



BAKER CITY, OREGON PLANNING COMMISSION MEETING AGENDA

Commissioners:

Aaron Still
Laurie Parry
Tom Shrider
Ken Rockwell
Larisa Bogardus
Laura Klement

REGULAR MEETING JUNE 18, 2025 - 6:00 PM COUNTY COMMISSION CHAMBERS

Call to Order/Introduction

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

Old Business

- | | |
|--|-------------|
| 4. Review of Minutes - 4.16.2025 Planning Commission Hearing | Action Item |
| 5. Review of Minutes - 5.21.2025 Planning Commission Hearing | Action Item |

New Business

- | | |
|---|-------------|
| 6. CUP-25-064: A request to replace an existing manual reader board sign with an electronic reader board at the Baker Middle School | Action Item |
| 7. SUB-25-071: A request for the creation of a 9-lot subdivision between Birch Street and I-84 | Action Item |

Updates and Future Items

- | | |
|---------------------------------|-------------|
| 8. Director's Report | Information |
| 9. Set Next Meeting Date & Time | Action Item |

Adjourn

- | | |
|-------------|------------|
| 10. 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
Laurie Parry
Tom Shrider
Ken Rockwell
Larisa Bogardus
Laura Klement

Created by:

Date: June 18, 2025

Subject: Call to Order

Attachments:

None



BAKER CITY, OREGON STAFF REPORT

Commissioners:

Aaron Still
Laurie Parry
Tom Shrider
Ken Rockwell
Larisa Bogardus
Laura Klement

Created by:

Date: June 18, 2025
Subject: Public Comment

Attachments:

None

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

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

Baker City Planning Commission
Public Hearing
April 16, 2025, 6:00 p.m.
Baker County Commission Chambers

I. Call to Order/Introductions

Present: Ken Rockwell, Laurie Parry, Haden Damschen, Tom Shrider, Aaron Still, Laura Klement, Larisa Bogardus

Absent:

Staff Present: Interim Planning Director Tara Micka, Senior Planner Madison Tomac, Planning Technician Paul King

II. Old Business

Review of Minutes 02.19.2025

Commissioner Rockwell moved to approve the minutes from the 02/19/2025 Hearing. Commissioner Parry seconded. Motion Passed Unanimously.

III. New Business

Chair Still read the public hearing statement.

CUP-25-021: A request to site a ±2,016 square foot accessory structure at 2400 20th Street.

Declaration of Ex-Parte Contact, Bias, & Conflict of Interest regarding CUP-25-021: Commissioners Parry and Klement are neighbors of the property, they did not believe it will affect their decision. Commissioner Rockwell performed a site visit and observed there is no curb, gutter, or sidewalk at the site. He noted that the lot is “big” and that it seems that there is encroachment into the platted alley.

Planner Tomac summarized the application. The Planning Commission is considering a conditional use permit for an oversized accessory structure in the Residential Medium Density Zone. The subject property under consideration is at 2400 20th Street. An accessory structure in the residential medium density zone is permitted with an associated primary use, in this case a single family detached dwelling.

The proposal is a 2,016 square foot shop with lean to, which is over the 1,200 square foot limit and requires a CUP.

Planner Tomac then invited questions from the Commissioners, there were various clarifying questions.

The Commissioners invited the applicant to testify.

Jenn Boehm, 2400 20th Street: Ms. Boehm did not have much to add. Commissioner Rockwell asked about the rear property line and if it had been surveyed, to which Ms. Boehm said no.

Chair Still invited testimony support. Seeing none, he invited testimony in opposition.

Karla Jo Schute, 2409 19th Street: Ms. Schute testified in opposition because it will obstruct her viewshed of the mountains and wants the applicants to move the site of the structure. Commissioner Rockwell asked clarifying questions.

Jenn Boehm 2400 20th Street: Ms. Boehm provided rebuttal testimony and emphasized that they tried to work with Ms. Schute to determine a good spot for the structure. She noted that the location of the shop keeps it from straddling a tax lot line, as her property is comprised of two tax lots.

Chair Still closed the public hearing and began deliberation.

Chair Still reiterated that the application is concerning size, and the proposed structure meets setbacks as proposed.

Commissioner Bogardus moved to approve CUP-25-021 with all conditions of approval. Commissioner Parry Seconded. Motion passed unanimously.

VAR-25-025: A request for a Variance to allow all parking spaces required for a multifamily development to be located on-street rather than off-street at 2330 5th Street.

Declaration of Ex-Parte Contact, Bias, & Conflict of Interest regarding VAR-25-025: Chair Still and Commissioner Damschen recused themselves from the hearing due to conflicts of interest. Commissioner Parry took over as chair. Commissioner Klement was in the developer meeting last week and heard potential testimony. Commissioner Rockwell performed a site visit and observed that the block has a lot of potential for parking, and shared other general observations relating to current parking patterns at the site. Commissioner Parry performed a site visit, as did Commissioner Bogardus.

Director Micka summarized the application. The application is for a Variance from parking standards associated with a site design review to allow for the conversion of an existing structure at 2330 5th Street into 14 one-bedroom apartments. The site design review is an administrative review, but because the applicant is asking for a Type-C Variance, review by the Planning Commission is required. If the variance is approved, the associated parking for the 14 one-bedroom units would be accommodated on abutting streets instead of on the subject property.

The Commissioners had various clarifying questions for Director Micka. After that, Chair Parry invited testimony from the applicant.

Dale Rainey, 9137 N Raintree Ln, Hayden, ID 83835: Mr. Rainey mentioned that the staff report summarizes his argument well and added that the building has existed for 85 years without any

onsite parking and has always relied on on-street parking for its use. He said he wants to bring the building back into use and thinks it will be an improvement upon the neighborhood.

Commissioner Rockwell noted the potential impact upon neighboring property owners and asked Mr. Rainey if there was a way to require that tenants park immediately adjacent to the subject property, and Mr. Rainey said that it could be written into rental agreements but said that it would be difficult to enforce.

Chair Parry invited additional testimony in support of the application.

Kevin Luckini 2455 Indiana Avenue, Baker City, OR 97814: Mr. Luckini testified in support of the application, emphasizing that the flexibility of the Development Code should allow the commissioners to approve applications exactly like VAR-25-025. Mr. Luckini emphasized that land development is often complex, and the variance process is designed to address those complexities. He said that most people in Baker City would rather see the building be developed for housing rather than continue to sit vacant.

Suzi Smith 1926 1st Street, Baker City, OR 97814: In favor of the variance, and has worked with the applicant to develop the site. Noted that the building is a nuisance and potentially occupied by squatters. Ms. Smith noted the housing crisis and added that making the building not an eyesore will improve property values around the building. She noted the lack of cars on 5th Street and asserted that the variance will not affect St Elizabeth parking because they already have designated on-site parking. Ms. Smith also stated that for most of the buildings occupied existence, it has been utilized as a multi-family development for the nuns at the old hospital.

Chair Parry invited those in opposition to the proposal to testify.

Judy Logsdon, 2365 4th Street (St. Elizabeth Tower), Baker City, OR 97814: Ms. Logsdon began her testimony by emphasizing that she is not opposed to redeveloping 2330 5th Street into apartments but shared concerns with opportunities for St. Elizabeth Tower residents such as herself to park off street. She shared concern with the lack of on-street ADA spots, as well as concerns that guests of hers may not be able to find parking when they visit her apartment.

Chair Parry asked for more opposition testimony. Seeing none, Chair Parry invited rebuttal testimony from the applicant.

Dale Rainey, 9137 N Raintree Ln, Hayden, ID 83835: Mr. Rainey Provided rebuttal testimony. Addressed concerns regarding ADA Parking. He believes the proposed parking variance will not adversely affect the parking situation for St. Elizabeths tower.

Chair Parry closed the public hearing and began deliberation.

Commissioner Rockwell said that he is in support of the variance but wanted to make sure that existing residents aren't adversely affected. Commissioner Bogardus liked the potential for housing but had concerns with all parking being on-street. Commissioner Klement shared her experiences living and working in cities larger than Baker City and said that she does not perceive a parking

problem in the area but appreciates the concern from those who are less mobile that may have to park a block or two away from their residence.

Chair Parry walked through each of the variance criteria and invited input from Commissioners with each criterion. The Commissioners found the request to meet all criteria.

Commissioner Shrider moved to approve VAR-25-025 subject to all conditions of approval recommended in the staff report. Commissioner Klement seconded. Motion passed unanimously.

Chair Still called for a five-minute recess.

SUB-25-020: A request to subdivide property identified as 2850 D Street and 2815 E Street to create 4 lots.

Declaration of Ex-Parte Contact, Bias, & Conflict of Interest regarding SUB-25-020:

Commissioner Rockwell performed a site visit and observed the existence of mature trees, while the staff report noted no significant vegetation. Chair Still knows one of the property owners but does not believe that will affect his decision. Additionally, all Commissioners participated in the rezone of these properties during the January 2025 hearing.

Planner Tomac summarized the application. The application is a request to subdivide property identified as 2820 D Street and 2815 E Street to create 4 lots. This parcel is also identified as Tax Lots 4600 and 4700 on Baker County Assessor's Map 09s40e17ba (Refs. 2017 and 2018). Access to the development is proposed to be made available via 9th Street and a newly-created public alleyway to the west of the proposed lots.

Planner Tomac then invited questions from the Commissioners, there were various clarifying questions regarding a portion of non-vacated right of way near the subject property.

Chair Still invited the applicant to testify.

Eva Henes for Atlas Land Use Consulting, 42008 Salmon Creek Road, Baker City, OR 97814: Ms. Henes reiterated much of what she said in the prior hearing concerning the re-zoning of the two properties. She explained the lot size and access to the property from the alleyway.

Chair Still closed the public hearing, seeing no one in support of or opposition to the application.

Commissioner Rockwell moved to approve SUB-25-020 subject to all recommended conditions of approval, Commissioner Bogardus seconded. Motion passed unanimously.

IV. Updates and Future Items

Director's Report

There was none.

Date and Time for the Next Meeting

Next meeting will be May 21, 2025, at 6:00 pm.

V. Adjourn

Chair Still adjourned the meeting at 7:35p.m.

Respectfully Submitted,

Paul King

Baker City-County Planning Department

DRAFT

**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
May 21, 2025, 6:00 p.m.
Baker County Commission Chambers**

I. Call to Order/Introductions

Present: Ken Rockwell, Laurie Parry, Haden Damschen, Tom Shrider, Aaron Still, Laura Klement

Absent: Larisa Bogardus

Staff Present: Planning Director Tara Micka, Senior Planner Madison Tomac, Planner Paul King

II. Old Business

III. New Business

Chair Still read the public hearing statement.

CUP-25-026

Declaration of Ex-Parte Contact, Bias, & Conflict of Interest regarding CUP-25-026:
None.

Planner Paul King summarized the application. The application being considered is for an oversized accessory structure in the Residential Low-Density Zone. The subject property under consideration is adjacent to and is north and west of 720 H Street, which is held under common ownership by Jordan and Dawn Morrison. An accessory structure in the residential low-density zone is permitted with an associated primary use – in this case a single family detached dwelling.

The proposal is a 1,440 square foot shop, which is over the 1,200 square foot limit and requires a CUP. Planner King told the Commissioners that the proposed accessory structure meets setbacks, placement criteria (rear yard), would be on adjacent property held in common ownership with an established primary use, and is under the 1.5x size limitation of all combined accessory structures with respect to the footprint of the primary use (the dwelling).

No public comments have been received concerning this application.

The Commissioners invited the applicant to testify, Mr. Morrison did not have anything to add, and the Commissioners had no questions.

Chair Still closed the public hearing.

Deliberation

The Commissioners deliberated briefly and found the CUP request to meet all criteria.

Commissioner Parry moved to approve CUP-25-026 with all conditions of approval. Commissioner Damschen Seconded. Motion passed unanimously.

VAC-25-063

Declaration of Ex-Parte Contact, Bias, & Conflict of Interest regarding VAC-25-063:
Commissioner Rockwell performed a site visit. He also observed that 12th Street is not platted beyond Place Street.

Senior Planner Madison Tomac gave a summary of application VAC-25-063, which is an application to vacate an undeveloped portion of 12th Street between Place and Estes Streets. vacation abuts three different properties in the Residential-Medium Density Zone. If approved the vacated portion would be divided proportionally to the abutting properties.

Commissioner Rockwell asked Planner Tomac about comments received from Cascade Natural Gas regarding the need for a utility easement in the future, Planner Tomac answered that the need for an easement would be evaluated at the time of development or partitioning.

Commissioner Shrider asked if 12th Street at that location had ever been developed as a road, to which Planner Tomac answered that the ROW has never been developed there.

Chair Still invited the applicant to testify.

Eva Henes, 42962 Pocahontas Road, Baker City, OR 97814

Ms. Eva Henes gave testimony as applicant on behalf of the petitioning property owners, Jared & Amanda Bain. Ms. Henes stated that the ROW is overgrown, and an irrigation slough runs right through it. The owners have been looking at the existing fence line as being property lines.

Commissioner Rockwell asked Ms. Henes about who owns the ditch that runs through the ROW, and Ms. Henes said that she was unable to speak to that but noted that the slough is described in deeds for the properties that it runs through. Commissioner Parry noted that the slough is likely owned by the Baker County Irrigation District.

Chair Still noted that the subject ROW is already being possessed as private land. He then closed the public hearing.

Commissioner Rockwell motioned to recommend approval of VAC-25-063 to Baker City Council including all conditions of approval, including providing an easement for ditch maintenance. Commissioner Parry seconded. Motion passed unanimously.

IV. Updates and Future Items

Director's Report

There was none.

Date and Time for the Next Meeting

Next meeting will be June 18, 2025, at 6:00 pm.

DRAFT

BAKER COUNTY-CITY PLANNING DEPARTMENT



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

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STAFF REPORT to the BAKER CITY PLANNING COMMISSION for a CONDITIONAL USE PERMIT for an ELECTRONIC READERBOARD SIGN in the GENERAL COMMERCIAL (C-G) ZONE

City Case No. CUP-25-064

Staff Report Date: June 11, 2025

Report Prepared by: Paul King, Planner

Planning Commission Hearing: June 18, 2025

I. GENERAL INFORMATION AND FACTS

Applicant:	Amanda Wilde 2030 Washington Avenue Baker City, OR 97814
Property Owner:	Baker School District 5J Attn: Casey Hallgarth 2090 Fourth Street Baker City, Oregon 97814
Land Use Review:	Type III Conditional Use Permit to install an electronic reader board
Property Description:	Tax Lot 100 in Section 17dc of Township 9 South, Range 40 East, W.M., Baker County, OR (Ref. #2758)
Site Address & Location:	2320 Washington Avenue
Land Use Zone:	General-Commercial (C-G) Zone
Existing Development:	Two-story middle school (Baker Middle School)
Proposed Development:	Replacement of an existing freestanding sign & reader board with a new freestanding sign & electronic reader board
Special Flood Hazard Area:	This property is located in Zone X (outside of the floodplain) according to FEMA FIRM #41001C0385C, dated June 3, 1988
Wetlands:	Wetlands are not present on the subject property according to the 1995 National Wetlands Inventory Map for Baker, Oregon
Parcel Legally Created:	The subject property was legally created as evidenced by Warranty Deed recorded with the Baker County Clerk's Office as Deed Book 122, pages 362 and 363, dated June 27, 1936.

II. NATURE OF REQUEST

The applicant, Amanda Wilde and property owner, Baker School District 5J, requests a Conditional Use Permit to replace an existing freestanding sign with an electronic reader board sign on the above-described property. The subject property is split zoned, General-Commercial and High-Density Residential. The parcels located directly to the north and east of the subject property are zoned General-Commercial, the southern properties are zoned High-Density Residential and properties to the west are zoned General-Commercial and High-Density Residential. The applicant's narrative and plans for the proposed structure are attached to this report as Exhibit E.

According to the applicant narrative, *"The current sign is old and needs updating. We have a non-electronic reader board, which is not aesthetically appealing. We have been in the process of improving the appearance and overall aesthetics of Baker Middle School and this upgrade would help with that goal"* (Exhibit E).

III. APPLICABLE ORDINANCE, COMPREHENSIVE PLAN, AND STATE PROVISIONS

The Baker City Development Code (BCDC) requires a Conditional Use Permit be obtained prior to the installation of an electronic reader board within the General-Commercial Zone. The request is to be processed as a Type III procedure, which includes holding a public hearing before the Planning Commission makes a decision on the request. In determining whether to grant the request, the Planning Commission will use the applicable criteria listed in BCDC Chapter 3.5 – *Signs* and Section 4.4.400 – *Conditional Use Permits – Criteria, Standards and Conditions of Approval*, and the Baker City Comprehensive Plan.

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

IV. ANALYSIS OF CRITERIA & FINDINGS OF FACT

BCDC Chapter 4.4 – Conditional Use Permits

Section 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 following standards and criteria in A-C:*

A. Use Criteria.

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

Recommended Findings:

- 1) The applicant's proposal to replace the existing freestanding sign with an electronic reader board at the Baker Middle School does not include an expansion of the existing structure. The subject property currently measures ± 4.3 acres in size, and is accessed via an existing access point on Washington Street (Exhibits A, B and C). The subject property is split zoned, General-Commercial and High-Density Residential. The parcels located directly to the north and east are zoned General-Commercial, the southern properties are zoned High-Density Residential and properties to the west are zoned General-Commercial and High-Density Residential (Exhibit D). According to BCDC Table 3.5.070 - Footnote 3, electronic reader boards are not allowed within 70 feet of a residentially zoned property line. According to the ArcGIS measurement tool, the proposed sign would be located ± 130 feet from the nearest residentially zoned property line. No changes are proposed to traffic and parking regulations, nor are any required.
- 2) The application states there are many features that can help reduce any potential negative impacts of the proposed Electronic Reader Board sign on adjacent properties (Exhibit E). See additional findings in BCDC Chapter 3.5 for how potential negative impacts of the sign can be mitigated.

Comments from ODOT state, *"If the sign will be at a business or a place open to the public (Baker Middle School) and no compensation is being exchanged for the message(s) or the right to place the sign, it is not an outdoor advertising sign and does not require a permit through our office, but the sign must still comply with all safety regulations and the prohibitions for the State.*

Digital and LED signs may not flash, rotate, fade, scroll, simulate movement, or have moving parts. Sign messages must come all on and go all off at one time and must hold for at least 2 second. The lighting from signs may not be at levels that impedes the sight of motorists and may not project any light directly onto any portion of the state highway. They may not direct, or appear to direct the movement of traffic. Signs may not obstruct the view of traffic control signs or devices or approaching or merging traffic. Digital and LED signs may not operate at an brightness level of more than 0.3 foot-candles over ambient light, nor intensity greater than the luminance indicated in the table 1, as measured perpendicular to the face of the billboard at the indicated measurement distance for a designated sign dimension: (See Exhibit G for Table)

They must also be equipped with a light sensor that automatically adjusts the intensity of the sign illumination according to the amount of ambient light and must be designed to freeze the display in one static position, display a full black screen or turn off in the event of a malfunction" (Exhibit G). These criteria shall be met in accordance with Condition of Approval #7.

- 3) All required public facilities exist on the subject property. No additional public facilities are proposed with this application. No comments were submitted by Public Works concerning public utilities.

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

B. Site Design Standards. *The Site Design Review approval criteria (Section 4.2.600) shall be met.*

Recommended Findings: Site Design Review approval criteria were reviewed by Planning staff and it was determined that only criteria discussed in Chapter 3.5 Signs are relevant to this decision.

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

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

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

Recommended Findings: All recommended conditions of approval contained in Section VI of this report will be required to be met.

Conclusion: Based on the findings above, all conditions of approval contained in Section VI of this report **are/are not** required to be met.

BCDC Section 3.5.050 - General Sign Regulations and Design Criteria. *The following requirements shall apply to all signs in all zones as applicable by this Ordinance. Signs displayed in the Freeway Overlay District, the Historic District, the 10th Street Business District or the South Highway 30 District are also subject to the applicable district standards set forth in Sections 3.5.080 to 3.5.110.*

A. Sign Materials, Design & Construction.

1. *Every sign shall be constructed of durable materials, using non-corrosive fastenings.*
2. *Every sign shall be structurally safe and erected or installed in accordance with the Oregon Building Code.*
3. *Every sign should utilize design and building materials which complement the architectural theme of the building which it identifies.*
4. *Every sign requiring a permit and that is located or installed upon the ground shall be set within a landscaped area equal to the sign area. This is intended to improve the overall appearance of the signs as well as to reduce the risk of automobiles hitting the sign or its supports. Landscaping must include 60% vegetation and must be continuously maintained. In instances where this criterion cannot be met, landscaping requirements may be placed elsewhere on the property. The Historic District shall be exempt from landscape requirements.*
5. *Signs which are constructed using bare pylons and/or pole supports shall include pole covers and shall meet the following requirements...*
6. *Any internally illuminated sign cabinets or sign panels that have been damaged shall remain un-illuminated until repaired.*
7. *Any signage that has been damaged to such an extent that they may pose a hazard to passersby shall be repaired or removed immediately.*

Recommended Findings:

- 1) According to information submitted with the application (Exhibit E), the proposed electronic reader board sign is a two-sided LED sign that will be *"Fully Sealed & Waterproof Aluminum LED Panels."* The proposed freestanding sign assembly and pylon will be *"All aluminum with Welded Unitized Construction and Industrial Graffiti Resistant Finish"* (Exhibit E).
- 2) The Baker City Building Department commented, *"The building Department has no objection to this installation. Permits and inspections may be required"* (Exhibit F). The applicant will be required to meet all building codes in accordance with Recommended Condition of Approval #2.
- 3) Per the applicant's narrative (Exhibit E), *"Our current sign is old and needs updating. We have a non-electronic reader board, which is not aesthetically appealing. We have been in the process of improving the appearance and overall aesthetics of Baker Middle School and this upgrade would help with that goal."* The color of the sign cabinet and pylon will be purple (Exhibit E), which matches the logo and school colors of the Baker Middle School.
- 4) The proposed sign will be installed upon the ground. Based on the application, *"the landscaping around the sign would stay the same as pictured above, which is over 60% vegetation and is continuously maintained"* (Exhibit E).
- 5) No bare pylons or pole supports are proposed with this application.
- 6) The proposed sign is an electronic reader board. If any damage occurs to the interior lights, the sign shall be turned off and remain off until repairs are made to the interior lighting in accordance with Recommended Condition of Approval #6.

- 7) If the proposed sign is damaged or becomes dangerous, it shall be removed or repaired immediately in accordance with Recommended Condition of Approval #6.

Conclusion: Based on the findings above, the **criteria can/cannot be met** in accordance with Recommended Conditions of Approval #2 and #6.

B. Sign Safety.

1. *Signs shall be located in such a way that they maintain horizontal and vertical clearance of all overhead power lines in accordance with National Electric Safety Code specifications, as reviewed and determined by the local electrical utility company. All applicants are required to contact OTEC before erecting a sign nearer than 25 feet of electric power lines.*
2. *No sign shall be permitted in "vision clearance areas" as defined by Chapter 1.3 and as set forth by Chapter 3.1.200 (N) of the Baker City Development Code.*
3. *No sign shall be erected or maintained in such a manner that any portion of its surface or supports will interfere in any way with the free use of any fire escape, exit, or standpipe. No sign shall obstruct any window so that light or ventilation is reduced below minimum standards required by applicable law.*
4. *Signs (including temporary signs) shall be securely fastened to the ground or permanent structure.*

Recommended Findings: 1) Distance from overhead power lines was not included in the application materials. The applicant is responsible for contacting OTEC before erecting a sign nearer than 25 feet of power lines, in accordance with Recommended Condition of Approval #5.

2) According to the application (Exhibit E), the proposed sign is not located within a vision clearance area.

3) According to the Google Street View and the application (Exhibits C and E), the sign will not obstruct a fire escape, exit, standpipe or window.

4) According to the application (Exhibit E), the sign will be permanently fastened to the ground.

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

BCDC Section 3.5.070 – Signs in General Commercial (C-G), Central Commercial (C-C) and Industrial (I) Zones: *Except as noted below, the following numbers and types of signs may be erected in any General Commercial (C-G), Central Commercial (C-C) or Industrial (I) Zone subject to applicable sign type criteria. Signs displayed in the Freeway Overlay District, Historic District, 10th Street Business District or South Highway 30 District are also subject to the applicable district standards set forth in Sections 3.5.080 to 3.5.110.*

TABLE 3.5.070 – SIGNS IN COMMERCIAL and INDUSTRIAL ZONES				
	Restrictions & Guidelines	Number & Location⁴	Maximum Area & Height	Permitted Illumination
Electronic Reader Board²	- Conditional Use Permit from Planning Commission required prior to installation - Text messages longer than the display that do not contain any graphics shall scroll in a consistent and predictable manner	- 1 per 50ft of street frontage - 1 ft setback from the property line	- <u>Area</u>: 24ft² - <u>Height</u>: 15ft	- Internal, not to exceed 40 watts or 60 milliamps - Color and brightness of displays shall remain unchanged for a minimum of 5 seconds
Freestanding	- May not project into R-O-W	- 1 per building/tenant façade - 1 ft setback from property line	- <u>Area</u>: 150ft² - <u>Height</u>: 25ft	- Internal, external, backlit, neon or bare bulb

² No sign abutting a residential zone shall be located within 70 feet of said property line

Recommended Findings:

Electronic reader board: A Conditional Use Permit is required for the electronic reader board, which will be mounted below a new “Baker Middle School” logo sign on the same pylon and will replace the existing manual reader board sign (Exhibit E). The color and brightness of the display shall remain unchanged for a minimum of 5 seconds in accordance with Recommended Condition of Approval #3. Internal illumination shall not exceed 40 watts or 60 milliamps in accordance with Recommended Condition of Approval #4. Per the application (Exhibit E), the current sign is setback ±1 foot from the nearest property line to the north, the proposed sign area will be ±16 square feet, and the maximum height of the sign (including the freestanding logo cabinet above the reader board) will be ±7’6”. This electronic reader board is the only one of its type being applied for along the north frontage of the property with this application. According to ArcGIS aerial measuring tools, the proposed electronic reader board sign will be mounted ±137 feet from an abutting residential zone (Exhibit D).

Freestanding sign: A new “Baker Middle School” logo freestanding sign is proposed to be mounted directly above the electronic reader board sign. Both signs will be mounted on the same foundation. Per the application (Exhibit E), the current sign is setback ±1 foot from the nearest property line to the north. This free-standing sign is the only one of its type on the subject property. The proposed sign height will be ±7’6” to the top of the logo sign with a total sign area of ±16 square feet (Exhibit E). According to submitted application materials, the sign cabinet will be illuminated with internal LEDs (Exhibit E). This sign will not project into an abutting right-of-way.

Conclusion: Based on the findings above, the criteria **are/are not** met or **can/cannot** be met in accordance with Recommended Conditions of Approval #3 and #4.

BCDC Section 3.5.120 - Sign Maintenance. All signs shall be continually maintained in a state of good

appearance, safety, and repair throughout their life. Nothing in this code shall relieve the owner from maintaining the sign. Maintenance requirements include but are not limited to:

- A. Any metal poles, pole covers, and/or sign cabinets shall be kept free from rust and stains.*
- B. Any awnings, banners, canopies, or similar material which a sign is affixed or printed upon, shall be kept in good appearance and free from tears, tatter, and any other physical damage.*
- C. Any internally illuminated sign cabinets or sign panels that have been damaged shall remain un-illuminated until repaired.*
- D. Any signage that has been damaged to such an extent that they may pose a hazard to passersby shall be repaired or removed immediately.*

Recommended Findings: The proposed sign shall be continually maintained in a state of good appearance, safety and repair throughout its life in accordance with Recommended Condition of Approval #6.

Conclusion: Based on the findings above, the **criteria can/cannot be met** in accordance with Recommended Condition of Approval #6.

V. SUMMARY CONCLUSIONS & PLANNING COMMISSION DECISION

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

A Type III Conditional Use Permit may be allowed if the request meets all applicable criteria and standards. The applicant **has/has not** demonstrated that this request for a Conditional Use Permit to install an electronic reader board sign within the General Commercial Zone (C-G) meets, or is able to meet through Conditions of Approval, all of the applicable review criteria and development standards.

Therefore, based on the information contained in Sections I through IV of this report, and the above review criteria, findings of fact, and conclusions and public testimony received, the conditional use permit request, CUP-25-064, is hereby **APPROVED/DENIED**, subject to the conditions contained in Section VI of this report.

VI. RECOMMENDED CONDITIONS OF APPROVAL

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

1. **Approval Period.** Conditional Use Permit approval shall be effective for a period of ONE YEAR from the date of approval. The approval shall lapse if a building permit application for the project has not been submitted to the Baker City Building Department within one year from the date of this decision.
2. **Building Permits.** Building permits may be required prior to installation. Please contact the Building Department for applicable permits and requirements.

3. **Sign Programming.** Sign text messages longer than the display shall scroll in a consistent and predictable manner. Sign displays, such as graphic, letters, numbers etc., shall remain unchanged – including color and brightness – for a minimum of five (5) seconds.
4. **Internal Illumination.** Internal illumination shall not exceed 40 watts or 60 milliamps.
5. **Vision Clearance Standards.** Signs shall be located in such a way that they maintain horizontal and vertical clearance outlined in BCDC Chapter 3.1 and of all overhead power lines in accordance with National Electric Safety Code specifications, as reviewed and determined by the local electrical utility company. Applicants are required to contact OTEC before erecting a sign nearer than 25 feet of electric power lines.
6. **Sign Maintenance.** All signs shall be continually maintained in a state of good appearance, safety, and repair throughout their life. All applicable requirements of Sections 3.5.120 and 3.5.140 shall be met including the following:
 - a. **Damage to Interior Lighting.** Any internally illuminated sign cabinets or sign panels that have been damaged shall remain un-illuminated until repaired.
 - b. **Damaged and Dangerous Signs.** Any signage that has been damaged to such an extent that they may pose a hazard to passersby shall be repaired or removed immediately.
7. **State Sign Regulations.** Digital and LED signs may not flash, rotate, fade, scroll, simulate movement, or have moving parts. Sign messages must come all on and go all off at one time and must hold for at least 2 seconds. The lighting from signs may not be at levels that impedes the sight of motorists and may not project any light directly onto any portion of the state highway. They may not direct or appear to direct the movement of traffic. Signs may not obstruct the view of traffic control signs or devices or approaching or merging traffic. Digital and LED signs may not operate at a brightness level of more than 0.3 foot-candles over ambient light, nor intensity greater than the luminance indicated in the table 1, as measured perpendicular to the face of the billboard at the indicated measurement distance for a designated sign dimension:

Illuminance (Brightness)	LED or Digital Sign Dimensions (ft.)	Measurement Distance	Luminance [Intensity measured in candelas per square meter (Cd./sq.M.)]
0.3 footcandles	Less than or equal to: 12 x 25	150	300
0.3 footcandles	Less than or equal to: 10.5 x 36	200	342
0.3 footcandles	Less than or equal to: 14 x 48	250	300

They must also be equipped with a light sensor that automatically adjusts the intensity of the sign illumination according to the amount of ambient light and must be designed to freeze the display in one static position, display a full black screen or turn off in the event of a malfunction.

8. **Modifications, Changes, or Alterations.** Any future modifications, changes, or major alterations to

the sign design or construction shall be subject to the approval of the Baker County Planning Commission. Should the applicant extend beyond the approved conditions and criteria within this report, the use is no longer valid and the applicant shall submit a new Conditional Use application and site plan to the Baker City-County Planning Department.

9. **Nullification.** Failure to comply with all conditions of approval, or violation concerning the use approved herein, may result in nullification of this approval by the Baker County Planning Commission, after the applicant/property owners have been given due process in accordance with the provisions of the City of Baker City Development Code.
10. **Other:** All other city and state regulations pertaining to this development shall be met.

VI. EXHIBITS

Exhibit A:	Assessor's Map of Subject Property
Exhibit B:	ArcGIS Aerial View of Subject Property
Exhibit C:	Google Street View
Exhibit D:	Baker City Zoning Map
Exhibit E:	Application, Narrative and Plans
Exhibit F:	Comments from Baker City Departments
Exhibit G:	Comments from the Oregon Department of Transportation

Tax Lot 100 in Section 17dc of Township 9 South, Range 40 East,
W.M., Baker County, Oregon (Ref. 2758)

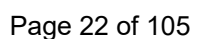


Exhibit B: ArcGIS Aerial View of Subject Property

Tax Lot 100 in Section 17dc of Township 9 South, Range 40 East,
W.M., Baker County, Oregon (Ref. 2758)

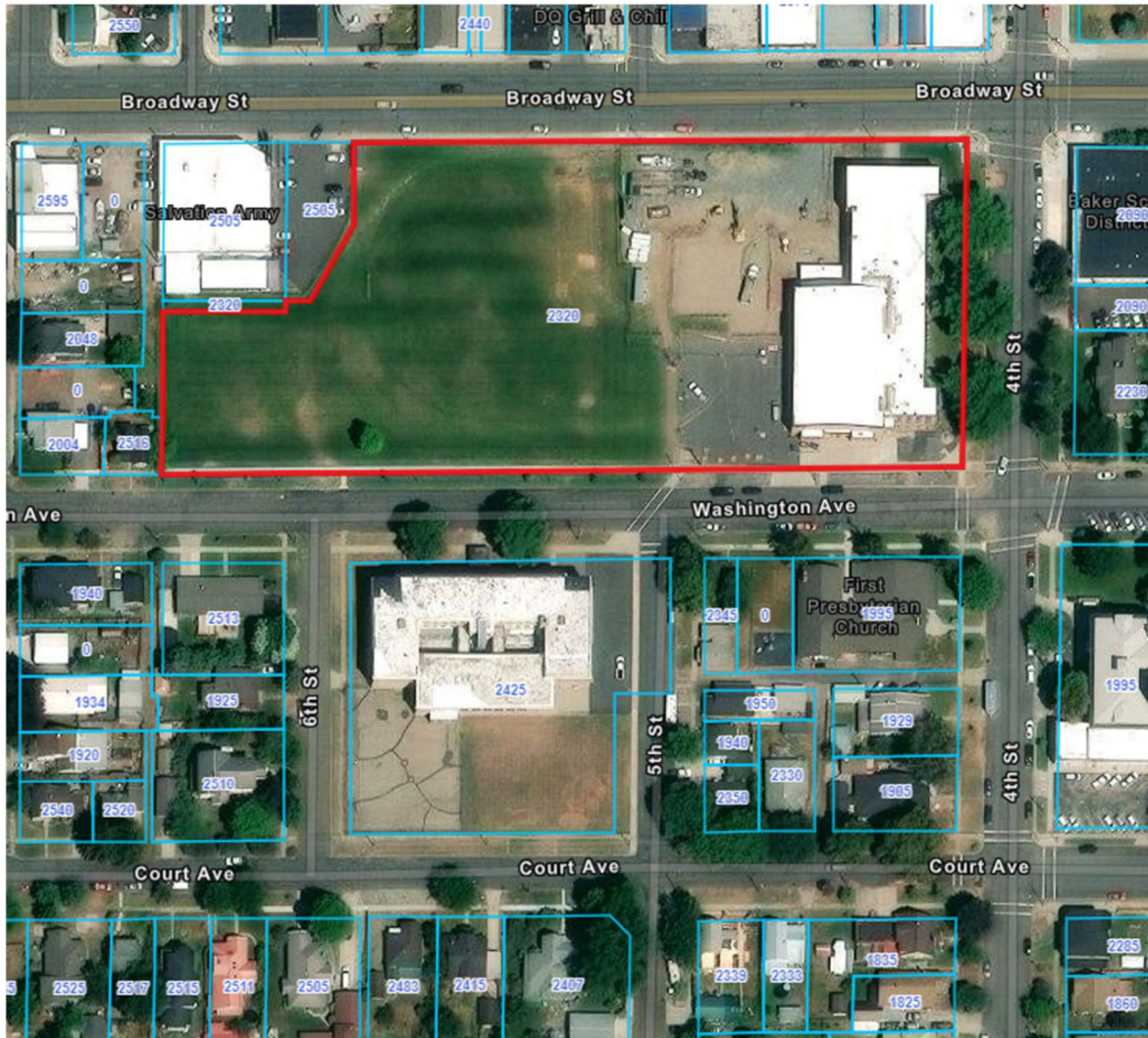
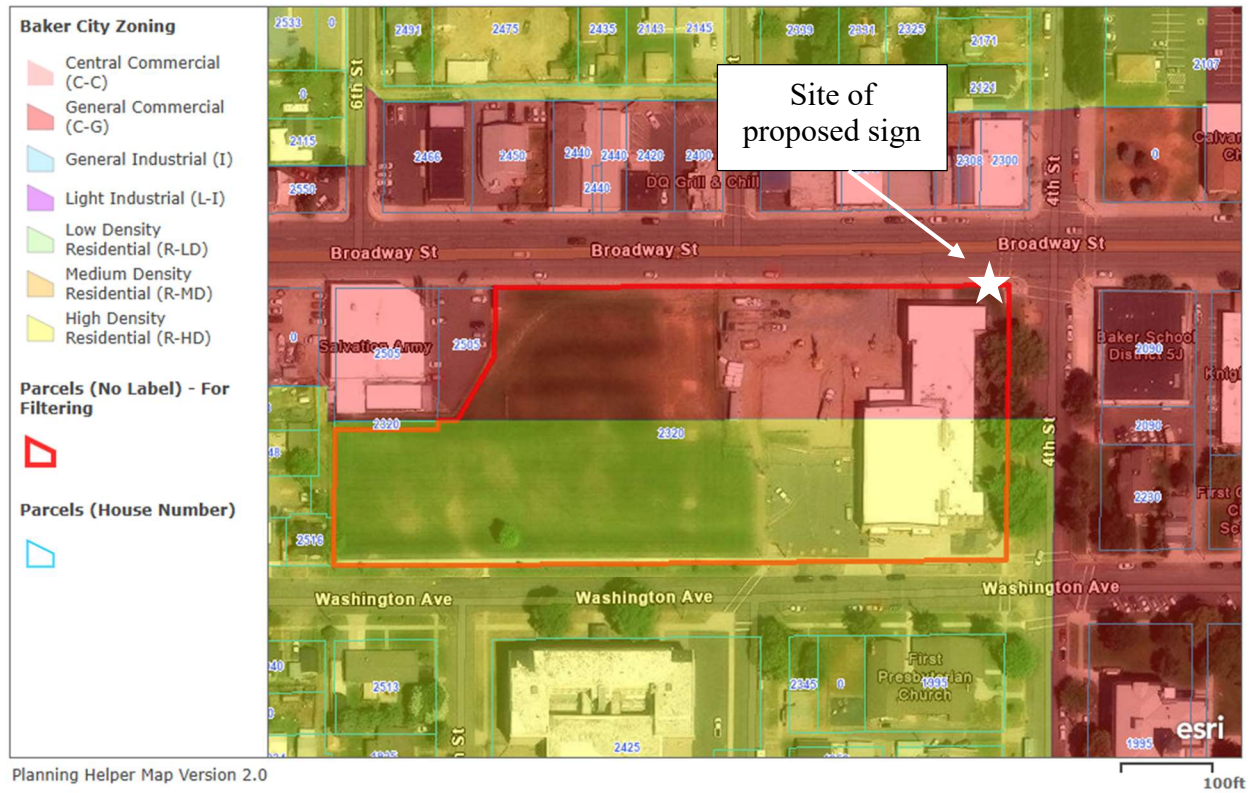


Exhibit C: Google Street View of Subject Property

Tax Lot 100 in Section 17dc of Township 9 South, Range 40 East,
W.M., Baker County, Oregon (Ref. 2758)



Exhibit D: Baker City Zoning Map



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

Exhibit E: Application, Narrative and Plans

BAKER CITY-COUNTY PLANNING DEPARTMENT



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



4500
Planning Dept

PO 2502765

**APPLICATION FOR A
SIGN PERMIT**

App. No. CUP-25064 City Planning: 101-131-3-40-41 04
Received by: [Signature] Date Received: 4/29/2025
Fee Collected: \$450.00 Date Paid: 4/29/2025
Date Sent for Interdepartmental Review: _____

MAKE CHECKS PAYABLE TO: **BAKER COUNTY**

APPLICANT			PROPERTY OWNER		
Last Name	First	MI	Last Name	First	MI
<u>Wilde Amanda J</u>			<u>Baker School District SJ</u>		
Mailing Address			Mailing Address		
<u>2030 Washington Avenue</u>			<u>Hallgarth Casey</u>		
Physical Address			Physical Address		
<u>Same as above</u>			<u>2090 Fourth Street</u>		
City	State	Zip	City	State	Zip
<u>Baker City OR 97814</u>			<u>Baker City, OR 97814</u>		
Telephone			Telephone		
<u>541-524-2500</u>			<u>541-524-2260</u>		
Email			Email		
<u>amanda.wilde@bakernsd.org</u>			<u>Casey.hallgarth@bakernsd.org</u>		

PROPERTY INFORMATION

Township 09S Range 40 Section 17dc Tax Lot 100 Ref. 2758
Township _____ Range _____ Section _____ Tax Lot _____ Ref. _____
Property Address: 2320 Washington Street
Zone: C-G/RM Overlay: _____ Floodplain: ☐ YES ☒ NO Historic District: ☐ YES ☒ NO

PROPOSED SIGN INFORMATION

Sign Type: <u>Full Color LED Sign</u>	Sign Height: <u>7ft. 6" - total sign w/ stand</u>
Sign Area Dimensions (L, W): <u>8ft, 7ft 6"</u>	Sign Area: <u>4ft by 8ft</u> Illumination Type: <u>LED</u>
Detailed Location of Sign: <u>Corner of Broadway + Fourth - where current sign is located</u>	
Property Line Setbacks: Front: _____	Rear: _____ Side: _____ Side: _____

Sign Type: _____	Sign Height: _____
Sign Area Dimensions (L, W): _____	Sign Area: _____ Illumination Type: _____
Detailed Location of Sign: _____	
Property Line Setbacks: Front: _____	Rear: _____ Side: _____ Side: _____

Do other signs exist at site? yes If yes, state which type and size Our current reader board - not electronic - 12 ft tall - board itself 4 ft by 8 ft.

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

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

Applicant Signature: [Signature] Date: 2-11-25
 Property Owner(s) Signature: [Signature] Date: 4/21/2025
 _____ 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.

Baker Middle School
2520 Washington Avenue
Baker City, Oregon 97814



541-524-2500
www.bakersd.org
amanda.wilde@bakersd.org

Tuesday, February 11, 2025

Dear Members of the Baker County Planning and Zoning Committee,

I am writing on behalf of the Baker School District 5J and Baker Middle School to request permission to install an electronic reader board in the current location of our old reader board. Electronic reader boards require an application for a sign permit as per zoning regulations; I sincerely urge the electronic reader board to be allowed to be included as part of Baker Middle School.

The current sign is old and needs updating. We have a non-electronic reader board, which is not aesthetically appealing. We have been in the process of improving the appearance and overall aesthetics of Baker Middle School and this upgrade would help with that goal.

Our application includes updating the old sign with an electronic reader board. The proposed sign would be in two parts. The top part would show Baker Middle School with our logo and the bottom part would show the electronic message. The sign would be LED illuminated.

We hope that you approve our application and that you agree that this upgrade will be aesthetically pleasing to the entire community.

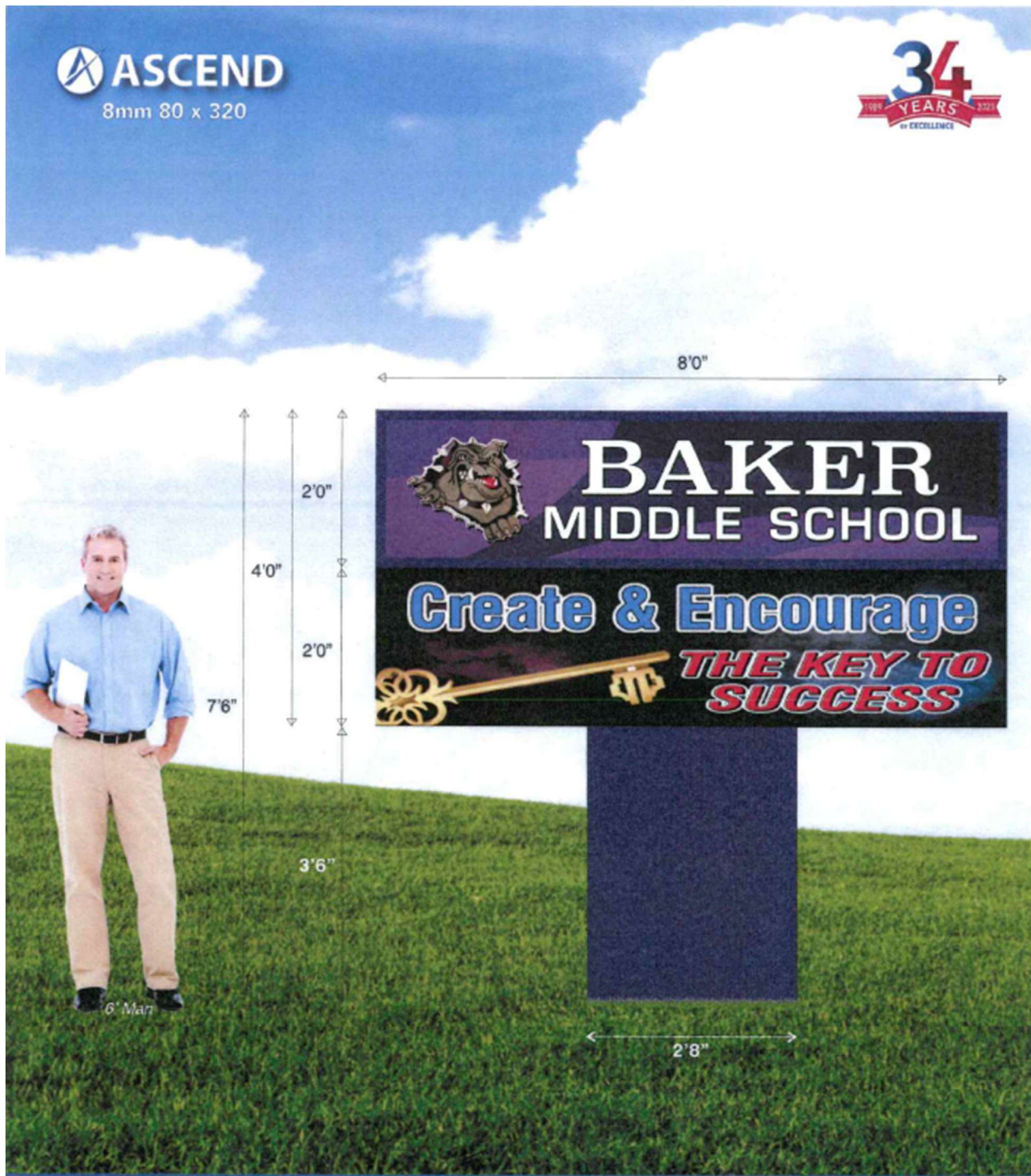
Thank you for your consideration.

Amanda Wilde
Baker Middle School, Principal

Casey Hallgarth,
Baker School District 5J, Superintendent



8mm 80 x 320



Reference #: sk-144855-1

Product Manager: Mark

Date: May 11, 2023

D Face Vinyl: Digital Print

D Cabinet & Mount Color: PMS268c Purple

LED Display: Full Color



SIGNS PLUS

NEW IDEAS-NEW TECHNOLOGY, INC.

800-848-4262

info@SignsPlusSigns.com

www.SignsPlusSigns.com



APPROVAL

DATE

PRINT NAME

SIGNATURE

A FAX SIGNATURE IS BINDING UPON BOTH PARTIES

Custom artwork by Signs Plus is provided as an example and is not intended to represent an exact match for ink, vinyl, paint or LED colors. With the exception of our Polymarmor products, masonry and brickwork are not included in the proposed quote. Measurements shown are approximations and final product dimensions may vary. Original Signs Plus design - reproduction is prohibited.



NEW IDEAS - NEW TECHNOLOGIES, INC.
4242 McIntosh Ln., Sarasota, Florida 34232
t. 800-848-4262 f. 941-378-4062

Baker Middle School
2320 Washington Ave
Baker City OR 97814
Attention: Hannah Hensley
541-524-2500

Mark George
Sr. Product Manager
Mark@SignsPlusSigns.com
Quote #: 144855-1
Date: May 9, 2023

Qty	Description
1	8mm Ascend LED Sign: Double Sided 4' 0" x 8' 0" (HxW) - Active LED Screen Size of 2' 0" x 8' 0" (HxW) with a Pixel Matrix of 80x 320 - High Resolution with 25,600 Pixels Per Side, in a Double Sided Configuration - 1' x 2' Self-contained Aluminum Modular System Replaces Traditional LED Cabinet - Display Text, Graphics, Images, and Video Clips - Brightness, up to 10,000 Nits, Average LED Life: 100,000 Hours - Fully Sealed & Waterproof Aluminum LED Panels, IP67 Rated, Front & Back - 6-YEAR Limited Warranty & 10-YEAR Part Availability for LED Panels. Refer to Warranty Document for Complete Details. - Ascend Media Player, Always-on Cloud Based Software Included - Industrial Waterproof Controller, Quad-core Processor, 16 GB On-board Storage PLUS Cloud Storage - Remote Diagnostics - Lifetime In-house Tech Support Included - Remote Calibration for LED Panel Brightness - 100% Solid State System. Zero Moving Parts - LED Panels have No Internal Serviceable Parts - LED Panels Removeable with Quick & Easy Latch System - Bidirectional Data-flow Between LED Panels - Non-daisy Chained PRECISE POWER Control System - Fanless System with Solid Aluminum Heatsinks - 60 Frames per Second for Smoother & More Realistic Imaging - Image Refresh Rate >3,000 HZ for Reduced Motion Blur - 16.7 Quadrillion Colors (On Average the Human Eye can Distinguish 710 Million Colors) - 100 Levels of Auto Brightness Control - ISO 9001 Certified Factory Compliance: FCC Part 15 & ETL Double Sided 2' 0" x 8' 0" Identification Cabinet with Internal LED Illumination - All Aluminum with Welded Unitized Construction and Industrial Graffiti Resistant Finish - Unbreakable Polycarbonate Face(s) with Internal 3m Vinyl Graphics - Graphics, Colors, and Text per Customer Approved Artwork - Pedestal Mount: 3' 6" x 2' 8" (HxW); Overall Sign Height: 7' 6" - Entire Sign Engineered for 125mph Wind Load, Exposure B Electrical Requirements: 1 Circuit, 120-Volt, Max Draw: 14.6 Amps
1	Wireless Network Bridge - Sign Communication Requires Lines-of-Site Between Antennas with Distance up to 1,000 FT.
1	Freight Included
1	Installation per Signs Plus Installation Agreement (Form SIA-0422.2) Estimated Permit and Installation \$6500 not included in the total price. SALES TAX NOT INCLUDED

Prices are valid for 30 days. Unless otherwise noted in Special Instructions freight & applicable sales tax will be added to your invoice. Organizations exempt from sales tax must include exempt certificate with order.

Total Investment: \$26,293.00

Terms

Unless otherwise indicated in the buyer approved sign installation agreement, Form SIA-1020-B, sign permits, footers, sign erection, electrical service, electrical connection and planters or other decorative masonry or other structures are the responsibilities of the buyer. All signs subject to zoning and code per city/county. Signs Plus furnishes engineered footer drawings when applicable. Buyer acknowledges and agrees that any cancellation may result in charges that exceed the deposit. In the event of payment default disruptions of the LED display operation may occur. The Buyer is responsible for all collection costs incurred by Signs Plus, including but not limited to court costs, filing fees and attorney fees. All legal proceedings will be in Sarasota County, Florida. A 2% convenience fee applied to all credit card transactions.

Special Instructions

Please contact me if I can be of further assistance.

Here is the quote you requested.

Quote #: 144855-1
Date Quoted: May 9, 2023

Signs Plus New Ideas - New Technologies, Inc.
4242 McIntosh Lane - Sarasota, FL 34232 800.848.4262
www.SignsPlusSigns.com

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Approval / Authorization

I have read and fully understand the contents of this document and I agree to the stated terms and conditions.

Authorized Signature: _____

Title: _____ Date: _____

Customer:	Ship Sign To:	Invoice To:
Baker Middle School 2320 Washington Ave Baker City, OR 97814 US	Baker Middle School 2320 Washington Ave Baker City, OR 97814 US	Baker Middle School 2320 Washington Ave Baker City, OR 97814 US
Attention: Hannah Hensley 541-524-2500 hannah.hensley@bakersd.org	Attention: Hannah Hensley 541-524-2500 hannah.hensley@bakersd.org	Attention: Hannah Hensley 541-524-2500 hannah.hensley@bakersd.org

Quote #: 144855-1

Date Quoted: May 9, 2023

Signs Plus New Ideas - New Technologies, Inc.
4242 McIntosh Lane - Sarasota, FL 34232 800.848.4262
www.SignsPlusSigns.com

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Street View

Sign to be replaced



Scope of Work: Remove existing reader board and replace with new electronic reader board. There are no overhead power lines in the subject area, maintaining all horizontal and vertical clearance. The new sign would stay in the same location, which gives more than 1 foot from the property line. The landscaping around the sign would stay the same as pictured above, which is over 60% vegetation and is continuously maintained.

Zoning Map

Subject Property

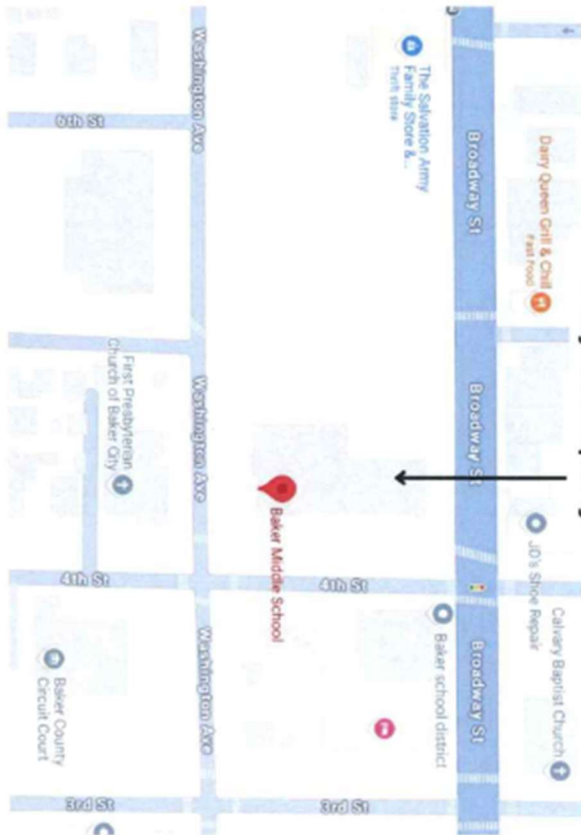


Exhibit F: Comments from Baker City Departments



RE: Pre Notice - Baker City Planning Application CUP-25-064

From Dawn Kitzmiller <buildingofficial@bakercity.gov>

Date Fri 5/30/2025 10:32 AM

To Paul King <pking@bakercity.gov>; Michael Carlson <firechief@bakercity.gov>; Joyce Bornstedt <bcpwdirector@bakercity.gov>; Danielle Schuh <PWAdirector@bakercity.gov>; Baker County Assessor's Office <assessors@bakercity.gov>; bakercountyedc <bakercountyedc@gmail.com>; tombozen <tomshrider@gmail.com>; Laura Klement <klem0129@gmail.com>; Ken Rockwell <knrbiz@thegeo.net>; aaron.d.still <aaron.d.still@gmail.com>; casalarisa <casalarisa@gmail.com>; Laurie Parry <owenslaurie88@gmail.com>; casey.hallgarth@bakersd.org <casey.hallgarth@bakersd.org>; betty.palmer@bakersd.org <betty.palmer@bakersd.org>; anthony.laeger@cngc.com <anthony.laeger@cngc.com>; matthew.uhlman@cngc.com <matthew.uhlman@cngc.com>; Johnson, Roger <roger.johnson@cngc.com>; micah.blank@cngc.com <micah.blank@cngc.com>; dustin.ingle@cngc.com <dustin.ingle@cngc.com>; citymanager@bakercity.gov <citymanager@bakercity.gov>

The Building Department has no objection to this installation. Permits and inspections may be required.

Dawn Kitzmiller
Building Official/Director Building Department
Baker City/County Building Department

541-524-2054 office

Hours: M-Th 7:30 – 5:00, F-7:30-Noon

Exhibit G: Comments from Oregon Department of Transportation



Oregon

Tina Kotek, Governor

Department of Transportation

District 13

3014 Island Avenue

La Grande, OR 97850

(541) 963-8406

FAX (541) 963-0249

June 3, 2025

VIA EMAIL: Pking@bakercountyor.gov

Paul King, Planner

Baker County & City Planning Department

1995 Third Street, Ste. 131

Baker City, Oregon 97814

RE: Proposed Digital Reader Board Sign for Baker 5J Middle School, CUP-25-064, Tax Lot 100 of Assessor's Map 09s40e17dc (Ref. 2758)

Good Afternoon Paul:

This purpose of this letter is to address the regulations around signs visible to any state highway. The proposed location of the digital reader board on the subject property is visible to Highway 066 (US 30), which is a state highway under the jurisdiction of ODOT.

All signs visible to a state highway are subject to some level of state sign regulation for safety or prohibited reasons. These include no moving or rotating parts or lights, they cannot resemble an official traffic signal or device, they cannot have lights that project onto the roadway or impede the sight of traveling motorists, and only official traffic signals and devices are allowed to be on or to overhang the state right of way.

To determine if a sign is considered an outdoor advertising sign, which would be heavily regulated and require a state sign permit, we look at two things: 1. **Location**-signs not at the site of some type of business or activity that is open to the general public 2. **Compensation**- If compensation is exchanged for either ad copy or for the right to place the sign at its location. If either of these criteria is met the sign is an outdoor advertising sign and requires a state sign permit.

If the sign will be at a business or a place open to the public (Baker Middle School) and no compensation is being exchanged for the message(s) or the right to place the sign, **it is not an outdoor advertising sign and does not require a permit through our office**, but the sign must still comply with all safety regulations and the prohibitions for the State.

Digital and LED signs may not flash, rotate, fade, scroll, simulate movement, or have moving parts. Sign messages must come all on and go all off at one time and must hold for at least 2 second. The lighting from signs may not be at levels that impedes the sight of motorists and may not project any light directly onto any portion of the state highway. They may not direct, or appear to direct the movement of traffic. Signs may not obstruct the view of traffic control signs or devices or approaching or merging traffic. Digital and LED signs may not operate at an brightness level of more than 0.3 foot-candles over ambient light, nor intensity greater than the luminance indicated in the table 1, as measured perpendicular to the face of the billboard at the indicated measurement distance for a designated sign dimension:

Illuminance (Brightness)	LED or Digital Sign Dimensions (ft.)	Measurement Distance	Luminance [Intensity measured in candelas per square meter (Cd./sq.M.)]
0.3 footcandles	Less than or equal to: 12 x 25	150	300
0.3 footcandles	Less than or equal to: 10.5 x 36	200	342
0.3 footcandles	Less than or equal to: 14 x 48	250	300

They must also be equipped with a light sensor that automatically adjusts the intensity of the sign illumination according to the amount of ambient light and must be designed to freeze the display in one static position, display a full black screen or turn off in the event of a malfunction.

Please do not hesitate to call me at 541-963-1331 if you have any questions. For your reference, these sign rules can be found in Oregon Administrative Rule (OAR 734-060.)

Respectfully,

Lisa Hayes
District 13 Operations Coordinator

BAKER COUNTY-CITY PLANNING DEPARTMENT



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

Email: planning@bakercountyor.gov

Phone: (541) 523-8219



STAFF REPORT to the PLANNING COMMISSION for a 9-PARCEL SUBDIVISION in the R-LD Zone - City Case No. SUB-25-071 (124-25-000167-PLNG)

Final Report Date: June 11, 2025

Report Prepared by: Madison Tomac, Senior Planner

Hearing Date: June 18, 2025

I. GENERAL INFORMATION AND FACTS

Applicant:	Atlas Land Use Consulting – Eva Henes 42692 Pocahontas Road Baker City, OR 97814
Property Owner:	Damschen LLC P.O. Box 604 Baker City, OR 97814
Land Use Review:	Preliminary plat evaluation for a 9-parcel subdivision called Idlewood Estates
Parcel Description:	±1.21 acres; Tax Lot 301 of Map 09s40e09d, W.M., Baker County, Oregon (Ref. 18566)
Site Address & Location:	None Assigned; South of Idlewood Drive, East of Birch Street
Land Use Zone:	Residential Low-Density (R-LD)
Existing Development:	Vacant
Special Flood Hazard Area:	This property is located in Zone X (outside of the floodplain) according to FEMA FIRM #41001C0385C, dated June 3, 1988
Wetlands:	Wetlands are not present on the subject property according to the 1995 National Wetlands Inventory Map for Baker, Oregon
Parcel Legally Created:	The subject property was legally created as Parcel 2 of Partition Plat 2022-002, recorded with the Baker County Clerk's Office on June 2, 2022.

II. NATURE OF REQUEST

Applicant, Atlas Land Use Consulting, on behalf of property owner, Damschen LLC, requests to subdivide property identified as Tax Lot 301 on Baker County Assessor's Map 09s40e09d (Ref 18566) to create 9 lots. Access to the development is proposed to be made available via a new 35-foot-wide public right-of-way along the south portion of the subject property off of Birch Street (Exhibit C).

A preliminary plat was submitted with the original application on May 28, 2025. This preliminary plat was circulated to affected City departments and other agencies for comment on May 29, 2025. At the time this report was written, no public comments had been received regarding this proposed development.

III. APPLICABLE ORDINANCE PROVISIONS

The Baker City Development Code (BCDC) requires subdivisions to be processed as a Type III procedure, which includes holding a public hearing before the Planning Commission makes a decision on the request. In determining whether to grant the application, the Planning Commission will use the preliminary plat approval criteria set forth in BCDC Section 2.2 – *Residential Land Use Zones*, along with Chapters 3.1 – *Access and Circulation*, 3.2 – *Landscaping, Street Trees, Fences & Walls*, 3.4 – *Public Facilities* and 4.3 – *Land Divisions & Property Line Adjustments*, as well as ORS Chapter 92 and the Baker City Comprehensive Plan.

IV. ANALYSIS OF CRITERIA & FINDINGS OF FACT

BCDC CHAPTER 2.2 - RESIDENTIAL LAND USE ZONES

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

DENSITY. *The minimum and maximum dwelling units per acre in the R-LD zone are 1.0 to 10.*

Recommended Findings: According to the application narrative and preliminary plat (Exhibit C), no development is proposed with this application; density will be addressed at the time of development proposal.

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

LOT AREA. *The R-LD Zone requires a minimum lot area of 3,000 square feet for a single-family attached dwelling.*

Recommended Findings: According to the application narrative and preliminary plat

(Exhibit C), proposed Lots 1-9 will accommodate single-family attached dwellings, with the lots measuring $\pm 3,750$ to $\pm 4,605$ square feet in size.

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

LOT DIMENSION. All residential zones require a minimum lot width of 20 feet, and a minimum lot depth of 40 feet for a single-family attached development.

Recommended Findings: According to the application narrative and preliminary plat (Exhibit C), proposed Lots 1-9 are proposed to accommodate single-family attached dwellings and measure a minimum of ± 39.02 feet in width and ± 81.97 feet in depth.

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

BUILDING HEIGHT...

LOT COVERAGE...

BUILDING/YARD SETBACK...

Recommended Findings: As no structures are proposed with this application, information relating to structure height, lot coverage and setbacks was not submitted.

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

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

Recommended Findings: The subject property is not located within a Special Flood Hazard Area, according to FEMA FIRM #41001C0385C, dated June 3, 1988. The subject property is not located within the Historic District. The subject property is located within the Interchange Overlay Zone. Wetlands are not present on subject property according to the 1995 National Wetlands Inventory Map for Baker, Oregon.

Conclusion: Based on the findings above, the proposed development **is/is not** subject to any additional restrictions imposed by a Special Flood Hazard Area, the Historic District, Interchange Overlay Zone or Department of State Lands Wetlands Inventory.

CHAPTER 2.5 – OVERLAY ZONES (INTERCHANGE OVERLAY ZONE)

Section 2.5.140 Development Standards. The following implement the access management and transportation facility improvement provisions of IAMP and are consistent with OAR 734-051. Subsection G is taken from OAR 734-051-3020 Change of Use of Private Connection (to a State Highway), as contained in Attachment 4. Development

standards shall be as provided in the underlying base zone, except as follows. The intent of the following provision is to maintain highway safety and operations while providing for reasonable use of private property...

2.5.160 Agency Coordination. *Land use and development applications shall be coordinated with reviewing agencies as follows:*

- A. The City shall consult the Oregon Department of Transportation (ODOT) on traffic impact study/analysis requirements when the site of the proposal is adjacent to or otherwise affects a State roadway.*
- B. The City shall provide written notification to ODOT once a land use application within the IAMP Management Area is deemed complete.*
- C. ODOT shall have at least 20 days, measured from the date notice to agencies was mailed, to provide written comments to the City. If ODOT does not provide written comments during this 20-day period, the City staff report may be issued without consideration of ODOT comments.*
- D. The City shall invite ODOT and the County to participate in a pre-application review for applications within an Interchange Management Area Plan (IAMP) Management Area or within a ¼-mile of any ODOT facility. Notice of actions requiring a public hearing shall be provided to ODOT at least twenty days prior to the date of the hearing.*

Recommended Findings: Notice was sent to ODOT on May 29, 2025. Comments from Lisa Hayes with ODOT state, “Although the subject tax lot is not directly adjacent to Hwy 006 (I84), it is within close proximity and visible to the state highway. If the property owner feels that some type of safety or noise barrier is needed due to highway traffic, that barrier would need to be installed on the subject property. As a reminder, all signs visible to a state highway are subject to some level of state sign regulation for safety or prohibited reasons. ODOT is responsible for enforcing those regulations. With this property being visible to I-84, ODOT would like to remind the land owner(s) that any advertising signs that can be seen from I-84 will have to follow those regulations.” (Exhibit E).

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

BCDC CHAPTER 4.3 – LAND DIVISIONS & PROPERTY LINE ADJUSTMENTS

BCDC Section 4.3.110 - General Requirements

A. Definitions.

1. *Subdivisions are the creation of four or more lots from one parent lot, parcel or tract, within one calendar year.*
2. *Partitions are the creation of three or fewer parcels within one calendar year.*

Recommended Findings: The proposed application requests the creation of a nine (9) lot subdivision from one parcel of land within one calendar year.

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

B. Subdivision, Partition and Re-Plat Approval Through Two-step Process. Applications for subdivision or partition approval shall be processed by means of a preliminary plat evaluation and a final plat evaluation, according to the following two steps:

1. *The preliminary plat must be approved before the final plat can be submitted for approval consideration; and*
2. *The final plat must include all conditions of approval of the preliminary plat.*

In addition to the standard procedures for the subdivision, partitioning or re-platting of land under this chapter there are alternative formats permitted under the Development Code. In particular, refer to Chapter 4.5 that deals with master planned developments, cove subdivision design, and technical assistance programs offered by the City. The following chart provides a brief comparison of the standard tract development and master planned options offered:

Recommended Findings: According to the application narrative, "A preliminary plat has been provided with this application" (Exhibit C).

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

C. Compliance with ORS Chapter 92. All subdivision and partition proposals shall conform to state regulations in Oregon Revised Statute (ORS) Chapter 92, Subdivisions and Partitions.

Recommended Findings: According to the application narrative, "This subdivision request has been compiled in conformance with ORS 92" (Exhibit C).

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

D. Future Re-Division Plan. When subdividing, partitioning or re-platting tracts into large lots (i.e., greater than three times or 300 percent the minimum lot size allowed by the underlying land use zone), the City shall require that the lots be of such size, shape, and orientation as to facilitate future re-division in accordance with the requirements of the land use zone and this Code...

Recommended Findings: According to the application narrative, “*All proposed lots exceed the minimum lot size required for townhome developments (3000 sf)*” (Exhibit C). As shown by the application, the lots are not proposed to be greater than three times or 300 percent the minimum lot size allowed by the Residential Low-Density (R-LD) Zone; therefore, a future re-division plan is not required.

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

- E. Lot Size Averaging.** *Single-family residential lot size may be averaged to allow lots less than the minimum lot size in Residential zones...*

Recommended Findings: According to the application narrative, “*No lot size averaging is requested*” (Exhibit C).

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

- F. Temporary Sales Office.** *A temporary sales office in conjunction with a subdivision may be approved as set forth in Section 4.9.100, Temporary Uses.*

Recommended Findings: According to the application narrative, “*No temporary sales office is proposed*” (Exhibit C).

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

- G. Minimize Flood Damage.** *All subdivisions, partitions and re-plats shall be designed based on the need to minimize the risk of flood damage. No new building lots shall be created entirely within a floodway...*
- H. Determination of Base Flood Elevation.** *Where a development site consists of five (5) or more acres or 50 or more lots...*

Recommended Findings: According to the application narrative, “*The properties are not located within an identified flood zone*” (Exhibit C).

Conclusion: The criteria are/are not applicable.

- I. Need for Adequate Utilities.** *All lots created through land division shall have adequate public utilities and facilities such as sewer, gas, electrical, and water systems. These systems shall be located and constructed to prevent or minimize flood damage, and to avoid impairment of the system and contamination from them during flooding.*

Recommended Findings: According to the application narrative, “*City sewer and water can be made available to all lots. All sewer and water infrastructure will be installed prior to recording of the final plat. Electricity, gas, and other utilities are available to all lots, upon extension of said utilities*” (Exhibit C). See findings for Article 3 below.

No comments had been received at the time this report was written regarding the adequacy of utilities.

See findings for Sections 3.4.500 and 3.4.700. All required utilities shall be designed, installed and inspected in accordance with Conditions of Approval #3, #4, #5, #6, #7, #8, #9, #10 and #11.

Conclusion: Based on the findings above, the criterion **can/cannot be** met in accordance with Conditions of Approval #3, #4, #5, #6, #7, #8, #9, #10 and #11.

J. Need for Adequate Drainage. All subdivision, partition and re-plat proposals shall have adequate surface water drainage facilities that reduce exposure to flood damage and improve water quality. Water quality or quantity control improvements may be required.

Recommended Findings: According to the application narrative, “Stormwater can be made available to all lots” (Exhibit C). See findings for Section 3.4.600. Approval of adequate storm water control by the Baker City Public Works Department is required prior to construction in accordance with Conditions of Approval #3 and #9.

Conclusion: The criteria **can/cannot** be met in accordance with Conditions of Approval #3 and #9.

K. Floodplain, Park, and Open Space Dedications...

Recommended Findings: According to the application narrative, “The properties are not located within an identified flood zone. No open space is proposed with this application” (Exhibit C). See findings for Article 3 below.

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

BCDC Section 4.3.115 - Flexible Lot Size; Flag Lots; Lots Accessed by Mid-Block Lanes

A. Flexible Lot Size...

Recommended Findings: According to the application narrative, “Flexible lot sizing is not requested with this application” (Exhibit C).

Conclusion: The criteria **are/are not** applicable.

B. Mid-block lanes and Reverse Frontage Lots...

Recommended Findings: According to the application narrative, “A mid-block lane and reverse frontage lots are not proposed with this application” (Exhibit C).

Conclusion: The criteria **are/are not** applicable.

C. Flag lots...

Recommended Findings: According to the application narrative, *"Flag lots are not proposed with this application"* (Exhibit C).

Conclusion: The criteria **are/are not** applicable.

D. Driveway and lane width. The minimum width of all shared drives and lanes....

Recommended Findings: According to the application narrative, *"No shared drive aisles are proposed with this application"* (Exhibit C).

Conclusion: The criteria **are/are not** applicable.

E. Easement and improvement of drive lane...

Recommended Findings: According to the application narrative, *"No easements are proposed with this application"* (Exhibit C).

Conclusion: The criteria **are/are not** applicable.

F. Maximum drive lane length. The maximum drive lane length is subject to requirements of the Uniform Fire Code, but shall not exceed 400 feet.

Recommended Findings: According to the application narrative, *"No drive lanes are proposed with this application"* (Exhibit C).

Conclusion: The criteria **are/are not** applicable.

G. Future street plans. Building placement and alignment of shared drives shall be designed so that future street connections can be made as surrounding properties develop (i.e., as shown in the Figure 4.3.115.B).

Recommended Findings: According to the application narrative, *"The proposed public right-of-way is stubbed at the northern property boundary in order to provide access to potential future development of the neighboring property"* (Exhibit C).

Conclusion: The criteria **are/are not** met.

BCDC Section 4.3.120 – Preliminary Plat-Approval Process

A. Review of Preliminary Plat. Review of a preliminary plat for a partition with 3 or fewer lots shall be processed with a Type II procedure, under Section 4.1.300. Preliminary plats for a subdivision with 4 or more lots shall be processed with a Type III procedure under

Section 4.1.400. All preliminary plats shall be reviewed using approval criteria in Section 4.3.140. An application for subdivision may be reviewed concurrently with an application for a Master Planned Development under Chapter 4.5.

- B. Review of Final Plat.** *Review of a final plat for a subdivision or partition shall be processed as a Type I procedure under Section 4.1.200, using the approval criteria in Section 4.3.160.*
- C. Preliminary Plat Approval Period.** *Preliminary plat approval shall be effective for a period of three (3) years from the date of approval. The preliminary plat shall lapse if a final plat has not been submitted within the 3-year period.*
- D. Modifications and Extensions.** *The applicant may request changes to the approved preliminary plat or conditions of approval following the procedures and criteria provided in Chapter 4.6 – Modifications...*
- E. Phased Development**

Recommended Findings:

- A. The preliminary plat for this subdivision request requires review as a Type III procedure as 9 lots are proposed (Exhibit C). The approval criteria in Section 4.3.140 are addressed below. A Master Planned Development is not proposed with this subdivision application.
- B. Review of the final plat will be processed as a Type I procedure, if the preliminary subdivision plat is approved.
- C. The preliminary plat for this subdivision request will be effective for a period of three (3) years from the date of approval, in accordance with Condition of Approval #1.
- D. Modifications and extensions shall be filed in accordance with procedures outlined in the Development Code, as necessary.
- E. The applicant has not proposed phased development of the subdivision at this time.

Conclusion: Based on the findings above, the criterion **can/cannot** be met in accordance with Condition of Approval #1.

BCDC Section 4.3.130 – Preliminary Plat – Submission Requirements

- A. General Submission Requirements.** *For all partitions of (3) or fewer lots, the application shall contain all of the information required for a Type II procedure under Section 4.1.300. For all subdivisions of (4) or more lots, the application shall contain all of the information required for a Type III procedure under Section 4.1.400.*
- B. Preliminary Plat Information.** *In addition to the general information described in Subsection A above, the preliminary plat application shall consist of drawings and supplementary written material (i.e., on forms and/or in a written narrative) adequate to provide the following information:*

Recommended Findings: A preliminary plat and supplementary information (Exhibit C) were submitted on May 28, 2025, Planning staff reviewed the entirety of this section and found that the submission requirements for this subdivision are adequate. The

preliminary plat for this subdivision request is being reviewed as a Type III procedure. The standards in Section 4.1.400 were found to be met. Prior to final plat approval, all required elements shall be shown on the final subdivision plat in accordance with Condition of Approval #12. All application materials are attached to this report.

Conclusion: Based on the findings above, the criteria **are/are not** met or **can/cannot** be met in accordance with Condition of Approval #12.

BCDC Section 4.3.140 – Preliminary Plat-Approval Criteria

A. General Approval Criteria. *The City may approve, approve with conditions or deny a preliminary plat based on the following approval criteria:*

1. *The proposed preliminary plat complies with the applicable Development Code sections and all other applicable ordinances and regulations. At a minimum, the provisions of this Article, and the applicable chapters and sections of Article 2 (Land Use Zones) and Article 3 (Design Standards) shall apply. Where a variance is necessary to receive preliminary plat approval, the application shall also comply with the relevant sections of Article 5;*

Recommended Findings: This report has been prepared to determine if the proposed subdivision request complies with all applicable sections of the Baker City Development Code. A variance is not requested with this application.

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

2. *The proposed plat name is not already recorded for another subdivision, and satisfies the provisions of ORS Chapter 92;*

Recommended Findings: According to the Baker County Clerk's Office (Exhibit D), "Nothing recorded in Baker County records." This was confirmed by Planning Department staff.

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

3. *The proposed streets, roads, sidewalks, bicycle lanes, pathways, utilities, and surface water management facilities are laid out so as to conform or transition to the plats of subdivisions and maps of major partitions already approved for adjoining property as to width, general direction and in all other respects. All proposed public improvements and dedications are identified on the preliminary plat;*

Recommended Findings: Information about the proposed 35-foot-wide public

street, sidewalks, utilities and water management facilities have been provided to the Planning Department either on the preliminary plat or in supplemental information (Exhibit C). The proposed 35-foot-wide public street along the south property line of the proposed lots will provide access to the proposed subdivision. No existing or proposed utility easements, public improvements or dedications are identified on the preliminary plat. All information shall be included on the Final Plat in accordance with Condition of Approval #12.

Conclusion: Based on the findings above, the criteria **are/are not** met or **can/cannot** be met in accordance with Condition of Approval #12.

4. *All proposed private common areas and improvements (e.g., homeowner association property) are identified on the preliminary plat; and*

Recommended Findings: According to the application (Exhibit C), there are no proposed private common areas or improvements that will be managed or operated by a homeowner association or other entity.

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

5. *Evidence that any required State and federal permits have been obtained, or shall be obtained before approval of the final plat;*

Recommended Findings: This property is located in Zone X (outside of the floodplain) according to FEMA FIRM #41001C0385C, dated June 3, 1988.

The Oregon Department of State Lands (DSL) regulates permits for wetlands in the State of Oregon; however, wetlands were not identified on the subject property. Staff did not identify other state or federal permits required to be obtained; however, all required state and federal permits shall be obtained before approval of the final plat, in accordance with Condition of Approval #2.

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

6. *Evidence that improvements or conditions required by the City, road authority, Baker County, special districts, utilities, and/or other service providers, as applicable to the project, have been or can be met; and*

Recommended Findings: According to the application narrative (Exhibit C), "All such requirements can and will be satisfied prior to recording of the final plat."

Evidence that all required modifications, improvements and conditions imposed by the City, road authority, Baker County, special districts, utilities, and/or other service providers, as applicable, shall be completed prior to or in conjunction with approval of the final plat, in accordance with all Conditions of Approval contained in Section VII of this report.

The subject property abuts Birch Street which is improved with asphalt mat only. A new 35-foot public street is proposed with this development to provide access to all proposed lots. According to the application narrative, *"This right-of-way includes a 5-foot-wide sidewalk on the northern bounds of the right-of-way, as well as a swale and a two-way, paved travel lane, as depicted in Figure 3.4.300(F)(10) of the BCDC. No on street parking is proposed with the right-of-way layout. Street trees are proposed to meet city standards and timing of plantings will be coordinated with the Baker City Tree Board and the Baker City Public Works Department"* (Exhibit C). This right-of-way shall be installed to City standards and shall meet all Fire Code requirements, in accordance with Conditions of Approval #3, #4, #5, #6, #17, #23, and #25.

City sewer and water shall be installed to city standards, in consultation with the Baker City Public Works Department, in accordance with Conditions of Approval #3, #4, #5.

In the area, power service is provided by Oregon Trail Electric Cooperative; natural gas service is provided by Cascade Natural Gas; cable television service is provided by Charter Communications; and phone service is provided by Century Link. BCDC Section 3.4.500 requires extension of utility services to be installed underground, which shall be required in accordance with Condition of Approval #7.

Documentation from a licensed engineer shall be provided to certify that all public improvements have been completed in conformance with city standards, in accordance with Condition of Approval #8.

Conclusion: Based on the findings above, the criterion **can/cannot** be met in accordance with all Conditions of Approval contained in Section VII of this report.

7. *If any part of the site is located within a previously approved Master Planned Development, it shall conform to the applicable regulations and/or conditions.*

Recommended Findings: According to the application narrative (Exhibit C), this project is not part of any known previously approved Master Planned Development. Planning Department staff confirmed this statement.

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

8. *No lots that are created by a Type II partition process of 3 lots or less may be further divided by a Type II process within five (5) years of initial recording. Said lots may only*

be divided within the five (5) year limit through a Type III procedure.

Recommended Findings: According to the application narrative (Exhibit C), “Parent parcel was created via partition in 2022 (22-002). Subdivision request requires Type III review procedure, regardless.” This project is not proposing to create any further partitions or subdivision through a Type II process.

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

B. Layout and Design of Streets, Blocks and Lots. All proposed blocks (i.e., one or more lots bound by public streets), lots and parcels conform to the specific requirements below:

1. *All lots shall comply with the lot area and dimensional requirements of the applicable land use zone (Article 2), and the standards of Section 3.4.300.H.4 - Street Connectivity and Formation of Blocks.*

Recommended Findings: The lot area and dimensional standards of *Article 2* are addressed on pages 2-4 of this report. The standards of *Section 3.4.300.H.4.* are addressed below.

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

2. *Setbacks shall be as required by the applicable land use zone (Article 2).*

Recommended Findings: No development is proposed with this subdivision request and the subject property is vacant. Setbacks criteria will be addressed at the time development is proposed.

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

3. *Each lot shall conform to the standards of Chapter 3.1 - Access and Circulation.*

Recommended Findings: The standards of *Chapter 3.1 – Access and Circulation* are addressed on pages 17 to 28 of this report.

Evidence that all required modifications, improvements and conditions imposed by the City, road authority, Baker County, special districts, utilities, and/or other service providers, as applicable, shall be completed prior to or in conjunction with approval of the final plat, in accordance with all Conditions of Approval contained in Section VII of this report.

Conclusion: Based on the findings above, the criterion **can/cannot be met** by

meeting all Conditions of Approval contained in Section VII of this report.

4. *Landscape or other screening may be required to maintain privacy for abutting uses. See Article 2 - Land Use Zones, and Chapter 3.2 - Landscaping.*

Recommended Findings: Landscape and screening requirements in Chapter 3.2 are addressed on pages 28 to 30.

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

5. *In conformance with the Uniform Fire Code, a 20-foot width fire apparatus access drive shall be provided to serve all portions of a building that are located more than 150 feet from a public right-of-way or approved access drive. See Chapter 3.1- Access and Circulation.*

Recommended Findings: According to the application narrative (Exhibit C), “No portion of the subject property is located more than 150 feet from a public right-of-way.” No comments had been received regarding these criteria from the Baker City Fire Department or State Fire Marshall at this time this report was written.

A 35-foot-wide public street is proposed on the south portion of the property to provide access to the 9-lot subdivision (Exhibit C).

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

6. *Where a common drive is to be provided to serve more than one lot, a reciprocal easement which will ensure access and maintenance rights shall be recorded with the approved subdivision or partition plat.*

Recommended Findings: A common drive is not proposed to serve more than one lot. A 35-foot-wide public street is proposed on the south portion of the property to provide access to the 9-lot subdivision (Exhibit C).

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

7. *All applicable engineering design standards for streets, utilities, surface water management, and easements shall be met.*

Recommended Findings: According to the application narrative (Exhibit C), “Engineering design standards for streets, utilities, surface water management, and easements shall be met prior to construction of said features.”

Conformance with all applicable engineering design standards for streets, utilities,

surface management, and easements shall be required, in accordance with Conditions of Approval #3, #4, #5, #6, #7, #8, #9, #10, #11, #12, and #23.

Documentation from a licensed engineer shall be provided to certify that all public improvements have been completed in conformance with city standards, in accordance with Condition of Approval #8.

See findings for BCDC Sections 4.3.110 & 3.4.600.

Conclusion: Based on the findings above, the criterion **can/cannot** be met in accordance with Conditions of Approval #3, #4, #5, #6, #7, #8, #9, #11, #12 and #23.

- C. Conditions of Approval.*** *The City may attach such conditions as are necessary to carry out provisions of this Code, and other applicable ordinances and regulations, and may require reserve strips be granted to the City for the purpose of controlling access to adjoining undeveloped properties. See Chapter 3.4 (Public Facilities).*

Recommended Findings: The applicant will be required to comply with all Conditions of Approval included on pages 54-57 of this report.

Conclusion: Based on the findings above, the criterion **can/cannot be met** by complying with all Conditions of Approval of this report.

BCDC Section 4.3.150 - Variances Authorized. *Variances to the standards of this Chapter shall be processed in accordance with Chapter 5.1 - Variances. Applications for variances shall be submitted at the same time an application for land division or lot line adjustment is submitted, and the applications shall be reviewed together.*

Recommended Findings: No variances are requested with this subdivision application.

Conclusion: The criteria **are/are not** applicable.

BCDC Section 4.3.160 - Final Plat-Submission Requirements and Approval Criteria

- A. Submission Requirements.*** *Final plats shall be reviewed and approved by the City prior to recording with Baker County. The applicant shall submit the final plat within 3 years of the approval of the preliminary plat as provided by Section 4.3.120. Specific information about the format and size of the plat, number of copies and other detailed information can be obtained from the City Planning Official.*
- B. Approval Criteria.*** *By means of a Type I procedure, the City Planning Official and City Engineer shall review the final plat and shall approve or deny the final plat based on findings regarding compliance...*

Recommended Findings: The final plat shall conform to all submission requirements and approval criteria prior to recording.

If the requested subdivision is approved, Planning staff will ensure that the final plat submission requirements and approval criteria are met prior to recordation.

Conclusion: The criteria **are/are not** met or **are/are not** applicable.

BCDC Section 4.3.170 - Public Improvements Required. Before City approval is certified on the final plat, all required public improvements shall be installed, inspected, and approved. Alternatively, the subdivider/partitioner shall provide a performance guarantee, in accordance with Section 4.3.180.

BCDC Section 4.3.180 - Performance Guarantee

A. Performance Guarantee Required. When a performance guarantee is required under Section 4.3.170, the subdivider/partitioner shall file an assurance of performance with the City supported by one of the following...

Recommended Findings: Documentation from a licensed engineer shall be provided to certify that all public improvements have been completed in conformance with city standards, in accordance with Condition of Approval #8. No performance guarantee was requested by the applicant.

Conclusion: The criteria **can/cannot** be met in accordance with Condition of Approval #8.

BCDC Section 4.3.190 - Filing and Recording

A. Filing Plat with County. Within 60 days of the City approval of the final plat, the applicant shall submit the final plat to Baker County for signatures of County officials as required by ORS Chapter 92.

B. Proof of Recording. Upon final recording with the County, the applicant shall submit to the City a Mylar copy and 1 paper copy of all sheets of the recorded final plat. This shall occur prior to the issuance of building permits for the newly created lots.

C. Prerequisites to Recording the Plat

- 1. No plat shall be recorded unless all ad valorem taxes and all special assessments, fees, or other charges required by law to be placed on the tax roll have been paid in the manner provided by ORS Chapter 92;*
- 2. No plat shall be recorded until it is approved by the City Surveyor in the manner provided by ORS Chapter 92.*

Recommended Findings: If the requested subdivision is approved, the final plat will be required to be filed and recorded in accordance with this section.

Conclusion: The criteria **are/are not** met or **are/are not** applicable.

CHAPTER 3.1 – ACCESS AND CIRCULATION

BCDC Section 3.1.200 – Vehicular Access and Circulation

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

Recommended Findings: The proposed development includes the creation of 9 lots through the subdivision process; therefore, the standards in this chapter apply.

According to the application narrative (Exhibit C), “a 35-foot-wide public street is proposed to serve this subdivision.” This public right-of-way is proposed to be named “Idlewood Drive”. Prior to development of this road, an access permit will be required to be obtained from the Baker City Public Works Department in accordance with Condition of Approval #19.

Upon future development of the proposed lots, access permits will be required for each driveway to “Idlewood Drive” in accordance with Condition of Approval #19. In accordance with BCDC Section 3.1.200(C), (F), (K) and (O), all future roads and driveways shall be designed, permitted and approved in coordination with the Baker City Public Works Department, upon future development of each lot and prior to installation in accordance with Condition of Approval #20.

Conclusion: Based on the findings above, the criterion **is/is not** met or **can/cannot** be met in accordance with Conditions of Approval #19 and #20.

- 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.*

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.*

Recommended Findings: 1) Neither a change in zoning nor a plan amendment is requested with this application.

2) No operational or safety concerns were raised by the local road authority at the time this report was written.

3) According to the *Trip Generation Manual, 9th Edition, Volume 2: Data by the Institute of Transportation Engineers*, single family attached housing (Residential Condominium/Townhouse) is expected to generate an average of ± 0.52 AVT on a weekday, PM peak hour. Up to two accessory dwelling units could also be built on each lot which is expected to generate an average of ± 1.02 AVT on a weekday, PM peak hour.

No development is proposed with this development, but based on proposed layout of the property, single family attached dwellings, and up to two

Accessory Dwelling Units may be proposed on the future lots. As such, twenty-seven (27) dwelling units (9 single family attached dwellings and 18 ADUs) could be proposed, which equates to a total of ± 23.07 AVT to the site per day.

In total, an average of ± 23.07 vehicle trips are expected to be generated by the development at full build-out. As one AVT equates to 10 average daily trips (ADT), a total of ± 230.07 ADT could be expected with this development. At this time, this application for a subdivision does not warrant a Traffic Impact Study, according to standards contained in Section 4.1.900.

If different development is proposed in the future, these criteria may be reevaluated at that time.

- 4) The proposed access to the subject property does not abut a state highway.
- 5) An increase in use of adjacent streets by vehicles exceeding the 20,000-pound gross vehicle weight by 10 vehicles or more per day is not expected with this development.
- 6) The application requests the location of proposed driveways to be determined at the time of development (Exhibit C), and spacing information for curb cuts and access points were not included with this application.
- 7) Backing into a public street from a driveway providing access to a single-family home is permitted according to subsection (F)(4) below.

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

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.*

Recommended Findings: No recommendation has been made for additional mitigation as a condition of approval for receiving an access permit. All Conditions of Approval contained in Section VII of this report are required to be met.

Conclusion: Based on the findings above, the criterion **can/cannot** be met in accordance with all Conditions of Approval outlined in Section VII of this report.

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...*
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 City may, at its 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 City 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 City, at its 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.

Recommended Findings:

- 1) Birch Street is identified as a collector street according to the Baker City Transportation System Plan (TSP). According to the application narrative, *“The nearest driveway within the proposed development to the Birch Street intersection is proposed to be a driveway serving Lots 1 and 2, which will be located approximately 125 feet to the east. Future development can and will meet all access spacing requirements of this section, with shared driveways proposed for most lots. All driveways within the development will be separated by a minimum of 67.5 feet. On Birch Street, the property immediately to the north of the subject property’s Birch Street frontage is accessed by one, undefined, 30-foot-wide driveway. Improvement of Birch Street and refinement of this driveway will improve access spacing and potential safety issues. The next nearest driveway is ±100 feet to the south”* (Exhibit C).
- 2) The subject property does not propose access to a state highway.
- 3) According to ArcGIS measurements, the nearest street intersection is ±100 feet from the intersection of proposed Idlewood Drive and Birch Street to the north (Exhibit B).
- 4) No development is proposed with this application, though future development has been discussed as single-family attached dwellings which allows backing onto a public street. These criteria will be further addressed when development is proposed.
- 5) No reduction in access point separation distance was requested with this application and none were identified as being necessary by staff.
- 6) Please see findings for subsections (1) and (3) above.

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

- 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.*

Recommended Findings: According to the application narrative (Exhibit C), *“a 35-foot-wide public street is proposed to serve this subdivision. This right-of-way includes a 5-foot-wide sidewalk on the northern bounds of the right-of-way, as well as a swale and a two-way, paved travel lane, as depicted in Figure 3.4.300(F)(10) of the BCDC. No on street parking is proposed with the right-of-way layout. Street trees are proposed to meet city*

standards and timing of plantings will be coordinated with the Baker City Tree Board and the Baker City Public Works Department.”

See findings for BCDC Section 3.1.300 below.

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

H. Joint and Cross Access – Requirement...

I. Joint and Cross Access – Reduction in Required Parking Allowed...

J. Joint and Cross Access – Easement and Use and Maintenance Agreement...

Recommended Findings: According to the application narrative (Exhibit C), “*Shared driveways are proposed between Lots 1 and 2, 3 and 4, 5 and 6, and 7 and 8.*” Information about the location of the shared driveways was not included with this application and will be further evaluated at the time of future development.

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

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 3.1.200K. 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.

Recommended Findings: According to the application narrative (Exhibit C), *“Lot 9 is proposed to be served by a 12-foot-wide driveway. Lots 1-8 are proposed to be served by a 24-foot-wide driveway. All driveways will be improved to meet the surfacing, dimension, and spacing standards outlined in the BCDC. Timing of driveway installation will be coordinated with the Baker City Public Works Department.”* No development is proposed with this Subdivision request. These criteria will be further evaluated at the time future development is proposed.

In accordance with BCDC Section 3.1.200(C), (F), (K) and (O), all future driveways shall be designed, permitted and approved in coordination with the Baker City Public Works Department, upon future development of each lot and prior to installation in accordance with Condition of Approval #20.

Conclusion: Based on the findings above, the criteria **can/cannot** be met in accordance with Condition of Approval #20.

- L. Fire Access and Turnarounds.** *Except as waived by the Fire Chief, a fire equipment access drive shall be provided for any portion of an exterior wall of the first story of a building that is located more than 150 feet from an existing public street or approved fire equipment access drive. The drive shall contain unobstructed adequate aisle width (14 or 20 feet depending on circumstances) and turn-around area for emergency vehicles (cul-de-sac, hammerhead, Y-turnaround or other similar alternative approved by the Fire Chief). The Fire Chief may require that fire lanes be marked as “No Stopping/No Parking.” For requirements related to cul-de-sacs or dead-end streets, please refer to Section 3.4.300.0.*

Recommended Findings: According to the application narrative (Exhibit C), *“All future development will be located within 150ft of a public right-of-way. A hammerhead is proposed on Lot 9. No future structures will be constructed within this dedicated turnaround until a public right-of-way is continued through the property to the north, providing through-access to the development. No parking will be permitted within the public right of way, with appropriate signage dictating such.”*

According to Google Streetview, the closest existing fire hydrant is located on Birch Street approximately ±180 north of the proposed new public street (Exhibit C). No comments from the Baker City Fire Department had been received at the time this report was written.

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

- 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, trees trunks and similar objects.

Recommended Findings: According to the applicant’s narrative, “vertical clearance standards will be met” and “vision clearance standards will be met with the creation of the public right-of-way” (Exhibit C). All future development shall meet the vertical and vision clearance standards in accordance with Condition of Approval #21.

Conclusion: Based on the findings above, the criteria **can/cannot be** met in accordance with Condition of Approval #21.

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.)*

Recommended Findings: 1) According to the application narrative (Exhibit C), “all private driveways will meet construction and surfacing standards as outlined in BCDC.” Surfacing of all private driveways and the proposed public right of way is required in accordance with Conditions of Approval #3, #5 and #10.

- 2) All proposed surface water facilities shall be constructed in conformance with Chapter 3.4 and applicable engineering standards, in accordance with Condition of Approval #5.
- 3) See findings for subsection 1) above. The application does not include locations for proposed driveway access to any lot. In accordance with BCDC Section 3.1.200(C), (F), (K) and (O), all future driveways shall be designed, permitted

and approved in coordination with the Baker City Public Works Department, upon future development of each lot and prior to installation in accordance with Condition of Approval #20.

Conclusion: Based on the findings above, the criteria **can/cannot** be met in accordance with Conditions of Approval #3, #5, #10 and #20.

BCDC Section 3.1.300 – Pedestrian Access and Circulation

A. *Site Layout and Design.* *To ensure safe, direct, and convenient pedestrian circulation, all developments shall provide a continuous pedestrian system. Pedestrian circulation will also be evaluated and provided for in industrial developments... 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 to the greatest extent practicable. 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 3.4.100, Transportation Standards.*

Recommended Findings: According to the application narrative (Exhibit C), “No development is proposed with this subdivision request. Within the proposed public right-of-way, a single sidewalk is proposed on the northern boundary. Pedestrian access to future development on each property will be provided from the sidewalk and hard-surfaced driveways...”

Currently, sidewalk exists along Birch Street to the southern boundary of the proposed public right-of-way. The Baker City TSP designates Birch Street as a Planned future connection.

All sidewalks are required to be installed in conformance with City standards, in accordance with Conditions of Approval #3, #5, #8, #11, and #12.

Conclusion: Based on the findings above, the criteria **can/cannot** be met in accordance with Conditions of Approval #3, #5, #8, #11, and #12.

2. **Safe, Direct, and Convenient.** *Walkways and, where applicable, multi-use paths within developments shall provide safe, reasonably direct, and convenient 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. **Reasonably direct.** *A route that does not deviate unnecessarily from a straight line*

or a route that does not involve a significant amount of out-of-direction travel for likely users.

- b. Safe and convenient. A route that is reasonably free from hazards and provides a reasonably smooth and consistent surface and direct route of travel between destinations. The Planning Director or other city decision body may require landscape buffering between walkways and adjacent parking lots or driveways to mitigate safety concerns.*
- c. "Primary entrance" for commercial, industrial, mixed use, public, and institutional buildings...*
- d. "Primary entrance" for residential buildings is the front door (i.e., facing the street). For multifamily buildings...*

Recommended Findings: According to the application narrative (Exhibit C), *"No development is proposed with this subdivision request. Within the proposed public right-of-way, a single sidewalk is proposed on the northern boundary. Pedestrian access to future development on each property will be provided from the sidewalk and hard-surfaced driveways."*

Currently, sidewalk exists along Birch Street to the southern boundary of the proposed public right-of-way. The Baker City TSP designates Birch Street as a Planned future connection.

All sidewalks are required to be installed in conformance with City standards, in accordance with Conditions of Approval #3, #5, #8, #11, and #12.

Conclusion: Based on the findings above, the criteria **can/cannot** be met in accordance with Conditions of Approval #3, #5, #8, #11, and #12.

- 3. Connections Within Development. Connections within developments shall be provided as required in subsections a-c, below...*

Recommended Findings: According to the application narrative (Exhibit C), *"No development is proposed with this subdivision request..."*

No on-site parking areas, storage areas, recreational facilities, common areas or large parking areas are proposed with this development.

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

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 accessway 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 3.4.100 - 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 Section 3.4.100.F and be constructed of asphalt, concrete, or other all-weather surface as approved by the Public Works Director.*

Recommended Findings: B1) As proposed, the application includes the voluntary development of sidewalks (Exhibit C). Sidewalks are required to be installed to City standards prior to recording of the final plat, in accordance with Conditions of Approval #3, #5, #8, #11, and #12.

B2) No crosswalks are proposed with this application. No crosswalks were deemed necessary to provide continuous pedestrian access.

B3) See findings for subsection (1) above. Additional width for the proposed sidewalks was not determined to be necessary in this area by the Baker City Public Works Department.

B4) All walkways shall comply with applicable Americans with Disabilities Act (ADA) requirements in accordance with this section and Condition of Approval #11.

C) Multi-use paths required by the TSP were not identified in the area of the subject

property.

Documentation from a licensed engineer shall be provided to certify that all public improvements have been completed in conformance with city standards, in accordance with Condition of Approval #8.

See findings for BCZO Section 3.4.200 below for public improvement requirements.

Conclusion: Based on the findings above, the criteria **can/cannot** be met in accordance with Conditions of Approval #3, #5, #8, #11, and #12.

BCDC Chapter 3.2 — Landscaping, Street Trees, Fences and Walls

BCDC Section 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.

Recommended Findings: Planning Department staff did not identify any significant vegetation on the subject property.

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

BCDC Section 3.2.300 – Landscaping

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

Recommended Findings/Conclusion: This application is not subject to site design review; therefore, based on the findings above, the criteria **are/ are not** applicable.

BCDC Section 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.

Recommended Findings: The locations of street trees are not depicted on the preliminary plat. The application is a Subdivision request which requires street trees to be installed. According to the application narrative (Exhibit C), “Street trees are proposed to meet city standards and timing of plantings will be coordinated with the Baker City Tree Board and the Baker City Public Works Department.”

A new 35-foot-wide public street is proposed to serve this subdivision (Exhibit C). There are currently no street trees located on this property. The application is proposing a public right-of-way which will have ±366 feet of frontage along 6 proposed lots, which does not exclude the frontage along the pre-existing lot at 785 Birch Street (Exhibits A, C and D). Street trees are not proposed with this application; however, using the maximum spacing requirement of 30 feet between trees, 12 trees can be required to be planted on the new “Idlewood Drive” right-of-way. The applicant shall coordinate with the Baker City Public Works Department to determine where street trees are required to be installed and to confirm the number of required street trees, not to exceed 12, in accordance with Condition of Approval #17.

Conclusion: Based on the findings above, the criteria **can/cannot** be met in accordance with Condition of Approval #17.

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

Recommended Findings: The construction of fences or walls was not included with this application.

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

BCDC CHAPTER 3.3 — PARKING AND LOADING

BCDC Section 3.3.200 – Applicability. All developments subject to development review and site design review (Chapter 4.2), including development of parking facilities, shall comply with the provisions of this Chapter.

Recommended Findings: As the application does not require development or site design review, automobile and bicycle parking standards were not evaluated for this application.

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

BCDC Section 3.3.500 – Loading Areas

- B. *Applicability.*** *Section 3.3.500 applies to residential projects with 50 or more dwelling units, and non-residential and mixed-use buildings with 20,000 ft² or more total floor area.*

Recommended Findings: As the application does not include the construction of dwelling units, loading area standards were not evaluated for this application.

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

BCDC CHAPTER 3.4 — PUBLIC FACILITIES

BCDC Section 3.4.100 – Purpose and Applicability

- A. *Purpose...***
- 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. 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.*

Recommended Findings: According to the supplemental application materials and application narrative (Exhibit C), the installation of missing infrastructure to connect all proposed lots to City sewer and water is proposed. As proposed, the application narrative states, “City sewer and water can be made available to all lots. All sewer and water infrastructure will be installed prior to recording of the final plat. Electricity, gas, and other utilities are available to all lots, upon extension of said utilities.” (Exhibit C).

A 35-foot-wide public right-of-way is proposed with this subdivision request along the southern boundary of the property. According to the application narrative (Exhibit C), “This right-of-way includes a 5-foot-wide sidewalk on the northern bounds of the right-of-way, as well as a swale and a two-way, paved travel lane, as depicted in Figure 3.4.300(F)(10) of the BCDC. No on street parking is proposed with the right-of-way

layout.”

Currently, sidewalk exists along Birch Street to the southern property line boundary of the subject property.

All infrastructure shall be constructed to City standards and shall be inspected and approved by the City prior to recording of the final plat, in accordance with Conditions of Approval #3, #4, #5, #6, #7, #8, #9, #10, #11, #12, and #13.

Evidence that all required modifications, improvements and conditions imposed by the City, road authority, Baker County, special districts, utilities, and/or other service providers, as applicable, shall be completed prior to or in conjunction with approval of the final plat, in accordance with all Conditions of Approval contained in Section VII of this report.

Conclusion: Based on the findings above, the criteria **can/cannot** be met, in accordance with all Conditions of Approval contained in Section VII of this report.

BCDC Section 3.4.200 – Public Improvements

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

Recommended Findings: According to the application narrative and preliminary plat (Exhibit C), access to the subdivision is proposed to be provided from a newly-created 35-foot-wide public right-of-way off of Birch Street, which is proposed along the southern side of the proposed lots.

According to the application narrative (Exhibit C), *“a 35-foot-wide public street is proposed to serve this subdivision... No development is proposed with this subdivision request. Within the proposed public right-of-way, a single sidewalk is proposed on the northern boundary. Pedestrian access to future development on each property will be*

provided from the sidewalk and hard-surfaced driveways..”

Currently, sidewalk exists along Birch Street to the southern property line boundary of the subject property.

Public improvements, including the proposed public street and sidewalk, shall be constructed to City standards and shall be inspected and approved by the City prior to recording of the final plat, in accordance with Conditions of Approval #3, #4, #5, #6, #7, #8, #9, #10, #12.

Documentation from a licensed engineer shall be provided to certify that all public improvements have been completed in conformance with city standards, in accordance with Condition of Approval #8.

Conclusion: Based on the findings above, the criteria **can/cannot** be met, in accordance with all Conditions of Approval contained in Section VII of this report.

BCDC Section 3.4.300 – Transportation Standards

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

- 1. All new lots created, consolidated, or modified through a land division, partition, lot line adjustment, lot consolidation, or street vacation must have frontage or approved access to a public street;*
- 2. Streets and sidewalks within or adjacent to a development that will increase vehicle or pedestrian traffic shall be improved in accordance with the Transportation System Plan, 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.

Recommended Findings: 1) According to the application narrative and preliminary plat (Exhibit C), access to the subdivision is proposed to be provided from a newly-created 35-foot-wide public street, which is proposed along the southern property line of the subject property. All lots are also proposed to directly abut this newly created “Idlewood Drive”.

- 2) Birch Street is currently developed with an asphalt street surface only fronting the subject property. According to the application narrative, “a 35-foot-wide public street is proposed to serve this subdivision. This right-of-way includes a 5-foot-wide sidewalk on the northern bounds of the right-of-way, as well as a swale and a two-way, paved travel lane, as depicted in Figure 3.4.300(F)(10) of the BCDC” (Exhibit C). These components must be constructed, inspected and approved prior to recording of the final plat, in accordance with Conditions of Approval #3, #4, #5, #6, #7, #8, #9, #10, #11, #12.
- 3) Documentation from a licensed engineer shall be provided to certify that all public improvements have been completed in conformance with city standards, in accordance with Condition of Approval #8.
- 4) Bike lanes are not proposed or required according to the Bike Projects Plan (Exhibit G).
- 5) The TSP does not designate a multi-use path adjacent to the proposed subdivision request.
- 6) According to the application narrative (Exhibit C), all public improvements are proposed to be installed prior to recording of the final plat.
- 7) Information about the paving surface material of the proposed right-of-way was not provided with this application. The proposed public right-of-way is required to be paved with asphalt, concrete or other all-weather surface approved by the Public Works Director, pursuant to BCDC Chapter 3.4 in accordance with Condition of Approval #10.

Conclusion: Based on the findings above, the criteria **are/are not** or **can/cannot** be met, in accordance with Conditions of Approval #3, #4, #5, #6, #7, #8, #9, #10, #11, and #12.

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 street improvements if one or more of the following conditions exist...*

Recommended Findings: A future improvement guarantee has not been requested with this application.

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

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.*

Recommended Findings: No waiver or deferral of required street or sidewalk improvements has been requested with this application.

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

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.*

Recommended Findings: According to the application narrative and preliminary plat (Exhibit C), “a 35-foot-wide public street is proposed to serve this subdivision. This right-of-way includes a 5-foot-wide sidewalk on the northern bounds of the right-of-way, as well as a swale and a two-way, paved travel lane, as depicted in Figure 3.4.300(F)(10) of the BCDC.. A hammerhead is proposed on Lot 9. No future structures will be constructed within this dedicated turnaround until a public right-of-way is continued through the property to the north, providing through-access to the development. No parking will be permitted within the public right of way, with appropriate signage dictating such”. An access easement is not proposed or required with this application.

This right-of-way shall be installed to City standards and shall meet all Fire Code requirements, in accordance with Conditions of Approval #3, #4, #5, and #10. Conformance with all applicable engineering design standards for public streets shall be required, in accordance with Conditions of Approval #5.

Documentation from a licensed engineer shall be provided to certify that all public improvements have been completed in conformance with city standards, in accordance with Condition of Approval #8.

Conclusion: Based on the findings above, the criteria **can/cannot** be met in accordance with Conditions of Approval #3, #4, #5, #8, and #10.

- 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.*

Recommended Findings: A variance has not been requested with this application.

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

- F. ***Street Location, Width, and Grade.*** *Except as noted below, the location, width and grade of all streets shall conform to the 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.*

Recommended Findings: This report has been completed to determine if the application conforms to all applicable standards contained or referenced within the Baker City Development Code. The extension of streets in the area of the subject property is not depicted within the Baker City Transportation Plan.

A 35-foot-wide public right-of-way is proposed on the applicant's preliminary plat (Exhibit C). According to the application narrative, "*a 35-foot-wide public street is proposed to serve this subdivision. This right-of-way includes a 5-foot-wide sidewalk on the northern bounds of the right-of-way, as well as a swale and a two-way, paved travel lane, as depicted in Figure 3.4.300(F)(10) of the BCDC. No on street parking is proposed with the right-of-way layout*" (Exhibit C).

This right-of-way shall be installed to City standards and shall meet all Fire Code requirements, in accordance with Conditions of Approval #3, #4, #5, and #10. Conformance with all applicable engineering design standards for public streets shall be required, in accordance with Conditions of Approval #5.

Documentation from a licensed engineer shall be provided to certify that all public improvements have been completed in conformance with city standards, in accordance with Condition of Approval #8.

Conclusion: Based on the findings above, the criteria **can/cannot** be met in accordance with Conditions of Approval #3, #4, #5, #8, and #10.

- 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, as generally 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...*

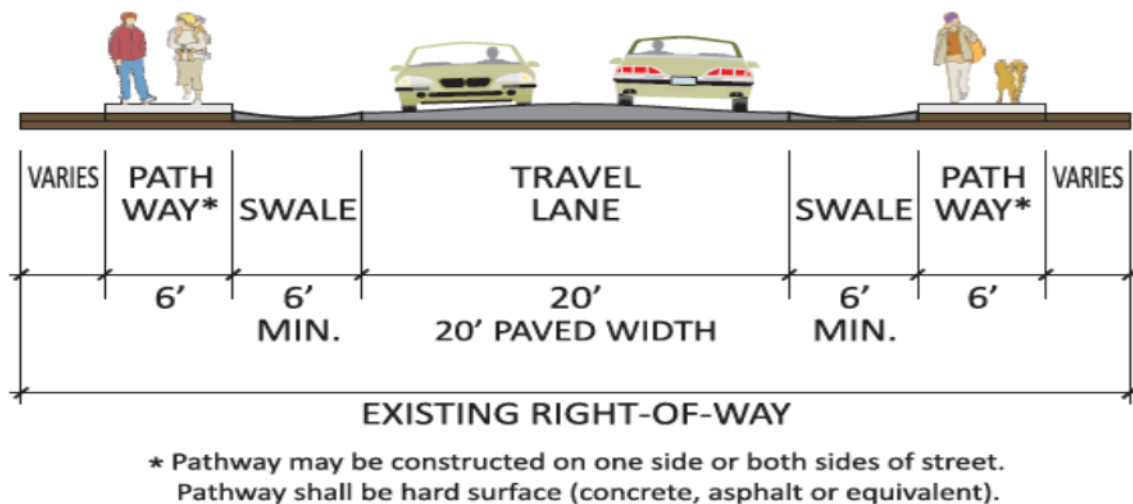


Figure 3.4.300.F(10) Improvement Option for Existing Unpaved Local Residential Street

Recommended Findings: A new street is proposed with this subdivision request. Half-street improvements are not requested nor required with this application. A 35-foot-wide public right-of-way is proposed on the applicant's preliminary plat (Exhibit C). According to the application narrative, "a 35-foot-wide public street is proposed to serve this subdivision. This right-of-way includes a 5-foot-wide sidewalk on the northern bounds of the right-of-way, as well as a swale and a two-way, paved travel lane, as depicted in Figure 3.4.300(F)(10) of the BCD. No on street parking is proposed with the right-of-way layout" (Exhibit C).

No comments had been received from Baker City Public Works regarding the development of the proposed "Idlewood Drive". Coordination with Public Works shall be

required and evidence that any required modifications, improvements and conditions imposed by the City and Uniform Fire Code shall be reflected on the final plat and constructed, inspected and approved prior to recording of the final plat, in accordance with Conditions of Approval #3, #5, #6, #12, #13, #16, #22 #23 and #24.

Documentation from a licensed engineer shall be provided to certify that all public improvements have been completed in conformance with city standards, in accordance with Recommended Condition of Approval #8.

Conclusion: Based on the findings above, the criterion **can/cannot** be met in accordance with Conditions of Approval #3, #5, #6, #8, #12, #13, #16, #22 #23 and #24.

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...
5. Access way Standards. Where a street connection in conformance with the maximum block length standards in subsection 4 is impracticable...

Recommended Findings: The subject property abuts developed land to the north, south, and west, as well as Interstate 84 to the east. Currently, the property only has

road frontage on Birch Street; however, a 35-foot-wide public street is proposed, “Idlewood Drive” to provide access to future development along the south side of the proposed parcels. See findings for Section 3.1.200. No continuation of streets or formation of blocks are required or requested with this development. The subject property does not abut any arterial streets and the subject property is less than 2 acres.

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

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.*

Recommended Findings: Traffic signals are not proposed with this development and comments relating to traffic signals were not provided by the Baker City Public Works Department. Coordination with Baker City Public Works Department is required to determine whether traffic signals and traffic calming features are warranted with this subdivision and if required, that these signals and features are properly installed in accordance with Condition of Approval #22.

Conclusion: Based on the findings above, the criterion **can/cannot** be met in accordance with Condition of Approval #22.

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)...*
1. *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.*

Recommended Findings: The subject property abuts developed land to the north, south, and west, as well as Interstate 84 to the east. Currently, the property only has road frontage on Birch Street; however, a 35-foot-wide public street is proposed, “Idlewood Drive” to provide access to future development along the south side of the proposed parcels. No other streets are identified in the Baker City Transportation System Plan for the immediate area.

No temporary streets are proposed. Coordination with Baker City Public Works Department is required prior to the installation of appropriate traffic signs and traffic calming features such as a “No Through Street” sign in accordance with Condition of Approval #22.

Conclusion: Based on the findings above, the criterion **can/cannot** be met in accordance with Condition of Approval #22.

K. Street Alignment, Radii, and Connections

- 1) Staggering of streets...*
- 2) Spacing between local street intersections...*
- 3) All local and collector streets that stub into a development site...*
- 4) Proposed streets or street extensions...*
- 5) Corner curb radii shall be at least 20 feet....*

Recommended Findings: See findings for subsection J above.

- 1) The proposed location of “Idlewood Drive” providing access to the proposed development creates a “T” intersection on Birch Street between the existing intersections of Birch and L Street and Birch and Idlewood Drive. See additional findings for subsection (3) below.*

- 2) The nearest intersections on Birch Street to the proposed new public street are located ± 100 feet to the north (Idlewood Drive) and ± 320 feet to the south (Exhibit B).
- 3) The development of a public street with a hammerhead turnaround is proposed with this application, providing access as a local street to each of the nine lots requested with this subdivision (Exhibit C). The subject property abuts Birch Street, from which this public street is proposed to provide access to the development. No other street currently abuts the subject property, and none are identified in the Baker City Transportation System Plan for the immediate area.
- 4) See finding for subsection (3) above.
- 5) Corner curb radii measurements was not included with this application. Corner curb radii shall be at least 20 feet unless approved by the Baker City Engineer and all shall be in accordance with Condition of Approval #24.

Conclusion: Based on the findings above, the criteria **are/are not** met or **can/cannot** be met in accordance with Condition of Approval #24.

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.*

Recommended Findings: According to the application narrative (Exhibit C), “a 35-foot-wide public street is proposed to serve this subdivision. This right-of-way includes a 5-foot-wide sidewalk on the northern bounds of the right-of-way, as well as a swale and a two-way, paved travel lane, as depicted in Figure 3.4.300(F)(10) of the BCDC. No on street parking is proposed with the right-of-way layout” (Exhibit C).

Currently, sidewalk does not exist on the subject property. The Baker City TSP *does not* designate sidewalk development on Birch Street adjacent to the subject property.

All proposed sidewalks are required to be installed in conformance with City standards, in accordance with Conditions of Approval #3, #5, and #11.

Documentation from a licensed engineer shall be provided to certify that all public improvements have been completed in conformance with city standards, in accordance with Condition of Approval #8.

Bicycle lanes are not proposed with this application and no bicycle lane is denoted in the Baker City TSP adjacent to the proposed subdivision.

Conclusion: Based on the findings above, the criterion **can/cannot** be met in accordance with Conditions of Approval #3, #5, #8 and #11.

M. Intersection Angles. *Streets shall be laid out so as to intersect at an angle as near to a right angle as practicable...*

Recommended Findings: According to the preliminary plat (Exhibit C), the proposed public street intersects Birch Street at a 90-degree angle. The development of a public street with a hammerhead turnaround is proposed with this application, providing access as a local street to each of the nine lots requested with this subdivision (Exhibit C). The subject property abuts Birch Street, from which this public street is proposed to provide access to the development. No other street currently abuts the subject property, and none are identified in the Baker City Transportation System Plan for the immediate area.

According to the application narrative (Exhibit C), *“a 35-foot-wide public street is proposed to serve this subdivision. This right-of-way includes a 5-foot-wide sidewalk on the northern bounds of the right-of-way, as well as a swale and a two-way, paved travel lane, as depicted in Figure 3.4.300(F)(10) of the BCDC. No on street parking is proposed with the right-of-way layout.”*

The applicant proposes installing these public improvements prior to dedication of the street to the public. These components shall be constructed, inspected and approved prior to recording of the final plat, in accordance with Conditions of Approval #3, #5, #6, #10, #12, #13, #17, #22, #23, and #24. Documentation from a licensed engineer shall be provided to certify that all public improvements have been completed in conformance with city standards, in accordance with Condition of Approval #8.

Conclusion: Based on the findings above, the criterion **can/cannot** be met in accordance with Recommended Conditions of Approval #3, #5, #6, #8, #10, #12, #13, #17, #22, #23, and #24.

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.*

Recommended Findings: No existing rights-of-way adjacent to the subject property were identified as needing to be upgraded with the proposed development.

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

O. Cul-de-sacs. *When cul-de-sacs are provided...*

Recommended Findings: According to the application, no cul-de-sacs are proposed with this subdivision.

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

P. Grades and Curves...

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.*

Recommended Findings: The subject property abuts Birch Street which is a developed public street. Information on Grades and Curves was not submitted with this application. The subject property is relatively flat with no grades exceeding 6 percent. Coordination with and approval from the Baker City Engineer shall be submitted to the Planning Department prior to submittal of final plat indicating that all curve radii and street grade criteria are met in accordance with Condition of Approval #24. No other streets are identified in the Baker City Transportation System Plan for the immediate area.

Street signs are not proposed with the application but shall be required in accordance with Condition of Approval #22.

Documentation from a licensed engineer shall be provided to certify that all public improvements have been completed in conformance with city standards prior to recording of the final plat, in accordance with Condition of Approval #8.

The proposed public right-of-way intersects with Birch Street, which is classified as a collector street.

Conclusion: Based on the findings above, the criterion **can/cannot** be met in accordance with Conditions of Approval #8, #22 and #24.

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.*

Recommended Findings: The subject property abuts Birch Street which is a developed public street. According to the application narrative (Exhibit C), *"a 35-foot-wide public street is proposed to serve this subdivision. This right-of-way includes a 5-foot-wide*

sidewalk on the northern bounds of the right-of-way, as well as a swale and a two-way, paved travel lane, as depicted in Figure 3.4.300(F)(10) of the BCDC. No on street parking is proposed with the right-of-way layout."

Any required curbs, curb cuts, ramps and driveway approaches will be constructed in accordance with standards set forth by the BCDC. These components shall be constructed, inspected and approved prior to recording of the final plat, in accordance with Conditions of Approval #3, #5 and #11.

The preliminary plat does not include locations for proposed driveway access to the proposed lots (Exhibit C). Based on this preliminary plat, adequate spacing seems to exist to allow for curb cut and driveway locations to be selected upon future development of Lots 1-9. In accordance with BCDC Section 3.1.200(C), (F), (K) and (O), all future driveways shall be designed, permitted and approved in coordination with the Baker City Public Works Department, upon future development of each lot and prior to installation as in Condition of Approval #20.

Documentation from a licensed engineer shall be provided to certify that all public improvements have been completed in conformance with city standards, in accordance with Condition of Approval #8.

No other streets are identified in the Baker City Transportation System Plan for the immediate area. Chapter 3.1 is addressed above.

Conclusion: Based on the findings above, the criterion **can/cannot** be met in accordance with Conditions of Approval #3, #5, #8, #11 and #20.

R. Streets Adjacent to Railroad Right-of-Way...

Recommended Findings: The subject property is not located within 100 feet of a railroad right-of-way.

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

S. Development Adjoining Arterial Streets. Where a development adjoins or is crossed by an existing or proposed arterial street...

Recommended Findings: The subject property does not abut an arterial street.

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

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.

Recommended Findings: No alleys are proposed with this application.

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

U. Private Streets...

V. Gated Communities...

Recommended Findings: No private streets or gated communities are proposed with this development.

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

W. Street Names...

Recommended Findings: According to the application narrative (Exhibit C), the proposed street will be named “Idlewood Drive.”

No comments were received from the Baker City Public Works Department regarding the proposed street name.

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

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.

Recommended Findings: According to the application narrative (Exhibit C), “a 35-foot-wide public street is proposed to serve this subdivision. This right-of-way includes a 5-foot-wide sidewalk on the northern bounds of the right-of-way, as well as a swale and a two-way, paved travel lane, as depicted in Figure 3.4.300(F)(10) of the BCDC. No on street parking is proposed with the right-of-way layout.”

Upon completion of street improvements, and prior to acceptance by the City, certification from a registered surveyor shall be provided to the City that all boundary and interior monuments shall be reestablished and protected, in accordance with Condition of Approval #13.

Conclusion: Based on the findings above, the criteria **can/cannot** be met in accordance with Condition of Approval #13.

Y. Street Signs...

Recommended Findings: A new public street is proposed with this subdivision

application (Exhibit C). A street sign is not proposed with this application; however, street signs (in coordination with and as determined by the Public Works Department) are required to be installed and meet applicable standards, in accordance with Condition of Approval #22. Street signs shall include, but are not limited to, a street name sign, a stop sign at the intersection of the proposed extension of Idlewood Drive and Birch Street, as well as a “*No Through Street*” sign at the same intersection.

Conclusion: Based on the findings above, the criteria **can/cannot** be met in accordance with Condition of Approval #22.

Z. Mail Boxes. Plans for mail boxes shall be approved by the United States Postal Service.

Recommended Findings: The location of proposed mail boxes, individual or group, were not included with this application. All mail boxes shall be approved by the United States Postal Service in accordance with Condition of Approval #18.

Conclusion: Based on the findings above, the criteria **can/cannot be** met in accordance with Condition of Approval #18.

AA. Street Light Standards. Street lights shall be installed in accordance with City standards.

Recommended Findings: New streetlights were not proposed by the applicant. Should street lights be required by Public Works, street lights shall be included on the final plat and installed in coordination with OTEC according to City standards, as required by Condition of Approval #25. Documentation from a licensed engineer shall be provided to certify that all public improvements have been completed in conformance with city standards, in accordance with Condition of Approval #8.

Conclusion: Based on the findings above, the criteria **can/cannot** be met in accordance with Conditions of Approval #8 and #25.

BCDC Section 3.4.400 - Public Use Areas

A. Dedication of Public Use Areas...

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.

Recommended Findings: Public use areas are not proposed with this development.

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

BCDC Section 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.

Recommended Findings: The preliminary plat indicates that water and sewer lines are found adjacent to the property within Birch Street right of way. No information was provided concerning how water and sewer will connect to each property. According to the application narrative, "City sewer and water can be made available to all proposed lots" (Exhibit C).

All utility easements shall be depicted on the final plat, in accordance with Condition of Approval #6 and #12. Water and sewer lines shall be made available to each of the proposed lots and shall be constructed to City standards and inspected and approved by the City prior to recording of the final plat, in accordance with Conditions of Approval #4, #5 and #12.

Conclusion: Based on the findings above, the criteria **can/cannot** be met in accordance with Conditions of Approval #4, #5, #6 and #12.

BCDC Section 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. Stormwater management shall be developed in accordance with the City's Stormwater 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.*

Recommended Findings: According to the application narrative (Exhibit C), “Storm water can be made available to all lots.”

No watercourses exist on the subject property. Information relating to the effect of potential future development on upstream and drainage, and culvert size and placement was not included in the application materials.

Approval by and coordination with the Baker City Public Works Department is required prior to construction and installation of any site and storm water drainage plans. These plans shall be approved and inspected by the City, in accordance with Conditions of Approval #5 and #9, prior to recording of the final plat.

Conclusion: Based on the findings above, the criteria **can/cannot** be met in accordance with Conditions of Approval #5 and #9.

BCDC Section 3.4.700 – Utilities

A. Underground Utilities

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

operating at 50,000 volts or above.

2. **Subdivisions.** *The following additional standards apply to all new subdivisions, 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.*

Recommended Findings: No development is proposed with this subdivision request. The location of proposed utilities was not included on the preliminary plat.

All proposed utilities shall be designed, installed and inspected in accordance with Condition of Approval #7.

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

BCDC Section 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.*

Recommended Findings: A 10-foot easement is depicted on the preliminary plat “for drainage by 70 21 047” for proposed lots 7, 8, and 9. No other utility or public facility easements are shown on the preliminary plat for water, sewer, storm water, electricity

or natural gas (Exhibit C). Any proposed easements shall be designed, installed and inspected in accordance with Conditions of Approval #4 and #6.

Any easements proposed for access shall be depicted upon the final plat as approved in this report, in accordance with Condition of Approval #12.

Documentation from a licensed engineer shall be provided to certify that all public improvements have been completed in conformance with city standards, in accordance with Condition of Approval #8.

Conclusion: Based on the findings above, the criteria **can/cannot** be met in accordance with Conditions of Approval #4, #6, #8 and #12.

BCDC Section 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 4.2.4, Site Design Review, and Section 4.3.180, Land Divisions.

Recommended Findings: The application proposes the construction and installation of all public improvements prior to final plat approval.

All proposed public facility improvements and utilities shall be designed, installed and inspected in accordance with Conditions of Approval #3, #4, #5 and #12.

Documentation from a licensed engineer shall be provided to certify that all public improvements have been completed in conformance with city standards, in accordance with Condition of Approval #8.

Conclusion: Based on the findings above, the criteria **are can/cannot** be met in accordance with Conditions of Approval #3, #4, #5, #8 and #12.

BCDC Section 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.*

Recommended Findings The application proposes the construction and installation of all public improvements prior to final plat recording.

All proposed public facility improvements and utilities shall be designed, installed and inspected in accordance with Conditions of Approval #3, #4, #5 and #12.

Documentation from a licensed engineer shall be provided to certify that all public improvements have been completed in conformance with city standards, in accordance with Condition of Approval #8.

Work shall not begin until the City has been notified in advance in writing in accordance with Condition of Approval #14. If work within the public right-of-way of D or 9th Streets is discontinued for more than six months, it shall not be resumed until the City is notified in writing in accordance with Condition of Approval #15. The developer shall warranty all improvements for one year in accordance with Condition of Approval #16.

Conclusion: Based on the findings above, the criteria **are can/cannot** be met in accordance with Conditions of Approval #3, #4, #5, #8, #12, #14, #15 and #16.

V. SUMMARY CONCLUSIONS & PLANNING COMMISSION DECISION

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

A subdivision may be allowed if the request meets all applicable criteria and standards. The application **HAS/HAS NOT** demonstrated that this request for a subdivision creating nine (9) parcels in the Residential Low-Density (R-LD) Zone meets, or is able to meet through conditions of approval, all of the applicable review criteria and development standards.

Therefore, based on the information contained in Sections I through IV of this report, and the above review criteria, findings of fact, and conclusions and public testimony received, the preliminary plat for subdivision request, SUB-25-071, is hereby **APPROVED/DENIED**, subject to the conditions contained in Section VII of this report.

This approval/denial is solely based upon the material provided with the application and the applicable sections of the Baker City Development Code being met and does not imply satisfaction of any other laws or regulations.

VII. RECOMMENDED CONDITIONS OF APPROVAL

1. **Approval Period.** Preliminary plat approval shall be effective for a period of **THREE YEARS** from the date of this decision. The preliminary plat approval shall lapse if a final plat has not been submitted within the 3-year period. The Planning Official may grant an extension of the approval period, not to exceed one year, provided that the extension request is in conformance with the requirements in BCDC Section 4.3.120(D).
2. **Other.** All other city and state regulations pertaining to this development shall be met.
3. **Public Facility Improvements.** All public facilities shall be constructed and installed in accordance with City standards prior to approval of the final plat.
4. **Sewer & Water.** City sewer and water shall be installed within existing or proposed easements, in coordination with the Baker City Public Works Department. These easements shall be included on the final plat prior to approval of the final plat. Connection to these City sewer and water lines shall be made available to each proposed lot. All installation requirements must be met as required by Baker City Development Code Chapter 3.4.800. 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.
5. **Engineering Design Standards.** All applicable engineering design standards for right of ways, utilities, surface water management, grading and easements shall be met prior to recording of the final plat. 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.

6. **Utility Easements.** All utility easements shall be designed in accordance with City standards and shall be depicted on the final plat.
7. **Underground Utilities.** Extension of power, cable, gas, and phone service to all proposed lots shall be installed underground, as needed, in accordance with installation requirements as required by Baker City Development Code Chapter 3.4.800.
8. **Engineer's Certification and As-Built Plans.** A licensed 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.
9. **Storm Drainage.** A stormwater plan shall be submitted to and approved by the Baker City Public Works Department prior to final plat approval. The City shall issue a development permit only where adequate provisions for storm water and floodwater runoff have been made. Stormwater management shall be developed in coordination with the Baker City Public Works Department and in accordance with the City's Stormwater Management Plan.
10. **Surface Options.** All on-site driveways, parking areas, aisles, and turnarounds, including the proposed 35-foot-wide public street and all future driveways shall 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. This surfacing material must be approved by the Baker City Public Works Department prior to installation. This requirement must be completed prior to submittal of final plat.
11. **ADA Compliance.** All proposed and required walkways adjacent to the proposed development 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. Appropriate signage and pavement markings are required in accordance with BCDC Section 3.3.300(D) and ADA requirements. Additional details regarding ADA-compliant ramp design shall be submitted to and approved by the Baker City Public Works Department prior to installation. This condition must be satisfied prior to filing of the final plat.

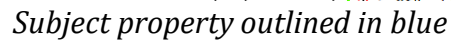
12. **Final Plat.** The identified elements not shown on the preliminary plat shall be included prior to final approval, including but not limited to utility easements, public facilities, etc. A final plat shall be submitted in conformance with *BCDC Section 4.3.160, Final Plat Submission Requirements and Approval Criteria*.
13. **Survey Monuments.** Upon completion of a street improvement and prior to acceptance of the final plat 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.
14. **Commencement.** Public improvements and utility work shall not begin until all City standards have been satisfied and the City has been notified in advance in writing.
15. **Resumption.** If work is discontinued for more than six months, it shall not be resumed until the City is notified in writing.
16. **Warranties.** The developer shall warranty all improvements for one year. Documentation of this warranty is required to be on file with the City prior to approval of the final plat.
17. **Street Trees and Planter Strips.** All street trees must be planted within 5 years of approval of the final plat. The construction of planter strips and the planting and maintenance of street trees shall be coordinated with the Baker City Public Works Department and shall conform to the standards and guidelines of BCDC Section 3.2.400, BCDC Section 3.4.100 and applicable requirements of the Baker City Tree Board (Baker City Code Chapter 94).
18. **Mailboxes.** Plans for mail boxes shall be approved by the United States Postal Service.
19. **Access Coordination with Public Works.** Coordination with Baker City Public Works Department is required to obtain applicable permits for the requested 35-foot-wide "Idlewood Drive" and any future driveways on the proposed "Idlewood Drive". All future accesses shall meet spacing requirements as required by the Public Works Department. The applicant shall also coordinate with Public Works to determine whether existing curb cuts will need to be closed or consolidated.
20. **Future Driveways.** All future driveways shall be designed, permitted and approved to meet the standards outlined in BCDC Section 3.1.200 in coordination with the Baker City Public Works Department, upon future development of each lot and prior to installation.
21. **Vertical & Vision Clearance.** Driveways shall have a minimum vertical clearance of 13'6" for their entire length and width. 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.

- 22. Street Signs, Traffic Signals, and Traffic Calming Features.** The selected street name of "Idlewood Drive" shall be approved by the Baker City Public Works Department prior to construction. The City shall install all signs for street names. The cost of signs and installation of signs required for new development shall be the responsibility of the applicant and/or developer. Street name signs shall be installed at the intersection of the Birch Street and the proposed right-of-way. 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. Coordination with the Baker City Public Works and Fire Departments is required to determine whether traffic signals, and traffic calming measures such as a "No Through Street", or "No Parking" signs are necessary to be placed at the entrance of the development where it leaves Birch Street or along the proposed right-of-way. The installation of a stop sign is required at the intersection of Birch Street and the proposed Idlewood Drive. All required signage shall be installed prior to approval of the final plat. Installation shall be to city standards and shall be coordinated with the Public Works Department.
- 23. Fire Hydrants, Fire Access and Turnarounds.** Coordination with the Baker City Fire Department is required to ensure all fire access and turnarounds are maintained and kept clear in case of an emergency. This may include but is not limited to the installation of a fire hydrant in coordination with the Baker City Fire and Public Works Departments, "No Parking" signs being reflected on the final plat and installed along Idlewood Drive leading to the proposed hammerhead turnaround, within the hammerhead turnaround, prior to approval of the final plat and acceptance of the public right-of-way by the City. The preliminary plat shall be submitted to the Baker City Planning Department for review, which will be completed in consultation with the Baker City Fire Chief and/or Deputy State Fire Marshal prior to approval.
- 24. Street and Corner Design.** Coordination with and approval from the Baker City Engineer shall be submitted to the Planning Department prior to submittal of final plat indicating that all street design criteria outlined in BCDC Section 3.4.300 – Transportation Standards are met.
- 25. Street Light Standards.** Street lights if proposed or required in the public right-of-way of Idlewood Drive shall be installed in coordination with OTEC and in accordance with City standards. The location of electrical conduit to serve proposed street lights shall be added to the final plat, prior to approval.

VII. EXHIBITS

Exhibit A	Assessor's Map of Subject Property
Exhibit B	ORMap Aerial View
Exhibit C	Application, Preliminary Plat and Supplemental Materials
Exhibit D	Plat Name Confirmation from the Baker County Clerk's Office
Exhibit E	Comments Submitted by Oregon Department of Transportation
Exhibit F	Excerpts from the Baker City Transportation System Plan

Tax Lot 301 in Township 9 South, Range 40 East, Section 09d,
W.M., Baker County, Oregon (Ref. 18566)



Tax Lot 301 in Township 9 South, Range 40 East, Section 09d,
W.M., Baker County, Oregon (Ref. 18566)



Exhibit C: Application, Preliminary Plat and Supplemental Materials

BAKER CITY-COUNTY PLANNING DEPARTMENT					
		1995 Third Street Suite 131 Baker City, OR 97814 Phone: (541) 523-8219 Fax: (541) 523-8340			
APPLICATION FOR REVIEW OF A PRELIMINARY PLAT			App. No. <u>SUB-25-071</u> City Planning: <u>101-131-3-40-4104</u> Received by: <u>MT</u> Date Received: <u>5/28/2025</u> Fee Collected: \$ <u>\$1200.00</u> Date Paid: <u>5/28/2025</u> <u>124-25-000167-PLNG</u>		
TYPE of APPLICATION			NUMBER OF PROPOSED LOTS		MAKE CHECKS PAYABLE TO: BAKER COUNTY PLANNING
☐ Re-Plat ☒ Subdivision ☐ Partition			☐ 1 ☐ 3 ☐ Other: <u>9 lots</u> ☐ 2 ☐ 4		
APPLICANT			PROPERTY OWNER		
Atlas Land Use Consulting (Eva Henes)			Damschen, LLC		
Last Name	First	MI	Last Name	First	MI
42692 Pocahontas Road			PO Box 604		
Mailing Address			Mailing Address		
Physical Address			Physical Address		
Baker City	OR	97814	Baker City	OR	97814
City	State	Zip	City	State	Zip
541-403-3123					
Telephone			Telephone		
atlaslanduseconsulting@gmail.com			damschenllc@gmail.com		
Email			Email		
PROPERTY INFORMATION					
Property Address: <u>None yet assigned</u>					
Township <u>09s</u> Range <u>40e</u> Section <u>09</u> Tax Lot <u>301</u> Ref. <u>18566</u>					
Township _____ Range _____ Section _____ Tax Lot _____ Ref. _____					
Zone: <u>RLD</u> Overlay: <u>IAMP</u> Floodplain: ☐ Yes ☒ No Historic District: ☐ Yes ☒ No					
Total Area of Parcel: <u>1.21ac</u> Is adjacent land under same ownership? ☐ Yes ☒ No					
If yes, list adjacent Map and Tax Lot Numbers: _____					
Size and Type of Existing Structures: <u>none</u>					

City of Baker City - Preliminary Plat Application

Page 1 of 5

Was a pre-application conference held for this project?

☐ Yes ☒ No

Are there additional reviews pending? ☐ Yes ☒ No

If yes, application #: _____

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

Name: _____ Phone: _____

Mailing Address: _____ Email: _____

Name: _____ Phone: _____

Mailing Address: _____ Email: _____

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

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

Applicant Signature: Eva Henes Date: 03.16.2025

Property Owner(s) Signature: [Signature] Date: 4-3-2025

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.

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

APPLICABLE BAKER CITY DEVELOPMENT CODE SECTIONS

Idlewood Estates Subdivision

Written Narrative

BCDC Section 4.3.130 (B) – Preliminary Plat Information. In addition to the general information described in Subsection A above, the preliminary plat application shall consist of drawings and supplementary written material (i.e., on forms and/or in a written narrative) adequate to provide the following information:

1. General Information:
 - a. Name of subdivision (not required for partitions). This name must not duplicate the name of another subdivision in Baker County (please check with County Surveyor);
 - b. Date, north arrow, and scale of drawing;
 - c. Location of the development sufficient to define its location in the City, boundaries, and a legal description of the site;
 - d. A title block including the names, addresses and telephone numbers of the owners of the subject property and, as applicable, the designer, and engineer and surveyor if any, and the date of the survey if submitted; and
 - e. Identification of the drawing as a “preliminary plat”.

SEE PRELIMINARY PLAT

2. Site analysis:
 - a. Streets: Location, name, present width of all streets, alleys and rights-of-way on and abutting the site; **SEE PRELIMINARY PLAT**
 - b. Easements: Width, location and purpose of all existing easements of record on and abutting the site; **SEE PRELIMINARY PLAT**
 - c. Utilities: Location and identity of all utilities on and abutting the site. If water mains and sewers are not on or abutting the site, indicate the direction and distance to the nearest one and show how utilities will be brought to standards; **SEE PRELIMINARY PLAT**
 - d. Ground elevations shown by contour lines at 5-foot vertical intervals for ground slopes exceeding 10 percent and at 2-foot intervals for ground slopes of less than 10 percent or as required by the City. Such ground elevations shall be related to some established benchmark or other datum approved by the City Surveyor. This requirement may be waived for partitions and subdivisions when grades, on average, are less than 6 percent; **LEVEL SITE, SEE PRELIMINARY PLAT**
 - e. The location and elevation of the closest benchmark(s) within or adjacent to the site (i.e., for surveying purposes); **SEE PRELIMINARY PLAT**
 - f. Potential natural hazard areas, including any flood plains, areas subject to high water table, landslide areas, and areas having a high erosion potential; **N/A**
 - g. Sensitive lands, including wetland areas, streams, wildlife habitat, and other areas identified by the City or natural resource regulatory agencies as requiring protection. (See also, Chapter 3.7 and relevant portions of the Comprehensive Plan.); **N/A**
 - h. Site features, including existing structures, pavement, large rock outcroppings, areas having unique views, and drainage ways, canals and ditches; **SEE PRELIMINARY PLAT**
 - a. Designated historic and cultural resources on the site and adjacent parcels or lots; **N/A**
 - b. North arrow and scale; **SEE PRELIMINARY PLAT**
 - c. Name and address of project designer, if applicable; **N/A**
 - d. Other information, as deemed appropriate by the City Planning Official. The City may require studies or exhibits prepared by qualified professionals to address specific site features and code requirements including a public facilities and services impact study and/or traffic impact study; and
 - e. In situations where this Code requires the dedication of real property for schools, parks, fire stations or other associated public improvements to the City, the City shall either (1) include in the written decision evidence that shows that the required property dedication is directly related to and roughly proportional to the projected

impacts of the development on public facilities and services, or (2) delete the dedication as a condition of approval.

3. Proposed improvements:

- a. Public and private streets, tracts, driveways, open space and park land; location, names, right-of-way dimensions, approximate radius of street curves; and approximate finished street center line grades. All streets and tracts that are being held for private use and all reservations and restrictions relating to such private tracts shall be identified; **SEE PRELIMINARY PLAT**
- b. Easements: location, width and purpose of all existing and proposed easements; **SEE PRELIMINARY PLAT**
- c. Lots and private tracts (e.g., private open space, common area, or street): approximate dimensions, area calculation (e.g., in square feet), and identification numbers for all proposed lots and tracts; **SEE PRELIMINARY PLAT**
- d. Proposed uses of the property, including all areas proposed to be dedicated to the public or reserved as open space for the purpose of surface water management, recreation, or other use; **SEE PRELIMINARY PLAT**
- e. Proposed improvements, as required by Article 3 (Design Standards), and timing of improvements (e.g., in the case of streets, sidewalks, street trees, utilities, etc.); **SEE PRELIMINARY PLAT**
- f. The proposed source of domestic water; **CITY WATER**
- g. The proposed method of sewage disposal; **CITY SEWER**
- h. Proposed method of surface water drainage and treatment if required; **all surface water will be contained on-site upon development of each lot**
- i. The approximate location and identity of other utilities, including the locations of street lighting fixtures; **SEE PRELIMINARY PLAT**
- j. Proposed railroad crossing or modifications to an existing crossing, if any, and evidence of contact with the affected railroad and the Oregon Department of Transportation Rail Division regarding proposed railroad crossing(s); and **N/A**
- k. Changes to navigable streams, or other watercourses. Status of public access to these areas shall be shown on the preliminary plat, as applicable. **N/A**

BCDC Section 4.3.140 – Preliminary Plat – Approval Criteria.

A. General Approval Criteria. The City may approve, approve with conditions or deny a preliminary plat based on the following approval criteria:

1. The proposed preliminary plat complies with the applicable Development Code sections and all other applicable ordinances and regulations. At a minimum, the provisions of this Article, and the applicable chapters and sections of Article 2 (Land Use Districts) and Article 3 (Design Standards) shall apply. Where a variance is necessary to receive preliminary plat approval, the application shall also comply with the relevant sections of Article 5; **See findings for each section of BCDC included**
2. The proposed plat name is not already recorded for another subdivision, and satisfies the provisions of ORS Chapter 92; **See preliminary plat. City sewer and water can be made available to all proposed lots**
3. The proposed streets, roads, sidewalks, bicycle lanes, pathways, utilities, and surface water management facilities are laid out so as to conform or transition to the plats of subdivisions and maps of major partitions already approved for adjoining property as to width, general direction and in all other respects. All proposed public improvements and dedications are identified on the preliminary plat; **See preliminary plat.**
4. All proposed private common areas and improvements (e.g., homeowner association property) are identified on the preliminary plat; and **N/A**
5. Evidence that any required State and federal permits have been obtained, or shall be obtained before approval of the final plat; **N/A; no wetlands or floodplain on site; no other state or federal permits identified as necessary**

6. Evidence that improvements or conditions required by the City, road authority, Baker County, special districts, utilities, and/or other service providers, as applicable to the project, have been or can be met; and **All such requirements can and will be satisfied prior to recording of the final plat**
 7. If any part of the site is located within a previously approved Master Planned Development, it shall conform to the applicable regulations and/or conditions. **N/A**
 8. No lots that are created by partition or a Type II subdivision process of 3 lots or less may be further subdivided by a Type II process within five (5) years of initial recording. Said lots may only be subdivided within the five (5) year limit through a Type III procedure. **Parent parcel was created via partition in 2022 (22-002). Subdivision request requires Type III review procedure, regardless.**
- B. Layout and Design of Streets, Blocks and Lots. All proposed blocks (i.e., one or more lots bound by public streets), lots and parcels conform to the specific requirements below:
1. All lots shall comply with the lot area and dimensional requirements of the applicable land use district (Article 2), and the standards of Section 3.1.200.J - Street Connectivity and Formation of Blocks. **See findings below.**
 2. Setbacks shall be as required by the applicable land use district (Article 2). **Vacant parcel. Future developments will meet all setback requirements.**
 3. Each lot shall conform to the standards of Chapter 3.1 - Access and Circulation.

BCDC Section 3.1.200

(F) – Birch Street is identified as a collector street. The nearest driveway within the proposed development to the Birch Street intersection is proposed to be a driveway serving Lots 1 and 2, which will be located approximately 125 feet to the east. Future development can and will meet all access spacing requirements of this section, with shared driveways proposed for most lots. All driveways within the development will be separated by a minimum of 67.5 feet. On Birch Street, the property immediately to the north of the subject property's Birch Street frontage is accessed by one, undefined, 30-foot-wide driveway. Improvement of Birch Street and refinement of this driveway will improve access spacing and potential safety issues. The next nearest driveway is ±100 feet to the south.

(G) – a 35-foot-wide public street is proposed to serve this subdivision. This right-of-way includes a 5-foot-wide sidewalk on the northern bounds of the right-of-way, as well as a swale and a two-way, paved travel lane, as depicted in Figure 3.4.300(F)(10) of the BCDC. No on street parking is proposed with the right-of-way layout. Street trees are proposed to meet city standards and timing of plantings will be coordinated with the Baker City Tree Board and the Baker City Public Works Department.

(H - J) – Shared driveways are proposed between Lots 1 and 2, 3 and 4, 5 and 6, and 7 and 8.

(K) – Lot 9 is proposed to be served by a 12-foot-wide driveway. Lots 1-8 are proposed to be served by a 24-foot-wide driveway. All driveways will be improved to meet the surfacing, dimension, and spacing standards outlined in the BCDC. Timing of driveway installation will be coordinated with the Baker City Public Works Department.

(L) – All future development will be located within 150 ft of a public right-of-way. A hammerhead is proposed on Lot 9. No future structures will be constructed within this dedicated turnaround until a public right-of-way is continued through the property to the north, providing through-access to the development. No parking will be permitted within the public right of way, with appropriate signage dictating such.

(M) – vertical clearance standards will be met.

(N) – vision clearance standards will be met with the creation of the public right-of-way.

(O) – all private driveways will meet construction and surfacing standards as outlined in BCDC.

BCDC Section 3.1.300 - No development is proposed with this subdivision request. Within the proposed public right-of-way, a single sidewalk is proposed on the northern boundary. Pedestrian access to future development on each property will be provided from the sidewalk and hard-surfaced driveways. The Baker City TSP designates a multi-use path on Birch Street.

4. Landscape or other screening may be required to maintain privacy for abutting uses. See Article 2 – Land Use Districts, and Chapter 3.2 – Landscaping. **No development or landscaping is proposed with this application.**
 5. In conformance with the Uniform Fire Code, a 20-foot width fire apparatus access drive shall be provided to serve all portions of a building that are located more than 150 feet from a public right-of-way or approved access drive. See Chapter 3.1- Access and Circulation. **No portion of the subject property is located more than 150 feet from a public right-of-way.**
 6. Where a common drive is to be provided to serve more than one lot, a reciprocal easement which will ensure access and maintenance rights shall be recorded with the approved subdivision or partition plat. **No common drive aisles are proposed.**
 7. All applicable engineering design standards for streets, utilities, surface water management, and easements shall be met. **Engineering design standards for streets, utilities, surface water management, and easements shall be met prior to construction of said features.**
- C. Conditions of Approval. The City may attach such conditions as are necessary to carry out provisions of this Code, and other applicable ordinances and regulations, and may require reserve strips be granted to the City for the purpose of controlling access to adjoining undeveloped properties. See Chapter 3.4 (Public Facilities).

BCDC Section 4.3.110 – General Requirements

- A – This application is for a subdivision of land.
- B – A preliminary plat has been provided with this application.
- C – This subdivision request has been compiled in conformance with ORS 92.
- D – All proposed lots exceed the minimum lot size required for townhome developments (3000sf).
- E – No lot size averaging is requested.
- F – No temporary sales office is proposed
- G – The properties are not located within an identified flood zone.
- H – The properties are not located within an identified flood zone.
- I – City sewer and water can be made available to all lots. All sewer and water infrastructure will be installed prior to recording of the final plat. Electricity, gas, and other utilities are available to all lots, upon extension of said utilities.
- J – Storm water can be made available to all lots.
- K – The properties are not located within an identified flood zone. No open space is proposed with this application.

BCDC Section 4.3.115 – Flexible lot size....

- A – Flexible lot sizing is not requested with this application.
- B – A mid-block lane and reverse frontage lots are not proposed with this application.
- C – Flag lots are not proposed with this application
- D – No shared drive aisles are proposed with this application.
- E – No easements are proposed with this application.
- F – No drive lanes are proposed with this application.
- G – The proposed public right-of-way is stubbed at the northern property boundary in order to provide access to potential future development of the neighboring property.

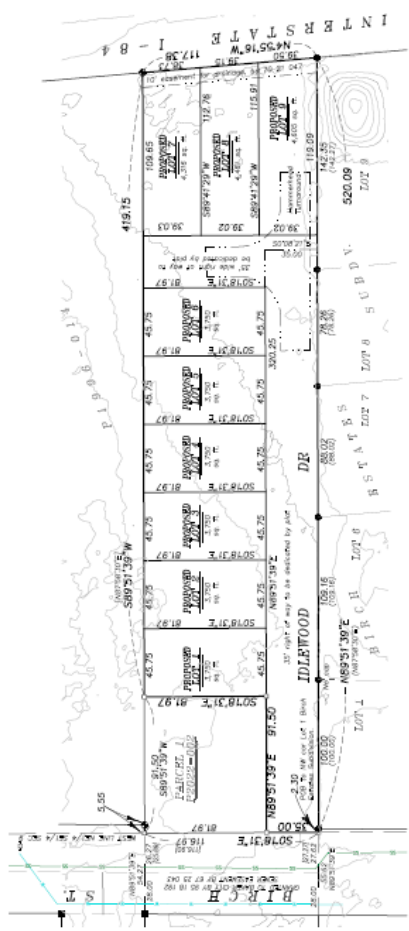
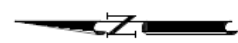
TENTATIVE PLAN PRELIMINARY PLAT OF IDLEWOOD ESTATES

Shunted in the Southeast quarter of Section 9, Township 9 South, Range 40 East of the Willamette Meridian, Baker City, Oregon
Tax Lot 301, Map 09S40090

BASIS OF BEARING

Geodetic North at the Section corner common to Sections 8, 9, 16 and 17, Township 9 South, Range 40 East of the Willamette Meridian as determined by GPS observation

SCALE: 1"=50'



LEGEND

- Survey Monument
- Centerline
- Easement Line
- Sanitary Sewer
- Water Line
- Fire Hydrant

SURVEYOR

Jeffrey S. Hsu
Professional Land Surveyor
2006 A.C.S. No. 1000
Lo Grande, OR 97850
541 963 6092

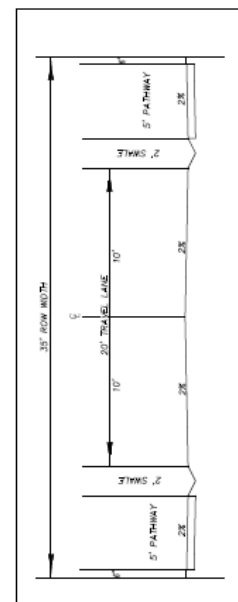
PLANNER

Eva Hines
Atlas Land Use Consulting
ofatluslanduseconsulting@gmail.com

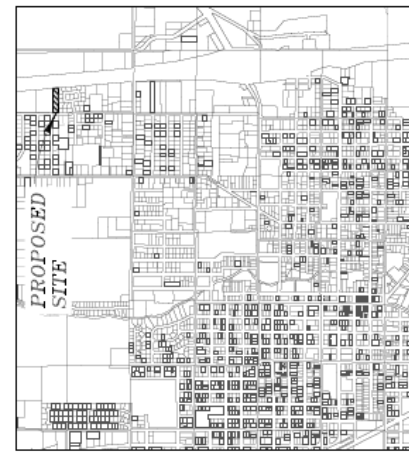
OWNER

Danischen LLC
P.O. Box 604
Baker City, OR 97814

DATE
April 8, 2025

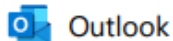


TYPICAL ROAD CROSS SECTION



VICINITY MAP

**Exhibit D: Comments from the Baker County Clerk's Office
about Proposed Plat Name**



Re: Proposed Subdivision Plat Name

From Troleda Buxton <tbuxton@bakercountyor.gov>
Date Mon 6/9/2025 3:46 PM
To Madison Tomac <mtomac@bakercountyor.gov>

Nothing recorded in Baker County records.

*Troleda Buxton
Chief Deputy County Clerk/Elections
1995 3rd Street Ste. 150
Baker City, OR 97814*

*Phone: (541) 523-8207
Email: tbuxton@bakercountyor.gov*

From: Madison Tomac <mtomac@bakercountyor.gov>
Sent: Monday, June 9, 2025 3:26 PM
To: Troleda Buxton <tbuxton@bakercountyor.gov>
Subject: Proposed Subdivision Plat Name

Hi Troleda,

Can you confirm there are no subdivisions in Baker County with a name similar to or pronounced the same as "Idlewood Estates"?

Thanks.

Best,

Madison Tomac | Senior Planner
Baker City-County Planning Department
1995 Third Street | Ste. 131 | Baker City, OR 97814
Office: 541.523.8219, ext. 160
mtomac@bakercountyor.gov | <https://www.bakercountyor.gov/>

Exhibit E: Comments Submitted by Oregon Department of Transportation



Oregon

Tina Kotek, Governor

Department of Transportation

District 13

3014 Island Avenue
La Grande, OR 97850
(541) 963-8406
FAX (541) 963-0249

June 10, 2025

VIA EMAIL: mtomac@bakercountyor.gov
Madison Tomac
Baker City-County Planning Department
1995 Third Street, Suite 131
Baker City, Oregon 97814

Re: Atlas Land Use Consulting on behalf of Damschen LLC, application for subdivision, Case No. SUB-25-071, Tax Lot 301 of Baker County Assessor's Map 09S40E09D.

Dear Madison:

The Oregon Department of Transportation (ODOT) has reviewed the above referenced notice. Although the subject tax lot is not directly adjacent to Hwy 006 (I84), it is within close proximity and visible to the state highway. If the property owner feels that some type of safety or noise barrier is needed due to highway traffic, that barrier would need to be installed on the subject property. As a reminder, all signs visible to a state highway are subject to some level of state sign regulation for safety or prohibited reasons. ODOT is responsible for enforcing those regulations. With this property being visible to I-84, ODOT would like to remind the land owner(s) that any advertising signs that can be seen from I-84 will have to follow those regulations.

Thank you for coordinating notice. Please enter this letter into the record of proceedings.

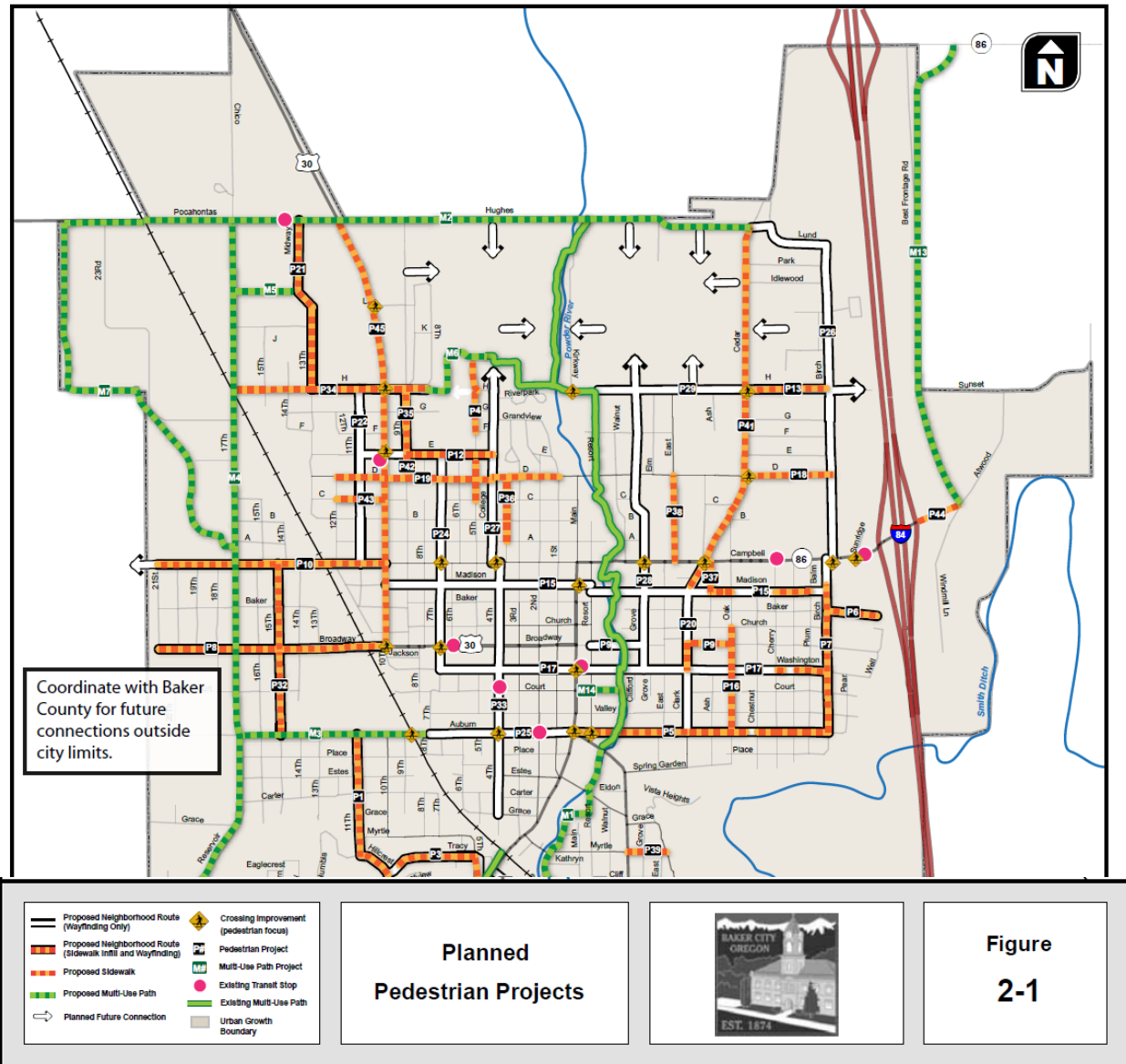
Respectfully,

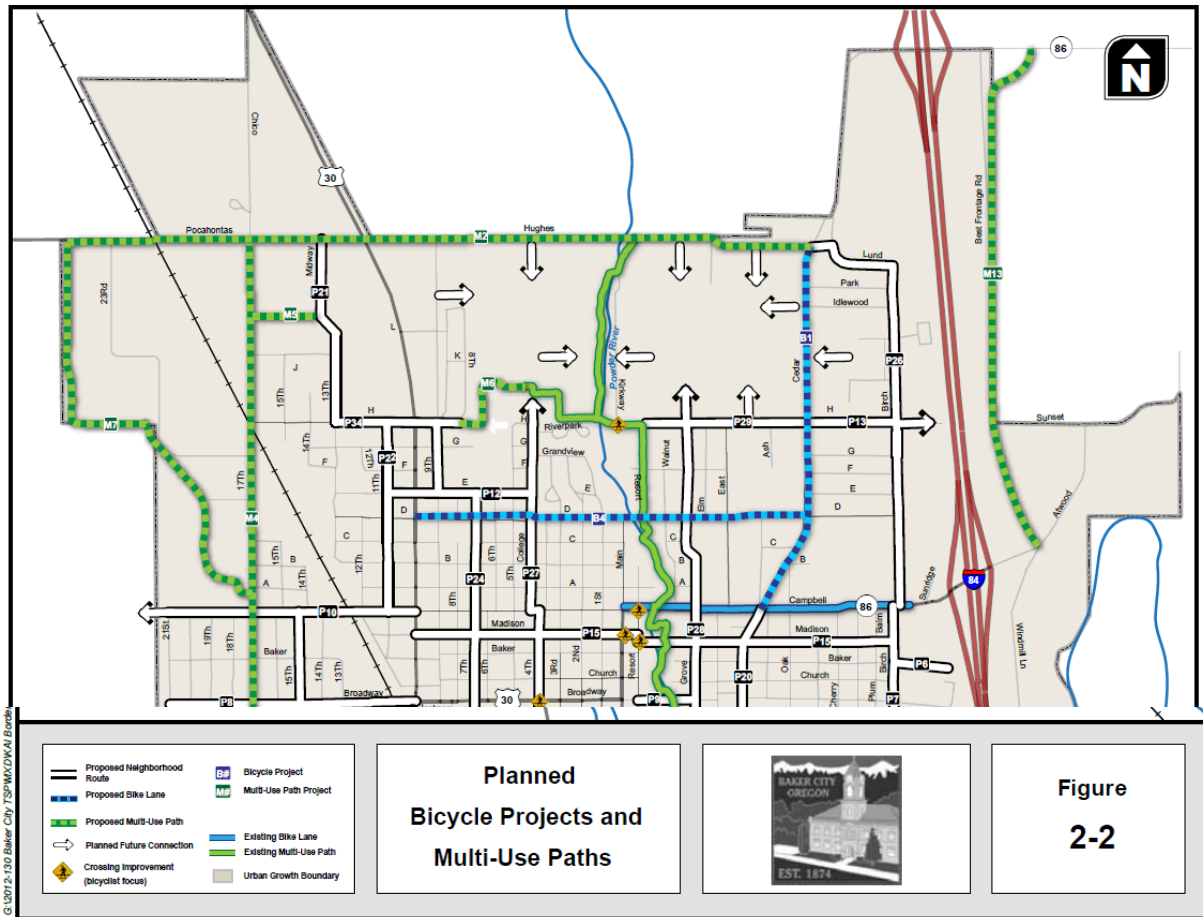
Lisa Hayes
District 13 Operations Coordinator

Exhibit F: Excerpts from the Baker City Transportation System Plan

Baker City TSP Update

June 2013





G:\0012-130 Baker City TSP\WORK\A\Bonds