



BAKER CITY, OREGON CITY COUNCIL MEETING AGENDA

REGULAR MEETING
OCTOBER 28, 2025 - 6:00 PM
CITY HALL COUNCIL CHAMBERS

MAYOR:
Randy Daugherty
COUNCILORS
Roger Coles
Loran Joseph
Helen Loennig
Doni Bruland
Gratton Miller
CITY MANAGER
Barry Murphy

Call to Order/Introduction

1. Call to Order	Mayor Daugherty	Procedural
2. Pledge of Allegiance	Mayor Daugherty	Procedural
3. Roll Call	Megan Langan	Procedural
4. Agenda Additions, Deletions, Modifications	Mayor Daugherty	Action Item
5. Public Comment	Mayor Daugherty	Procedural

Old Business

6. Consent Agenda	Mayor Daugherty	Action Item
7. Ordinance 3413 - Third Reading	Tara Micka	Ordinance

New Business

8. BCD Quarterly Update	Ariel Reker	Presentation
9. Chlorine Conversion	Joyce Bornstedt	Presentation
10. Ambulance Update	Michael Carlson	Information
11. Elkhorn Industrial	Megan Langan	Action Item

Updates and Future Items

12. Council Committee Updates	Mayor Daugherty	Information
13. City Manager / Director Updates	Mayor Daugherty	Information
14. City Council Comments	Mayor Daugherty	Information
15. Upcoming Agenda Items	Mayor Daugherty	Procedural

Adjourn

16. Adjourn	Mayor Daugherty	Procedural
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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

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CITY MANAGER

Barry Murphy

Date: October 28, 2025

Subject: Call to Order



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CITY MANAGER

Barry Murphy

Date: October 28, 2025

Subject: Pledge of Allegiance



BAKER CITY, OREGON

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CITY MANAGER

Barry Murphy

Date: October 28, 2025

Subject: Agenda Additions, Deletions, Modifications



BAKER CITY, OREGON

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CITY MANAGER

Barry Murphy

Date: October 28, 2025

Subject: Public Comment



BAKER CITY, OREGON

MAYOR:

Randy Daugherty

COUNCILORS

Roger Coles

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Helen Loennig

Doni Bruland

Gratton Miller

CITY MANAGER

Barry Murphy

Date: October 28, 2025

Subject: Consent Agenda



BAKER CITY, OREGON CITY COUNCIL MEETING MINUTES

MAYOR:
Randy Daugherty
COUNCILORS
Roger Coles
Loran Joseph
Helen Loennig
Doni Bruland
Gratton Miller
CITY MANAGER
Barry Murphy

REGULAR MEETING
OCTOBER 14, 2025 - 6:00 PM
CITY HALL COUNCIL CHAMBERS

Call to Order/Introduction

1. Call to Order	The meeting was called to order at 6:01pm by Mayor Daugherty in the Baker City Hall Council Chambers.
2. Pledge of Allegiance	Mayor Daugherty led the meeting in the Pledge of Allegiance.
3. Roll Call	Roll call was answered by Mayor Daugherty and Councilors Coles, Joseph, Loennig, Bruland, and Miller. Also present were City Manager Barry Murphy, Public Works Director Joyce Bornstedt, Assistant Public Works Director Danielle Schuh, Police Chief Ty Duby, Planning Director Tara Micka, Fire Chief Michael Carlson, Human Resource Manager Andrew Crabtree, Community Development Coordinator Kara Miller, Finance Director Jeanie Dexter, and City Recorder Megan Langan.
4. Agenda Additions, Deletions, Modifications	Mayor Daugherty requested to move Baker Sanitary Update on the agenda after the BMCC update.
5. Public Comment	No public comment.

Old Business

6. Consent Agenda	MOTION MADE BY: Councilor Joseph MOTION: To accept the consent agenda of; September 23rd meeting minutes, BIG DEAL Grant and Councilor Carr's resignation SECONDED: Councilor Coles IN FAVOR: Mayor Daugherty, Councilor Coles, Joseph, Loennig, Bruland, and Miller OPPOSED: None Motion Passed.
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New Business

7. BMCC Update	Jeff Nelson introduced the new BMCC Director, O'Keeya Brown as Jeff is now the Regional SBDC Director. O'Keeya provided an update to the City Council and City Staff on BMCC. Jeff Nelson then introduced Amy Briels, the local SBDC Director. Amy provided an update on SBDC.
8. Baker Sanitary Update	Stephen Henry from Baker Sanitary provided an update on the recycling program that is required by DEQ. He stated it will start in April to have curb-side recycling service on a bi-weekly pickup. This change will increase the current rate. Stephen stated they have not raised rates since 2023. Once the rate change is approved, they will work on communication to all current customers. The rate increase is 26% .

MOTION MADE BY: Councilor Joseph
MOTION: To approve rate increase for Baker Sanitary
SECONDED: Councilor Bruland
IN FAVOR: Mayor Daugherty, Councilor Coles, Joseph, Loennig, Bruland, and
Miller
OPPOSED: None
Motion Passed.

9. Council Goals / Future of BC	City Manager Barry Murphy provided an update on the future of Baker City for tourism, job opportunities and businesses. Councilor Joseph made a comment about current businesses that could possibly be expanded. Councilor Loennig made a comment about a daycare being a good thing.
10. Development Fee Update	Assistant Public Works Director Danielle Schuh provided an overview of the Development Fee analysis that was done by the University of Oregon Institute of Policy and Engagement. Danielle requested a formal suggestion from the City Council. Councilor Joseph stated he doesn't think SDC's are the route to go right now, and we should focus on the issues that arose from the study, which are transparency and rigidity. Public Works Director Joyce Bornstedt, Danielle and City Manager Barry Murphy were able to answer questions from the City Council. Mayor Daugherty said he thinks we should focus on our process and how to simplify it.
11. East and West Fairway Drive — Consideration of City Acceptance	City Manager Barry Murphy stated that he lives on this drive and Joyce has done all the work for this item. Public Works Director Joyce Bornstedt stated that the current street owner and homeowners are asking the City to accept East and West Fairview Drive. The City does maintain the water and wastewater, but they do not maintain the storm system or the street right now. It has been brought before the Council in 2021 and, once before that, possibly asking the City to accept the street. Mayor Daugherty asked if they have an HOA. Joyce stated that there is not a true formed association. The City Council and City Staff had a discussion. The City Council is asking for the cost of any improvements needed for the City to accept the street. Joyce will work on gathering the cost and see if the HOA will pay for the improvements.
12. Pharmacy Update	Planning Director Tara Micka stated the first step of this agenda item is approving Resolution 3982, declaring an emergency for the current pharmacy situation in Baker City.

MOTION MADE BY: Councilor Joseph
MOTION: Approve Resolution 3982
SECONDED: Councilor Miller
IN FAVOR: Mayor Daugherty, Councilor Coles, Joseph, Loennig, Bruland, and
Miller
OPPOSED: None
Motion Passed.

Mayor Daugherty read the notice for the public hearing.
Councilor Loennig stated a conflict of interest due to being a pharmacist at St. Alphonsus and removed herself.
Tara presented the staff report and asking for emergency approval for the change in the development code to allow drive-up, drive-in, drive-thru and accept the findings in the staff report.

MOTION MADE BY: Councilor Joseph
MOTION: Accept the findings of the staff report
SECONDED: Councilor Miller
IN FAVOR: Mayor Daugherty, Councilor Coles, Joseph, Loennig, Bruland, and Miller
OPPOSED: None
Motion Passed.

MOTION MADE BY: Councilor Joseph
MOTION: Read Ordinance 3413 in full
SECONDED: Councilor Bruland
IN FAVOR: Mayor Daugherty, Councilor Coles, Joseph, Bruland, and Miller
OPPOSED: None
Motion Passed.

Councilor Joseph read Ordinance 3413 in full for the first time.

MOTION MADE BY: Councilor Joseph
MOTION: Approve first reading of Ordinance 3413
SECONDED: Councilor Coles
IN FAVOR: Mayor Daugherty, Councilor Coles, Joseph, Bruland, and Miller
OPPOSED: None
Motion Passed.

MOTION MADE BY: Councilor Miller
MOTION: Read Ordinance 3413 for the second time by title only
SECONDED: Councilor Coles
IN FAVOR: Mayor Daugherty, Councilor Coles, Joseph, Bruland, and Miller
OPPOSED: None
Motion Passed.

Councilor Joseph read Ordinance 3413 for the second time by title only.

MOTION MADE BY: Councilor Joseph
MOTION: Approve second reading of Ordinance 3413 by title only
SECONDED: Councilor Miller
IN FAVOR: Mayor Daugherty, Councilor Coles, Joseph, Bruland, and Miller
OPPOSED: None
Motion Passed.

13. R3 Update

City Manager Barry Murphy provided an update on R3. Councilor Miller made a comment as well, as he is part of the R3 board.

14. Building Vehicle Trade In

Building Official Dawn Kitzmiller is asking the City Council for permission to trade in the current Traverse on the new vehicle that was in the budget for this year.

MOTION MADE BY: Councilor Joseph
MOTION: Approve the trade in

SECONDED: Councilor Coles

IN FAVOR: Mayor Daugherty, Councilor Coles, Joseph, Loennig, Bruland, and
Miller

OPPOSED: None
Motion Passed.

15. City Planning Discussion

City Manager Barry Murphy provided an update on City Planning. Recently Baker County voted to withdraw from the IGA for City and County Planning. This is something that had been discussed prior. The effective date of the transition will be December 31st 2025. The County will forward all new applications to the City starting November 1st. The County will work on training the City staff. Barry states that he will take it over and run it for 6 months to a year to see how much FTE it will take. Barry was able to answer any questions from the City Council.

16. Fire Department Vehicles

Fire Chief Michael Carlson provided an update on the Fire Department vehicles. The chief is asking for permission to liquidate two unused vehicles from the Fire Department, command vehicle 2473 and 2432.

MOTION MADE BY: Councilor Coles

MOTION: Liquidate the two vehicles

SECONDED: Councilor Joseph

IN FAVOR: Mayor Daugherty, Councilor Coles, Joseph, Loennig, Bruland, and
Miller

OPPOSED: None
Motion Passed.

Councilor Coles asked about 2481. Chief Carlson stated they had already transferred it to Pilot Rock as it belonged to ODFW. It did not require action from the City Council.

Updates and Future Items

17. Council Committee Updates

Mayor Daugherty stated that LOC is hosting a Region 12 Small Cities group in Sumpter on Thursday and he and Megan are going to go.

18. City Manager / Director Updates

Public Works Director Joyce Bornstedt provided an update on Cedar Street. Mayor Daugherty asked about the stop sign that was put on Lund Lane. Finance Director Jeanie Dexter provided a financial update. Police Chief Ty Duby provided an update on the property maintenance case for the Buxton Property. City Manager Barry Murphy provided an update on the Quiet Zone.

19. City Council Comments

Councilor Coles wanted to compliment the guys at the Fire Department for the paint on the doors and trim. Mayor Daugherty made a comment that there is not a speed sign on Main St from Auburn to Barley Browns. Joyce stated she will check with ODOT. Mayor also asked the City Council about the City Council Meetings in November and December. The suggested date for the November meeting is the 17th. Mayor Daugherty also wanted to thank Councilor Carr for his time on City Council. The City Council suggested advertising for the opening as of November

	1st through the end of the year.
20. Upcoming Agenda Items	No upcoming agenda items.
Adjourn	
21. Adjourn	Mayor Daugherty adjourned the meeting at 7:37pm.

Signed: _____
Mayor

Attest: _____
City Recorder

A link to this City Council meeting can be found www.bakercity.com or upon request to the City Recorder.



BAKER CITY, OREGON

MAYOR:

Randy Daugherty

COUNCILORS

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Doni Bruland

Gratton Miller

CITY MANAGER

Barry Murphy

Date: October 28, 2025

Subject: Ordinance 3413 - Third Reading

Background

At the beginning of 2025, Baker City had three full-scale pharmacies, but the recent economic downturn resulted in the closure of two of these pharmacies, leaving a single pharmacy to serve the greater Baker City population. To help mitigate the negative impacts of only having one pharmacy, City staff is requesting the City Council approve an emergency revision to Table 2.3.110 of the Baker City Development Code to add a new allowance for a pharmacy to have a drive-up/drive-in/drive-through in the Central-Commercial (CC) Zone. Pharmacies are currently allowed; however, drive-up/drive-in/drive-through uses are not.

Report

Since the proposed text amendment is being made via an Emergency Development Code Amendment by the City Council, the standard procedures outlined in the Baker City Development Code for a Text Amendment are superseded by those in Oregon Revised Statute 197.610; therefore, the procedures of the Development Code are not included in this decision. The applicable sections of the Baker City Comprehensive Plan and Oregon Statewide Planning Goals are still required to be evaluated and are addressed in the staff report.

Potential Actions

1. No action.
2. Review and discuss Ordinance 3413 - instruct staff to provide amendments as necessary. If amendments are required, staff will recommend a reintroduction and first reading at the next meeting of Council.
3. Read Ordinance #3414 Amending the Baker City Development Code Ordinance #3384 for the third time in full.
4. Read Ordinance #3414 Amending the Baker City Development Code Ordinance #3384 for the third time by title only (requires unanimous vote of City Council).

Motions

1. "I, Councilor _____, move to have the third reading of Ordinance 3413, an Ordinance amending the Baker City Development Code Ordinance 3413, by title only." *(Requires a unanimous vote of all members of the Council present.)*

2. "I, Councilor _____, move to continue the hearing until (specify date and time)."

PUBLIC HEARING STATEMENT

The City Council will now hold a public hearing on Planning Case No. ZT-25-120.

A sign-up list is by the door for those who wish to testify, and for those who wish to provide their names and addresses so that we may formally notify them of the results of the hearing. A person must testify either orally or in writing in order to be considered a party to the decision and have opportunity to appeal.

A. Copies of the applicable criteria are available from staff.

B. Procedures for the hearing and the order of presentation are as follows. Time limits may be imposed, if necessary.

1. Staff will summarize the issues before the City Council.
2. Councilors may ask questions of staff.
3. Public testimony may then be given in support of or in opposition to the application.
4. The hearing will then be closed to all testimony. The Council may discuss the issues amongst themselves.

C. The City Council will decide if they will have a reading of the Ordinance.

D. CHAIR STATES PRIOR TO THE HEARING:

1. Is there a challenge to the jurisdiction of the Baker City Council to hear this matter? If so, please state the challenge at this time.
2. Are there any conflicts of interest or personal biases to be declared by a Council member? If so, please state the bias or conflict at this time.
3. Have there been any ex-parte contacts regarding the upcoming matter that a Council member needs to declare? If so, please state the ex-parte contacts at this time.

AFTER DECLARATIONS, OR IF THERE ARE NONE, PROCEED WITH THE HEARING.

BAKER COUNTY-CITY PLANNING DEPARTMENT



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

Email: planning@bakercountyor.gov

Phone: (541) 523-8219



Final Report of the Baker City Council for an Emergency Development Code Amendment

Application No. ZT-25-120

Report Date: October 28, 2025

Report Prepared by: Tara Micka, Planning Director

Planning Commission Hearing Dates: October 14 & 28, 2025

- I. **PURPOSE & CONTEXT:** At the beginning of 2025, Baker City had three full-scale pharmacies, but the recent economic down-turn resulted in the closure of two of these pharmacies, leaving a single pharmacy to serve the greater Baker City population. To help mitigate the negative impacts of only having one pharmacy, City staff is requesting the City Council approve an emergency revision to Table 2.3.110 of the Baker City Development Code to add a new allowance for a pharmacy to have a drive-up/drive-in/drive-through in the Central-Commercial (CC) Zone. Pharmacies are currently allowed; however, drive-up/drive-in/drive-through uses are not.

II. **APPLICABLE CRITERIA & FINDINGS:**

Baker City Development Code (BCDC)

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

BCDC Section 4.7.200 - Legislative Amendments. Legislative amendments are policy decisions made by City Council. They are reviewed using the Type IV procedure in Section 4.1.500 and shall conform to the Transportation Planning Rule provisions in Section 4.7.600, as applicable.

BCDC Section 4.1.500 – Type IV Procedure (Legislative)

D. Hearing Process and Procedure.

1. *Unless otherwise provided in the rules of procedure adopted by the City Council:*
 - a. *The presiding officer of the Planning Commission and of the City Council shall have the authority to:*
 - i. *Regulate the course, sequence, and decorum of the hearing;*
 - ii. *Direct procedural requirements or similar matters; and*
 - iii. *Impose reasonable time limits for oral presentations.*
 - b. *No person shall address the Commission or the Council without:*
 - i. *Receiving recognition from the presiding officer; and*
 - ii. *Stating their full name and address.*

- c. *Disruptive conduct such as applause, cheering, or display of signs shall be cause for expulsion of a person or persons from the hearing, termination or continuation of the hearing, or other appropriate action determined by the presiding officer.*
- 2. *Unless otherwise provided in the rules of procedures adopted by the Council, the presiding officer of the Commission and of the Council shall conduct the hearing as follows:*
 - a. *The presiding officer shall begin the hearing with a statement of the nature of the matter before the body, a general summary of the procedures, a summary of the standards for decision-making, and whether the decision which will be made is a recommendation to the City Council or the final decision of the Council;*
 - b. *The City Planning Official or designee's report and other applicable staff reports shall be presented;*
 - c. *The public shall be invited to testify;*
 - d. *The public hearing may be continued to allow additional testimony or it may be closed; and*
 - e. *The body's deliberation may include questions to the staff, comments from the staff, and inquiries directed to any person present.*
- E. *Continuation of the Public Hearing. The Planning Commission or the City Council may continue any hearing, and no additional notice of hearing shall be required if the matter is continued to a specified place, date, and time.*

City Council Findings: D & E) All public hearings shall be conducted in accordance with the standards listed above.

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

- F. *Decision-Making Criteria. The recommendation by the Planning Commission and the decision by the City Council shall be based on the following factors:*
 - 1. *Approval of the request is consistent with the Statewide Planning Goals;*
 - 2. *Approval of the request is consistent with the Comprehensive Plan; and*
 - 3. *The property and affected area is presently provided with adequate public facilities, services and transportation networks to support the use, or such facilities, services and transportation networks are planned to be provided concurrently with the development of the property.*

City Council Findings: 1) See findings for the Baker City Comprehensive Plan and the Oregon Statewide Planning Goals beginning on page 4.

2) See findings for the Baker City Comprehensive Plan, beginning on page 4.

3) The proposed revision is for an additional use in the Central-Commercial Zone and is not for a specific property. No impact on public facilities, services and transportation

networks that would not be currently evaluated through a development review is anticipated.

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

G. Approval Process and Authority...

- 1. The Planning Commission shall...*
- 2. Any member of the Planning Commission who votes...;*
- 3. If the Planning Commission fails to adopt a recommendation to approve, approve with modifications, approve with conditions, deny the proposed change, or adopt an alternative proposal...*
- 4. The City Council shall:*
 - a. Approve, approve with modifications, approve with conditions, deny, or adopt an alternative to an application for legislative change, or remand the application to the Planning Commission for rehearing and reconsideration on all or part of the application;*
 - b. Consider the recommendation of the Planning Commission; however, the City Council is not bound by the Commission's recommendation; and*
 - c. Act by ordinance, which shall be signed by the Mayor after the Council's adoption of the ordinance.*

H. Vote Required for a Legislative Change

- 1. A vote by a majority of the qualified voting members of the Planning Commission present is required...*
- 2. A vote by a majority of the qualified members of the City Council present is required to decide any motion made on the proposal.*

I. Notice of Decision. Notice of a Type IV decision shall be mailed to the applicant, all participants of record, and the Department of Land Conservation and Development, within five business days after the City Council decision is filed with the City Planning Official or designee. The City shall also provide notice to all persons as required by other applicable laws.

J. Final Decision and Effective Date. A Type IV decision, if approved, shall take effect and shall become final as specified in the enacting ordinance, or if not approved, upon mailing of the notice of decision to the applicant. The City Council decision may specify a "time phased rezone and/or comprehensive plan map amendment in which the rezone and comprehensive plan map amendment, if any, does not become effective for a specified period of time of up to 10 years."

K. Record of the Public Hearing.

- 1. A verbatim record of the proceeding shall be made by stenographic, mechanical, or electronic means. It is not necessary to transcribe an electronic record. The minutes and other evidence presented as a part of the hearing shall be part of the record;*
- 2. All exhibits received and displayed shall be marked to provide identification and shall be part of the record;*

3. *The official record shall include:*

- a. All materials considered by the hearings body;*
- b. All materials submitted by the City Planning Official or designee to the hearings body regarding the application;*
- c. The verbatim record made by the stenographic, mechanical, or electronic means; the minutes of the hearing; and other documents considered;*
- d. The final ordinance;*
- e. All correspondence; and*
- f. A copy of the notices that were given as required by this Chapter.*

City Council Findings: The decision process for this application shall be conducted in accordance with the standards listed above unless otherwise noted. Since the proposed text amendment is being made via an Emergency Development Code Amendment by the City Council of Baker City, the standard procedures outlined in the Baker City Development Code for a Text Amendment are superseded by those in Oregon Revised Statute 197.610; therefore, the procedures of the Development Code are not included in this decision. The applicable sections of the Baker City Comprehensive Plan and Oregon Statewide Planning Goals are still required to be evaluated and are addressed below.

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

BCDC 4.7.600 – Transportation Planning Rule Compliance

- A. *Review of Applications for Effect on Transportation Facilities. When a development application includes a proposed comprehensive plan amendment or land use district change...*

City Council Findings: The proposed revisions do not include a comprehensive plan amendment or land use zone change. See findings above.

Conclusion: Based on the findings above, the proposed revisions **are not** applicable.

THE BAKER CITY COMPREHENSIVE PLAN

PUBLIC INVOLVEMENT AND PROCEDURES FOR PLANNING

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

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

POLICIES:

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

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

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

City Council Findings:

- (1) The Planning Department staff and City Council have and will follow the standards set forth in the Baker City Development Code that gives citizens the opportunity to be involved in all phases of the planning process. A press release regarding the proposed amendment was published on October 8, 2025, and information about the proposed changes and hearings was provided on the Baker City website.
- (2) All materials relating to the proposed revisions are available for public review from the Planning Department and posted on Baker City's website. The materials describe the specific changes proposed.
- (3) See findings relating to public noticing and outreach in BCDC Section 4.1.500.C and subsection (1), above.
- (4) As stated above, since the proposal is being reviewed through an Emergency Development Code Amendment via Oregon Revised Statute 197.610, most of the procedures established in the City's Development Code for public hearings are not included in this staff report.
- (5) This staff report has been written to determine consistency with Statewide Planning Goals. See findings for each Planning Goal, as applicable.
- (6) This staff report has been written to determine consistency with the Baker City Comprehensive Plan. See findings beginning on page 4.
- (7) If approved, this amendment will update the Development Code.
- (8) - (10) This proposed amendment does not involve changes to the Comprehensive Plan.

Conclusion: Based on the findings above, the intent of the 'Public Involvement and Procedures for Planning' chapter implementing Goals 1 and 2, **is** satisfied.

FIRE PROTECTION

GOAL: To protect the community's citizens and property from loss due to fire by a program of inspection, direction in methods of prevention, and swift suppression of any fire outbreak. [Implements a portion of Statewide Planning Goal 11 – PUBLIC FACILITIES AND SERVICE – To plan and develop a timely, orderly and efficient arrangement of public facilities and services to serve as a framework for urban and rural development.]

POLICIES

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

City Council Findings: No additional demands on fire protection services are anticipated.

Conclusion: Based on the findings above, the intent of the Fire Protection chapter, which implements a portion of Goal 11, **is** satisfied.

PARKS & RECREATION

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

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

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

Conclusion: The policies in the Parks & Recreation chapter, which implements a portion of Goal 8, **do not** apply to this proposal.

POLICE PROTECTION

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

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

POLICIES

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

City Council Findings: No additional demands on police protection services are anticipated.

Conclusion: Based on the findings above, the intent of the Police Protection chapter, which

implements a portion of Goal 11, **is** satisfied.

SCHOOLS

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

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

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

Conclusion: The policies in the Schools chapter, which implements a portion of Goal 11, **do not** apply to this proposal.

PUBLIC FACILITY PLAN

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

GOALS:

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

POLICIES

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

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

City Council Findings: No policies within the Public Facility Plan chapter were determined to be applicable to this proposal.

Conclusion: Based on the findings above, the intent of the Public Facility Plan chapter, which implements a portion of Goal 11, **do not** apply to this proposal.

SEWER SYSTEM

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

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

City Council Findings: No policies within the Sewer System chapter were determined to be applicable to this proposal.

Conclusion: The policies in the Sewer System chapter, which implements a portion of Goal 11, **do not** apply to this proposal.

SOLID WASTE DISPOSAL

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

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

City Council Findings: No policies within the Sewer System chapter were determined to be applicable to this proposal.

Conclusion: The policies in the Sewer System chapter, which implements a portion of Goal 11, **do not** apply to this proposal.

TRANSPORTATION

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

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

City Council Findings: No policies within the Transportation chapter were determined to be applicable to this proposal.

Conclusion: The policies in the Transportation chapter, which implements a portion of Goal

12, **do not** apply to this proposal.

DOMESTIC WATER

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

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

City Council Findings: No policies within the Domestic Water chapter were determined to be applicable to this proposal.

Conclusion: The policies in the Domestic Water chapter, which implements a portion of Goal 11, **do not** apply to this proposal.

EXTENSION OF SEWER AND WATER SERVICES

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

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

City Council Findings: No policies within the Extension of Sewer and Water Services chapter were determined to be applicable to this proposal.

Conclusion: The policies in the Extension of Sewer and Water Services chapter, which implements a portion of Goal 11, **do not** apply to this proposal.

EXISTING NATURAL FEATURES AND LAND USE

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

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

POLICIES

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

City Council Findings: The proposed Development Code amendment would allow a pharmacy to have a drive-up/drive-in/drive-through in the Central Commercial Zone. This Code addition opens another opportunity for land to be developed to its highest and best use.

Conclusion: Based on the findings above, the intent of the Existing Natural Features and Land Use chapter, which implements Goal 7, **is** satisfied.

LAND SUITABILITY

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

City Council Findings: No policies within the Land Suitability chapter were determined to be applicable to this proposal.

Conclusion: The policies in the Land Suitability chapter, which implements Goal 2, **do not** apply to this proposal.

URBANIZATION

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

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

City Council Findings: No policies within the Urbanization chapter were determined to be applicable to this proposal.

Conclusion: The policies in the Urbanization chapter, which implements Goal 14 **do not** apply to this proposal.

HOUSING

GOAL: Provision of varied housing which is safe, sanitary and adequate for all residents of the community.

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

City Council Findings: No policies within the Housing chapter were determined to be applicable to this proposal.

Conclusion: The policies in the Housing chapter, which implements Goal 10 **do not** apply to this proposal.

HISTORIC PRESERVATION

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

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

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

Conclusion: The policies in the Historic Preservation chapter, which implements Goal 5 **do not** apply to this proposal.

ECONOMIC ELEMENT

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

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

GUIDING PRINCIPLES:

- 2. The City will be supportive of economic development resulting in increased income levels for Baker City households.*
- 3. The City shall provide by zoning for development space suitable to the needs of industrial and commercial development, maximizing especially transportation and convenient locations.*
- 4. The City shall seek first to promote improvement and expansion of present industries and services, and further look to diversifying the community's economic base.*
- 6. The City, in considering any economic development proposal, shall evaluate its effect on the community beyond simply monetary terms and consistently seek to enhance our quality of life.*

City Council Findings: The proposed Development Code amendment would provide the opportunity for a pharmacy to have a drive-up/drive-in/drive-through in the Central-Commercial zone, where pharmacies are a permitted use.

Conclusion: Based on the findings above, the intent of the ‘Economic Element’ chapter implementing Goal 9 is satisfied.

STATEWIDE PLANNING GOALS WHICH ARE NOT APPLICABLE TO BAKER CITY

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

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

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

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

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

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

GOALS 15-19:

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

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

III. SUMMARY CONCLUSIONS & CITY COUNCIL DECISION

The proposed revisions to the Baker City Development Code contained within ZT-25-120 may be allowed if the request is determined to be consistent with all applicable statewide planning goals, applicable policies of Baker City Comprehensive Plan and Baker City Development Code Section 4.7.200. As summarized herein, this staff report **HAS** demonstrated that the proposed revisions meet all of the applicable review.

Therefore, based on the information contained in this report, and the above review criteria, findings, conclusions and public testimony received, the City Council of Baker City **APPROVES** the Emergency Development Code Amendment.

Dated this _____ day of October 2025

Baker City Council

Randy Daugherty, Mayor

IV. EXHIBITS:

A. Draft Baker City Development Code Amendment

Exhibit A: Draft Baker City Development Code Amendment

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

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

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

Table 2.3.110 – Land Uses Allowed in Commercial Zones (C-C, C-G)		
Uses	Status of Use in Zone	
Use Categories <i>Examples of uses are in Chapter 1.4; Definitions are in Chapter 1.3</i>	Central Commercial (C-C)	General Commercial (C-G)
RESIDENTIAL CATEGORIES		
Household Living		
Single-Family Detached or Duplex		
- If lawfully existing as of 2/13/04 (including replacement not exceeding footprint area)	P	P
- Expansion (including the addition of an accessory structure) per Section 2.3.190(D)	S	S
- New	N	N
Single-Family Attached (2 or more common-wall single-family dwellings), per Section 2.2.200(C)	CU + S	CU + S
Multi-family (3 or more dwellings on a lot), per Section 2.2.200(I)	CU + S	CU + S
Conversion of an existing street level commercial use to a new dwelling unit	CU + S	CU + S
New dwelling built in conjunction with a permitted commercial use (residential use above or below ground floor commercial only)	P	P
Bed and Breakfast Inn, per Section 2.2.200(D)	S	S
Hostels, per Section 2.2.200(D)	S	S
Group Living		
Group Care Home (5 or less individuals), per Section 2.2.200(E)	N	N
Group Care Facility (6 to 15 individuals), per Section 2.2.200(E)	S	S
Other Group Living [S is per 2.2.200(I)(1), (2) and (4)]		
- 5 or less individuals	N	N
- 6 to 15 individuals	S	S
- 16 or more individuals	S	S

Table 2.3.110 – Land Uses Allowed in Commercial Zones (C-C, C-G)		
Uses	Status of Use in Zone	
Use Categories <i>Examples of uses are in Chapter 1.4; Definitions are in Chapter 1.3</i>	Central Commercial (C-C)	General Commercial (C-G)
COMMERCIAL CATEGORIES		
Commercial Educational Services (not a school; tutoring or similar services)	P	P
Commercial Outdoor Recreation	CU	CU
Commercial Parking Facility (when not an accessory use)	CU	P
Drive-Up/Drive-In/Drive-Through (drive-up windows, kiosks, similar uses/facilities), per Section 2.3.190(A)	Banks & Pharmacies - S Other - N	S
Major Event Entertainment	CU	CU
Mobile Vending Units, per standards in Section 4.9.300	S	S
Offices	P	P
Quick Vehicle Servicing or Vehicle Repair. [See also Drive-Up/Drive-In/Drive-Through Uses, per Section 2.3.190(A)] - fully enclosed (e.g., garage) - not enclosed	CU N	S S
Retail Sales and Service (See also Drive-Up Uses)	P	P
Self-Service Storage, per Section 2.3.190(F) - Residential Caretakers Unit in conjunction with Self-Service Storage, per Section 2.3.190 (G)	N N	S CU + S
INDUSTRIAL CATEGORIES		
Industrial Service (See also Drive-Up Uses) - fully enclosed (e.g., office) - not enclosed	P N	P CU
Manufacturing and Production - fully enclosed - not enclosed	CU N	P CU
Warehouse and Freight Movement	N	CU
Waste-Related	N	N
Wholesale Sales - fully enclosed, less than 40,000 ft ² of floor area - fully enclosed, equal to or greater than 40,000 ft ² of floor area - not enclosed	CU N N	P P P
INSTITUTIONAL CATEGORIES		
Basic Utilities	P	P

Table 2.3.110 – Land Uses Allowed in Commercial Zones (C-C, C-G)		
Uses	Status of Use in Zone	
Use Categories <i>Examples of uses are in Chapter 1.4; Definitions are in Chapter 1.3</i>	Central Commercial (C-C)	General Commercial (C-G)
Colleges	P	P
Community Service	P	P
Daycare, adult or child day care; does not include Family Daycare (16 or fewer children) under ORS 657A.250	P	P
Detention Facilities and Correctional Institutions	N	CU
Medical Centers	P	P
Parks and Open Areas - pedestrian amenities - parks and recreation facilities - other open space	P P P	P P P
Religious Institutions and Houses of Worship	P	P
Schools - lawfully existing as of 2/13/04 - new	P CU	P CU
OTHER CATEGORIES		
Accessory Structures (with a permitted use)	P	P
Agriculture – Animals [See Section 2.2.200(L)]	S	S
Agriculture – Nurseries and similar horticulture [See Section 2.2.200(L)]	S	S
Mining	N	N
Radio Frequency Transmission Facilities	CU	CU
Temporary Uses, per Section 4.9.100	S	S
Transportation Facilities [operation, maintenance, preservation, and construction (in accordance with the City's Transportation System Plan)]	P	P
Utility Corridors, except those existing prior to effective date of Development Code are allowed	CU	CU

Key:

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



BAKER CITY
OREGON

MAYOR
Randy Daugherty
COUNCILORS
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Barry Murphy

ORDINANCE NO. 3413

AN ORDINANCE AMENDING CHAPTER 2.3 (COMMERCIAL ZONES), TABLE 2.3.110 (LAND USES ALLOWED IN COMMERCIAL ZONES) OF THE BAKER CITY DEVELOPMENT CODE TO ALLOW DRIVE-THROUGH WINDOWS IN ASSOCIATION WITH PHARMACIES AND DECLARING AN EMERGENCY.

WHEREAS, the City of Baker exercises exclusive zoning regulation and permitting of land uses throughout the incorporated area pursuant to the State-wide Planning Goals, ORS Chapters 197 and 227 as reflected in the City's acknowledged Comprehensive Plan and the Baker City Development Code (BCDC); and

WHEREAS, the City's regulations governing uses allowed in the Commercial Zones are set forth in BCDC Chapter 2.3 (Commercial Zones), and specifically listed in Table 2.3.110 (Land Uses Allowed in Commercial Zones); and

WHEREAS, BCDC Table 2.3.110 allows drive-up/drive-through windows, kiosks and similar facilities in the Central Commercial (C-C) Zone only in association with banks and no other uses except in the General Commercial Zone; and

WHEREAS, until recently, the City had three full-scale pharmacies, but the recent economic down-turn resulted in the closure of two of those, leaving a single pharmacy to serve the greater Baker City population; and

WHEREAS, in the City's efforts to encourage economic development and facilitate the reoccupation of a vacated building in the C-C Zone with a preexisting drive-through window, the City has been approached by a pharmacy that will redevelop and operate this existing building but requires a drive-through window as part of its commercial operation; and

WHEREAS, City staff asks that the City Council consider amending BCDC Table 2.3.110 to allow drive-through windows in association with pharmacies in the C-C Zone and to do so on a relatively quick schedule that makes it economically and practically feasible for this pharmacy to obtain land use approval and redevelop this vacant building in 2025/2026; and

WHEREAS, the City Council considered the policy question of allowing drive-through windows for pharmacies in the C-C Zone and determined that the benefits generally outweigh the detriments of drive-through facilities for this particular type of use in the C-C Zone and scheduled and duly noticed a public hearing on the proposal for its regular meeting on October 14, 2025; and

WHEREAS, allowing drive-through facilities in the limited context of banks and pharmacies in the C-C Zone is unlikely to have adverse impacts because, as proposed, such facilities will still be subject to site/development review; and

WHEREAS, at its regular October 14, 2025 meeting, the City Council considered a legislative text amendment to BCDC Table 2.3.110 to allow drive-through windows in association with pharmacies in the C-C Zone, at which time it accepted all manner of public testimony and comment.

NOW THEREFORE, be it ordained by Baker City, Oregon that:

Section 1 – Amendment. Chapter 2.3 (Commercial Zones), Table 2.3.110 (Land Uses Allowed in Commercial Zones) of the Baker City Development Code is hereby amended as reflected in Exhibit 1, attached hereto and made a part hereof by this reference, to permit drive-up/drive-through windows, kiosks and similar uses/facilities in association with pharmacies in the City’s Central Commercial (C-C) Zone. Such drive-through facilities shall be permitted with standards and subject to site/development review in the C-C Zone.

Section 2 – Emergency. This ordinance, being necessary for the immediate preservation of public peace, health, and safety of the City of Baker City and to take full advantage of the economic opportunity of a second pharmacy in the City, to resolve as quickly as possible regulatory uncertainty about drive-through facilities in association with pharmacies generally, an emergency is declared to exist, and this Ordinance shall be in full force and effect immediately upon its third reading and approval by the Council.

READ for the first time in full on this 14th day of October 2025.

READ for the second time by title only on this 14th day of October 2025.

READ for the third time by title only on this 28th day of October 2025.

APPROVED and effective upon third reading by the City Council of Baker City, Oregon, and signed by the Mayor of Baker City, Oregon, this 28th day of October 2025.

Randy Daugherty, Mayor

ATTEST:

APPROVED AS TO FORM

Megan Langan, City Recorder

Dan Van Thiel, City Attorney

Exhibit 1

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

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

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

Table 2.3.110 – Land Uses Allowed in Commercial Zones (C-C, C-G)		
Uses	Status of Use in Zone	
Use Categories <i>Examples of uses are in Chapter 1.4; Definitions are in Chapter 1.3</i>	Central Commercial (C-C)	General Commercial (C-G)
COMMERCIAL CATEGORIES		
Commercial Educational Services <i>(not a school; tutoring or similar services)</i>	P	P
Commercial Outdoor Recreation	CU	CU
Commercial Parking Facility <i>(when not an accessory use)</i>	CU	P
Drive-Up/Drive-In/Drive-Through <i>(drive-up windows, kiosks, similar uses/facilities)</i> , per Section 2.3.190(A)	Banks & Pharmacies - S Other - N	S
Major Event Entertainment	CU	CU
Mobile Vending Units, per standards in Section 4.9.300	S	S
Offices	P	P
Quick Vehicle Servicing or Vehicle Repair. [See also Drive-Up/Drive-In/Drive-Through Uses, per Section 2.3.190(A)] - fully enclosed (e.g., garage) - not enclosed	CU N	S S
Retail Sales and Service (See also Drive-Up Uses)	P	P
Self-Service Storage, per Section 2.3.190(F) - Residential Caretakers Unit in conjunction with Self-Service Storage, per Section 2.3.190 (G)	N N	S CU + S
INDUSTRIAL CATEGORIES		
Industrial Service (See also Drive-Up Uses) - fully enclosed (e.g., office) - not enclosed	P N	P CU
Manufacturing and Production - fully enclosed - not enclosed	CU N	P CU
Warehouse and Freight Movement	N	CU
Waste-Related	N	N
Wholesale Sales - fully enclosed, less than 40,000 ft ² of floor area - fully enclosed, equal to or greater than 40,000 ft ² of floor area - not enclosed	CU N N	P P P
INSTITUTIONAL CATEGORIES		
Basic Utilities	P	P

Exhibit 1

Table 2.3.110 – Land Uses Allowed in Commercial Zones (C-C, C-G)		
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Colleges	P	P
Community Service	P	P
Daycare, adult or child day care; does not include Family Daycare (16 or fewer children) under ORS 657A.250	P	P
Detention Facilities and Correctional Institutions	N	CU
Medical Centers	P	P
Parks and Open Areas		
- pedestrian amenities	P	P
- parks and recreation facilities	P	P
- other open space	P	P
Religious Institutions and Houses of Worship	P	P
Schools		
- lawfully existing as of 2/13/04	P	P
- new	CU	CU
OTHER CATEGORIES		
Accessory Structures (with a permitted use)	P	P
Agriculture – Animals [See Section 2.2.200(L)]	S	S
Agriculture – Nurseries and similar horticulture [See Section 2.2.200(L)]	S	S
Mining	N	N
Radio Frequency Transmission Facilities	CU	CU
Temporary Uses, per Section 4.9.100	S	S
Transportation Facilities [operation, maintenance, preservation, and construction (in accordance with the City's Transportation System Plan)]	P	P
Utility Corridors, except those existing prior to effective date of Development Code are allowed	CU	CU

Key:

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



BAKER CITY, OREGON

MAYOR:

Randy Daugherty

COUNCILORS

Roger Coles

Loran Joseph

Helen Loennig

Doni Bruland

Gratton Miller

CITY MANAGER

Barry Murphy

Date: October 28, 2025

Subject: BCD Quarterly Update



BAKER CITY, OREGON

MAYOR:

Randy Daugherty

COUNCILORS

Roger Coles

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Doni Bruland

Gratton Miller

CITY MANAGER

Barry Murphy

Date: October 28, 2025

Subject: Chlorine Conversion

The 2025-26 Public Works Capital plan includes a capital project line for chlorine conversion (gas to on-site generation) at the water treatment facility. This will be a phased project spanning up to three fiscal years. The purpose of this proposal is to educate the council on the difference in the processes, and the benefits of the conversion. PowerPoint will be presented at the meeting.



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CITY MANAGER

Barry Murphy

Date: October 28, 2025

Subject: Ambulance Update

Action Statement

City Council will get an update on the Fire Department's role in cooperating with Pioneer.

Background

Baker City Fire Department signed an agreement with Pioneer to maintain 911 backup services in the event that Pioneer has both ambulances on calls. This concept began in July 2025, so the program is still in its infancy.

Analysis

The Fire Chief will give an update on the latest information about the program.

Potential Motions

N/A



BAKER CITY, OREGON

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Barry Murphy

Date: October 28, 2025

Subject: Elkhorn Industrial

Action Statement

City Council can approve the repurchase of one of the Elkhorn Industrial properties.

Background

The City Council recently sold all the remaining property in the Elkhorn Industrial. The attached resolution in Section 5B outlines the City's right to repurchase the property.

Analysis

The owner of Lot 10 wishes to sell the land as he is not able to improve it within the timeline listed in the resolution. The resolution states that the City has the right to repurchase property at the original purchase price if an owner has not or cannot start construction or improvement of the land within 18 months. The owner desired to sell since he was not able to move his business as quickly as anticipated.

The City Manager has prepared the sales agreement and received a preliminary title report to repurchase the property for \$30,000 - the price for which it was sold. In order to complete the purchase, the Council must approve the City Manager to repurchase the property and authorize him to sign on the City's behalf.

Potential Motions

"I, Councilor _____, move to approve the repurchase of Lot 10 for \$30,000, and approve the City Manager to sign for the purchase on behalf of the City."

RESOLUTION NO. 3737
A RESOLUTION CREATING COVENANTS, CONDITIONS AND
RESTRICTIONS FOR THE ELKHORN VIEW INDUSTRIAL PARK.

WHEREAS, the City is the owner of all of the real property known as Elkhorn View Industrial Park Subdivision located in Baker City, Oregon; and

WHEREAS, it is the goal of the City to establish a harmonious development of the Elkhorn View Industrial Park Subdivision which will promote industrial development within Baker City for the benefit of its residents; and,

WHEREAS, to achieve the foregoing goals, the City intends for the Elkhorn View Industrial Park Subdivision to be improved with buildings and industries which will promote and enhance the economy of Baker City and Baker County; and,

WHEREAS, this Declaration is established to impose various covenants and restrictions upon the Property for the purpose of promoting the stated goals; and

NOW THEREFORE, the City hereby declares that the property herein described as Elkhorn View Industrial Park Subdivision will be held, sold and conveyed subject to the covenants, conditions, restrictions and easements set forth herein, all of which are for the purpose of protecting the desirability of the Elkhorn View Industrial Park Subdivision, and will run with the Property and be binding upon all persons, having any right, title or interest therein, or in any part thereof, and their respective heirs, successors and assigns; and which will in turn benefit the City.

DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS
FOR
ELKHORN VIEW INDUSTRIAL PARK SUBDIVISION

ARTICLE I: DECLARATION OF RESTRICTIVE COVENANTS:

The City, owner of all land within the Elkhorn View Industrial Park Subdivision more particularly described in Exhibit "A" attached hereto and made a part thereof, hereby declares that the Elkhorn View Industrial Park Subdivision, and every part thereof now owned or hereafter acquired, is and will be owned (legally and beneficially); leased, or otherwise occupied; conveyed; encumbered or otherwise transferred; developed; improved; built upon or otherwise used are subject to all provisions of this Declaration. All of these covenants shall run with the land and every part thereof for all purposes, and shall be binding upon and inure to the benefit of the City, and all owners, Lessees and Licensees, and their successors in interest as set forth in this Declaration. These covenants shall encumber the entire Elkhorn View Industrial Park Subdivision whether or not contained in any conveyance of property within said park, and they shall not be extinguished as to any property therein by foreclosure, execution, sale, or tax sale.

ARTICLE II: GENERAL RESTRICTIONS

A. BUILDING MATERIALS:

1. Except as otherwise provided herein, the sides and rear of all buildings shall be finished in an attractive manner in keeping with the accepted standards used for industrial buildings subject to the approval of the City. Buildings must be kept in good repair and appearance at all times. Buildings must be of approved construction in conformity with all applicable building codes. Buildings shall not exceed fifty (50) feet in height except upon written approval of the City.

- B. **BUILDING ELEVATIONS:** All elevations of the building shall be designed in a consistent and coherent architectural manner. Changes in material, color and/or texture shall occur at points relating to the massing and overall design concept of the building.
- C. **BUILDING LOCATION:** All buildings shall be sited on the lot to present their most desirable face to the street and, where possible, should be related to buildings on adjoining lots.
- D. **HVAC UNITS AND MISCELLANEOUS EQUIPMENT:** Cooling towers, rooftop and ground mounted mechanical and electrical units and other miscellaneous equipment shall either be integrated into the design of the building or screened from view.

ARTICLE III: REGULATION OF IMPROVEMENTS:

- A. **APPROVAL OF PLANS:** No improvements shall be constructed, erected, placed, altered, maintained or permitted to remain in the Elkhorn View Industrial Park Subdivision until final plans and specifications shall have been submitted to and approved by the City. All proposals for development must be submitted and approved by the Planning Department (buildings 15,000 sq. ft. or smaller) or Planning Commission (buildings larger than 15,000 sq. ft.) prior to submission for building permit issuance. Customary review of site plans by City Staff for technical compliance shall be scheduled prior to review by the Planning Commission. Work scheduling and estimated completion dates should be included with plans as well as estimated employment at peak and anticipated shift schedules. Approvals under this section do not remove the obligation to obtain all other necessary construction permits that may be required by the City or other agency.
- B. **LIABILITY:** Neither the City, nor the City's assignees or successors as hereinafter provided, shall be liable for any damage, loss or prejudice suffered or claimed by any Owner, Lessees or Licensee, or by any such Owners' architect, engineer or contractor, who submits such plan for approval.

ARTICLE IV: DIVISION OF PROPERTY INTERESTS

- A. **DIVISION OF PARCELS:** All property divisions shall follow the established land division procedures. No parcel located within the Elkhorn View Industrial Park Subdivision shall be further divided into parcels smaller than one (1) acre. In no instance shall such division create a parcel which is not developable in compliance with this Declaration or which would violate any applicable state and local laws, ordinances or regulations regarding the subdivision of lands.
- B. **COOPERATION FOR EASEMENTS:** All owners and occupants of parcels within the Elkhorn View Industrial Park Subdivision shall cooperate with the City and other owners and occupants of lots within the Elkhorn View Industrial Park Subdivision in the planning and granting of all necessary and reasonable easements for gas, electric, telephone, sewer, water, drainage ditches, access roads, railway spurs, and loading tracks to the extent that such easements do not interfere with existing uses of the land or unduly restrict future intended uses. Nothing contained in this section shall be deemed to require the purchaser to grant any specific easement, nor grant easements or rights-of-way, without reasonable compensation.

ARTICLE V: RECAPTURE OF LAND

A. CITY RIGHT OF FIRST REFUSAL AS TO VACANT LAND:

1. In the event any owner of land in the Elkhorn View Industrial Park Subdivision elects to sell any portion which is not being used in connection with the business or industry of the owner, or which the owner desires to sell separate and distinct from any sale of the business or industry being conducted by the owner, the same shall first be offered for sale, in writing, to the City at the same price and on the same terms as the property may be sold by virtue of an acceptable bona fide offer to purchase received by the owner, or its legal representatives, successors, heirs or assigns. The City shall exercise its right of first refusal within sixty (60) days of receiving written notice of the bona fide offer to purchase. In the event the City shall not exercise its right of first refusal in a timely

manner, the owner may then sell the property on the terms set forth in the offer to purchase which was noticed to the owner. In that event, the City's right of first refusal shall then terminate as to that pending offer. However, the right of first refusal shall continue for each and every subsequent sale by an owner. It is intended that this right of first refusal shall apply only to the resale of vacant land. Any division of parcel shall comply with the minimum parcel size requirements required herein or by City ordinance.

2. In the event of acceptance of such offer by the City, conveyance shall be by Warranty Deed, free and clear of all liens and encumbrances created by act or default of the owner. Regardless of the City's actions herein, the use of the land by any subsequent owner shall be subject to applicable zoning, ordinances, restrictions and regulations of the City and the Elkhorn View Industrial Park Subdivision Restrictive Covenants relating to the use of the land at the time of the sale.

B. RECAPTURE OF LAND FOR FAILURE TO IMPROVE:

1. If a purchaser of land in the Elkhorn View Industrial Park Subdivision has not or cannot start construction and improvements on the land purchased within eighteen (18) months of the date of payment of the purchase price, has not completed construction within thirty (30) months, or has failed to comply with the plans or specifications approved by the City, the City shall have the right to repurchase the property from the purchaser at the original purchase price without interest less the estimated cost of restoring the property to the condition which it was in at the time of purchase; however the City may at its option accept the parcel and the improvements thereon in which case restoration shall not be required. Any extension of time to permit construction and improvement must be mutually agreed upon in writing between the City and the purchaser and adopted by Resolution of the City Council.
2. If the City reclaims the land through non-performance by the purchaser as provided herein, purchaser shall convey the property to the City by Warranty Deed, free and clear of all liens and encumbrances created by act of default of the purchaser. The Deed shall be delivered to the City upon payment of the amounts set forth herein.
3. If the City reclaims the land through non-performance by the purchaser, the City may sell the land to any party and the subsequent purchaser shall be subject to applicable zoning, ordinances, restrictions, and regulations of the City and the Elkhorn View Industrial Park Subdivision Protective covenants relating to the use of the land at the time of the sale.

ARTICLE VI: ENFORCEMENT OF COVENANTS AND RESTRICTIONS

These covenants and restrictions may be enforced by the City as follows:

- A. **COST OF CORRECTION/FINES:** If any Owner, Lessee, or Licensee in the Elkhorn View Industrial Park Subdivision fails to conform to the provisions of this Declaration or the plans/specifications as approved by the City, and such failure to conform continues for thirty (30) days after written notice from the City is delivered to such Owner, Lessee or Licensee, specifying such failure to conform, hence the City may, without further notice, perform such acts and take such action directly upon the property of the non-conforming Owner, Lessee, or Licensee, and said Owner, Lessee or Licensee shall be responsible for, and upon written demand shall immediately pay to the City all costs incurred by the City in correcting and/or curing such failure to conform, and such costs shall bear interest at the maximum legal rate allowed by law from the date of correction and/or curing by the City until paid.
- B. **INJUNCTIVE RELIEF:**
 1. If any Owner, Lessee or Licensee, or their employees, agents, contractors or invitees shall violate or attempt to violate or permit to be violated any of the provisions thereof or the plans/specifications approved by the City, the City shall have the right to prosecute any proceeding in any court of competent jurisdiction, against such person or persons, violating or attempting to violate, or permitting to be violated, any such provision, to

prevent and permanently enjoin such violation and to recover damages for such violation. The City may without notice apply for and obtain a temporary injunction, if deemed necessary by the City to prevent any violation hereof. All Owners, Lessees Licensees, Agents, Employees, Contractors, invitees and their heirs, successors or assigns consent to such proceedings being prosecuted in Courts in Baker County, Oregon. The foregoing enforcement remedy shall be in addition to and not in limitation of any legal or equitable remedy available to the City under the laws of the State of Oregon. All costs including actual reasonable attorney's fee, incurred by the City in any legal proceeding which results in a judgment order or decree in favor of the City, shall be borne in full by the defendant in such proceeding.

2. Failure by the City, its successors or assigns, to enforce any restriction, covenant, condition or agreement herein contained shall in no event be deemed a waiver of the right to do so thereafter as the same breach or as to any breach occurring prior or subsequent thereto.
 3. Notwithstanding any other provisions hereof, any Owner, Lessee or Licensee of land in the Elkhorn View Industrial Park Subdivision shall have the right and standing to take legal action for the enforcement of the covenants in the event the City fails to do so, provided the City shall first have been given written notice of the intention to take such action together with a reasonable stated period of time in which the City may commence enforcement of these covenants as to the matters set forth in the notice, which period shall be reasonable under the circumstances, and further provided that within said period the City shall have failed to initiate such enforcement action.
- C. SEVERABILITY: If any provisions of this Declaration are held to be invalid by any court, the invalidity of such provision shall not affect the validity of the remaining provisions.
- D. ORDINANCES: If the City's Code of Ordinances and land use restrictions differ from those set forth in this Declaration, then compliance with the more restrictive provisions shall be required.
- E. AMENDMENTS: Initially, this Declaration or any covenant, condition or restriction contained herein, may be terminated or amended, as to the whole Property or any portion thereof, at the sole discretion of the City. At such time as eighty percent (80%) of the total square footage of the Property, exclusive of areas dedicated for streets, parks, storm water management facilities or other public uses, has been conveyed to persons other than the City, then this Declaration, or any covenant, condition or restriction contained herein, may be terminated or amended, only with the written consent of the City and the owners of two-thirds (2/3) of the square footage of the non-dedicated portion of the Property not owned by the City. At such time as the City ceases to have any interest in the Property, then this Declaration, or any covenant, condition or restriction contained herein, may be terminated or amended, only with the written consent of the owners of two-thirds (2/3) of the square footage of the Property. Any written consent described in this section that terminates or amends this Declaration shall be in recordable form and shall take effect upon recordation.
- F. TERM: The benefits and burdens of the covenants, conditions and restrictions of this Declaration shall run with the land and shall bind and inure to the benefit of, any owner, tenant or occupant of any land subject to this Declaration, their successors or assigns. This Declaration shall continue in effect for a period of twenty (20) years from the date this Declaration is initially recorded. After the expiration of such twenty (20) year period, this Declaration shall be automatically extended for successive periods of ten (10) years each, unless terminated as provided for above.
- G. GOVERNING LAW: This Declaration shall be governed by the laws of the State of Oregon.

ARTICLE VII: LIENS AND NON-PAYMENT OF ASSESSMENTS

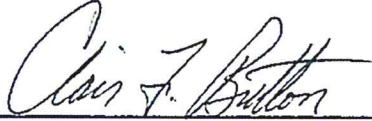
Each Owner of any property in the Elkhorn View Industrial Park Subdivision, by acceptance of a deed therefore, whether or not it shall be so expressed in such deed, is deemed to covenant and agree to pay to the City all sums which may become due the City from such Owner pursuant to the provisions of this

Declaration. The assessment of any such sums as herein provided, including interest, cost, penalty, and actual reasonable attorney's fees for the enforcement of the same, shall be a recoverable.

ARTICLE VIII: NOTICES

Any written notice or demand required pursuant to these covenants shall be deemed to have been delivered to any Owner, Lessee or Licensee upon the depositing of the same in the United States mail, postage prepaid, directed to the address of the Owner, Lessee or Licensee shown on the last recorded instrument conveying title in and to such property in the Elkhorn View Industrial Park Subdivision.

PASSED by the City Council of Baker City, Oregon, and signed by the Mayor of Baker City, Oregon, this 9th day of September, 2014.



Mayor

ATTEST: 

City Recorder

Ayes: 5 (Langrell, Downing, Button, Mosier, Johnson)

Nays: _____

Absent: _____ (Coles, Dorrah)

Abstain _____



BAKER CITY, OREGON

MAYOR:

Randy Daugherty

COUNCILORS

Roger Coles

Loran Joseph

Helen Loennig

Doni Bruland

Gratton Miller

CITY MANAGER

Barry Murphy

Date: October 28, 2025

Subject: Council Committee Updates



BAKER CITY, OREGON

MAYOR:

Randy Daugherty

COUNCILORS

Roger Coles

Loran Joseph

Helen Loennig

Doni Bruland

Gratton Miller

CITY MANAGER

Barry Murphy

Date: October 28, 2025

Subject: City Manager / Director Updates



BAKER CITY, OREGON

MAYOR:

Randy Daugherty

COUNCILORS

Roger Coles

Loran Joseph

Helen Loennig

Doni Bruland

Gratton Miller

CITY MANAGER

Barry Murphy

Date: October 28, 2025

Subject: City Council Comments



BAKER CITY, OREGON

MAYOR:

Randy Daugherty

COUNCILORS

Roger Coles

Loran Joseph

Helen Loennig

Doni Bruland

Gratton Miller

CITY MANAGER

Barry Murphy

Date: October 28, 2025

Subject: Adjourn
