planning Group

- There is a total estimated remaining capacity of 2,443 units of different types within the study area.
- Most of the remaining buildable acreage is in the R-LD (Low Density) residential zone. At a total capacity of 1,637 housing units this is roughly 67% of the total unit capacity.
- Though there are fewer buildable medium-density acres in the R-MD zone, they can still accommodate nearly 500 new units due to the higher density of development. This is 20% of the total unit capacity.
- There is less available acreage in the high-density zone. In total, the capacity of the R-HD zone represents 313 units, or 13% of the total unit capacity.

Comparison of Housing Need and Capacity

There is a total forecasted need for roughly 235 units over the next 20 years based on the forecasted growth rate (457 units in the alternative forecast). This is well below the estimated total capacity of 2,443 units. Figure 6.3...presents a comparison of the BLI capacity for new housing units, compared to the estimate for new unit need by 2040. It breaks down need by general zoning category (RLD, RMD, RHD).

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

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

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

Sources: Angelo Planning Group, Johnson Economics

Policy #1: The City shall ensure that zoning standards are flexible enough to allow for a variety of housing options and do not inflate the cost of housing, particularly for housing affordable to low- and moderate-income households.

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

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

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

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

Policy #7: The City recognizes that certain housing policies must be tied very closely with existing land and environmental features. The reader is referred to the 'Land Suitability' section of this plan.

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

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

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

Recommended Findings: According to the applicant, "The Housing policies listed above (2, 5, and 6) were deemed applicable to the request at hand. Findings specific to each of these policies are listed below:

2. These properties are better suited for redevelopment and continuation of surrounding residential zoning, as they are not located on an arterial street. If approved for rezoning, the subject properties would be included in a proposal for a 4-lot subdivision, which would allow for the development of a single-family dwelling on each lot, consistent with surrounding development to the north, south, and east (Attachments 2 and 3).

5. The creation of a safe and aesthetically pleasing residential neighborhood in this area is clearly possible, post-rezone. Future lots created from these properties would meet minimum lot size requirements of the R-HD Zone and a platted public alleyway would separate future homes from existing commercial uses to the west.

6. Redevelopment of these properties for residential use is the most beneficial and efficient

use, as they are not located on an arterial street, which degrades their value and function as commercial properties.

The Housing chapter was recently updated based on the new Housing Needs Analysis (HNA) and Buildable Lands Inventory (BLI) conducted for Baker City by Johnson Economics and Angelo Planning Group. The results show a need for 234 new housing units by 2040. Fifty-five percent of the new units are projected to be single family detached homes. And while the Buildable Lands Inventory did not identify a shortage of residentially-zoned land, it should be noted that:

- *There is a noted surplus of employment lands (commercial and industrial) in the city*
- *Not all land identified as vacant or redevelopable in the BLI will be available for housing development or redevelopment at any given time*
- *130 single-family dwellings are projected as being needed by 2040, with that figure increasing to 229 in the alternative forecast*
- *R-HD zoning allows for the most homes on the least amount of land” (Exhibit 4).*

Conclusion: Based on the findings above, the policies of the Housing section **are/are not** satisfied.

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

Recommended Findings: No policies in the Historic Preservation chapter were determined to be applicable to this application. No modifications to the City's inventory of historic sites and structures, including those buildings within the Baker City Historic District or those included otherwise on the National Register of Historic Places, are proposed.

See findings for the “Parks & Recreation”, “Existing Natural Features and Land Use”, and “Land Suitability” sections of the Baker City Comprehensive Plan outlined in this report. According to the applicant, “*No policies within the Historic Preservation chapter were determined to be applicable to this proposal*” (Exhibit 4).

Conclusion: Based on the findings above, the policies of the Historic Preservation section **are/are not** satisfied.

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

Additional Considerations in Land Demand

Beyond a consideration of gross acreage, there is a significantly broader range of site characteristics that industries would require to accommodate future growth. Key findings are summarized as follows:

- Office and commercial uses are generally smaller and more vertical, allowing for slopes up to 15%.
- Visibility and access are highly important to most commercial activities and site location with both of these attributes from a major commercial arterial is commonly required.
- Access and capacity for water, power, gas, and sewer infrastructure is more important to industrial than commercial operations. Water/sewer lines of up to 10" are commonly required for large manufacturers. Appendix A details utility infrastructure requirements by typology.
- Fiber telecommunications networks are likely to be increasingly required in site selection criteria for many commercial office and manufacturing industries. Medical, high-tech, creative office, research & development, and most professional service industries will prefer or require strong fiber access in the coming business cycles.

The inventory identifies over 550 acres of vacant or potentially redevelopable land in both commercial and industrial zones. Roughly 42% of this land is in the General Commercial zone, while 58% has Industrial zoning. 70% is identified as "vacant", and 30% in potential "redevelopment" sites. Most "redevelopable" acreage is industrial.

The following figure presents the inventory broken down by the size of parcels. While there is a good mixture of small-to-mid parcel sizes, there are also some potential large employment sites identified. Sites of 10 acres or larger represent over 70% of the identified acreage.

FIGURE 5.02: SUMMARY OF EMPLOYMENT BUILDABLE LAND INVENTORY, BY PARCEL SIZE (BAKER CITY)

ZONE	0 TO .99 acres		1 to 4.99 acres		5 to 9.99 acres		10 to 19.99 acres		20+ acres	
	# of Parcels	Acreage	# of Parcels	Acreage	# of Parcels	Acreage	# of Parcels	Acreage	# of Parcels	Acreage
General Commercial	18	9.7	18	39.3	3	18.1	7	103.6	3	63.8
Industrial	25	11.2	21	45.1	5	34.8	4	57.3	2	178.0
Light Industrial	1	0.2	0	0.0	0	0.0	0	0.0	0	0.0
Totals:	44	21.1	39	84.3	8	53.0	11	161.0	5	241.8

Source: Baker County, Baker City, Johnson Economics LLC

There is a total projected 20-year need for nearly 55 acres of buildable employment land in industrial and commercial zones. Roughly 35% of this projected need is for uses most appropriate to industrial zones..., while the remainder is for uses most appropriate for commercial zones (Office, Retail, Institutional).

Conclusion

There is currently sufficient buildable employment land within the urban growth boundary to accommodate the projected need for new development of these uses over the 20-year period. If the economy and industry growth outpace the projections in this analysis, there should still be a significant surplus of land to accommodate this growth.

Forecasted Land Need Conclusions

As discussed in Section IV of this report, there is projected growth of nearly 1,200 jobs and support for nearly 55 acres of employment land (industrial and commercial). Roughly 35% of this projected need is for uses most appropriate to industrial zones (Flex, General Industrial, and Warehouse), while the remainder is for uses most appropriate for commercial zones (Office, Retail, Institutional). This identified need is well less than the 560 acres (±235 acres of Commercial and ±327 acres of Industrial) of buildable employment land found in the Buildable Lands Inventory.

As discussed in Section V of the EOA, there is currently sufficient buildable employment land within the Baker City urban growth boundary to accommodate the projected need for new development of these land uses over the 20-year period. If the economy and industry growth outpace the projections in this analysis, there should still be a significant surplus of land to accommodate this growth.

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

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

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

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

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

Recommended Findings: An Economic Opportunities Analysis (EOA) for Baker City was adopted in 2020. This EOA determined there is adequately zoned Commercial and Industrial within Baker City to meet projected needs.

According to the applicant, “No policies within the Economic Element chapter were determined to be applicable to this proposal; however, as summarized in the Employment Land Inventory Conclusions (page 120 of the Baker City Comprehensive Plan), “there is currently sufficient buildable employment land (industrial and commercial) within the Baker City urban growth boundary to accommodate the projected need for new development of these land uses over the 20-year period. If the economy and industry growth outpace the projections in this analysis, there should still be a significant surplus of land to accommodate the growth” (emphasis added). The section goes on to read, “the analysis presented in the 2019 EOA (Economic Opportunities Analysis) report points to a sufficient supply of employment land within the Urban Growth Boundary to accommodate forecasted growth for at least 20 years.” Lastly, the section identifies a need for 55 acres of employment lands, which is noted as being “well less than the... 327 acres of industrial and commercial land found in the Buildable Lands Inventory” (page 120). In conclusion, a large amount of commercially-zoned land remains undeveloped within the city limits of Baker City and its UGB. If this rezone request is approved, larger, commercially-zoned parcels remain available for commercial developments. These sites are arguably more desirable than the area under review as they are located on arterial streets ” (Exhibit 4).

Conclusion: Based on the findings above, the policies of the Economic Element section **are/are not** satisfied.

IV. SUMMARY CONCLUSIONS & PLANNING COMMISSION DECISION

The proposed revisions to the Comprehensive Plan Map and Zoning Map contained within RZ-24-129 may be allowed if the request is determined to be consistent with all applicable statewide planning goals, applicable policies of Baker City Comprehensive Plan and Baker City Development Code Section 4.7.200. As summarized herein, this staff report for RZ-24-129 **HAS/HAS NOT** demonstrated that the proposed revision meets or is able to meet through Conditions of Approval, all of the applicable review criteria and development standards.

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

Dated this _____ day of January, 2025

Baker City Planning Commission

Chair

EXHIBITS:

1. Assessor's Map of Subject Property
2. Land Use Zoning Maps showing Current and Potential Zoning
3. Comprehensive Plan Map showing Potential Rezoned Property
4. Application, Narrative, Maps and Trip Generation Letter
5. Addition to Map Amendments and Code Interpretation Table
6. Comments from Liz White
7. Comments from Baker City Public Works
8. Snippets from the Baker City TSP
9. Comments from Baker City Fire Department

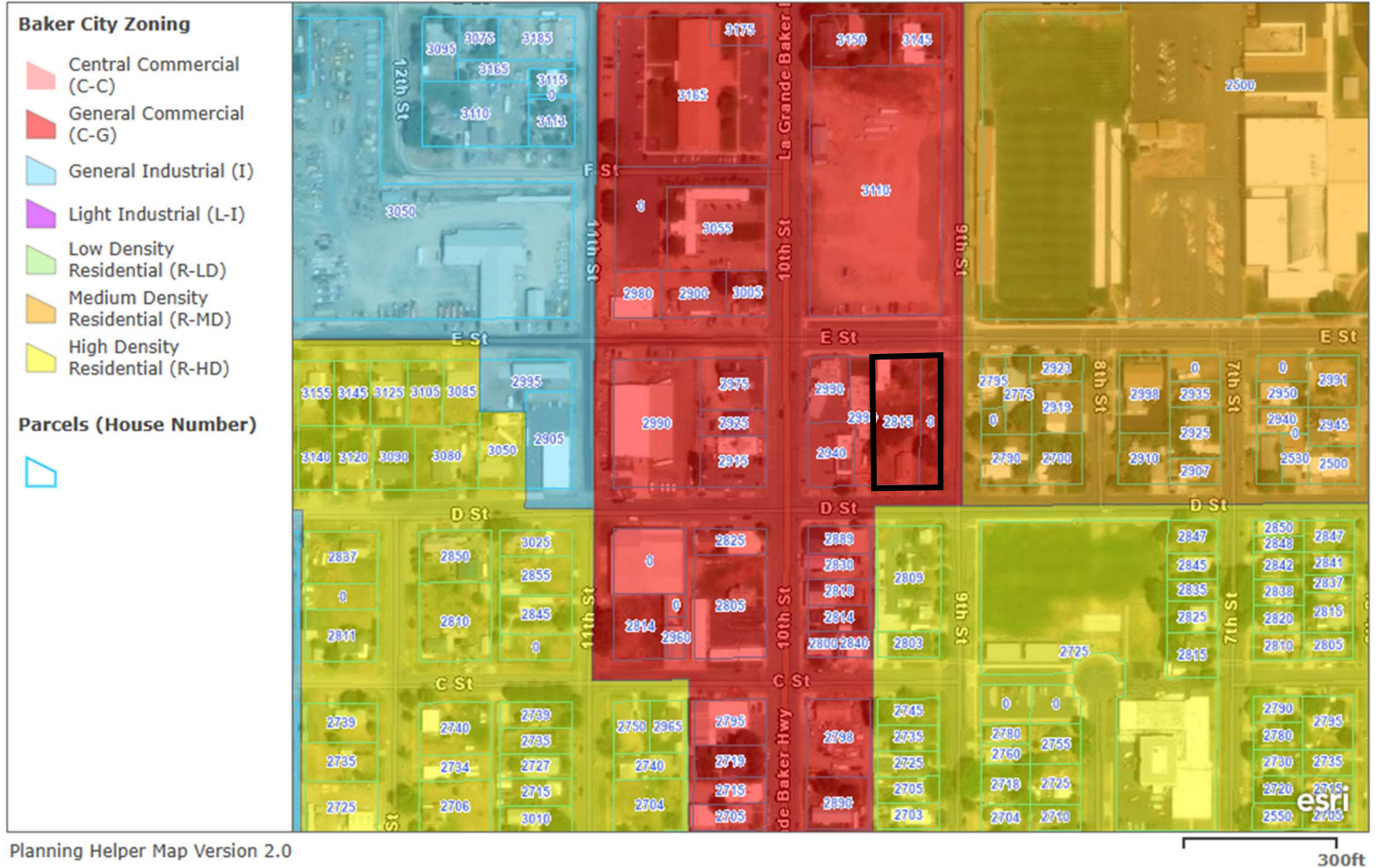
Tax Lots 4600 & 4700 in Section 17BA of Township 9 South, Range 40 East, W.M., Baker City, Oregon (Refs. 2017, 2018). The area proposed to be rezoned is approximately ± 73 acres.



Exhibit 2 - Land Use Zoning Maps Showing Current & Potential Zoning

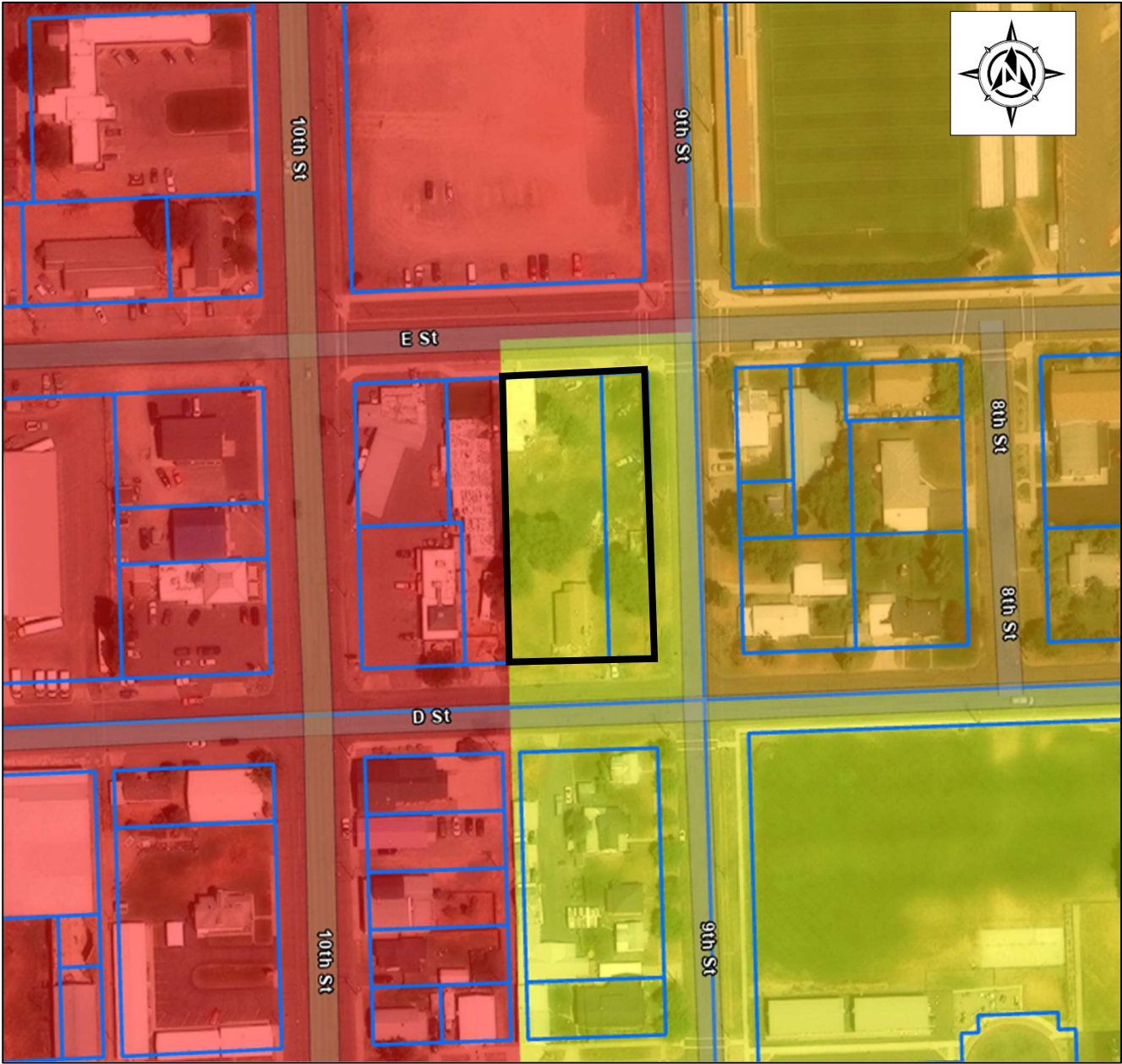
EXISTING Baker City Zoning Map

Planning Helper V2



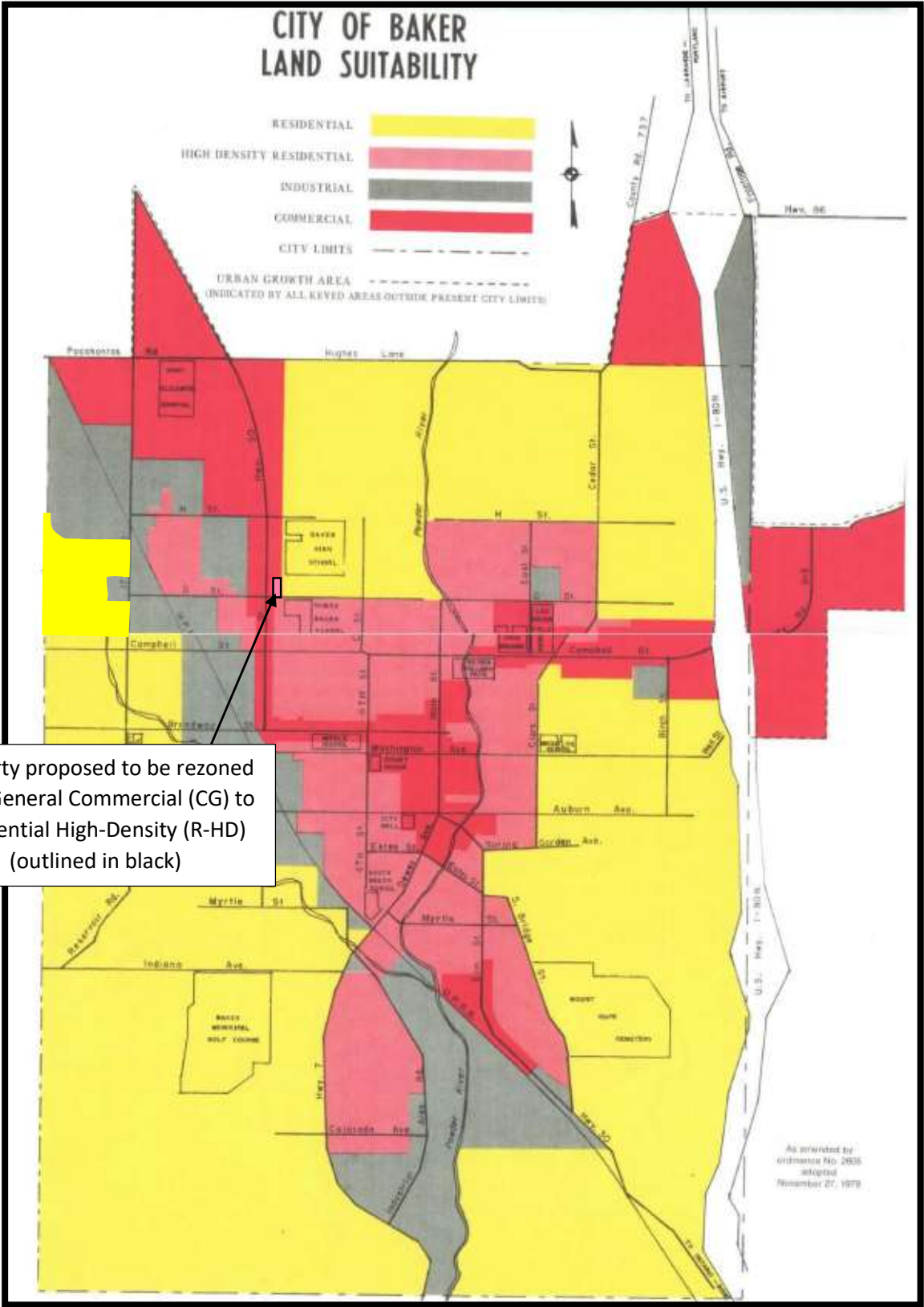
** Subject Property Outlined in Black*

PROPOSED Baker City Zoning Map
Subject Property Outlined in Black



Zoning	
	Central Commercial (C-C)
	General Commercial (C-G)
	General Industrial (I)
	Light Industrial (L-I)
	High Density Residential (R-HD)
	Low Density Residential (R-LD)
	Medium Density Residential (R-MD)

Baker City Comprehensive Land Suitability Map



BAKER CITY-COUNTY PLANNING DEPARTMENT



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



APPLICATION FOR A CODE, MAP OR PLAN AMENDMENT

124-24-000274-P.LNG
App. No. R2-24-129 City Planning: 101-131-3-40-4104
Date Submitted: 11/25/24 Received by: T. Micka
Fee Collected: \$ 720.00 Date Paid: 11/26/24
MAKE CHECKS PAYABLE TO: BAKER COUNTY PLANNING

PROPOSED AMENDMENT: rezone CG to R4D

APPLICANT			PROPERTY OWNER		
<u>Atlas Land Use Consulting</u>			<u>Herbes Geraldine</u>		
Last Name	First	MI	Last Name	First	MI
<u>42642 Prahontas Road</u>			<u>3123 Estampida</u>		
Mailing Address			Mailing Address		
<u>—</u>			<u>—</u>		
Physical Address			Physical Address		
<u>Baker City OR 97814</u>			<u>San Clemente CA 92673</u>		
City	State	Zip	City	State	Zip
<u>541 403 3123</u>			<u>949-735-4721</u>		
Telephone			Telephone		
<u>atlaslanduseconsulting@gmail.com</u>			<u>vjherbes@fedex.com</u>		
Email			Email		

PROPERTY INFORMATION

Property Address: _____ Zone: CG
 Township 09S Range 40e Section 17ba Tax Lot 4600 Ref. 2017
 Township 09S Range 40e Section 17ba Tax Lot 4700 Ref. 2018

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

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

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

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

Name: Karla Smith Phone: 541-519-8182
 Mailing Address: Po Box 762, Baker City, OR 97814 Email: Karla@TheGroveTeam.com
 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: Tasheera Zickgraf 09/04/24 Date: _____
 Property Owner(s) Signature: Robert Joseph Herbes, Co-Guardian Date: _____
 _____ Date: _____

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

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

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

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

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

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

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

INTRODUCTION

The application before you requests the rezoning of two properties on 9th Street, between D and E streets. It is the position of this application that the highest and best use of these properties is not commercial zoning, as the properties are removed from the business corridor that is 10th Street and are immediately adjacent to residential zoning. This assertion is supported by the findings and data included in this application narrative.

APPLICABLE CRITERIA

BAKER CITY DEVELOPMENT CODE (BCDC)

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

BCDC Section 4.7.300 Quasi-Judicial Amendments

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

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

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

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

5. *The amendment conforms to the Transportation Planning Rule provisions under Section 4.7.600.*

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

- 1) See findings beginning on page 6 of this application.
- 2) See findings beginning on page 6 of this application.
- 3) The subject properties are currently served by City sewer and water, with extension of those services to future development available. City streets serve the properties in their current configuration. Upon future development of the property, all required public facilities will be provided as required by the Baker City Development Code.
- 4) This proposal has been formed based on the belief that a re-zoning of these properties from commercial to residential would benefit the Baker City community as a whole, as detailed further in this application.
- 5) See findings under BCDC Section 4.7.600, below.

BCDC Section 4.7.600 – Transportation Planning Rule Compliance

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

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

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

1. The Baker City TSP (page 35) shows local (E and 9th) and collector (D) streets immediately abutting the subject properties. No change in the functional classification of existing or planned transportation facilities is proposed or required to support this request.

2. No change to the standards implementing a functional classification system is proposed.
3. No changes are proposed which would reduce the performance of an existing or planned transportation facility. D, E, and 9th streets surrounding the subject properties could handle the amount of traffic generated by residential development (see attached *Trip Generation Letter* for more detail).
4. No changes are proposed which would worsen the performance of an existing or planned transportation facility. See findings for subsection (3) above.

See findings for BCDC Section 4.1.900 below.

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

- A. *When a Traffic Impact Study is Required. The City or other road authority with jurisdiction may require a Traffic Impact Study (TIS) as part of an application for development, a change in use, or a change in access. A TIS may be required when a land use application involves one or more of the following actions:*
 1. *A change in zoning or a plan amendment designation;*
 2. *Any proposed development or land use action that a road authority states may have operational or safety concerns along its facility(ies);*
 3. *An increase in site traffic volume generation by 300 Average Daily Trips (ADT) or more; or*
 4. *An anticipated increase in peak hour volume of a particular movement to and from the State or road authority highway by 20 percent or more; or*
 5. *An increase in use of adjacent streets by vehicles exceeding the 20,000-pound gross vehicle weights by 10 vehicles or more per day; or*
 6. *The location of the access driveway does not meet minimum sight distance requirements, or is located where vehicles entering or leaving the property are restricted, or such vehicles queue or hesitate on the State highway, creating a safety hazard; or*
 7. *A change in internal traffic patterns that may cause safety problems, such as back up onto a street or greater potential for traffic accidents.*
- B. *Traffic Impact Study Preparation. A Traffic Impact Study shall be prepared by a professional engineer licensed in Oregon in accordance with the requirements of the road authority. If the road authority is the Oregon Department of Transportation (ODOT), consult ODOT's regional development review planner and OAR 734-051-180.*

- 1) A zone change is proposed.
- 2) No such comments relating to operational or safety concerns were received from the Baker City Public Works. As all public rights-of-way have been designed so as to adhere to requirements within the Baker City Development Code, operational and safety concerns are not anticipated. Subsequent applications for development (if this re-zone application is approved) will allow for mitigation of any identified operational or safety concerns.
- 3) The requested zone change will not immediately increase site traffic volume; however, anticipated future residential development could generate a maximum of ± 88 ADT. The most recent use of the property was as the site of both a single-family dwelling and a bicycle shop. The home that was on the property was lost to fire in 2023, and the bicycle shop is no longer open.
- 4) The subject property does not abut a state highway.
- 5) Heavy vehicle traffic is not anticipated in this area upon future development of the subject properties.
- 6) It is believed driveway access points would/could meet all sight distance requirements at the time of development. No development is proposed with this re-zone request.
- 7) Such safety problems are not anticipated, as all public rights-of-way have been designed so as to adhere to requirements within the Baker City Development Code.

No request for a traffic impact study was received from the Baker City Public Works Department.

See findings for OAR 660-012-0060 below.

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

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

It is the position of this application that no significant affect will come from the proposed re-zone, as detailed in the Traffic Generation Letter (Attachment 4).

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

No change in the functional classification of existing or planned facilities is proposed. D, E and 9th streets are developed with street surface and can accommodate traffic from future residential development.

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

No such change is requested.

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

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

Not inconsistent with TSP.

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

No changes are proposed which would reduce the performance of an existing or planned transportation facility.

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

Same comment as above.

In summary, no significant affect is generated by this re-zone request. This is supported by findings in the Trip Generation Letter (Attachment 4). No comments were received from the Baker City Public Works Department to the contrary.

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

THE BAKER CITY COMPREHENSIVE PLAN

PUBLIC INVOLVEMENT AND PROCEDURES FOR PLANNING

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

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

POLICIES:

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

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

Applicant Findings:

- (1) It is assumed that all notice requirements outlined in the BCDC have been adhered to by Planning Department staff.
- (2) The required application form and supporting materials were submitted to the Planning Department and are available for public review.
- (3) It is assumed that all notice requirements outlined in the BCDC will be adhered to by Planning Department staff.
- (4) It is assumed that the procedures outlined in the BCDC for public hearings for this proposal will be adhered to.
- (5) The application narrative was written to determine consistency with Statewide Planning Goals. See findings for each Planning Goal, as applicable.
- (6) This narrative has been written to determine consistency with the Baker City Comprehensive Plan.
- (7) The information in the Housing chapter of the Comprehensive Plan was recently updated in 2021. Other chapters have not been recently updated. The frequently referenced Land Suitability Map has not been revised since its creation in 1979. Zoning maps were last revised in 2023.
- (8) All proposed revisions to the Comprehensive Plan will be presented to the Planning Commission, who will make a recommendation to City Council.
- (9) The proposed revisions to the Comprehensive Plan Zone Map and the Baker City Zoning Map are proposed by citizens of Baker City.
 - a) The following conditions exist:
 - i. Not applicable.
 - ii. Not applicable. The recently-completed Buildable Lands Inventory demonstrates there is not a shortage of residentially-zoned land available to meet the current projected housing need; however, it should be noted that:

- there is a noted surplus of employment lands (commercial and industrial) in the city
 - not all land identified as *vacant* or *redevelopable* in the BLI will be available for housing development or redevelopment at any given time
 - 130 single-family dwellings are projected as being needed by 2040, with that figure increasing to 229 in the alternative forecast
 - R-HD zoning allows for the most homes on the least amount of land
- iii. A change in zoning designation is proposed for the area identified in Attachment 1 from General Commercial to Residential High Density. Please see detailed findings under the *Land Suitability* chapter on page 13 of this narrative.
- iv. There are no anticipated changes to the current use of public facilities. If approved, adequate public utilities will be extended to serve future development. No new tax burden is anticipated. Please see detailed findings under the *Public Facility Plan* chapter on pages 11 of this narrative.
- v. The table below summarizes the anticipated impacts of the proposed rezone on multiple fronts:

	Positive Impacts	Negative Impacts
Surrounding Residential Areas	- Keep commercial zoning on lots with frontage on 10th Street; decrease potential for further commercial development creep the area - Improvement to area sidewalks	- Development of vacant land - Increased traffic
Surrounding Commercial Areas	- Property was previously used residentially, so no change in use - Proposed public alleyway will create buffering between subject property and adjacent commercial/residential uses	- Potential for increased “rub” between existing commercial uses and future residential development
Community as a Whole	- Focus commercial zoning to lands with frontage on 10th Street - Increase new housing stock	- Potential for increased “rub” between existing commercial uses and future residential development

For the purposes of this section, mitigation of potential negative impacts of the proposal is reviewed in detail below. Potential positive impacts are reviewed elsewhere in this narrative.

	Negative Impacts	Comments/Mitigation
Surrounding Residential Areas	- Redevelopment of vacant land - Increased traffic	- Development of vacant land is inevitable but can be done thoughtfully and would include development of a public alleyway to accommodate expected traffic to future development
Surrounding Commercial Areas	- Potential for increased “rub” between existing commercial uses and future residential	- Proposed alleyway will create buffering between subject property and adjacent residential and commercial uses

	development	
Community as a Whole	- Potential for increased “rub” between existing commercial uses and future residential development	- Proposed alleyway will create buffering between subject property and adjacent residential and commercial uses

- vi. The application narrative has been written to determine consistency with the Statewide Planning Goals, findings for which can be found in findings for the Comprehensive Plan and other statewide planning goals beginning on page 9 of this report.
 - b) It is assumed that adequate media coverage will be sought by Planning Department staff.
 - c) It is assumed that all affected public agencies will be informed of the proposal and asked for a response by Planning Department staff.
 - d) It is assumed that the Department of Land Conservation and Development will be informed of the proposal and asked for a response by Planning Department staff.
 - e) It is assumed that the Baker City Planning Commission will make a recommendation to City Council on this request, in accordance with ordinance adoption procedures.
 - f) If approved, it is assumed that revisions to the Comprehensive Plan Zone Map and Baker City Zoning Map will take effect in accordance with standard procedures.
- 10) The proposed revisions do not involve an exception to statewide planning goals.

FIRE PROTECTION

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

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

POLICIES

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

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

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

No changes to the city limit boundaries are proposed. Additional demands on fire protection services are expected upon future development of the land included within this request. These demands can be mitigated by existing City water infrastructure extension to fully serve development on the subject properties (Attachment 5).

PARKS & RECREATION

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

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

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

POLICE PROTECTION

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

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

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

SCHOOLS

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

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

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

PUBLIC FACILITY PLAN

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

POLICIES

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

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

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

Applicant Findings: The ability to serve the properties included within this rezone request with City streets, sewer and water exists (Attachment 5).

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

In relation to *Policy (17)* listed above, review of the Baker City Zoning Map reveals that the City has several areas of vacant, commercially-zoned land (Attachment 1). This is supported by the 2021 Buildable Lands Inventory completed for Baker City, which notes there is a surplus of vacant, commercially-zoned land in the City. In summary, removal of the area under review from commercial zoning will not negatively impact future commercial development in Baker City, as the area under review does not front an arterial street and is not prime commercial real estate. Current community needs and conditions suggest this area would be better suited to other uses, as proposed in this application.

SEWER SYSTEM

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

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

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

Applicant Findings: The ability to serve the subject properties with City sewer is possible upon future development.

SOLID WASTE DISPOSAL

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

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

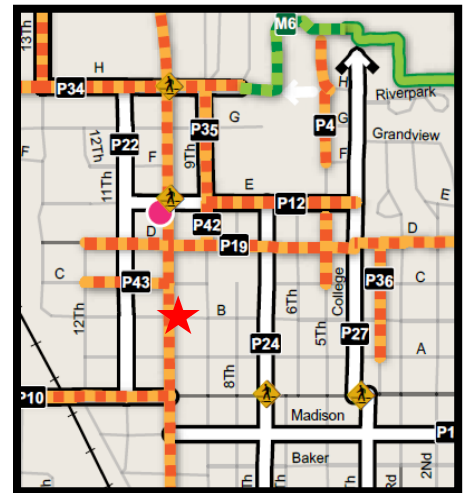
Applicant Findings: No policies within the Solid Waste Disposal chapter were determined to be applicable to this proposal. It is assumed that solid waste service could be provided to the areas included with this request, regardless of zoning.

TRANSPORTATION

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

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

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



Applicant Findings: Re-zoning and future redevelopment of the subject properties will allow for extension of sidewalks along all street frontages of the subject properties – currently, sidewalks exist only on the E Street frontage. Street surfaces are present on all street frontages.

Please see additional transportation-related findings in the Trip Generation Letter (Attachment 4), which addresses additional traffic-related concerns.

DOMESTIC WATER

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

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

Applicant Findings: No policies within the Domestic Water chapter were determined to be applicable to this proposal; however, the ability to serve the properties included within this rezone request with City water exists (Attachment 5).

EXTENSION OF SEWER AND WATER SERVICES

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

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

Applicant Findings: See findings for *PUBLIC FACILITIES AND SERVICE* on page 12 of this narrative.

EXISTING NATURAL FEATURES AND LAND USE

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

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

Applicant Findings: No policies within the Existing Natural Features and Land Use chapter were determined to be applicable to this proposal.

LAND SUITABILITY

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

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

Table on page 47: rates *Convenient Arterial Street* access with *XX*, meaning *Generally Serious Consideration*.

Review of the Baker City Zoning Map (Attachment 1) shows the majority of lands zoned CG are located on arterial streets. The subject properties are not located on an arterial street.

URBANIZATION

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

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

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

HOUSING

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

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

POLICIES:

2. *The City shall provide for a variety of housing options and sites and plan for suitable locations. It is recognized that the private sector will continue their leadership role in this function.*
5. *The City shall advance where possible the evolution of safe and aesthetically pleasing residential neighborhoods that are efficiently integrated with business and commercial property, schools, parks, public facilities, and other urban development.*
6. *The City shall seek to make the most efficient use of developable land, particularly that are already provided with City services.*

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

- 2) These properties are better suited to redevelopment and continuation of surrounding residential zoning, as they are not located on an arterial street. If approved for rezoning, the subject properties would be included in a proposal for a 4-lot subdivision, which would allow for the development of a single-family dwelling on each lot, consistent with surrounding development to the north, south, and east (Attachments 2 and 3).
- 5) The creation of a safe and aesthetically pleasing residential neighborhood in this area is clearly possible, post-rezone. Future lots created from these properties would meet minimum lot size requirements of the R-HD Zone and a platted public alleyway would separate future homes from existing commercial uses to the west.
- 6) Redevelopment of these properties for residential use is the most beneficial and efficient use, as they are not located on an arterial street, which degrades their value and function as commercial properties.

The Housing chapter was recently updated based on the new Housing Needs Analysis (HNA) and Buildable Lands Inventory (BLI) conducted for Baker City by Johnson Economics and Angelo Planning Group. The results show a need for 234 new housing units by 2040. Fifty-five percent of

the new units are projected to be single family detached homes. And while the Buildable Lands Inventory did not identify a shortage of residentially-zoned land, it should be noted that:

- there is a noted surplus of employment lands (commercial and industrial) in the city
- not all land identified as *vacant* or *redevelopable* in the BLI will be available for housing development or redevelopment at any given time
- 130 single-family dwellings are projected as being needed by 2040, with that figure increasing to 229 in the alternative forecast
- R-HD zoning allows for the most homes on the least amount of land

HISTORIC PRESERVATION

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

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

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

ECONOMIC ELEMENT

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

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

Applicant Findings: No policies within the Economic Element chapter were determined to be applicable to this proposal; however, as summarized in the *Employment Land Inventory Conclusions* (page 120 of the Baker City Comprehensive Plan), “*there is currently sufficient buildable employment land (industrial and commercial) within the Baker City urban growth boundary to accommodate the projected need for new development of these land uses over the 20-year period. If the economy and industry growth outpace the projections in this analysis, there should still be a significant surplus of land to accommodate this growth” (emphasis added).* The section goes on to read, “*the analysis presented in the 2019 EOA (Economic Opportunities Analysis) report points to a sufficient supply of employment land within the Urban Growth Boundary to accommodate forecasted growth for at least 20 years.”* Lastly, the section identifies a need for 55 acres of employment lands, which is noted as being “*well less than the... 327 acres of industrial and commercial land found in the Buildable Lands Inventory*” (page 120). In conclusion, a large amount of commercially-zoned land remains undeveloped within the city limits of Baker City and its UGB. If this rezone request is approved, larger, commercially-zoned parcels remain available for commercial developments. These sites are arguably more desirable than the area under review as they are located on arterial streets.

STATEWIDE PLANNING GOALS WHICH ARE NOT APPLICABLE TO BAKER CITY

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

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

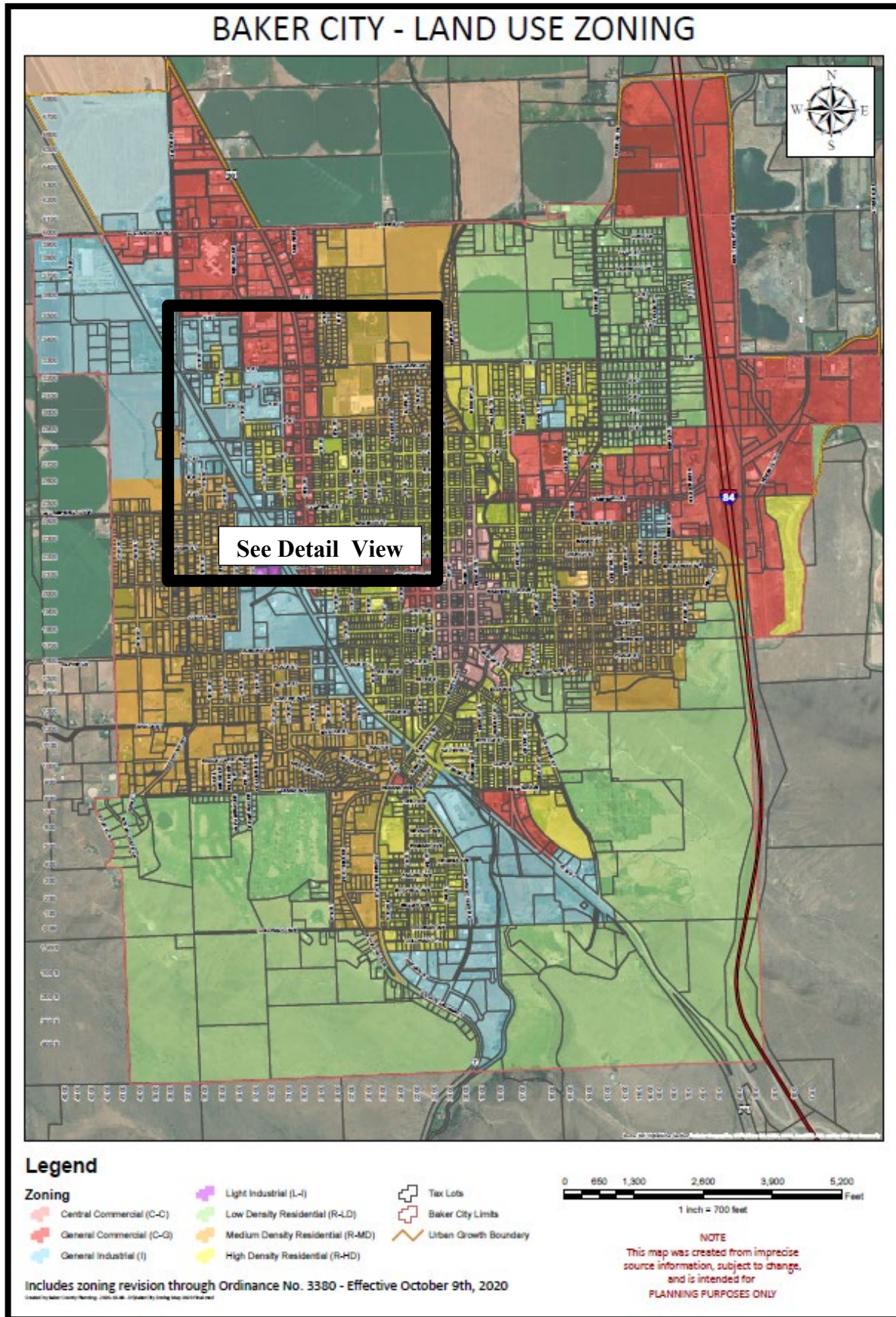
GOAL 4: *FOREST LANDS – To conserve forest lands for forest use.*

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

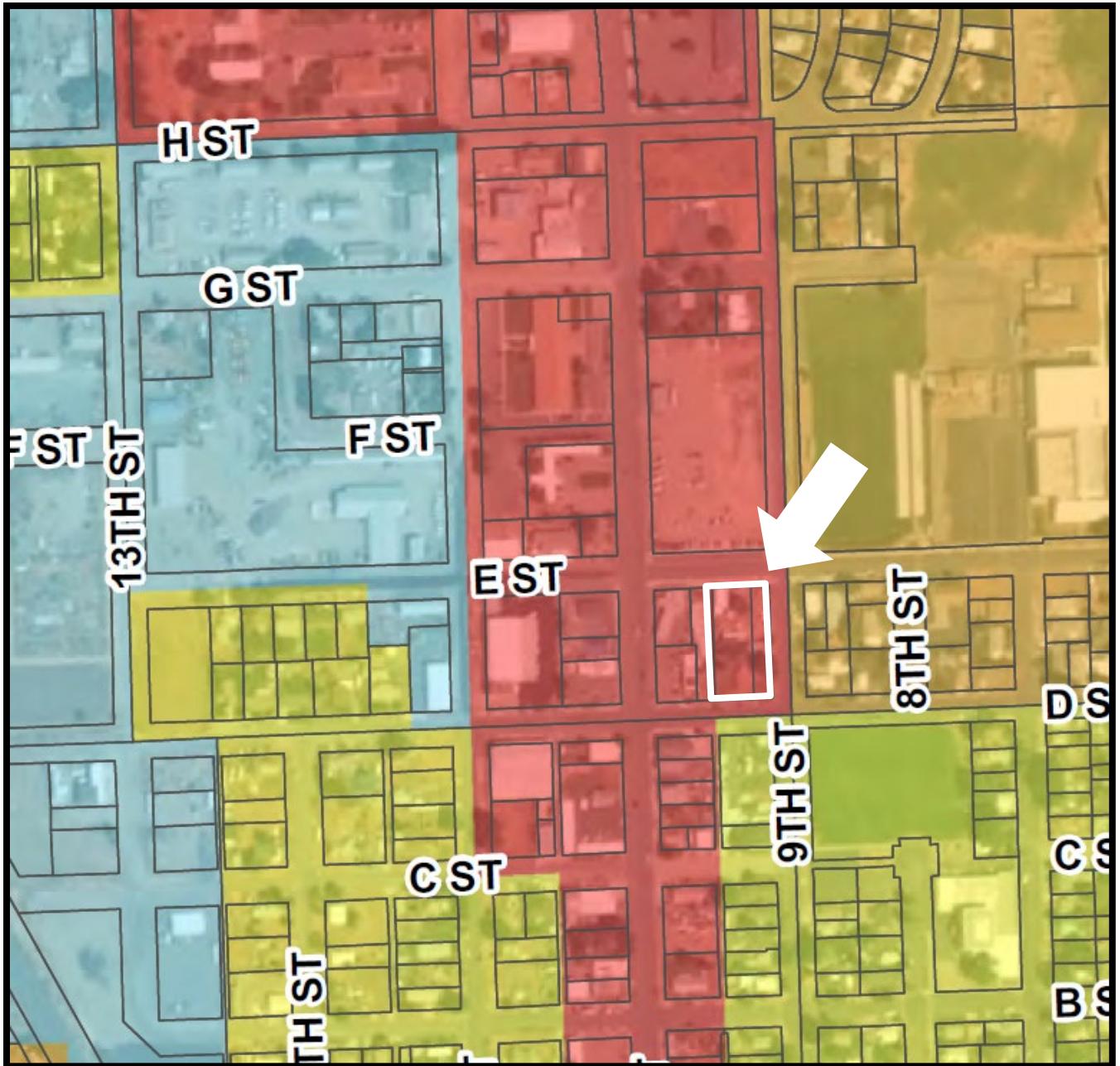
GOALS 15-19:

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

Attachment 1 – Current Baker City Zoning Map



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



Legend

Zoning



Central Commercial (C-C)
General Commercial (C-G)
General Industrial (I)



Light Industrial (L-I)
Low Density Residential (R-LD)
Medium Density Residential (R-MD)
High Density Residential (R-HD)



Tax Lots
Baker City Limits
Urban Growth Boundary

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

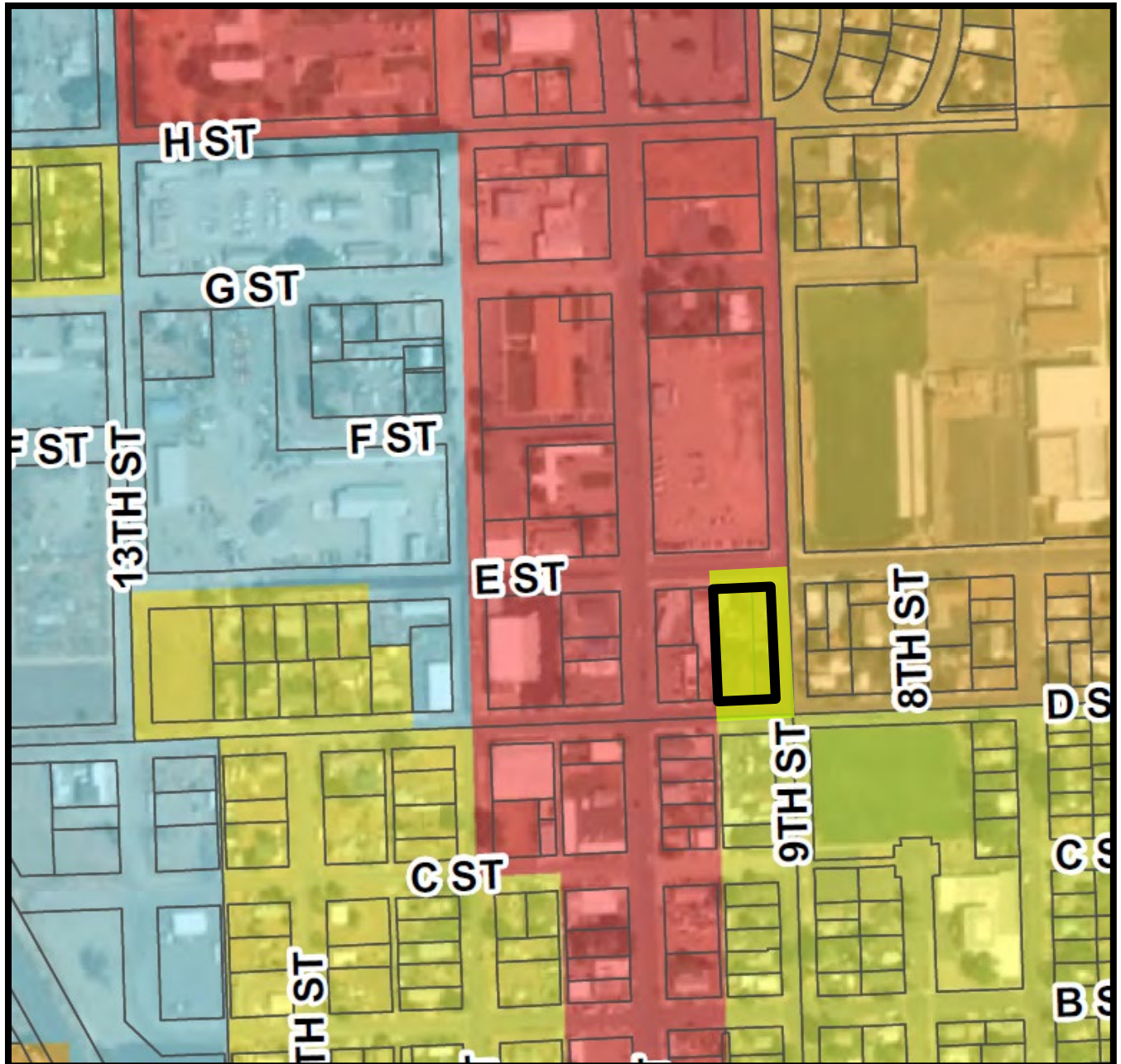
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Attachment 2 – Future Development Plan (draft)





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



Legend

Zoning

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

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

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

Attachment 4 – Trip Generation Letter

Trip Generation Letter

2820 D Street – Re-Zone Proposal
Prepared by: Atlas Land Use Consulting

Introduction:

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

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

Background:

The application under review seeks only for approval to re-zone the subject properties from commercial to residential. If this re-zone application is approved, the “*draft development plan*” provided within the application narrative (Attachment 2), will be submitted for the subject properties and the appropriate land division and development applications will be pursued through the Baker City Planning Department.

Analysis:

Residential High-Density (R-HD) Zone (proposed zoning)

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

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

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

The estimated number of residential lots (*minimum lot size 5,000 square feet, per BCDC Table 2.2.120*) that can be created from the resultant ±0.72 acres (±31,363 square feet) of developable land is 6. An example layout of such a development is included on page 2 of this letter, for estimation purposes.

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

TABLE 1 – Estimated Trips Generated for Residential Uses				
	Residential – Single-Family Detached Housing		Residential – Single-Family Attached Housing (Duplex + Townhome)	
Trip Generation Times	Trips	0.72 acres (6 DU)	Trips	0.72 (12 DU)
Average Daily Trips – Weekday	9.43	58/day	7.20	88/day
Peak Hour – Weekday AM	0.70	4 peak	0.48	6 peak
Peak Hour – Weekday PM	0.94	6 peak	0.57	7 peak



General Commercial (CG) Zone (current zoning)

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

- Group Care Facility (6-15 individuals)
- Group Care Facility (16+ individuals)
- Commercial Educational Services
- Commercial Outdoor Recreation
- Commercial Parking Facility
- Drive-Up/Drive-In/Drive-Through uses
- Major Event Entertainment
- Offices
- Retail sales and service uses (various)
- Self-Service Storage
- Industrial service
- Manufacturing and production
- Warehouse and freight movement
- Wholesales sales
- Basic utilities
- Colleges
- Community Service Uses
- Daycare
- Detention facilities
- Medical centers
- Parks and Open Areas
- Religious Institutions and Houses of Worship
- School
- Transportation facilities



Of these permitted uses, *Retail Sales and Service uses* create the most peak hour trips, according to the ITE Trip Generation Manual 7th Edition – specifically a *Convenience Market*.

No minimum lot size exists in the CG zone, per BCDC Table 2.3.110. For the purposes of this review, the property was reviewed as a single site. The following table was created to review the estimated peak hour trips generated by a potential *Convenience Market*, as estimated in the ITE Trip Generation Manual 7th Edition. The potential development was estimated to take up 1/4 of the subject property in order to account for parking and access.

TABLE 2 – Estimated Trips Generated for Commercial Uses – Retail Sales and Service (<i>Convenience Market</i>)		
Trip Generation Times	Trips	±7,841 square feet square feet (half of site)
Average Daily Trips – Weekday	762.28	5,946/day
Peak Hour – Weekday AM	62.54	488 peak
Peak Hour – Weekday PM	49.11	383 peak

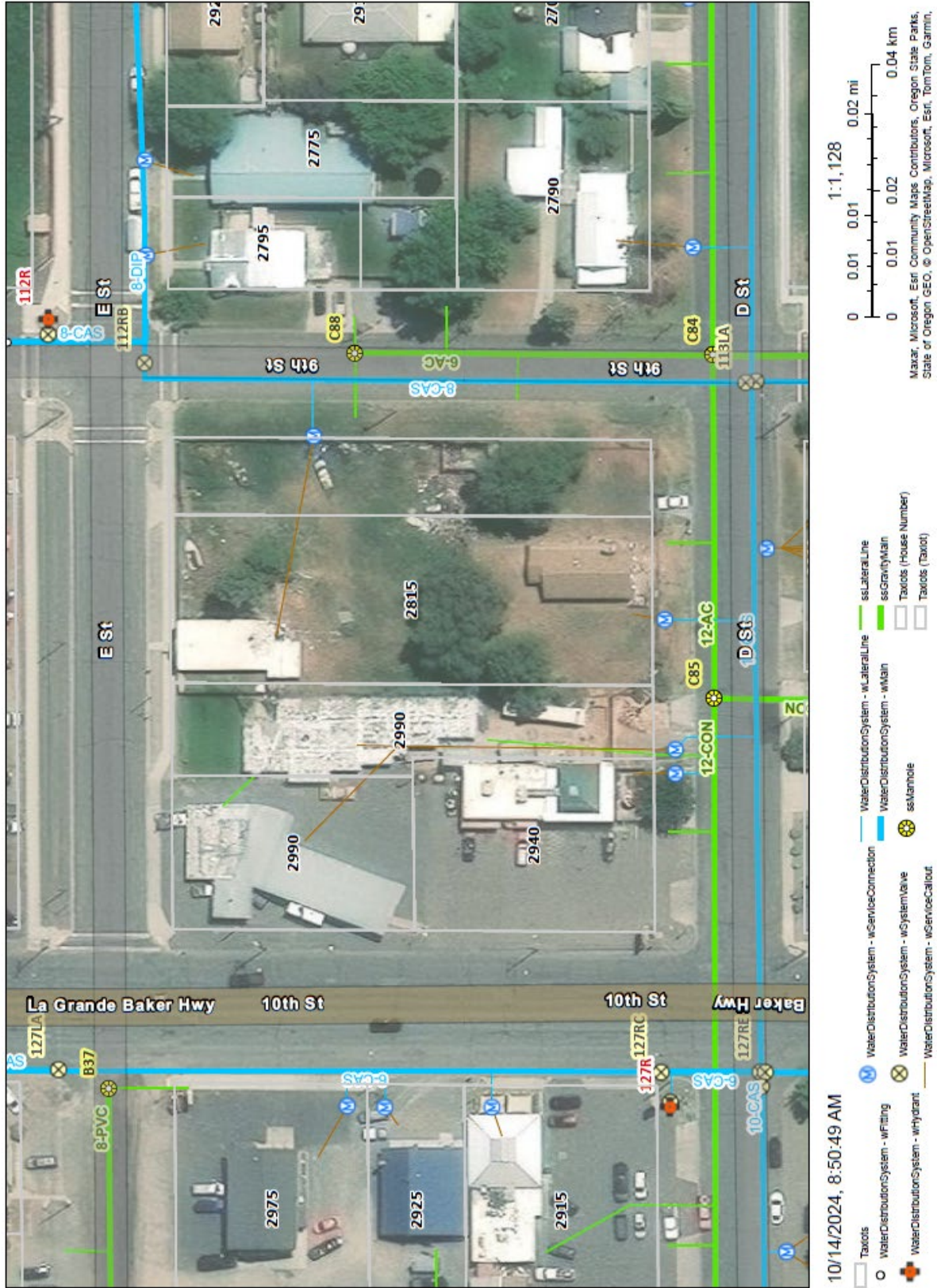
Summary:

Based on figures from the ITE Trip Generation Manual 7th Edition, a re-zone of lands from commercial to residential appears to result in a significant reduction of anticipated ADT, as outlined in Table 4 below. This falls below the threshold necessary to evaluate when determining *significance*.

TABLE 4 – Comparison of Estimated ADTs Generated – Residential vs. Commercial			
Trip Generation Times	Residential – Single-Family Detached Housing	Residential – Single-Family Attached Housing (Duplex + Townhome)	Retail Sales and Service – Convenience Market
Total Average Daily Trips – Weekday	58/day	88/day	5,946/day

Attachment 5 – City Sewer & Water Maps

Water and Sewer Map for TL 4600 & 4700





Kelly Smith
The Grove
Call 953-6885





Exhibit 5 - Map Amendments and Code Interpretations Table

Baker City Development Code

Article 6 – Map Amendments and Code Interpretations

Sections:

6.1.100 Purpose

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

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

Date of Approval	Ordinance #	Map Amendment or Code Interpretation	Property(ies) effected by decision (Map, Tax Lot & Ref.)	New Zoning Designation	Previous Zoning Designation	Comprehensive Plan Map and/or Zoning Map Amendment	Planning Application #
09/08/2020	3380	Map Amendment	Multiple	Various	Various	Zoning Map Amendment	ZT-20-013
02/28/2024	N/A	Map Amendment	Tax Lot 101 of 09s40e21bd (Refs. 18301)	Residential-Medium Density (R-MD)	Residential-Low Density (R-LD)	Zoning Map Amendment	RZ-23-132
04/19/2024	3399	Map Amendment	Tax Lots 104, 105, 106, 107 and a portion of 101 in 09S40E18A (Refs. 16510, 17121, 17122, 17123, 17124) Total is ±44.6 acres.	Residential-Medium Density (R-MD)	General Industrial (I)	Comprehensive Plan & Zoning Map Amendment	RZ-23-131
TBD	TBD	Map Amendment	Tax Lots 4600 & 4700 of 09s40e17ba (Refs. 2017, 2018)	Residential-High Density (R-HD)	General Commercial (G-C)	Comprehensive Plan & Zoning Map Amendment	RZ-24-129

Exhibit 6 - Comments from Liz White



Fwd: Block Planning

From Eva Henes <atlaslanduseconsulting@gmail.com>

Date Thu 12/12/2024 12:32 PM

To Tara Micka <tmicka@bakercountyor.gov>

Hello Tara,

I received these comments from neighbor Liz White in response to the Jackson re-zone application. Could we add these as an exhibit to the report, or do you think it best to submit as an attachment to our application? Please see email below and let me know your preference.

Thank you,

Eva Henes

Land Use Consultant

Atlas Land Use Consulting

----- Forwarded message -----

From: **S. White** <paizanobaker@gmail.com>

Date: Tue, Dec 3, 2024 at 3:21 PM

Subject: Block Planning

To: <atlaslanduseconsulting@gmail.com>

Hi Eva,

My husband Steve and I were both happy to hear that someone is planning to build houses and add an egress alley to the block. We are in favor of those changes.

Thank you!

~Liz White

Owner/ Operator of Paizano's Pizza and Bad Barkley LLC that holds the property at the corner of 10th and D.



RE: Priority - Rezone Application - 2815 E Street (Tax Lots 4600 & 4700)

From Joyce Bornstedt <bcpwdirector@bakercity.gov>

Date Thu 1/2/2025 8:20 AM

To Tara Micka <tmicka@bakercountyor.gov>; Danielle Schuh <PWAdirector@bakercity.gov>

Cc Holly Kerns <hkerns@bakercountyor.gov>

Good Morning Tara –

We do not have a funding mechanism in place or approved for the mentioned projects. Funding for pedestrian projects primarily comes from development requirements that are addressed through a LUR at the time of request. The two options usually consist of either a requirement to construct the pedestrian improvement, or a non-remonstrance agreement for future improvements. In this instance given the proximity to schools and the 10th Street business area, I would likely require that the improvements are construct.

Thank you - Jb

From: Tara Micka <tmicka@bakercountyor.gov>

Sent: Thursday, December 26, 2024 10:56 AM

To: Joyce Bornstedt <bcpwdirector@bakercity.gov>; Danielle Schuh <PWAdirector@bakercity.gov>

Cc: Holly Kerns <hkerns@bakercountyor.gov>

Subject: Re: Priority - Rezone Application - 2815 E Street (Tax Lots 4600 & 4700)

Good morning,

I have a separate question regarding this rezone, which has to do with identified TSP projects. For background, the TSP includes projects at or near the property proposed to be rezoned. A proposed neighborhood route (sidewalk infill and wayfinding) is identified on E Street from 11th Street to College Street, which abuts the north side of the subject property; a proposed sidewalk is identified on D Street from 1st Street to 12th Street, which abuts the south side of the subject property, and a proposed sidewalk is identified on 9th Street from D Street to E Street, which abuts the east side of the subject property. See projects P12, P19 and P42 in Table 2-1 and Figure 2-1 of the TSP. The TSP also identifies a bike lane on D Street from 10th Street to Cedar Street, which abuts the south side of the subject property. See project B4 in Table 2-2 and Figure 2-2 of the TSP.

Does the City have any funding mechanisms in place or any funding already approved for any of these projects?

Tara

From: Joyce Bornstedt <bcpwdirector@bakercity.gov>

Sent: Thursday, December 19, 2024 2:49 PM

To: Tara Micka <tmicka@bakercountyor.gov>; Danielle Schuh <PWAdirector@bakercity.gov>

Cc: Holly Kerns <hkerns@bakercountyor.gov>

Subject: RE: Priority - Rezone Application - 2815 E Street (Tax Lots 4600 & 4700)

Hello again – Please see below for my responses. Let me know if you need further clarification.

Thanks ~ Jb

From: Tara Micka <tmicka@bakercountyor.gov>

Sent: Wednesday, December 18, 2024 4:10 PM

To: Joyce Bornstedt <bcpwdirector@bakercity.gov>; Danielle Schuh <PWAdirector@bakercity.gov>

Cc: Holly Kerns <hkerns@bakercountyor.gov>

Subject: Re: Priority - Rezone Application - 2815 E Street (Tax Lots 4600 & 4700)

Thank you for the quick response. I have some follow up questions regarding wastewater.

1. When you say, "*a considerable number of dwelling units*", is there a number equated to that? *It is difficult to put a number to how many units until we see a development plan. As I recall from the pre-application meeting, Eva indicated that the expected use would be four single family homes. The current wastewater infrastructure has the capacity to serve up to the maximum 32.85 dwelling units. My concern is primarily the logistics of serving the north portion of the parcel. The only mainline currently available to serve this lot does not have adequate depth. If the parcel were to be developed to the full capacity of 28.65 - 32.85 dwelling units divided equally on the four lots, serving 7 – 8 units on the north lot would be difficult if not impossible.*
2. If the public wastewater facility is currently inadequate, does the Facilities Plan discuss providing this wastewater facility in the 20-year planning period? *The public wastewater facility is not currently inadequate. There is a potential for service issues based on the development plan as explained in item no. 1. The facility plan does not address this issue in the 20-year planning period. I believe this is due to the existing infrastructure to the north (south of 'G' Street) and to the South ('D' Street) that has adequate depth to serve larger development in the area.*
3. Lastly, if the public wastewater facility is inadequate for the proposed rezone, what needs to be provided to make it adequate? *As stated above, the ability to serve will be dependent upon the development plan. Extension of the 9th Street mainline or connection primarily to the 'D' Street mainline would resolve the adequacy. Keep in mind that mainlines must be constructed/extended within the public right of way or within easements dedicated for public utilities. Additionally, the applicant for service must own or control the property to be served at the terminus of the lateral. In other words, a lateral could not connect at 'D' Street and serve the lot at 'E' Street if the parcel were divided and under separate ownership. If there are issues, we'll need to communicate the concerns with the applicant as soon as possible as the approval criteria depend on this information.*

Thanks Joyce! I want to ensure that I'm clear on the wastewater situation.

Tara

From: Joyce Bornstedt <bcpwdirector@bakercity.gov>

Sent: Wednesday, December 18, 2024 1:40 PM

To: Tara Micka <tmicka@bakercountyor.gov>; Danielle Schuh <PWAdirector@bakercity.gov>

Cc: Holly Kerns <hkerns@bakercountyor.gov>

Subject: RE: Priority - Rezone Application - 2815 E Street (Tax Lots 4600 & 4700)

Good afternoon Tara –

In response to the questions below, I have provided responses here:

1. Public Works does not anticipate that the rezone proposal will have a significant impact on the existing transportation facility.
2. Public Works does agree with the information provided in the Trip Generation Letter.
3. With regard to public utilities, Public Works has reviewed the existing infrastructure and have determined the following:
 - a. The water infrastructure in the area is sufficient to accommodate the conceptual number of dwelling units.
 - b. The wastewater infrastructure presents some challenges along the 9th street frontage in terms of ability to serve. The terminus of the existing main line is relatively shallow. If the main must be extended to serve the northern portion of the parcel, the extension distance would be limited. Likewise, the placement of dwelling units on the parcel may require that the owner/developer use a lift station to obtain gravity flow to the main line. Further, a considerable number of dwelling units could potentially require extension of the deeper mainline located approximately 150 feet south of G Street or to the mainline located on D Street (this extension would require dedication of a public alleyway along the west portion of the parcel.) The serviceability of wastewater will be determined when a development plan is submitted.

Please let us know if you need further information.

Thank you - Jb



Joyce Bornstedt
Public Works Director
Phone: 541.524.2031
Email: bcpwdirector@bakercity.gov

Baker City Public Works
1655 1st Street | Baker City, OR 97814
www.bakercity.com

From: Tara Micka <tmicka@bakercountyor.gov>
Sent: Wednesday, December 18, 2024 11:08 AM
To: Joyce Bornstedt <bcpwdirector@bakercity.gov>; Danielle Schuh <PWAdirector@bakercity.gov>
Cc: Holly Kerns <hkerns@bakercountyor.gov>
Subject: Priority - Rezone Application - 2815 E Street (Tax Lots 4600 & 4700)

Good morning Joyce & Danielle,

We received a formal rezone application following the pre-application meeting we had a while back for 2815 E Street (between D & E Streets, west of 9th Street). We wanted to give you an early opportunity to review the application and provide comments. The applicant provided a Trip Generation Letter outlining potential impacts, which compares both Commercial and Residential uses (Attachment 4 of the attached narrative). The rezone seeks to change the zoning from General Commercial to Residential-High Density. The questions that we need your answers to include:

1. Will the proposed rezone have a significant affect on the transportation facility (D Street is currently classified as a collector and both E and 9th Streets are classified as local streets according to the TSP)? A significant affect on the transportation system means the proposal would:
 - a. Change the functional classification of an existing or planned transportation facility.
 - b. Change the standards implementing a functional classification system.
 - c. Reduce the performance of an existing or planned transportation facility below the minimum acceptable performance standard.
 - d. Worsen the performance of an existing or planned transportation facility that is otherwise projected to perform below the minimum acceptable performance standard identified in the TSP.
2. Do you agree with the applicant's Trip Generation Letter?
3. Since this application is for a rezone and not a subdivision, one of the questions the Planning Commission and Council need to answer is whether there are adequate services at maximum buildout. The allowed density in the Residential High-Density zone is 4-45 dwelling units per acre. The subject property measures .73 acres; therefore, at maximum density, $0.73 \text{ acres} * 45 \text{ dwelling units per acre} = 32.85 \text{ dwelling units}$. While I do not understand this to be the applicant's future development plan, the rezone requirements require both the Planning Commission and Council to evaluate whether the *"affected area is presently provided with adequate public facilities, services and transportation networks to support the use or such facilities, services and transportation networks are planned to be provided in the planning process."* While not part of this rezone, the applicant has indicated that a 16.5-foot-wide alleyway will be provided with future development, which would be an unbuildable portion of the subject property. If we remove this alleyway portion out of the buildable land, the calculation would be $.637 \text{ acres} * 45 \text{ dwelling units} = 28.65 \text{ dwelling units}$.

Are the existing public services adequate to support an additional 28.65 - 32.85 dwelling units? In order to achieve that kind of density, apartments and multi-family dwellings would need to be a significant part of the development and wouldn't be limited to just single-family dwellings or duplexes. If services aren't currently adequate, what is needed to make them adequate?

The Planning Commission is scheduled to hear this request at their public meeting on Wednesday, January 15, so our staff report has to be available for them and the public on Wednesday, January 8. We would like to have your response to these questions by no later than 5pm on Tuesday, December 31, 2024, in order for us to incorporate your comments into the staff report and get any questions answered. All of the application materials we have received so far are uploaded to the corresponding file on Teams (RZ-24-129).

Please let me know if you have any questions.

Tara Micka | Senior Planner

Baker County & City Planning Department

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

Office: 541.523.8219, ext. 146

tmicka@bakercountyor.gov | www.bakercountyor.gov

ACTIVE TRANSPORTATION PLAN

The active transportation plan presents those projects focused on facilitating pedestrian and bicycle travel. The projects were identified based on input received through the Alternatives Analysis process and input from the PMT, TAC, and general public and were prioritized based on their proximity to schools, the underlying roadway's functional classification, and overall benefit to the transportation network.

PLANNED PEDESTRIAN NETWORK

Pedestrian facilities include sidewalks, multi-use paths, and neighborhood route designations. The street design standards ensure that pedestrian facilities are provided in conjunction with all new or substantially reconstructed public streets. For existing roadways without sidewalks, the inclusion of sidewalks will be required with any redevelopment of properties or with significant improvements in the roadways.

The planned pedestrian network for Baker City is detailed in Table 2-1 and shown in Figure 2-1. This network improves the connection between residential neighborhoods and commercial, social and educational locations around Baker City. Table 2-1 details the planned pedestrian projects and planning level cost estimates.

Table 2-1: Planned Pedestrian Network

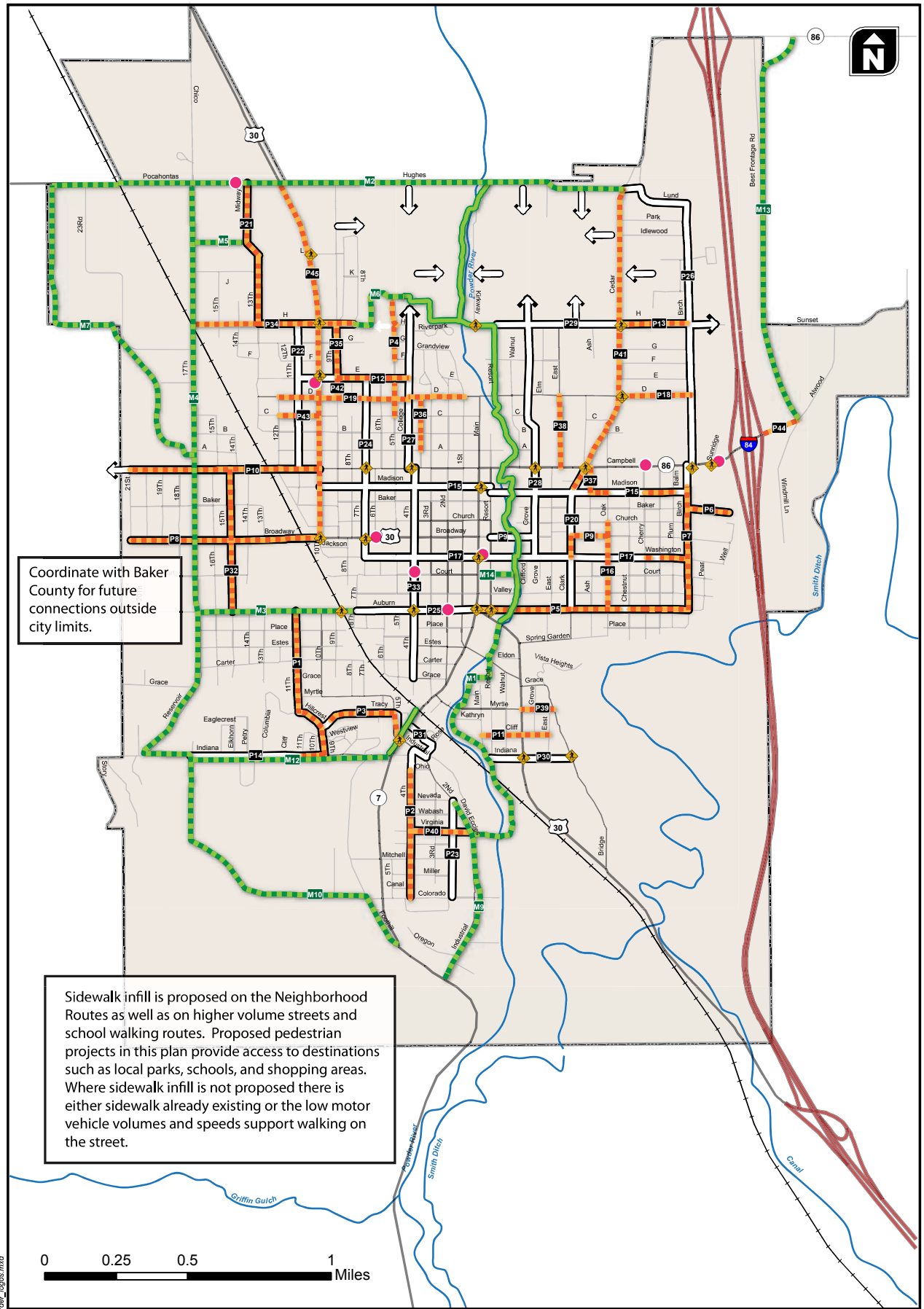
(Project #) Name	Description	Reason for the Project	Priority (Timeline)	Cost ¹
(P1) 11 th Street/ Hillcrest Drive/ 9 th Street	Sidewalk infill and wayfinding from Indiana Avenue to Auburn Avenue	Gap in existing pedestrian network	Near-term	\$342,000
(P2) 4 th Street	Sidewalk infill and wayfinding from Colorado Avenue to Ohio Avenue, Neighborhood Route	Improving pedestrian network, gap in existing pedestrian network	Near-term/ Development Driven	\$113,000
(P3) Tracy Street & 5 th Street	Sidewalk infill and wayfinding from 9 th to OR 7, Neighborhood Route	Improving pedestrian network, gap in existing pedestrian network	Near-term	\$290,000
(P4) 5 th Street	Add sidewalks from C Street to E Street and from F Street to Sports Complex	Improving pedestrian network	Near-term	\$98,000
(P5) Auburn Avenue	Add sidewalks from Main Street to Birch Street; enhanced pedestrian crossings at Resort Street and Main Street	Gap in existing pedestrian network	Near-term	\$288,000
(P6) Baker Street	Sidewalk infill and wayfinding from Birch Street to Swim Center/Skate Park	Gap in existing pedestrian network	Near-term	\$25,000
(P7) Birch Street	Sidewalk infill and wayfinding from Auburn Avenue to Campbell Street, Neighborhood Route, enhanced pedestrian crossing at Campbell Street	Improving pedestrian network, gap in existing pedestrian network	Near-term	\$218,000
(P8) Broadway Street	Sidewalk infill and wayfinding from 21 st Street to 10 th Street; pedestrian crossing opportunities at 10 th Street; project will require coordination with ODOT Rail Division at rail crossing	Improving pedestrian network, gap in existing pedestrian network	Near-term	\$477,000

(Project #) Name	Description	Reason for the Project	Priority (Timeline)	Cost ¹
(P9) Broadway Street	Add sidewalks from Clark Street to Oak Street	Improving pedestrian network	Near-term/ Development Driven	\$31,000
	Neighborhood Route from Grove Street to Resort Street	Improving pedestrian network	Near-term	\$1,000
(P10) Campbell Street	Sidewalk infill and wayfinding from 21 st Street to 10 th Street; project will require coordination with ODOT Rail Division at rail crossing	Gap in existing pedestrian network	Near-term	\$354,000
(P11) Cliff Street	Add sidewalks from Main Street to East Street	Improving pedestrian network	Near-term	\$100,000
(P12) E Street	Sidewalk infill and wayfinding from 11 th Street to College, Neighborhood Route	Improving pedestrian network, gap in existing pedestrian network	Near-term	\$176,000
(P13) H Street (east)	Sidewalk infill and wayfinding from Cedar Street to Birch Street, Neighborhood Route, enhanced pedestrian crossing at Cedar Street	Improving pedestrian network, gap in existing pedestrian network	Near-term	\$125,000
(P14) Indiana Avenue	Sidewalk infill and wayfinding from E Fairway to 9 th Street, Neighborhood Route	Improving pedestrian network, gap in existing pedestrian network	Near-term	\$83,000
(P15) Madison Street	Sidewalk infill from Plum Street to Cherry Street and from Oak Street to Ash Street	Improving pedestrian network, gap in existing pedestrian network	Development Driven	\$114,000
	Neighborhood Route from 10 th Street to Birch Street	Improving pedestrian network, gap in existing pedestrian network	Near-term	\$9,000
(P16) Oak Street	Add sidewalks from Church Street to Auburn Avenue	Improving pedestrian network	Near-term/ Development Driven	\$78,000
(P17) Washington Street	Sidewalk infill from Cherry Street to Birch Street	Improving pedestrian network, gap in existing pedestrian network	Development Driven	\$54,000
	Neighborhood route from 7 th Street to Birch Street; pedestrian crossing investigation at Main Street	Improving pedestrian network, gap in existing pedestrian network	Near-term	\$8,000
(P18) D Street	Add sidewalks from Cedar Street to Birch Street	Improving pedestrian network	Near-term	\$114,000
(P19) D Street	Add sidewalks from 1 st Street to 12 th Street	Improving pedestrian network	Near-term	\$327,000
(P20) Clark Street	Sidewalk infill and wayfinding from Washington Avenue to Broadway Street and Madison Street to Campbell Street	Improving pedestrian network, gap in existing pedestrian network	Development Driven	\$147,000
	Neighborhood route from Campbell Street to Auburn Avenue	Improving pedestrian network, gap in existing pedestrian network	Near term	\$6,000
(P21) Midway Drive & 13 th Street	Sidewalk infill and wayfinding on 13 th Street and Midway from H Street to Hughes Lane	Gap in existing pedestrian network	Near-term	\$369,000
(P22) 11 th Street	Neighborhood route from H Street to Campbell Street	Gap in existing pedestrian network	Long-term	\$4,000
(P23) 2 nd Street	Neighborhood route from David Eccles Road to Colorado Avenue	Gap in existing pedestrian network	Long-term	\$3,000
(P24) 7 th Street	Neighborhood route from E Street to Washington Street, pedestrian crossing investigation at Broadway Street	Gap in existing pedestrian network	Long-term	\$5,000
(P25) Auburn Avenue	Add wayfinding signage from Resort Street to Railroad Crossing; pedestrian crossing investigation at 4 th Street	Improving pedestrian network navigation	Long-term	\$19,000
(P26) Birch Street/Lund Lane	Neighborhood route from Campbell Street to Cedar Street, Fill in paving gaps	Gap in existing pedestrian network	Long-term	\$406,000

(Project #) Name	Description	Reason for the Project	Priority (Timeline)	Cost ¹
(P27) College Street	Neighborhood route from H Street to Campbell Street	Gap in existing pedestrian network	Long-term	\$4,000
(P28) Grove Street	Neighborhood route from H Street to Washington Street; opportunities for crossing improvements should be examined at Campbell Street	Gap in existing pedestrian network	Long-term	\$7,000
(P29) H Street (east)	Neighborhood route from Kirkway Drive to Cedar Street	Gap in existing pedestrian network	Long-term	\$196,000
(P30) Indiana Avenue (east)	Neighborhood route from Resort Street to Bridge Street; pedestrian crossing investigation at Elm Street and Bridge Street	Gap in existing pedestrian network	Long-term	\$2,000
(P31) David Eccles Road/Rose Street/Orchard Street	Neighborhood route along Rose Street (from David Eccles Road to Orchard Street) and along Orchard Street (from Rose Street to OR 7)	Gap in existing pedestrian network	Long-term	\$19,000
(P32) 15 th Street	Sidewalk infill and wayfinding from Auburn Street to Campbell Street	Improving pedestrian network, gap in existing pedestrian network	Long-term	\$374,000
(P33) 4 th Street	Proposed neighborhood route from Campbell Street to Grace Street; pedestrian crossing enhancements at Auburn Avenue	Gap in existing pedestrian network	Long-term	\$6,000
(P34) H Street (west)	Add sidewalks from 17 th Street to 8 th Street; pedestrian crossing investigation at 10 th Street	Improving pedestrian network, gap in existing pedestrian network	Long-term	\$408,000
(P35) 9 th Street	Sidewalk infill and wayfinding from E Street to H Street	Gap in existing pedestrian network	Long-term	\$100,000
(P36) 4 th Street	Add sidewalks from A Street to D Street	Improving pedestrian network	Long-term	\$95,000
(P37) Ash Street	Add sidewalks from Madison Street to Campbell Street	Improving pedestrian network	Long-term	\$28,000
(P38) East Street	Add sidewalks from Campbell Street to D Street	Improving pedestrian network	Long-term	\$171,000
(P39) Myrtle Street	Add sidewalks from US 30 to Bridge Street	Improving pedestrian network	Long-term	\$57,000
(P40) Virginia Avenue	Sidewalk infill and wayfinding from 4 th Street to David Eccles Road	Gap in existing pedestrian network	Long-term	\$171,000
(P41) Cedar Street	Add sidewalks from Campbell Street to Hughes Lane; pedestrian crossing opportunities at D Street and H Street	Improving pedestrian network	Long-term	\$754,000
(P42) 9 th Street	Add sidewalks from D Street to E Street	Improving pedestrian network	Long-term	\$6,000
(P43) C Street	Add sidewalks from 12 th Street to 10 th Street	Improving pedestrian network	Long-term	\$71,000
(P44) Campbell Street	Add sidewalks on north side of Campbell Street from I-5 ramps to future extension of Best Frontage Road.	Improving pedestrian network	Long-term	\$38,000
(P45) 10 th Street	Sidewalk infill from Broadway Street to Hughes Lane/Pocahontas Road	Improving pedestrian network	Long-term	\$316,000
Sub-Totals				
Near-Term Priority (0-5 Years)				\$3,632,000
Longer-Term Priority (5-20 Years)				\$3,260,000
Development Driven ²				\$315,000
Total				\$7,207,000

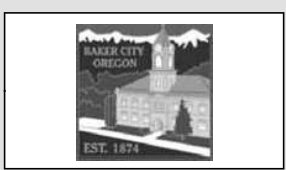
Notes:

¹Planning level cost estimates are for construction and engineering.²Refers to projects that prioritized exclusively as "Development Driven"



- Proposed Neighborhood Route (Wayfinding Only)
- Proposed Neighborhood Route (Sidewalk Infill and Wayfinding)
- Proposed Sidewalk
- Proposed Multi-Use Path
- Planned Future Connection
- ◆ Crossing Improvement (pedestrian focus)
- ◆ Pedestrian Project
- ◆ Multi-Use Path Project
- Existing Transit Stop
- Existing Multi-Use Path
- Urban Growth Boundary

Planned Pedestrian Projects



**Figure
2-1**

G:\2012-130 Baker City TSP\Map\DKV\Border_Logo.mxd

PLANNED BICYCLE NETWORK

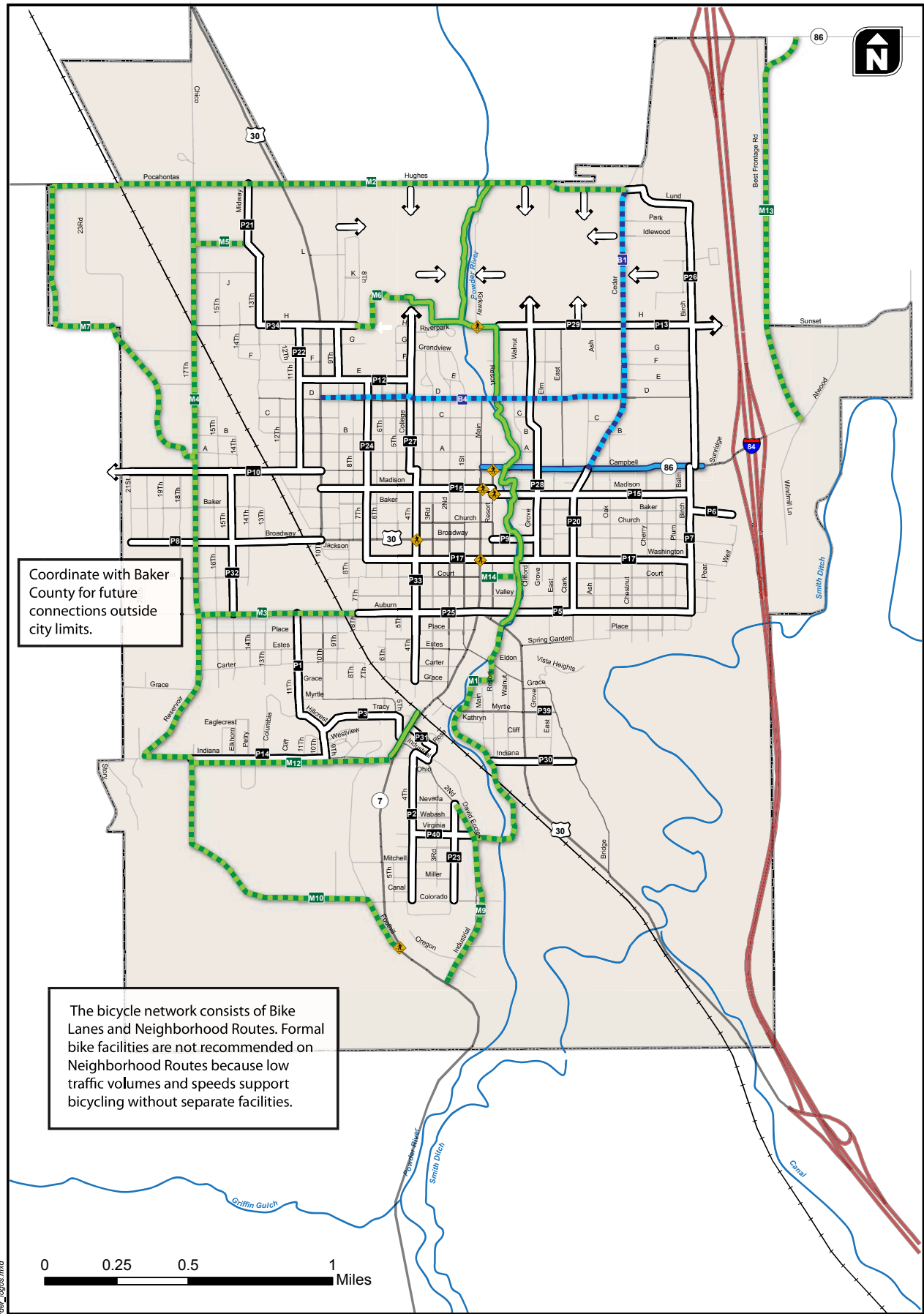
The bicycle plan is intended to establish a network of bicycle lanes and routes that connect the City's bicycle generators and provide a safe and effective bicycle travel system. The planned bicycle network for Baker City is detailed in Table 2-2 and shown in Figure 2-2. This network increases route options and connectivity to serve bicyclists with a wide range of skill sets and comfort levels (i.e. to serve novice to experienced riders).

Table 2-2: Planned Bicycle Network

(Project #) Name	Description	Reason for the Project	Priority (Timeline)	Cost ¹
(B1) Cedar Street	Upgrade bike lanes (signing and striping) from Campbell Street to Hughes Lane	Gap in existing bicycle network	Near-term	\$35,000
(B2) 10 th Street (US 30)	See Table 3-5, 10 th Street Refinement Study for further information – project to be considered based on outcome of refinement study	-	-	See Project R11
(B3) Broadway Street (US 30)	See Table 3-5, Broadway Street Refinement Study for further information – project to be considered based on outcome of refinement study	-	-	See Project R12
(B4) D Street	Add bike lanes from 10 th Street to Cedar Street	Gap in existing bicycle network	Near-term	\$57,000
Sub-Totals				
Near-Term Priority (0-5 Years)				\$92,000
Longer-Term Priority (5-20 Years)				-
Total				\$92,000

Notes:

¹Planning level cost estimates are for construction and engineering. Cost estimates assume striping and signing changes occur within the existing pavement width (i.e., no additional construction or road expansion is required).



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- | | |
|---|--|
| <ul style="list-style-type: none"> Proposed Neighborhood Route Proposed Bike Lane Proposed Multi-Use Path Planned Future Connection Crossing Improvement (bicyclist focus) | <ul style="list-style-type: none"> Bike Project Multi-Use Path Project Existing Bike Lane Existing Multi-Use Path Urban Growth Boundary |
|---|--|

Planned Bicycle Projects and Multi-Use Paths



Figure 2-2

Exhibit 9 - Comments from Baker City Fire Department



Re: Priority - Proposed Rezone Application @ 2815 E Street

From Barry Murphy <citymanager@bakercity.gov>

Date Mon 1/6/2025 6:02 PM

To Tara Micka <tmicka@bakercountyor.gov>; Ty Duby <chief@bakercitypd.gov>; Fire Chief <firechief@bakercity.gov>

Cc Admin <admin@bakercity.gov>

Tara,

No concerns.

Thanks!

Barry

Sent from my Verizon, Samsung Galaxy smartphone

Get [Outlook for Android](#)

From: Tara Micka <tmicka@bakercountyor.gov>

Sent: Monday, January 6, 2025 2:14:47 PM

To: Ty Duby <chief@bakercitypd.gov>; Fire Chief <firechief@bakercity.gov>; Barry Murphy <citymanager@bakercity.gov>

Cc: Admin <admin@bakercity.gov>

Subject: Priority - Proposed Rezone Application @ 2815 E Street

Good afternoon,

We've received an application to rezone .73 acres from General Commercial to Residential-High Density at 2815 E Street, Baker City. Do you have any concerns with this proposal? I've attached a copy of the pre-notice that provides a little more information, along with maps of the subject property. No construction is proposed at this time. Please let me know if you have any questions.

Tara Micka | Senior Planner

Baker County & City Planning Department

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

Office: 541.523.8219, ext. 146

tmicka@bakercountyor.gov | www.bakercountyor.gov

2024 Administrative Updates to the Baker City Development Code (1/15/2025)

OLD TEXT	CHANGE(S)	REASONING
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Table of Contents		
Old page numbers	Updated page numbers as changes to Development Code are updated	Makes the page numbering consistent with the Code

Chapter 2.2 - Residential Zones		
2.2.110 heading states 'Chapter 1.3 and 1.4'	Change to Chapters since multiple chapters are being referenced	Fixes spelling
Table 2.2.110 - Zero Lot line Housing references Section 2.2.200.K	Fix reference to 2.2.200.J, which is the criteria for zero lot line housing	Fixes wrong reference
Table 2.2.110 - Multiple areas include the section number but doesn't say 'Section'	Add 'Section' where missing in the table	Corrects reference; becomes more consistent
Table 2.2.110 - "Other Categories" title is missing from the table	Add title 'Other Categories' above Accessory Structures	Makes consistent with other tables in the Dev Code
2.2.120 - Background section includes a reference to 2.2.120	Add the word 'Section' before the number	Corrects reference; becomes more consistent
2.2.130.B states "...the clear vision standards in Section 3.1.2..."	Need to make the Section number complete - 3.1.200	Corrects reference
2.2.130.C references Chapter 3.2.300	Change "Chapter" to "Section"	Corrects reference
Parts of Chapter heading (on the very top of the page) state "Residential Land Use District"	Change "District" to "Zone"	Fixes incorrect wording - we don't have zoning districts
2.2.200 - opening paragraph ends in "subsections A-M"	Change this to read "subsections A-L"	There is no M in this section
2.2.200.A.5 - states "...as short-term vacation rentals, in accordance with Section 2.2.200 - Short-Term Vacation Rentals"	Change it to a statement - "Accessory dwellings shall not be utilized as short-term vacation rentals."	Redundant reference - remove everything after comma
2.2.200.F.1.f & g, along with F.2 referenced the wrong subsections	Corrected subsections to refer to the right list of criteria from the Section	Corrects references
2.2.200.K.f.i - list following this section needs to be updated as there is a subsection i followed by another subsection i	Update the list to A-E so that there isn't a duplicate formatting scheme to differentiate the criteria	Fix duplicate formatting for clarity; adds consistency with preceding formatting

Chapter 2.3 - Commercial Zones		
Table 2.3.110 Land Uses Allowed in Commercial Zones, under the Commercial category, listed "Self-Service Storage, per Section 2.3.190(G)"	Self-Service Storage, per Section 2.3.190(F)	The reference to subsection G was incorrect, there isn't a subsection G
2.3.130.A - last sentence ends in "Building official"	Capitalize "Official"	Fixes spelling
2.3.130.B - sentence ends in "Chapter..."	Chapter needs changed to Section	Fixes reference
2.3.150 under Background references Section 3.4.100, which is incorrect and it also states Transportation Design Standard	Fix reference to 3.4.300 and description to Transportation Standards	Fixes wrong reference and spelling
2.3.150.C.3 states "Figures"	Fix spelling to read Figure (remove the 's')	Fixes spelling
2.3.150.C.4.b states "(The intent..."	Remove misplaced "("	Removes wrong punctuation
2.3.160 under Background references Section 3.4.100, which is incorrect and it also states Transportation Design Standards	Fix reference to 3.4.300 and description to Transportation Standards	Fixes wrong reference and spelling
2.3.170 under Background references Section 3.4.100, which is incorrect and it also states Transportation Design Standards	Fix reference to 3.4.300 and description to Transportation Standards	Fixes wrong reference and spelling
2.3.180 under Background references Section 3.4.100, which is incorrect and it also states Transportation Design Standards	Fix reference to 3.4.300 and description to Transportation Standards	Fixes wrong reference and spelling
2.3.190.D.2 references Section 2.2	Fix reference to Chapter 2.2	Fixes incorrect wording
2.3.190.D.4 states "section 2.2.200.B"	Capitalize Section	Keeps formatting consistent
2.3.190.E states "Section 2.2.200 (F)"	Fix reference to 2.2.200.F [remove "(")"]	Keeps formatting consistent
2.3.190.F states "...prior to October 9th..."	Change to October 9	Corrects spelling ("th" is unnecessary)

Chapter 3.1 - Access and Circulation		
Figure 3.1.200.K - Title of Figure was intermixed within other wording	Combined the Title with the Figure	Fixes formatting issue
3.1.200.K.3 references Figure 3.1.200K	Fix reference formatting to 3.1.200.K	Fixes formatting issue; make consistent
3.1.200.L ends with reference Section 3.4.100.N	Fix reference to 3.4.300.O	Reference 3.4.100.N does not exist
3.1.200.N states, "...utilty poles, trees trunks and..."	Remove the "s" from trees	Fixes incorrect spelling
3.1.300.A.1 references 3.4.100	Update reference to 3.4.300	Wrong reference
3.1.300 - No letter for the "Walkway Design and Construction" section	Add in the letter B at the beginning of this section	Fixes formatting issue

3.1.300.B.3 references Section 3.4.100 - Transportation Standards	Fix reference to 3.4.300	Wrong reference
3.1.300.C references Section 3.4.100.F	Updated to Table 3.4.300.F	Wrong reference - doesn't exist
Chapter 3.2 - Landscaping, Street Trees, Fences and Walls		
3.2.300.B references Chapter 4.2.500, Section B.5	Update to Section 4.2.400.C.2.d	Wrong reference - doesn't exist
3.2.300.B states (Landscape Plans)	Landscape Plans should not be plural - removed the s	Wrong spelling
3.2.300.D.1 states "...the decision making body..."	Add a hyphen between decision & making (decision-making)	Corrects spelling
3.2.300.D.4 - removed underlined "Zone"	Remove underline	Unnecessary formatting
3.2.300.D.6 states "...planting as measured a four (4) feet..."	Fix spelling to "at" instead of "a"	Spelling correction
3.2.300.D.10 references Section 3.4.400	Update reference to 3.4.600	Corrects reference
3.2.300.D.10 - no period at end of sentence	Added a period (.) at the end of the sentence	Fixed punctuation
3.2.300.E.3.b stated "4-foot wide landscape buffer..."	Added a (-) to read "4-foot-wide landscape buffer..."	Fixed punctuation
3.2.300.F stated "...plant species is encouraged, and..."	Remove the comma (,) from this sentence	Fixed punctuation
3.2.500.A.1 states - first sentence states "...height limitations of the respective zoning zone..."	Remove "zoning"	It's a double word - one of them needs to go
3.2.500.A.4 states "...fence and wall materials include;"	Replace the ";" with a ":"	Fixed punctuation
3.2.500.A.5 states "...needed grade, but..."	Remove ", " to read "...needed grade but"	Fixed punctuation
3.2.500.B.2 states "...barbed wire must be planed"	Change the word planed to placed	Fixed spelling
3.2.500.C.1 and 2 both use the word "set-back"	Remove the "-" so it reads "setback"	Fixed punctuation
3.2.500.C.4 states "The Barrier Requirements to bet met are..."	Change BET to BE	Fixed spelling
Chapter 3.4 - Public Facilities		
Chapter 3.4 - Multiple references to Section, Figure or Table 3.4.100	These references to 3.4.100 are incorrect and should reflect 3.4.300	Fixed incorrect references to a non-existent section, figure or table
3.4.300.G - Many references to 3.4.100.F (Table) these should all reference 3.4.300.F - there are also some problematic references to Figures 3.4.100.F(1) through (12) that need to change to 3.4.300.F(1) - (12)	Changes to Page 170 where these referenced the wrong Table - and other pages, did a search on 3.4.100.F verified issue and repaired.	They reference a non-existent table on Street standards and cross sections (figures).
3.4.300.G - opening line references subsections (1) and (2)	References should be subsections (a) and (b)	Corrects reference
3.4.300.H.5 referenced Figure 3.4.100G	Reference should be Figure 3.4.300.G.1	There is no figure 3.4.100G
3.4.300.L references Table 3.4.100.F	Reference should be Figure 3.4.300.F	There is no figure 3.4.100.F
3.4.300.N ended with a reference to Section 3.4.100	Reference should be Section 3.4.300	Corrects reference
3.4.300.O beginning paragraph ends in "the following guidelines shall be following shall be met"	Removed "following shall be"	Corrects improperly written sentence
3.4.300.O.3 - references Section 3.1.400	Reference should be Section 3.1.300	Corrects reference; 3.1.400 doesn't exist
Chapter 3.6 - Radio Frequency Transmission Facilities		
3.6.200.A.2 starts with "Site Review"	Change title to 'Site Design Review'	Missing word was added; makes title consistent w/ rest of chapter
3.6.200.A.2 references Section 4.2.600, which doesn't reflect any approval criteria	Change 4.2.600 to 4.2.400, which reflects Site Design Review approval criteria	Section reference was wrong
3.6.300.A.1 includes a bold comma ','	Unbold the comma (,)	Wrong formatting
3.6.300.C title says "Site Review..."	Change title to 'Site Design Review'	Missing word was added; makes title consistent w/ rest of chapter
3.6.400.A states "...Transmission towers constructed or approved prior to August 27th, 2015 may..."	Change to "August 27, 2015, may"	Corrects spelling ("th" is unnecessary) and corrects punctuation
Chapter 4.4 - Conditional Use Permits		
Top of Chapter Section list, 4.4.600 states Additional Development Standards	Section title should read Revocation of Conditional Use Permit	Section title was wrong; duplicate
4.4.300 stated "...please refer to Section 4.2.500..."	Reference should be Section 4.2.400	Section reference was wrong
4.4.400.B referred to Section 4.2.600	Reference should be Section 4.2.400.D	Section reference was wrong
Article 6 - Map Amendments & Code Interpretations		
A couple of places referenced "land use district map" or "zoning districts"	Change these references to "Land Use Zoning Map" or "Land Use Zones" as applicable	We no longer refer to zoning districts only land use zones

The City of Baker City
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Baker City, Oregon 97814
Phone: (541) 524-2000



City of Baker City Development Code

Adopted by Ordinance No. 3296
Effective October 21, 2009

Amended by Ordinance No. 3323 (TSP Update)
Adopted June 25, 2013

Amended by Ordinance No. 3341 (IAMP)
Effective August 27, 2015

Amended by Ordinance No. 3347
Effective January 20, 2016

Amended by Ordinance No. 3351
Effective March 30, 2017

Amended by Ordinance No. 3359
Effective November 28, 2017

Amended by Ordinance No. 3380
Effective October 9, 2020

Amended by Ordinance No. 3382
Effective November 8, 2021

Amended by Ordinance No. 3391
Effective August 10, 2023

Amended by Ordinance No. 3384
Effective October 11, 2024

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2.2.100 Purpose. The Residential Zones are intended to promote the livability, stability and improvement of the City’s neighborhoods. Three zones are provided: 1) The Residential Low Density (R-LD) Zone is intended primarily for household living at lower densities, with parks, schools, places of worship, and other supportive services that are at an appropriate neighborhood scale; 2) The Residential Medium Density (R-MD) Zone is intended to accommodate a wider variety of housing types and more intensive land use than the R-LD Zone; and 3) The Residential High Density (R-HD) Zone is intended to combine a variety of housing variety similar to the R-MD Zone with public and limited commercial services at an appropriate neighborhood scale. This chapter provides standards for land use and development in each of the three zones, based on the following principles:

- Promote the orderly expansion and improvement of neighborhoods.
- Make efficient use of land and public services and implement the Comprehensive Plan.
- Designate land for the range of housing types and densities needed by the community, including owner-occupied and rental housing.
- Provide flexible lot standards that encourage compatibility between land uses, efficiency in site design, and environmental compatibility.
- Provide for compatible building and site design at an appropriate neighborhood scale; provide standards that are in character with the landforms and architecture existing in the community.
- Apply the minimum amount of regulation necessary to ensure compatibility with existing residences, schools, parks, transportation facilities, and neighborhood services.
- Reduce reliance on the automobile for neighborhood travel and provide options for walking and bicycling.
- Provide direct and convenient access to schools, parks and neighborhood services.
- Maintain and enhance the City’s historic architecture and historic neighborhoods.

2.2.110 Allowed Land Uses. Table 2.2.110 identifies the land uses that are allowed in the Residential Zones. The specific land use categories are described and uses are defined in [Chapters 1.3 and 1.4](#).

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

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

Table 2.2.110 – Land Uses Allowed in Residential Zones (R-LD, R-MD, R-HD)			
Uses	Status of Use in Zone		
Use Categories (Examples of uses are in Chapter 1.4; Definitions are in Chapter 1.3.)	Residential Low- Density (R-LD)	Residential Medium- Density (R-MD)	Residential High- Density (R-HD)
Wholesale Sales	N	N	N
INSTITUTIONAL CATEGORIES			
Basic Utilities	P	P	P
Colleges	CU	CU	CU
Community Service, no drive-up uses	CU	CU	CU
Daycare, adult or child day care; does not include Family Daycare (16 or fewer children) under ORS 657A.250 which is regulated as a home occupation.	P	P	P
Detention Facilities and Correctional Institutions	N	N	N
Medical Centers	N	N	N
Parks and Open Areas Parks and Open Areas, when designated on an adopted Specific Area Plan, Open Space and Parks Plan, or when part of a subdivision application (Chapter 4.3) or master planned development application (Chapter 4.5)	CU P	CU P	CU P
Religious Institutions and Houses of Worship	CU	CU	CU
Schools	CU	CU	CU
OTHER CATEGORIES			
Accessory Structures (with a permitted use) per Section 2.2.200(B) - less than 20 feet tall and less than 1,200ft ² of building footprint, or less than 1.5 times the size of the primary structure, whichever is greater - taller than 20 feet or larger than 1,200ft ² of building footprint	S CU	S CU	S CU
Agriculture – Animals as defined under “Farm Use” or “Farming” (<i>Livestock, defined as a horse, mule, cow, sheep, pig or other animal of similar size or larger, shall not be kept within the boundaries of the area defined by Baker City Code Chapter 90</i>)	S	S	S
Agriculture – Retail nurseries and similar retail horticulture	CU	CU	N
Agriculture – Non-retail row and field crops, wholesale horticulture, and retail Christmas tree farms, per Section 2.2.200(I)	S	S	S
Garage Sales (Yard Sales) (<i>see definitions</i>)	P	P	P

Table 2.2.110 – Land Uses Allowed in Residential Zones (R-LD, R-MD, R-HD)			
Uses	Status of Use in Zone		
Use Categories (Examples of uses are in Chapter 1.4; Definitions are in Chapter 1.3.)	Residential Low- Density (R-LD)	Residential Medium- Density (R-MD)	Residential High- Density (R-HD)
Mining	N	N	N
Radio Frequency Transmission Facilities			
- If lawfully existing as of August 27 th , 2015, per Chapter 3.6	S	S	S
- Collocation of new equipment	P	P	P
- New Transmission Towers	N	N	N
Temporary Uses, per Section 4.9.100	S	S	S
Transportation Facilities (operation, maintenance, preservation, and construction), in accordance with the Baker City TSP	P	P	P
Utility Corridors, except those existing prior to effective date of Development Code are allowed	CU	CU	CU

Key:

P = Permitted, subject to site/development review

S = Permitted with standards and subject to site/development review

CU = Conditional Use Permit required (Chapter 4.4)

N = Not permitted

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.

Background: The minimum lot sizes and other dimensions contained in Section 2.2.120 are based on modern zoning standards and current development practices in Oregon. The standards are also more flexible than conventional zoning, so that minor adjustments in lot size and building height, for example, through “lot size averaging” can be made without requiring variances or master planned developments. For the greatest degree of flexibility, refer to Chapter 4.5 – Master Planned Developments.

Table 2.2.120 – Development Standards for Residential Zones			
Standard	R-LD	R-MD	R-HD
Density (DU/acre) – Minimum and Maximum	1.0 to 10* Maximum densities do not apply to duplexes	2.0 to 20* Maximum densities do not apply to duplexes	4.0 to 45* Maximum densities do not apply to duplexes
Minimum Lot Area* - Single-Family Detached - Single-Family Attached - Duplex - Multi-Family or Cottage Cluster - Group Living – 5 or less individuals - Group Living – 6 to 15 individuals - Group Living – 16 or more individuals - Non-Residential Uses	7,500 ft ² 3,000 ft ² /unit 7,500 ft ² Not permitted 7,500 ft ² Not permitted Not permitted 9,000 ft ²	7,500 ft ² 2,500 ft ² /unit 7,500 ft ² 9,000 ft ² * 7,500 ft ² 12,000 ft ² to 30,000 ft ² * 32,000 ft ² * 9,000 ft ²	5,000 ft ² 2,000 ft ² /unit 5,000 ft ² 9,000 ft ² * 5,000 ft ² 6,000 ft ² to 15,000 ft ² * 16,000 ft ² * 9,000 ft ²
<i>* Lot size may be reduced through lot size averaging, clustering, Master Plan Development, and Coving. See related land division procedures in Chapter 4.3.115. Minimum lot sizes do not apply to open space tracts</i>		<i>* Maximum density calculated on one unit per 2,000 ft²</i>	<i>* Maximum density calculated on one unit per 1,000 ft²</i>

Table 2.2.120 – Development Standards for Residential Zones

Standard	R-LD	R-MD	R-HD
Minimum Lot Width* - Single-Family Detached - Single-Family Attached - Duplex - Multi-Family or Cottage Cluster - Group Living – 5 or less individuals - Group Living – 6 to 15 individuals - Group Living – 16 or more individuals - Non-Residential Uses <i>* For flag lots, width is measured at the front building line</i>	40 ft 20 ft 40 ft Not permitted 40 ft Not permitted Not permitted 50 ft	40 ft 20 ft 40 ft 50 ft 40 ft 50 ft 80 ft 50 ft	40 ft 20 ft 40 ft 50 ft 40 ft 50 ft 80 ft 50 ft
Minimum Lot Depth* <i>* Lot area must conform to the standards above. Lot dimensions may be reduced for Flag Lots, Cul-de-sac lots, and other special circumstances (Section 4.3.115)</i>	2 times min. width	2 times min. width	2 times min. width
Building/Structure Height* <u>Level Site</u> (slope less than 15%) maximum height <u>Accessory Structure</u> (slope less than 15%) <u>Sloping Site</u> (15% or greater) maximum height <u>Building Height Transition Required Adjacent to R-LD Zone, per Section 2.2.170</u> <u>Fences and Garden Walls</u> - Max. Height – Front Yard - Max. Height – Interior Side - Max. Height – Rear Yard - Max. Height – Street Side or Reverse Frontage Lot (rear) <i>*See also, Sections 2.2.130 – Setback Yards; 2.2.170- R-LD Height Step-Down; 3.1.200 – Clear Vision, and 3.2.500 –Fences and Walls</i> <i>Note: Structural retaining walls required for site development are exempt</i>	35 ft 20 ft level site + 5ft No 4 ft 6 ft 6 ft 4 ft, or 6 ft with 5 ft landscape buffer	35 ft 20 ft level site + 5ft No 4 ft 6 ft 6 ft 4 ft, or 6 ft with 5 ft landscape buffer	35 ft 20 ft level site + 5ft No 4 ft 6 ft 6 ft 4 ft, or 6 ft with 5 ft landscape buffer

Table 2.2.120 – Development Standards for Residential Zones

Standard	R-LD	R-MD	R-HD
Lot Coverage			
<u>Max. Building Coverage</u> (<i>footprint as % of site area</i>)			
- Single-Family Detached	50%	50%	50%
- Single-Family Attached	60%	70%	70%
- Duplex	60%	60%	60%
- Multi-Family Use or Cottage Cluster	Not permitted	60%	60%
- Group Living – 5 or less individuals	50%	50%	50%
- Group Living – 6 to 15 individuals	Not permitted	60%	60%
- Group Living – 16 or more individuals	Not permitted	60%	60%
- Civic/Institutional/Open Space	60%	60%	60%
- All other uses	Not permitted	Not permitted	Not permitted
Min. Landscape Area (% site area) *	10%	7%	7%
<u>Parking Lots</u> See Section 3.2.300.E(2)	5%	5%	5%
<i>* Does not apply to single-family dwellings</i>			

Table 2.2.120 – Development Standards for Residential Zones			
Standard	R-LD	R-MD	R-HD
Minimum Setbacks (feet)*			
<u>Front/Street Setback</u>			
- Structure, <i>except</i>	15 ft	15 ft	15 ft
- Detached garages and carport entries	20 ft	20 ft	20 ft
- Open structures (e.g., porch, balcony, portico, patio), where structure is less than 50% enclosed on side elevations	10 ft	10 ft	10 ft
<u>Side Setback</u>			
- Primary/Accessory structure	5 ft	5 ft	5 ft
- Garage/Carport entry, open structures (e.g. porch, balcony, portico, patio), except alley	5 ft	5 ft	5 ft
<u>Exceptions</u>			
- Corner Lot side-yard facing ROW	10 ft	10 ft	10 ft
- Alley	1 ft	1 ft	1 ft
- Common Walls/Zero Lot Line	0 ft	0 ft	0 ft
<u>Rear Setbacks, except alley</u>			
- Primary/Accessory structure	10 ft	10 ft	10 ft
- Detached garage or Carport entry	10 ft	10 ft	10 ft
<u>Reductions:</u>			
- Open structures (e.g., porch, balcony, portico, patio wall), where structure is less than 50% enclosed on side elevations	5 ft min. on side with open structure	5 ft min. on side with open structure	5 ft min. on side with open structure
- Common Walls/Zero Lot Line	0 ft	0 ft	0 ft
<u>Farm Structure Setbacks</u>			
- to any property line	20 ft	20 ft	20 ft
<u>Alley Garage Setbacks</u>	1 ft	1 ft	1 ft
<i>Note: Always check true alley location and avoid utility easements when building near property lines. See also, Sections 2.2.130 – Setback Yards; 3.1200 – Clear Vision, and 3.2.500 – Fences and Walls</i> <i>* Separate or additional setback restrictions and fire protection measures may be required by the Building official.</i>			

2.2.130 Setback Yards: Exceptions, Reverse Frontage Lots, Flag Lots

- A. Purpose.** Residential setback yards provide space for private yards and building separation for fire protection/security, building maintenance, sunlight and air circulation. The setback yard standards contained in Table 2.2.120 are also intended to promote human-scale design and traffic calming by diminishing the visual presence of garages along the street and encouraging the use of pedestrian amenities, such as extra-wide sidewalks and street furnishings in multiple family developments and

in residential-commercial projects. The standards also encourage the orientation of buildings to provide street visibility for public safety and neighborhood security.

- B. Exceptions.** The following architectural features may encroach into the setback yards as noted below subject to meeting all applicable building and fire codes and the clear vision standards in [Section 3.1.200](#): eaves, chimneys, bay windows, overhangs, and similar architectural features may encroach into a setback yard by not more than 36 inches; porches, decks and similar structures not exceeding 36 inches in height may encroach into setbacks as provided in Table 2.2.120; walls and fences built on property lines are subject to the height standards in Table 2.2.120 and the provisions of Sections 3.1.200 - Vision Clearance and 3.2.500 - Fences and Walls. Separate or additional setback restrictions and fire protection measures may be required by the Building official.
- C. Reverse Frontage Lots.** Reverse frontage lots are subject to the fence height and setback requirements in Section 2.2.120 and the landscape buffer requirements in [Section 3.2.300](#).
- D. Flag Lots.** The front yard of a flag lot shall conform to one of the following two options:
 - 1. parallel to the street from which access is taken, or
 - 2. parallel to the flag pole from which access is taken.

The applicant for a building permit may choose either Option 1 or Option 2, except as otherwise prescribed by conditions of a partition or subdivision approval. [Note: The City may impose such conditions as provided under Section 4.3.115.

2.2.140 Reserved

2.2.150 Housing Density

- A. Density Standard.** To ensure efficient use of buildable lands and to provide for a range of needed housing in conformance with the Comprehensive Plan, all new developments and subdivisions in the Residential Zones shall conform to the minimum and maximum dwelling units per acre densities prescribed in Table 2.2.120, except as may be approved under the master plan overlay provisions and in the subsections below. Redevelopment or expansion of existing uses within older areas of existing land use patterns shall comply with the maximum and minimum dwelling units per acre to the extent practical. The density standards in Table 2.2.120 are intended to ensure efficient use of buildable lands and provide for a range of needed housing, in conformance with the Comprehensive Plan.
 - 1. Residential subdivisions where the average slope exceeds 20% are exempt from the minimum density standard.
 - 2. The density standards may be averaged over more than one development phase (i.e., as in a

master planned development). Duplex lots used to comply with the density standard shall be so designated on the final subdivision plat.

3. Partitions and construction of single-family homes on lots exceeding 25,000 ft² shall be planned so that the land is used efficiently and future development on these lots or parcels can occur based on the minimum lot size and other dimensional standards of the zone.
4. The following types of housing are exempt from the minimum and maximum dwelling units per acre standards of Table 2.2.120:
 - a. Redevelopment within a residential neighborhood with an existing pattern of development;
 - b. Infill development on a vacant platted lot consistent with the adjacent existing pattern of development;
 - c. Residential care homes/facilities;
 - d. Accessory dwellings;
 - e. Bed and breakfast inns; and
 - f. Buildings that are listed in the inventory of Historic Sites or buildings designated on the Historic National Landmarks Register.

B. Density Calculation.

1. Minimum and maximum housing densities are calculated by multiplying the total parcel or lot area by the applicable density standard. For the purpose of calculating the density for partition lots only, the area of ½ of right of way abutting the proposed partition lots shall be added to the gross areas.
2. Areas reserved for flag lot access (flag poles) are not counted for the purpose of calculating minimum densities.

2.2.160 Lot Coverage

- A. Lot Coverage Calculation.** The maximum allowable lot coverage shall be as provided in Table 2.2.120. Lot coverage is calculated as the percentage of a lot or parcel covered by buildings or structures (as defined by the foundation plane area) and other structures with surfaces greater than 36 inches above the finished grade. It does *not* include paved surface-level developments such as driveways, parking pads, and patios.

2.2.170 Building Height: Measurement, Exceptions. Building heights shall conform to the standards in Table 2.2.120, and subsections A-B, below:

- A. Building Height Measurement.** Building height is measured as the vertical distance above a reference datum measured to the highest point of the coping of a flat roof, or to the deck line of a mansard roof, or to the ridgeline or highest gable of a pitched or hipped roof. The height of a stepped or terraced building is the maximum height of any segment of the building. The reference datum shall be either 1 or 2, whichever yields a greater height:
1. The elevation of the highest adjoining sidewalk or ground surface within a five-foot horizontal distance of an exterior wall of the building when such sidewalk or ground surface is not more than 10 feet above the lowest grade;
 2. An elevation 10 feet higher than the lowest grade when the sidewalk or ground surface described in subsection 1 is more than 10 feet above the lowest grade.
- B. 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.

2.2.180 Building Orientation

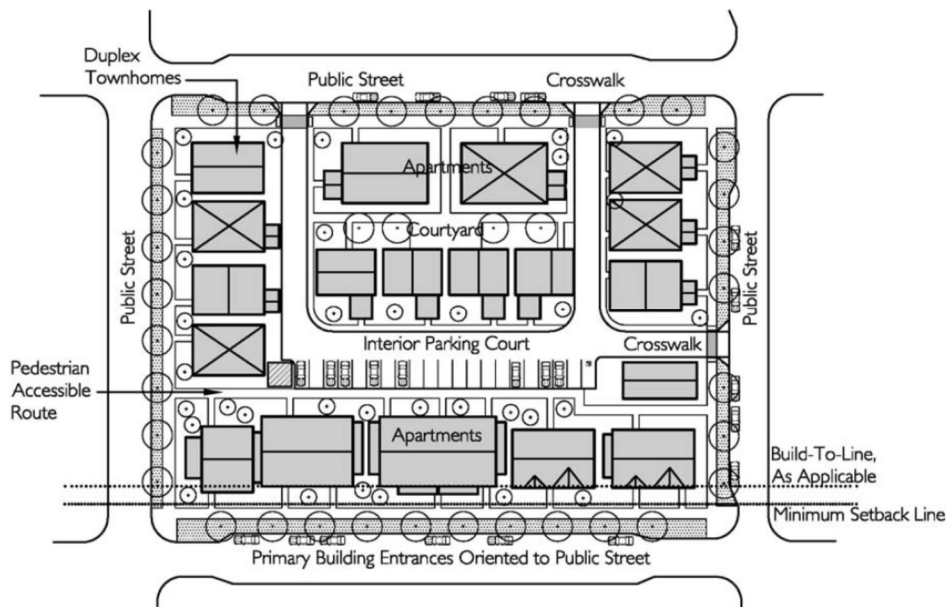
Background: The following supplements the standards in Table 2.2.120. This section addresses some of the Transportation Planning Rule site design requirements under OAR 660-012-0045.

- A. Purpose.** The following standards are intended to orient buildings close to streets to promote pedestrian-oriented development where walking is encouraged, and to discourage automobile-oriented development. Placing residences and other buildings close to the street also encourages crime prevention, natural surveillance or security, and safety by having more “eyes-on-the-street.”
- B. Applicability.** Section 2.2.180 applies to all developments that are subject to Site Design Review, including developments that are reviewed as part of a Master Planned Development or Conditional Use application. The Planning Director or his or her designee in the case of Type I and Type II developments subject to these standards, or the Planning Commission in the case of Type III developments, may waive or modify these requirements if physical site conditions or City urban design objectives make their application impractical or undesirable from the perspective of public planning objectives.
- C. Building orientation standards.** All developments that are subject to Section 2.2.180 shall have buildings that are oriented to a street. This standard is met when all of the following criteria are met:
1. Compliance with the setback;

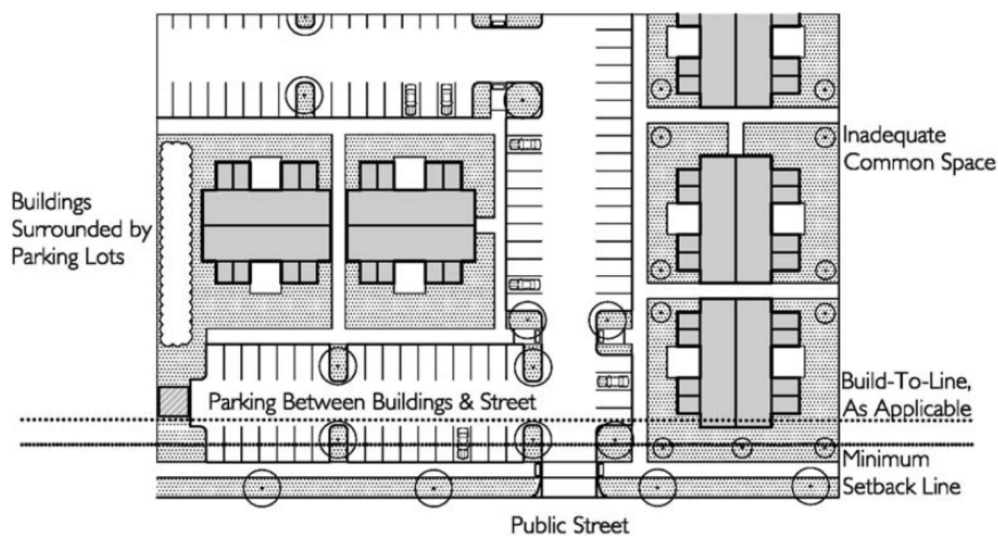
2. Except as provided in subsections 3 and 4, below, all buildings in the Residential Zones shall have at least one primary building entrance (i.e., dwelling entrance, a tenant space entrance, a lobby entrance, or breezeway/courtyard entrance serving a cluster of units or commercial spaces) facing an adjoining street, or if on a side elevation, not more than 40 feet from a street sidewalk. See Figure 2.2.180.C(1).

Figure 2.2.180.C(1) – Residential Zone Building Orientation

Examples of Code Compliant Features:

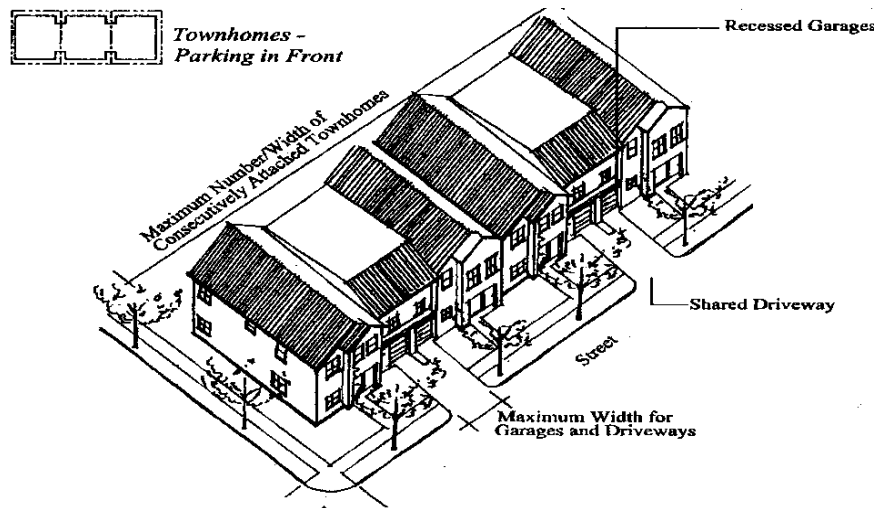


Example of Non-Compliant Features:



3. Off-street parking, driveways, and other vehicle areas shall not be placed between buildings and the street(s) to which they are oriented, as per subsection 2 and Figure 2.2.180.C(1); except the following vehicle areas are allowed where the approval body finds that they will not adversely affect pedestrian safety and convenience:
 - a. Schools, multiple family buildings, assisted living facilities, and other institutional uses may have one driveway not exceeding 20 feet in width plus parallel parking, including ADA accessible spaces, located between the street and the primary building entrance, provided that the building's primary entrance is connected to an adjacent street by a pedestrian walkway and the driveway/parking area is crossed by a clearly defined pedestrian walkway, as required by Section 3.1.300. The intent of this exception is use driveways that have street-like features;
 - b. Attached single-family housing developments (townhomes) with street-facing garages may have one driveway access located between the street and the primary building entrance for every two dwelling units, provided they meet the following criteria, as generally shown in Figure 2.2.180.C(2):

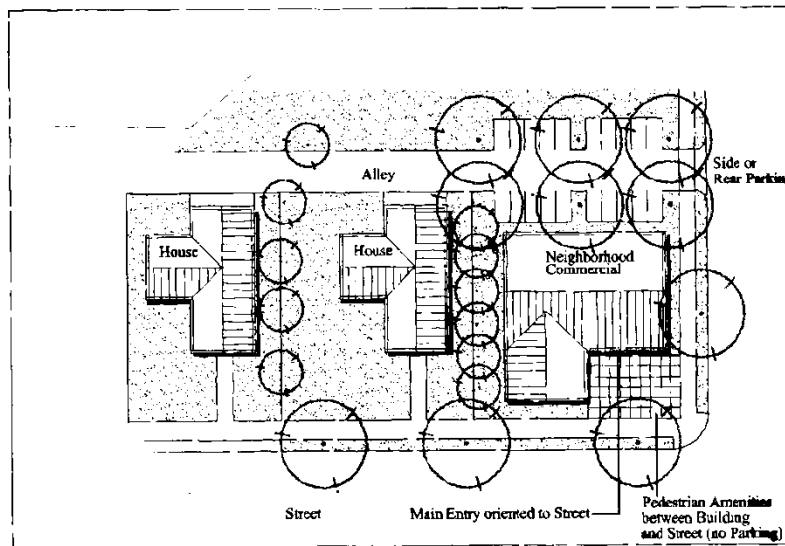
Figure 2.2.180.C (2) – Townhome Building Orientation



- (i) Where two abutting townhomes have street-facing garages, they shall share one driveway access that does not exceed 16 feet in width where it crosses the sidewalk and intersects the street;
- (ii) All primary building entrances shall be connected to a driveway (and sidewalk) via a pedestrian walkway that is not less than three (3) feet wide;
- (iii) The maximum number of consecutively attached townhomes with garages facing the same street is four (4) (two driveways). The maximum number of consecutively attached townhouses without garages facing the same street is six (6); and

- (iv) Street-facing garages shall be setback at least 20 feet from the street; where a building is placed less than 20 feet from the street, the 20-foot garage setback may be accomplished recessing the garage behind the front building elevation.
- c. Commercial buildings and uses (e.g., neighborhood commercial or mixed-use) shall have all of their off-street parking located behind or to the side of such buildings and uses and screened from abutting properties in accordance with Chapter 3.2, as generally shown in Figure 2.2.180.C(3). Off-street parking shall not be located between any building and any street.

Figure 2.2.180.C(3) – Commercial Orientation in a Residential Zone



- 4. Where a development contains multiple buildings and there is insufficient street frontage to which buildings can be oriented, a primary entrance may be oriented to common green, open space, plaza, or courtyard. When oriented in this way, the primary entrance(s) and green, plaza, or courtyard shall be connected to the street by a pedestrian walkway meeting the standards in Section 3.1.300. See example in Figure 2.2.180.C(1) “Code Compliant Features.”

2.2.190 Architectural Design Standards

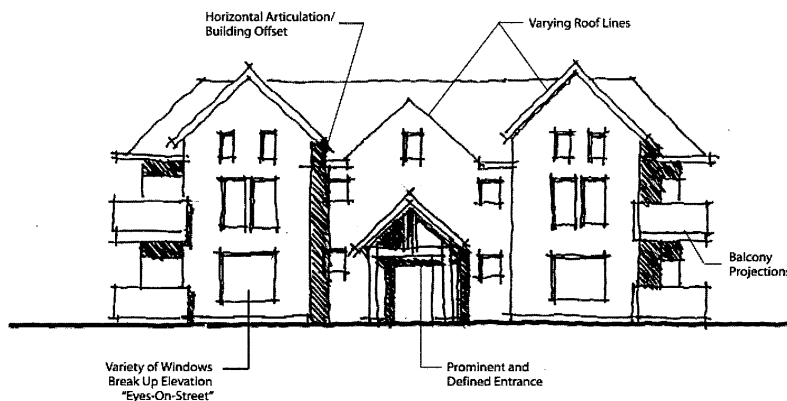
Background: The following supplements the standards in Table 2.2.120. This section provides minimum, clear and objective standards for residential architecture, which are intended to promote a human scale. This section also addresses some of the Transportation Planning Rule site design requirements under OAR 660-012-0045 by requiring prominent building entrances that face streets.

- A. Purpose.** The architectural design standards require a minimum level of design on every building, which is intended to promote attention to detail, human-scale design and street visibility, while affording flexibility to use a variety of building styles.

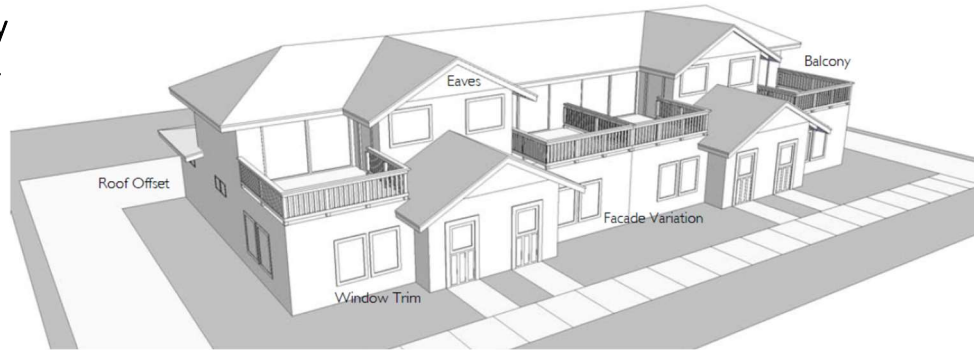
- B. Applicability.** Section 2.2.190 applies to all new buildings subject to Site Design Review, except accessory structures. It is applied through the Site Design Review procedure, as applicable, prior to building permit review and approval.
- C. Standards.** All projects that are subject to Section 2.2.190 shall meet all of the standards in subsections 1-3. The graphics provided with each standard are intended to show examples of how to comply and should not be interpreted as requiring a specific architectural style. Other building styles and designs can be used to meet the standards when the approval body finds they are consistent with the text. An architectural feature (*i.e.*, as shown Figures 2.2.190.C(1) and (2)) may be used to comply with more than one standard.
1. Building Length. The continuous horizontal distance, as measured from end-wall to end-wall, of individual buildings shall not exceed 120 feet.
 2. Articulation. All buildings shall incorporate design features such as varying roof lines, offsets, balconies, projections (e.g., overhangs, porches, or similar features), recessed or covered entrances, window reveals, or similar elements to break up large expanses of uninterrupted building surfaces (blank walls). Along the vertical face of a structure, and on all building stories, such elements shall occur at a minimum interval of 30 feet, and each floor shall contain at least two elements, as generally shown in Figure 2.2.190.C(2):
 - a. Recess (e.g., deck, patio, courtyard, entrance or similar feature) that has a minimum depth of 4 feet;
 - b. Extension (e.g., floor area, deck, patio, entrance, overhang, or similar feature) that projects a minimum of 2 feet and runs horizontally for a minimum length of 4 feet; and/or
 - c. Offsets or breaks in roof elevation of 2 feet or greater in height;

Figure 2.2.190.C(1) - Building Length and Articulation

Multi-Family
Example – 1



Multi-Family Example – 2

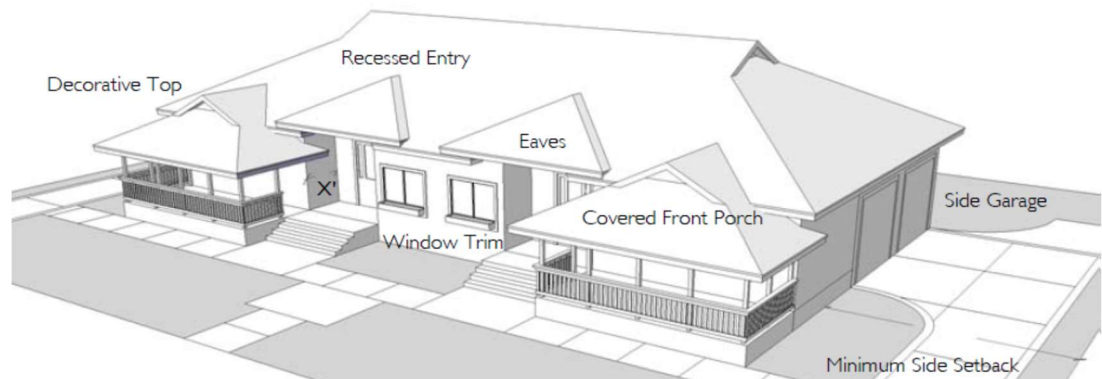


3. Detailed Design. All buildings shall provide detailed design on all street-facing walls (45 degrees or less from street lot line). Detailed design shall be provided by using at least 5 of the architectural features in items “a” through “m,” below, as is appropriate for the proposed building type and style. The applicant may select the elements that he or she wants, and it is not within the approval body’s authority to prescribe specific elements; except when the project is being reviewed as part of a Master Planned Development, Conditional Use Permit, or Site Design Review (item “n”), the approval body may require specific design elements or changes to promote compatibility with adjacent uses and to achieve the desired community character or pedestrian-orientation.

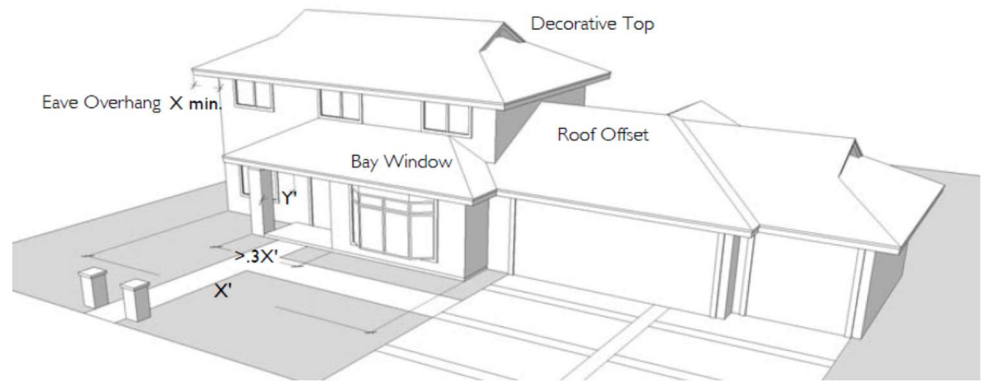
- | | |
|--|--|
| a. Dormers | j. Bay windows |
| b. Gables | k. Balconies |
| c. Recessed entries | l. Decorative patterns on exterior finish (<i>e.g.</i> , scales/shingles, wainscoting, ornamentation, and similar features) |
| d. Covered porch entries or portico | m. Decorative cornice or pediment (<i>e.g.</i> , for flat roofs) |
| e. Cupolas or towers | n. An alternative feature providing visual relief, similar to options a.-m., as approved through Site Design Review. |
| f. Pillars or posts | |
| g. Eaves (minimum 6-inch projection) | |
| h. Off-sets in building face or roof (minimum 16 inches) | |
| i. Window trim (min. 3 inches wide) | |

Figure 2.2.190.C(2) - Examples of Architectural Elements (illustrative only)

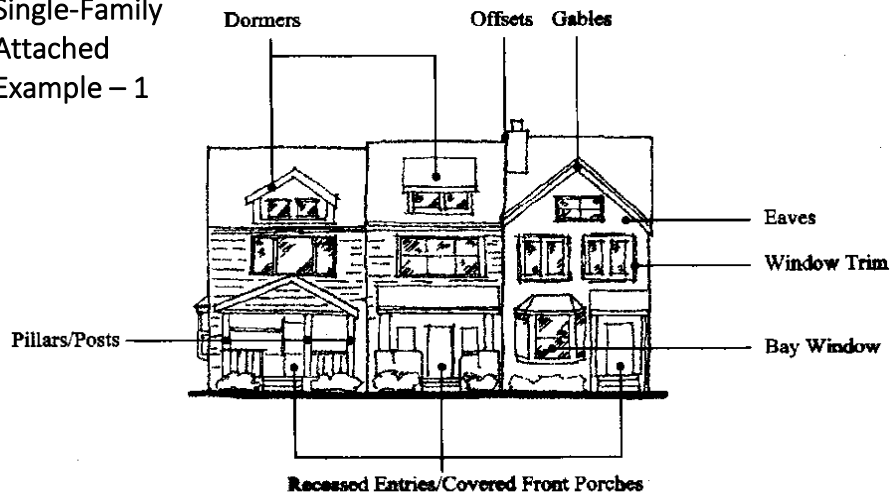
Single-Family Detached Example – 1



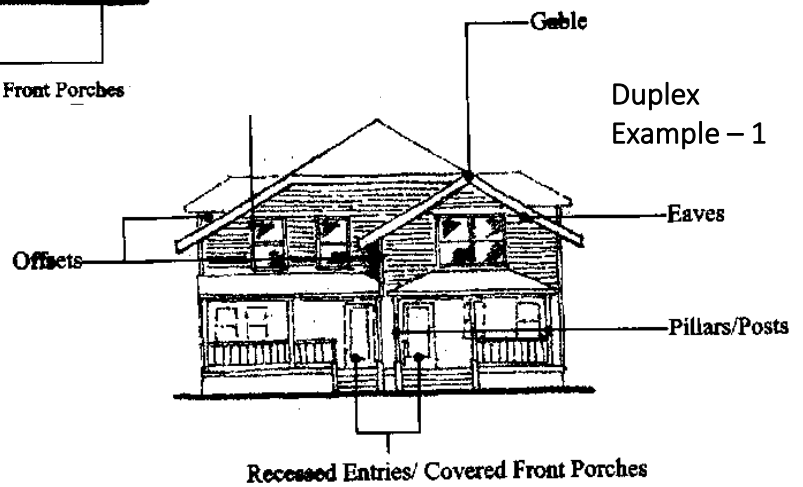
Single-Family
Detached
Example – 2



Single-Family
Attached
Example – 1



Duplex
Example – 1



Multi-Family
Example – 3



2.2.200 Special Use Standards. Section 2.2.200 provides standards for specific land uses and building types, as identified in Table 2.2.110, that control the scale and compatibility of those uses within the Residential Zone. The standards in Section 2.2.200 supplement (are in addition to and do not replace) the standards in Sections 2.2.100 through 2.2.190. This Section applies to the following uses and building types, as specified in subsections A-L:

- A. Accessory Dwelling
- B. Accessory Uses and Structures
- C. Single-Family Attached (Townhomes or Row Houses)
- D. Bed and Breakfast Inns & Hostels
- E. Group Living (Residential Care Homes and Facilities)
- F. Home Occupations
- G. Manufactured Homes
- H. Manufactured Dwelling Park/Mobile Home Park
- I. Multi-Family Housing
- J. Zero-Lot Line Housing (not common wall)
- K. Agriculture and Horticulture
- L. Public and Institutional Uses

Background: The following use standards supplement Table 2.2.110, which identifies land uses that are permitted with “Special Use (‘S’) Standards.”

Statutes and Regulations: Sections 2.2.110 and 2.2.200 address relevant parts of the following urban planning statutes and regulations: ORS 197.295-197.314 - Needed Housing, including Clear and Objective Standards for Housing; ORS 197.475-197.490 - Manufactured Housing; ORS 197.660-197.670 - Residential Homes and Facilities; and Bed and Breakfast Inns; and OAR 660-12-045 - Transportation Planning Rule Implementation (*i.e.*, site design provisions).

A. Accessory Dwelling. Accessory dwellings shall conform to all of the following standards:

1. Floor Area.
 - a. A detached accessory dwelling shall not exceed 700 square feet of floor area.
 - b. Conversion of an existing structure to an accessory dwelling is allowed, provided that:
 - i. if the structure is an existing legal, non-conforming structure, the conversion does not increase the non-conformity of the existing structure; and
 - ii. the floor area of the accessory dwelling unit does not exceed 75% of the footprint of the primary structure.
2. Exempt from Density. Accessory dwellings are exempt from the housing density standards of the Residential Zone, due to their small size and low occupancy levels;

3. Number of Units. A maximum of two accessory dwelling units are allowed per legal single-family dwelling;
4. Parking. No off-street parking is required for an accessory dwelling.
5. Short-Term Vacation Rental Prohibited. Accessory dwellings shall not be utilized as short-term vacation rentals.

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 principal use;
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;
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;
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
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.

C. Single-Family Attached (Townhomes or Row Houses). Single-family attached housing with three or more dwellings (lots) shall comply with the standards in sections 1-2, below, which are intended to control development scale; avoid or minimize impacts associated with traffic, parking, and design compatibility; and ensure management and maintenance of common areas.

1. Alley Access Required for Subdivisions Principally Containing Townhomes. Subdivisions, or phases of subdivisions, proposed to contain three (3) or more consecutively attached single-family dwellings shall provide vehicle access to all such lots and units from an alley or parking courts, as described in Chapter 3.1.200. Alley(s) and parking court(s) shall be created at the time of subdivision approval, and may be contained in private tracts or, if approved by the City, in

public right-of-way, in accordance with Chapter 3.4, Transportation Standards, and Chapter 4.3, Land Divisions.

2. Common Areas. Any common areas (*e.g.*, landscaping, private tracts, common driveways, private alleys, building exteriors, and/or similar common areas) shall be owned and maintained by a homeowner's association or other legal entity. A copy of any applicable covenants, restrictions and conditions shall be recorded and provided to the city prior to building permit approval.

D. Bed and Breakfast Inns & Hostels.

1. Bed and Breakfast Inns are permitted in residential zones, and shall comply with all of the following standards. (See also, Vacation Rentals, which are different than Bed and Breakfast Inns, under Section 2.2.200.J.)
 - a. Accessory Use. The use must be accessory to a household already occupying the structure as a residence.
 - b. Maximum Size. In the residential zones, four (4) bedrooms for guests, and a maximum of eight (8) guests are permitted per night. No separate structures are permitted, except for customary residential accessory structures as defined above.
 - c. Length of Stay. Maximum length of stay is 28 days per guest; anything longer is classified as a hotel or commercial lodging.
 - d. Employees. Up to two (2) non-resident employees. There is no limit on residential employees.
 - e. Food Service. May be provided only to overnight guests of the business.
 - f. Owner-Occupied. Shall be owner-occupied.
 - g. Signs. Signs shall not exceed a total of 4ft² of surface area on all sides.
2. **Hostels.** Hostels are permitted in residential and commercial zones, and shall comply with the following standards:
 - a. Maximum Size. A maximum of one (1) guest per ±15 square feet of dormitory floor space are permitted per night.
 - b. Length of Stay. Maximum length of stay is 28 days per guest; anything longer is classified as a hotel or commercial lodging.
 - c. Employees. Up to two (2) non-resident employees. There is no limit on residential employees.

- d. Food Service. May be provided only to overnight guests of the business.
- e. Signs. Signs shall adhere to sign standards of the underlying zone.
- f. Parking. One (1) parking space shall be provided per two (2) guests.

E. Group Living (Residential Care Homes and Facilities). Residential care homes are residential treatment or training homes or adult foster homes licensed by the State of Oregon. They may provide residential care alone, or in conjunction with treatment and/or training, for 5 or fewer individuals (“homes”) or 6 to 15 individuals (“facilities”) who need not be related. Staff persons required to meet State licensing requirements are not counted in the number of facility residents and need not be related to each other or the residents. Residential care homes and facilities shall comply with the following standards, consistent with ORS 197.660-.670:

- 1. Licensing. All residential care homes and facilities shall be duly licensed by the State of Oregon.
- 2. Parking. Parking in accordance with Chapter 3.3.
- 3. Site Design Review. Site Design Review shall be required for new structures to be used as residential care facilities, to ensure compliance with the licensing, parking, and other requirements of this Code. Residential care homes are exempt from this requirement.

F. Home Occupations. The purpose of this Section is to encourage those who are engaged in small commercial ventures that could not necessarily be sustained if it were necessary to lease commercial quarters, or which by the nature of the venture, are appropriate in scale and impact to be operated within a residence. Home occupations are encouraged for their contribution in reducing the number of vehicle trips often generated by conventional businesses. Two types of home occupations require permits:

- 1. Home Occupations meeting the standards in subsections (a)-(i), below, are permitted through a Type I Home Occupation Permit procedure, provided all other uses and structures on the subject property are in conformance with the applicable zoning.

a. Appearance of Residence:

- i. The home occupation shall be restricted to lawfully built enclosed structures and be conducted in such a manner as not to give an outward appearance of a business.
- ii. The home occupation shall not result in any structural alterations or additions to a structure that will change its primary use or building code occupancy classification.
- iii. The home occupation shall not violate any conditions of development approval (*i.e.*, prior development permit approval).
- iv. No products and or equipment produced or used by the home occupation may be

displayed to be visible from outside any structure.

b. Storage:

- i. Outside storage, visible from the public right-of-way or adjacent properties, that exceeds what is customary for a single-family residence in the vicinity, is prohibited.
- ii. On-site storage of hazardous materials (including toxic, explosive, noxious, combustible or flammable) beyond those normally incidental to residential use is prohibited.
- iii. Storage of inventory or products and all other equipment, fixtures, and activities associated with the home occupation shall be allowed in any structure.

c. Employees:

- i. Other than family members residing within the dwelling located on the home occupation site, there shall be not more than one (1) full time equivalent employee at the home occupation site at any given time. As used in this chapter, the term “home occupation site” means the legal lot on which the home occupation is conducted.
- ii. Additional individuals may be employed by or associated with the home occupation, so long as they do not report to work or pick up/deliver at the home occupation site.
- iii. The home occupation site shall not be used as a headquarters for the assembly of employees for instruction or other purposes, including dispatch of employees to other locations.

d. Advertising and Signs: Signs shall comply with all applicable sign regulations. In no case shall a sign in the Residential Zone exceed 4ft² of surface area on all sides.

e. Vehicles, Parking and Traffic:

- i. One (1) commercially-licensed vehicle associated with the home occupation is allowed at the home occupation site. It shall be of a size that would not overhang into the public right-of-way when parked in the driveway or other location on the home occupation site.
- ii. There shall be no more than three (3) commercial vehicle deliveries to or from the home occupation site daily. There shall be no commercial vehicle deliveries during the hours of 8:00 *p.m.* to 6:00 *a.m.*
- iii. There shall be no more than one (1) client's or customer's vehicle at any one time and no more than eight (8) per day at the home occupation site.

f. Business Hours. There shall be no restriction on business hours, except that clients or customers are permitted at the home occupation from 6:00 *a.m.* to 8:00 *p.m.* only, Monday through Friday, subject to subsections a-e, above.

g. Prohibited Home Occupation Uses:

- i. Any activity that produces radio, TV, or other electronic interference; noise, glare, vibration, smoke, or odor beyond allowable levels as determined by local, state or federal standards, or that can be detected beyond the property line; is prohibited.
- ii. Any activity involving on-site retail sales, including garage sales exceeding the thresholds of a temporary use, is prohibited, except that the sale of items that are incidental to a permitted home occupation is allowed. For example, the sale of lesson books or sheet music from music teachers, art or craft supplies from arts or crafts instructors, computer software from computer consultants, and similar incidental items for sale by home business is allowed subject to subsections a-f, above.

iii. The following uses and uses with similar objectionable impacts because of motor vehicle traffic, noise, glare, odor, dust, smoke or vibration, are prohibited:

- A. Ambulance service;
- B. Animal hospital, veterinary services, kennels or animal boarding;
- C. Auto and other vehicle repair, including auto painting; and
- D. Repair, reconditioning or storage of motorized vehicles, boats, recreational vehicles, airplanes or large equipment on-site.

h. Enforcement: The Planning Director or his or her designees may visit and inspect the site of a home occupation in accordance with this chapter periodically to ensure compliance with all applicable regulations, during normal business hours, and with reasonable notice, in accordance with Chapter 1.5.

i. Family child care and In-home tutoring: These types of home occupations are not subject to the above subsections (e) and (f); however, they shall conform to the state licensing requirements and standards under ORS 657A.

2. Home Occupations exceeding any of the threshold standards in subsections a-i may receive approval through the Type III Home Occupation Permit procedure under Section 4.9.200.

G. Manufactured Homes. Manufactured homes are permitted on individual lots, subject to all of the following design standards. Exception: The following standards do not apply to units that existed within the City prior to the effective date of this Code, October 21, 2009.

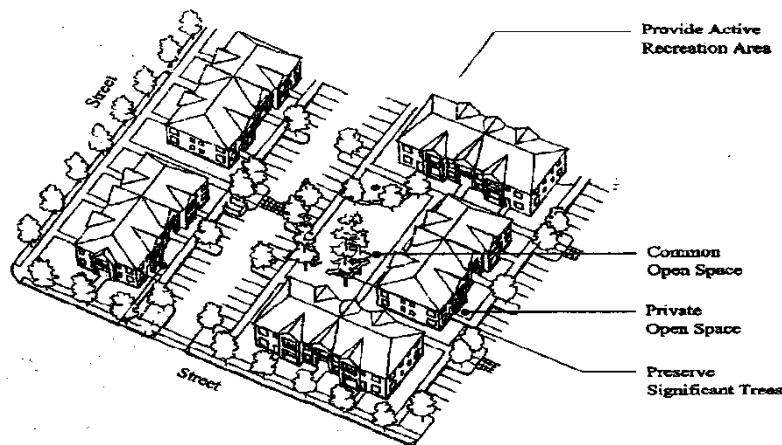
1. Floor Plan. The manufactured home shall be multi-sectional and have an enclosed floor area of not less than 1,000ft²;
2. Roof. The manufactured home shall have a pitched roof except that no standard shall require a slope of greater than a nominal three feet in height for each 12 feet in width.
3. Garages and Carports. If the manufactured home has a garage or carport, the garage or carport shall be constructed of materials like those used on the house;
4. Thermal Envelope. The manufactured home shall be certified by the manufacturer to have an exterior thermal envelope meeting performance standards, which reduce levels equivalent to the performance standards required of single-family dwellings constructed under the Low-Rise Residential Dwelling Code as defined in ORS 455.010 (Definitions for ORS chapter 455).
5. Placement. The manufactured home shall be placed on an excavated and back-filled foundation and enclosed at the perimeter such that the manufactured home is located not more than 12 inches above grade.
6. Prohibited. The manufactured home shall not be located in a designated historic district.

H. Manufactured Dwelling Park/Mobile Home Park. Manufactured dwelling parks/mobile home parks (including recreational vehicles) are permitted on parcels of one (1) acre or larger, subject to compliance with subsections 1-10, below:

1. Floor Plan. If the dwelling unit is a manufactured home, it shall be multi-sectional and shall have an enclosed floor area of not less than 750ft²;
2. Permitted uses. Single-family residences, park manager's offices, home occupations, and accessory structures that are necessary for the operation and maintenance of the manufactured dwelling park (e.g., landscape maintenance) are permitted uses.
3. Space. The minimum size pad or space for each dwelling is 2,500ft², provided that the overall density of the park does not exceed 12 units per acre. Each space shall be at least 30 feet wide and 40 feet long, in accordance with ORS 446.100(c).
4. Setbacks and Building Separation. The minimum setback between park dwelling units and abutting properties is 10 feet. The minimum setback between park dwelling units and public street right-of-way is 15 feet. At least a 10-foot separation shall be provided between all dwellings. Dwellings shall be placed a minimum of 14 feet apart where flammable or combustible fuel is stored between units. Park dwelling units shall be placed no closer than 5 feet to a park street or sidewalk/pathway. An accessory structure shall not be located closer than 6 feet to any other structure or dwelling, except that a double carport or garage may be built which serves 2 dwellings. When a double carport/garage is built, the carport/garage shall be separated from all adjacent structures by at least 3 feet.

5. Perimeter landscaping. When dwelling units are oriented with their back or side yards facing a public right-of-way, the City may require installation of fencing and planting of a 10-foot-wide landscape buffer between the right-of-way and a manufactured home park for the privacy and security of residents or aesthetics of the streetscape.
 6. Utilities. Each site shall be adequately served by City water and sewer, sidewalks and paved streets. Each dwelling unit shall be provided with a water, sewer and electrical connection. The electrical connection shall provide for 120- and 240-volt services.
 7. Minimum Frontage. Each mobile home park shall have a minimum frontage of 100 feet, a minimum depth of 150 feet, and an area of not less than one (1) acre.
 8. Outdoor Recreation Area. A minimum of 100 ft² of outdoor area, suitably improved for recreation use, shall be provided for each dwelling unit exclusive of required yards. Each recreation area shall have a minimum size of 2,500ft² and a minimum width of 25 feet. No more than 10% of the recreation area may exceed a 10% slope.
 9. Parking. There shall be a minimum of two off-street parking spaces for every dwelling unit. Parking may be located on each site or in community parking lots.
 10. Foundation Skirt. The foundation area of the dwelling unit shall be fully skirted;
 11. Recreational Vehicles (RVs). The placement or occupancy of a recreational vehicle may not be prohibited, or any limit on the length of occupancy of a recreational vehicle imposed, solely on the grounds that the occupancy is in a recreational vehicle, if the recreational vehicle is:
 - a. Located in a manufactured dwelling park, mobile home park or recreational vehicle park;
 - b. Occupied as a residential dwelling; and
 - c. Lawfully connected to water and electrical supply systems and a sewage disposal system
- I. **Multi-Family Housing.** Where multi-family housing is allowed, it shall conform to all of the following standards, which are intended to promote livability for residents and compatibility with nearby uses. Figure 2.2.200.I provides a conceptual illustration of the requirements listed below.

Figure 2.2.200.I – Examples of Multiple Family Open Space



1. Building mass. The maximum width or length of a multiple family building shall not exceed 120 feet from end-wall to end-wall, not including outdoor living areas (e.g., porches, balconies, patios, and similar unenclosed spaces).
2. Common open space. A minimum of 15 percent of the site area shall be designated and permanently reserved as common open space in all multiple family developments, in accordance with all of the following criteria:
 - a. The site area is defined as the lot or parcel on which the development is to be located, after subtracting any required dedication of street right-of-way and other land for public purposes (e.g., public park or school grounds, etc.);
 - b. In meeting the common open space standard, the multiple family development shall contain one or more of the following: outdoor recreation area, protection of sensitive lands (e.g., trees preserved), play fields, outdoor playgrounds, outdoor sports courts, swim pools, walking fitness courses, pedestrian amenities, or similar open space amenities for residents;
 - c. Historic buildings or landmarks that are open to the public may count toward meeting the common open space requirements when approved by the Planning Director;
 - d. To receive credit under Section 2.2.200.I, a common open space area shall have an average width that is not less than 20 feet and an average length that is not less than 20 feet;
 - e. The approval body may waive the common open space requirement for the first 20 dwelling units in a multiple family project that is located within one-quarter mile (measured walking distance) of a public park, and there is a direct, accessible (i.e., Americans with Disabilities Act-compliant), pedestrian walkway or multi-use pathway connecting the site to the park. If the park is not developed, or only partially developed, the developer may opt to improve park land off-site (in lieu of development upon the subject property) in an amount comparable to that which he or she would otherwise be required to provide in his or her development, and must be agreed upon by the City.

3. Private open space. Private open space areas shall be required for ground-floor and upper-floor housing units based on all of the following criteria:
 - a. A minimum of 50 percent of all ground-floor housing units shall have front or rear patios or decks measuring at least 48 ft². Ground-floor housing means the housing unit entrance (front or rear) is within 5 feet of the finished ground elevation (*i.e.*, after grading and landscaping);
 - b. A minimum of 50 percent of all upper-floor housing units shall have balconies or porches measuring at least 48 ft². Upper-floor housing means housing units that are more than 5 feet above the finished grade; and
 - c. In the Residential-High Density Zone, multiple family dwellings are exempt from the private open space standard where the development contains pedestrian amenities located between primary building entrance(s) and adjoining streets of 5 percent of the site or greater.
4. Trash receptacles. Trash receptacles shall be oriented away from building entrances, setback at least ten (10) feet from any public right-of-way and adjacent residences and shall be screened with an evergreen hedge or solid fence or wall of not less than 6 feet in height. Receptacles must be accessible to trash pick-up trucks.

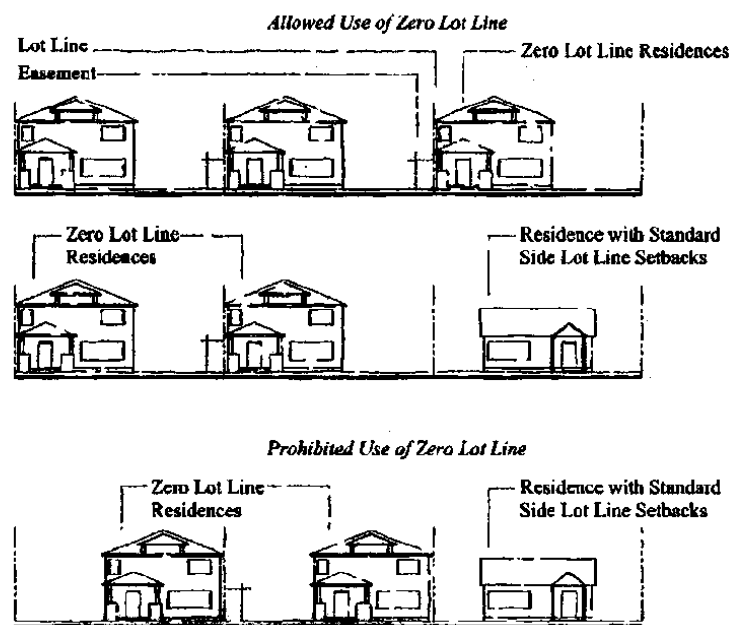
J. Zero-Lot Line Housing (not common wall). Zero-lot line houses are subject to the same standards as detached single-family housing, except that a side yard setback is not required on one side of the lot, as generally shown in Figure 2.2.200.K. The standards for zero-lot line housing are intended to ensure adequate outdoor living area, compatibility between adjacent buildings, and access to side yards for building maintenance. All zero-lot line houses shall conform to all of the criteria in subsections 1-5, below:

1. Site Design Review Required. Site Design Review is required for new zero-lot line developments. When a zero-lot line development is proposed as part of a Land Division, Master Planned Development, or other application, the Site Design Review may be combined with the other application(s).
2. Setbacks for Primary and Accessory Structures. The allowance of a zero (0) side yard setback is for one single-family dwelling on each lot; it does not extend to accessory structures which shall conform to the applicable setback requirements of the zone;
3. Setbacks Adjacent to Non-Zero Lot Line Development. When a zero-lot line house shares a side property line with a non-zero lot line development, the zero-lot line building shall be setback from that common property line by not less than 5 feet;
4. Building Orientation and Design. The building placement and/or design shall encourage privacy for the occupants of abutting lots. For example, this standard can be met by staggering foundation plans, by placing windows (along the zero lot line) above sight lines with direct views into adjacent yards, by using frosted/non-see-through windows, by avoiding placement of

windows on the zero lot line, or other designs approved by the approval body through Site Design Review; and

5. Construction and Maintenance Easement. Prior to building permit approval, the applicant shall submit a copy of a recorded easement for every zero-lot line house that guarantees access onto adjoining lot for the purpose of construction and maintenance of the zero-lot line house. The easement shall require that no fence or other structure shall be placed in a manner that would prevent maintenance of the zero-lot line house. The easement shall not preclude the adjoining owner from landscaping the easement area.

Figure 2.2.200.K – Zero-Lot Line Housing



- K. **Agriculture and Horticulture.** The City allows for agriculture and horticulture uses outside of the special prohibition overlay subject to the following standards that are intended to provide buffering between these uses and residences:
 - a. Prohibited Areas. Livestock, defined as a horse, mule, cow, sheep, pig, or other animal of similar size or larger, shall not be kept within the boundaries of the area defined by Baker City Code Chapter 90.
 - b. Standards. No livestock, fowl, or bees shall be kept on any lot unless the livestock is for personal, non-commercial use (4-H exempted) and:
 - i. In the case of horses, cows, and similar sized animals, the animals are kept in an enclosed area having at least 2,500 ft² for each animal over 6 months of age;
 - ii. In the case of sheep, goats, pigs, and similarly sized animals, the animals are kept in an

enclosed area having at least 1,000 ft² for each animal over 6 months of age.

- iii. No exotic species that may pose a risk to human safety or that may pose a risk to the natural environment if intentionally or accidentally released, shall be kept.
- iv. The number of colonies of bees allowed on a lot shall be limited to one colony for each 5,000 ft² of lot area up to a maximum of three. Colonies shall be set back a minimum of 20 feet from any property line with the hive entrance/exit facing the interior of the property. In any instance in which a colony exhibits aggressive behavior, such as stinging or attacking without provocation, the beekeeper must ensure that the colony is re-queened. Every beekeeper shall maintain an adequate supply of water for the bees located close to each hive.
- c. Farm Structures. New barns, stables, corrals, or enclosures used to house livestock shall not be developed closer than 20 feet to any property line.
- d. Permits. No person shall cause or allow the keeping of any livestock or bees on real property without a current, valid livestock permit. A livestock permit is not required for fowl.
- e. Permit Issuance. The City Police Chief or his or her designee shall issue a permit for keeping livestock and bees upon application on a form prescribed by the City and payment of the permit fee as set by Council resolution, if:
 - i. The premises where the livestock will be kept are sanitary and adequately enclosed from other person's property and all other conditions as set forth in this section have been met.
 - ii. As a condition of the issuance of a permit, the premises shall remain open for inspection at reasonable times by the Police Chief for compliance with this Chapter.
- f. Permit Revocation or Denial – Appeal.
 - i. Any person whose application for a permit is denied or whose permit is revoked by the Police Chief may seek review of the denial or revocation by filing a written appeal with the City Manager not more than ten days after receiving notice of denial or revocation. The written appeal shall state:
 - A. The name and address of the appellant;
 - B. A description of the livestock being kept or desired to be kept and the facilities for livestock;
 - C. A map showing the location of the livestock in relation to the permittee's property lines, abutting properties and all structures used for human occupancy;
 - D. The reason given by the Police Chief for denying the application or revoking the permit;

and

E. The reason the determination is incorrect.

- ii. If a written appeal from a revocation is timely filed, the permittee shall be allowed to continue to keep the livestock for which the permit was obtained, pending the determination of the appeal, unless the Police Chief determines that the livestock present an unreasonable threat to the public health or safety, in which case the revocation of the permit shall become effective immediately.
- iii. The City Manager shall hear and determine the appeal on the basis of the appellant's written statement and any additional evidence the City Manager deems appropriate. If the City Manager decided to take oral argument or evidence at the hearing, the appellant may present testimony and oral argument personally or by counsel. The rules of evidence as used by courts of law do not apply.
- iv. The appellant shall have the burden of proving the error in the Police Chief's determination.
- v. The City Manager shall issue a written decision within twenty days of the hearing date.
- vi. Any person whose appeal has been denied may petition the City Council requesting it review the record in the proceedings before the Police Chief and City Manager. Such petition shall be in writing and filed with the City Manager not more than ten days after receiving the City Manager's decision. The petition shall specify the reason why the City Manager's decision is erroneous and state the desired result.
- vii. Upon receiving a petition for review the Council may, in its sole discretion, decline to review the City Manager's decision, review the decision on the written record before it or invite oral argument before rendering a decision on the record. The decision of the Council is final.

L. 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 and where applicable, Conditional Use Permit 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. Larger developments may be approved as a Conditional Use.
- 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.

Chapter 2.3 — Commercial Zones

Sections:

2.3.100	Purpose
2.3.110	Allowed Land Uses
2.3.120	Development Standards
2.3.130	Setbacks
2.3.140	Lot Coverage
2.3.150	Building Orientation and Commercial Block Layout
2.3.160	Building and Structure Height; Bonus for Mixed-Use
2.3.170	Architectural Design Standards
2.3.180	Pedestrian Amenities
2.3.190	Special Use Standards

2.3.100 Purpose. Commercial zones are centers of business and civic life. This Chapter provides two commercial zones to accommodate the range of commercial land uses in the community. The Central Commercial (C-C) Zone is focused on the core commercial and historic district of the community. The General Commercial (C-G) Zone regulations apply to those commercial areas outside or adjacent to the central business area. Both zones are intended to:

- Promote efficient use of land and urban services;
- Create a mixture of land uses that encourages employment and housing options in close proximity to one another;
- Provide formal and informal community gathering places and opportunities for socialization (*i.e.*, along an active street front);
- Encourage pedestrian-oriented development in all commercial areas;
- Create a distinct storefront character in the Historic District;
- Provide connections to, and appropriate transitions between, residential areas and commercial areas;
- Discourage automobile-oriented and automobile-dependent uses in the Central Commercial Zone, and accommodation for those uses with appropriate design standards in the General Commercial Zone;
- Implement design standards / guidelines that maintain and enhance the City's historic architecture.

2.3.110 Allowed Land Uses. Table 2.3.110 identifies the land uses that are allowed in the Commercial Zones. The specific land use categories are described and uses are defined in Chapters 1.3 and 1.4.

Background: The new code is designed to make it easier to mix compatible uses, and provide a greater variety of housing than is typically allowed under conventional zoning. Baker City strongly encourages 2nd story residential development in the historic downtown commercial core. Contact the Planning or Building Department for special building code assistance for downtown residential projects.

Statutes and Regulations: Sections 2.3.110 and 2.3.190 address parts of OAR 660-012-0045 and 0060 by recommending design standards and procedures for uses that are likely to have a negative impact on the transportation system.

Table 2.3.110 – Land Uses Allowed in Commercial Zones (C-C, C-G)

Uses	Status of Use in Zone	
Use Categories <i>Examples of uses are in Chapter 1.4; Definitions are in Chapter 1.3</i>	Central Commercial (C-C)	General Commercial (C-G)
RESIDENTIAL CATEGORIES		
Household Living		
Single-Family Detached or Duplex		
- If lawfully existing as of 2/13/04 (including replacement not exceeding footprint area)	P	P
- Expansion (including the addition of an accessory structure) per Section 2.3.190(D)	S	S
- New	N	N
Single-Family Attached (2 or more common-wall single-family dwellings), per Section 2.2.200(C)	CU + S	CU + S
Multi-family (3 or more dwellings on a lot), per Section 2.2.200(I)	CU + S	CU + S
Conversion of an existing street level commercial use to a new dwelling unit	CU + S	CU + S
New dwelling built in conjunction with a permitted commercial use (residential use above or below ground floor commercial only)	P	P
Bed and Breakfast Inn, per Section 2.2.200(D)	S	S
Hostels, per Section 2.2.200(D)	S	S
Group Living		
Group Care Home (5 or less individuals), per Section 2.2.200(E)	N	N
Group Care Facility (6 to 15 individuals), per Section 2.2.200(E)	S	S
Other Group Living [S is per 2.2.200(I)(1), (2) and (4)]		
- 5 or less individuals	N	N
- 6 to 15 individuals	S	S
- 16 or more individuals	S	S

Table 2.3.110 – Land Uses Allowed in Commercial Zones (C-C, C-G)		
Uses	Status of Use in Zone	
Use Categories <i>Examples of uses are in Chapter 1.4; Definitions are in Chapter 1.3</i>	Central Commercial (C-C)	General Commercial (C-G)
COMMERCIAL CATEGORIES		
Commercial Educational Services (<i>not a school; tutoring or similar services</i>)	P	P
Commercial Outdoor Recreation	CU	CU
Commercial Parking Facility (<i>when not an accessory use</i>)	CU	P
Drive-Up/Drive-In/Drive-Through (<i>drive-up windows, kiosks, similar uses/facilities</i>), per Section 2.3.190(A)	Banks - S Other - N	S
Major Event Entertainment	CU	CU
Mobile Vending Units, per standards in Section 4.9.300	S	S
Offices	P	P
Quick Vehicle Servicing or Vehicle Repair. [See also Drive-Up/Drive-In/Drive-Through Uses, per Section 2.3.190(A)] - fully enclosed (e.g., garage) - not enclosed	CU N	S S
Retail Sales and Service (See also Drive-Up Uses)	P	P
Self-Service Storage, per Section 2.3.190(F)	N	S
INDUSTRIAL CATEGORIES		
Industrial Service (See also Drive-Up Uses) - fully enclosed (e.g., office) - not enclosed	P N	P CU
Manufacturing and Production - fully enclosed - not enclosed	CU N	P CU
Warehouse and Freight Movement	N	CU
Waste-Related	N	N
Wholesale Sales ¹ - fully enclosed, less than 40,000 ft ² of floor area - fully enclosed, equal to or greater than 40,000 ft ² of floor area - not enclosed	CU N N	P P P
INSTITUTIONAL CATEGORIES		
Basic Utilities	P	P
Colleges	P	P
Community Service	P	P
Daycare, adult or child day care; does not include Family Daycare (16 or fewer children) under ORS 657A.250	P	P
Detention Facilities and Correctional Institutions	N	CU
Medical Centers	P	P

Table 2.3.110 – Land Uses Allowed in Commercial Zones (C-C, C-G)		
Uses	Status of Use in Zone	
Use Categories <i>Examples of uses are in Chapter 1.4; Definitions are in Chapter 1.3</i>	Central Commercial (C-C)	General Commercial (C-G)
Parks and Open Areas		
- pedestrian amenities	P	P
- parks and recreation facilities	P	P
- other open space	P	P
Religious Institutions and Houses of Worship	P	P
Schools		
- lawfully existing as of 2/13/04	P	P
- new	CU	CU
OTHER CATEGORIES		
Accessory Structures (with a permitted use)	P	P
Agriculture – Animals [See Section 2.2.200(L)]	S	S
Agriculture – Nurseries and similar horticulture [See Section 2.2.200(L)]	S	S
Mining	N	N
Radio Frequency Transmission Facilities	CU	CU
Temporary Uses, per Section 4.9.100	S	S
Transportation Facilities [operation, maintenance, preservation, and construction (in accordance with the City's Transportation System Plan)]	P	P
Utility Corridors, except those existing prior to effective date of Development Code are allowed	CU	CU

Key:

- P = Permitted, subject to site/development review
S = Permitted with standards and subject to site/development review
CU = Conditional Use Permit required (Chapter 4.4)
N = Not permitted

2.3.120 Development Standards. The development standards in Table 2.3.120 apply to all new structures, buildings, and development, and major remodels, in Commercial Zones.

Table 2.3.120 – Development Standards for Commercial Zones		
Standard	Central Commercial (C-C)	General Commercial (C-G)
Minimum Lot Area* (square feet) <i>* Development must conform to all other development standards</i>	No Standard	No Standard
Minimum Lot Width (<i>For flag lots, width measured at front building line</i>) - Single-Family, attached - Multiple-Family - Non-Residential Uses	20 ft 50 ft 20 ft	20 ft 50 ft 20 ft
Minimum Lot Depth	x2 min. width	x2 min. width
Structure Height* <u>Level Site</u> (slope less than 15%) maximum height <u>Sloping Site</u> (15% or greater) maximum height <u>Height Bonus</u> for Residential Use in Upper Building Story, per Section 2.3.160 <u>Fences, Retaining/Garden Walls</u> - Max. Height – Front Yard - Max. Height – Interior Side - Max. Height – Rear Yard - Max. Height – Street Side or Reverse Frontage Lot (rear) <i>* Height may be exceeded with approval of a CUP, per Chapter 4.4</i> <i>* See also, Sections 3.1.200.N – Vision Clearance, and 3.2.500 – Fences and Walls</i>	50 ft level site + 5ft 10 ft 6 ft 8 ft 8 ft 6 ft or 8 ft with 5 ft landscape buffer	40 ft level site + 5ft 10 ft 6 ft 8 ft 8 ft 6 ft or 8 ft with 5 ft landscape buffer
Lot Coverage (<i>footprint as percent of site area</i>) Maximum Building Coverage	100% - 95%	93% -90%
Min. Landscape Area (<i>percent of site area</i>)* <i>* Does not apply to single-family dwellings</i>	0%-5% based on lot configuration and site plan review	10% on Campbell Street and in Freeway Overlay Zone; 7% other C-G areas

Table 2.3.120 – Development Standards for Commercial Zones

Standard	Central Commercial (C-C)	General Commercial (C-G)
Minimum Setbacks (feet)*		
<u>Front, Street, Side, and Rear</u> property lines, except garage or carport	0 ft	0 ft
<u>Garage/Carport Entry</u> , setback from street	20 ft	20 ft
<u>Alley</u>	1 ft	1 ft
<i>* Separate or additional setback restrictions and fire protection measures may be required by the Building official</i>		

2.3.130 Setbacks

Background: Section 2.3.130 supplements the dimensional standards in Table 2.3.120.

Statutes and Regulations: Section 2.3.130 addresses parts of OAR 660-012-0045 by encouraging buildings oriented to the street with minimal or no front setbacks, allowing increased setbacks when plazas and other pedestrian amenities are provided, and requiring a build-to line in the main street/downtown district.

- A. Zero Setbacks – Purpose; Fire Code; and Clear Vision.** Zero setbacks are intended to encourage pedestrian-oriented development, while providing more flexibility in site design than what is possible with large setbacks. With buildings placed close to the street, a development can afford good access for emergency service providers in the case of a fire or other emergency. Where no minimum setback is required, all structures and buildings shall conform to the vision clearance standards in Chapter 3.1 and the applicable fire and building codes (e.g., for attached structures, fire walls, and related requirements). Separate or additional setback restrictions and fire protection measures may be required by the **Building Official**.
- B. Reverse Frontage Lots.** Reverse frontage lots are subject to the fence height and setback requirements in Section 2.3.120 and the landscape buffer requirements in **Section 3.2.300**.
- C. Flag Lots.** The front yard of a flag lot shall conform to one of the following two options:
1. Parallel to the street from which access is taken; or
 2. Parallel to the flag pole from which access is taken.

The applicant for a building permit may choose either Option 1 or Option 2, except as otherwise prescribed by conditions of a partition or subdivision approval. *Note: The City may impose such conditions as provided under Section 4.3.115.*

2.3.140 Lot Coverage. Lot coverage and impervious surfaces are calculated as provided under Section 2.2.160. The maximum allowable lot coverage shall be as provided in Table 2.3.120.

2.3.150 Building Orientation and Commercial Block Layout

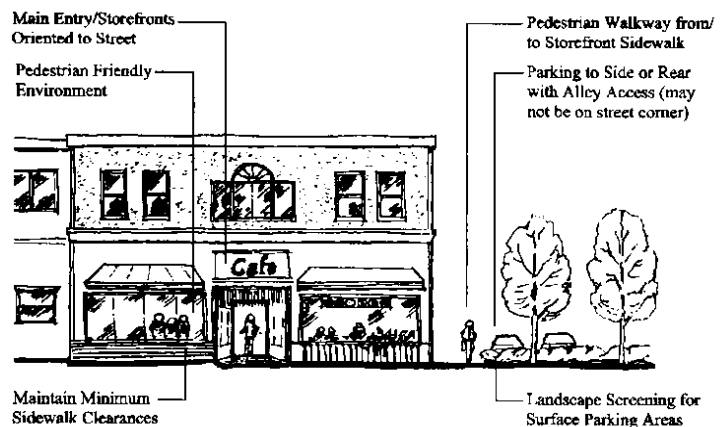
Background: Section 2.3.150 is to be used in conjunction with Table 2.3.120 (Development Standards), 2.3.180 (Pedestrian Amenities) and **Section 3.4.300 (Transportation Standards).**

Statutes and Regulations: Section 2.3.150 addresses parts of OAR 660-012-0045 by requiring the formation of short, walkable blocks, allowing access ways in lieu of street connections, encouraging minimal or no front setbacks, allowing increased setbacks when plazas and other pedestrian amenities are provided, and requiring buildings and their entrances orientation to a street (parking placed behind or to the sides of buildings).

- A. Purpose.** Section 2.3.150 orients buildings close to streets to promote pedestrian-oriented development where walking is encouraged, and to discourage automobile-oriented development. Placing residences and other buildings close to the street also encourages crime prevention, natural surveillance or security, and safety by having more “eyes-on-the-street.”
- B. Applicability.** Section 2.3.150 applies to projects that are subject to Site Design Review or Land Division Review, including those reviewed as part of a Master Planned Development.
- C. Building orientation standards.** Developments subject to this Section shall have their buildings oriented to a street, as generally shown in Figure 2.3.150.C(1). This standard is met when all of the following criteria are met:

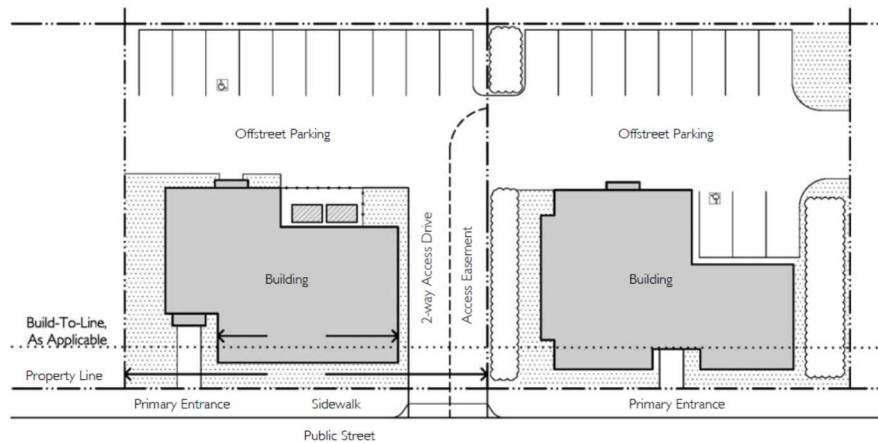
Figure 2.3.150.C(1) – Building Orientation

1. Compliance with the setback standards in Section 2.3.120, where applicable.
2. Except as provided in subsections 2.3.150.C(4) and (5), below, all buildings shall have at least one primary building entrance (i.e., dwelling entrance, a tenant entrance, lobby entrance, or breezeway/courtyard entrance) facing an adjoining street (i.e., within 45 degrees of the street property line), or if the building entrance is turned more than 45 degrees from the street (i.e., front door is on a side elevation), the primary entrance shall not be more than 30 feet from a street sidewalk, except to provide pedestrian amenities; a walkway shall connect the primary entrance to the sidewalk in this case.
3. In the C-C Zone, off-street parking, driveways, and other vehicle areas shall not be placed



between buildings and the street(s) to which they are oriented; except as provided under subsection 2.3.150.C(4). Off-street parking in the C-C Zone shall be oriented internally to the site and divided by landscape areas into bays of not more than 24 parking spaces per bay, as generally shown in Figure 2.3.150.C(2).

Figure 2.3.150.C(2) – Building Orientation with Internal Parking

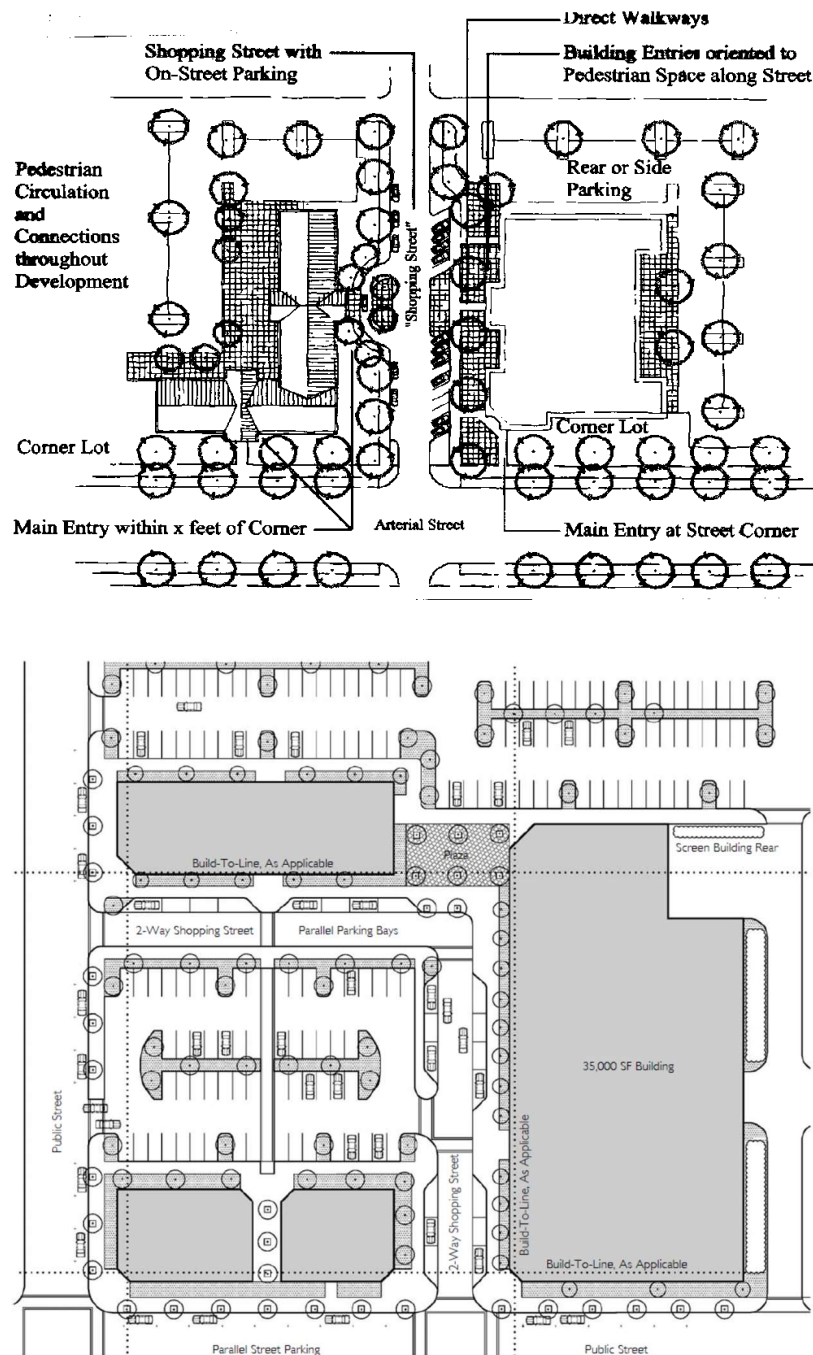


4. In the C-G Zone, the building orientation standard may be met with vehicle areas allowed between the street right-of-way and a building's primary entrance when the approval body finds that the following criteria are met:
 - a. Placing vehicle areas between the street right-of-way and building's primary entrance will not adversely affect pedestrian safety and convenience, based on the distance from the street sidewalk to the building entrance, projected vehicle traffic volumes, and available pedestrian walkways;
 - b. The proposed vehicle areas are limited to one drive aisle with adjoining bays of not more than eight (8) consecutive parking spaces per bay (including ADA accessible spaces) on the side(s) of the drive aisle. The intent is to create a drive aisle that is street-like, and break up parking into small bays with landscaping;
 - c. The building's primary entrance is connected to an adjoining street by a pedestrian walkway that meets the standards for pedestrian walkways under Section 3.1.300; and
 - d. Appropriate sight distances can be maintained for vehicular safety when exiting the internal streets.
5. Where a development contains multiple buildings and there is insufficient street frontage to which buildings can be oriented, a primary entrance may be oriented to common green, plaza, or courtyard. When oriented in this way, the primary entrance(s) and green, plaza, or courtyard shall be connected to the street by a pedestrian walkway meeting the standards in Section 3.1.300.

D. Block Layout Standard. Developments containing 80,000ft² or more gross building floor area shall meet all of the following standards:

1. The site shall be configured into blocks that have frontage onto streets, interior parking courts (as generally shown in Figure 2.3.150.C(2), above), or shopping streets (as generally shown in Figure 2.3.150.C(3), below). All parking courts and shopping streets shall contain on-street parking (parallel or angled parking), street- or court-facing building entrances and entrances at or near (i.e., within 40 feet of) block corners, sidewalks, street trees, and pedestrian lighting;

Figure 2.3.150.C(3) – Shopping Street Examples



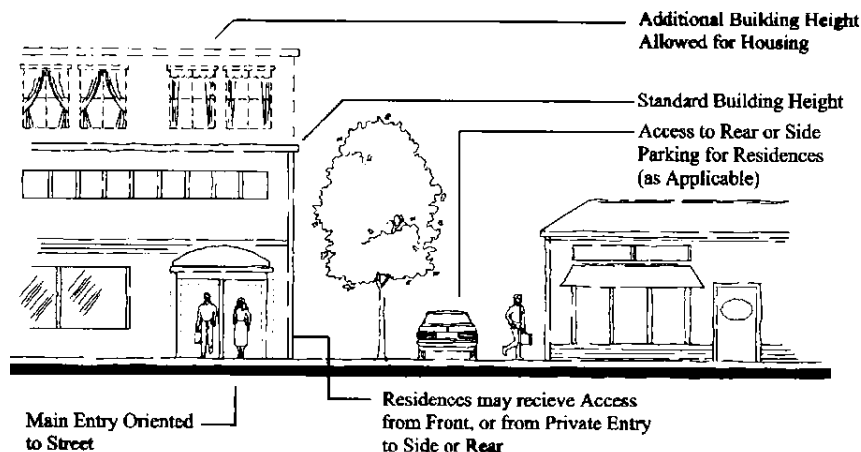
2. Blocks shall not exceed 400 feet in length, and shall have a perimeter not exceeding 1,400 feet;
3. Pedestrian pathways shall connect the street right-of-way to building entrances and the interior parking courts between buildings, as necessary to ensure reasonably safe, direct, and convenient access to building entrances and off-street parking;

2.3.160 Building and Structure Height; Bonus for Mixed-Use

Background: Section 2.3.160 is to be used in conjunction with Table 2.3.120 - Development Standards, 2.3.150 - Building Orientation, Section 2.3.170 - Architectural Design and [Section 3.4.300 - Transportation Standards](#). Section 2.3.160 encourages compact, pedestrian-oriented development in the downtown/main street district by allowing building height bonuses for mixed-use projects.

- A. **Method of Measurement.** Building and structure heights shall conform to the standards in Table 2.3.120; height is measured in conformance with Section 2.2.170.
- B. **Height Bonus for Housing.** The building height in the C-C and C-G Zones may be increased by 10 feet when housing is provided above ground floor commercial use(s), as generally shown in Figure 2.3.160.B. Where a second egress is required for fire safety, residences may have their entrances/egress oriented to any yard; such entrances need not be oriented to the street yard.

Figure 2.3.160.B - Building Height Bonus for Housing



2.3.170 Architectural Design Standards

Background: Section 2.3.170 is to be used in conjunction with Table 2.3.120 (Development Standards), 2.3.150 (Building Orientation), Section 2.3.180 (Pedestrian Amenities) and **Section 3.4.300 (Transportation Standards)**. This section provides minimum design standards for commercial and mixed-use buildings. The standards are intended to promote compatibility with adjacent buildings, break up large building elevations, and promote human scale design. This section also addresses some of the Transportation Planning Rule site design requirements under OAR 660-012-0045 by requiring prominent building entrances that face streets.

- A. Purpose and Applicability.** Section 2.3.170 is intended to provide detailed, human-scale design that is characteristic of Baker City, while affording flexibility to use a variety of architectural building styles. All new buildings and major remodels shall meet the standards of subsections 2.3.170.B-D., which are applied through Site Design Review. The applicant demonstrates that the standards are met by complying with the criteria under each standard.
- B. Pedestrian-Orientation.** The design of all buildings on a site shall support a safe and attractive pedestrian environment. This standard is met when the approval body finds that all of the criteria in 1-6, below, are met. Alternatively, for an application being processed as a Type III procedure, the approval body may approve a different design upon finding that the design contains an equally good or superior way of achieving the above standard.
1. The building orientation standards under Section 2.3.150 are met; and
 2. Primary building entrances shall open directly to the outside and, if not abutting a street, shall have walkways connecting them to the street sidewalk; every building shall have at least one primary entrance that does not require passage through a parking lot or garage to gain access; and
 3. Corner buildings (i.e., buildings within 20 feet of a corner as defined by the intersecting curbs) shall have corner entrances, or shall provide at least one entrance within 20 feet of the street corner or corner plaza; and
 4. Ground floor windows or window displays shall be provided along at least 30 percent of the building's (ground floor) street-facing elevation(s); windows and display boxes shall be integral to the building design and not mounted to an exterior wall; and
 5. Primary building entrance(s) are designed with weather protection, such as awnings, canopies, overhangs, or similar features; and
 6. Drive-up and drive-through facilities, when allowed, shall conform to Section 2.3.190.A; the provisions of which shall not be modified without a variance (Chapter 5.1).

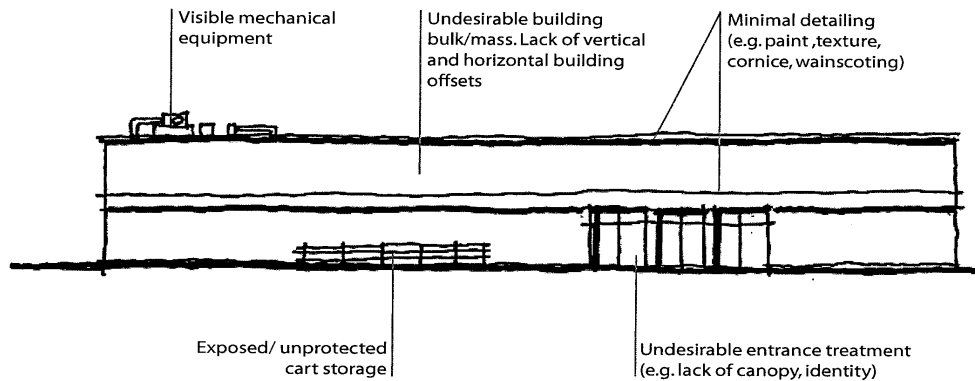
C. Design Standards.

1. The following development features are encouraged and strongly preferred, and result in a decrease of total landscape area requirements by 5%:
 - a. Developments which use alternative pavements, such as stenciled concrete and porous pavement; and
 - b. Multistory retail development and mixed-use multistory developments.
2. Entrances to development sites should be minimized and placed in such a way as to maximize safety, maximize efficient traffic circulation, and minimize the impact on any adjacent residential neighborhood.

D. Human Scale. The design of all buildings shall be to a human-scale. This standard is met when the approval body finds that all of the criteria in 1-8, below, are met. Alternatively, for an application being processed as a Type III procedure, the approval body may approve a different design upon finding that the design contains an equally good or superior way of achieving the above standard. Figure 2.3.170.D contrasts examples of building elevations that are consistent/inconsistent with human scale criteria.

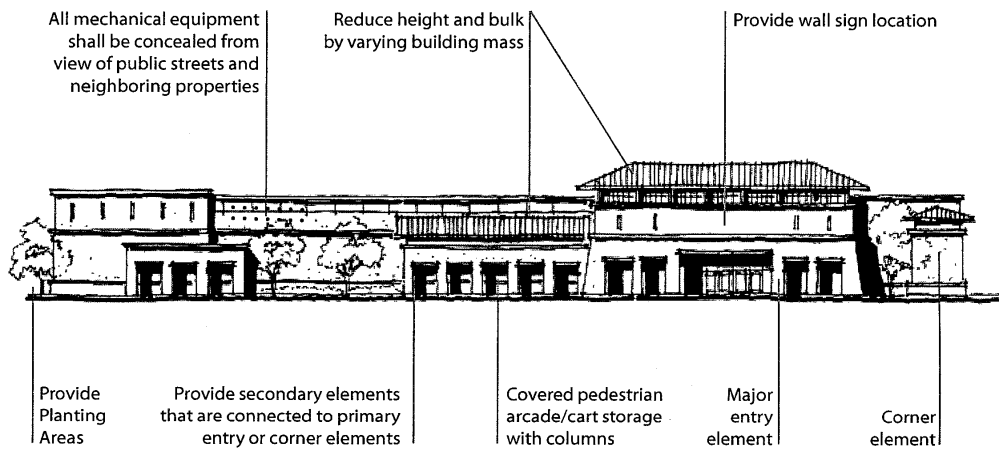
1. Regularly spaced and similarly-shaped windows are provided on all building stories;
2. Ground floor retail spaces have tall ceilings (i.e., 12 feet or higher) with display windows on the ground-floor;
3. Display windows are trimmed, recessed, or otherwise defined by wainscoting, sills, water tables, or similar architectural features;
4. On multi-story buildings, ground floors are defined and separated from upper stories by architectural features (*e.g.*, cornices, trim, awnings, canopies, arbors, trellises, overhangs, or other features) that visually identifies the transition from ground floor to upper story;
5. The tops of flat roofs are treated with detailing (*i.e.*, cornice, pediment, flashing, trim, or other detailing);
6. Pitched roofs have eaves, brackets, gables with decorative vents or other similar detailing;
7. Historic design and compatibility requirements, where applicable, are met; and
8. Where buildings with greater than 20,000 ft² of enclosed ground-floor space are proposed, they shall provide articulated facades on all street-facing elevations. This criterion is met when an elevation contains at least one of the following features for every 40 feet of building (horizontal length): windows; primary entrances; weather protection (awnings, canopies, arbors, trellises),

building offsets; projections; changes in elevation or horizontal direction; sheltering roofs; terraces; a distinct pattern of divisions in surface materials; ornamentation; screening trees; small-scale lighting (e.g., wall-mounted lighting, or up-lighting); and/or similar features as generally shown in Figure 2.3.170.D. Note: Figure 2.3.170.D should not be interpreted as a required architectural style.



Large Commercial Massing - Unacceptable

Figure 2.3.170.D – Examples of Large Commercial Design Elements



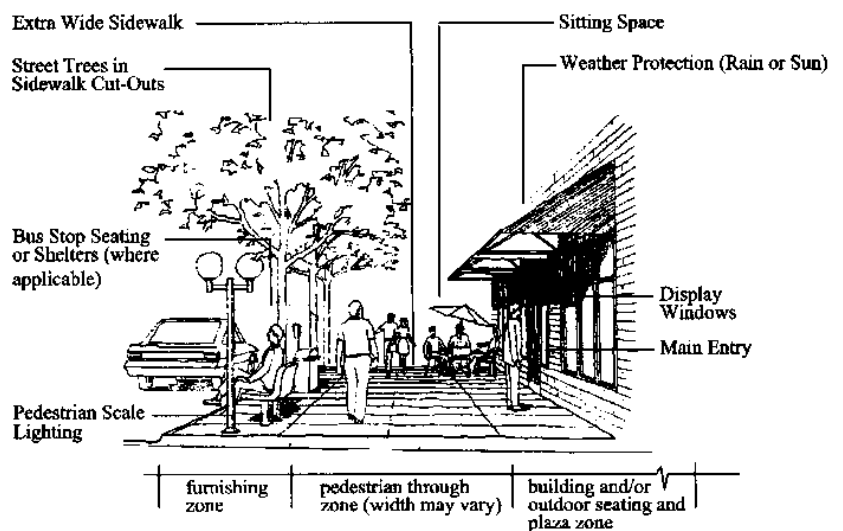
Large Commercial Massing - Acceptable

2.3.180 Pedestrian Amenities

Background: Section 2.3.180 is to be used in conjunction with Table 2.3.120 - Development Standards, 2.3.150 - Building Orientation, and Section 2.3.170 - Architectural Standards and **Section 3.4.300 - Transportation Standard**. This section also supports implementation of the Transportation Planning Rule site design requirements under OAR 660-012-0045 by supporting attractive and comfortable streets for pedestrians.

- A. Purpose and Applicability.** Section 2.3.180 provides standards for pedestrian amenities when pedestrian amenities are required as part of new developments and major remodels in the Central-Commercial and Commercial-General Zones, and when pedestrian amenities are provided to meet the requirements of other code sections. Pedestrian amenities serve as informal gathering places for socializing, resting, and enjoyment along street frontages and contribute to a walkable zone.
- B. Standards.** New developments and major remodels in the Central-Commercial and Commercial-General Zones and other developments subject to the provisions of this section shall provide one or more of the “pedestrian amenities” listed below, and as generally illustrated in Figure 2.3.180.B. Pedestrian amenities may be provided within a street furnishing zone, building frontage zone, or plaza, or within the pedestrian through zone, as shown in Figure 2.3.180.B. Use of the public right-of-way requires approval by the roadway authority. Within the furnishing zone, a 2’ setback clearance for car doors shall be maintained.
1. A plaza, courtyard, square or extra-wide sidewalk next to the building entrance (minimum width of 6 feet);
 2. Sitting space (i.e., dining area, benches, garden wall or ledges between the building entrance and sidewalk) with a minimum of 16 inches in height and 30 inches in width;
 3. Building canopy, awning, pergola, or similar weather protection (minimum projection of 4 feet over a sidewalk or other pedestrian space). The vertical clearance from the sidewalk to the lowest stationary structural support shall be 8 feet minimum. Non-rigid awning valance heights shall be at least 7 feet above the sidewalk;
 4. Public art that incorporates seating (e.g., fountain sculpture);

Figure 2.3.180.B – Examples of Pedestrian Amenities



5. Bus waiting shelter with schedule information and seating, per the standards of the transit service provider.

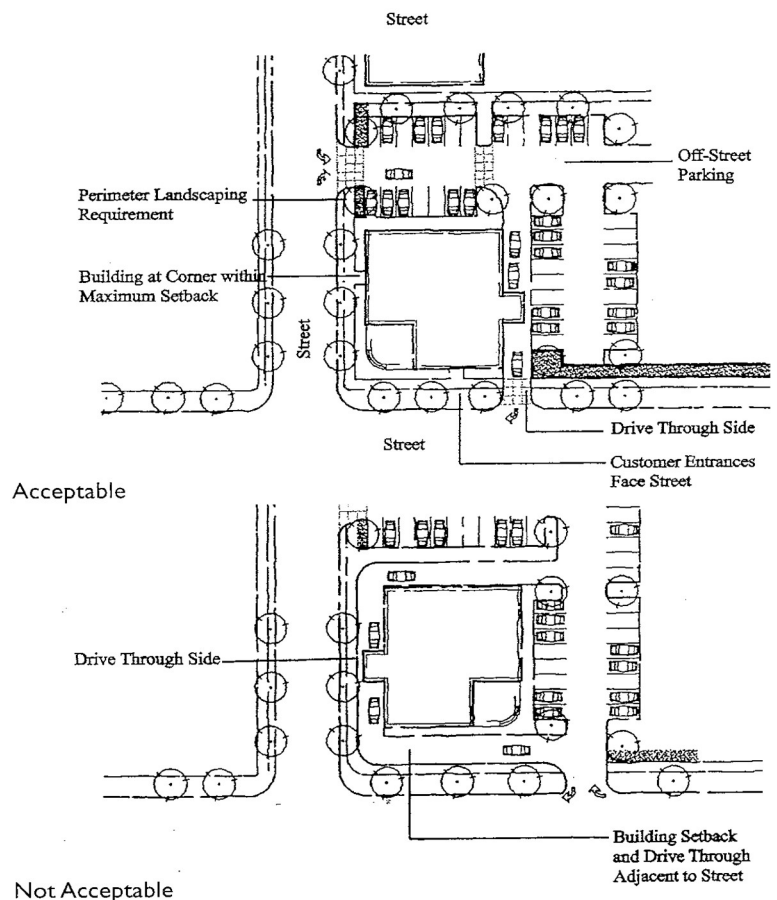
2.3.190 Special Use Standards. This section supplements the standards contained in Sections 2.3.110 through 2.3.180. It provides standards for the following land uses to control the scale and compatibility of those uses:

- A. Drive-up/Drive-In/Drive-Through Uses and Facilities
- B. Adult Entertainment Establishments and Adult Stores
- C. Large Format Retail Stores located in one structure in excess of 80,000 ft²
- D. Expansion of Single-Family Detached Structures, if lawfully existing as of 2/13/04 (including the addition of accessory structures), in Commercial and Industrial Zones
- E. Home Occupations
- F. Self-Service Storage

- A. Drive-Up/Drive-In/Drive-Through Uses and Facilities.** When drive-up or drive-through uses and facilities are allowed, they shall conform to all of the following standards, which are intended to calm traffic, and protect pedestrian comfort and safety.

**Figure 2.3.190.A(1) –
Drive-Up and Drive-Through Facilities**

1. The drive-up/drive-through facility shall orient to, and receive access from, a driveway, or interior parking area, and not a street [Figure 2.3.190.A(1)];
2. None of the drive-up, drive-in or drive-through facilities (e.g., driveway queuing areas, windows, teller machines, service windows, kiosks, drop-boxes, or similar facilities) are located within 20 feet of a street and shall not be oriented to a street corner. (Walk-up only teller machines and kiosks may be oriented to a street or placed adjacent to a street corner);
3. Drive-up/in queuing areas shall be designed so that vehicles do not obstruct a driveway, fire access lane, walkway, or public right-of-way.



B. Adult Entertainment Establishments and Adult Stores. When adult entertainment establishments and adult stores are allowed, they shall conform to all of the following standards, which are intended to protect the public safety, welfare, and morals.

1. An adult store or adult entertainment establishment shall be located at least 500 feet from any Religious Assembly; Educational facility, Primary/Secondary; Public Parks and Recreational Areas; Public Recreation Assembly; Day Care Center; Public Assembly; Cultural Services; Homes for Adults, Life Care Facility; or Residential Zone.
2. Any Adult Entertainment Establishment or Adult Store must be at least 1,000 feet from any other Adult Entertainment Establishment or Adult Store.
3. No Adult Store or adult entertainment establishment shall display adult media, depictions or specified sexual activities or specified anatomical areas, sexually oriented goods or depictions or sexually oriented goods, in its window, in a manner visible (by normal unaided vision) from the street, highway, public sidewalk, or the property of others. Window areas shall remain transparent and shall not be made opaque.

C. Retail Sales and Service developments located in one structure in excess of 80,000 ft² (see definition in Chapter 1.3). When retail sales are located in one structure in excess of 80,000 ft², or which exceed 80,000 ft² in contiguous lots, they shall conform to all of the following standards and considerations in addition to the standards contained in Sections 2.3.110 through 2.3.180 when considered under both Conditional Use and Site Plan Review;

1. Working with a consultant selected and paid for by the applicant, the applicant may be required to provide the following detailed analyses in addition to the other requirements of the Baker City Development Code:
 - a. Estimated costs of public services and improvements attributable to the project;
 - b. Impact on commercial and residential property values in the City with an emphasis on the immediate area around the project; and
 - c. A traffic analysis study.

D. Expansion of Single-Family Detached Structures, if lawfully existing as of 2/13/04 (including the addition of accessory structures), in Commercial and Industrial Zones. The expansion of a single-family detached structure, if lawfully existing as of 2/13/04, including the addition of an accessory structure, may be permitted subject to, but not exclusive of, the following criteria and considerations:

1. Any expansion shall be incidental in nature to the primary structure.
2. Any expansion of a single-family dwelling shall comply with the nearest residential zone setback

standards under **Chapter** 2.2.

3. Any addition to an existing primary structure shall not exceed 20 percent of the primary structure's building footprint.
 - a. Expansion of an existing primary structure is permitted to occur only one time during the life of the structure.
 - b. Upon approval, it shall be required that, at applicant's expense, descriptive language be recorded with the Baker County Clerk's Office reflecting the one-time expansion limitation on the existing single family detached structure.
4. Any accessory structure that may be permitted must comply with the requirements related to such structures under **Section** 2.2.200.B.

E. Home Occupation – Home Occupations are permitted in pre-existing non-conforming residences in the Commercial Zone subject to criteria and standards in **Section 2.2.200.F** and **Section 4.9.200**.

F. Self-Service Storage– The following front/street setbacks apply to all self-service storage units in the General-Commercial (C-G) Zone, except self-service storage facilities that were in existence prior to **October 9, 2020**:

1. Local street: ±25 feet
2. Arterial or collector street: ±150 feet

G. Residential Caretaker's Unit in Conjunction with Self-Service Storage. One residential caretaker unit may be permitted in conjunction with a self-service storage facility, subject to the following conditions. A caretaker shall be defined as a person employed to look after a building.

- a. A Conditional Use Permit must be obtained from the Planning Commission.
- b. The self-service storage facility shall remain the primary use, and the residential caretaker unit shall be incidental and subordinate to the primary use.
- c. The primary self-service storage use shall be an active on-going business, occupied during working hours with employee activity, and shall have a storage building footprint of no less than 5,000 ft². If the primary self-service storage use ceases to exist, the caretaker unit shall be removed. If the primary self-service storage use is closed for more than 24 months, the caretaker unit shall not be occupied.
 1. An existing, ongoing business will have been operated from the subject property, open for business to the general public, and have substantially all of the equipment and supplies necessary for operating a business. If requested by the City, the property owner shall provide

proof of an existing, ongoing business by demonstrating the components of this section are true and by producing proof of income from the business.

- d. The caretakers unit shall be served with public water and sanitary sewerage disposal, in conformance with city engineering requirements. It may be a stick-built house, a single-wide manufactured home newer than 1990, or a dwelling incorporated into an existing, permitted building. The unit shall be no larger than 1,000 ft². It must be located within 150 ft. of, and in sight of, the primary self-service storage use.
- e. Caretaker units shall be required to meet applicable fire safety and building code requirements, in addition to the applicable setback standards of this chapter.

Chapter 3.1 — Access and Circulation

Sections:

- 3.1.100 Purpose
- 3.1.200 Vehicular Access and Circulation
- 3.1.300 Pedestrian Access and Circulation

3.1.100 Purpose. The purpose of this Chapter is to ensure that developments provide safe and efficient access and circulation for pedestrians and vehicles. Section 3.1.200 provides standards for vehicular access and circulation. Section 3.1.300 provides standards for pedestrian access and circulation. Standards for streets and other transportation system improvements are provided in Section 3.4.100.

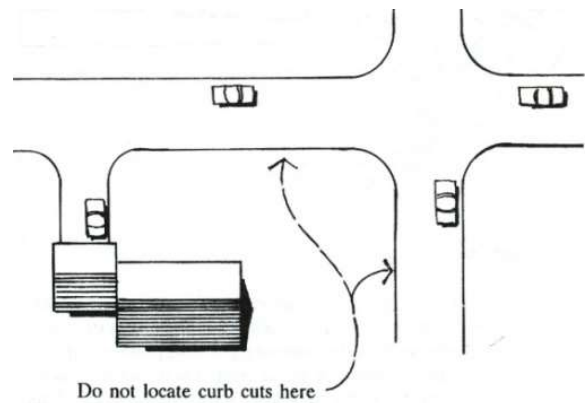
3.1.200 Vehicular Access and Circulation

- 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.
- C. Access Permit Required.** Access to a public street (e.g., a new curb cut or driveway approach) requires an Access Permit. An access permit may be in the form of a letter to the applicant, or it may be attached to a land use decision notice as a condition of approval. In either case, approval of an access permit shall follow the procedures and requirements of the Baker City Public Works Department, as determined through the review procedures in Article 4.
- D. Traffic Study Requirements.** The City may require a traffic study prepared by a qualified professional to determine access, circulation, and other transportation requirements in conformance with Section 4.1.900, Traffic Impact Study.
- 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

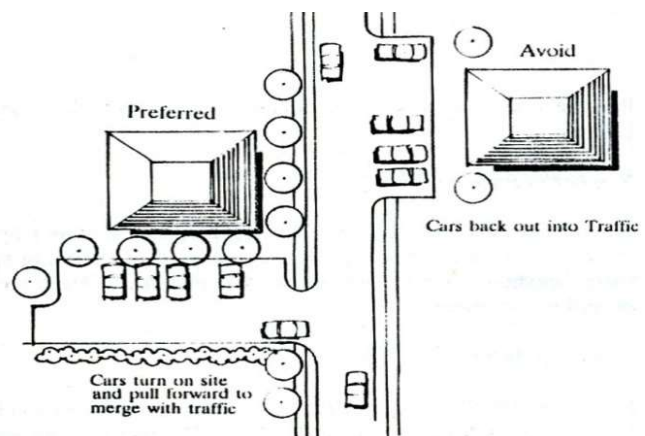
accesses shall conform to the following standards:

1. Except as provided under subsection 5 below, the following minimum distances shall be maintained between access points or approaches, where distance is measured from the edge of one approach to the edge of another:
 - a. On an arterial street: 300-500 feet based on speed limit or posted speed, as applicable, except as otherwise required by ODOT for a state highway, pursuant to Oregon Administrative Rules (OAR) 734-051; and
 - b. On a collector street: 100 feet; and
 - c. On a local street, see subsection 5 below.
2. New property access on state highways shall conform to the State highway access spacing requirements in OAR 734-051.

3. New property access on streets other than state highways shall not be permitted within fifty (50) feet of an intersection unless no other reasonable access to the property is available or could be developed and a modification in the site design of the property cannot remedy the situation. The measurement shall be taken from the curb edge, or if no curb exists, from the theoretical curb location based on the planned roadway section for the given street. Where no other alternatives exist, the Public Works Director may, at their discretion, allow construction of an access connection at a point less than 50 feet from an intersection, provided the access is as far away from the intersection as possible. In such cases, the Public Works Director may impose turning restrictions and other traffic management techniques (i.e., right in/out, right in-only, or right out-only).

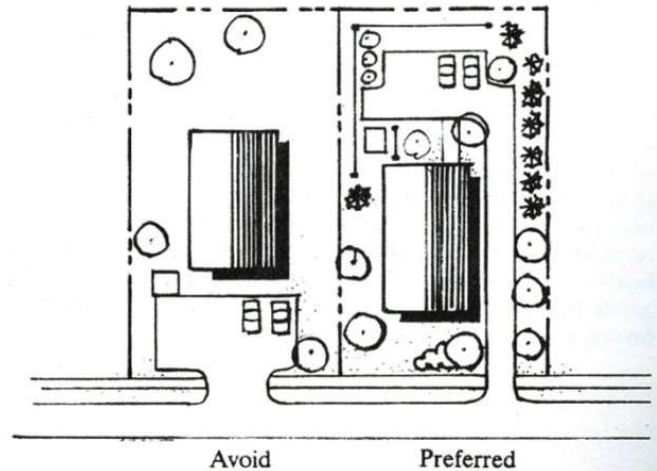


4. Access to and from off-street parking areas shall generally not permit backing onto a public street, except for single-family dwellings and duplexes. Where no other alternative exists the Public Works Director, at their discretion, may allow backing onto a public street from perpendicular or angle parking spacing with the employment of a variety of transportation engineering or transportation planning techniques



designed to mitigate or reduce to a reasonable level the safety hazard. Required features may include one-way streets with curb bulb-outs, curvilinear design, and modification of sidewalk locations.

5. The Public Works Director may reduce required separation distance of access points as established in the Baker City Transportation System Plan (TSP) where they prove impractical due to lot dimensions, existing development, other physical features, or conflicting code requirements, provided all of the following requirements are met:



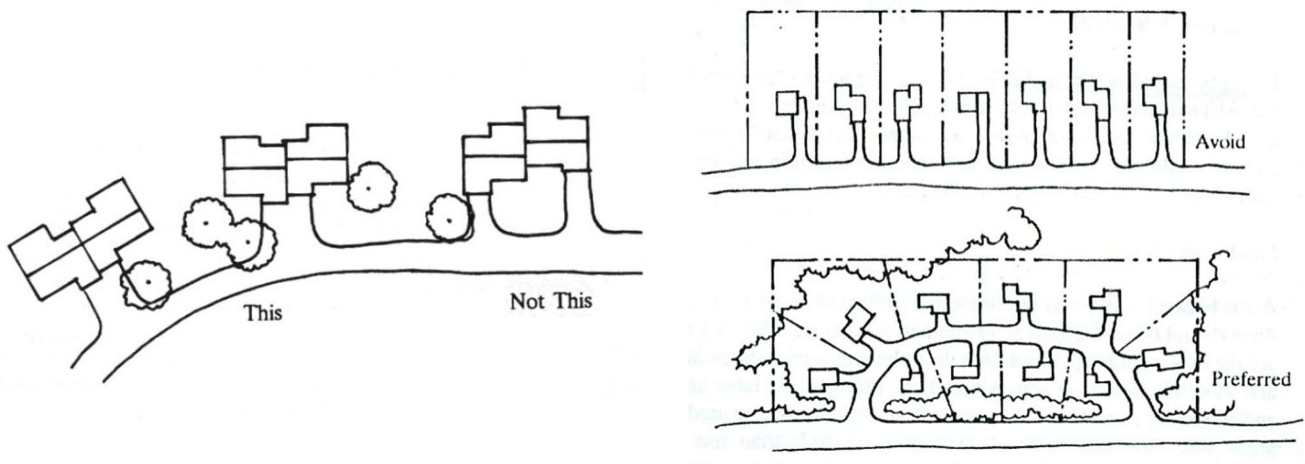
- a. Joint-use driveways and cross-access easements are provided, where practical, in accordance with subsection 3.1.200.H;
- b. The site plan incorporates a unified access and circulation system in accordance with this Section; and
- c. The property owner(s) enter in a written agreement with the City that pre-existing connections on the site will be closed and eliminated in conjunction with construction of each side of the joint-use driveway. Said written agreement can take the form of a condition of approval for a subdivision, partition, development review, site plan review, or recorded with the deed.

6. While the Baker City TSP does not restrict private driveway access on urban local streets, residential projects under review will be encouraged to combine driveway access through joint-use driveways or to access parking off of established alleys where conditions are practical.

- G. Site Circulation.** New developments shall be required to provide a circulation system that accommodates expected traffic on the site and does not conflict with traffic on adjacent roads. Pedestrian and, as applicable, bicycle way connections on the site, including connections through large sites, and connections between sites (as applicable) and adjacent sidewalks must conform to the provisions in Section 3.1.300.
- H. Joint and Cross Access – Requirement.** The number of driveway and private street intersections with public streets should be minimized by the use of shared driveways for adjoining lots where feasible. When necessary for traffic safety and access management purposes, or to access flag lots, the City may require joint access and/or shared driveways in the following situations as follows:

1. For shared parking areas;

2. For adjacent developments, where access onto an arterial is limited;
3. For multi-tenant developments, and developments on multiple lots or parcels. Such joint accesses and shared driveways shall incorporate all of the following:
 - a. A continuous service drive or cross-access corridor that provides for driveway separation consistent with the applicable transportation authority's access management classification system and standards;
 - b. A design speed of 10 miles per hour and a maximum width of 20 feet, in addition to any parking alongside the driveway; additional driveway width or fire lanes may be approved when necessary to accommodate specific types of service vehicles, loading vehicles, or emergency service provider vehicles;
 - c. Driveway stubs to property lines (for future extension) and other design features to make it easy to see that the abutting properties may be required with future development to connect to the cross-access driveway;



- I. **Joint and Cross Access – Reduction in Required Parking Allowed.** When a shared driveway is provided or required as a condition of approval, the land uses adjacent to the shared driveway may have their minimum parking standards reduced in accordance with the shared parking provisions of Section 3.3.300.F.
- J. **Joint and Cross Access – Easement and Use and Maintenance Agreement.** Pursuant to this Section, property owners shall:
 1. Record an easement with the deed allowing cross-access to and from other properties served by the joint-use driveways and cross-access or service drive;
 2. Record an agreement with the deed that remaining access rights along the roadway for the subject property shall be dedicated to the City and pre-existing driveways will be closed and eliminated after construction of the joint-use driveway;

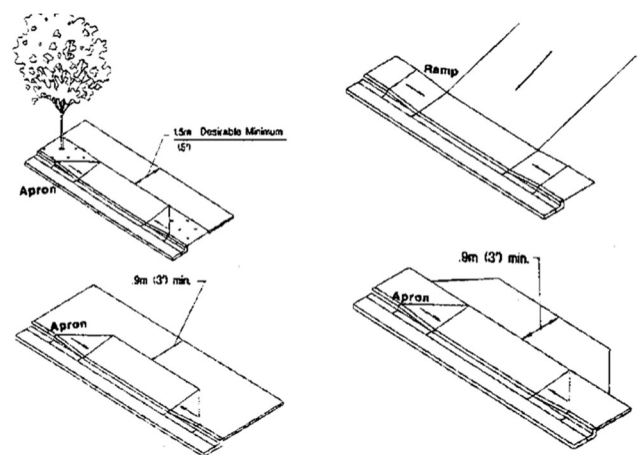
3. Record a joint maintenance agreement with the deed defining maintenance responsibilities of property owners.

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:

1. Driveway Opening Width. Driveways shall meet the following standards:
 - a. One-way driveways (one way in or out) shall have a minimum driveway opening width of 10 feet, and a maximum width of 12 feet, and shall have appropriate signage designating the driveway as a one-way connection.
 - b. For two-way access, each lane shall have a minimum opening width of 9 feet and a maximum opening width of 12 feet.
2. Driveway Approaches. Driveway approaches shall be designed and located to provide exiting vehicles with an unobstructed view of other vehicles and pedestrians, and to prevent vehicles from backing into the flow of traffic on the public street or causing conflicts with on-site circulation. Construction of driveway accesses along acceleration or deceleration lanes or tapers should be avoided due to the potential for vehicular conflicts. Driveways should be located to allow for safe maneuvering in and around loading areas. See also, Section 3.3.500 – Loading Areas.
3. Driveway Construction. Driveway aprons (when required) shall be constructed of concrete and shall be installed between the street right-of-way and the private drive, as shown in Figure 3.1.200.K. Driveway aprons shall conform to ADA requirements for sidewalks and walkways, which generally require a continuous unobstructed route of travel that is not less than 3 feet in width, with a cross slope not exceeding 2 percent, and providing for landing areas and ramps at intersections.
4. Driveway Limit. Driveways are limited to one per residential dwelling unit, with exceptions for existing alleyways and multiple driveways.

- 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

Figure 3.1.200.K Examples of Acceptable Driveway Openings Next to Sidewalks/Walkways

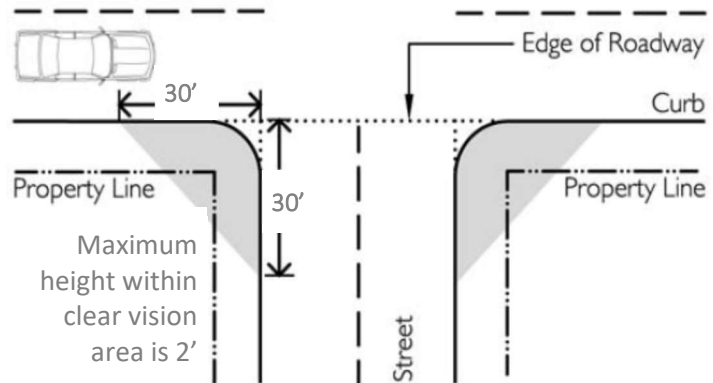


emergency vehicles (cul-de-sac, hammerhead, Y-turnaround or other similar alternative approved by the Fire Chief). The Fire Chief may require that fire lanes be marked as “No Stopping/No Parking.” For requirements related to cul-de-sacs or dead-end streets, please refer to [Section 3.4.300.O](#).

M. Vertical Clearances. 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, as shown in Figure 3.1.200 (N). 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, [tree](#) trunks and similar objects.

Figure 3.1.200.N Vision Clearance Areas



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:

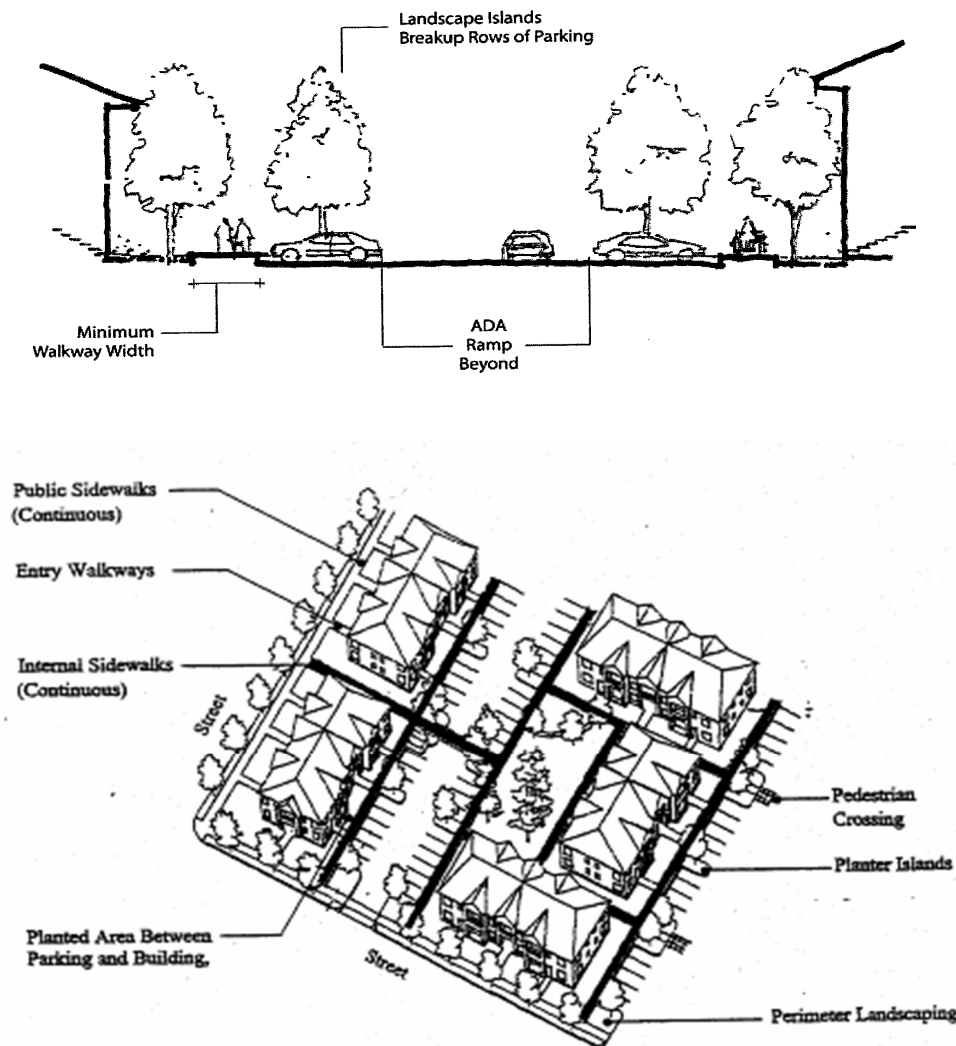
1. **Surface Options.** Driveways, parking areas, aisles, and turnarounds may be paved with asphalt, concrete, or comparable surfacing, or a durable non-paving or porous paving material may be used to reduce surface water runoff and protect water quality. Driveway and street materials within the public right-of-way shall be subject to review and approval by the Baker City Public Works Department.
2. **Surface Water Management.** When non-porous paving is used, all driveways, parking areas, aisles, and turnarounds shall have on-site collection of surface waters to eliminate sheet flow of such waters onto public rights-of-way and abutting property. Surface water facilities shall be constructed in conformance with Chapter 3.4 and applicable engineering standards.
3. **Driveway Aprons.** When driveway approaches or “aprons” are required to connect driveways to the public right-of-way, they shall be paved with concrete surfacing and conform to the City’s engineering design criteria and standard specifications. (See general illustrations in Section 3.1.200.K, above.)

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. Pedestrian circulation will also be evaluated and provided for in industrial developments, as reviewed in the site plan review process. However, industrial developments in industrial zones shall not be required to provide sidewalks along public roads unless a pedestrian project has been identified pursuant to the Transportation System Plan. The pedestrian system shall be based on the standards in subsections 1-4, below:
1. Continuous Walkway System. The pedestrian walkway system shall extend throughout the development site and connect to all future phases of development and to existing or planned off-site adjacent trails, public parks, and open space areas. The Planning Director or other city decision body may require landscape buffering between walkways and adjacent parking lots or driveways to mitigate safety concerns. The developer may also be required to connect or stub walkway(s) to adjacent streets and to private property with a previously reserved public access easement for this purpose, in accordance with the provisions of Section 3.1.200, Vehicular Access and Circulation, and [Section 3.4.300](#), Transportation Standards.
 2. Connection to “primary entrance”. Walkways and, where applicable, multi-use paths within developments shall provide connections between primary building entrances and all adjacent parking areas, recreational areas/playgrounds, schools, streets, and other public ways based on the following definitions:
 - a. “Primary entrance” for commercial, industrial, mixed use, public, and institutional buildings. The main public entrance to the building. In the case where no public entrance exists, street connections shall be provided to the main employee entrance.
 - b. “Primary entrance” for residential buildings is the front door (i.e., facing the street). For multifamily buildings in which each unit does not have its own exterior entrance, the “primary entrance” may be a lobby, courtyard, or breezeway, which serves as a common entrance for more than one dwelling.
 3. Connections within development. Connections within developments shall be provided as required in subsections a-c, below:
 - a. Walkways shall connect all building entrances to one another, as generally shown in Figure 3.1.300.A(1);
 - b. Walkways shall connect all on-site parking areas, storage areas, recreational facilities and common areas, and shall connect off-site adjacent uses to the site. Topographic or existing development constraints may be cause for not making certain walkway connections, as generally shown in Figure 3.1.300.A(1); and
 - c. Large parking areas shall be broken up so that no contiguous parking area exceeds three (3)

acres. Parking areas may be broken up with plazas, large landscape areas with pedestrian access ways (i.e., at least 20 feet total width), streets, or driveways with street-like features. Street-like features, for the purpose of this section, means a raised sidewalk of at least 4-feet in width, 6-inch curb, accessible curb ramps, street trees in planter strips or tree wells, and pedestrian-oriented lighting.

Figure 3.1.300.A(1) Pedestrian Pathway System (Typical)



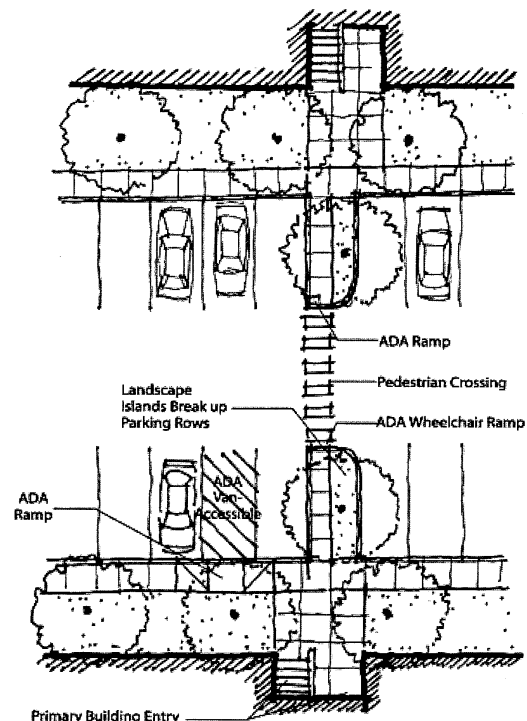
B. **Walkway Design and Construction.** Walkways, including those provided with pedestrian access ways, shall conform to all of the standards in subsections 1-4, as generally illustrated in Figure 3.1.300B:

1. Vehicle/Walkway Separation. Except for crosswalks (subsection 2), where a walkway abuts a driveway or street, it shall be raised 6 inches and curbed along the edge of the driveway/street. Alternatively, the Planning Director may approve a walkway abutting a driveway at the same grade as the driveway if the walkway is protected from vehicle maneuvering areas. An example of such protection is a row of decorative metal or concrete bollards designed to withstand a

vehicle's impact, with adequate minimum spacing between them to protect pedestrians.

2. Crosswalks. Where walkways cross a parking lot or street ("crosswalk"), they shall be clearly marked with contrasting paving materials as approved by the Public Works Department.
 3. Walkway Width and Surface. Within the public right-of-way walkway and access way surfaces shall be concrete, asphalt, brick/masonry pavers, or other durable surface, as approved by the Public Works Department, except that primitive pathway and bridleway systems that may vary in surfacing materials and width may be approved under appropriate conditions and applications. Walkways at least five (5) feet wide in residential applications and six (6) feet wide in commercial applications shall be the minimum required. The Planning Department in coordination with the Public Works Department may require expanded walkway widths if circumstances (i.e. potential usage rates, project type, or location) so dictate. Multi-use paths (i.e., for bicycles and pedestrians) shall be concrete, asphalt, or other durable surface, as approved by the Public Works Department, at least six (6) feet wide. (See also, [Section 3.4.300](#) - Transportation Standards for public, multi-use pathway standard.)
 4. Accessible routes. Walkways shall comply with applicable Americans with Disabilities Act (ADA) requirements. The ends of all raised walkways, where the walkway intersects a driveway or street shall provide ramps that are ADA accessible, and walkways shall provide direct routes to primary building entrances.
- C. **Multi-use pathways.** Multi-use paths, where provided pursuant to the Transportation System Plan, shall conform to the standards in [Table 3.4.300.F](#) and be constructed of asphalt, concrete, or other all-weather surface as approved by the Public Works Director.

Figure 3.1.300B Pedestrian
Walkway Detail



Chapter 3.2 — Landscaping, Street Trees, Fences and Walls

Sections:

3.2.100	Purpose
3.2.200	Landscape Conservation
3.2.300	Landscaping
3.2.400	Street Trees
3.2.500	Fences and Walls

3.2.100 Purpose. The purpose of Chapter 3.2 is to promote community health, safety, and welfare by protecting natural vegetation and setting development standards for landscaping, street trees, fences, and walls. Together, these elements of the natural and built environment contribute to the visual quality, environmental health, and character of the community. Trees provide climate control through shading during summer months and wind screening during winter. Trees and other plants can also buffer pedestrians from traffic. Walls, fences, trees, and other landscape materials also provide vital screening and buffering between land uses. Landscaped areas help to control surface water drainage and can improve water quality, as compared to paved or built surfaces. This Chapter is organized into the following sections:

- **Section 3.2.200 - Landscape Conservation** prevents the indiscriminate removal of significant trees and other vegetation.
- **Section 3.2.300 - Landscaping** sets standards for and requires landscaping of all development sites that require Site Design Review. This section also requires buffering for parking and maneuvering areas, and between different land use zones. Note that other relevant standards are provided in Article 2, Land Use Zones, for specific types of development.
- **Section 3.2.400 - Street Trees** sets standards for and requires planting of trees along designated streets for shading, comfort, and aesthetic purposes.
- **Section 3.2.500 - Fences and Walls** sets standards for new fences and walls, including maximum allowable height and materials, to promote security, personal safety, privacy, and aesthetics.

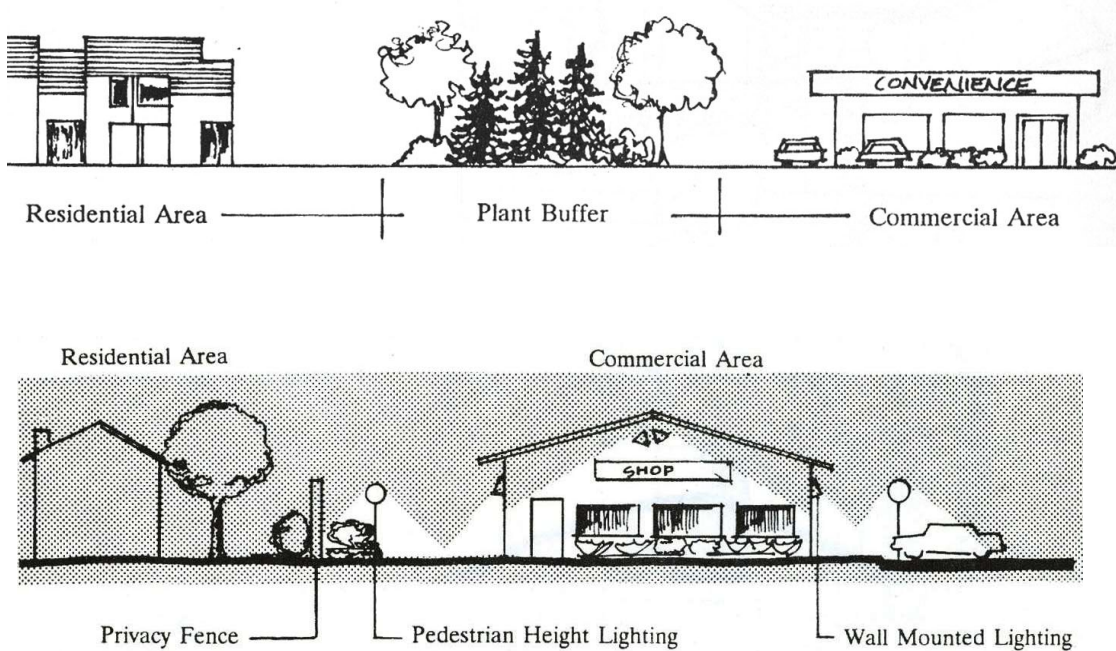
3.2.200 Landscape Conservation

- A. Applicability.** All development sites containing Significant Vegetation, as defined below, shall comply with the standards of this Section. The purpose of this Section is to incorporate significant native vegetation into the landscapes of development.
- B. Significant Vegetation.** “Significant vegetation” means trees and shrubs that have a diameter of 6 inches or larger at four (4) feet height, except that protection shall not be required for plants listed as non-native, invasive plants by the Oregon State University (OSU) Extension Service in the applicable OSU bulletins for Baker County.

- C. **Mapping and Protection Required.** The City also may require an inventory, survey, or assessment prepared by a qualified professional when necessary to determine construction boundaries, building setbacks, and other protection or mitigation requirements.
- D. **Protection Standards.** Significant trees and shrubs identified as meeting the criteria in Section B, above, shall be retained to minimize the risk of erosion, landslide, and storm water runoff. Where protection is impracticable because it would prevent reasonable development of public streets, utilities, or land uses permitted by the applicable land use zone, the City shall allow removal of significant vegetation from the building envelope as defined by required yard setbacks. Where other areas must be disturbed to install streets or utilities, the applicant may be required to restore such areas after construction with landscaping or other means to prevent erosion and to protect the public health, safety, and welfare. With the owner's consent, the City may accept a land dedication or become a party to a conservation easement on private property for conservation purposes.
- E. **Construction.** All significant vegetation on a site that is not otherwise designated and approved by the City for removal through an approved site plan shall be protected prior to, during, and after construction in accordance with a limit-of-clearing and grading plan approved by the City. The City may limit grading activities and operation of vehicles and heavy equipment in and around significant vegetation areas to prevent erosion, pollution, or landslide hazards.

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 [Section 4.2.400.C.2.d \(Landscape Plan\)](#).
- 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.
 - 2. Central Commercial Zone: 0-5% percent of the site dependent on parcel and site plan.
 - 3. General Commercial Zone: Campbell Street and Freeway Area – 10% of site; all other general commercial areas – 7%
 - 4. General Industrial Zone and Light Industrial Zone: Zero percent of the site except that the approval body may require landscaping, fences, walls or other buffering that exceed the 0% landscaping standards when it finds through Site Design Review (Chapter 4.2), Conditional Use Permit review (Chapter 4.4), and/or Master Planned Development review (Chapter 4.5), as applicable, that more or different buffering is necessary to mitigate adverse noise, light, glare, and/or aesthetic impacts to adjacent properties or public roads.



- 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. 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 3.4.600**, shall be landscaped with water tolerant, native plants.

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. Yard Setback Landscaping. Landscaping in yards shall:
 - a. Provide visual screening and privacy within side and rear yards; while leaving front yards and building entrances mostly visible for security purposes;
 - b. Use shrubs and trees as wind breaks;
 - c. Retain natural vegetation;
 - d. Define pedestrian pathways and open space areas with landscape materials;
 - e. Provide focal points within a development, for example, by preserving large or unique trees or groves, hedges, and flowering plants;
 - f. Use trees to provide summer shading within common open space areas and within front yards when street trees cannot be provided;

- g. Use a combination of plants for year-long color and interest;
 - h. Use landscaping to screen outdoor storage and mechanical equipment areas, and to enhance graded areas such as berms, swales, and detention/retention ponds.
2. Parking areas. A minimum of 5 percent of the total surface area of all parking areas, as measured around the perimeter of all parking spaces and maneuvering areas, shall be landscaped. Such landscaping shall consist of “evenly distributed” shade trees with shrubs and/or ground cover plants that conform to the criteria in Section 3.2.300.E.1.a-h, above. “Evenly distributed” means that the trees and other plants are distributed around the parking lot perimeter and between parking bays to provide a partial canopy. At a minimum, one tree per six (6) parking spaces on average shall be planted to create a partial tree canopy over and around the parking area. All parking areas with more than 20 spaces shall include landscape islands with trees to break up the parking area into rows of not more than 12 contiguous parking spaces. All parking area landscapes shall have dimensions of not less than 24 ft² of area, or not less than 4 feet in width by 6 feet in length, to ensure adequate soil, water, and space for healthy plant growth.
3. Protecting Landscaping/Buildings. Buffering and screening are required under the following conditions:
- a. Parking/Maneuvering Area Adjacent to Streets and Drives. Where a parking or maneuvering area is adjacent and parallel to a street or driveway, an evergreen hedge; decorative wall (masonry or similar quality material) with openings; arcade, trellis, or similar partially opaque structure 3-4 feet in height shall be established between street and driveway. The required screening shall have breaks, where necessary, to allow pedestrian access to the site. The design of the wall or screening shall also provide breaks or openings for visual surveillance of the site and security. Evergreen hedges used to comply with this standard shall be a minimum of 36 inches in height at maturity, and shall be of such species, number, and spacing to provide the required screening within one (1) year after planting. Any areas between the wall/hedge and the street/driveway line shall be landscaped with plants or other vegetative ground cover. Alternatively, an 8-foot-wide planting strip with street trees subject to review by the Tree Board may fulfill the screening requirement.
 - b. Parking/Maneuvering Area Adjacent to Building. Where a parking or maneuvering area, or driveway, is adjacent to a building, the area shall be separated from the building by a curb and a raised walkway, a plaza, or a landscaped buffer not less than 5 feet in width. Raised curbs, bollards, wheel stops, or other design features shall be used to protect pedestrians, landscaping, and buildings from being damaged by vehicles. Where parking areas are located adjacent to residential ground-floor living space, a 4-foot-wide landscape buffer with a curbed edge may fulfill this requirement.
 - c. Screening of Mechanical Equipment, Trash Receptacles, Outdoor Storage and Manufacturing, Service and Delivery Areas, and Other Screening When Required. All mechanical equipment, trash receptacles, outdoor storage and manufacturing, and service and delivery areas, shall

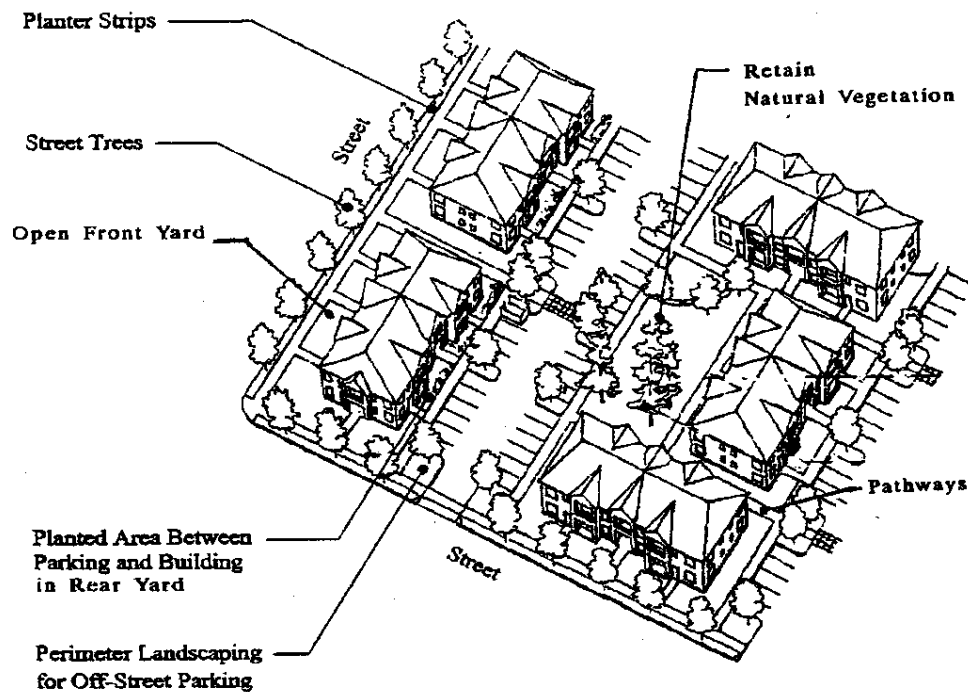
be screened from view from all public streets and adjacent Residential zones. When these or other areas are required to be screened, such screening shall be provided by:

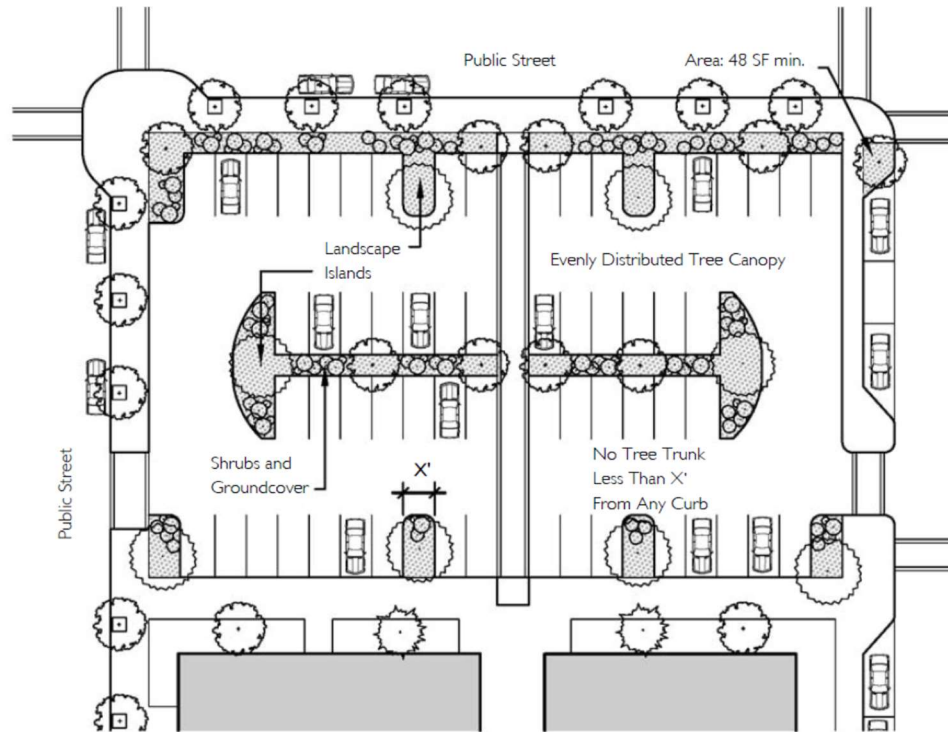
- i. a decorative wall (i.e., masonry or similar quality material),
- ii. evergreen hedge,
- iii. opaque fence complying with Section 3.2.500, or
- iv. a similar feature that provides an opaque barrier.

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.)

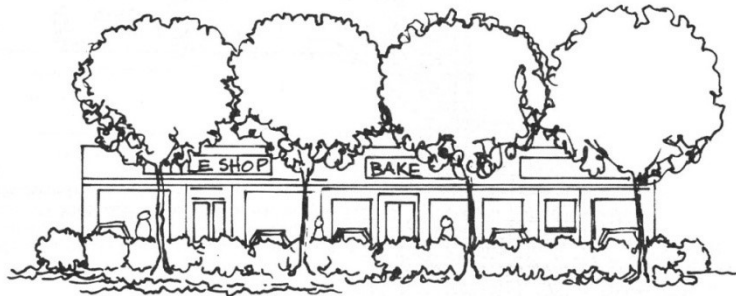
- d. Flag Lot Screen. In approving a flag lot, the City may require a landscape screen and/or fence be installed along property line(s) of the flag lot, for privacy of adjoining residents, in accordance with the provisions of Section 4.3.115. A flag lot screen shall not be required if the abutting property owner(s) indicate in writing that they do not want a screen or fence, however, the owner may install one at his or her discretion.

Figure 3.2.300.E General Landscape Areas (Typical)





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.



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 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.

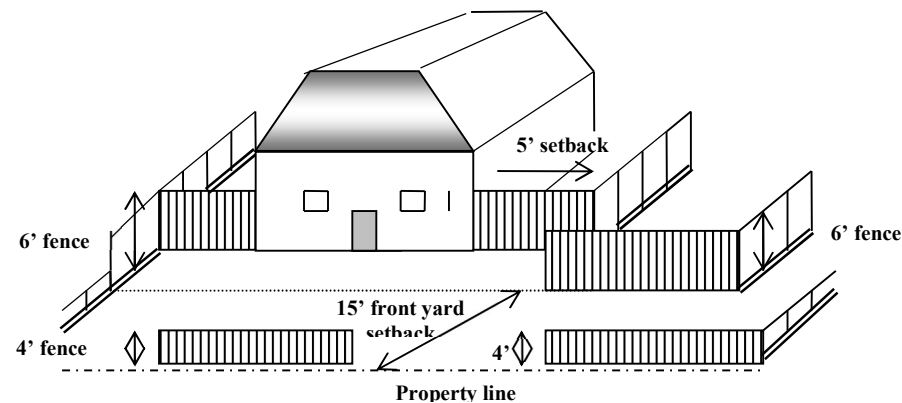
B. Dangerous Fences. No person shall construct or maintain any fence which contains barbed wire as a part thereof, unless it meets the following conditions:

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 placed 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 set-back 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 set-back 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.** All swimming pools (any structure intended for swimming or recreational

bathing that contains water over 24 inches deep-this includes in-ground, above-ground and on-ground swimming pools, hot tubs and spas) shall be enclosed by a fence which shall be at least four (4) feet in height and which shall be the type not readily climbed by children. The gate shall be a self-closing and latching type, the latch on the inside of the gate not readily available for children to open. The Barrier Requirements to be met are identified in the Oregon Specialty Codes. These design controls are intended to provide protection against potential drowning and near- drowning by restricting access to swimming pools, spas and hot tubs.



D. Dimensions – Commercially Zoned Fences

- 1. Front Yard.** Fences constructed within the front yard setback area shall not exceed six (6) feet in height. Front yard fences beyond the required front-yard setback line shall not exceed eight (8) feet in height.
- 2. Side and Rear Yards.** The maximum height in the rear yard and in a side yard behind the required front-yard setback shall be eight (8) feet.

E. Dimensions – Industrially Zoned Fences

- 1. Rear, side, and front yards:** The maximum fence height in an industrial zone shall be eight (8) feet.

- F. Fence Removal.** All fences constructed or modified after March 27, 2001, for which the requisite permit has not been issued or which have been constructed or modified in a manner not in accordance with these standards, shall, within 30 days of the notification from the City, be removed by the owner or, upon failure to remove the fence, the City Manager or designee is empowered to cause the removal of the fence, the cost of which shall be billed to the owner of the property. The City Manager or designee may, if they determine that an extension of time is warranted, grant extensions in monthly increments up to six months to obtain compliance with these standards.

Chapter 3.4 — Public Facilities

Sections:

- 3.4.100 Purpose and Applicability
- 3.4.200 Public Improvements
- 3.4.300 Transportation Standards
- 3.4.400 Public Use Areas
- 3.4.500 Sanitary Sewer and Water Service Improvements
- 3.4.600 Storm Drainage Improvements
- 3.4.700 Utilities
- 3.4.800 Easements
- 3.4.900 Construction Plan Approval and Assurances
- 3.4.1000 Installation

Background: Chapter 3.4 provides standards for new developments and land divisions, and general procedures for the review of public improvement plans. The code also cross-references the city's public facility master plans (water, sanitary sewer, storm drainage), Transportation System Plan, and engineering design criteria and standards.

Transportation Planning Rule: Section 3.4.100 implements parts of OAR 660-012-0045 and 660-012-0060. It provides functional classifications for streets, typical street sections, and improvement standards (i.e., operation, safety, level of service, etc.). The street sections that are provided for local streets, collectors, and arterials address the TPR provisions related to narrow street standards.

Reference: See the Transportation and Growth Management Program's *Neighborhood Street Design Guidelines: an Oregon Guide for Reducing Street Widths*.

3.4.100 Purpose and Applicability

- A. **Purpose.** The purpose of this Chapter is to provide planning and design standards for public and private transportation facilities and utilities. Streets are the most common public spaces, touching virtually every parcel of land. Therefore, one of the primary purposes of this Chapter is to provide standards for attractive and safe streets that can accommodate vehicle traffic from planned growth and provide a range of transportation options, including options for driving, walking, and bicycling. This Chapter is also intended to implement the City's Transportation System Plan.
- B. **Applicability.** Unless otherwise provided, the standard specifications for construction, reconstruction, or repair of transportation facilities, utilities, and other public improvements within the City shall occur in accordance with the standards of this Chapter. No development may occur unless the public facilities related to development comply with the public facility requirements established in this Chapter.
- C. **Engineering Design Criteria, Standard Specifications and Details.** The design criteria, standard construction specifications and details maintained by the Baker City Public Works Department shall

supplement and support the general design standards of this Development Code. The City's specifications, standards, and details are hereby incorporated into this code by reference. Upon proper findings, the Baker City Public Works Director has the discretion to apply different development standards or details when conditions and circumstances warrant to further the public health and safety, or to accommodate unique field circumstances or issues of engineering economy when the public health and safety are not significantly at risk.

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
- C. Public Improvements and Exaction.** When not voluntarily accepted by the applicant, all new development must adhere to public improvement requirements if required as a condition of developmental approval. Public improvement requirements shall be based on nexus and rough proportionality:
1. Nexus. A reasonable relationship and demonstrated nexus between the required public improvement and the cost of a development's impacts on public infrastructure must exist. Analysis may evaluate the following criteria:
 - a. street classification
 - b. infrastructure connectivity
 - c. public transportation system
 - d. accident mitigation
 - e. surrounding land use and neighborhood amenities
 - f. benefit to development project
 - g. Baker City Transportation System Plan
 - h. Baker City Comprehensive Plan
 - i. adopted street plans
 - j. other information demonstrating a nexus between exaction and the proposed development
 2. Rough Proportionality. An individualized determination must quantify the impacts of the development compared to the public improvement costs. Rough proportionality costs shall be verified by a City-designated engineer. The cost of the public improvement shall not exceed the estimated cost of impacts to public infrastructure. An analysis may include:

- a. transportation demand based on land use specific trip generation rates or equations from the *Institute of Transportation Engineers (ITE) Trip Generation Manual*
- b. proposed intensity of development
- c. length of trips associated with the identified land use type(s)
- d. cost per vehicle mile traveled on city streets.
- e. a time period not to exceed 25 years
- f. other information that may assist in determining rough proportionality

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, an applicable refinement 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.

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:

1. A partial improvement may create a potential safety hazard to motorists or pedestrians;
2. Due to the developed condition of adjacent properties it is unlikely that improvements would be extended in the foreseeable future and the improvement associated with the project under review does not, by itself, provide increased street safety or capacity, or improved pedestrian circulation;
3. The improvement would be in conflict with an adopted capital improvement plan; or
4. The improvement is associated with an approved land partition in a residential zone and the proposed land partition does not create any new streets.

C. Waiver or Deferral of Required Street or Sidewalk Improvements. Any applicant for a land use approval may file a written request that the City grant either a deferral of the construction of the required sidewalk improvements, or a waiver exempting the applicant's property from the required sidewalk improvements.

1. **Warrant of Deferral.** The following items do not normally constitute unusual circumstances which warrant granting of a deferral or waiver of sidewalk improvement requirements:
 - a. Financial hardship of the applicant and/or property owner.
 - b. Lack of street improvements or sidewalks on adjacent properties.
 - c. Cost of the improvement.
 - d. The City did not require the street or sidewalk improvement(s) for the property when the City issued a prior building permit or granted a development approval or land division approval.
2. **Pedestrian Access Ways.** Pedestrian access ways identified in the Transportation System Plan Table 2-1 Planned Pedestrian Network are not eligible for waiver.
3. **Deferral Requests.** Upon review of a written request for deferral, the Public Works Director may either: (1) deny the request, or (2) grant a deferral of any or all of the required improvements. The Public Works Director may grant deferral of the sidewalk improvement if the Public Works Director finds that:
 - a. Street widening or street corridor improvements are planned within five (5) years and the exact design or width of the future street has not yet been determined.

- b. Physical obstructions make construction of the sidewalk impractical at this time, including steep banks or drainage channels exist on the site, which would require extensive public or private improvements in addition to the sidewalk construction.
 - c. Public improvement projects are planned in the next five (5) years, which would require the City to remove the sidewalk improvements.
 - d. The street fronting the sidewalk that would need to be constructed is unpaved, *or* the street fronting the sidewalk that would need to be constructed is paved, but is not developed with curb and gutter, and the location and elevation for the sidewalk cannot be determined with certainty.
 - e. Unusual circumstances or peculiarities of the site exist, which, in the opinion of the City, warrant deferral of required sidewalk improvements.
4. **Execution and Filing of Agreement.** If the Public Works Director grants a deferral of street and/or sidewalk improvement, the property owner shall execute and file an agreement with the City which:
- a. Describes the street and/or sidewalk improvements that have been deferred; and
 - b. States the period of time within which the required street and/or sidewalk improvements shall be installed; and
 - c. States the agreement is terminated upon installation of all required street and/or sidewalk improvements; and
 - d. States that if the improvements are not installed by the applicant, the property owner shall participate in a Local Improvement District in accordance with this Chapter; and
 - e. States the property owner waives the right to remonstrate against any Local Improvement District initiated to install the required street and/or sidewalk improvements.
 - f. Upon execution of the agreement by both parties, the agreement will be recorded by the property owner in the Baker County Deed Records. After recording of the deferral agreement, the building permit may be issued when all other requirements are met. The deferral of any sidewalk improvement applies only to the specific building permit application. The deferral is not applicable to any future building permit, development or land division application.
5. **Waiver Requests.** Upon review of a written request for a waiver of sidewalk improvements, the request shall be processed as a Type III procedure with a hearing before the Planning Commission, which may either: (1) deny the request, or (2) grant a waiver of any or all of the

required improvements. The Planning Commission will consider sidewalk improvement waivers on a case-by-case basis utilizing the following information:

- a. The condition and standard of the existing, abutting street;
 - b. The likelihood and timing of new improvements given existing development on parcels in the vicinity;
 - c. Topographic constraints;
 - d. Safety concerns;
 - e. Other details specific to the subject property or vicinity.
6. **Planning Commission.** If the Planning Commission grants a waiver of any or all sidewalk improvements, the building permit may be issued when all other requirements are met. The waiver of any sidewalk improvement applies only to the specific building permit application. The waiver is not applicable to any future building permit, development or land division application.

D. Creation of Rights-of-Way and Easements

- 1. Creation of Rights-of-Way for Streets and Related Purposes. Streets shall be created through the approval and recording of a final subdivision or partition plat; except the City may approve the creation of a street by acceptance of a deed, provided that the street is deemed in the public interest by the City for the purpose of implementing the Transportation System Plan, and the deeded right-of-way conforms to the standards of this Code.
- 2. Creation of Access Easements. The City may approve an access easement when the easement is necessary to provide for access and circulation in conformance with Chapter 3.1, Access and Circulation. Access easements shall be created and maintained in accordance with the Uniform Fire Code.

E. Variances. Variances to the transportation design standards in this Section may be granted by means of a Class B variance if a required improvement is not feasible due to topographic constraints or constraints posed by sensitive lands.

F. Street Location, Width, and Grade. Except as noted below, the location, width and grade of all streets shall conform to the adopted Transportation System Plan or applicable refinement plan, and an approved street plan or subdivision plat. Street location, width, and grade shall be determined in relation to existing and planned streets, topographic conditions, public convenience and safety, and in appropriate relation to the proposed use of the land to be served by such streets:

- a. Street grades shall be approved by the City Engineer in accordance with the design standards in subsection 'O', below; and

- b. Where the location of a street is not shown in an existing street plan, the location of streets in a development shall either:
 - i. Provide for the continuation and connection of existing streets in the surrounding areas, conforming to the street standards of this Chapter, or
 - ii. Conform to a street plan adopted by the City if it is impractical to connect with existing street patterns because of particular topographical or other existing conditions of the land. Such a plan shall be based on the type of land use to be served, the volume of traffic, the capacity of adjoining streets, and the need for public convenience and safety.

G. Minimum Rights-of-Way and Street Sections. Except as provided by subsections (a) and (b) below, street rights-of-way and improvements shall be the widths in Table 3.4.300.F. Example street cross-sections generally meeting the minimum street standards are depicted in Figures 3.4.300.F(1) through (18). These Figures are intended to demonstrate potential street configurations that meet the requirements. The basic public local residential street section shall be 28' with parking on both sides as shown in Table 3.4.300.F for streets with an anticipated traffic demand of 500 ADT or less, and 32' with parking on both sides as shown in Table 3.4.300.F when the anticipated traffic demand will be greater than 500 ADT.

- a. The Baker City Public Works Director shall have the discretion to approve alternative sections to those shown in Table 3.4.300.F and Figures 3.4.300.F(1) through (18), based on the factors listed in subsection a-g, below. In addition, with the Public Works Director's concurrence, the Planning Commission shall have the discretion to approve alternative sections to those shown in Table 3.4.300.F and Figures 3.4.300.F(1) through (18), as may be proposed under a Master Planned Development.
 - i. Anticipated traffic generation and/or factors of limited access;
 - ii. On-street parking needs;
 - iii. Requirements for the placement of utilities. Preliminary engineering for utilities on narrow streets or those with significant variance in curve radii may be required;
 - iv. Protection of significant environmental resources or reduction of potential impacts;
 - v. Advancement of urban or neighborhood design objectives, including but not limited to traffic calming, and general pedestrian safety and comfort;
 - vi. Access needs for emergency vehicles; and
 - vii. Other engineering or urban design factors as may be relevant.
- b. Half-Street Improvements. With the Public Works Director's concurrence, the Planning Commission shall have the discretion to approve a half-street dedication and street frontage improvement where the developer does not own or control both sides of the subject right-of-

way and where the new development will generate less than 300 Average Daily Trips (ADT).

Table 3.4.300.F - Street Standards from the Adopted Transportation System Plan

Street Type	Ave. Daily Trips (ADT)	Right-of-Way Width	Curb-to-Curb Paved Width	Within Curb-to-Curb Area				Curb	Planting Strips, or Swales	Side-walks	Multi-Use Paths
				Motor Vehicle Travel Lanes	Median/Center Turn Lane	Bike Lanes	On-Street Parking				
URBAN ARTERIALS: 8,000 - 30,000 ADT											
Urban Arterial Street <i>(With No Parking)</i>											
10 th Street (North of H Street)		80ft	60ft	3-4 at 11-12ft	None	2 at 7ft	None	6in	4.5ft (furnishing zone)	5ft	
Pocahontas Road		60ft	40ft	2 at 11ft	12ft	None	None	None	4ft striped buffer		10ft south side
Hughes Lane		60ft	25ft	2 at 11ft	None	None	None	None	6ft swale south side		10ft south side
All other Streets		80ft	50ft w/ 14ft raised median	2 at 12ft	14ft	2 at 6ft	None	6in	6ft	8ft	
Urban Arterial Street <i>(with Parking on Both Sides)</i>											
10 th Street (South of H Street)		80ft	64ft	3-4 at 11-12ft	None	None	9ft parallel (both sides)	6in	2.5ft (furnishing zone)	5ft	
All other Streets		80ft	64ft w/14ft raised median	2 at 12ft	12ft-14ft	2 at 5ft-6ft	8ft parallel (both sides)	6in	None	7ft	
Commercial Street <i>(36ft Paving with No Parking)</i>		80ft	36ft	2 at 12ft	None	2 at 6ft	None	6in	11ft-15ft	6ft	10ft optional
Commercial Street <i>(50ft Paving with Parking on</i>		80ft	50ft	2 at 12ft	None	2 at 5ft	8ft parallel (both sides)	6in	8ft w/ 6ft side-walk or none with 14ft	6ft or 14ft	

Table 3.4.300.F - Street Standards from the Adopted Transportation System Plan

Street Type	Ave. Daily Trips (ADT)	Right-of-Way Width	Curb-to-Curb Paved Width	Within Curb-to-Curb Area				Curb	Planting Strips, or Swales	Side-walks	Multi-Use Paths
				Motor Vehicle Travel Lanes	Median/Center Turn Lane	Bike Lanes	On-Street Parking				
<i>Both Sides</i> ¹									sidewalk		
COLLECTORS											
Major Collector Street	Greater than 1,500 ADT	80ft	52ft	24ft	None	2 at 5ft	9ft parallel (both sides)	6in	7ft	6ft	
Minor Collector Street	1,000 to 1,500 ADT										
Cedar Street (North of D Street)		58-62ft	24-26ft	2 at 11-12ft	None	None	None	None	6ft swale - both sides	6ft east side	10ft west side
Cedar Street (South of D Street)		58-62ft	24-26ft	2 at 11-12ft	None	None	None	None	6ft swale - west side	None	10ft west side
Other Minor Collector Streets		60ft	36ft	22ft	None	None	7ft parallel (both sides)	6in	5ft	6ft	
Local Industrial ²		60ft	24ft	24ft	None	None	None	-	None	None	
LOCAL RESIDENTIAL STREETS: Less than 1,000 ADT											
Local Residential Street <i>(32ft Parking Both Sides)</i>	500 to 1,000 ADT	60ft	32ft	2 at 9ft	None	None	7ft parallel (both sides)	6in	8ft	5ft	
Local Residential Street <i>(28ft Parking Both Sides)</i>	< 500 ADT	54ft	28ft	14ft	None	None	7ft parallel (both sides)	6in	7ft	5ft	

Table 3.4.300.F - Street Standards from the Adopted Transportation System Plan

Street Type	Ave. Daily Trips (ADT)	Right-of-Way Width	Curb-to-Curb Paved Width	Within Curb-to-Curb Area				Curb	Planting Strips, or Swales	Side-walks	Multi-Use Paths
				Motor Vehicle Travel Lanes	Median/Center Turn Lane	Bike Lanes	On-Street Parking				
Improvement Option for Existing Unpaved Local Residential Street	< 250 ³ ADT	Existing Right-of-Way	-	20ft	None	None	None	-	6ft minimum swale	-	6ft
Multi-Use Path Street Option		Existing Right-of-Way	-	24ft	None	None	None	-	7ft	-	10ft

¹ Design may utilize either setback sidewalks with a landscape strip or a continuous 14' sidewalk with a 4'-5' wide strip for amenities (lighting, trees, benches, etc.) adjacent to the curb. The Central Commercial Zone will have 14' sidewalks with amenities and the General Commercial Zone shall have the landscape strip and sidewalks.

² Section to be used only for industrial streets that are not designated as Collectors or Arterials.

³ Requires Public Works Department discretionary approval. "No Parking" signs required.

Figure 3.4.300.F(1) Urban Arterial Street (50' Paving with No Parking)

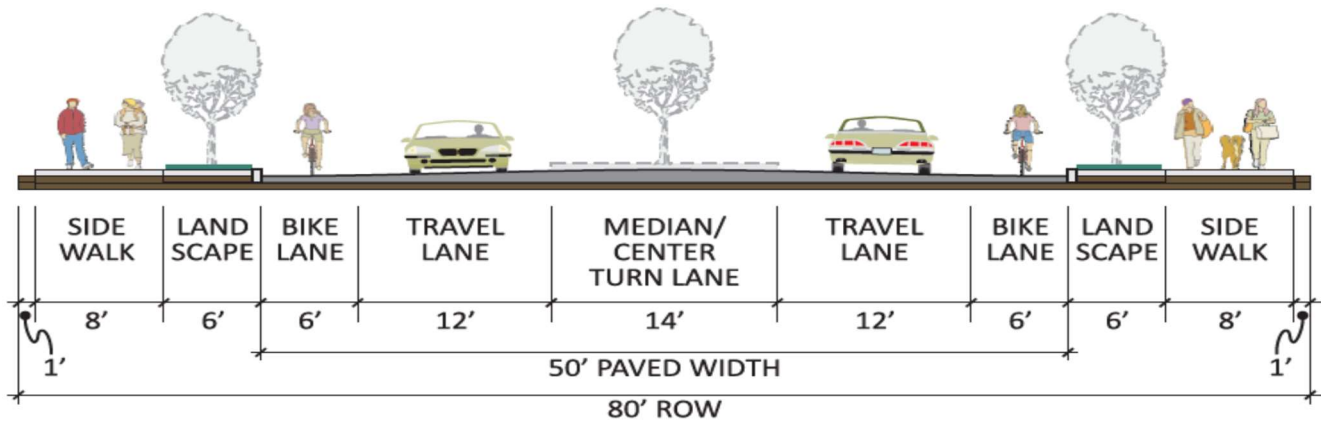


Figure 3.4.300.F(2) Urban Arterial Street (with Parking on Both Sides)

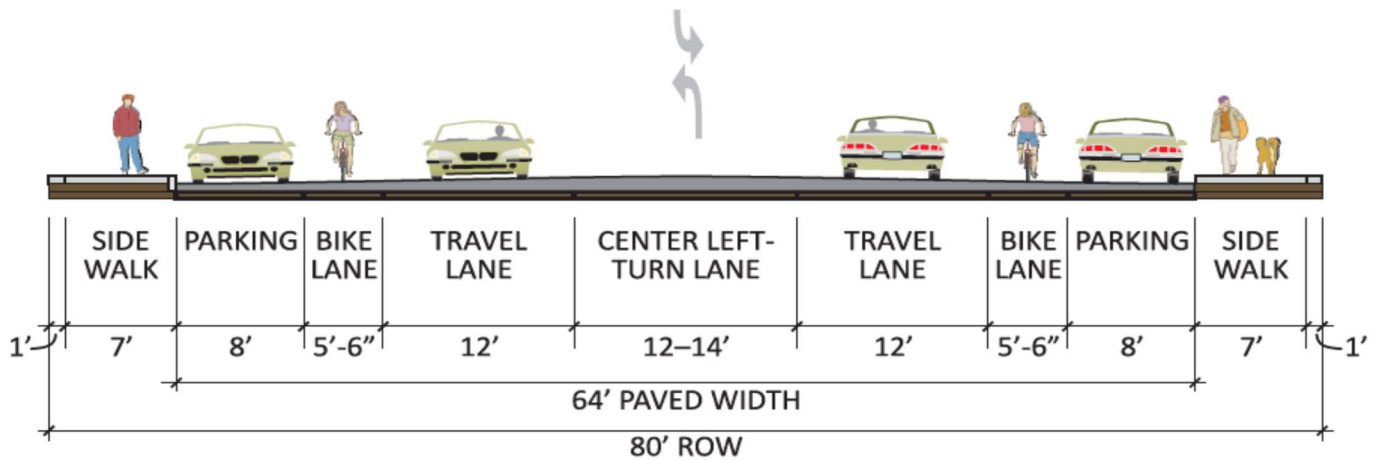
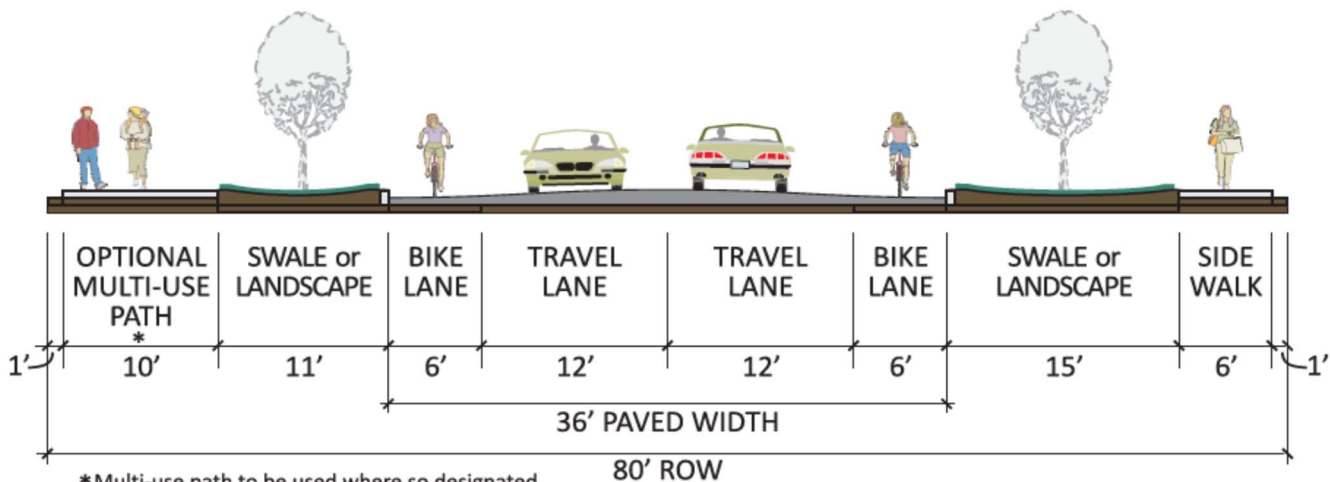
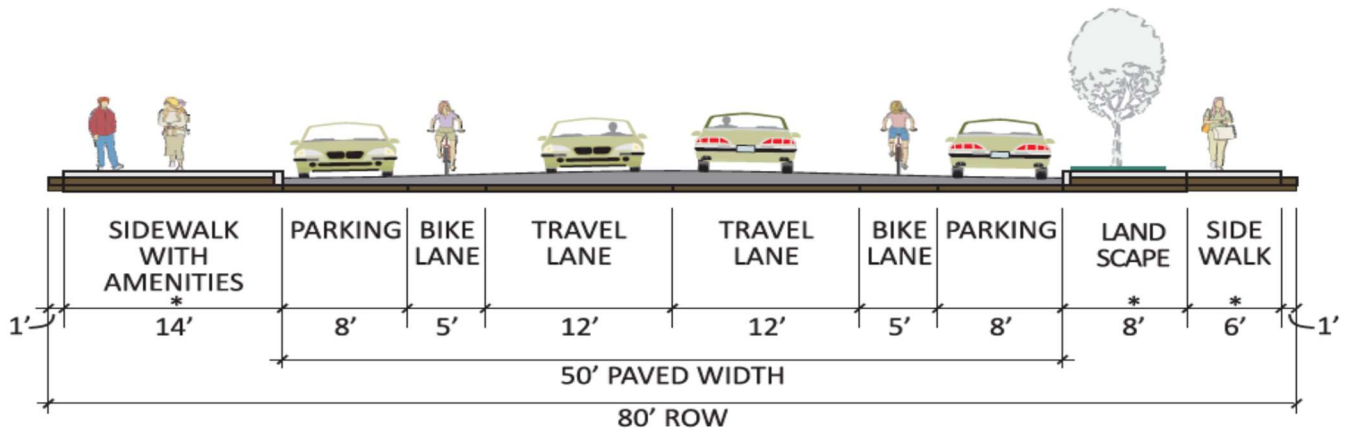


Figure 3.4.300.F(3) Commercial Street (36' Paving with No Parking)



*Multi-use path to be used where so designated in the TSP or where approved for use by City Engineer. When no multi-use path is used, provide 6' sidewalk on both sides.

Figure 3.4.300.F(4) Commercial Street (50' Paving with Parking on Both Sides)



* Design may utilize either setback sidewalks with a landscape strip or a continuous 14' sidewalk with a 4' – 5" wide strip for amenities (lighting, trees, benches, etc.) adjacent to curb. The Central Commercial Zone will have 14' sidewalks with amenities and the General Commercial Zones shall have the landscape strip and sidewalks.

Figure 3.4.300.F(5) Major Collector Street

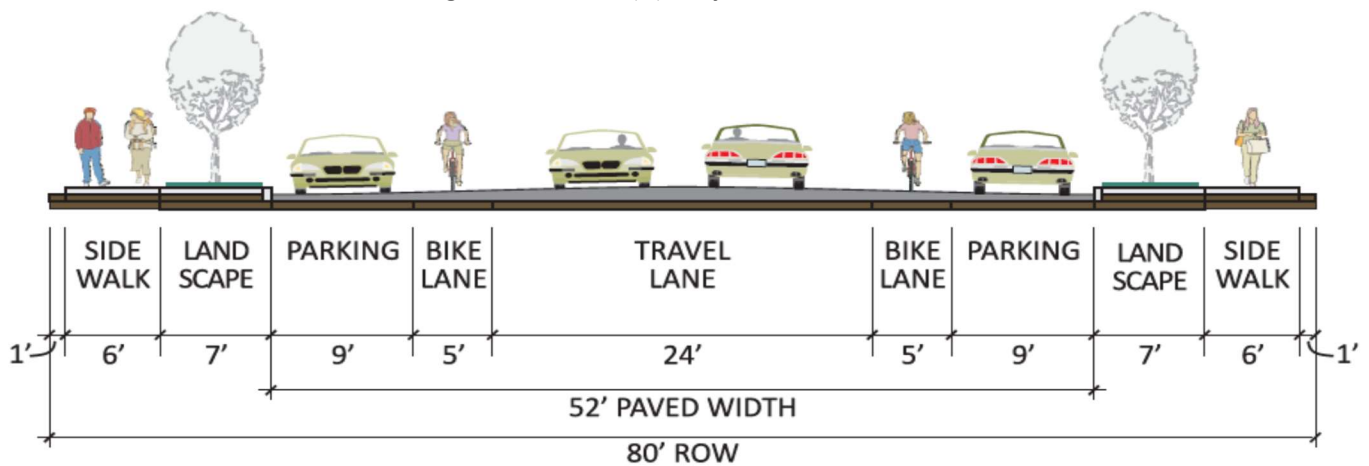


Figure 3.4.300.F(6) Minor Collector Street

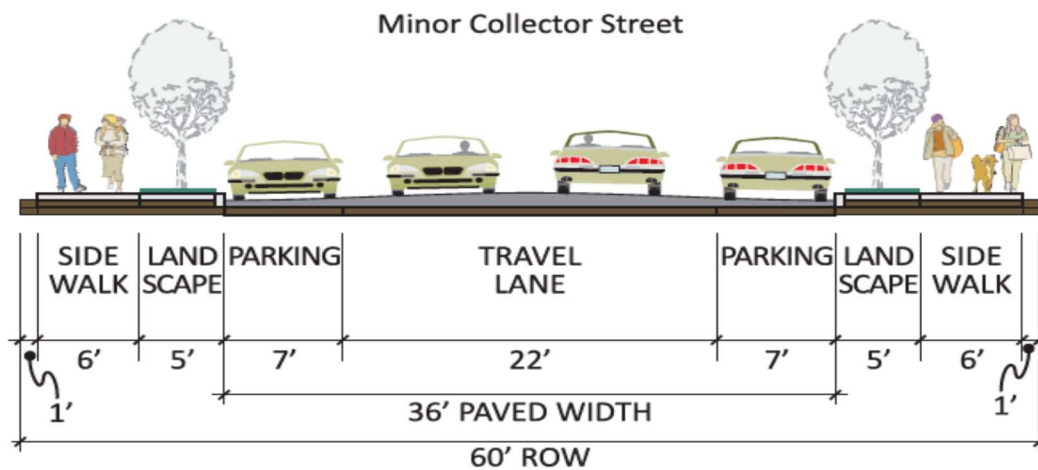


Figure 3.4.300.F(7) Local Industrial Street

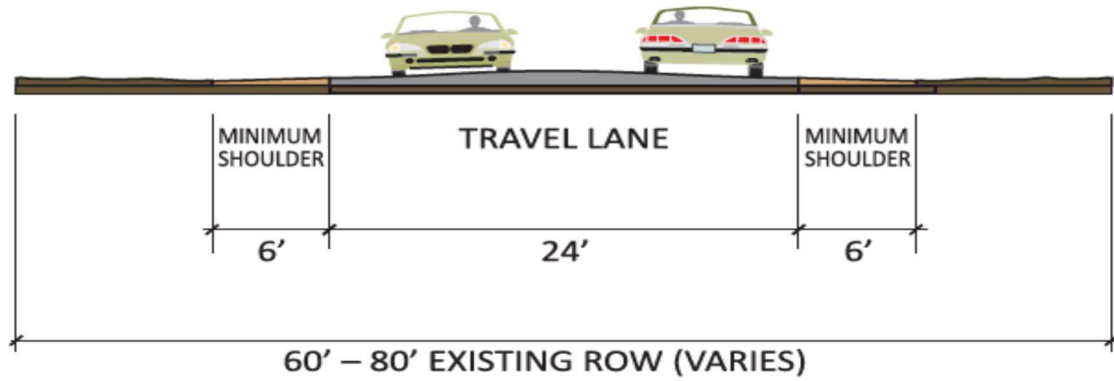


Figure 3.4.300.F(8) Local Residential Street (32' Parking on Both Sides)

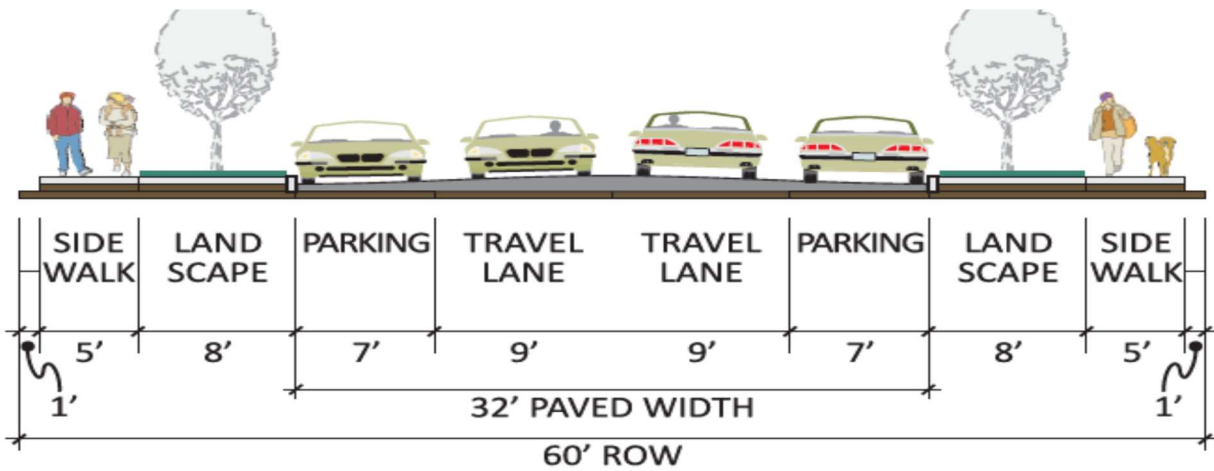


Figure 3.4.300.F(9) Local Residential Street (28' Parking on Both Sides)

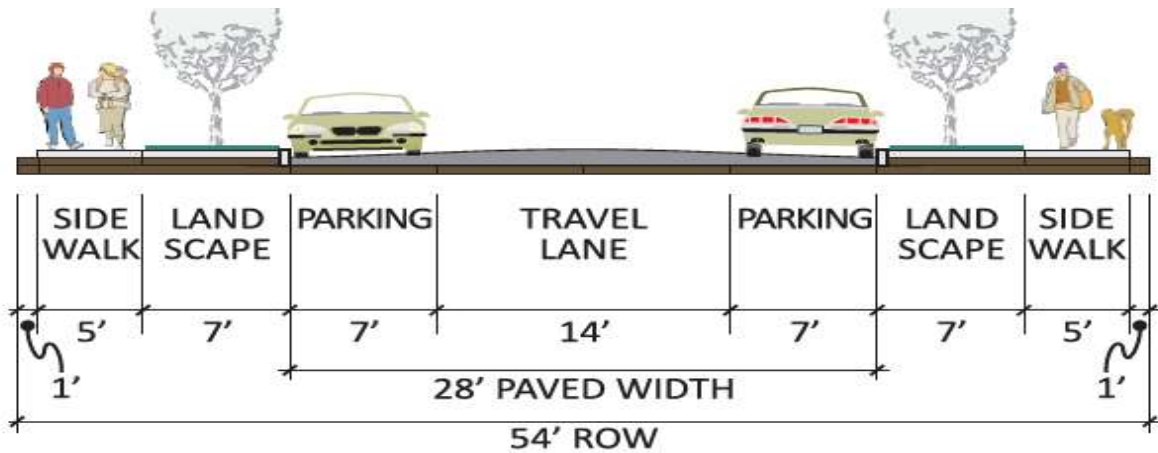
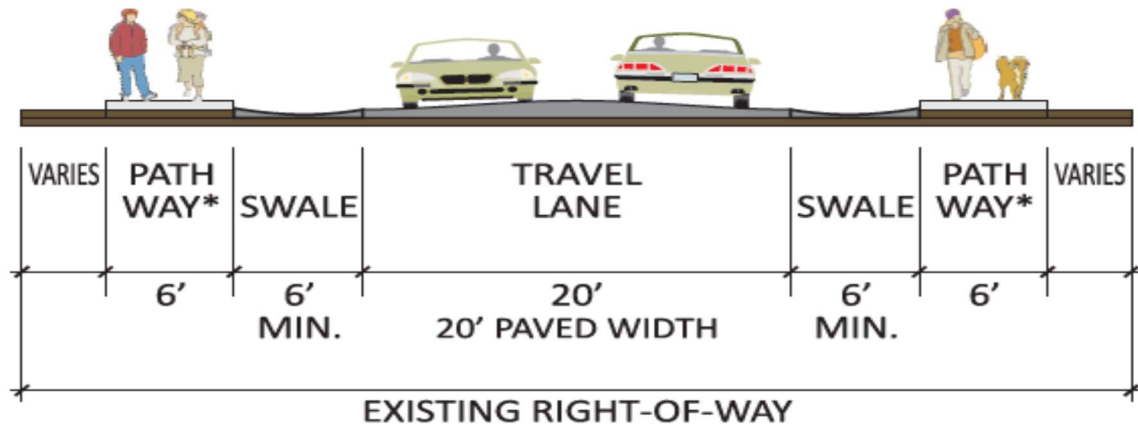


Figure 3.4.300.F(10) Improvement Option for Existing Unpaved Local Residential Street



* Pathway may be constructed on one side or both sides of street.
Pathway shall be hard surface (concrete, asphalt or equivalent).

Figure 3.4.300.F(11) Multi-Use Path Street Option

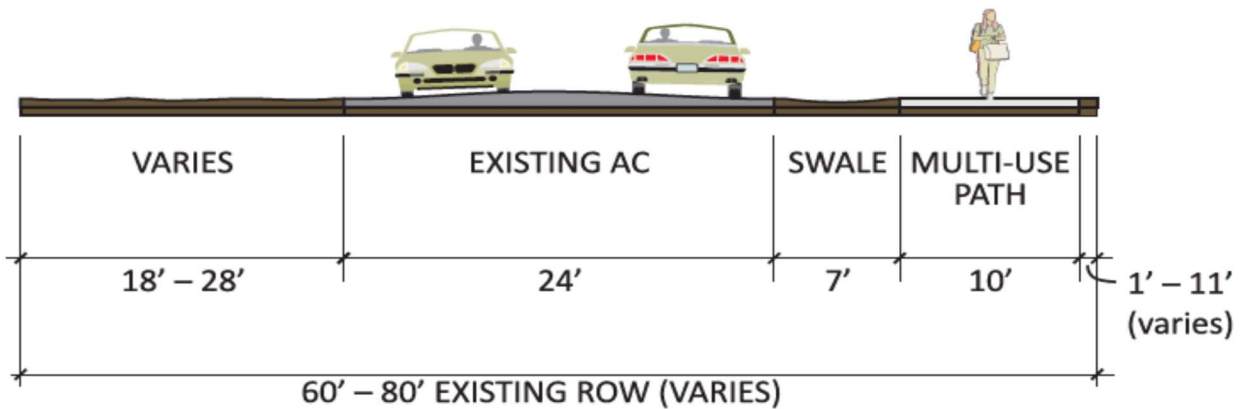


Figure 3.4.300.F(12) Alley and Pathway Sections

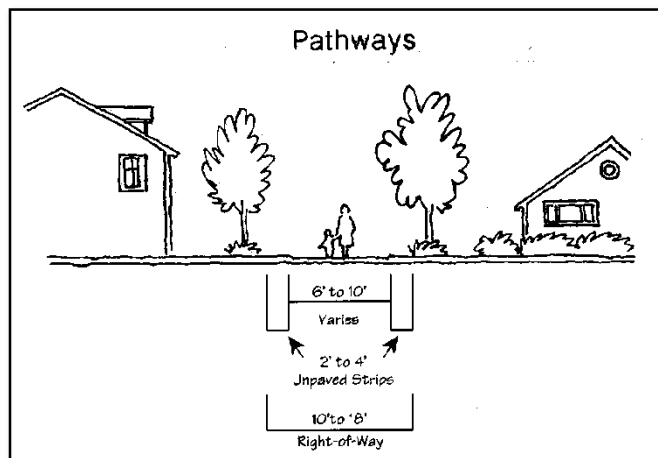
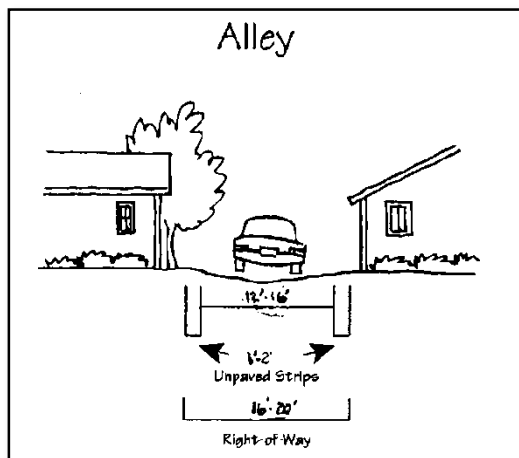


Figure 3.4.300.F(13) 10th Street – North of H Street

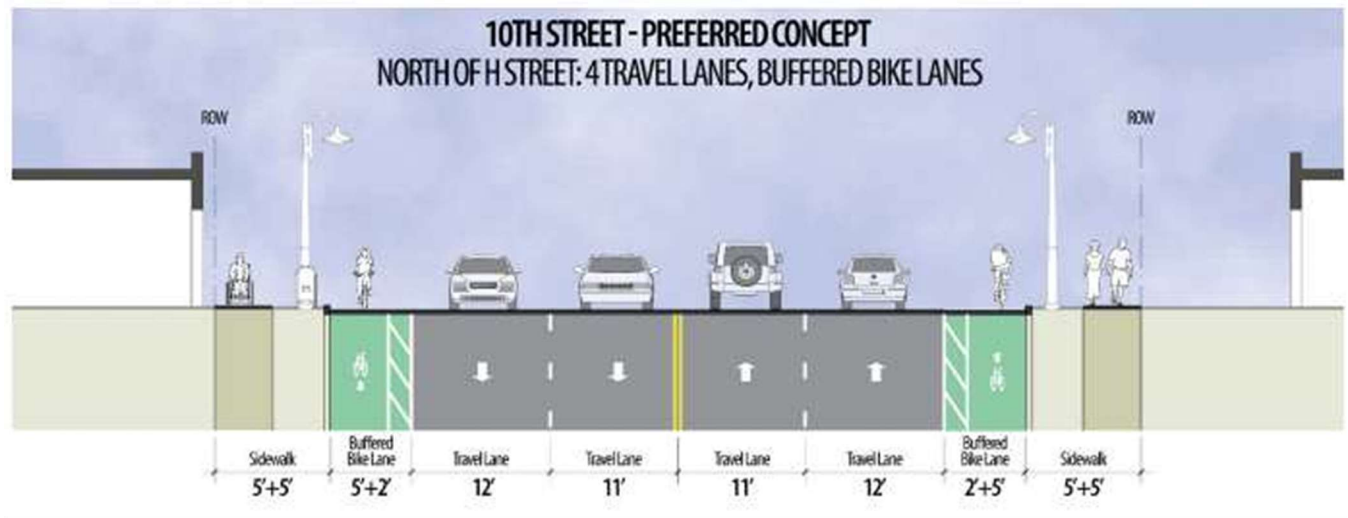


Figure 3.4.300.F(14) 10th Street – South of H Street

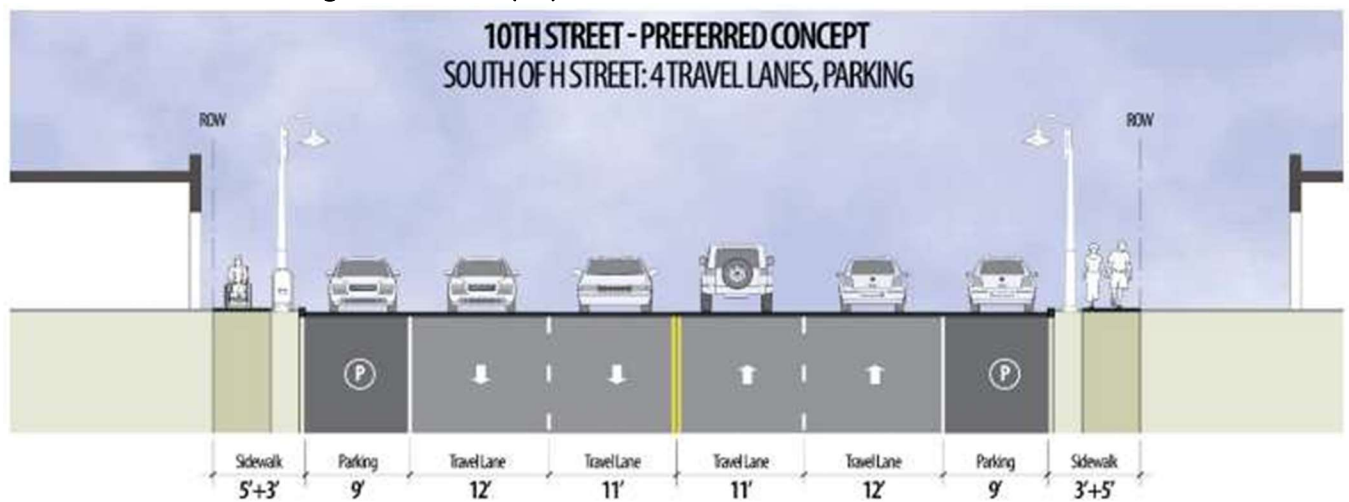


Figure 3.4.300.F(15) Pocahontas Road

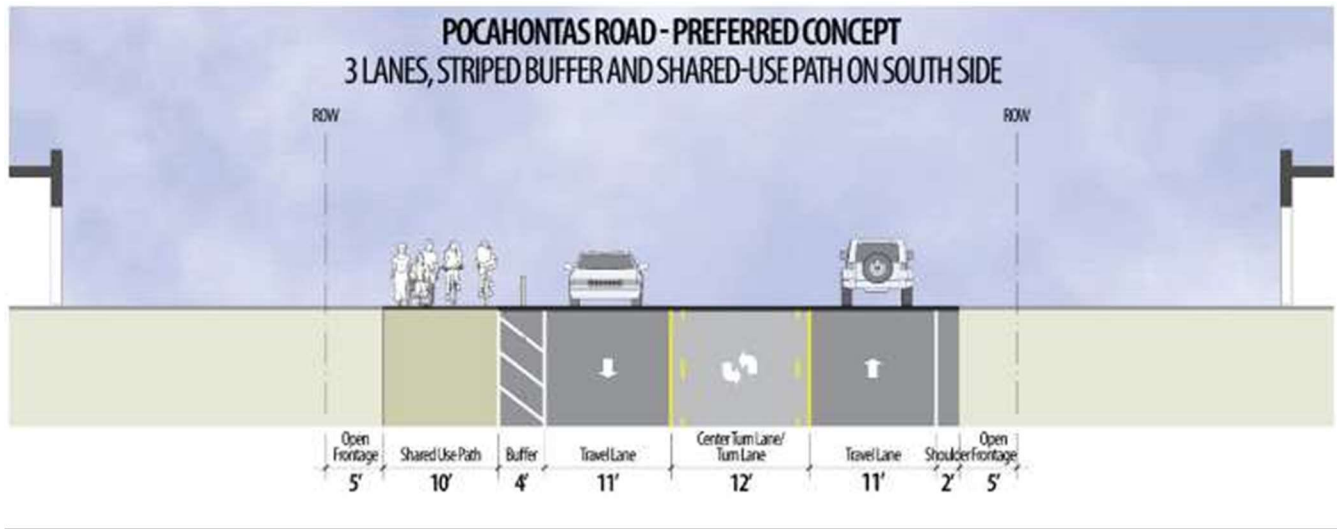


Figure 3.4.300.F(16) Hughes Lane

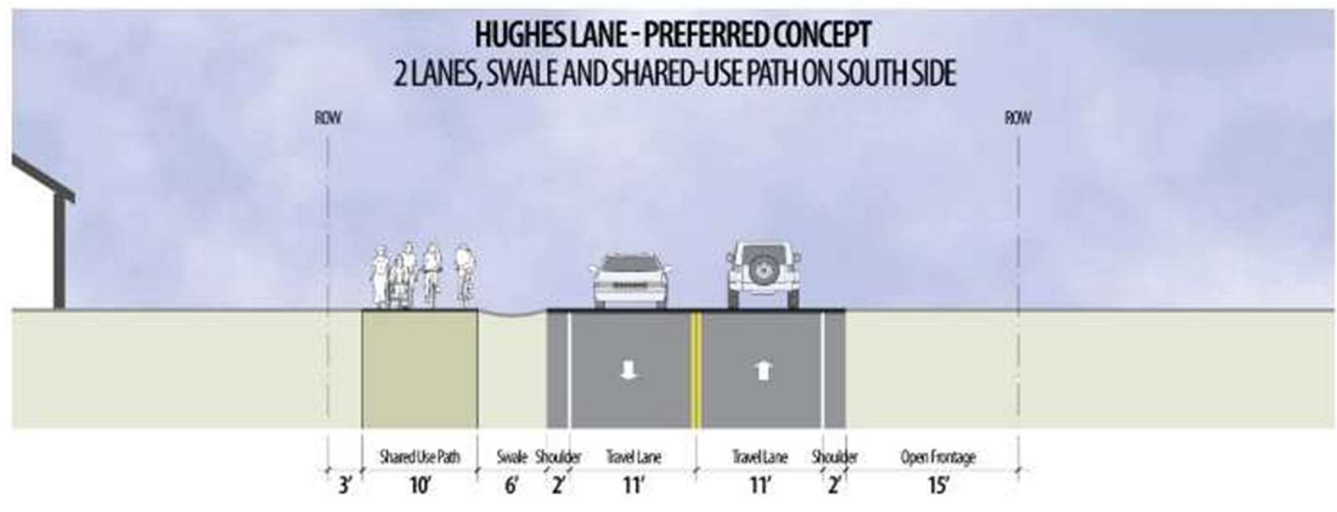


Figure 3.4.300.F(17) Cedar Street – North of D Street

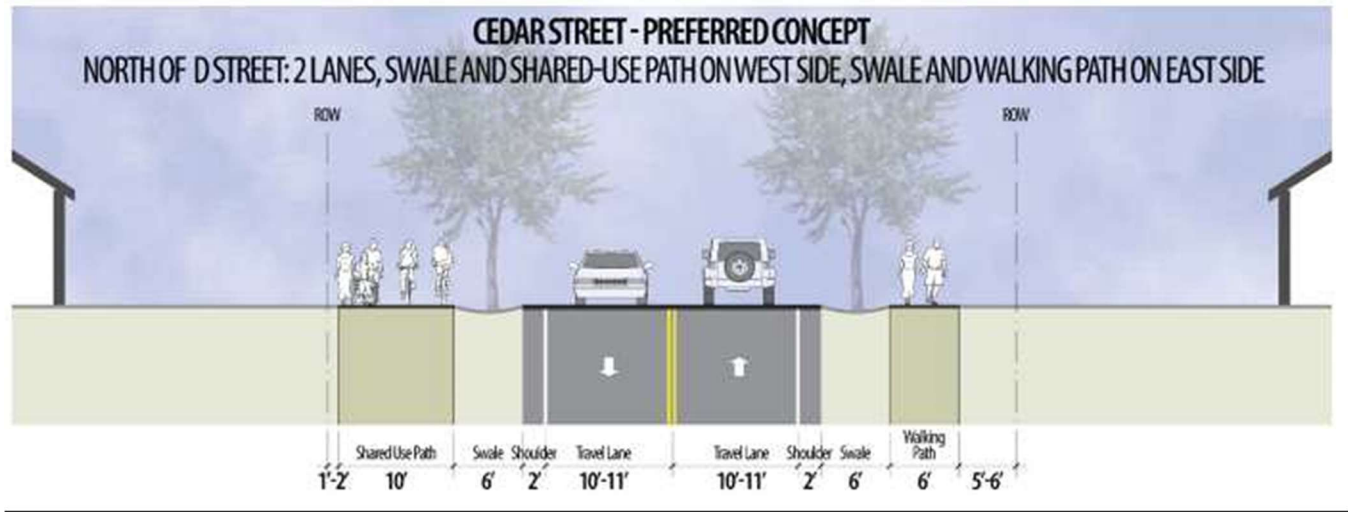
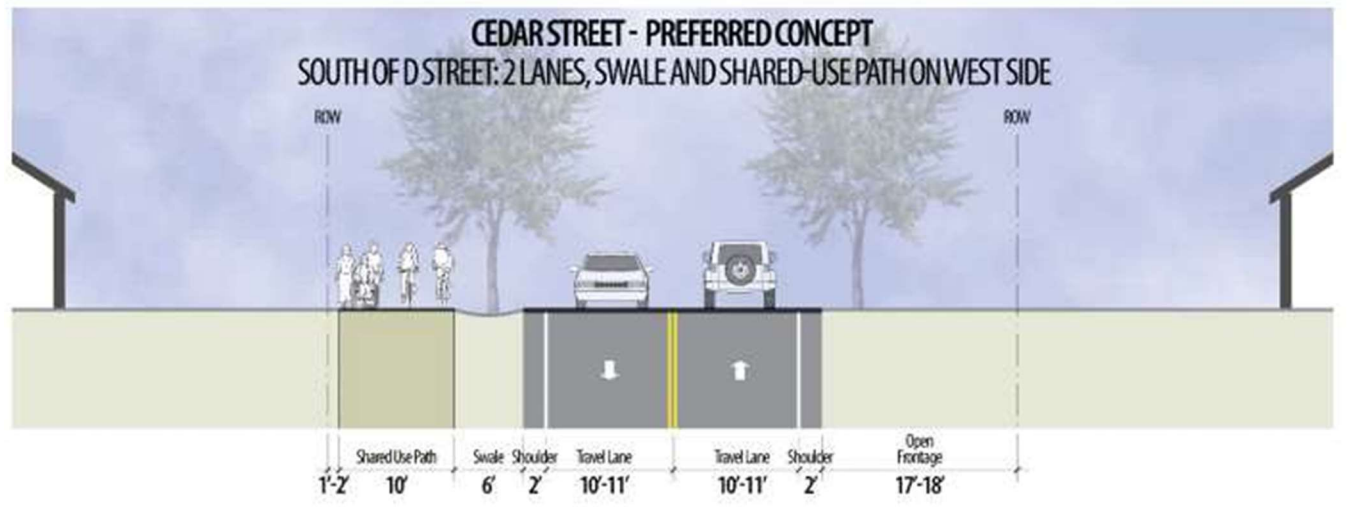


Figure 3.4.300.F(18) Cedar Street – South of D Street



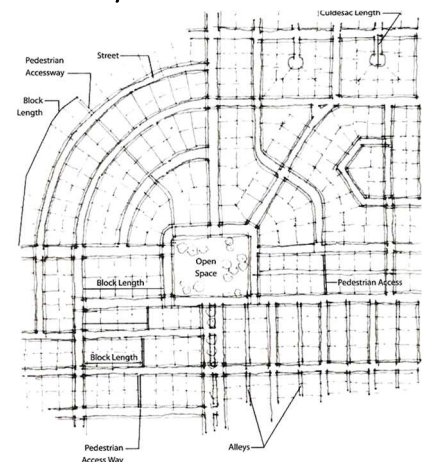
H. Subdivision Street Connectivity. All subdivisions shall conform to all the following access and circulation design standards, as applicable:

1. Connectivity to Abutting Lands. The street system of proposed subdivisions shall be designed to connect with existing, proposed, and planned streets outside of the subdivision as provided in this Section. Wherever a proposed development abuts unplatted land or a future development phase of the same development, street stubs shall be provided to allow access to future abutting subdivisions and to logically extend the street system into the surrounding area. All street stubs that extend 150 feet or more shall be provided with a temporary turn-around unless specifically exempted by the Baker City Fire Chief, and the restoration and extension of the street shall be the responsibility of any future developer of the abutting land.
2. When Abutting an Arterial Street. Property access to abutting arterials shall be minimized.

Where such access is necessary, shared driveways may be required in conformance with Section 3.1.200. If vehicle access off a secondary street is possible, then the road authority may prohibit access to the arterial.

3. Continuation of Streets. Planned streets shall connect with surrounding streets to permit the convenient movement of traffic between residential neighborhoods and to facilitate emergency access and evacuation. Connections shall be designed to meet or exceed the standards in subsection 4, below, and to avoid or minimize through traffic on local streets. Appropriate design and traffic control and traffic calming measures, as provided in subsection I, below, are the preferred means of discouraging through traffic.
4. Street Connectivity and Formation of Blocks. In order to promote efficient vehicular and pedestrian circulation throughout the city, subdivisions and site developments of more than two (2) acres shall be designed with a connecting network of public streets and/or access ways in accordance with the following guidance standards. The Planning Commission, in consultation with the Public Works Director, may approve alternatives to the following guidance standards if warranted due to topographic or other design considerations.

Figure 3.4.300.G.(1) Street Connectivity and Formation of Blocks



- a. Residential Zones: A minimum of 100-foot block length and a maximum of 600-foot length; a maximum 1,400 feet block perimeter;
 - b. Central Commercial Zone: A minimum of 100-foot length and a maximum of 400-foot length; A maximum 1,200-foot perimeter;
 - c. General Commercial Zone: A minimum of 100-foot length and a maximum of 600-foot length; maximum 1,400-foot perimeter;
 - d. Not applicable to the Industrial Zones;
5. Access way Standards. Where a street connection in conformance with the maximum block length standards in subsection 4 is impracticable, an access way shall generally be provided at or near the middle of a block in lieu of the street connection, as generally shown in Figure 3.4.300.G.1. The City may also require developers to provide an access way where a cul-de-sac or other street is planned and the access way would connect the streets or provide a connection to other developments. Such access ways shall conform to all of the following standards:
 - a. Access ways shall be no less than ten (10) feet wide and located within a right-of-way or easement allowing public access and, as applicable, emergency vehicle access. Where utilities are required for placement in an access way, the right-of-way for the access way shall generally be no less than 20 feet wide unless approved by the Baker City Public Works Department;

- b. A right-of-way or public access easement may be allowed to be less than 10 feet wide, if approved by the City, on steep slopes where the decision body finds that stairs, ramps, or switch-back paths are required;
- c. All access ways shall conform to applicable ADA requirements;
- d. The City may require landscaping as part of the required access way improvement to buffer pedestrians from adjacent vehicles, provided that landscaping or fencing adjacent to the access way does not exceed four (4) feet in height; and
- e. These guidelines may be modified by the decision body without a variance when the modification affords greater convenience or comfort for, and does not compromise the safety of, pedestrians or bicyclists.

I. Traffic Signals and Traffic Calming Features

- 1. Traffic signals shall be required with development when traffic signal warrants are met, in conformance with the Highway Capacity Manual and Manual of Uniform Traffic Control Devices. The location of traffic signals shall be noted on approved street plans. Where a proposed street intersection will result in an immediate need for a traffic signal, a signal meeting approved specifications shall be installed in conformance with the road authority's requirements. The developer's cost and the timing of improvements shall be included as a condition of development approval.
- 2. When an intersection meets or is projected to meet traffic signal warrants, the City may accept and encourage alternative mitigation, such as a roundabout, in lieu of a traffic signal, if approved by the City Engineer and applicable road authority.
- 3. The City may require the installation of calming features such as traffic circles, curb extensions, reduced street width (parking on one side), medians with pedestrian crossing refuges, and/or special paving to slow traffic in neighborhoods or commercial areas with high pedestrian traffic.

J. Future Street Plan and Extension of Streets

- 1. A future street plan shall be filed by the applicant in conjunction with an application for a subdivision in order to facilitate orderly development of the street system, consistent with the road network identified in the Transportation System Plan (TSP). The plan shall show the pattern of existing and proposed future streets from the boundaries of the proposed land division and shall include other divisible parcels within 400 feet surrounding and adjacent to the proposed land division, such that the proposed development will not restrict the future extension of key streets identified by the TSP. The street plan is not binding; rather it is intended to show potential future street extensions with future development.
- 2. Streets shall be extended to the boundary lines of the parcel or tract to be developed when the

City determines that the extension is necessary to give street access to, or permit a satisfactory future division of, adjoining land, consistent with the TSP and the standards of this Code. The point where the streets temporarily end shall conform to a-c, below:

- a. These extended streets or street stubs to adjoining properties are not considered to be cul-de-sacs since they are intended to continue as through streets when the adjoining property is developed.
- b. A barricade (e.g., fence, bollards, boulders or similar vehicle barrier) shall be constructed at the end of the street by the subdivider and shall not be removed until authorized by the City or other applicable agency with jurisdiction over the street. The cost of the barricade shall be included in the street construction cost.
- c. Temporary street ends shall provide turnarounds constructed to Uniform Fire Code standards for streets over 150 feet in length. See also, Section 3.1.200.
- d. A “No Through Street” sign shall be required.

K. Street Alignment, Radii, and Connections

1. Staggering of streets making "T" intersections at collectors and arterials shall not be designed so that offsets of less than 300 feet on such streets are created, as measured from the centerline of the street unless no other reasonable alternative exists.
2. Spacing between local street intersections shall have a minimum separation of 125 feet, except where more closely spaced intersections are designed to provide an open space, pocket park, common area, or similar neighborhood amenity. This standard applies to four-way and three-way (off-set) intersections.
3. All local and collector streets that stub into a development site shall be extended within the site to provide through circulation unless prevented by environmental or topographical constraints, existing development patterns, or compliance with other standards in this code. This exception applies when it is not possible to redesign or reconfigure the street pattern to provide required extensions. Land is considered topographically constrained if the slope is greater than 15% for a distance of 250 feet or more. In the case of environmental or topographical constraints, the mere presence of a constraint is not sufficient to show that a street connection is not possible. The applicant must show why the environmental or topographic constraint precludes some reasonable street connection.
4. Proposed streets or street extensions shall be located to allow continuity in street alignments and to facilitate future development of vacant or re-developable lands.
5. Corner curb radii shall be at least 20 feet, except where smaller radii are approved by the City Engineer.

- L. Sidewalks, Planter Strips, Bicycle Lanes.** Sidewalks, planter strips, and bicycle lanes shall be installed in conformance with the standards in [Table 3.4.300.F](#), applicable provisions of Transportation System Plan, the Comprehensive Plan, refinement plans, and adopted street plans. Maintenance of sidewalks and planter strips in the right-of-way is the continuing obligation of the adjacent property owner.
- M. Intersection Angles.** Streets shall be laid out so as to intersect at an angle as near to a right angle as practicable, except where topography requires a lesser angle or where a reduced angle is necessary to provide an open space, pocket park, common area or similar neighborhood amenity. In addition, the following standards shall apply:
1. Streets shall have at least 25 feet of tangent adjacent to the right-of-way intersection unless topography requires a lesser distance;
 2. Intersections which are not at right angles shall have a minimum corner radius of 20 feet along the right-of-way lines of the acute angle; and
 3. Right-of-way lines at intersection with arterial streets shall have a corner radius of not less than 20 feet.
- N. Existing Rights-of-Way.** Whenever existing rights-of-way adjacent to a proposed development are less than standard width, the City may require additional rights-of-way at the time of subdivision or development, subject to the provision of [Section 3.4.300](#).
- O. Cul-de-sacs.** When a public through street is not an option (due to property ownership, topographical constraints, etc.), a cul-de-sac may be permitted. Cul-de-sacs are the only style of turnaround permitted for a public street. When cul-de-sacs are provided, [the following guidelines shall be met](#):
1. The cul-de-sac shall not exceed a length of 800 feet; the length of the cul-de-sac shall be measured along the centerline of the roadway from the near side of the intersecting street to the farthest point of the cul-de-sac;
 2. Circular turnaround shall have a minimum radius of 30 feet (i.e. from center to edge of pavement), except that the Baker City Public Works Department in consultation with the Baker City Fire Department may require a larger radius of up to 40 feet in unique or unusual circumstances related to public safety or topography. Turnarounds that contain a landscaped island or parking bay at their center shall exceed the minimum radius of 30 feet as reviewed and approved by the Baker City Public Works Department. When an island or parking bay is provided, there shall be a fire apparatus lane of 20 feet in width except in the case of a one-way travel lane in which case the travel lane shall be no less than 14 feet; and
 3. The cul-de-sac shall provide, or not preclude the opportunity to later install, a pedestrian and bicycle access way connection between it and adjacent streets access ways, parks, or other right-

of-way. Such access ways shall conform to [Section 3.1.300](#) and shall generally have a right-of-way of 20 feet to allow for the extension of utilities.

- P. Grades and Curves.** Grades shall not exceed 6 percent, except that at the discretion of the Baker City Public Works Director, grades may be permitted up to 10 percent based on factors of topography and engineering.
1. Centerline curve radii shall not be less than 700 feet on arterials, 500 feet on major collectors, 350 feet on minor collectors, or 100 feet on other streets; and
 2. Streets intersecting with a minor collector or greater functional classification street, or streets intended to be posted with a stop sign or signalization, shall provide a landing averaging five percent or less. Landings are that portion of the street within 20 feet of the edge of the intersecting street at full improvement.
- Q. Curbs, Curb Cuts, Ramps, and Driveway Approaches.** Concrete curbs, curb cuts, wheelchair ramps, bicycle ramps, and driveway approaches shall be constructed in accordance with standards specified in Chapter 3.1, Access and Circulation.
- R. Streets Adjacent to Railroad Right-of-Way.** When a transportation improvement is proposed within 100 feet of a public railroad crossing, or a modification is proposed to an existing public crossing, the Oregon Department of Transportation and the rail service provider shall be notified and given an opportunity to comment, in conformance with the provisions of Article 4. Private crossing improvements are subject to review and licensing by the rail service provider.
- S. Development Adjoining Arterial Streets.** Where a development adjoins or is crossed by an existing or proposed arterial street, the development design shall separate residential access from through traffic and minimize traffic conflicts. (See also, the access requirements under Section 3.1.200.) The development design shall include one or more of the following:
1. A parallel access street (frontage road) along the arterial with a landscape median (raised curbs) of not less than 10 feet in width separating the two streets;
 2. Deep lots 120 feet or greater) abutting the arterial or major collector to provide adequate buffering with frontage along another street;
 3. Screen planting within a non-access reservation (e.g., public easement or tract) of not less than 10 feet in width at the rear or side property line along the arterial; or
 4. Other treatment approved by the City under site plan review that is consistent with the purpose of this Section;
- T. Alleys, Public or Private.** Alleys shall conform to the standards in [Figure 3.4.300.F](#)(12). Alley intersections and sharp changes in alignment shall be avoided. The corners of necessary alley

intersections shall have a radius of not less than 12 feet.

- U. Private Streets.** Private streets shall conform to City standards of construction and shall provide sidewalks or pathways as approved by the City. Private streets shall not be used to avoid public access connectivity required by this Chapter. Gated communities (i.e., where a gate limits access to a development from a public street onto a private street network) are permitted as approved Master Planned Developments; and
- V. Gated Communities.** Gated communities (i.e. where a gate limits access to a development from a public street on to a private street network) are permitted if during the planning review by the City as a Master Planned Development a determination is made that:
 - 1. The street network design does not significantly impact in a negative capacity transportation connectivity and public safety; and
 - 2. Emergency and police services access is provided for and approved by the City Police Chief and Fire Chief.
- W. Street Names.** No new street name shall be used which will duplicate or be confused with the names of existing streets in Baker County. Street names, signs, and numbers shall conform to the established pattern in the surrounding area, except as requested by emergency service providers.
- X. Survey Monuments.** Upon completion of a street improvement and prior to acceptance by the City, it shall be the responsibility of the developer's registered professional land surveyor to provide certification to the City that all boundary and interior monuments shall be reestablished and protected.
- Y. Street Signs.** The city, county, or state with jurisdiction shall install all signs for traffic control and street names. The cost of signs required for new development shall be the responsibility of the developer. Street name signs shall be installed at all street intersections. Stop signs and other signs may be required.
- Z. Mailboxes.** Plans for mailboxes shall be approved by the United States Postal Service.
- AA. Streetlight Standards.** Streetlights shall be installed in accordance with City standards.

3.4.400 Public Use Areas

A. Dedication of Public Use Areas

- 1. Where a proposed park, playground, or other public use shown in a plan adopted by the City is located in whole or in part in a subdivision, the City may require the dedication or reservation of this area on the final plat for the subdivision, provided that the impact of the development on

the City park system is roughly proportionate to the dedication or reservation being made.

2. The City may purchase or accept voluntary dedication or reservation of areas within the subdivision that are suitable for the development of parks and other public uses; however, the City is under no obligation to accept such areas offered for dedication or sale.

- B. **System Development Charge Credit.** Dedication of land to the City for public use areas, voluntary or otherwise, shall be eligible as a credit toward any required system development charge for parks.

3.4.500 Sanitary Sewer and Water Service Improvements

- A. **Sewers and Water Mains Required.** Sanitary sewers and water mains shall be installed to serve each new development and to connect developments to existing mains in accordance with the City's Sanitary Sewer Master Plan, Water System Master Plan, and the applicable construction specifications. When streets are required to be stubbed to the edge of the subdivision, sewer and water system improvements shall also be stubbed with the streets, except as may be waived by the City Public Works Director. No new development requiring water and sewer service shall be permitted without extension and connection to City water and sewer facilities.
- B. **Sewer and Water Plan Approval.** Development permits for sewer and water improvements shall not be issued until the City Public Works Director or his or her designee has approved all sanitary sewer and water plans in conformance with City standards.
- C. **Over-Sizing.** The City may require as a condition of development approval that sewer, water, and/or storm drainage systems serving new development be sized to accommodate future development within the area as projected by the applicable Water, Sewer, and/or Storm Drainage Master Plan, provided that the city may grant the developer credit toward any required system development charge for the same.
- D. **Inadequate Facilities.** Development permits may be restricted by the City where a deficiency exists in the existing water or sewer system that cannot be rectified by the development and which if not rectified will result in a threat to public health or safety, surcharging of existing mains, or violations of state or federal standards pertaining to operation of domestic water and sewerage treatment systems.

3.4.600 Storm Drainage Improvements

- A. **General Provisions.** The City shall issue a development permit only where adequate provisions for storm water and flood water runoff have been made. Storm water management shall be developed in accordance with the City's Storm Water Management Plan.
- B. **Accommodation of Upstream Drainage.** Culverts and other drainage facilities shall be large enough

to accommodate existing and potential future runoff from the entire upstream drainage area, whether inside or outside the development. Such facilities shall be subject to review and approval by the City Public Works Director.

- C. **Effect on Downstream Drainage.** Where it is anticipated by the City Public Works Director that the additional runoff resulting from the development will overload an existing drainage facility, the City shall withhold approval of the development until provisions have been made for improvement of the potential condition or until provisions have been made for storage of additional runoff caused by the development in accordance with City standards.
- D. **Over-Sizing.** The City may require as a condition of development approval that sewer, water, and/or storm drainage systems serving new development be sized to accommodate future development within the area as projected by the applicable Water, Sewer, and/or Storm Drainage Master Plan, provided that the city may grant the developer credit toward any required system development charge for the same.
- E. **Existing Watercourse.** Where a proposed development is traversed by a watercourse, drainage way, channel, or stream, there shall be provided a storm water easement or drainage right-of-way conforming substantially with the lines of such watercourse and such further width as will be adequate for conveyance and maintenance to protect the public health and safety.

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, in order to facilitate underground placement of utilities:
 - a. The developer shall make all necessary arrangements with the serving utility to provide the underground services. Care shall be taken to ensure that all above ground equipment does not obstruct vision clearance areas for vehicular traffic (Chapter 3.1);
 - b. The City reserves the right to approve the location of all surface-mounted facilities;
 - c. All underground utilities, including sanitary sewers and storm drains installed in streets by the developer, shall be constructed prior to the surfacing of the streets; and

- d. Stubs for service connections shall be long enough to avoid disturbing the street improvements including sidewalks when service connections are made.

B. Exception to Undergrounding Requirement. The standard applies only to proposed subdivisions. An exception to the undergrounding requirement may be granted due to physical constraints, such as steep topography, sensitive lands (Chapter 3.7), or existing development conditions.

3.4.800 Easements

A. Provision. The developer or applicant shall make arrangements with the City, the applicable district, and each utility franchise for the provision and dedication of utility easements necessary to provide full services to the development. The City's standard width for public main line utility easements shall be determined by the City Public Works Director.

B. Recordation. As determined by the City Public Works Director, all easements for sewers, storm drainage and water quality facilities, water mains, electric lines, or other public utilities shall be recorded with the final plat. See Chapter 4.2, Site Design Review, and Chapter 4.3, Land Divisions.

3.4.900 Construction Plan Approval and Assurances

A. Plan Approval and Permit. No public improvements, including sanitary sewers, storm sewers, streets, sidewalks, curbs, lighting, parks, or other requirements shall be undertaken except after the plans have been approved by the City, permit fee paid, and permit issued. The permit fee and plan review fee is required to defray the cost and expenses incurred by the City for construction and other services in connection with the improvement. The permit and plan review fees shall be set by City Council.

B. Performance Guarantee. The City may require the developer or subdivider to provide bonding or other performance guarantees to ensure completion of required public improvements. See Section 4.2.400, Site Design Review, and Section 4.3.180, Land Divisions.

3.4.1000 Installation

A. Conformance Required. Improvements installed by the developer either as a requirement of these regulations or at his/her own option, shall conform to the requirements of this Chapter, approved construction plans, and to improvement standards and specifications adopted by the City.

B. Adopted Installation Standards. The Standard Specifications for Public Works Construction, Oregon Chapter A.P.W.A., shall be a part of the City's adopted installation standard(s); other standards may also be required upon recommendation of the City Public Works Director.

- C. **Commencement.** Work shall not begin until the City has been notified in advance in writing.
- D. **Resumption.** If work is discontinued for more than six months, it shall not be resumed until the City is notified in writing.
- E. **City Inspection.** Improvements shall be constructed under the inspection and certification of a licensed engineer to the satisfaction of the City. The City may require minor changes in typical sections and details if unusual conditions arising during construction warrant such changes in the public interest. Modifications to the approved design requested by the developer may be subject to review under Chapter 4.6, Modifications to Approved Plans and Conditions of Approval. Any monuments that are disturbed before all improvements are completed by the subdivider shall be replaced prior to final acceptance of the improvements.
- F. **Engineer's Certification and As-Built Plans.** A registered civil engineer shall provide written certification in a form required by the City that all improvements, workmanship, and materials are in accord with current and standard engineering and construction practices, conform to approved plans and conditions of approval, and are of high grade, prior to City acceptance of the public improvements, or any portion thereof, for operation and maintenance. The developer's engineer shall also provide one (1) set of "as-built" plans, in conformance with the City Engineer's specifications, for permanent filing with the City.
- G. **Warranties.** The developer warrants all improvements for one year.

Chapter 3.6 – Radio Frequency Transmission Facilities

Sections:

- 3.6.100 Purpose
- 3.6.200 Siting Requirements and Procedures
- 3.6.300 Application Requirements
- 3.6.400 Standards for Transmission Towers and Antennas
- 3.6.500 Standards for Ancillary Facilities
- 3.6.600 Variance
- 3.6.700 Removal of Facilities

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:

- A. Minimizes the number of transmission towers throughout the community;
- B. Encourages the collocation of radio frequency transmission facilities;
- C. Encourages the use of existing buildings, light or utility poles or water towers as opposed to construction of new radio frequency transmission towers;
- D. Recognizes the need of radio frequency transmission providers to build out their systems over time; and
- 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.

3.6.200 Siting Requirements and Procedures

- A. **Siting Restricted.** No radio frequency transmission facility, as defined in this land use code, may be constructed, modified to increase its height, installed or otherwise located within the city except as provided in this section. Depending on the type and location of the radio frequency transmission facility, the radio frequency transmission facility shall be either permitted via a Type I procedure, subject to site review procedures, or require a conditional use permit.
 - 1. Permitted Uses. A land use permit is required for a radio frequency transmission facility, which, pursuant to subsections B through D of this section, is a permitted use. Such a radio frequency transmission facility shall require only a development review using a Type I procedure in accordance with the land use review procedures in Section 4.2.300.
 - 2. Site Design Review. A radio frequency transmission facility which, pursuant to subsections B through D of this section, is subject to site design review shall be processed in accordance with the Type II site design review procedures in Chapter 4.2. The criteria contained in this section, as well as the criteria contained in Section 4.2.400, shall govern approval or denial of the site

review application. In the event of a conflict in criteria, the criteria contained in this section shall govern. No development permit shall be issued prior to completion of the site review process, including any local appeal.

3. Conditional Use Permit. A radio frequency transmission facility which, pursuant to subsections C or D of this section, requires a conditional use permit shall be processed in accordance with the conditional use permit procedures in Chapter 4.4, except that the variance provisions shall not apply. The criteria contained in Section 4.4.400 and Sections 3.6.300 and 3.6.400 of this section shall govern approval or denial of the conditional use permit application. In the event of a conflict in criteria, the criteria contained in Sections 3.6.300 and 3.6.400 of this section shall govern. No development permit shall be issued prior to completion of the conditional use permit process, including any local appeal.

B. Collocation of Additional Antennas on Existing Transmission Tower

1. Permitted Use. Collocation of an additional antenna on an existing transmission tower shall be permitted via a Type I procedure if property is zoned C-G, I or LI, or if the transmission tower is in any other zone and the city specifically approved, as part of a prior land use process authorizing the transmission tower, collocation of additional antennas.
2. Site Design Review. Collocation of an additional antenna on an existing transmission tower shall be subject to site design review approval if property is zoned R-HD, R-MD, R-LD, or C-C and approval for collocation was not granted through a prior land use process.

C. Collocation of Antennas on Existing Buildings, Light or Utility Poles, and Water Towers. In addition to collocation on a transmission tower, an antenna may be collocated on existing buildings, light or utility poles, and water towers.

1. Permitted Use. Such collocation on a building, light or utility pole, or water tower, shall be permitted via a Type I procedure provided that the antennas and ancillary facilities comply with the standards contained in this Chapter, the color of the antennas blends in with the existing structure and surroundings, and one of the following is met:
 - a. The property is zoned C-G, I or LI, and the antennas do not exceed the height limitation of the zone; or
 - b. The property is zoned R-HD, R-MD, R-LD, or C-C, and the antennas extend no more than 18 feet above, and project no more than 2 feet horizontally away from the existing structure.
2. Site Design Review. Such collocation on a building, light or utility pole, or water tower shall be subject to site design review approval provided that the antennas and ancillary facilities comply with the standards contained in this Chapter, the color of the antennas blend in with the existing structure and surroundings, and:
 - a. The property is zoned R-HD, R-MD, R-LD, or C-C, and the antennas extend more than 18 feet above, or project more than 2 feet horizontally away from the existing structure.

3. Conditional Use Permit. In all cases other than those listed in items (1) and (2) above, such collocation shall require a conditional use permit. No exceptions to the standards contained in this Chapter shall be permitted except as authorized by Section 3.6.600. In no event shall a conditional use permit authorize a tower or antennas to exceed the height limitation for a zone except as provided for in this section.

D. Construction of Transmission Tower. Construction of a transmission tower, or a modification of an existing transmission tower to increase its height, shall be allowed as follows:

1. Permitted Use.
 - a. Such construction or modification shall be permitted via a Type I procedure in the I zone.
 - b. Modification to increase the height of an existing transmission tower shall be considered a permitted use in all other zones if the city approved an increase in tower height, as part of a prior land use process authorizing the transmission tower. The increase in height allowed under this paragraph shall be limited to the specific height authorized in the prior land use process.
2. Site Design Review. Such construction shall require site design review approval in the LI zone.
3. Conditional Use Permit. Such construction shall require a conditional use permit in the C-G and C-C zones.
4. Prohibited Zones and Locations. No new transmission tower shall be permitted in any zones not included in items (1) through (3) above, including the R-HD, R-MD, and R-LD zones.

3.6.300 Application Requirements

A. Collocation of Antennas. In addition to standard required application material, an applicant for collocation of antennas shall submit the following information; additional application material is required, as specified in subsection C below, for applications requiring a site design review or conditional use process.

1. A description of the location, design and height of the proposed antennas, including detailed dimensions and proposed materials.
2. Photo simulations of the proposed antennas.
3. Documentation demonstrating compliance with non-ionizing electromagnetic radiation (NIER) emissions standards as set forth by the Federal Communications Commission (FCC) particularly with respect to any habitable areas within the structure on which the antennas are co-locating on or in structures directly across from or adjacent to the antennas.
4. A statement documenting that placement of the antenna is designed to allow future collocation of additional antennas if technologically possible.
5. Documentation that the ancillary facilities will not produce sound levels in excess of those

standards specified in Section 3.6.400.F, or designs showing how the sound is to be effectively muffled and reduced pursuant to those standards.

6. Plans showing the connection to utilities/right-of-way cuts required, ownership of utilities and easements required.
7. Documents demonstrating that necessary easements have been obtained.
8. Plans showing how vehicle access will be provided.
9. Signature of the property owner(s) on the application form or a statement from the property owner(s) granting authorization to proceed with development permit and land use processes.
10. If ancillary facilities will be located on the ground, a landscape plan drawn to scale showing proposed and existing landscaping, including type, spacing, size and irrigation methods.
11. Documents demonstrating that the FAA has reviewed and approved the proposal, and the Oregon Department of Aviation has reviewed the proposal. Alternatively, when a site design review or conditional use process is required, submit a statement documenting that notice of the proposal has been submitted to the FAA and Oregon Department of Aviation. The site design review or conditional use process may proceed and approval may be granted for the proposal as submitted, subject to FAA approval. If FAA approval requires any changes to the proposal as initially approved, then that initial approval shall be void. A new application will need to be submitted, reviewed and approved through an additional site design review or conditional use process. No development permit application shall be submitted without documents demonstrating FAA review and approval and Oregon Department of Aviation review.

B. Construction of Transmission Tower. In addition to standard required application material, an applicant for a transmission tower shall submit the following information; additional application material is required, as specified in subsection C below, for applications requiring a site design review or conditional use process:

1. A description of the location, design and height of the proposed tower, including detailed dimensions and proposed materials.
2. Photo simulations of the proposed tower.
3. The general capacity of the tower in terms of the number and type of antennas it is designed to accommodate.
4. Documentation demonstrating compliance with non-ionizing electromagnetic radiation (NIER) emissions standards as set forth by the Federal Communications Commission (FCC).
5. A signed agreement, as supplied by the city, stating that the applicant will allow collocation with other users, provided all safety, structural, and technological requirements are met. This agreement shall also state that any future owners or operators will allow collocation on the tower.
6. Documentation that the ancillary facilities will not produce sound levels in excess of those standards specified in Section 3.6.400.F, or designs showing how the sound is to be effectively muffled and reduced pursuant to those standards.
7. A landscape plan drawn to scale showing proposed and existing landscaping, including type, spacing, size and irrigation methods.
8. Plans showing the connection to utilities/right-of-way cuts required, ownership of utilities and easements required.

9. Documents demonstrating that necessary easements have been obtained;
10. Plans showing how vehicle access will be provided;
11. Signature of the property owner(s) on the application form or a statement from the property owner(s) granting authorization to proceed with development permit and land use processes;
12. Documents demonstrating that the FAA has reviewed and approved the proposal and Oregon Department of Aviation has reviewed the proposal. Alternatively, when a site design review or conditional use process is required, submit a statement documenting that notice of the proposal has been submitted to the FAA and Oregon Department of Aviation. The site design review or conditional use process may proceed and approval may be granted for the proposal as submitted, subject to FAA approval. If FAA approval requires any changes to the proposal as initially approved, then that initial approval shall be void. A new application will need to be submitted, reviewed and approved through an additional site review or conditional use process. No development permit application shall be submitted without documents demonstrating FAA review and approval and Oregon Department of Aviation review.

C. **Site Design Review and Conditional Use Permit Applications.** In addition to the application requirements specified in subsection B above, applications for site design review or conditional use permits also shall include the following information:

1. A visual study containing, at a minimum, a graphic simulation showing the appearance of the proposed tower, antennas, and ancillary facilities from at least 5 points within a 3-mile radius. Such points shall be chosen by the provider with review and approval by the planning director to ensure that various potential views are represented.
2. Documentation that alternative sites within a radius of at least ± 1 mile ($\pm 5,280$ feet) have been considered and have been determined to be technologically unfeasible or unavailable. For site design reviews, alternative sites zoned I or LI must be considered. For conditional use permits, alternative sites zoned I, LI, C-G or C-C must be considered.
3. Evidence demonstrating collocation is impractical on existing tall buildings, light or utility poles, water towers, existing transmission towers, and existing tower facility sites for reasons of structural support capabilities, safety, available space, or failing to meet service coverage area needs.
4. A current overall system plan for the city, showing facilities presently constructed or approved and future expansion plans.
5. A statement providing the reasons for the location, design and height of the proposed tower or antennas.

3.6.400 Standards for Transmission Towers and Antennas. Installation, construction or modification of all transmission towers and antennas shall comply with the following standards, unless a variance is obtained pursuant to the provisions of Section 3.6.600:

A. **Separation Between Transmission Towers.** No transmission tower may be constructed within 2000 feet of any pre-existing transmission tower. Tower separation shall be measured by following a straight line from the portion of the base of the proposed tower, which is closest to the base of any

pre-existing tower. For purposes of this paragraph, a tower shall include any transmission tower for which the city has issued a development permit, or for which an application has been filed and not denied. Transmission towers constructed or approved prior to August 27, 2015, may be modified to accommodate additional providers consistent with provisions for collocation in this section.

- B. Height Limitation:** Transmission tower heights are subject to structural height standard in the zone. Approval may be obtained for taller structures through a Conditional Use Permit application. No transmission tower shall exceed the maximum heights provided below. In no case shall a variance be granted from the limitations of items (1) and (2) below.
1. If located within an I or LI zone, the maximum height of a transmission tower, including antennas, is 200 feet.
 2. If located within a C-G or C-C zone, the maximum height of a transmission tower, including antennas, is 100 feet.
 3. If located within an R-HD, R-MD, or R-LD zone, the maximum height of a transmission tower, including antennas, is 75 feet, unless a variance is granted pursuant to the provisions of Section 3.6.600. In no event shall a variance be granted to construct such a tower in excess of 100 feet.
- C. Collocation.** New transmission towers shall be designed to accommodate collocation of additional providers:
1. New transmission towers of a height of 80 feet or more shall be designed to accommodate collocation of a minimum of 2 additional providers either as proposed or through future modification to the tower.
 2. New transmission towers of a height of at least 60 feet and no more than 80 feet shall be designed to accommodate collocation of a minimum of 1 additional provider either as proposed or through future modification to the tower.
- D. Setback.** The following setbacks from adjacent property lines and adjacent streets shall be required unless a variance is granted pursuant to the provisions of Section 3.6.600:
1. If located within an I zone, no setback from adjacent property lines shall be required beyond that required by this land use code.
 2. If located within a LI, C-G or C-C zone, the transmission tower shall be set back from adjacent property lines a minimum number of feet that is equal to the height of the transmission tower.
- E. Buffering.** In all zones, existing vegetation shall be preserved to the maximum-extent possible. In the I and LI zones, no buffering is required beyond that required by this land use code. In all other zones, landscaping shall be placed completely around the transmission tower and ancillary facilities located at ground level except as required to access the facility. Such landscaping shall consist of evergreen vegetation with a minimum planted height of 6 feet placed densely so as to form a screen. Landscaping shall be compatible with other nearby landscaping and shall be kept healthy and well maintained.

- F. **Noise Reduction.** In R-HD, R-MD, and R-LD, and in all other zones when the adjacent property is zoned for residential use or occupied by a dwelling, hospital, school, library, or nursing home, noise generating equipment shall be sound-buffered by means of baffling, barriers, or other suitable means to reduce sound level measured at the property line to 45dBa.
- G. **Status of Location.** No permit may be issued for the location of a new radio frequency transmission facility within an R-HD, R-MD, or R-LD zone unless the lot on which it is to be placed is developed with a non-residential use at the time the permit application is submitted. This restriction does not apply within other zones.
- H. **Lighting.** No lighting shall be permitted on transmission towers except that required by the Federal Aviation Administration. No high intensity white lights may be located on transmission towers in an R-HD, R-MD, or R-LD zone.
- I. **Color.** The transmission tower and attached antennas shall be unpainted galvanized steel or painted neutral colors or such shades as are appropriate and compatible with the surrounding environment, as approved by the city.
- J. **Viewshed.** The transmission tower shall be located down slope from the top of a ridgeline so that when viewed from any point along the base of the hill, the tower does not interrupt the profile of the ridgeline. Visual impacts to prominent views of the Elkhorn Mountains and Eagle Cap Mountains shall be minimized to the greatest extent possible. Approval for location of a transmission tower in a prominent view of these Mountains shall be given only if location of the transmission tower on an alternative site is not possible as documented by application materials submitted by the applicant, and the transmission tower is limited in height to the minimum height necessary to provide the approximate coverage the tower is intended to provide.
- K. **Display.** No signs, striping, graphics or other attention getting devices are permitted on the transmission tower or ancillary facilities except for warning and safety signage with a surface area of no more than 3 ft². Such signage shall be affixed to a fence or ancillary facility and the number of signs is limited to no more than two (2).
- L. **Camouflage.** All new transmission towers must be designed to visually and operationally blend into the surrounding area in a manner consistent with existing development on adjacent properties. The facility must also be appropriate for the specific site. In other words, it should not “stand out” from its surrounding environment.
- M. **Compliance with Photo Simulations.** As a condition of approval, and prior to final inspection of the facility, the applicant must submit evidence, such as photographs, to the satisfaction of the City sufficient to prove that the facility is in substantial conformance with photo simulations provided with the application. Non-conformance requires modification to compliance within 90 days or the structure must be removed.

3.6.500 Standards for Ancillary Facilities. All ancillary facilities shall comply with the standards of Sections 3.6.400.E and 3.6.400.F. In addition, all ancillary facilities within an R-HD, R-MD, or R-LD zone must be located underground to the maximum extent technology allows, unless a variance is obtained pursuant to the provisions of Section 3.6.600. This restriction does not apply within other zones.

3.6.600 Variance

- A. Any variance to the requirements of this section shall be granted only pursuant to the following provisions. The criteria for granting a variance shall be limited to this section, and shall not include the standard variance criteria of Chapter 5.1.
- B. The city may grant a variance from the provisions of Section 3.6.400.A of this section providing the applicant demonstrates that:
 - 1. It is technologically impossible to locate the proposed tower on available sites more than 2,000 feet from a pre-existing transmission tower and still provide the approximate coverage the tower is intended to provide;
 - 2. The pre-existing transmission tower that is within 2,000 feet of the proposed tower cannot be modified to accommodate another provider; and
 - 3. There are no available buildings, light or utility poles, or water towers on which antennas may be located and still provide the approximate coverage the tower is intended to provide.
- C. The city may grant a variance to the setback and undergrounding requirements of Sections 3.6.400.D or 3.6.500 upon finding that stealth design, proposed landscaping, configuration of the site, or the presence of mature trees obviates the need for compliance.
- D. The city may grant a variance to the 75-foot height limitation in the R-HD, R-MD, or R-LD zone to a maximum of 100 feet providing the applicant demonstrates that modifying a transmission tower taller than 75 feet will not affect the Viewshed regulations of Section 3.6.400.J.
- E. If the proposed transmission tower or ancillary facility requires site design review or a conditional use permit, the request for variance shall be considered as part of the site design review or conditional use permit process. If the proposed transmission tower or ancillary facility can be permitted via a Type I procedure, the request for a variance shall be processed in accordance with the Type II application procedures in Section 4.1.300.

3.6.700 Removal of Facilities

- A. All transmission towers and antennas shall be removed by the person who constructed the facility, by the person who operates the facility, or by the property owner, within 6 months of the time that the facilities have ceased being used to transmit, receive or relay voice and data signals to or from wireless communication devices. The city manager may grant a 6-month extension where a written

request has been filed, within the initial 6-month period, to reuse the tower or antennas.

- B. If a transmission tower is located within an R-HD, R-MD, or R-LD zone, the provisions of subsection A also shall apply to the tower substructure and all above ground ancillary facilities.
- C. The city may require the posting of an open-ended bond before development permit issuance to insure removal of the transmission tower, substructure or antennas after the facility no longer is being used.

Chapter 4.4 - Conditional Use Permits

Sections:

- 4.4.100 Purpose
- 4.4.200 Approvals Process
- 4.4.300 Application Submission Requirements
- 4.4.400 Criteria, Standards and Conditions of Approval
- 4.4.500 Additional Development Standards
- 4.4.600 Revocation of Conditional Use Permit

4.4.100 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.

4.4.200 Approvals Process

- A. Initial Application.** An application for a new conditional use shall be processed as a Type III procedure (Section 4.1.400). The application shall meet submission requirements in Section 4.4.300, and the approval criteria contained in Section 4.4.400.
- B. Modification of Approved or Existing Conditional Use.** Modifications to approved or existing conditional uses shall be processed in accordance with Chapter 4.6 - Modifications.

4.4.300 Application Submission Requirements. In addition to the submission requirements required in Chapter 4.1, an application for conditional use approval must include the following information (1-8), as applicable to the particular request as determined by the Planning Official. For a description of each item, please refer to **Section 4.2.400** - Site Design Review Application Submission Requirements:

- A. Existing site conditions;
- B. Site plan;
- C. A landscape plan;
- D. Architectural drawings of all structures;
- E. Drawings of all proposed signs;

- F. A copy of all existing and proposed restrictions or covenants;
- G. Narrative report or letter documenting compliance with all applicable approval criteria in Section 4.4.400.

4.4.400 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 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;
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
3. All required public facilities have adequate capacity to serve the proposal.

B. Site Design Standards. The Site Design Review approval criteria ([Section 4.2.400.D](#)) shall be 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.

4.4.500 Additional Development Standards

- A. **Concurrent Variance Application(s).** A conditional use permit shall not grant variances to regulations otherwise prescribed by the Development Code. Variance application(s) may be filed in conjunction with the conditional use application, and both applications may be reviewed at the same hearing.
- B. **Additional Development Standards.** Development standards for specific uses are contained in Article 2 - Land Use Zones.

4.4.600 Revocation of Conditional Use Permit

- A. Any previously granted conditional use permit may be revoked by the Planning Commission, after a hearing conducted in the manner required for approval of a conditional use permit initially, upon the following grounds:
 1. Failure to comply with the conditions of approval.
 2. Discontinuance of the use for a period in excess of two years.
 3. Failure to comply with other applicable provisions of the Baker City Development Code regarding design, dimensional or use requirements.

4. A change in the Baker City Development Code or standards of the land use zone within which the use is located that have the effect of no longer allowing a new conditional use permit application to be considered in such zone.
- B. Revocations initiated under (A)(1) or (2) above shall not be initiated for at least 6 months after approval of the conditional use permit. Revocations initiated under (A)(1), (2), and (3) above shall have the effect of making the previously granted conditional use permit void until a new application is submitted and granted. Revocations initiated under (A)(4) above shall have the effect of making the previously granted conditional use a non-conforming use.

Article 6 - Map Amendments and Code Interpretations

Sections:

6.1.100 Purpose

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

*[Reserved for **land use zone/zoning map amendments** and code interpretation decisions.]*