The City of Baker City
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City of Baker City Development Code

Adopted by Ordinance No. 3296
Effective October 21, 2009

Amended by Ordinance No. 3341
Effective August 27, 2015

Amended by Ordinance No. 3347
Effective January 20th, 2016

Amended by Ordinance No. XXXX
Effective XXXXXX XX, 2017

PAGE #	DESCRIPTION
ORGANIZATIONAL CHANGES	
pg 7 to 58 – Chapter 1.3	Relocate and merge definitions into Chapter 1.3 – Definitions
pg 7 – Chapter 1.3	Remove references to "group headings" throughout Code. "Group headings" were used to cross-reference, organize and group related terms within Chapter 1.3 – *Definitions* and throughout Code. Staff and the public found this cumbersome for everyday use.
CLERICAL CHANGES	
Correct numbering/lettering mistakes	
Correct section headings	
Change "Oregon Residential Code" and "Oregon Specialty Code" references to "Oregon Specialty Codes"	
Remove references to business licenses from the following sections, as business licenses in the City are only required for certain temporary events: • Pg. 103 – Section 2.2.200(F)(1) – relating to home occupation approval requirements • Pg. 109 – Section 2.2.200(J)(2) – relating to short-term vacation rental approval requirements • Pg. 266 – Section 4.2.300 – relating to Land Use Review approval requirements	
MATERIAL CHANGES	
Pg 23 – Chapter 1.3	Add definition of exactions: "*Requirements a local government places on a developer or property owners to dedicate land or construct or pay for all or a portion of the costs of public improvements needed for public facilities as a condition of development approval*"
pgs 59 and 64 – Chapter 1.4	Add "Drive Through/Up" use category
pg 84 – Table 2.2.110	Increase permitted height and square footage of accessory structures in residential zones from 18 feet to 20 feet, and 1,000ft^2 to 1,200ft^2; and add, *"or less than 1.5 times the size of the primary structure, whichever is greater" as copied from Section 2.2.200(B)*
Pg 89 and 90 – Table 2.2.120 and Section 2.2.130(B); Pg 117 and 118 – Table 2.3.120 and Section 2.3.130(A); Pg 135 and 136 – Table 2.4.110 and Section 2.4.120(B)	Add: *"separate or additional setback requirements and fire protection measures may be required by the Building Official"*
pg 103 – Sec 2.2.200(F)	Clarify that both Type I and Type III Home Occupations require permits by: *"Two types of home occupations require ~~permits~~ Planning Department approval: ~~are contemplated by this Code~~:"*
pg 145 – Section 3.1.200(F)(3)	Remove "*New property access on ~~Collector and Arterial~~ 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."
pg 176 to 178 – Chapter 3.4	Create *"public improvements"* Section 3.4.200 within "3.4 - Public Facilities" chapter
pg 198 to 228 – Chapter 3.5	Insert revised Sign Chapter, which includes reorganization of content, removal of content-based sign regulation and updated GIS imagery of overlay and land use zones within the City
Pg 229 to 231 and pg. 236 – Sections 3.6.200(A), 3.6.200(B), 3.6.200(C) and 3.6.200(D); and 3.6.600(E)	Replace (for clarity) "*outright permitted use*" with "*permitted via a Type I procedure*" in relation to siting requirements for radio frequency transmission facilities. The term "outright" is commonly misinterpreted to mean no permits are required. Replacement of this word will clarify the intent of Code, which regulates collocation via a Type I procedure.
Pgs 231 and 234 – Sections 3.6.200(A)(1), 3.6.200(D)(1)(b) and 3.6.400(C)(1-2)	Replace "*outright*" with "*as proposed*" in relation to collocation of radio frequency transmission antennae. The term "outright" is commonly misinterpreted to mean no permits are required. Replacement of this word will clarify the intent of Code, which regulates collocation via a Type I procedure.
Pg 240 – Table 4.1.100	Remove Type II temporary use permit review procedure
pg 267 – Section 4.2.500(B)(1)	Consolidate and streamline site plan requirements for Site Design Review applications
pg 279 – Section 4.3.130(B)(2)	Consolidate and streamline preliminary plat submission requirements
pg 280 – Section 4.3.130(B)(2)(p) and pg. 283 – Section 4.3.160(B)	Add to Section 4.3.130(B)(2) – "*p. proposed public dedications*" and to Section 4.3.160(B) – "*11. No plat containing a dedication of land, right of way, or other improvement to the public shall be recorded without the City indicating acceptance of the dedication on the face on the final plat"*, which are intended to ensure that the City must approve and accept any proposed public dedications in writing
pg 315 – Section 4.9.100(D)	Insert revisions to *Temporary Occupancy of Motor Homes and Travel Trailers in Residential Zones* section, which includes provisions for use of motor homes/travel trailers as residences <u>only</u> if home under construction or in care for aged or infirmed person
Pg 317 – Section 4.9.200(A)	Replace (for clarity) "*outright permitted use*" with "*permitted via a Type I procedure*" in relation to home occupation permits. The term "outright" is commonly misinterpreted to mean no permits are required. Replacement of this word will clarify the intent of Code, which regulates collocation via a Type I procedure.
Pg 319 – Section 5.1 "Background"	Replace (for clarity) "*outright permitted use*" with "*permitted via a Type I procedure*" in relation to home occupation permits. The term "outright" is commonly misinterpreted to mean no permits are required. Replacement of this word will clarify the intent of Code, which regulates collocation via a Type I procedure.
pg 327 – Section 5.3.200	Remove (for clarity) "*was not created through an approved subdivision or partition*" from Lot of Record requirement

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Article 1.0 — Introduction

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1.2. General Administration
1.3. Definitions
1.4. Use Categories
1.5. Enforcement

Chapter 1.1 — *Read Me First* - An Incentive Based Code

Welcome to the Baker City Development Code. This code guides land use and development practices on parcels within the incorporated limits of Baker City and the city's Urban Growth Boundary. In some regards it offers some unusual features not normally found in standard zoning and subdivision ordinances. Those features include:

- Added flexibility in many circumstances to accommodate changes in market conditions or the realties often encountered on-site so that rational decisions can be made while still enhancing community planning objectives, insuring public safety, and protecting private property owner and taxpayer investments.

- The use of incentives. The development code, in a number of areas, has been intentionally designed to provide choice to individuals rather than just a regulatory mandate without options. Those options that are most desirable in advancing community goals are often encouraged through technical assistance from the City or added design and land use flexibility. Throughout the code, a number of incentive summary boxes highlight for the reader the options available and associated advantages.

- Integration with Baker City economic development strategies. Baker City is a community in economic transition pursuing specific strategies to strengthen the area's economy for everyone's benefit. One important component of implementing those strategies is the public face that we present to the outside world and the quality-of-life that we offer all of our current and future residents. Issues of urban design, neighborhood quality and pedestrian access, among others, have a direct impact on the future success of those economic development strategies. As a result, there are components of the development code that are specifically designed to assist in implementing those longer range economic development objectives and strategies.

A development code such as Baker City's could be described as a combination code. In many other jurisdictions you would typically find a separate zoning ordinance, subdivision development ordinance, sign regulations, and other related development standards. ~~At~~ In the city of Baker City, these are combined in a single, integrated code. This combination approach in a single code is common practice among Oregon's cities.

Development codes are, by their very nature, long, complicated, and often legalistic – the realm of specialists in planning, development, engineering, and land-use law. Because of the technical nature of the topics that they cover, legal mandates in state law, and having to take into account nearly a century

of legal precedents from court decisions, it is impossible today to make such codes user friendly for the general public. We apologize to our fellow neighbors for this limitation – we wish it could be otherwise. What Baker City can and does do is offer supportive guidance through printed handouts on common topics in the code. We also do our best with limited staff to offer the kind of friendly support that we all hold as a common value in our community. The Baker City Planning Department is committed and obligated to implement the community's adopted policy on land use and development. Our goal is to do so in a way that is understandable, efficient, fair, and as pleasant as we can make it.

We understand how frustrating it can be dealing with the growing complexity of today's society. Just like other citizens, the staff members in the Baker City Planning Office often share that frustration. In the big picture, ~~the~~ land use guidance in the Baker City ~~d~~Development ~~c~~Code is designed to accomplish a number of objectives that the community-at-large has identified as important. Those objectives include:

- The protection and enhancement of public property rights. As individual property owners we all enjoy certain private property rights. Those private property rights are balanced against public property rights. The community-at-large retains and manages certain public property rights such as clean air, clean water, and attractive and safe neighborhoods that are held in common for the community through its locally controlled government. Zoning regulations are one way that a community defines and manages its public property rights.

- The generation of "public goods" to the extent that the community is willing to pay or regulate itself. Public goods include a wide variety of community-wide benefits such as open space and parklands, pedestrian systems, and attractive and vibrant shopping districts, to name a few. Public goods are those benefits or services that are best produced by collective community action, for instance national defense through an organized military. Public goods are impractical or impossible for us to provide as individuals, instead, they require a community wide effort. The development code is designed over an extended time period to help generate many important public goods at the local level.

- The protection and encouragement of private investments. The development code directly increases property values for private owners. Without land use regulations, your land is worth less, often far less, because ~~you have~~there is no predictability for investments or protection against detrimental land uses or poor development practices that may occur next door driving down your property values. Without self-regulation at the community level, private investment is significantly reduced. With intelligent regulation, investor risk is reduced. The more we work together as a community to create an attractive, efficient, and stimulating environment for people, the more private property values are protected and enhanced.

- To protect public health and safety. Providing for public safety is one of the fundamental obligations of government and one of the important reasons why we have building codes and development codes. Human society has recognized this need well back to the Roman Empire and Greek Society, both of ~~whom~~ which employed city planning and the equivalent of development codes. Standards related to fence heights, building setbacks, road design, and intersection sight distances (all components of this code) exist specifically for public safety.

If you are referring to this code because you have an interest in developing property or because you

are interested in promoting advanced planning techniques in your neighborhood, make sure and compare the different development options offered. In particular you will likely be interested in the provisions in Article 4, Chapter 4.5 that deal with master planned developments, cove subdivision design, and technical assistance programs offered by the City. The following chart provides a brief comparison.

DEVELOPMENT OPTIONS COMPARISON		
	Master Planned Developments	Standard Tract Subdivisions
Uses permitted	Flexible- Mixed Use	Restricted by Zoning Standards
City Design Assistance Program	Available	Not Eligible
Design Standards	Flexible	Fixed
Lots Size Standards	~~Lot sizes f~~Flexible	Fixed
Public Hearings	Community Consultation Workshop with City assistance to create cooperative environment & reduce project controversy	Standard Hearings Required
Approval Class	Government Discretion	By-Right Prescriptive Path
Process Time	Priority Status	120 days

The five ~~chapters~~ articles of this code are used together to accomplish the broad objectives that have been described above. The chapters are organized as follows:

Article 1. In addition to this brief introduction, Article 1 provides definitions for selected terms, land use classifications and categories, and information on the legal construct of the code. It also explains the city authority to enforce its Development Code.

Article 2. Every parcel, lot, and tract of land within the city's incorporated boundaries is also within a "land use district". (Land use districts are shown on the city's official zoning map.) Chapter 2 identifies the land uses that are permitted within each district, and the standards that apply to each type of land use (e. g., lot standards, setbacks, and use-specific design standards). As required by state law, the zones or "land use districts" conform to the Baker City Comprehensive Plan. The districts reserve land for planned land uses, provide compatibility between different uses, and implement planned housing densities.

Article 3. The design standards contained in Article 3 apply throughout the city. They are used in preparing development plans, and reviewing applications, to ensure compliance with city standards for access and circulation, landscaping, parking, public facilities, surface water management, housing densities, and sensitive lands.

Article 4. Article 4 provides all of the application requirements and procedures for obtaining permits required by this code. Four types of permit procedures are covered: Type I (routine administrative decision); Type II (discretionary, "administrative" decision that requires public notice); Type III ("quasi-judicial" decision with public notice and a Planning Commission hearing); and Type IV ("legislative" decisions that go to the City Council).

Article 5. Article 5 provides standards and procedures for variances and non-conforming situations

(i.e., existing uses or development that do not comply with the code). This code cannot provide standards to fit every potential development situation. The city's varied geography, and complexities of land development, require flexibility.

Chapter 1.2 — General Administration

Sections:

1.2.100 Severability
1.2.200 Compliance and Scope
1.2.300 Consistency with Plan and Laws
1.2.400 Use of a Development
1.2.500 Pre-Existing Approvals
1.2.600 Building Permit and Certificate of Occupancy
1.2.700 Official Action

1.2.100 Severability. The provisions of this Development Code are severable. If any section, sentence, clause or phrase of the Development Code is adjudged to be invalid by a court of competent jurisdiction, that decision shall not affect the validity of the remaining portion of the Development Code.

1.2.200 Compliance and Scope

A. **Compliance with the provisions in the Development Code.** Land and structures may be used or developed only as this Development Code ("Code") or any amendment thereto permits. No plat shall be recorded or no building permit shall be issued without compliance with the provisions of this Code.

B. **Obligation by successor.** The requirements of this Code apply to the owner(s) of record, persons undertaking the development or the use of land, and to those persons' successors in interest.

C. **Most recent regulations apply.** Where this Code imposes restrictions that are different than those imposed or required by other rules or regulations, the most recently adopted standard shall govern.

D. **Variances.** Variances shall be governed by the provisions of Chapter 5.1.

E. **Transfer of development standards prohibited.** No lot area, yard, landscaping, or open space that is required by this Code for one use shall be a required lot area, yard, landscaping, or open space for another use, except as otherwise specifically allowed by this Code.

1.2.300 Consistency with Plan and Laws. This Development Code is designed to implement the Baker City Comprehensive Plan. All provisions of this Code shall be construed in conformity with the adopted comprehensive plan and applicable State and Federal laws.

1.2.400 Use of a Development. A development shall be used only for a lawful use. A lawful use of a development is one that is permitted by this Code (including non-conforming uses, subject to Chapter 5.2), and is not prohibited by law.

1.2.500 Pre-Existing Approvals

A. Legality of pre-existing approvals. Developments and uses for which approvals were granted prior to the effective date of this Code may occur pursuant to such approvals; except that modifications to those approvals shall comply with Chapter 4.6 – Modifications to Approved Plans and Conditions of Approval.

B. Subsequent development applications. All developments and uses begun on or after October 21, 2009 shall conform to the provisions of this Code.

1.2.600 Building Permit and Certificate of Occupancy

A. Building permit. A building permit shall not be issued until the Planning Director or his or her designee has issued a Land Use Review or Site Design Review approval in accordance with the provisions of Chapter 4.2, or has otherwise found that such review is not required.

B. Certificate of occupancy required. To ensure completion of a development or use in the manner approved, a building shall not be occupied and a use shall not begin until the Baker City Building Official has issued a certificate of occupancy following completion of the work in substantial conformance to the applicable approvals and permits.

C. Prior to final completion. Prior to the final completion of all work, the Building Official, at his or her discretion, may issue a certificate of occupancy for a portion of the structure conditioned upon further work being completed by a date certain.

1.2.700 Official Action

A. Official Action. All officials, departments, employees (including contractor-officials) of the City are vested with authority to issue permits or grant approvals in conformance with this Code, and shall issue no permit or grant approval for any development or use which violates or fails to comply with conditions or standards imposed to carry out this Code.

B. Severability. Any permit or approval issued or granted in conflict with the provisions of this Code shall be void, unless it is modified to conform to the Code. The City Manager shall determine when an approval is void and he or she may modify the approval, or refer it back to the original decision making body for modification, to make it conform to the Code.

C. Notice. The failure of any person to receive mailed notice or failure to post a notice shall not invalidate any actions pursuant to this Code, provided a good faith effort was made to notify all parties entitled to notice.

Chapter 1.3 — Definitions

Sections:

1.3.100 Purpose
1.3.200 Applicability
1.3.300 Definitions

1.3.100 Purpose. The purpose of ~~Chapter 1.3~~this chapter is to define terms that are used frequently in the Baker City Development Code and to assist decision makers in interpreting and applying the Code. Some of the terms that are defined here may have different meanings in other communities.

1.3.200 Applicability

A. Definitions. The definitions in Chapter 1.3 apply to all actions and interpretations under the Baker City Development Code. The meanings given terms in this chapter may, in certain contexts in which they are used, be clearly inapplicable. In such cases, the context in which a term is used will indicate its intended meaning, and that intent shall control. Where a term used in this Code is already defined in another part of the Baker City Code (e.g., the Uniform Building Code, etc.) the term is not redefined herein for purposes of that other code. Terms not defined in this Code shall have their ordinary accepted meanings within the context in which they are used. Webster's Third New International Dictionary of the English Language, Unabridged, shall be considered a standard reference.

B. Land Use Categories. Chapter 1.4 provides descriptions of the land use categories used in Article 2.

1.3.300 Definitions. The following definitions are organized alphabetically~~ and some related terms are also grouped together and cross-referenced under group headings (*e. g.,* Transportation-Related, Environment-Related, etc.)~~. See also, Chapter 1.4 for descriptions of the land use categories used in Article 2.

A

Abandoned – Any sign which no longer applies to the property on which it is located or to the property involved to which it refers, provided the property involved has been vacant at least six months.

Abutting. Contiguous or adjoining. It shall include the terms adjacent, adjoining and contiguous.

Access. A way or means of approach to provide pedestrian, bicycle, and/or motor vehicular entrances or exits to a property.

Access easement. An easement recorded for the purposed of providing vehicle, bicycle, and/or pedestrian access from a public street to a parcel across intervening property under separate

ownership from the parcel being provided access. **Cross access** is a service drive providing vehicular access between two or more separate sites, so that the driver need not enter the public street system between sites.

Access way. A walkway or multi-use pathway providing a through connection for pedestrians between two streets, between two lots, or between a development and adjoining public right-of-way. It may be an access way for pedestrians and bicyclists (with no vehicle access), or a walk way on public or private property (*i.e.,* with a public access easement). See also, Walkway.

Accessible. Two meanings are possible depending on the specific code provision: In general, accessible means approachable by pedestrians, vehicles or other transportation mode, as applicable. Accessible may also mean, approachable and useable by people with disabilities, in conformance with the Federal Americans With Disabilities Act. Either or both definitions may apply in a particular situation. See Accessible Route in Transportation-Related Definitions.

Accessible route. A route that can be used by a disabled person using a wheelchair and that is also usable by people with other disabilities.

Access management. The systematic control of the location, spacing, design, and operation of driveways, median openings interchanges, and street connections to a roadway to minimize conflicts between turning and through vehicles, bicyclists and pedestrians. The purpose of access management is to provide vehicular access to land development in a manner that preserves the safety and efficiency of the transportation system. Public facility measures to support access management include roadway design applications, such as median treatments and auxiliary lanes, and the appropriate spacing of traffic signals. Measures that may be included as conditions of approval for development decisions include but are not limited to 1) standards such as minimum spacing of driveways and onsite vehicle storage requirements, 2) mitigations related to site conditions such as right-in-right-out only approaches, medians, dedicated turn lanes, and shared access approaches, and 3) provision for future opportunities for mitigation by land dedication or easement.

Access spacing/intersection spacing. The minimum required distance from an intersection of a public or private street to the nearest driveway or other access connection, measured from the closest edge of the pavement of the intersecting street to the closest edge of the pavement of the connection along the traveled way.
~~**Access.** See Transportation-Related terms.~~

Accessory. Secondary or incidental to a primary use or structure.

Accessory Dwelling Unit. A second dwelling unit created on lot with a house, attached house, or manufactured home. The second unit is created auxiliary to, and is always smaller than the house, attached house, or manufactured home.
~~**Accessory dwelling.** See Residential Structure Types.~~

Accessory parking facility. A parking facility that provides parking for a specific use or uses. The facility may be located on or off the site of the use or uses to which it is accessory. A fee may or may not be charged. An accessory parking facility need not be in the same ownership as the specific uses to which it is accessory. See also Commercial Parking in Chapter 1.4, Descriptions of Use Categories.

Accessory recreational vehicle. Accessory recreational vehicle includes non-motorized vehicles designed for human occupancy on an intermittent basis such as travel trailers and fifth-wheel trailers. A camper is considered an accessory recreational vehicle when it is standing alone. Accessory recreational vehicle also includes vehicles designed for off-road use, such as all-terrain vehicles, dune buggies, and recreational boats.

Accessory structure. A structure of secondary importance or function on a site. In general, the primary use of the site is not carried on in an accessory structure. Accessory structures are detached from the primary structure. Examples of accessory structures include but are not limited to: garages, decks, fences, arbors, gazebos, heat pumps, and other structures. See also Primary Structure.

Accessory use. A use or activity that is a subordinate part of a primary use and that is clearly incidental to a primary use on a site. See also Primary Structure.

Adjacent. Abutting or located directly across a street right-of-way.

Administrative. A discretionary action or permit decision made without a public hearing.

Address Sign - Any sign showing only the name and address of the owner or occupant of the premises on which it is erected.

Adult foster care. A family home or facility in which residential care is provided for five or fewer adults who are not related to the provider by blood or marriage. "Provider" means any person operating an adult foster care home. ~~See also, "Residential Structure Types."~~

Adverse impact or **adverse effect.** Negative effect that can be measured (e.g., noise, air pollution, vibration, dust, property values, etc.).

Affordable. Housing affordable to a certain percentage of the population earning a specified level of income and spending no more than 30 percent of their income on housing expenses. For more information, contact the federal Department of Housing and Urban Development and the Oregon Department of Housing and Community Services.

Agriculture. See use category under Chapter 1.4, and ORS 215.203(2)(a).

Airport-related definitions. [Refer to the *Oregon Department of Aviation Land Use Compatibility Handbook* for relevant definitions and model code language.]

Alley. A right-of-way that provides vehicle access to a lot or common parking area. Generally, alleys provide secondary vehicle access; however, where vehicle access from the street is not allowed, not possible, or not desirable the alley may provide primary vehicle access.
~~**Alley.** See Transportation-Related definitions.~~

Alteration. A physical change to a structure or site. Alteration does not include normal maintenance and repair or total demolition. Alteration does include the following:

- Changes to the exterior of a building;
- Changes to the interior of a building;

- Increases or decreases in floor area of a building;
- Changes to other structures on the site, or the development of new structures;
- Changes to exterior improvements;
- Changes to landscaping; and
- Changes in the topography of the site.

~~**Alteration.** See Development-Related definitions.~~

Ambient. Normal or background environmental condition, as in the level of light, dust or noise.

Applicant. A person who applies for a land use review or building permit. An applicant can be the owner of the property or someone who is representing the owner, such as a builder, developer, optional purchaser, consultant, or architect.

Arborist. A professional listed as a certified arborist or a registered consulting arborist.

Arcade. An arched or covered passageway~~;~~, often along building fronts or between streets.

Arterial. The highest order classification of streets; includes highways and other major streets with limited or no direct access from adjoining properties.

~~**Arterial.** See Transportation-Related definitions.~~

Articulate/articulation. The jointing and interrelating of building spaces through offsets, projections, overhangs, extensions and similar features.

~~**Attached house (townhouse or rowhouse).** See Residential Structure Types.~~

Attached Duplex. A duplex located on its own lot that shares one or more common or abutting walls with one other duplex (for a total of 4 dwelling units). The common or abutting wall must be shared for at least 50 percent of the length of the side of the dwelling.

Attached House (Townhome or Rowhouse). A dwelling unit located on its own lot which shares one or more common or abutting walls with one or more dwelling units. The common or abutting wall must be shared for at least 50 percent of the length of the side of the dwelling. An attached house does not share common floor/ceilings with other dwelling units. An attached house is also called a rowhouse or a common-wall house.

Attached structure. Any structure that is attached to another structure by a common wall that is a functional element of the combined structures or by an integrated roof that is common to the combined structures. For a structure to be considered attached, at the determination of the planning director, it must architecturally complement and be integrated with the primary structure through the use of similar or complimentary building materials and design, and its common wall and/or integrated roof must be more than an incidental attempt at connection. The common or abutting wall must be shared for at least 50 percent of the length of either structure. Garages, shops, accessory dwellings, or other structures connected by a breezeway or other minimal connecting element shall be considered detached structures.

~~**Attached structure.** See Development-Related definitions.~~

Automobile-dependent development. Primary or accessory uses servicing motor vehicles, or patrons in motor vehicles, such as motor vehicle repair, gas station, car wash, auto and truck sales, drive-up windows, kiosks, and similar uses.

Automobile-oriented development. Development in which the site layout and design gives preference to automobiles as the primary mode of transportation; generally discouraged in all residential areas and most commercial and light industrial areas.
~~**Automobile-oriented use.** Automobiles and/or other motor vehicles are an integral part of the use, such as drive-through restaurants and banks.~~

Awning Sign - Any sign painted, sewn or applied to an awning made of cloth, canvas, metal or similar material which is affixed to a building or projects from it.

B

Banner Sign – A sign consisting of lightweight, flexible material, which is supported by frame, rope, wires, or other anchoring device and is displayed as a temporary sign.

Beacon Light - Any source of electric light, whether portable or fixed, which may strobe, flash, or revolve and the primary purpose is to cast a concentrated beam of light generally skyward as a means of attracting attention to its location rather than to illuminate any particular sign, structure, or other object.

Bed and breakfast inn. Any establishment located in a structure designed for a single family residence and structures appurtenant thereto, providing limited overnight lodging and meals for guests pursuant with the special use requirements for bed and breakfast inns.

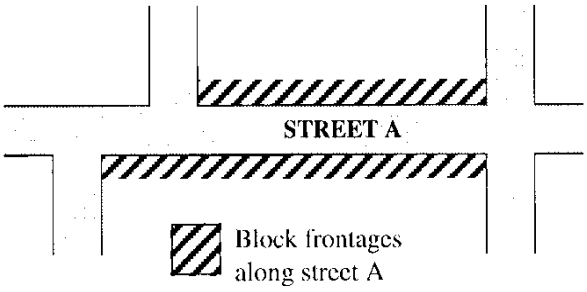
Berm. A small rise or hill in a landscape which is intended to buffer or visually screen certain developments, such as parking areas.

Bicycle facility/Bikeway. There are different types of bicycle facilities: In general, a bicycle facility a public or private way designed for and dedicated to bicycle use. It may consist of a road, a lane within or on the shoulder of a road, a path, multi-use path, or other way that is specifically designated for bicycle travel or shared bicycle/pedestrian travel.
~~**Bikeway.** See Transportation-Related definitions.~~

Billboard - A large, freestanding off-premise sign (usually greater than 100ft^2)

Block. All of the property bounded by streets, rights-of-way, and water features, but is not divided or separated in any way by streets or water features.

Block frontage. All of the property fronting on one side of a street that is between intersecting or intercepting streets, or that is between a street and a water feature, or end of a dead end street. An intercepting street determines the boundary of the block frontage only on the side of the street that it



intercepts. See f~~F~~igure below.

Bollard. A post of metal, wood or masonry that is used to separate or direct traffic (vehicles, pedestrians and/or bicycles). Bollards may contain sidewalk or pathway lighting.

Boulevard. A street with broad open space areas; typically with planted medians. See standards under Section 3.4.1.
~~**Boulevard.** See Transportation-Related definitions~~

Building. A structure that has a roof and is enclosed on at least 50 percent of the area of its sides.

Building area. The total area of a building, both above and below ground, measured from the exterior faces of a building or structure. Gross building area does not include the following:

- Roof area;
- Roof top mechanical equipment; and
- Roofed porches, exterior balconies, or other similar areas, unless they are enclosed by walls that are more than 42 inches in height, for 50 percent or more of their perimeter.

Building coverage. The area that is covered by buildings, as well as decks, stairways and entry bridges, that are more than 30 inches above grade. Eaves are not included in building coverage.

Building footprint. The outline of a building, as measured around its foundation, or Building Coverage, whichever is greater.

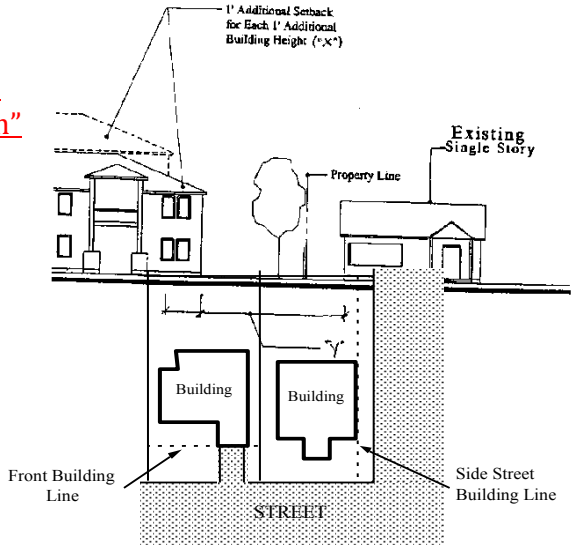
Building height. On level topography, building height is measured as the vertical distance from the adjoining grade at the front entrance of the building or structure to the highest point of the building or structure. On sloping or variable topography, building height means the average maximum vertical height of a building or structure measured at three equal distance points along the finished grade for each building elevation. Architectural elements that do not add floor area to a building or structure such as chimneys, vents, and bell towers are not considered part of the height of a building or structure.

Building height step-down. A development standard that requires a transition in allowable building height, whereby the buildings in a specific land use district must "step-down" in elevation where they abut a lower-intensity land use district. See Figure.

Building line. A line running parallel to a lot line that is the same distance from the lot line as the closest portion of a building on the site. See figure.

Building mass. The aggregate size of a building, or the total height, width, and depth of all its parts.

Building Official. The person who enforces the building ordinances and regulations for the City, and



Example of a front building line and a side street building line.

other ordinances and regulations as assigned.

Building pad. A vacant building site on a lot with other building sites.

Building scale. The dimensional relationship of a building and its component parts to other buildings.

~~**Building.** See Development-Related definitions.~~

~~**Building Official.** The person who enforces the building ordinances and regulations for the City, and other ordinances and regulations as assigned.~~

Build-to Line. A maximum front or street yard setback which is typically required along commercial street frontages to promote a storefront character and pedestrian-oriented design.

Bus stop. A location where bus service stops to load and unload passengers. For purposes of measuring, the bus stop is the location of a sign denoting the bus stop.

C

Canopy. A permanent, roofed structure that may be free-standing or be partially attached to a building, for the purpose of providing shelter to patrons on foot and/or in motor vehicles; does not include a completely enclosed structure. See also, Tree Canopy~~, under Environment-Related definitions.~~.

Canopy (freestanding, sign) - A rigid multi-sided structure covered with fabric, metal, or other material and supported by columns or posts embedded in the ground. Sign may be externally or internally illuminated.

Capacity. Maximum holding or service ability, as used for transportation, utilities, parks and other public facilities.

Carport. A stationary structure consisting of a roof, its supports, and not more than one wall or storage cabinets substituting for a wall, used to shelter motor vehicles, recreational vehicles, or boats. See also, Garage.

Centerline radius. The radius of a centerline of a street right-of-way.

Certificate of Occupancy or Certificate of Inspection. A certificate ~~of occupancy or a certificate of inspection~~ issued by Baker City at the completion of a building permit or change of occupancy, prior to occupancy.

Change of Use. Change in the primary type of use on a site.

Child ~~c~~Care ~~c~~Center or~~,~~ ~~f~~Family ~~c~~Child ~~c~~Care. Facilities that provide care and supervision of minor children for periods of less than 24 hours. "Family child care providers" provide care for not more than 16 children in a home. See ORS 657A for certification requirements.

City. The City of Baker City, Oregon.

Clear and objective. Decision criteria and standards that do not involve substantial discretion or individual judgment in their application.

Clearing. Any activity that removes existing vegetation or strips surface material from any portion of the site.
~~**Clearing.** See Development-Related Definitions.~~

Collector. See Transportation-Related definitions.

Commercial. Land use involving buying/selling of goods or services as the primary activity.

Common area. Land commonly owned to include open space, landscaping or recreation facilities (e.g. typically owned by a homeowners' association).

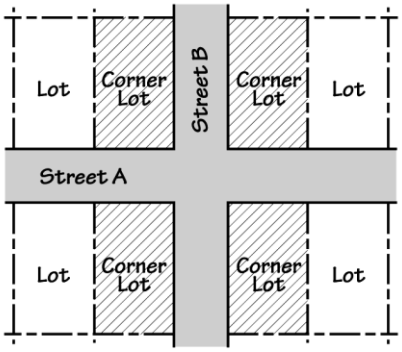
Comprehensive Plan. The current adopted Comprehensive Plan of Baker City.

Conditional use. A use that requires a Conditional Use Permit. See Chapter 4.4.

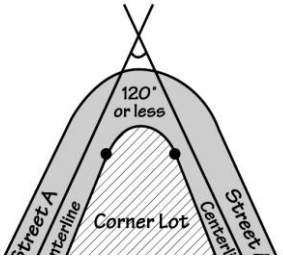
Condominium. ~~Ownership of a~~A single unit in a multi-dwelling that includes common areas and facilities.

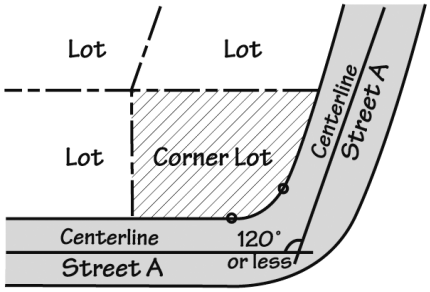
Conservation easement. An easement that protects identified conservation values of the land, such as wetlands, woodlands, significant trees or groves, floodplains, wildlife habitat, and similar resources.
~~**Conservation easement.** See Environment-Related definitions.~~

Conservation landmark. A Conservation Landmark may include buildings, a portion of a building, sites, trees, statues, signs, or other objects or spaces that the City has designated or listed for their special historic, cultural, archaeological, or architectural merit. They are primarily of local or neighborhood importance.



Corner lot. A lot that has frontage on more than one intersecting street. A street that curves with angles that are 120 degrees or less, measured from the center line of the street, is considered two intersecting streets for the purpose of evaluating whether a lot is a corner lot. See Figures below.
~~**Corner lot.** See Lot, Corner Lot.~~





Corner radius. The radius of a street corner, as measured around the curb or edge of pavement.

Cornice. The projecting horizontal element that tops a wall or flat roof.

Cottage. A small house, generally containing not more than 700-ft^2~~square feet~~ of floor area that may be used as an accessory dwelling if the floor area is 700ft^2 ~~square feet~~ or less.

Cottage cluster. A group of two or more cottages on one lot.
~~**Cottage.** See Residential Structure types.~~

Council. The City Council of Baker City, Oregon.

Courtyard. A court or enclosure adjacent to a building, which usually provides amenities such as gardens, planters, seating, or art.
~~**Courtyard.** See Development-Related definitions.~~

Coved Neighborhood Developments. Coving is an efficient method of land planning that utilizes a unique meandering road pattern, combined with an independently meandering home setback line, designed to vary the streetscape, thus adding visual interest. Coving also creates additional areas of open spaces along the street, referred to as "Coves". Coving reduces length of infrastructure (roads, sidewalks) by ±~~+/-~~ 20 percent, which reduces environmental impact, while average lot sizes and park areas increase ±~~+/-~~ 15 percent. Density generally remains the same as conventionally planned neighborhoods.

Crown cover/Tree canopy. The area directly beneath the crown and within the drip line of a tree or shrub. The crown consists of the above ground branches, stems, and leaves.
~~**Crown cover.** See Environment-Related definitions.~~

Curb cut. A driveway opening delineated by a concrete apron along a street.

D

Days. Calendar days, unless specifically stated as working days. Working days include Monday through Friday, ~~excluding~~ and do not include holidays.

Dead-end street. A street that connects to another street at only one end. A pedestrian connection may extend from the end of a dead-end street to connect with another street of any type, or with another pedestrian connection.
~~**Dead-End Street.** See Transportation-Related Definitions.~~

Dedication. The designation of land by its owner for any public use as shown on a subdivision plat or deed. The term may also be used for dedications to a private homeowners' association.

Density(ies). A measurement of the number of dwelling units in relationship to a specified amount of land. As used in this Code, density is determined based on the *gross* parcel or lot area, which includes land that will be dedicated as right-of-way through the development process. It does not include land previously dedicated as right-of-way. Density is a measurement used generally for residential uses.

Designated Sensitive Lands. Natural resources areas and landforms protected under the provisions of Chapter 3.2.

Develop. To construct or alter a structure or to make a physical change to the land including excavations and fills.

Development. All improvements on a site, including buildings, other structures, parking and loading areas, landscaping, paved or graveled areas, and areas devoted to exterior display, storage, or activities. Development includes improved open areas such as plazas and walkways, but does not include natural geologic forms or unimproved land. See also Exterior Improvements.

~~**Development-Related Definitions**~~

~~**Alteration.** A physical change to a structure or site. Alteration does not include normal maintenance and repair or total demolition. Alteration does include the following:~~

- ~~Changes to the exterior of a building;~~
- ~~Changes to the interior of a building;~~
- ~~Increases or decreases in floor area of a building;~~
- ~~Changes to other structures on the site, or the development of new structures;~~
- ~~Changes to exterior improvements;~~
- ~~Changes to landscaping; and~~
- ~~Changes in the topography of the site.~~

~~**Arcade.** An arched or covered passageway; often along building fronts or between streets.~~

~~**Attached structure.** Any structure that is attached to another structure by a common wall that is a functional element of the combined structures or by an integrated roof that is common to the combined structures. For a structure to be considered attached, at the determination of the planning director, it must architecturally complement and be integrated with the primary structure through the use of similar or complimentary building materials and design, and its common wall and/or integrated roof must be more than an incidental attempt at connection. The common or abutting wall must be shared for at least 50 percent of the length of either structure. Garages, shops, accessory dwellings, or other structures connected by a breezeway or other minimal connecting element shall be considered detached structures.~~

~~**Automobile-dependent development.** Primary or accessory uses servicing motor vehicles, or patrons in motor vehicles, such as motor vehicle repair, gas station, car wash, auto and truck sales, drive-up windows, kiosks, and similar uses.~~

~~**Automobile-oriented development.** Development in which the site layout and design gives preference to automobiles as the primary mode of transportation; generally discouraged in all residential areas and most commercial and light industrial areas.~~

~~**Building.** A structure that has a roof and is enclosed on at least 50 percent of the area of its sides.~~

~~**Building area.** The total area of a building, both above and below ground, measured from the exterior faces of a building or structure. Gross building area does not include the following:~~

~~Roof area;~~
~~Roof top mechanical equipment; and~~
~~Roofed porches, exterior balconies, or other similar areas, unless they are enclosed by walls that are more than 42 inches in height, for 50 percent or more of their perimeter.~~

~~**Building coverage.** The area that is covered by buildings, and decks, stairways and entry bridges that are more than 30 inches above grade. Eaves are not included in building coverage.~~

~~**Building footprint.** The outline of a building, as measured around its foundation, or Building Coverage, whichever is greater.~~

~~**Building height.** On level topography building height is measured as the vertical distance from the adjoining grade at the front entrance of the building or structure to the highest point of the building or structure. On sloping or variable topography building height means the average maximum vertical height of a building or structure measured at three equal distance points along the finished grade for each building elevation. Architectural elements that do not add floor area to a building or structure such as chimneys, vents, and bell towers are not considered part of the height of a building or structure.~~

~~**Building height step-down.** A development standard that requires a transition in allowable building height, whereby the buildings in a specific land use district must "step-down" in elevation where they abut a lower-intensity land use district. See Figure.~~

~~**Building line.** A line running parallel to a lot line that is the same distance from the lot line as the closest portion of a building on the site. See Figure.~~

~~**Building mass.** The aggregate size of a building, or the total height, width, and depth of all its parts.~~

~~**Building pad.** A vacant building site on a lot with other building sites.~~

~~**Building scale.** The dimensional relationship of a building and its component parts to other buildings.~~

~~**Cornice.** The projecting horizontal element that tops a wall or flat roof.~~

~~**Courtyard.** A court or enclosure adjacent to a building, which usually provides amenities such as gardens, planters, seating, or art.~~
~~**Develop.** To construct or alter a structure or to make a physical change to the land including excavations and fills.~~

~~**Development.** All improvements on a site, including buildings, other structures, parking and loading areas, landscaping, paved or graveled areas, and areas devoted to exterior display, storage, or activities. Development includes improved open areas such as plazas and walkways, but does not include natural geologic forms or unimproved land. See also Exterior Improvements.~~

~~**Driveway.** There are two types of driveways:~~

~~The area that provides vehicular access to a site from a street. A driveway is the same width as the curb cut excluding any aprons or extensions of the curb cut. This type of driveway begins at the street and extends into the site. A driveway does not include parking, maneuvering, or circulation areas in parking areas, such as aisles; and~~

~~The area that provides vehicular circulation between two or more noncontiguous parking areas. A driveway does not include maneuvering or circulation areas within the interior of a~~

~~parking area. Where required by Code for fire safety, a driveway must be used exclusively for circulation, with no abutting parking spaces.~~

~~**Driveway apron/approach.** The edge of a driveway where it abuts a public way; usually constructed of concrete.~~

~~**Eave.** Projecting overhang at the lower border of a roof and extending from a primary wall or support. See Figure.~~

~~**Eave Height.** Eave height is measured as the vertical distance from the adjoining grade at the front entrance of the building or structure to the highest point of the building's eave. See Figure.~~

~~**Exterior Improvements.** All improvements except buildings or other roofed structures. Exterior improvements include surface parking and loading areas, paved and graveled areas, and areas devoted to exterior display, storage, or activities. It includes improved open areas such as plazas and walkways, but does not include vegetative landscaping, natural geologic forms, or unimproved land. See also Development.~~

~~**Facade.** The front or street-facing exterior of a building.~~

~~**Fire apparatus lane** or **fire lane.** Unobstructed area or driveway meeting Uniform Fire Code requirements; typically may not be used for parking or loading area.~~

~~**Floor area.** The total floor area of a building, both above and below ground with a clear ceiling height of at least seven (7) feet. Floor area is measured from the interior walls of a building or structure and does not include the following:~~

- ~~Roof area;~~
- ~~Roof top mechanical equipment; and~~
- ~~Roofed porches, exterior balconies, or other similar areas, unless they are enclosed by walls that are more than 42 inches in height, for 50 percent or more of their perimeter.~~

~~**Grading.** All cuts, fills, embankments, stockpile areas, and equipment maneuvering areas associated with development.~~

~~**Impervious surface.** Surface area that does not allow for water infiltration, or has a runoff coefficient of 0.90 or more (*e. g.,* non-permeable pavement, solid rock, roofs, foundations, and similar areas).~~

~~**New development.** Development of a site that was previously unimproved or that has had previously existing buildings demolished; *e.g.,* not a remodel of an existing building.~~

~~**Paved area.** An uncovered, hard-surfaced area or an area covered with a perforated hard surface (such as porous concrete or pavers) that is able to withstand vehicular traffic or other heavy-impact uses.~~

~~**Pedestrian amenity(ies).** Areas and objects that serve as places for public socializing and enjoyment and are usually closed to motorized vehicles. Examples include plazas, building frontage areas (extra-wide sidewalks), street furnishings (e. g. , benches, drinking fountains, bus waiting~~

~~shelters), and pocket parks adjacent to a street, and similar areas and objects. Sidewalks designed to meet the minimum sidewalk width standards under Section 3.1.300.B.3 are not "amenities" for the purpose of this Code.~~

~~**Pedestrian-oriented development.** Development that is designed with an emphasis primarily on the street sidewalk and on pedestrian access to the site and building, rather than on auto access and parking areas. The building is generally placed close to the street and the main entrance is oriented to the street sidewalk. There are generally windows or display cases along building facades which face the street. Typically, buildings cover a large portion of the site. Although parking areas may be provided, they are generally limited in size and they are not emphasized by the design of the site.~~

~~**Ridge line (building).** The top of a roof at its highest elevation.~~

~~**Roof pitch.** The slope of a roof, usually described as ratio (e. g., 5" of rise in 12" of horizontal distance).~~

~~**Shared driveway.** See Transportation-Related definitions.~~

~~**Shopping street.** A driveway in a commercial development that is designed to mimic a public street with sidewalks, tree wells, pedestrian lighting, and street furnishings. A shopping street may also have on-street parking.~~

~~**Storefront character.** The character expressed by buildings placed close to the street with ground-floor display windows, weather protection (e.g., awnings or canopies), corner building entrances or recessed entries, and similar features.~~

~~**Stormwater facility.** A facility designed to improve the quality and manage the quantity of stormwater runoff. Stormwater facilities include vegetated swales and sand filters, wet or dry ponds, marshes, infiltration facilities, and structural storm sewer devices. Stormwater facilities do not include conveyance systems that are meant only for conveying the stormwater from one place to another and do not affect the quality or quantity of the stormwater.~~

~~**Street furniture/furnishings.** Benches, lighting, bicycle racks, drinking fountains, mail boxes, kiosks, and similar pedestrian amenities; may be located within a street furnishings zone or building front zone of a sidewalk or in a plaza. See also, Pedestrian Amenities.~~

~~**Structure.** Any object constructed in or on the ground. Structure includes buildings, decks, fences, towers, flag poles, signs, and other similar objects. Structure does not include paved areas or vegetative landscaping materials.~~

~~**Structure height.** The height of a structure, and the cumulative height of a building with any appurtenant structures.~~

~~**Swale.** A type of storm water facility. Usually a broad, shallow depression with plants that filter and process contaminants.~~

~~**Vehicle areas.** All of the areas on a site where vehicles may circulate or park including parking~~

~~areas, driveways, drive-through lanes, and loading areas. See also, Driveway and Parking Area.~~

Disabled Person. For the purposes of this Code, a disabled person is a person who has a condition of physical or mental disability which substantially limits one or more major life activities as stated in Section 504 of the Federal Rehabilitation Act of 1973 and state law.

Discontinued use. A use that physically left the land it was on, a permitted use that ceased, or a use terminated at the end of a lease or contract. See Chapter 5.2, Non-Conforming Uses and Developments. A use is considered temporarily discontinued during the first two (2) years after it ceases, after which it is considered permanently discontinued.

Discretionary. A permit action or decision that involves substantial judgment or discretion.

Disturbance area. An area that contains all temporary and permanent development, exterior improvements, and staging and storage areas on the site, both existing and proposed. Vegetation planted for resource enhancement and agricultural and pasture land is not included.
~~**Disturbance area.** See Environment-Related Definitions~~

Drainage way. An open linear depression, whether constructed or natural, that functions for the collection and drainage of surface water. It may be permanently or temporarily inundated.
~~**Drainage way.** See Environment-Related Definitions.~~

Drip-line. Imaginary line around a tree or shrub at a distance from the trunk equivalent to the canopy (leaf and branch) spread.
~~**Drip-line.** See Environment-Related definitions.~~

Drive-through/Drive-up facility. A facility or structure that is designed to allow drivers to remain in their vehicles before and during an activity on the site. Drive-through facilities are a type of site development that is usually found in conjunction with a Quick Vehicle Servicing use or a Retail Sales and Service use. Drive-through/drive-up facilities also include facilities designed for the rapid servicing of vehicles, where the drivers may or may not remain in their vehicles, but where the drivers usually either perform the service for themselves, or wait on the site for the service to be rendered. Drive-through facilities may serve the primary use of the site or may serve accessory uses. Examples are drive-up windows; automatic teller machines; coffee kiosks and similar vendors; menu boards; order boards or boxes; gas pump islands; car wash facilities; auto service facilities, such as air compressor, water, and windshield washing stations; quick-lube or quick-oil change facilities; and drive-in theaters.

Driveway. There are two types of driveways:

- The area that provides vehicular access to a site from a street. A driveway is the same width as the curb cut excluding any aprons or extensions of the curb cut. This type of driveway begins at the street and extends into the site. A driveway does not include parking, maneuvering, or circulation areas in parking areas, such as aisles; and
- The area that provides vehicular circulation between two or more non-contiguous parking areas. A driveway does not include maneuvering or circulation areas within the interior of a parking area. Where required by Code for fire safety, a driveway must be used exclusively for circulation, with no abutting parking spaces.

Driveway apron/approach. The edge of a driveway where it abuts a public way; usually constructed of concrete.

~~**Driveway.** See Development-Related Definitions.~~

~~**Driveway apron/approach.** See Development-Related Definitions.~~

Drought-tolerant/drought-resistant plants or **xeriscaping.** As listed and described in the Sunset Western Garden Book for the area in which the development site is located (latest edition).

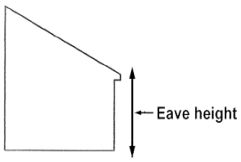
Duplex. A building that contains two primary dwelling units on one lot. The units must share a common wall or common floor/ceiling.
~~**Duplex.** See Residential Structure Types.~~

Dwelling Unit. A building, or a portion of a building, that has independent living facilities including provisions for sleeping, cooking, and sanitation, and that is designed for residential occupancy by a group of people. Buildings with more than one set of cooking facilities are considered to contain multiple dwelling units or accessory dwelling units, unless the additional cooking facilities are clearly accessory to the primary use, such as an outdoor grill.
~~**Dwelling Unit.** See Residential Structure Types.~~

E

Easement. A grant of rights by a property owner that allows others to use the owner's land for a specific purpose, such as access, or to locate utilities. Recorded and on record at Baker County.

Eave. Projecting overhang at the lower border of a roof and extending from a primary wall or support. See Figure.



Eave Height. Eave height is measured as the vertical distance from the adjoining grade at the front entrance of the building or structure to the highest point of the building's eave. See Figure.
~~**Eave.** See Development-Related Definitions.~~

Electronic Reader Board Sign - An electronic or electronically controlled message board, where scrolling or moving copy changes are shown on the same message board, or any sign, or portion of sign, that changes its text, copy, display, and/or light intensity electronically or by electronic means.

Elevation. Scaled drawing of the outside wall of a building or structure, from grade to roof ridgeline, typically specifying materials, color, and dimensions.

~~**Environment-Related Definitions**~~

- ~~**Conservation easement.** An easement that protects identified conservation values of the land, such as wetlands, woodlands, significant trees or groves, floodplains, wildlife habitat, and similar resources.~~

- ~~**Crown cover/Tree canopy.** The area directly beneath the crown and within the drip line of a tree or shrub. The crown consists of the above ground branches, stems, and leaves.~~

- ~~**Designated Sensitive Lands.** Natural resources areas and landforms protected under the provisions of Chapter 3.2.~~

- ~~**Disturbance area.** An area that contains all temporary and permanent development, exterior improvements, and staging and storage areas on the site, both existing and proposed. Vegetation planted for resource enhancement and agricultural and pasture land is not included.~~

- ~~**Drainage way.** An open linear depression, whether constructed or natural, that functions for the collection and drainage of surface water. It may be permanently or temporarily inundated.~~

- ~~**Drip-line.** Imaginary line around a tree or shrub at a distance from the trunk equivalent to the canopy (leaf and branch) spread.~~

- ~~**Flood hazard area.** Land that is in the 100-year floodplain as currently defined by the Federal Emergency Management Agency (FEMA).~~

- ~~**Floodway.** The active flowing channel during a flood, as designated on flood maps for the City; the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height.~~

- ~~**Riparian areas.** Lands adjacent to rivers, streams, lakes, ponds, and other water bodies. They are transitional between aquatic and upland zones, and as such, contain elements of both aquatic and terrestrial ecosystems. They have high water tables because of their close proximity to aquatic systems, soils which are usually made up largely of water-carried sediments, and some vegetation that requires free (unbound) water or conditions that are more moist than normal.~~

- ~~**Sensitive lands.** Wetlands, significant trees, steep slopes, flood plains and other natural resource areas designated for protection or conservation by the Comprehensive Plan.~~

- ~~**Stream.** An area where enough natural surface water flows to produce a stream channel, such as a river or creek that carries flowing surface water during most of the year. This includes:~~
  - ~~The water itself, including any vegetation, aquatic life, or habitat;~~
  - ~~Beds and banks below the high water level which may contain water, whether or not water is actually present;~~
  - ~~The floodplain between the high water levels of connected side channels; and~~
  - ~~Stream-associated wetlands.~~

- ~~**Stream channel.** An area with evidence of perennial or seasonal water passage. The depression between the banks worn by the regular and usual flow of the water. The channel need not contain water year-round. This definition does not include irrigation ditches, canals, storm or surface water runoff devices, or other entirely artificial watercourses.~~

- ~~**Wetland.** An area that is inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances does support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands include swamps, marshes, bogs, and similar areas.~~

Evidence. Application materials, plans, data, testimony and other factual information used to demonstrate compliance or non-compliance with a code standard or criterion.

Exactions: Requirements a local government places on a developer or property owners to dedicate land or construct or pay for all or a portion of the costs of public improvements needed for public facilities as a condition of development approval.

Excavating or filling. The removal, placement, or replacement of earth, concrete, asphalt, and similar non-decomposable materials whether permanent or temporary in nature. Excavating or filling does not include the movement of earth or placement of gravel, asphalt, or other paving materials that is done in conjunction with road improvements. It does not include the excavation of mineral or aggregate resources. Excavating or filling includes the terms grading, preloading, surcharging, and stockpiling.

Exterior display. Exterior display includes the outdoor display of products, vehicles, equipment, and machinery for sale or lease. Exterior display is an outdoor showroom for customers to examine and compare products. There is variety or a distinction among the goods on display, through different products, brands, or models. The display area does not have to be visible to the street. Exterior display does not include goods that are being stored or parked outside, if there is no variety or distinction among the goods, and the goods are not examined and compared by customers. It does not include damaged or inoperable vehicles, vehicles or equipment being serviced, bulk goods and materials, and other similar products. Exterior display does not include car and boat sales and leasing when such vehicles are not accessible to customers to inspect and compare; this situation is considered exterior storage. Examples of uses that often have exterior display are car and boat sales and leasing, and plant nurseries. See also, Exterior Work Activities and Exterior Storage.

Exterior Improvements. All improvements except buildings or other roofed structures. Exterior improvements include surface parking and loading areas, paved and graveled areas, and areas devoted to exterior display, storage, or activities. It includes improved open areas such as plazas and walkways, but does not include vegetative landscaping, natural geologic forms, or unimproved land. See also Development.

Exterior ~~s~~Storage. Exterior storage includes the outdoor storage of goods that generally have little or no differentiation by type or model. The goods may be for sale or lease, but if so, they are the type that customers generally do not inspect and compare. Exterior storage also includes the outdoor storage of goods for sale, lease or rent that may be differentiated by type or model, but that are not accessible for customers to inspect or compare. Exterior storage includes the storage of raw or finished goods (packaged or bulk), including gases, oil, chemicals, gravel; building materials, packing materials;

salvage goods; machinery, tools, and equipment; vehicles that are for sale, lease or rent, which are not accessible to the customer to inspect or compare; vehicles that have been unloaded at port facilities and are waiting transport to off-site locations; vehicles that have been towed and are being kept in an impound lot; and other similar items. The storage of recreational vehicles outdoors is also considered exterior storage. Damaged or inoperable vehicles, or vehicles that have missing parts, which are kept outside are also included as exterior storage. Examples of uses that often have exterior storage are lumber yards, wrecking yards, tool and equipment rental, bark chip and gravel sales, car dealerships or car rental establishments, and port facilities. See also, Exterior Display and Exterior Work Activities.

Exterior work activities. Exterior work activities include the outdoor processing, assembly, or fabrication of goods; the maintenance, repair, and salvage of vehicles and equipment; and other similar activities that generally have an industrial orientation. Exterior work activities do not include normal pick-up and deliveries to a site, parking, excavation and fills, exterior eating areas, outdoor recreation, or outdoor markets. See Exterior Display and Exterior Storage.

External Lighting - Illumination of a sign that is affected by an artificial source of light not contained within the sign itself.

F

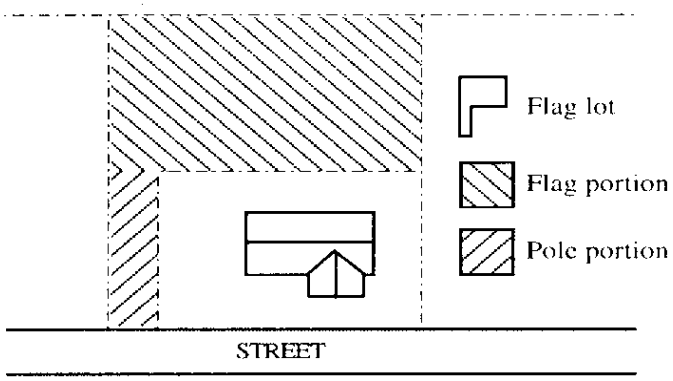
Façade (building). The front or street-facing exterior of a building.

Façade (sign) - Any separate face of a building, including parapet walls and omitted wall lines, or any part of a building which encloses or covers usable space.
~~**Facade.** See Development-Related definitions.~~

Family day care. See Child Care Center, Family Child Care.

Farming or **farm use.** As used in this Code, "agriculture" is the same as "farm use". [See ORS 215.203(2)(a).] Includes utilization of land to raise, harvest, or sell crops; feed, breed, manage, and sell livestock, poultry, fur-bearing animals, honeybees, or their produce; dairy and sell dairy products; or any other agricultural or horticultural use, animal husbandry, timber agricultural use, or combination thereof. Farm uses include preparation or processing and storage of products raised on such land, but do not include construction or use of dwellings and other buildings customarily provided in conjunction with farm uses.

Final plat. The diagrams, drawings, and other writing containing all the descriptions, locations, dedications, provisions and information concerning a land division.



Fire apparatus lane or **fire lane.** Unobstructed area or driveway meeting Uniform Fire Code requirements; typically may not be used for parking or loading area.
~~**Fire apparatus lane** or **fire lane.** See Development-Related definitions.~~

Flag lot. A lot with two distinct parts (See Figure below):

- The flag, which is the only building site; and is located behind another lot; and
- The pole, which connects the flag to the street; provides the only street frontage for the lot; and at any point is less than the minimum lot width for the zone.

~~**Flag Lot.** See Lot.~~

Flood hazard area. Land that is in the 100-year floodplain as currently defined by the Federal Emergency Management Agency (FEMA).
~~**Flood hazard area.** See Environment-Related definitions.~~

Floodway. The active flowing channel during a flood, as designated on flood maps for the City; the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height.

Floor area. The total floor area of a building, both above and below ground with a clear ceiling height of at least seven (7) feet. Floor area is measured from the interior walls of a building or structure and does not include the following:

- Roof area;
- Roof top mechanical equipment; and
- Roofed porches, exterior balconies, or other similar areas, unless they are enclosed by walls that are more than 42 inches in height, for 50 percent or more of their perimeter.

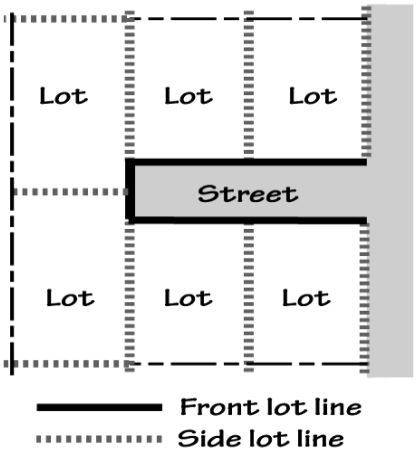
~~**Floor area.** See Development-Related definitions.~~

Formula business. Formula Business means an eating and drinking establishment or other retail or service business that maintains any of the following features in common with more than four other establishments in the state of Oregon: standardized array of services and/or merchandise, trademark, logo, service mark, symbol, sign, uniform, or other similar standardized feature.

Freestanding Sign - A sign and supporting structure that is secured in the ground and independent from any building, fence, or other structures.

Frontage or **property frontage** - The dimension of a property line abutting a public or private street.

Frontage street or road. A minor street that parallels an arterial street or highway in order to provide access to abutting properties and minimize direct access onto the arterial or highway.



Front lot line. A lot line, or segment of a lot line, that abuts a street. On a corner lot, the front lot line is the shortest of the lot lines that abut a street. If two or more street lot lines are of equal length, then the applicant or property owner can choose which lot line is to be the front lot line. However, a through lot has two

front lot lines regardless of whether the street lot lines are of equal or unequal length. See Figures below.

Functional classification. The classification given to streets by the road authority (e.g., "local/collector/arterial"). See Transportation-Related definitions, and Section 3.4.100 for street standards.

Future division plan or **future development plan.** A document that shows lot, tract and right-of-way boundaries for all potential future phases of a land division. The plan is not binding on the City or the applicant. The purpose of the plan is to document that the design of the first phase of the plan does not preclude future phases from meeting City standards.

G

Garage. A covered structure designed to provide shelter for vehicles, and which is accessory to a use in these structure types: houses, attached houses, duplexes, mobile homes, or houseboats. Carports are considered garages. Floor area adjacent to the space designed to provide shelter for vehicles, if not entirely separated from the garage area by floor-to-ceiling walls, is considered part of the garage. A garage may be attached to or detached from another structure.

Garage Sale (Yard Sale). Any residential sale of tangible personal property that lasts no longer than three (3) consecutive days with no more than two (2) such sales from the same premises within a calendar year. Personal property means property which is owned, utilized, and maintained by an individual or members of his or her residence and acquired in the normal course of living in or maintaining a residence. It does not include merchandise which was purchased for resale or obtained on consignment.

Government/Regulatory Sign - Any sign to control traffic or for identification, including street signs, warning signs, railroad crossings and signs of public service companies indicating danger or construction, which are erected by or at the order of a public officer, employee or agent conducting their official duties.

Grade. The lowest point of elevation of the finished surface of the ground, paving, or sidewalk within the area between the building and the property line or, when the property line is more than 5 feet from the building, between the building and a line 5 feet from the building. This is the definition used in ~~the~~ Oregon ~~Structural~~ Specialty Codes. ~~(the Uniform Building Code as amended by the State.)~~

Grading. All cuts, fills, embankments, stockpile areas, and equipment maneuvering areas associated with development.
~~**Grading.** See Development-Related Definitions.~~

Ground cover. Living or processed plant material (e. g. , mulch, bark chips) that is used to cover bare ground. See Chapter 3.2, Landscaping.

~~**Group living structure.** See Residential Home/Facility and Residential Structure Types.~~ **Group Living Structure.** A structure that contains sleeping areas and at least one set of cooking and sanitary facilities that is used as a residence for Group Living uses such as adult foster care, dormitories,

fraternities and sororities, monasteries, nursing and convalescent homes and residential facilities, group care facilities, residential homes or group care homes. The definition does not include youth or adult correctional or detention facilities under the supervision of sworn officers.

H

Hanging Sign - *A* sign that is attached beneath an awning or canopy of a building, or is hung on a door, fence or other supporting structure.

Hardscape. Non-vegetative landscape materials or installations, including pathways, decorative pavers, benches, drinking fountains, arbors, pergolas, playgrounds, plazas, and similar amenities.

Hazardous Substances. Any substance, material, or waste listed below:

- Nuclear or radioactive materials or waste;
- Chemicals Subject to Reporting Under *Title III of the Superfund Amendments and Reauthorization Act (SARA) of 1986*, published July, 1987, U. S. Environmental Protection Agency; and
- Hazardous Materials Table, in the Code of Federal Regulations (CFR), Title 49, Part 172.101.

Historic Resource-Related Definitions

- ~~**Conservation landmark.** A Conservation Landmark may include buildings, a portion of a building, sites, trees, statues, signs, or other objects or spaces that the City has designated or listed for their special historic, cultural, archaeological, or architectural merit. They are primarily of local or neighborhood importance.~~

Historic context. The significant historic environment and background related to a historic resource that describes or explains the role played by that resource in the development of the city, region, state or nation. This includes physical development, notable events, and other human activity.

Historic ensemble. A geographic grouping of historic resources that collectively have historic significance that is greater than the individual significance of any one resource in the group.

Historic landmark. Historic Landmark designations may include buildings, a portion of a building, sites, trees, statues, signs, or other objects or spaces that the City or the Keeper of the National Register of Historic Places has designated or listed for their special historic, cultural, archaeological, or architectural merit.

Historic resource. A structure or object that has historic significance. Historic Resources include:

- Historic Landmarks, including those that are listed in the National Register of Historic Places;
- Conservation Landmarks;
- Conservation Districts;
- Historic Districts, including those listed in the National Register of Historic Places;
- Structures or objects that are identified as contributing to the historic significance of a Historic District or a Conservation District; and
- Structures or objects that are included in the Historic Resources Inventory.

Historic resources inventory. The Historic Resources Inventory is a documentation and preliminary evaluation of historic resources. Information for each resource includes a photograph, the year the resource was constructed, the builder or architect, original owner, significant features, architectural style, and, in most cases, a ranking for significance.

Historic value. A physical, aesthetic, scenic, educational, or other characteristic that is a reminder of important events or developments in the community's past.

- ~~**Renovation plan.** A written proposal to restore the distinctive and historically authentic architectural, historical, or cultural character of a historic resource while retaining or establishing the possibility for efficient, contemporary use.~~

Home occupation, home occupation site. A business activity that is carried out on the same site as a dwelling unit, and which is accessory to the Household Living use on the site, subject to the provisions of Chapter 2.2.200.F (Residential Districts), Chapter 2.3.190 (Commercial Districts), Chapter 2.4.160 (Industrial Districts) and Section 4.9.200 (Home Occupation Permits).

Hotel/Motel. A building or portion thereof designed and used for occupancy of transient individuals lodged with or without meals. (See ORS 446.310.)

House. See Residential Structure Types.

Household. One or more persons related by blood, marriage, civil union, legal adoption or guardianship, plus not more than 5 additional persons, who live together in one dwelling unit; or one or more disabled persons as defined in the Fair Housing Amendments Act of 1988, plus not more than 5 additional persons, who live together in one dwelling unit.

Human-scale design/development. Site and building design elements that are dimensionally related to pedestrians, such as: small building spaces with individual entrances (e.g., as is typical of downtowns and main street developments); larger buildings that have articulation and detailing to break up large masses; narrower streets with tree canopies; smaller parking areas or parking areas broken up into small components with landscaping; and pedestrian amenities, such as sidewalks, plazas, outdoor seating, lighting, weather protection (e.g., awnings or canopies), and similar features. These features are all generally smaller in scale than those that are primarily intended to accommodate automobile traffic. (See also, Pedestrian-Oriented Development ~~under Development-Related definitions.~~)

I

Illuminated Sign - A non-flashing sign which has letters, figures, designs or outlines illuminated by an internal or external lighting source.

Impervious surface. Surface area that does not allow for water infiltration, or has a runoff coefficient of 0.90 or more (*e.g.,*non-permeable pavement, solid rock roofs, foundations, underground tanks and vaults, and similar areas).

Incidental and subordinate to. Secondary to, and less apparent, than the primary use or other

portion of the development.

Industrial. Raw materials processing; and manufacturing, assembly, packaging or distribution of heavy or large goods. See Chapter 1.4, Industrial Use Categories.

Infill. The development of vacant, bypassed lands located in an area that is mainly developed.

Internal Illumination - A source of light that is contained or concealed within the sign itself and becomes visible through a transparent or opaque surface.

J

Junk yard. (1) Any property or establishment on which one or more persons are engaged in breaking up, dismantling, sorting, storing, distributing, buying, or selling scrap or waste materials. (2) Any establishment or place of business on which three or more inoperable motor vehicles or three or more motor vehicles that are not currently licensed and registered, or an equivalent volume of waste or refuse are maintained, stored, bought, or sold. Includes wrecking yards, automobile grave yards, garbage dumps, and scrap metal processing facilities.

K

Kennel (Commercial). Any location where 5 or more dogs or cats aged 6 months or older are boarded or bred for compensation. The sale of these animals may be a part of the kennel use. Establishments where animals are offered for sale as the primary use, such as pet stores, are not classified as kennels. Commercial kennels are subject to land use regulations and to the special kennel permit rules and regulations established in the Baker City Municipal Code Chapter 90.34.

Kennel (Private). Any location (address or premise) where more than 4 dogs or 4 cats, six months of age or older, are owned, kept, harbored, boarded, and/or otherwise housed primarily for personal or private use. Private kennels are subject to the special kennel permit rules and regulations established in the Baker City Municipal Code Chapter 90.34.

L

Land division. The process of dividing land to create parcels or lots. See Chapter 4.3.

Landmark. See Historic Resource-Related Definitions.

Landscaping. Any combination of living plants such as trees, shrubs, plants, vegetative ground cover or turf grasses, and may include structural features such as walkways, fences, benches, plazas, works of art, reflective pools, fountains or the like. Also includes irrigation systems, mulches, topsoil, and re-vegetation or the preservation, protection and replacement of trees.

Land use. The activity or activities that occur on a piece of land. Activities may be individually identified as primary or accessory uses. See also, Chapter 1.4. Use Categories.

Land use approval. A land use decision for approval or approval with conditions. It includes any time

limits or other restrictions that may apply to the land use decision.

Land use district. As used in this code, a land use district is the same as a zoning district.

Land Use Review. An application for land use approval under Section 4.2.200.A, or the review of such application.

Lane, mid-block. A narrow, limited use roadway facility, similar to an alley in design, usually used to access a limited number of dwelling units.
~~**Lane, mid-block.** See Transportation-Related definitions.~~

Large Format Retail Sales. Retail sales uses located in one structure in excess of 80,000ft^2 ~~square feet~~ gross floor area, whether on a single or contiguous lots owned or operated as associated, integrated or co-operative business enterprises.

Level of service ("LOS"). A quantitative standard for transportation facilities describing operational conditions. Level of Service may be described for intersections (signalized or unsignalized) or street segments (between signalized intersections).

Living area. The habitable floor area of a residential structure conforming to applicable building codes; typically does not include garage area, and attic and basement areas with substandard ceiling height or substandard egress.

Legislative. A legislative action or decision is the making of law, as opposed to the application of existing law to a particular use (e.g., adoption of, or amendment to, a comprehensive plan or development regulation). See also, Chapter 4.1.500 – ~~(~~ Type IV Review~~)~~.

Livestock. Horse, mule, sheep, pig, or other animal of similar size or larger.

Loading area. The area available for the maneuvering and standing of vehicles engaged in delivering and loading goods, freight, or other articles. See also, Chapter 3.3 – ~~,~~ Parking and Loading.

Local Improvement District ("LID"). A small public district formed for the purpose of carrying out local improvements (paving of streets, construction of storm sewers, development of a park, etc.). Property owners within the LID are assessed for the cost of the improvements in accordance with ORS 223.387-223.485.

Longest street-facing wall. The longest wall that faces a street. If two or more street-facing walls are of equal length, then the applicant chooses which is to be the longest street-facing wall for purposes of applying regulations of the Development Code. See also, Facade, and Chapter 2.3.150 – ~~,~~ Building Orientation in Commercial Districts.

Lot. A lot is a legally defined piece of land other than a tract that is the result of a subdivision. The following definitions for "lot" apply to the State definition of both lot, (result of subdividing), **and** parcel, (result of partitioning). See also, Ownership and Site.

- ~~**Corner lot.** A lot that has frontage on more than one intersecting street. A street that curves with angles that are 120 degrees or less, measured from the center line of the street, is considered two intersecting streets for the purpose of evaluating whether a lot is a corner lot. See Figures below.~~

- ~~**Flag lot.** A lot with two distinct parts (See Figure below):~~
  - ~~The flag, which is the only building site; and is located behind another lot; and~~
  - ~~The pole, which connects the flag to the street; provides the only street frontage for the lot; and at any point is less than the minimum lot width for the zone.~~

- ~~**Through lot.** A lot that has frontage on two parallel or approximately parallel streets.~~

Lot area. The total surface area (measured horizontally) within the boundary lines of a lot.

Lot coverage. The total area of a lot covered by building(s) or impervious surfaces, as allowed by the applicable land use district development standards.

Lot, double-frontage. See Lot, Through Lot.

Lot lines/property lines. The property lines along the edge of a lot or site.

- ~~**Front lot line.** A lot line, or segment of a lot line, that abuts a street. On a corner lot, the front lot line is the shortest of the lot lines that abut a street. If two or more street lot lines are of equal length, then the applicant or property owner can choose which lot line is to be the front lot line. However, a through lot has two front lot lines regardless of whether the street lot lines are of equal or unequal length. See Figures below.~~

- ~~**Rear lot line.** A lot line that is opposite a front lot line. A triangular lot has two side lot lines but no rear lot line. For other irregularly shaped lots, the rear lot line is all lot lines that are most nearly opposite the front lot line. See Figures below.~~

- ~~**Side lot line.** A lot line that connects front and rear lot lines. On a corner lot, the longer lot line that abuts a street is a side lot line. See Figures below.~~

- ~~**Side street lot line.** A lot line that is both a side lot line and a street lot line. See Figures below.~~

- ~~**Street lot line.** A lot line, or segment of a lot line, that abuts a street. Street lot line does not include lot lines that abut an alley. On a corner lot, there are two (or more) street lot lines. Street lot line can include front lot lines and side lot lines. See Figures below.~~

Lot line adjustment. See Property Line Adjustment.

Lot of record. A lot of record is a plot of land:

- ~~that was not created through an approved subdivision or partition;~~
- that was created and recorded before April 9, 1956; and
- for which the deed, or other instrument dividing the land, is recorded with the appropriate county recorder.

M

Main/Primary building entrance. A main entrance is the entrance to a building that most pedestrians are expected to use. Generally, each building has one main entrance. Main entrances are the widest entrance of those provided for use by pedestrians. In multi-tenant buildings, main entrances open directly into the building's lobby or principal interior ground level circulation space. When a multi-tenant building does not have a lobby or common interior circulation space, each tenant's outside entrance is a main entrance. In single-tenant buildings, main entrances open directly into lobby, reception, or sales areas.

Major remodeling. Projects where the floor area is being increased by 50 percent or more, or where the cost of the remodeling is greater than the assessed value of the existing improvements on the site. Assessed value is the value shown on the applicable county assessment and taxation records for the current year.

Major Repair - Any repair, other than minor repair as defined below, that exceeds 60 percent of replacement cost.

Maneuvering area/aisle. The driving area in a parking lot where motor vehicles are able to turn around and access parking or loading spaces.

Manufactured dwelling park. Any place where four or more manufactured dwellings are located within 500 feet of one another on a lot, tract or parcel of land under the same ownership, the primary purpose of which is to rent or lease space or keep space for rent or lease to any person for a charge or fee paid or to be paid for the rental or lease or use of facilities or to offer space free in connection with securing the trade or patronage of such person. "Manufactured dwelling park" does not include a lot or lots located within an approved subdivision being rented or leased for occupancy by no more than one manufactured dwelling per lot. See also, ORS Chapter 446.

Manufactured Home. A manufactured home is a mobile home constructed in accordance with federal manufactured housing construction and safety standards (HUD code) in effect after June 15, 1976. ~~**Manufactured home/dwelling.** Includes residential trailer, mobile home, and manufactured home. See also, Residential Structure Types.~~

Manufacturing. See Chapter 1.4, Use Categories.

Ministerial. A routine administrative action or decision that involves limited discretion. The issuance of a building permit is generally such an action. See Chapter 4.1.200 (Type I Review).

Minor Repair - Any repair that is limited to painting, replacement of defective parts, cleaning or other similar maintenance to a sign, which will keep said sign at an acceptable level and which does not change the total area of the sign, and which repair is less than 60 percent of the replacement cost of the sign.

Mitigation. To avoid, rectify, repair, or compensate for negative impacts that result from other actions (e.g., improvements to a street may be required to mitigate for transportation impacts resulting from development.)

Mixed-use. The combination on a site of residential uses with commercial (e.g., office, retail, or services), civic, or industrial uses.

Mobile Home. A dwelling unit constructed off of the site and which is not constructed to the standards of the uniform building code. Mobile homes include residential trailers and manufactured homes.

Mobile home park. Two or more mobile homes that are located on a single site for 30 days or more and intended for residential use. Mobile home park does not include sites where unoccupied mobile homes are offered for sale or lease. See also Recreational Vehicle Park.

Mobile home space. The area occupied by a mobile home and its accessory uses and structures in a mobile home park.

Monument Sign - A type of freestanding sign whose supporting base is:

(a) at least 51% the width of the sign face, and
(b) is no more than 24 inches in height from property grade.

Motor home. Motor home includes motorized vehicles designed for human occupancy on an intermittent basis. A camper is considered a motor home when it is on the back of a pick-up or truck. Motor homes are regulated as trucks unless the regulations specifically indicate otherwise. See also Truck.
~~**Motor home.** See Recreational Vehicle, under Vehicle Types.~~

Motor vehicle. Vehicles that have their own motive power and that are used for the transportation of people or goods on streets. Motor vehicle includes motorcycles, passenger vehicles, trucks, and recreational vehicles, except all terrain vehicles, off-road vehicles, snow mobiles, and similar vehicles are not allowed on streets.
~~**Motor vehicle.** See Vehicle Types.~~

Movement Sign - A sign with physical motion or action.

Multi-dwelling development. A grouping of individual structures where each structure contains 1 or more dwelling units. The land underneath the structures is not divided into separate lots. A multi-dwelling development project may include an existing single-dwelling detached building with 1 or more new detached structures located to the rear or the side of the existing house. It might also include a duplex in front with either 1 or more single-dwelling houses behind or 1 or more duplex units or multi-dwelling structures behind. There is no requirement for the structures on the sites to be attached.

Multi-dwelling structure/Multi-family housing. A structure that contains three or more dwelling units that share common walls or floor/ceilings with one or more units. The land underneath the structure is not divided into separate lots. Multi-dwelling includes structures commonly called garden apartments, apartments, and condominiums.
~~**Multi-dwelling development** or **Multi-family housing.** See Residential Structure Types.~~

~~**Multi-dwelling structure.** See Residential Structure Types.~~

Multi-tenant Sign - A freestanding sign designed for a building or shopping center with 4 or more tenants or businesses.

Multi-use pathway. See Walkway and Bikeway.

N

Natural hazard. Natural areas that can cause dangerous or difficult development situations. For example, natural hazard areas include steep slopes, unstable soils, and areas prone to landslides, floodways and flood plains.

Neon Sign - Any sign composed of glass tubing containing neon gas that is illuminated when electrically charged. A neon sign may be a wall, projecting, window, or freestanding sign.

New development. Development of a site that was previously unimproved or that has had previously existing buildings demolished; *e.g.,* not a remodel of an existing building.

Non-conforming development. An element of a development, such as a setback, height, or parking area, that was created in conformance with development regulations but which subsequently, due to a change in the zone or zoning regulations, is no longer in conformance with the current applicable development standards. Non-conforming development includes development that is over a maximum allowed amount of floor area, as long as the development does not include an amount of floor area that is specifically prohibited by the current development standards. See Chapter 5.2.

Non-conforming residential density. A residential use that is an allowed use in the zone and that was constructed at a lawful density, but which subsequently, due to a change in the zone or zoning regulations, now has greater density than is allowed in the zone. See Chapter 5.2.

Non-conforming situation. A Non-conforming Residential Density, Non-conforming Development, or Non-conforming Use. A situation may be non-conforming in more than one aspect. For example, a site may contain a non-conforming use and also have some non-conforming development. See also Non-conforming Residential Density, Non-conforming Development, and Non-conforming Use. See Chapter 5.2.

Non-conforming use. A use that was allowed by right when established or a use that obtained a required land use approval when established, but that subsequently, due to a change in the zone or zoning regulations, the use or the amount of floor area of the use is now prohibited in the zone. See Chapter 5.2.

Non-native invasive plants. Plants listed under current Oregon State University Extension Service Bulletin as non-native invasive plants in Oregon.

O

Off-street parking. All off-street areas designed, used, required or intended to be used for the parking of motor vehicles. See Chapter 3.3 for parking standards.

On-street parking. Parking in the street right-of-way, typically in parking lanes or bays. Parking may be "parallel" or "angled" in relation to the edge of the right-of-way or curb. See Chapter 3.3 for parking standards.

Open space (public/common/private/active/passive). Land within a development that has been dedicated in common to the ownership within the development or to the public specifically for the purpose of providing places for recreation, conservation or other open space uses. See also, Common Area.

Orientation. To cause to face toward a particular point of reference (e.g., "A building oriented to the street"). See also, Pedestrian-Oriented Development.

Outdoor commercial use. A use supporting a commercial activity that provides goods or services, either wholesale or retail, where the amount of site area used for outdoor storage of materials or display of merchandise exceeds the total floor area of all buildings on the site. Examples of outdoor commercial uses include automobile sales or services, nurseries, lumber yards and equipment rental businesses.

Overlay zone/district. Overlay zones impose and/or relax requirements of an underlying land use district, or base zone, where characteristics of the land or neighborhood, or the types of development planned for an area, require special regulations.

Owner. The owner of the title to real property or the contract purchaser of real property of record, as shown on the latest assessment records in the Office of the County Assessor. Owner also includes a deed holder or contract purchaser whose name does not appear in the latest assessment records, but who presents to the City a copy of a deed or contract of sale showing date, book, and page of recording.

Ownership. An ownership is one or more contiguous lots that are owned by the same person, partnership, association, or corporation. Ownership also includes lots that are in common ownership but are separated by a right-of-way. See also, Lot and Site.

P

Parcel. A legally defined area of land created through a partition.

Parking area. A parking area is all the area devoted to the standing, maneuvering, and circulation of motor vehicles. Parking areas do not include driveways or areas devoted exclusively to non-passenger loading. See also, Driveway, Garage, and Vehicle Areas.

Parking lot perimeter. The boundary of a parking lot area that usually contains a landscaped buffer area.

Parking space. A space designed to provide standing area for a motor vehicle. See Chapter 3.3 for parking space standards.

Parking versus storage. Parking is to leave a motor vehicle for a temporary time, no longer than 72

hours. Storage is to place or leave in a location for maintenance, repair, sale, rental, or future use more than 72 hours in the future. See also, Exterior Display.

Partition. To divide an area or tract of land into two or three parcels within a calendar year when such area or tract of land exists as a unit or contiguous units of land under single ownership at the beginning of such year. (See ORS 92.010(8))

Passenger vehicle. A motor vehicle designed to carry ten persons or less including the driver. Passenger vehicles are passenger cars and multipurpose passenger vehicles as defined by the National Highway Traffic Safety Administration in Title 49 of the Code of Federal Regulations, Chapter V, Section 571.3. See also Recreational Vehicle, and Truck.

Pathway. A walkway conforming to Chapter 3.1 that is not within a street right-of-way.
~~**Pathway.** See Walkway and Bikeway.~~

Paved area. An uncovered, hard-surfaced area or an area covered with a perforated hard surface (such as porous concrete or pavers) that is able to withstand vehicular traffic or other heavy-impact uses.
~~**Paved area.** See Development-Related definitions.~~

Pedestrian amenity(ies). Areas and objects that serve as places for public socializing and enjoyment and are usually closed to motorized vehicles. Examples include plazas, building frontage areas (extra-wide sidewalks), street furnishings (e. g. , benches, drinking fountains, bus waiting shelters), and pocket parks adjacent to a street, and similar areas and objects. Sidewalks designed to meet the minimum sidewalk width standards under Section 3.1.300.B.3 are not "amenities" for the purpose of this Code.

Pedestrian-oriented development. Development that is designed with an emphasis primarily on the street sidewalk and on pedestrian access to the site and building, rather than on auto access and parking areas. The building is generally placed close to the street and the main entrance is oriented to the street sidewalk. There are generally windows or display cases along building facades which face the street. Typically, buildings cover a large portion of the site. Although parking areas may be provided, they are generally limited in size and they are not emphasized by the design of the site.
~~**Pedestrian amenity(ies).** See Development-Related definitions.~~

Planter strip. A landscape area for street trees and other plantings within the public right-of-way, usually a continuous planter area between the street and a sidewalk. See also, Tree Well.

Plat. Diagrams, drawings and other writing containing all the descriptions, locations, dedications, provisions, and information concerning a land division. This term includes the State law definitions of "partition plat" and "subdivision plat". See also, Chapter 4.3~~,~~ - Land Divisions.

Plaza. An area generally open to the public on a controlled basis and used for passive recreational activities and relaxation. Plazas are paved areas typically provided with amenities, such as seating, drinking and ornamental fountains, art, trees, and landscaping for use by pedestrians. See also, Pedestrian Amenities ~~(Development-Related definitions).~~

Pocket park. A small park, usually less than one-half acre typically accessed by foot or wheelchair, or

bicycle. See also, Pedestrian Amenities ~~(Development-Related definitions).~~.

Pole Cover - A material made out of metal, vinyl, brick, stucco, or other similar material used to fully enclose bare pylons.

Portable Sign - A sign that is not permanently attached to the ground or other permanent structure, or is designed to be transported, including but not limited to those on wheels. Sandwich boards are included in this definition.

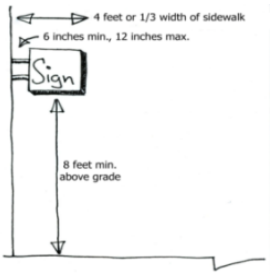
Practicable. Capable of being done after taking into consideration cost, existing technology, and logistics in light of overall project purposes.

Primary structure. A structure or combination of structures of chief importance or function on a site. In general, the primary use of the site is carried out in a primary structure. The difference between a primary and accessory structure is determined by comparing the size, placement, similarity of design, use of common building materials, and the orientation of the structures on a site.

Primary use. An activity or combination of activities of chief importance on the site. One of the main purposes for which the land or structures are intended, designed, or ordinarily used. A site may have more than one primary use.

Project. An existing or proposed use or development.

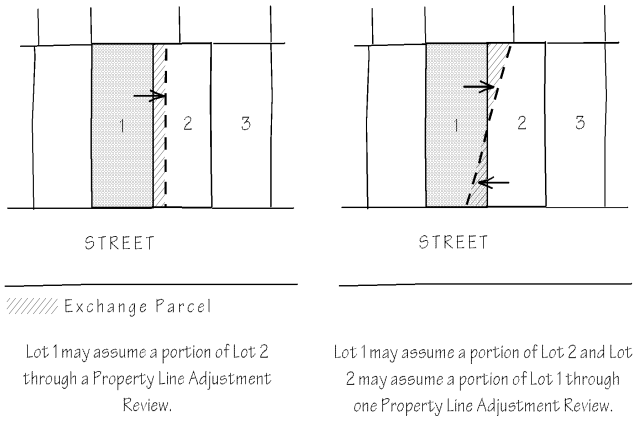
Project, major. A project that requires Site Design Review (Sections 4.2.400-600), Subdivision or Partition review (Chapter 4.3), Conditional Use Permit review (Chapter 4.4), or Master Planned Development review (Chapter 4.5).



Project, minor. A project that requires Land Use Review (Section 4.2.300), but does not require Site Design Review (Section 4.2.400-600), Subdivision or Partition review (Chapter 4.3), Conditional Use Permit review (Chapter 4.4), or Master Planned Development review (Chapter 4.5).

Projecting Sign - A sign which is attached directly to any building wall and extends perpendicular from the face of the wall. A projecting sign may not extend more than 4 feet from the wall or 1/3 the width of the sidewalk, whichever is greater, and must be at least 8 feet above grade.

Property line adjustment. The relocation of a single common property line between two abutting properties, in conformance with ORS 92.010(11). See Figure.



Property line: front, rear, interior side, street side. See Lot Line.

Public access easement. A public access easement is an easement granted to the public for all the purposes for which a public sidewalk may be used,

including but not limited to, pedestrian and bicycle travel.
~~**Public access easement.** See Transportation-Related Definitions.~~

Public improvements. Development of public infrastructure, as required by the City, County, Special District, or Road Authority, as applicable. See Chapter 3.4.

Public safety facility. A facility necessary to respond to an immediate hazard to the public health and safety, and that is owned, leased, or operated by Baker City, Baker County, the State of Oregon, or a Federal agency. Public safety facilities include fire and police stations, flood control facilities, water towers and pump stations needed for emergency service, and emergency communication broadcast facilities.

Q

Quasi-judicial. An action or decision that requires substantial discretion or judgment in applying the standards or criteria of this Code to the facts of a development proposal, and usually involves a public hearing. See Chapter 4.1.400 (Type III Review).

Quasi-public use. A use of land which is utilized by both the private land owner as well as being made available to organizations or to the general public.

R

Rail right-of-way. A public or private right-of-way, for the purpose of allowing rail travel.
~~**Rail right-of-way.** See Transportation-Related Definitions.~~

Rear lot line. A lot line that is opposite a front lot line. A triangular lot has two side lot lines but no rear lot line. For other irregularly shaped lots, the rear lot line is all lot lines that are most nearly opposite the front lot line. See Figures below.

Recreation camp. (1) An area devoted to facilities and equipment for recreation purposes, including swimming pools, tennis courts, playgrounds, and similar uses, either open to the public upon payment of a fee, or limited to private membership. (2) An area designated by the landowner for picnicking or overnight camping and offered to the general public, with or without a fee or charge. (See ORS Chapter 446)

Recreational vehicle. A vehicle with or without motive power that is designed for sport or recreational use, or that is designed for human occupancy on an intermittent basis. Recreational vehicle is divided into two categories: motor homes and accessory recreational vehicles.
~~**Recreational vehicle.** See Vehicle Types.~~

Recreational vehicle park. A commercial use providing space and facilities for motor homes or other recreational vehicles for recreational use or transient lodging. There is no minimum required stay in a recreational vehicle park. Uses where unoccupied recreational vehicles are offered for sale or lease, or are stored, are not included as Recreational Vehicle Parks. See also Mobile Home Park.

Renovation plan. A written proposal to restore the distinctive and historically authentic architectural, historical, or cultural character of a historic resource while retaining or establishing the possibility for efficient, contemporary use.

Residence. Same as Dwelling. See Residential Structure Types.

Residential facility/group care facility. A residence for 6 to 15 physically or mentally disabled persons, and for staff persons as those terms are defined in ORS 443.400; or

Residential home/group care home. A residence for five or fewer physically or mentally disabled persons, and for staff persons as those terms are defined in ORS 443.400.

~~**Residential Structure Types**~~

Residential Trailer. A mobile home that was not constructed in accordance with federal manufactured housing construction and safety standards (HUD code), in effect after June 15, 1976. This definition includes the State definitions of residential trailers and mobile houses, as stated in Oregon Revised Statutes (ORS) 446.

- ~~**Accessory Dwelling Unit.** A second dwelling unit created on lot with a house, attached house, or manufactured home. The second unit is created auxiliary to, and is always smaller than the house, attached house, or manufactured home.~~

- ~~**Attached Duplex.** A duplex located on its own lot that shares one or more common or abutting walls with one other duplex (for a total of 4 dwelling units). The common or abutting wall must be shared for at least 50 percent of the length of the side of the dwelling.~~

- ~~**Attached House (Townhome or Rowhouse).** A dwelling unit located on its own lot which shares one or more common or abutting walls with one or more dwelling units. The common or abutting wall must be shared for at least 50 percent of the length of the side of the dwelling. An attached house does not share common floor/ceilings with other dwelling units. An attached house is also called a rowhouse or a common-wall house.~~

- ~~**Cottage.** A small house, generally containing not more than 700 square feet of floor area that may be used as an accessory dwelling if the floor area is 700 square feet or less.~~

- ~~**Cottage cluster.** A group of two or more cottages on one lot.~~

- ~~**Duplex.** A building that contains two primary dwelling units on one lot. The units must share a common wall or common floor/ceiling.~~

- ~~**Dwelling Unit.** A building, or a portion of a building, that has independent living facilities including provisions for sleeping, cooking, and sanitation, and that is designed for residential occupancy by a group of people. Buildings with more than one set of cooking facilities are considered to contain multiple dwelling units or accessory dwelling units, unless the additional cooking facilities are clearly accessory to the primary use, such as an outdoor grill.~~

- ~~**Group Living Structure.** A structure that contains sleeping areas and at least one set of cooking and sanitary facilities that is used as a residence for Group Living uses such as adult foster care, dormitories, fraternities and sororities, monasteries, nursing and convalescent homes and:~~

  - ~~**Residential facility/group care facility.** A residence for 6 to 15 physically or mentally disabled persons, and for staff persons as those terms are defined in ORS 443.400; or~~

  - ~~**Residential home/group care home.** A residence for five or fewer physically or mentally disabled persons, and for staff persons as those terms are defined in ORS 443.400.~~

  ~~The definition does not include youth or adult correctional or detention facilities under the supervision of sworn officers.~~

- ~~**Mobile Home.** A dwelling unit constructed off of the site and which is not constructed to the standards of the uniform building code. Mobile homes include residential trailers and manufactured homes.~~

  - ~~**Manufactured Home.** A manufactured home is a mobile home constructed in accordance with federal manufactured housing construction and safety standards (HUD code) in effect after June 15, 1976.~~

  - ~~**Residential Trailer.** A mobile home that was not constructed in accordance with federal manufactured housing construction and safety standards (HUD code), in effect after June 15, 1976. This definition includes the State definitions of residential trailers and mobile houses, as stated in Oregon Revised Statutes (ORS) 446.~~

- ~~**Multi-dwelling development.** A grouping of individual structures where each structure contains 1 or more dwelling units. The land underneath the structures is not divided into separate lots. A multi-dwelling development project may include an existing single-dwelling detached building with 1 or more new detached structures located to the rear or the side of the existing house. It might also include a duplex in front with either 1 or more single-dwelling houses behind or 1 or more duplex units or multi-dwelling structures behind. There is no requirement for the structures on the sites to be attached.~~

- ~~**Multi-dwelling structure/Multi-family housing.** A structure that contains three or more dwelling units that share common walls or floor/ceilings with one or more units. The land underneath the structure is not divided into separate lots. Multi-dwelling includes structures commonly called garden apartments, apartments, and condominiums.~~

- ~~**Senior housing.** Housing designated and/or managed for persons over a specified age. Specific age restrictions vary.~~

- ~~**Single family house.** A detached dwelling unit located on its own lot.~~

- ~~**Single room occupancy housing (SRO).** A structure that provides living units that have separate sleeping areas and some combination of shared bath or toilet facilities. The structure~~

~~may or may not have separate or shared cooking facilities for the residents. SRO includes structures commonly called residential hotels and rooming houses.~~

Review Body. The person or group who is assigned to make decisions on land use reviews, whether initially or on appeal. Review body includes the Planning Official, Planning Commission, and the City Council.

Ridge line (building). The top of a roof at its highest elevation.

Right-of-way. An area that allows for the passage of people, vehicles, or utilities. Right-of-way includes passageways such as streets, freeways, pedestrian connections, alleys, utilities, other forms of public infrastructure, ~~and all streets~~planting strips, and parking areas. A right-of-way may be dedicated or deeded to the public for public use and under the control of a public agency, or it may be privately owned. A right-of-way that is not dedicated or deeded to the public will be in a tract.
~~**Right-of-way.** See Transportation-Related Definitions.~~
In some instances, the right-of-way may extend beyond the sidewalk toward a residence or building.

Riparian areas. Lands adjacent to rivers, streams, lakes, ponds, and other water bodies. They are transitional between aquatic and upland zones, and as such, contain elements of both aquatic and terrestrial ecosystems. They have high water tables because of their close proximity to aquatic systems, soils which are usually made up largely of water-carried sediments, and some vegetation that requires free (unbound) water or conditions that are more moist than normal.
~~**Riparian areas.** See Environment-Related Definitions.~~

Road authority. The City or other agency (e.g., Oregon Department of Transportation, Baker County, a special purpose district, or other agency) with jurisdiction over a road or street.

Roadway. The portion of a right-of-way that is improved for motor vehicle travel. Roadway includes vehicle travel lanes and on-street parking areas. Roadway does not include area devoted to curbs, parking strips, or sidewalks.
~~**Roadway; Roadway authority.** See Transportation-Related Definitions.~~

Roof pitch. The slope of a roof, usually described as ratio (e. g. , 5" of rise in 12" of horizontal distance).

Roof sign - Any sign erected and constructed wholly on or over the roof of a building, supported by the roof structure, or extending vertically above the highest portion of the roof. A mansard-style roof shall be considered a part of the façade for purposes of an attached sign.

S

Senior housing. Housing designated and/or managed for persons over a specified age. Specific age restrictions vary.
~~**Senior housing.** See Residential Structure types.~~

Sensitive lands. Wetlands, significant trees, steep slopes, flood plains and other natural resource areas designated for protection or conservation by the Comprehensive Plan.

~~**Sensitive lands.** See Environment-Related Definitions.~~

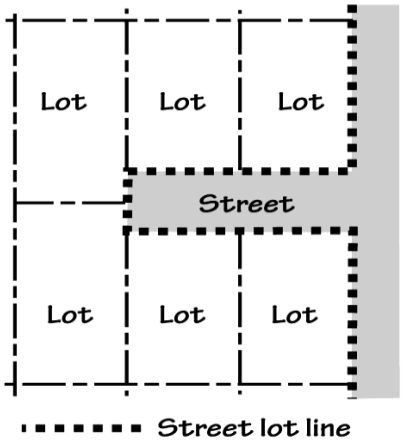
Setback/Setback yard. The minimum distance required between a specified object, such as a building, and another point, measured from lot lines or public right-of-way to a specified object. Typically, a setback refers to the minimum distance (yard dimension) from a building to a specified property line or the public right-of-way.

Shared driveway. When land uses on two or more lots or parcels share one driveway. An easement or tract (owned in common) must be created and recorded for this purpose.
~~**Shared driveway.** See Transportation-Related definitions.~~

Shared parking. Required parking facilities for two or more uses, structures, or lots or parcels, which are satisfied jointly with the same facilities. See Chapter 3.3.

Shopping street. A driveway in a commercial development that is designed to mimic a public street with sidewalks, tree wells, pedestrian lighting, and street furnishings. A shopping street may also have on-street parking.
~~**Shopping street.** See Development-Related definitions.~~

Short Term Vacation home rental. A commercial use of a single family, duplex dwelling, or townhouse unit where the unit is rented for periods of time of 28 or fewer consecutive days.

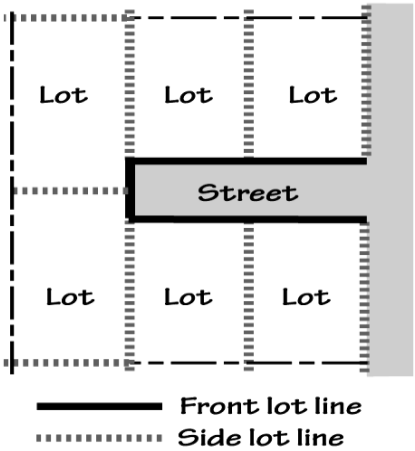


Side lot line. A lot line that connects front and rear lot lines. On a corner lot, the longer lot line that abuts a street is a side lot line. See Figures below.

Side street lot line. A lot line that is both a side lot line and a street lot line. See Figures below.

Sidewalk. A paved or concrete walkway within a public street right-of-way that is generally located adjacent to and separated from the roadway by a curb or curb and planter strip.

Sight distance. The unobstructed viewing distance measured from one object or location to another object or location, usually required the purpose of traffic safety.



~~**Sign Ordinance Related Definitions –** Words and terms used in this ordinance shall have the meanings given in this Article. Unless expressly stated otherwise, any pertinent word or term not part of this listing but vital to the interpretation of this ordinance, shall be construed to have their legal definition, or in absence of a legal definition, their meaning as commonly accepted by practitioners including civil engineers, surveyors, architects, landscape architects, and planners.~~

~~**3.5.100 Definitions.** The following words, terms and phrases, when used in this chapter, shall have the~~

~~meanings ascribed to them in this section, except where the context clearly indicates a different meaning:~~

~~*Abandoned* - Any sign located on property that pertains to a time, event, business, or purpose which no longer applies to that property and has been continually vacant for a period longer than 6 months shall be deemed abandoned.~~

~~*the City* - The City of Baker City.~~

~~*Beacon Light* - Any source of electric light, whether portable or fixed, which may strobe, flash, or revolve and the primary purpose is to cast a concentrated beam of light generally skyward as a means of attracting attention to its location rather than to illuminate any particular sign, structure, or other object.~~

~~*External Illumination* - Illumination of a sign that is affected by an artificial source of light not contained within the sign itself.~~

~~*Façade* - Any separate face of a building, including parapet walls and omitted wall lines, or any part of a building which encloses or covers usable space.~~

~~*Frontage* or *property frontage* - The dimension of a property line abutting a public or private street.~~

~~*Home Occupation* - A small commercial venture operated within a residence which could not necessarily be sustained if it were to lease commercial property in designated commercial zone.~~

~~*Institutional* - A use or purpose that relates to a church, school, museum, or other similar organization.~~

~~*Internal Illumination* - A source of light that is contained or concealed with in the sign itself and becomes visible through a transparent or opaque surface.~~

~~*Major Repair* - Any repair, other than minor repair as defined below, that exceeds 60 percent of replacement cost.~~

~~*Minor Repair* - Any repair that is limited to painting, replacement of defective parts, cleaning or other similar maintenance to a sign, which will keep said sign at an acceptable level and which does not change the total area of the sign, and which repair is less than 60 percent of the replacement cost of the sign.~~

~~*Pole Cover* - A material made out of metal, vinyl, brick, stucco, or other similar material used to fully enclose bare pylons.~~

~~*Right-of-way (R-O-W)* - An area dedicated by easement or deeded to the City for public use. This includes the street, alley, planting strip, parking areas, and sidewalk. In some instances, the right-of-way may extend beyond the sidewalk toward a residence or building.~~

~~*Sign* - A name, identification, image, description, display, or illustration that:~~

- ~~Is attached to, painted on, or represented directly or indirectly upon a building, structure, or piece of land~~
- ~~Directs attention to an object, product, place, activity, facility, service, event, organization, business, home occupation, or commercial activity for the purpose of a sales transaction~~
- ~~Does not include art, craft, performance, or any other object, display or self expression not incorporating a logo or text representing a business purpose or sales transaction~~

~~*Sign Area* - The computed rectangular measurement of the outer limits of the sign face including all lettering, wording and accompanying designs and symbols, together with the background on which they are displayed. The "Sign Area" excludes the sign structure provided that it doesn't contain any lettering, wording, or symbols.~~

- ~~In the case of three-dimensional signs (cubes, cylinders, cones, etc) the entire display surface shall be calculated as the sign area.~~
- ~~Where the sign consists of a double face, only one side shall be considered for the purposes of calculating total sign area. Where both sides are not identical, or the interior angle formed by the faces of a sign is greater than 45 degrees, all faces shall be considered in calculating total sign area.~~
- ~~Any spacing between signs designating different or separate occupants or uses of a building shall not be counted as sign area.~~

~~*Sign Cabinet* - the outside casing of a sign which supports the advertising portion and contains electrical and/or other equipment pertinent to the function of the sign.~~

~~*Sign Face* - The primary part of the sign that is or can be used to identify, advertise, and communicate information for visual representation, which attracts the attention of the public for any purpose. This definition shall include any background material, panel, trim, and color used that differentiate the sign from the building or structure on which it is placed.~~

~~*Sign Height* - The distance from the highest portion of the sign, including all structural elements, to mean grade.~~

~~*Sign Structure* - A supporting structure used for the purpose of physically supporting a sign, situated on any premises where a sign may be located. The structure shall not be included in the calculation of the sign area provided that no copy, display, or symbol is designed and included as part of the structure (except addressing). This definition shall not include a building, fence, wall, or earth.~~

~~***Staff* - Persons employed by the City of Baker City.~~

~~*Super graphic* - A graphic that's a mural, mosaic, or painting that does not contain copy, a logo, or intend to advertise.~~

~~*Types of Signs* - Signs are defined in two ways; by purpose and by form. Purpose refers to the type of message contained within the sign. Form refers to the physical sign itself.~~

~~*Temporary* - Having a limited duration or use.~~

~~*Signs as defined by purpose:*~~

~~*Address Sign* - Any sign showing only the name and address of the owner or occupant of the premises on which it is erected.~~

~~*Artisan Sign* - A temporary on-premises sign identifying the name or business of contractors, architects, painters, lending institutions, or similar occupations responsible for work being performed at the particular site at which the sign in placed.~~

~~*Billboard* - A large, freestanding off-premise sign. Usually greater than 200 square feet.~~

~~*Civic Event Sign (on-premises)* - A non-commercial temporary sign, posted to promote and advertise an activity sponsored by the City, school district, church, public agency, civic or charitable association or other similar noncommercial organization on the premises where the event is to be held.~~

~~*Civic Event Sign (off-premises)* - A non-commercial temporary sign, posted off the premises of the event location to promote and advertise an activity sponsored by the City, school district, church, public agency, civic or charitable association or other similar non-commercial organization.~~

~~*Development Sign* - A temporary sign indicating that the premises is in the process of subdivision or development.~~

~~*Directional Sign* - An on-premises sign designated to guide vehicular and/or pedestrian traffic by such words as " Entrance", "Exit", "One-way", or similar instructional message, but not intended to advertise. The name or logo may be incorporated into the sign.~~

~~*Government/Regulatory Sign* - Any sign to control traffic or for identification, including street signs, warning signs, railroad crossings and signs of public service companies indicating danger or construction, which are erected by or at the order of a public officer, employee or agent conducting their official duties.~~

~~*Home Occupation Sign* - A sign that identifies a business or similar enterprise conducted within a home occupied as a residence.~~

~~*Institutional Sign* - A sign used by schools, churches, museums, or other similar uses which does not advertise a product or service.~~

~~*Instructional Sign* - A sign located within the interior of a lot, which provides information as to the location, interior operation, and/or use of building or facilities.~~

~~*Memorial Sign* - A plaque or tablet, including grave markings or other remembrance of a person or event, which is not for commercial or advertising purposes.~~

~~*Multi-tenant Sign* - A freestanding sign designed to advertise for a building or shopping~~

~~center with 4 or more tenants or businesses.~~

~~*Neighborhood Identification Sign* - A freestanding sign which is located at the entrance of a subdivision.~~

~~*Political Sign* - A temporary sign relating to the election of a person to a public office or political party or a matter on which to be voted upon at an election by the public.~~

~~*Public Announcement Sign* - A type of reader-board sign that uses changing messages to inform the general public and is not intended to advertise. Messages are to be of a single color and do not flash This shall include signs used by schools, institutions, gas stations and time-and-temperature displays.~~

~~*Real Estate Sign* - A temporary sign indicating the sale, rental, or lease of the premises on which the sign is placed.~~

~~*Signs as defined by form:*~~

~~*Awning Sign* - Any sign painted, sewn or applied to an awning made of cloth, canvas, metal or similar material which is affixed to a building or projects from it.~~

~~*Banner Sign* - A sign consisting of lightweight, flexible material, which is supported by frame, rope, wires, or other anchoring devices.~~

~~*Canopy (freestanding)* - A rigid multi-sided structure covered with fabric, metal, or other material and supported by columns or posts embedded in the ground. May be externally or internally illuminated.~~

~~*Flashing Sign* - A sign whose illumination is not kept constant with the use of bare bulb, neon tube, LEDs, or internal illumination and exhibits changes in light and/or color or the appearance of animation when in use. Public announcement signs are not considered flashing signs.~~

~~*Freestanding Sign* - A permanent sign and supporting structure that is secured in the ground and independent from any building, fence, or other structures.~~

~~*Hanging Sign* - *A* sign that is attached beneath an awning or canopy of a building, or is hung on a door, fence or other supporting structure..~~

~~*Illuminated Sign* - A non-flashing sign which has letters, figures, designs or outlines illuminated by an internal or external lighting source.~~

~~*LED Signs* - A type of Flashing and/or Reader-Board sign which uses thousands of tiny, multi-colored Light Emitting Diodes (LEDs) to display an image that appears to animate messages and/or images with video like quality. This definition is not intended to include LED technology which mimics neon, light-bulbs, or similar applications as determined by the Planning Director or designee.~~

~~*Marquee Sign* - Any sign attached to a marquee for the purpose of identifying a movie theater or similar place of entertainment.~~

~~*Monument Sign* - A type of freestanding sign whose supporting base is (a) at least 51% the width of the sign face, and (b) is no more than 24 inches in height from property grade.~~

~~*Movement Sign* - A sign with physical motion or action.~~

~~*Neon Sign* - Any sign composed of glass tubing containing neon gas that is illuminated when electrically charged. A neon sign may be a wall, projecting, window, or freestanding sign.~~

~~*Off-Premises Sign* - Any sign or performance which advertises or otherwise directs attention to an activity not on the same lot where the sign is located.~~

~~*On-premises Sign* - A sign, which advertises or otherwise directs attention to an activity on the same lot where the sign is located.~~

~~*Portable Sign* - A sign that is not permanently attached to the ground or other permanent structure, or designed to be transported, including but not limited to those on wheels. Sandwich boards are not included by this definition.~~
~~*Projecting Sign* - A sign which is attached directly to any building wall and extends perpendicular from the face of the wall. A projecting sign may not extend more than 4 feet from the wall or 1/3 the width of the sidewalk, whichever is greater, and must be at least 8 feet above grade.~~

~~*Reader-Board Sign* - A sign which displays text messages that are intended to advertise a product or service for a business. Reader-Boards may be automatic (electronically programmed) or manual. Automatic Reader-Board signs may utilize LED technology provided messages are of a single color and do not flash. Public announcement signs are not considered reader-board signs.~~

~~*Roof Sign* - Any sign erected and constructed wholly on or over the roof of a building, supported by the roof structure, or extending vertically above the highest portion of the roof. A mansard-style roof shall be considered a part of the façade for purposes of an attached sign.~~

~~*Sandwich Board* - A portable sign consisting of two faces connected and hinged at the top.~~

~~*Strobe Light* - A flash lamp that produces high-intensity, short-duration pulses of light.~~

~~*Temporary Sign* - A sign which advertises community or civic projects, construction projects, real estate, political purposes, or other special events on a temporary basis.~~

~~*Yard Sale Sign* - A temporary sign advertising a yard, estate or garage sale.~~

~~*Vehicular Sign* - Any vehicle used as a sign or vehicle to which a sign is affixed in such a manner that the carrying of the sign is used primarily as stationary advertisement for the~~

~~business on which the vehicle sits.~~

~~*Wall Sign* - Any sign painted on or erected against a wall of a building that does not protrude more than 12 inches from the wall. A wall sign may not extend beyond the eave line or parapet of the roofline.~~

~~*Wind-driven Signs* - Any sign consisting of one or a series of two or more banners, flags, pennants, ribbons, spinners, streamers, captive balloons, or other objects or material fastened in such a manner as to move with the wind.~~

~~*Window Sign* - Any sign placed upon the outside or inside of a window, not extending beyond 6 inches of the surface of the window, facing the outside.~~

~~*Vision Clearance Area* - The triangular area on a lot at the intersection of two streets or a street and a railway, alley, or driveway as defined and measured in Section 3.1.200.N of Baker City Ordinance 3216. No signs, structures or vegetation in excess of 18 inches in height shall be placed in vision clearance areas, as shown. The Minimum vision clearance may be increased by the Planning Director upon finding more sight distance is required (i.e., due to traffic speeds, roadway alignment, etc.).~~

Sign - A name, identification, image, description, display, message or illustration that is attached to, painted on, or represented directly or indirectly upon a building, structure, or piece of land.

Sign Area - The computed rectangular measurement of the outer limits of the sign including all lettering, wording, and accompanying designs, logos, and symbols. The area of a sign shall not include any supporting framework, bracing or trim which is incidental to the display, provided that it does not contain any lettering, wording, or symbols.

- In the case of three-dimensional signs (cubes, cylinders, cones, etc) the entire display surface shall be calculated as the sign area.
- Where the sign consists of a double face, only one side shall be considered for the purposes of calculating total sign area. Where both sides are not identical, or the interior angle formed by the faces of a sign is greater than 45 degrees, all faces shall be considered in calculating total sign area.
- Any spacing between signs designating different or separate occupants or uses of a building shall not be counted as sign area.
- Where the sign consists of individual letters, designs, or symbols attached to a building, awning, wall, or window, the area shall be that of the smallest rectangle which encompasses all of the letters, designs, and symbols.
- Signs that consist of, or have attached to them, one or more three-dimensional or irregularly shaped objects, shall have a sign area of the sum of two adjacent vertical sign faces of the smallest cube encompassing the sign or object.
- If elements of a sign are movable or flexible, such as a flag or banner, the measurement is taken when the elements are fully extended and parallel to the plane of view.
- In the case of electronic reader board signs, only that portion of the sign containing the electronic reader board display shall be considered for the purposes of calculating total sign area.

Sign Cabinet - the outside casing of a sign which supports the content portion and contains electrical and/or other equipment pertinent to the function of the sign.

Sign Face - The primary part of the sign that is or can be used to communicate information for visual representation. This definition shall include any background material, panel, trim, and color used that differentiate the sign from the building or structure on which it is placed.

Sign Height - The distance from the highest portion of the sign, including all structural elements, to mean grade.

Sign Structure - A supporting structure used for the purpose of physically supporting a sign, situated on any premises where a sign may be located. The structure shall not be included in the calculation of the sign area provided that no copy, display, or symbol is designed and included as part of the structure (except addressing). This definition shall not include a building, fence, wall, or earth.

Single--family house. A detached dwelling unit located on its own lot.

Single room occupancy housing (SRO). A structure that provides living units that have separate sleeping areas and some combination of shared bath or toilet facilities. The structure may or may not have separate or shared cooking facilities for the residents. SRO includes structures commonly called residential hotels and rooming houses.
~~**Single Room Occupancy Housing (SRO).** See Residential Structure Types.~~

Site. For land divisions, property line adjustments, and lot consolidations, the site is the lots, lots of record, parcels, or tracts proposed to be divided or reconfigured. For all other purposes, the site is an ownership except as follows:

- If a proposed development includes multiple ownerships, then the site is the combined area of all the ownerships.
- If a proposed development includes only a portion of an ownership, and the balance of the ownership is vacant, then the applicant may choose to define the site as the portion of the ownership that is proposed for development.
- If a proposed development includes only a portion of an ownership, and there is other development on the ownership, then the applicant may choose to define the site as the portion of the ownership that is currently developed plus the portion proposed for development.

Site design review. A discretionary review that applies to all developments except those specifically designated for Land Use Review or specifically exempted A development proposal is reviewed in light of the basic Chapter 2 land use district development standards and more detailed design standards and public improvement requirements in Chapter 3. See Chapter 4.2.

Site frontage. The part of a site that abuts a street. See also, Block Frontage.

Specific area plan. An adopted plan for a sub area of the City and/or Urban Growth Area providing a framework and standards for future land uses, densities, blocks, typical lot patterns, public improvements and streets, and site design; may also include architectural design guidelines or standards.

Staff - Persons employed by the City of Baker City.

Standards and criteria. Both are code requirements for how to develop uses and structures on land. A standard is a quantitative requirement, or a qualitative requirement that is used in interpreting a subjective criterion. (*Example*. Criterion: All developments subject to site design review shall comply with the Chapter 3 parking standards. Standard: Medical and dental office uses must provide one vehicle parking space for each *x* square feet of gross floor area.)

Steep slopes. Slopes of greater than 30 percent.

Step-down. See Building Height in Development-Related definitions.

Storefront character. The character expressed by buildings placed close to the street with ground-floor display windows, weather protection (e.g., awnings or canopies), corner building entrances or recessed entries, and similar features.
~~**Storefront character.** See Development-Related definitions.~~

Stormwater facility. A facility designed to improve the quality and manage the quantity of stormwater runoff. Stormwater facilities include vegetated swales and sand filters, wet or dry ponds, marshes, infiltration facilities, and structural storm sewer devices. Stormwater facilities do not include conveyance systems that are meant only for conveying the stormwater from one place to another and do not affect the quality or quantity of the stormwater.
~~**Stormwater facility.** See Development-Related definitions.~~

Stormwater management system. A stormwater facility (e.g., conveyance, detention/ retention, treatment system or outfall.

Stream. An area where enough natural surface water flows to produce a stream channel, such as a river or creek that carries flowing surface water during most of the year. This includes:

- The water itself, including any vegetation, aquatic life, or habitat;
- Beds and banks below the high water level which may contain water, whether or not water is actually present;
- The floodplain between the high water levels of connected side channels; and
- Stream-associated wetlands.

- **Stream channel.** An area with evidence of perennial or seasonal water passage. The depression between the banks worn by the regular and usual flow of the water. The channel need not contain water year-round. This definition does not include irrigation ditches, canals, storm or surface water runoff devices, or other entirely artificial watercourses.

~~**Stream.** See Environment-Related Definitions~~

Street. A right-of-way that is intended for motor vehicle, pedestrian or bicycle travel or for motor vehicle, bicycle or pedestrian access to abutting property. For the purposes of this Code, street does not include alleys, rail rights-of-way that do not also allow for motor vehicle access, or freeways and their onramps.

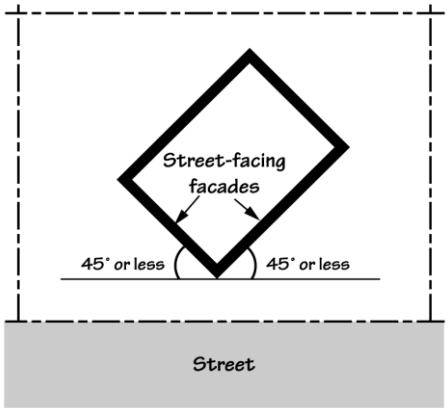
Street connectivity. Expressed as the number of street and/or access way connections within a specific geographic area. Higher levels of connectivity provide for more direct transportation routes and better dispersion of traffic, resulting in less traffic on individual streets and potentially slower speeds through neighborhoods.

~~**Street stub.** A temporary street ending where the street will be extended through adjacent property in the future, as those properties develop. Not a permanent street-end or dead-end street.~~

~~**Street tree.** A tree planted in a planter strip or tree well between the street and sidewalk.~~
~~**Street.** See Transportation-Related Definitions.~~

~~**Street connectivity.** See Transportation-Related definitions.~~

Street-facing façade/wall. All the wall planes of a structure as seen from one side or view that are at an angle of 45 degrees or less from a street lot line. See Figure below.



Street furniture/furnishings. Benches, lighting, bicycle racks, drinking fountains, mail boxes, kiosks, and similar pedestrian amenities; may be located within a street furnishings zone or building front zone of a sidewalk or in a plaza. See also, Pedestrian Amenities.
~~**Street furniture/furnishings.** See Development-Related definitions.~~

Street lot line. A lot line, or segment of a lot line, that abuts a street. Street lot line does not include lot lines that abut an alley. On a corner lot, there are two (or more) street lot lines. Street lot line can include front lot lines and side lot lines. See Figures below.

Street stub. A temporary street ending where the street will be extended through adjacent property in the future, as those properties develop. Not a permanent street-end or dead-end street.

Street tree. A tree planted in a planter strip or tree well between the street and sidewalk.

Strobe Light - A flash lamp that produces high-intensity, short-duration pulses of light.

Structure. Any object constructed in or on the ground. Structure includes buildings, decks, fences, towers, flag poles, signs, and other similar objects. Structure does not include paved areas or vegetative landscaping materials.

Structure height. The height of a structure, and the cumulative height of a building with any appurtenant structures.
~~**Structure.** See Development-Related Definitions.~~

Subdivision. To divide land into four or more lots within a single calendar year. See also, Chapter 4.3~~,~~ - Land Divisions, and ORS 92.010(17).

Swale. A type of storm water facility. Usually a broad, shallow depression with plants that filter and process contaminants.

~~**Swale.** See Development-Related definitions.~~

T

Tangent. Meeting a curve or surface in a single point.

Temporary Sign - A sign which is erected for 2 months or less within a contiguous 12 month period. Temporary signs displayed for a portion of a day count as one full day. Temporary signs may only be of the following forms: banner, freestanding, hanging, portable and window.

Terrace. A porch or promenade supported by columns, or a flat roof or other platform on a building.

Through lot. A lot that has frontage on two parallel or approximately parallel streets.
~~**Through lot.** See Lot.~~

Through street. A street that connects to other streets at both ends.
~~**Through street.** See Transportation-Related Definitions.~~

Topographical constraint. Where existing slopes, landforms (e.g., streams, canals, rock outcropping, etc.) or manmade feature (e.g., embankment or berm) make conformance with a Code standard impracticable.

Tract. A piece of land within a platted subdivision reserved for open space, utility corridor, recreation facilities, sensitive lands, or other purpose; may be dedicated to a homeowner's association or other entity for maintenance. Also means one or more contiguous lots or parcels under the same ownership.

~~**Transportation-Related Definitions** (See also, Chapter 3.4 for related standards)~~

- ~~**Access.** A way or means of approach to provide pedestrian, bicycle, and/or motor vehicular entrances or exits to a property.~~

- ~~**Access easement.** An easement recorded for the purposed of providing vehicle, bicycle, and/or pedestrian access from a public street to a parcel across intervening property under separate ownership from the parcel being provided access. **Cross access** is a service drive providing vehicular access between two or more separate sites, so that the driver need not enter the public street system between sites.~~

- ~~**Access way.** A walkway or multi-use pathway providing a through connection for pedestrians between two streets, between two lots, or between a development and adjoining public right-of-way. It may be an access way for pedestrians and bicyclists (with no vehicle access), or a walk way on public or private property (*i.e.*, with a public access easement). See also, Walkway.~~

- ~~**Accessible.** Two meanings are possible depending on the specific code provision: In general, accessible means approachable by pedestrians, vehicles or other transportation mode, as applicable. Accessible may also mean, approachable and useable by people with disabilities, in conformance with the Federal Americans With Disabilities Act. Either or both definitions may apply in a particular situation. See Accessible Route in Transportation-Related Definitions.~~

- ~~**Accessible route.** A route that can be used by a disabled person using a wheelchair and that is also usable by people with other disabilities.~~

- ~~**Access management.** The systematic control of the location, spacing, design, and operation of driveways, median openings interchanges, and street connections to a roadway to minimize conflicts between turning and through vehicles, bicyclists and pedestrians. The purpose of access management is to provide vehicular access to land development in a manner that preserves the safety and efficiency of the transportation system. Public facility measures to support access management include roadway design applications, such as median treatments and auxiliary lanes, and the appropriate spacing of traffic signals. Measures that may be included as conditions of approval for development decisions include but are not limited to 1) standards such as minimum spacing of driveways and onsite vehicle storage requirements, 2) mitigations related to site conditions such as right-in-right-out only approaches, medians, dedicated turn lanes, and shared access approaches, and 3) provision for future opportunities for mitigation by land dedication or easement.~~

- ~~**Access spacing/intersection spacing.** The minimum required distance from an intersection of a public or private street to the nearest driveway or other access connection, measured from the closest edge of the pavement of the intersecting street to the closest edge of the pavement of the connection along the traveled way.~~

- ~~**Alley.** A right-of-way that provides vehicle access to a lot or common parking area. Generally, alleys provide secondary vehicle access; however, where vehicle access from the street is not allowed, not possible, or not desirable the alley may provide primary vehicle access.~~

- ~~**Arterial.** The highest order classification of streets; includes highways and other major streets with limited or no direct access from adjoining properties.~~

- ~~**Bicycle facility/Bikeway.** There are different types of bicycle facilities: In general, a bicycle facility a public or private way designed for and dedicated to bicycle use. It may consist of a road, a lane within or on the shoulder of a road, a path, multi-use path, or other way that is specifically designated for bicycle travel or shared bicycle/pedestrian travel.~~

- ~~**Boulevard.** A street with broad open space areas; typically with planted medians. See standards under Section 3.4.1.~~

- ~~**Bus stop.** A location where bus service stops to load and unload passengers. For purposes of measuring, the bus stop is the location of a sign denoting the bus stop.~~

- ~~**Collector, minor/major.** Type of street that serves traffic within commercial, industrial, and residential neighborhood areas. Connects local neighborhood or district streets to the arterial network. Part of the street grid system. See standards under Section 3.4.1.~~

- ~~**Common green.** A courtyard that provides for pedestrian and bicycle access, but not vehicle access, to abutting property and generally provides a common area for use by residents. A common~~

~~green may function as a community yard. Hard and soft landscape features may be included in a common green, such as groundcover, trees, shrubs, surfaced paths, patios, benches, or gazebos.~~

- ~~**Curb cut.** A driveway opening delineated by a concrete apron along a street.~~

- ~~**Dead-end street.** A street that connects to another street at only one end. A pedestrian connection may extend from the end of a dead-end street to connect with another street of any type, or with another pedestrian connection.~~

- ~~**Lane, mid-block.** A narrow, limited use roadway facility, similar to an alley in design, usually used to access a limited number of dwelling units.~~

- ~~**Level of service ("LOS").** A quantitative standard for transportation facilities describing operational conditions. Level of Service may be described for intersections (signalized or unsignalized) or street segments (between signalized intersections).~~

- ~~**Pathway.** A walkway conforming to Chapter 3.1 that is not within a street right-of-way.~~

- ~~**Pedestrian connection.** See Access way.~~

- ~~**Public access easement.** A public access easement is an easement granted to the public for all the purposes for which a public sidewalk may be used, including but not limited to, pedestrian and bicycle travel.~~

- ~~**Rail right-of-way.** A public or private right-of-way, for the purpose of allowing rail travel.~~

- ~~**Right-of-way.** An area that allows for the passage of people, vehicles, or utilities. Right-of-way includes passageways such as freeways, pedestrian connections, alleys, utilities, other forms of public infrastructure, and all streets. A right-of-way may be dedicated or deeded to the public for public use and under the control of a public agency, or it may be privately owned. A right-of-way that is not dedicated or deeded to the public will be in a tract.~~

- ~~**Road authority.** The City or other agency (e.g., Oregon Department of Transportation, Baker County, a special purpose district, or other agency) with jurisdiction over a road or street.~~

- ~~**Roadway.** The portion of a right-of-way that is improved for motor vehicle travel. Roadway includes vehicle travel lanes and on-street parking areas. Roadway does not include area devoted to curbs, parking strips, or sidewalks.~~

- ~~**Shared driveway.** When land uses on two or more lots or parcels share one driveway. An easement or tract (owned in common) must be created and recorded for this purpose.~~

- ~~**Sidewalk.** A paved or concrete walkway within a public street right-of-way that is generally located adjacent to and separated from the roadway by a curb or curb and planter strip.~~

- ~~**Sight distance.** The unobstructed viewing distance measured from one object or location to another object or location, usually required the purpose of traffic safety.~~

- ~~**Street.** A right-of-way that is intended for motor vehicle, pedestrian or bicycle travel or for motor vehicle, bicycle or pedestrian access to abutting property. For the purposes of this Code, street does not include alleys, rail rights-of-way that do not also allow for motor vehicle access, or freeways and their onramps.~~

  - ~~**Street connectivity.** Expressed as the number of street and/or access way connections within a specific geographic area. Higher levels of connectivity provide for more direct transportation routes and better dispersion of traffic, resulting in less traffic on individual streets and potentially slower speeds through neighborhoods.~~

  - ~~**Street stub.** A temporary street ending where the street will be extended through adjacent property in the future, as those properties develop. Not a permanent street-end or dead-end street.~~

  - ~~**Street tree.** A tree planted in a planter strip or tree well between the street and sidewalk.~~

- ~~**Through street.** A street that connects to other streets at both ends.~~

- ~~**Transportation mode.** The method of transportation (*e.g.,* automobile, bus, walking, bicycling, train, etc.)~~

- ~~**Turnaround.** A vehicle maneuvering area at the end of a dead-end street (*e.g.,* hammerhead, cul-de-sac, or other configuration) that allows for vehicles to turn around. See Section 3.4.1 for related standards.~~

- ~~**Walkway.** A sidewalk or pathway, including access ways, providing a pedestrian connection that is improved to City standards, or to other roadway authority standards, as applicable. See also, Access way, Pathway, Sidewalk.~~

Transportation mode. The method of transportation (*e.g.,* automobile, bus, walking, bicycling, train, etc.)

Travel trailer. A vacation structure equipped with wheels for street or highway use; intended for human occupancy; equipped with plumbing, sink or toilets; used for vacation and recreational purposes; and not used as a residence. (See ORS 446.003(5)~~,~~ and ORS 446.003(24).)

Travel trailer/recreational vehicle park/campground. A lot or parcel on which two or more travel trailers, recreational vehicles, motor homes, tent trailers, tent sites, campers, and/or similar vehicles or devices are permitted via a Type I procedure~~outright~~, with or without a charge or fee.

Tree well. A planter area cut out of a sidewalk within the street furnishing zone, planted with a street tree and including ground cover or a grate cover; typically used in commercial districts where on-street parking or pedestrian traffic makes the use of a planter strip impracticable.

Truck. A motor vehicle that is designed primarily for the movement of property or special purpose equipment, or a motor vehicle that is designed to carry more than ten persons. Truck includes vehicles

commonly called trucks, pick-ups, delivery vans, buses, motor homes and other similar vehicles. See also, National Highway Traffic Safety Administration in Title 49 of the Code of Federal Regulations, Chapter V, Section 571.3.

Truck Stop. A large refueling station specifically designed for servicing large commercial trucks and providing related personal facilities associated with commercial transport.

Turnaround. A vehicle maneuvering area at the end of a dead-end street (*e.g.,* hammerhead, cul-de-sac, or other configuration) that allows for vehicles to turn around. See Section 3.4.1 for related standards.

U

Use. The purpose for which land or a structure is designed, arranged, intended, occupied, or maintained. See also, Chapter 1.4 – ~~,~~Use Categories.

Utilities. For the purposes of this Code, utilities are telephone, cable, natural gas, electric, and telecommunication facilities, storm sewers, water systems, and sanitary sewers. See also, Chapter 3.6.100 –~~,~~ Radio Frequency Transmission Facilities.

Utility Trailer. A vehicle designed to be pulled by a motor vehicle which is used to carry property, trash, or special equipment and that is 16 feet or less in length. Boat trailers are included as utility trailers. Utility trailers that are longer than 16 feet are considered industrial vehicles and are regulated as heavy trucks.

V

Vacate plat/street. To abandon a subdivision or street right-of-way. For example, vacation of a public right-of-way that is not needed or cannot be used for a street or other public purpose. Vacation of a plat typically returns the property to the adjoining owners and restores it to an undivided condition and ownership.

Variance. An administrative or quasi-judicial decision to lessen or otherwise modify the requirements of this Code. See Chapter 5.1 – Variances.

Vehicle areas. All of the areas on a site where vehicles may circulate or park including parking areas, driveways, drive-through lanes, and loading areas. See also, Driveway and Parking Area.
~~**Vehicle areas.** See Development-Related definitions.~~

~~**Vehicle Types.**~~

- ~~**Motor vehicle.** Vehicles that have their own motive power and that are used for the transportation of people or goods on streets. Motor vehicle includes motorcycles, passenger vehicles, trucks, and recreational vehicles, except all terrain vehicles, off-road vehicles, snow mobiles, and similar vehicles are not allowed on streets.~~

- ~~**Passenger vehicle.** A motor vehicle designed to carry ten persons or less including the driver. Passenger vehicles are passenger cars and multipurpose passenger vehicles as defined by the National Highway Traffic Safety Administration in Title 49 of the Code of Federal Regulations, Chapter V, Section 571.3. See also Recreational Vehicle, and Truck.~~

- ~~**Recreational vehicle.** A vehicle with or without motive power that is designed for sport or recreational use, or that is designed for human occupancy on an intermittent basis. Recreational vehicle is divided into two categories as follows:~~

  - ~~**Motor home.** Motor home includes motorized vehicles designed for human occupancy on an intermittent basis. A camper is considered a motor home when it is on the back of a pick-up or truck. Motor homes are regulated as trucks unless the regulations specifically indicate otherwise. See also Truck.~~

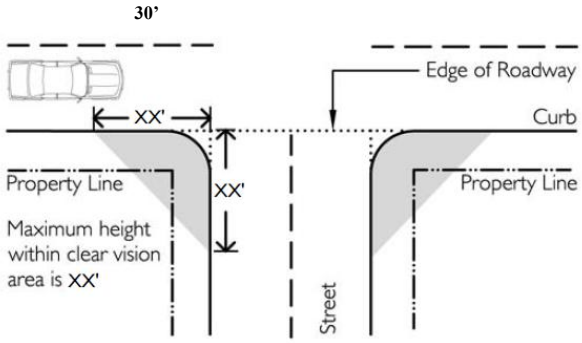
  - ~~**Accessory recreational vehicle.** Accessory recreational vehicle includes nonmotorized vehicles designed for human occupancy on an intermittent basis such as travel trailers and fifth-wheel trailers. A camper is considered an accessory recreational vehicle when it is standing alone. Accessory recreational vehicle also includes vehicles designed for off-road use, such as all-terrain vehicles, dune buggies, and recreational boats.~~

- ~~**Truck.** A motor vehicle that is designed primarily for the movement of property or special purpose equipment, or a motor vehicle that is designed to carry more than ten persons. Truck includes vehicles commonly called trucks, pick-ups, delivery vans, buses, motor homes and other similar vehicles. See also, National Highway Traffic Safety Administration in Title 49 of the Code of Federal Regulations, Chapter V, Section 571.3.~~

- ~~**Utility Trailer.** A vehicle designed to be pulled by a motor vehicle which is used to carry property, trash, or special equipment and that is 16 feet or less in length. Boat trailers are included as utility trailers. Utility trailers that are longer than 16 feet are considered industrial vehicles and are regulated as heavy trucks.~~

Vehicular Sign - Any vehicle used as a sign, or vehicle to which a sign is affixed, used primarily as a stationary sign display.

Vision Clearance Area. The 30' triangular area on a lot at the intersection ~~30'~~ two streets or a street and a railway, alley, or driveway ~~Those areas near intersections of roadways and motor vehicle access points~~ where a clear field of vision is necessary for traffic safety ~~18"~~ and to maintain adequate sight distance, as defined and measured in Section 3.1.200 (N) of the Baker City Development Code. ~~See standards set forth in Chapter 3.1.200 (N).~~ No signs, structures or vegetation in excess of 18 inches in height shall be placed in vision clearance areas, as shown. The minimum vision clearance may be increased by the Planning Director upon finding more sight distance is required (i.e., due to traffic speeds, roadway alignment, etc.).



W

Walkway. A sidewalk or pathway, including access ways, providing a pedestrian connection that is improved to City standards, or to other roadway authority standards, as applicable. See also, Access way, Pathway, and Sidewalk.

Wall Sign - Any sign erected against a wall of a building that does not protrude more than 12 inches from the wall. A wall sign may not extend beyond the eave line or parapet of the roofline.

Waste collection areas. Waste collection areas include areas set aside or designed to be used for garbage collection and collection of materials for recycling. Waste collection areas include areas occupied by dumpsters and other solid waste receptacles.

Wetland. An area that is inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances does support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands include swamps, marshes, bogs, and similar areas.

Window Sign - Any sign type which is not prohibited by this code and is placed upon the outside or inside of a window, not extending beyond 6 inches of the surface of the window, facing the outside.

Wireless communication equipment. Cellular towers, antennae, monopoles, and related facilities used for radio signal transmission and receiving.

Wholesale sales. On-premises storage, distribution and sales of goods primarily to customers engaged in the retail business of reselling the goods.

Y

Yard. The area defined by setbacks (i.e., between the setback line and nearest property line).

Yard Sale. See definition of Garage Sale.

Z

Zero-lot line house. A single-family detached dwelling with one "0" side yard setback.

Chapter 1.4 — Use Categories

Background: Chapter 1.4 is intended to be used in conjunction with the land use standards in Article 2. For example, the tables in Article 2 summarizing permitted uses for each zone contain only general land use categories. Chapter 1.4 provides specific examples of uses that fall under each general category. By providing examples of specific uses, and not an exhaustive list, the city has flexibility in determining similar uses, which should be helpful as community values, technology, and consumer needs change.

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Introduction to the Use Categories

1.4.010 Purpose. This Chapter classifies land uses and activities into use categories on the basis of common functional, product, or physical characteristics, as follows:

A. Categorization. Uses are assigned to the category whose description most closely describes the nature of the primary use. The "Characteristics" subsection of each use category describes the characteristics of each use category. Developments may have more than one primary use. Developments may also have one or more accessory uses.

B. Interpretation. When a use's category is not clearly identifiable, the Planning Official, through a Type I procedure, determines the applicable use category. The following is considered to determine what use category the use is in, and whether the activities constitute primary uses or accessory uses:

- The description of the activity(ies) in relationship to the characteristics of each use category;
- The relative amount of site or floor space and equipment devoted to the activity;
- Relative amounts of sales from each activity;
- The customer type for each activity;
- The relative number of employees in each activity;
- Hours of operation;
- Building and site arrangement;
- Vehicles used with the activity;
- The relative number of vehicle trips generated by the activity;
- Signs;
- How the use advertises itself; and
- Whether the activity would function independently of the other activities on the site.

C. Developments with multiple primary uses. When all the primary uses of a development fall within one use category, then the development is assigned to that use category. For example, a development that contains a retail bakery and a cafe would be classified in the Retail Sales and Service category because all the primary uses are in that category. When the primary uses of a development fall within different use categories, each primary use is classified in the applicable category and is subject to the regulations for that category.

D. Accessory uses. Accessory uses are allowed by right in conjunction with the use unless stated otherwise in the regulations. Also, unless otherwise stated, they are subject to the same regulations as the primary use. Typical accessory uses are listed as examples with the categories.

E. Use of examples. The "Examples" subsection of each use category provides a list of examples of uses that are included in the use category. The names of uses on the lists are generic. They are based on the common meaning of the terms and not on what a specific use may call itself. For example, a use whose business name is "Wholesale Liquidation" but that sells mostly to consumers, would be included in the Retail Sales and Service category rather than the Wholesale Sales category. This is because the actual activity on the site matches the description of the Retail Sales and Service category.

F. Exceptions. The "Exceptions" subsection of each use category provides a list of examples of uses that are specifically excluded (not permitted) under that particular use category.

Residential Use Categories

1.4.100 Group Living

A. Characteristics. Group Living is characterized by the residential occupancy of a structure by a group of people who do not meet the definition of Household Living. The size of the group will be larger than the average size of a household. Tenancy is arranged on a month-to-month basis, or for a longer period. Uses where tenancy may be arranged for a shorter period are not considered residential. They are considered to be a form of transient lodging (see the Retail Sales and Service and Community Service categories). Generally, Group Living structures have a common eating area for residents. The residents may or may not receive any combination of care, training, or treatment, as long as they also reside at the site. Group Living may include the State definition of residential facility or home (see Chapter 1.3.300, Definitions).

B. Accessory Uses. Accessory uses commonly found are recreational facilities, parking of autos for the occupants and staff, and parking of vehicles for the facility.

C. Examples. Examples include dormitories; fraternities and sororities; monasteries and convents; nursing and convalescent homes; some group homes for the physically disabled, mentally retarded, or emotionally disturbed as defined under ORS 443.400.

D. Exceptions.

1. Lodging where tenancy may be arranged for periods less than one month is considered a hotel or motel use and is classified in the Retail Sales and Service category. However, in certain situations, lodging where tenancy may be arranged for periods less than one month may be classified as a Community Service use such as short term housing.

2. Lodging where the residents meet the definition of Household, and where tenancy is arranged on a month-to-month basis, or for a longer period is classified as Household Living.

3. Facilities for people who are under judicial detainment and are under the supervision of sworn officers are included in the Detention Facilities category.

1.4.110 Household Living

A. Characteristics. Household Living is characterized by the residential occupancy of a dwelling unit by a household. Where units are rented, tenancy is arranged on a month-to-month basis, or for a longer period. Uses where tenancy may be arranged for a shorter period are not considered residential. They are considered to be a form of transient lodging (see the Retail Sales and Service and Community Service categories). Apartment complexes that have accessory services such as food service, dining rooms, and housekeeping are included as Household Living. Single Room Occupancy (SRO) housing, that do not have totally self contained dwelling units are also included if at least two thirds of the units are rented on a monthly basis. SROs may have a common food preparation area, but meals are prepared individually by the residents.

B. Accessory Uses. Accessory uses commonly found are recreational activities, raising of pets, hobbies, and parking of the occupants' vehicles. Home occupations, accessory dwelling units, and bed and breakfast facilities are accessory uses that are subject to additional regulations.

C. Examples. Uses include living in houses, duplexes, apartments, condominiums, retirement center apartments, manufactured housing, houseboats, and other structures with self-contained dwelling units. Examples also include living in SROs if the provisions are met regarding length of stay and separate meal preparation.

D. Exceptions.

1. Lodging in a dwelling unit or SRO where less than two thirds of the units are rented on a monthly basis is considered a hotel or motel use and is classified in the Retail Sales and Service category.

2. SROs that contain programs which include common dining are classified as Group Living.

3. Guest houses that contain kitchen facilities are prohibited as accessory to Household Living uses.

4. In certain situations, lodging where tenancy may be arranged for periods less than one month may be classified as a Community Service use, such as short term housing or mass shelter.

<u>Commercial Use Categories</u>

1.4.200 Commercial Outdoor Recreation

A. Characteristics. Commercial Outdoor Recreation uses are large, generally commercial uses that provide continuous recreation or entertainment oriented activities. They generally take place outdoors. They may take place in a number of structures which are arranged together in an outdoor setting.

B. Accessory Uses. Accessory uses may include concessions, restaurants, parking, caretaker's quarters, and maintenance facilities.

C. Examples. Examples include recreation camps, amusement parks, theme parks, golf driving ranges, miniature golf facilities, and marinas.

D. Exceptions.

1. Golf courses are classified as Parks and Open Space.

2. Uses that draw large numbers of people to periodic events, rather than on a continuous basis, are classified as Major Event Entertainment.

3. Quasi-public recreational uses within residential districts. However, one sports court is permitted per household.

1.4.210 Commercial Parking Facility

A. Characteristics. Commercial Parking facilities provide parking that is not accessory to a specific use. A fee may or may not be charged. A facility that provides both accessory parking for a specific use and regular fee parking for people not connected to the use is also classified as a Commercial Parking facility.

B. Accessory Uses. In a parking structure only, accessory uses may include car washing, car rental, and vehicle repair activities.

C. Examples. Examples include short- and long-term fee parking facilities, commercial district shared parking lots, commercial shuttle parking, and mixed parking lots (partially for a specific use, partly for rent to others).

D. Exceptions.

1. Parking facilities that are accessory to a use, but which charge the public to park for occasional events nearby, are not considered Commercial Parking facilities.

2. Parking facilities that are accessory to a primary use are not considered Commercial Parking uses, even if the operator leases the facility to the primary use or charges a fee to the individuals who park in the facility. See Accessory Parking Facilities in Chapter 1.3.300, Definitions.

3. Public transit park-and-ride facilities are classified as Basic Utilities.

4. Publicly owned parking facilities are not considered Commercial Parking Facilities.

1.4.215 Drive-through/Drive-up facility.

A. Characteristics. A facility or structure that is designed to allow drivers to remain in their vehicles before and during an activity on the site. Drive-through facilities are a type of site development that is usually found in conjunction with a Quick Vehicle Servicing use or a Retail Sales and Service use. Drive-through/drive-up facilities also include facilities designed for the rapid servicing of vehicles, where the drivers may or may not remain in their vehicles, but where the drivers usually either perform the service for themselves, or wait on the site for the service to be rendered.

B. Accessory Uses. Drive-through facilities may serve the primary use of the site or may serve accessory uses.

C. Examples. Examples are drive-up windows; automatic teller machines; coffee kiosks and similar vendors; menu boards; order boards or boxes; gas pump islands; car wash facilities; auto service facilities, such as air compressor, water, and windshield washing stations; quick-lube or quick-oil change facilities; and drive-in theaters.

1.4.220 Quick Vehicle Servicing

A. Characteristics. Quick Vehicle Servicing uses provide direct services for motor vehicles where the driver generally waits in the car before and while the service is performed. The development will include a drive-through facility, the area where the service is performed (See Chapter 1. 300, Definitions). Full-serve and mini-serve gas stations are always classified as a primary use (Quick Vehicle Servicing), rather than an accessory use, even when they are in conjunction with other uses.

B. Accessory Uses. Accessory uses may include auto repair and tire sales.

C. Examples. Examples include full-serve and mini-serve gas stations, unattended card key stations, car washes, and quick lubrication services.

D. Exceptions.

1. Truck stops are classified as Industrial Service.

2. Refueling facilities for the vehicles that belong to a specific use (fleet vehicles) which are on the site where the vehicles are kept, are accessory to the use.

1.4.230 Major Event Entertainment

A. Characteristics. Major Event Entertainment uses are characterized by activities and structures that draw large numbers of people in the hundreds or thousands to specific events or shows. Activities are generally of a spectator nature.

B. Accessory Uses. Accessory uses may include restaurants, bars, concessions, parking, and maintenance facilities.

C. Examples. Examples include sports arenas, race tracks (auto, horse, dog, etc.), auditoriums, exhibition and meeting areas, outdoor amphitheaters, and fairgrounds.

D. Exceptions.

1. Exhibition and meeting areas with less than 10,000ft^{2}of total event area are classified as Retail Sales and Service.

2. Banquet halls that are part of hotels or restaurants are accessory to those uses, which are included in the Retail Sales and Service category.

3. Theaters, including drive-in theaters, are classified as Retail Sales and Service.

1.4.235 Commercial Educational Services

A. Characteristics. Commercial Educational Service uses are characterized by activities conducted in an office setting and generally focusing on serving students with supplemental education, enrichment, and/or tutoring.

B. Accessory uses. Accessory uses may include incidental retail (*e.g.,* sale of instructional materials), parking, or other amenities primarily for the use of employees and customers.

C. Examples. Examples include tutoring centers, computer classes, after school math and reading centers, and arts and crafts classes.

D. Exceptions.

1. In-home tutoring or classes of 4 or less students (to be treated as a home occupation).

1.4.240 Office

A. Characteristics. Office uses are characterized by activities conducted in an office setting and generally focusing on business, professional, medical, or financial services, except that government offices are classified under Community Services.

B. Accessory uses. Accessory uses may include cafeterias, health facilities, parking, or other amenities primarily for the use of employees in the firm or building.

C. Examples. Examples include professional services such as lawyers, accountants, engineers, or architects; financial businesses such as lenders, brokerage houses, bank headquarters, or real estate agents; data processing; sales offices; and public utility offices; TV and radio studios; medical and dental clinics, and medical and dental labs.

D. Exceptions.

1. Offices that are part of and are located with a firm in another category are considered accessory to the firm's primary activity. Headquarters offices, when in conjunction with or adjacent to a primary use in another category, are considered part of the other category.

2. Contractors and others who perform construction or similar services off-site are included in the Office category if equipment and materials are not stored on the site and fabrication, services, or similar work is not carried on at the site.

3. Government offices are considered under the Community Services classification.

1.4.250 Retail Sales and Service

A. Characteristics. Retail Sales and Service firms are involved in the sale, lease or rent of new or used products to the general public. They may also provide personal services or entertainment, provide product repair or services for consumer and business goods, or include transient lodging-oriented businesses

B. Accessory uses. Accessory uses may include offices, storage of goods, manufacture or repackaging of goods for on-site sale, and parking.

C. Examples. Examples include uses from the four subgroups listed below:

1. Sales-oriented: Stores selling, leasing, or renting consumer, home, and business goods including art, art supplies, bicycles, clothing, dry goods, electronic equipment, fabric, furniture, garden supplies, gifts, groceries, hardware, home improvements, household products, jewelry, pets, pet food, pharmaceuticals, plants, printed material, stationery, and videos; food sales, and sales or leasing of consumer vehicles including passenger vehicles, motorcycles, light and medium trucks, and other recreational vehicles.

2. Personal service-oriented: Branch banks; urgency medical care; laundromats; photographic studios; photocopy and blueprint services; hair, tanning, and personal care services; tax preparers, accountants, real estate, legal, financial services; business, martial arts, and other trade schools; dance or music classes; taxidermists; mortuaries; veterinarians; kennels; and animal grooming.

3. Entertainment-oriented: Restaurants, cafes, delicatessens, taverns, and bars; indoor or outdoor continuous entertainment activities such as bowling alleys, ice rinks, and game arcades; pool halls; indoor firing ranges; theaters, health clubs, gyms, membership clubs, and lodges.

4. Transient lodging-oriented: Hotels, motels, recreational vehicle parks, short term vacation rentals, and other temporary lodging with an average length of stay of less than 30 days.

5. Repair-oriented: Repair of TVs, bicycles, clocks, watches, shoes, guns, appliances and office equipment; photo or laundry drop off; quick printing; recycling drop-off; tailor; locksmith; and upholsterer.

D. Exceptions.

1. Lumber yards and other building material sales that sell primarily to contractors and do not have a retail orientation are classified as Wholesale Sales.

2. The sale of landscape materials, including bark chips and compost not in conjunction with a primary retail use, is classified as Industrial Service.

3. Repair and service of consumer motor vehicles, motorcycles, and light and medium trucks is classified as Vehicle Repair. Repair and service of industrial vehicles and equipment, and heavy trucks is classified as Industrial Service.

4. Sales, rental, or leasing of heavy trucks and equipment is classified as Wholesale Sales.

5. Hotels, restaurants, and other services that are part of a truck stop are considered accessory to the truck stop which is classified as Industrial Service.

6. In certain situations, hotels and motels may be classified as a Community Service use, such as short term housing or mass shelter. See Community Services.

1.4.260 Self-Service Storage

A. Characteristics. Self-Service Storage uses provide separate storage areas for individual or business uses. The storage areas are designed to allow private access by the tenant for storing personal property.

B. Accessory uses. Accessory uses may include security and leasing offices. Living quarters for one resident manager per site are allowed. Other living quarters are subject to the regulations for Residential Uses. Use of the storage areas for sales, service and repair operations, or manufacturing is not considered accessory to the Self-Service Storage use. The rental of trucks or equipment is also not considered accessory to a Self-Service Storage use.

C. Examples. Examples include single story and multistory facilities that provide individual storage areas for rent. These uses are also called mini warehouses.

D. Exceptions. A transfer and storage business where there are no individual storage areas or where employees are the primary movers of the goods to be stored or transferred is in the Warehouse and Freight Movement category.

1.4.270 Vehicle Repair

A. **Characteristics.** Firms servicing passenger vehicles, light and medium trucks and other consumer motor vehicles such as motorcycles, boats and recreational vehicles. Generally, the customer does not wait at the site while the service or repair is being performed. (Different than Quick Vehicle Services category.)

B. **Accessory Uses.** Accessory uses may include offices, sales of parts, and vehicle storage.

C. **Examples.** Examples include vehicle repair, transmission or muffler shop, auto body shop, alignment shop, auto upholstery shop, auto detailing, and tire sales and mounting.

D. **Exceptions.** Repair and service of industrial vehicles and equipment, and of heavy trucks; towing and vehicle storage; and vehicle wrecking and salvage are classified as Industrial Service.

Industrial Use Categories

1.4.300 Industrial Service

A. **Characteristics.** Industrial Service firms are engaged in the repair or servicing of industrial, business or consumer machinery, equipment, products or by-products. Firms that service consumer goods do so by mainly providing centralized services for separate retail outlets. Contractors and building maintenance services and similar uses perform services off-site. Few customers, especially the general public, come to the site.

B. **Accessory uses.** Accessory uses may include offices, parking, storage, rail spur or lead lines, and docks.

C. **Examples.** Examples include welding shops; machine shops; tool repair; electric motor repair; repair of scientific or professional instruments; sales, repair, storage, salvage or wrecking of heavy machinery, metal, and building materials; towing and vehicle storage; auto and truck salvage and wrecking; heavy truck servicing and repair; tire re-treading or recapping; truck stops; building, heating, plumbing or electrical contractors; printing, publishing and lithography; exterminators; recycling operations; janitorial and building maintenance services; fuel oil distributors; solid fuel yards; research and development laboratories; dry-docks and the repair or dismantling of ships and barges; laundry, dry-cleaning, and carpet cleaning plants; and photofinishing laboratories.

D. **Exceptions.**

1. Contractors and others who perform Industrial Services off-site are included in the Office category, if equipment and materials are not stored at the site, and fabrication, or similar work is not carried on at the site.

2. Hotels, restaurants, and other services that are part of a truck stop are considered accessory to the truck stop.

1.4.310 Manufacturing and Production

A. **Characteristics.** Manufacturing and Production firms are involved in the manufacturing, processing, fabrication, packaging, or assembly of goods. Natural, man-made, raw, secondary, or partially completed materials may be used. Products may be finished or semi-finished and are generally made for the wholesale market, for transfer to other plants, or to order for firms or consumers. Goods are generally not displayed or sold on site, but if so, they are a subordinate part of sales. Relatively few customers come to the manufacturing site.

B. **Accessory uses.** Accessory uses may include offices, cafeterias, parking, employee recreational facilities, warehouses, storage yards, rail spur or lead lines, docks, repair facilities, or truck fleets. Living quarters for one caretaker per site are allowed. Other living quarters are subject to the regulations for Residential Uses.

C. **Examples.** Examples include processing of food and related products; catering establishments; breweries, distilleries, and wineries; slaughter houses, and meat packing; feed lots and animal dipping; weaving or production of textiles or apparel; lumber mills, pulp and paper mills, and other wood products manufacturing; woodworking, including cabinet makers; production of chemical, rubber, leather, clay, bone, plastic, stone, or glass materials or products; movie production facilities; ship and barge building; concrete batching and asphalt mixing; production or fabrication of metals or metal products including enameling and galvanizing; manufacture or assembly of machinery, equipment, instruments, including musical instruments, vehicles, appliances, precision items, and other electrical items; production of artwork and toys; sign making; production of prefabricated structures, including mobile homes; and the production of energy.

D. **Exceptions.**

1. Manufacturing of goods to be sold primarily on-site and to the general public is classified as Retail Sales and Service.

2. Manufacture and production of goods from composting organic material is classified as Waste-Related uses.

1.4.320 Warehouse, Freight Movement, and Distribution

A. **Characteristics.** Warehouse, Freight Movement, and Distribution involves the storage, or movement of goods for themselves or other firms. Goods are generally delivered to other firms or the final consumer, except for some will-call pickups. There is little on-site sales activity with the customer present.

B. **Accessory uses.** Accessory uses may include offices, truck fleet parking and maintenance areas, rail spur or lead lines, docks, and repackaging of goods.

C. **Examples.** Examples include separate warehouses used by retail stores such as furniture and appliance stores; household moving and general freight storage; cold storage plants, including

frozen food lockers; storage of weapons and ammunition; major wholesale distribution centers; truck, marine, or air freight terminals; bus barns; parcel services; major post offices; grain terminals; and the stockpiling of sand, gravel, or other aggregate materials.

D. Exceptions.

1. Uses that involve the transfer or storage of solid or liquid wastes are classified as Waste-Related uses.

2. Mini-warehouses are classified as Self-Service Storage uses.

1.4.330 Waste-Related

A. Characteristics. Waste-Related uses are characterized by uses that receive solid or liquid wastes from others for disposal on the site or for transfer to another location, uses that collect sanitary wastes, or uses that manufacture or produce goods or energy from the biological decomposition of organic material. Waste-Related uses also include uses that receive hazardous wastes from others and are subject to the regulations of OAR 340. 100-110, Hazardous Waste Management.

B. Accessory Uses. Accessory uses may include recycling of materials, offices, and repackaging and transshipment of by-products.

C. Examples. Examples include sanitary landfills, limited use landfills, waste composting, energy recovery plants, sewer treatment plants, portable sanitary collection equipment storage and pumping, and hazardous-waste-collection sites.

D. Exceptions.

1. Disposal of clean fill, as defined in OAR 340-093-0030, is considered a fill, not a Waste-Related use.

2. Sewer pipes that serve a development are considered a Basic Utility.

1.4.340 Wholesale Sales

A. Characteristics. Wholesale Sales firms are involved in the sale, lease, or rent of products primarily intended for industrial, institutional, or commercial businesses. The uses emphasize on-site sales or order taking and often include display areas. Businesses may or may not be open to the general public, but sales to the general public are limited as a result of the way in which the firm operates. Products may be picked up on site or delivered to the customer.

B. Accessory uses. Accessory uses may include offices, product repair, warehouses, parking, minor fabrication services, and repackaging of goods.

C. Examples. Examples include sale or rental of machinery, equipment, heavy trucks, building materials, special trade tools, welding supplies, machine parts, electrical supplies, janitorial supplies, restaurant equipment, and store fixtures; mail order houses; and wholesalers of food, clothing, auto parts, building hardware, and office supplies.

D. Exceptions.

1. Firms that engage primarily in sales to the general public are classified as Retail Sales and Service.

2. Firms that engage in sales on a membership basis are classified as either Retail Sales and Service or Wholesale Sales, based on a consideration of characteristics of the use.

3. Firms that are primarily storing goods with little on-site business activity are classified as Warehouse, Freight Movement, and Distribution.

Institutional and Civic Use Categories

1.4.400 Basic Utilities

A. Characteristics. Basic Utilities are infrastructure services which need to be located in or near the area where the service is provided. Basic Utility uses generally do not have regular employees at the site. Services may be public or privately provided. All public safety facilities are Basic Utilities.

B. Accessory uses. Accessory uses may include parking; control, monitoring, data or transmission equipment; and holding cells within a police station.

C. Examples. Examples include water and sewer pump stations; sewage disposal and conveyance systems; electrical substations; water towers and reservoirs; water quality and flow control facilities; water conveyance systems; stormwater facilities and conveyance systems; telephone exchanges; bus stops or turnarounds, suspended cable transportation systems, transit centers; and public safety facilities, including fire and police stations, and emergency communication broadcast facilities.

D. Exceptions.

1. Services where people are generally present, other than bus stops or turnarounds, transit centers, and public safety facilities, are classified as Community Services or Offices.

2. Utility offices where employees or customers are generally present are classified as Offices.

3. Bus barns are classified as Warehouse and Freight Movement.

4. Public or private passageways, including easements, for the express purpose of transmitting or transporting electricity, gas, oil, water, sewage, communication signals, or other similar services on a regional level are classified as Rail Lines and Utility Corridors.

1.4.410 Colleges

A. Characteristics. This category includes colleges and other institutions of higher learning which offer courses of general or specialized study leading to a degree. They are certified by the State Board of Higher Education or by a recognized accrediting agency. Colleges tend to be in campus-like settings or on multiple blocks, though they may be contained in a single building.

B. Accessory Uses. Accessory uses include offices, housing for students, food service, laboratories, health and sports facilities, theaters, meeting areas, parking, maintenance facilities, and support commercial.

C. Examples. Examples include universities, liberal arts colleges, community colleges, nursing and medical schools not accessory to a hospital, computer schools, higher education religious schools, and seminaries.

D. Exceptions. Business and trade schools are classified as Retail Sales and Service.

1.4.420 Community Services

A. Characteristics. Community Services are uses of a public, quasi-public, non-profit, or charitable nature generally providing a local service to people of the community, or government services at the local, state, regional, or national level. Generally, they provide the service on the site or have employees at the site on a regular basis. The service is ongoing, not just for special events. Community centers or facilities that have membership provisions are open to the general public to join at any time, (for instance, any senior citizen could join a senior center).

B. Accessory uses. Accessory uses may include offices; meeting areas; food preparation areas; parking, equipment storage, health and therapy areas; daycare uses; community gardens or community green houses, and athletic facilities.

C. Examples. Examples include libraries, museums, senior centers, community centers, government offices, community swimming pools, public or commercial athletic or health clubs, youth club facilities, hospices, emergency shelter care, and social service facilities.

D. Exceptions.

1. Private lodges and clubs are classified as Retail Sales and Service. Commercial museums (such as a wax museum) are in Retail Sales and Service.

2. Parks are in Parks and Open Areas.

3. Uses where tenancy is arranged on a month-to-month basis, or for a longer period, are residential, and are classified as Household or Group Living.

4. Public safety facilities are classified as Basic Utilities.

5. Uses that provide treatment for alcohol or drug problems, where patients are residents of the program, are classified in the Group Living category. Non-resident drug and alcohol treatment clinics are classified under Medical Centers.

1.4.430 Daycare

A. Characteristics. Daycare use includes day or evening care of two or more children outside of the children's homes, for a fee. Daycare uses also include the daytime care of teenagers or adults who need assistance or supervision.

B. Accessory Uses. Accessory uses include offices, play areas, and parking.

C. Examples. Examples include preschools, nursery schools, latch key programs, and adult daycare programs.

D. Exceptions. Daycare use does not include care given by the parents, guardians, or relatives of the children, or by babysitters. Daycare use also does not include care given by a "family child care home" as defined by ORS 657A.250 and ORS 657A.440(4) where child care is offered in the home of the provider to not more than16 children, including the children of the provider, regardless of full-time or part-time status. Family daycare is care regularly given in the family living quarters of the provider's home, and is regulated as a home occupation.

1.4.450 Medical Centers

A. Characteristics. Medical Centers includes uses providing medical or surgical care to patients and offering overnight care. Medical centers tend to be on multiple blocks or in campus settings.

B. Accessory uses. Accessory uses include out-patient clinics, offices, laboratories, teaching facilities, meeting areas, cafeterias, parking, maintenance facilities, and housing facilities for staff or trainees.

C. Examples. Examples include hospitals and medical complexes that include hospitals.

D. Exceptions.

1. Uses that provide exclusive care and planned treatment or training for psychiatric, alcohol, or drug problems, where patients are residents of the program, are classified in the Group Living category.

2. Medical clinics that provide care where patients are generally not kept overnight are classified as Office.

3. Urgency medical care clinics are classified as Retail Sales and Service.

1.4.460 Parks and Open Areas

A. **Characteristics.** Parks and Open Areas are uses of land focusing on natural areas, large areas consisting mostly of vegetative landscaping or outdoor recreation, community gardens, or public squares. Lands tend to have few structures.

B. **Accessory uses.** Accessory uses may include club houses, maintenance facilities, concessions, caretaker's quarters, and parking.

C. **Examples.** Examples include parks, golf courses, cemeteries, public squares, plazas, recreational trails, botanical gardens, boat launching areas, nature preserves, and land used for grazing that is not part of a farm or ranch.

1.4.470 Religious Institutions and Places of Worship

A. **Characteristics.** Religious Institutions are intended to primarily provide meeting areas for religious activities.

B. **Accessory uses.** Accessory uses include Sunday school facilities, parking, caretaker's housing, one transitional housing unit, and group living facilities such as convents. A transitional housing unit is a housing unit for one household where the average length of stay is less than 60 days. Religious schools, when accessory to a religious institution, are different than a school as a primary use.

C. **Examples.** Examples include churches, temples, synagogues, and mosques. See also, Religious Schools included in Section 1.4.480 – Schools.

1.4.480 Schools

A. **Characteristics.** This category includes public and private schools, secular or parochial, at the primary, elementary, middle, junior high, or high school level that provide state mandated basic education.

B. **Accessory uses**. Accessory uses include play areas, cafeterias, recreational and sport facilities, auditoriums, and before- or after-school daycare.

C. **Examples.** Examples include public and private daytime schools, boarding schools and military academies.

D. **Exceptions.**

1. Preschools are classified as Daycare uses.

2. Business and trade schools are classified as Retail Sales and Service.

1.4.490 Detention Facilities and Correctional Institutions

A. **Characteristics.** This category includes correctional institutions for both youths and adults. It includes facilities housing people who are under judicial detainment and are under the supervision of sworn officers of the law. No facilities under this category may be established in Baker City except as a conditional use in designated land-use districts.

Other Use Categories

1.4.500 Agriculture

A. **Characteristics.** Agriculture includes activities that raise, produce or keep plants or animals.

B. **Accessory uses.** Accessory uses include dwellings for proprietors and employees of the use, and animal training.

C. **Examples.** Examples include breeding or raising of fowl or other animals; dairy farms; stables; riding academies; animal boarding places; farming, truck gardening, forestry, tree farming; and wholesale plant nurseries.

D. **Exceptions.**

1. Processing of animal or plant products, including milk, and feed lots, are classified as Manufacturing and Production.

2. Livestock auctions are classified as Wholesale Sales.

3. Plant nurseries that are oriented to retail sales are classified as Retail Sales and Service.

1.4.510 Mining

A. **Characteristics.** Mining includes mining or extraction of mineral or aggregate resources from the ground for off-site use.

B. **Accessory uses.** Accessory uses include storage, sorting, stockpiling, or transfer off-site of the mined material.

C. **Examples.** Examples include quarrying or dredging for sand, gravel or other aggregate materials; mining; and oil, gas, or geothermal drilling.

1.4.520 Radio Frequency Transmission Facilities

A. **Characteristics.** Radio Frequency Transmission Facilities includes all devices, equipment, machinery, structures or supporting elements necessary to produce non-ionizing electromagnetic radiation within the range of frequencies from 100 KHz to 300 GHz and

operating as a discrete unit to produce a signal or message. Towers may be self supporting, guyed, or mounted on poles or buildings.

B. Accessory Uses. Accessory use may include transmitter facility buildings.

C. Examples. Examples include broadcast towers, communication/cell towers, and point to point microwave towers.

D. Exceptions.

1. Receive-only antennae are not included in this category.

2. Radio and television studios are classified in the Office category.

3. Radio Frequency Transmission Facilities that are public safety facilities are classified as Basic Utilities.

1.4.530 Utility Corridors

A. Characteristics. The category includes public or private passageways, including easements, for the express purpose of transmitting or transporting electricity, gas, oil, water, sewage, communication signals, or other similar services on a regional level.

B. Examples. Examples include regional electrical transmission lines; and regional gas and oil pipelines.

C. Exceptions.

1. Railroad lead and spur lines for delivery of rail cars to sites or for unloading of rail cars on specific sites are classified as accessory to the primary use of the site.

2. Utility corridors that are located within motor vehicle rights-of-way are not included.

Chapter 1.5 — Enforcement

Sections:

1.5.100 Provisions of this Code Declared to be Minimum Requirements
1.5.200 Violation of Code Prohibited
1.5.300 Penalty
1.5.400 Complaints Regarding Violations
1.5.500 Abatement of Violations

1.5.100 Provisions of this Code Declared to be Minimum Requirements

A. Minimum requirements intended. In their interpretation and application, the provisions of this Code shall be held to be minimum requirements, adopted for the protection of the public health, safety, and general welfare.

B. Most restrictive requirements apply. When the requirements of this Code vary from other provisions of this Code the most restrictive or that imposing the highest standard shall govern.

1.5.200 Violation of Code Prohibited. No person shall erect, construct, alter, maintain or use any building or structure or shall use, divide or transfer any land in violation of this Code or any amendment thereto.

1.5.300 Penalty

A. Class 1 penalty. A violation of this Code shall constitute a civil infraction, which shall be processed accordingly. A person violating a provision of this Code shall, upon conviction, be punished by a fine of not more than $500.00 for each separate infraction.

B. Each violation a separate infraction. Each violation of a separate provision of this Code shall constitute a separate infraction, and each day that a violation of this Code is committed or permitted to continue shall constitute a separate infraction.

C. Abatement of violation required. A finding of a violation of this Code shall not relieve the responsible party of the duty to abate the violation. The penalties imposed by this section are in addition to and not in lieu of any other remedies available to the City. The City as part of the abatement of a violation may require the physical removal of the violation or engage in the removal of the violation directly and record a lien against the property in the Baker County records for the associated costs of removal.

D. Public record of violations. The Planning Department shall keep a log of existing violations and enforcement actions. Said log shall be available to the general public for review and publication.

E. Responsible party. If a provision of this Code is violated by a firm or corporation, the officer or officers, or person or persons responsible for the violation shall be subject to the penalties

imposed by this section.

1.5.400 Complaints Regarding Violations.

A. Filing written complaint. Whenever a violation of this Code occurs, or is alleged to have occurred, any person may file a signed, written complaint.

B. File complaint with the Planning Director. Such complaints, stating fully the causes and basis thereof, shall be filed with the Planning Director. The Planning Director or his or her designee shall properly record such complaints, investigate and take action thereon as provided by this Code.

1.5.500 Abatement of Violations. Any development or use that occurs contrary to the provisions of this Code or contrary to any permit or approval issued or granted under this Code is unlawful, and may be abated by appropriate proceedings.

Article 2 - Land Use Districts

Chapters:

2.1. Organization of Land Use Districts
2.2. Residential (R) Districts
2.3. Commercial (C) Districts
2.4. Industrial (I) District
2.5. Overlay Zones

Chapter 2.1 - Organization of Land Use Districts

Sections:

2.1.100 Classification of Land Use Districts
2.1.200 Land Use District Map
2.1.300 Determination of Land Use District Boundaries

2.1.100 Classification of Land Use Districts. Every parcel, lot, and tract of land within the Urban Growth Boundary of the City of Baker City is designated with a land use (zoning) district. The use of land is controlled by the applicable land use district and/or overlay zone. Some uses are permitted "by-right" in a given district and are designated by a "P" in the following tables. Others uses are subject to special standards, designated at "S" in the following tables, or are only permitted at the discretion of the reviewing authority, designated as "CU" or conditional uses. The applicable land use districts and overlay zone(s) are determined based on the Land Use District Map and the provisions of this Chapter, which shall be consistent with the Baker City Comprehensive Plan, as indicated in Table 2.1.100.

Table 2.1.100	
Comprehensive Plan Designation	**Applicable Land Use District**
Residential	Residential Low Density (R -LD)
Residential	Residential Medium Density (R-MD)
Residential	Residential High Density (R-HD)
Commercial	Central Commercial (C-C)
Commercial	Commercial General (C-G)
Industrial	Light Industrial (LI)
Industrial	General Industrial (I)
Residential-Commercial	Master Planned Development
Interchange Area Management Plan	Interchange Overlay Zone

2.1.200 Land Use District Map

A. **Consistency with Land Use District Map.** The boundaries of the land use districts contained within this chapter shall coincide with the land use district boundaries identified on the City's official zoning map, retained by the City Recorder. Said map by this reference is made a part of this Development Code. The official zoning map, and any map amendments, shall be maintained by the City.
B. **Applicability of land use standards.** Each lot, tract, and parcel of land or portion thereof within

the land use district boundaries designated and marked on the zoning map, is classified, zoned and limited to the uses hereinafter specified and defined for the applicable land use district.

2.1.300 Determination of Land Use District Boundaries. Where due to the scale, lack of scale, lack of detail or illegibility of the City zoning map, or due to any other reason, there is uncertainty, contradiction or conflict as to the intended location of a district boundary line, the boundary line shall be determined by the Planning Director or his or her designee in accordance with all of the following criteria:

A. Rights-of-way. Boundaries indicated as approximately following the center lines of streets, highways, railroad tracks, alleys, irrigation canals, bridges, or other right-of-way shall be construed to follow such center lines. Whenever any public right-of-way is lawfully vacated, the lands formerly within the vacated right-of-way shall automatically be subject to the same land use district designation that is applicable to lands abutting the vacated areas. In cases where the right-of-way formerly served as a land use district boundary, the lands within the right-of-way now vacated shall be allocated proportionately among the subject land use districts;

B. Parcel, lot, tract. Boundaries indicated as approximately following the boundaries of a parcel, lot, or tract shall be construed as following such boundaries;

C. Jurisdiction boundary. Boundaries indicated as approximately following a City or County boundary, or the Urban Growth Boundary, shall be construed as following said boundary; and

D. Natural features. Boundaries indicated as approximately following a river, stream, drainage channel, drainage basin, topographic contour or other changeable natural feature not corresponding to any feature listed in subsection A-C, above, shall be construed as following such feature, except that the location may be corrected administratively through a Type I (Code Interpretation) procedure, in accordance with Chapter 4.8.

Chapter 2.2 - Residential Land Use Districts

Sections:

2.2.100 Purpose
2.2.110 Allowed Land Uses
2.2.120 Development Standards
2.2.130 Setback Yards: Exceptions, Reverse Frontage Lots, Flag Lots
2.2.140 Reserved
2.2.150 Housing Density
2.2.160 Lot Coverage
2.2.170 Building Height: Measurement, Exceptions
2.2.180 Building Orientation
2.2.190 Architectural Design Standards
2.2.200 Special Use Standards

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

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

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

Table 2.2.110 – Land Uses Allowed in Residential Districts (R-LD, R-MD, R-HD)			
Uses	**Status of Use in District**		
Use Categories (Examples of uses are in Chapter 1.4; definitions are in Chapter 1.3.)	**Low Density Residential (R-LD**	**Medium Density Residential (R-MD)**	**High Density Residential (R-HD)**
RESIDENTIAL CATEGORIES			
Household Living			
Single Family Detached	P	P	P
Accessory Dwelling, per Section 2.2.200.A	S	S	S
Duplex (2 dwellings sharing a common wall on one lot) - One duplex on a corner - More than one duplex (4+ units) attached, per Section 2.2.200.C	 P CU	 P S	 P S
Single Family Attached (2 or more common-wall single family dwellings), each on its own lot, per Section 2.2.200.C	S	S	S
Cottage Cluster (2-4 single family dwellings on one lot, oriented to an alley or common green, and each containing less than 700 ft^2 of floor area). *Exception: Cottage Clusters may be permitted in Master Planned Developments.*	N	P	P
Manufactured Home, per Section 2.2.200.G	S	S	S
Manufactured Home Park, per Section 2.2.200.H	N	CU	S
Zero Lot Line Housing (not common wall), per Section 2.2.200.K	S	S	S
Multi-Family (3 or more dwellings on lot), except as provided for Cottage Housing; includes Senior Housing, Assisted Living, and Single Room Occupancy Uses, but not Group Living). *Exception: May be permitted in R-LD as part of a Master Planned Development, per 2.2.200.I.*	N	CU	S
Bed and Breakfast Inn, per 2.2.200.D	CU	CU	S
Home Occupation, - per the standards in Section 2.2.200.F - per the procedures in Section 4.9.200	 S CU	 S CU	 S CU
Group Living			
Group Care Home (5 or less individuals), per Section 2.2.200.E	S	S	S

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

Table 2.2.110 – Land Uses Allowed in Residential Districts (R-LD, R-MD, R-HD)			
Uses	**Status of Use in District**		
Use Categories (Examples of uses are in Chapter 1.4; definitions are in Chapter 1.3.)	**Low Density Residential (R-LD**	**Medium Density Residential (R-MD)**	**High Density Residential (R-HD)**
Wholesale Sales	N	N	N
INSTITUTIONAL CATEGORIES			
Basic Utilities	P	P	P
Colleges	CU	CU	CU
Community Service, no drive-up uses	CU	CU	CU
Daycare, adult or child day care; does not include Family Daycare (16 or fewer children) under ORS 657A.250 which is regulated as a home occupation.	CU	CU	CU
Detention Facilities and Correctional Institutions	N	N	N
Medical Centers	N	N	N
Parks and Open Areas Parks and Open Areas, when designated on an adopted Specific Area Plan, Open Space and Parks Plan, or when part of a subdivision application (Chapter 4.3) or master planned development application (Chapter 4.5)	CU P	CU P	CU P
Religious Institutions and Houses of Worship	CU	CU	CU
Schools	CU	CU	CU
OTHER CATEGORIES			
Accessory Structures (with a permitted use) per Section 2.2.200.B - less than ~~18~~ 20 feet tall and less than 1,~~0~~200ft² of building footprint, or less than 1.5 times the size of the primary structure, whichever is greater - taller than 20~~18~~ feet or larger than 1,~~0~~200ft² of building footprint	S CU	S CU	S CU
Agriculture – Animals as defined under "Farm Use" or "Farming" (Livestock, defined as a horse, mule, cow, sheep, pig or other animal of similar size or larger, shall not be kept within the boundaries of the area defined by Baker City Code Chapter 90)	S	S	S
Agriculture – Retail nurseries and similar retail horticulture	CU	CU	N
Agriculture – Non-retail row and field crops, wholesale horticulture, and retail Christmas tree farms	P	P	P

Table 2.2.110 – Land Uses Allowed in Residential Districts (R-LD, R-MD, R-HD)			
Uses	**Status of Use in District**		
Use Categories (Examples of uses are in Chapter 1.4; definitions are in Chapter 1.3.)	**Low Density Residential (R-LD**	**Medium Density Residential (R-MD)**	**High Density Residential (R-HD)**
Garage Sales (Yard Sales) (see definitions)	P	P	P
Mining	N	N	N
Radio Frequency Transmission Facilities - If lawfully existing as of [*date of adoption*], per Chapter 3.6 - Collocation of new equipment - New Transmission Towers	 S P N	 S P N	 S P N
Temporary Uses, per Section 4.9.100.	S	S	S
Transportation Facilities (operation, maintenance, preservation, and construction), in accordance with the Baker City Transportation System Plan	P	P	P
Utility Corridors, except those existing prior to effective date of Development Code are allowed	CU	CU	CU

Key:

P = Permitted, subject to site/development review
S = Permitted with standards (Section 2.2.200)
CU = Conditional Use Permit required (Chapter 4.4)
N = Not permitted

2.2.120 Development Standards

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

The development standards in Table 2.2.120 apply to all uses, structures, buildings, and development, and major remodels in the Residential Districts.

Table 2.2.120 – Development Standards for Residential Districts

Standard	R-LD	R-MD	R-HD
Density (DU/acre) – Minimum and Maximum	1.0 to 10	2.0 to 20	4.0 to 45
Minimum Lot Area*			
Single Family Detached	7,500 ft^2	7,500 ft^2	5,000 ft^2
Single Family Attached	3,000 ft^2/unit	2,500 ft^2/unit	2,000 ft^2/unit
Duplex	7,500 ft^2	7,500 ft^2	5,000 ft^2
Multi-Family or Cottage Cluster	Not permitted	9,000 ft^2*	9,000 ft^2*
Group Living – 5 or less individuals	7,500 ft^2	7,500 ft^2	5,000 ft^2
Group Living – 6 to 15 individuals	Not permitted	12,000 ft^2 to 30,000 ft^2*	6,000 ft^2 to 15,000 ft^2*
Group Living – 16 or more individuals	Not permitted	32,000 ft^2*	16,000 ft^2*
Non-Residential Uses	9,000 ft^2	9,000 ft^2	9,000 ft^2
**Lot size may be reduced through lot size averaging, clustering, Master Plan Development, and Coving. See related land division procedures in Chapter 4.3.115. Minimum lot sizes do not apply to open space tracts*		** Maximum density calculated on one unit per 2,000 ft^2*	** Maximum density calculated on one unit per 1,000 ft^2*
Minimum Lot Width			
Single Family Detached	40 ft	40 ft	40 ft
Single Family Attached	20 ft	20 ft	20 ft
Duplex	50 ft	50 ft	50 ft
Multi-Family or Cottage Cluster	Not permitted	50 ft	50 ft
Group Living – 5 or less individuals	40 ft	40 ft	40 ft
Group Living – 6 to 15 individuals	Not permitted	50 ft	50 ft
Group Living – 16 or more individuals	Not permitted	80 ft	80 ft
Non-Residential Uses	50 ft	50 ft	50 ft
For flag lots, width is measured at the front building line			

Table 2.2.120 – Development Standards for Residential Districts			
Standard	**R-LD**	**R-MD**	**R-HD**
Minimum Lot Depth*			
**Lot area must conform to the standards above. Lot dimensions may be reduced for Flag Lots, Cul-de-sac lots, and other special circumstances (Section 4.3.115)*	2 times min. width	2 times min. width	2 times min. width
Building/Structure Height*			
Level Site (slope less than 15%) maximum height	35 ft	35 ft	35 ft
Accessory Structure (slope less than 15%) maximum height	18 ft	18 ft	18 ft
maximum eave height	12 ft	12 ft	12 ft
Sloping Site (15% or greater) maximum height	level site + 5ft	level site + 5ft	level site + 5ft
Building Height Transition *Required Adjacent to R-LD District, per Section 2.2.170*	No	No	No
Fences and Garden Walls			
Max. Height. – Front Yard	4 ft	4 ft	4 ft
Max. Height – Interior Side	6 ft	6 ft	6 ft
Max. Height – Rear Yard	6 ft	6 ft	6 ft
Max. Height – Street Side or Reverse Frontage Lot (rear)	4 ft, or 6 ft with 5 ft landscape buffer	4 ft, or 6 ft with 5 ft landscape buffer	4 ft, or 6 ft with 5 ft landscape buffer
**See also, Sections 2.2.130 – Setback Yards; 2.2.170-R-LD Height Step-Down; 3.1.200 – Clear Vision, and 3.2.500 –Fences and Walls* *Note: Structural retaining walls required for site development are exempt*			
Lot Coverage			
Max. Building Coverage *(foundation plane as % of site area)*			
Single Family Detached	50%	50%	50%
Single Family Attached	60%	70%	70%
Duplex	60%	60%	60%
Multi-Family Use or Cottage Cluster	Not permitted	60%	60%
Group Living – 5 or less individuals	50%	50%	50%
Group Living – 6 to 15 individuals	Not permitted	60%	60%
Group Living – 16 or more individuals	Not permitted	60%	60%
Civic/Institutional/Open Space	60%	60%	60%

Table 2.2.120 – Development Standards for Residential Districts			
Standard	**R-LD**	**R-MD**	**R-HD**
Min. Landscape Area (% site area)* Landscape area may include plant areas and some non-plant areas as allowed under Section 3.2.300.D. **Does not apply to single-family dwellings*	10%	7%	7%
Parking Lots: See detailed requirements under Section 3.2.300.E(2)	5%	5%	5%

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

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

A. Purpose. Residential setback yards provide space for private yards and building separation for fire protection/security, building maintenance, sunlight and air circulation. The setback yard

standards contained in Table 2.2.120 are also intended to promote human-scale design and traffic calming by diminishing the visual presence of garages along the street and encouraging the use of pedestrian amenities, such as extra-wide sidewalks and street furnishings in multiple family developments and in residential-commercial projects. The standards also encourage the orientation of buildings to provide street visibility for public safety and neighborhood security.

B. Exceptions. The following architectural features may encroach into the setback yards as noted below subject to meeting all applicable building and fire codes and the clear vision standards in Section 3.1.2: eaves, chimneys, bay windows, overhangs, and similar architectural features may encroach into a setback yard by not more than 36 inches; porches, decks and similar structures not exceeding 36 inches in height may encroach into setbacks as provided in Table 2.2.120; walls and fences built on property lines are subject to the height standards in Table 2.2.120 and the provisions of Sections 3.1.200 - Vision Clearance and 3.2.500 - Fences and Walls. Separate or additional setback restrictions and fire protection measures may be required by the Building official.

C. Reverse Frontage Lots. Reverse frontage lots are subject to the fence height and setback requirements in Section 2.2.120 and the landscape buffer requirements in Chapter 3.2.300.

D. Flag Lots. The front yard of a flag lot shall conform to one of the following two options:

1. parallel to the street from which access is taken, or
2. parallel to the flag pole from which access is taken.

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

2.2.140 Reserved

2.2.150 Housing Density

A. Density Standard. To ensure efficient use of buildable lands and to provide for a range of needed housing in conformance with the Comprehensive Plan, all new developments and subdivisions in the Residential Districts shall conform to the minimum and maximum dwelling units per acre densities prescribed in Table 2.2.120, except as may be approved under the master plan overlay provisions and in the subsections below. Redevelopment or expansion of existing uses within older areas of existing land use patterns shall comply with the maximum and minimum dwelling units per acre to the extent practical. The density standards in Table 2.2.120 are intended to ensure efficient use of buildable lands and provide for a range of needed housing, in conformance with the Comprehensive Plan.

1. Residential subdivisions where the average slope exceeds 20% are exempt from the minimum density standard.

2. The density standards may be averaged over more than one development phase (i.e., as in a

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

3. Partitions and construction of single-family homes on lots exceeding 25,000 ft^2 shall be planned so that the land is used efficiently and future development on these lots or parcels can occur based on the minimum lot size and other dimensional standards of the district.

4. The following types of housing are exempt from the minimum and maximum dwelling units per acre standards of Table 2.2.120:

   a. Redevelopment within a residential neighborhood with an existing pattern of development;

   b. Infill development on a vacant platted lot consistent with the adjacent existing pattern of development;

   c. Residential care homes/facilities;

   d. Accessory dwellings;

   e. Bed and breakfast inns; and

   f. Buildings that are listed in the inventory of Historic Sites or buildings designated on the Historic National Landmarks Register.

B. Density Calculation.

1. Minimum and maximum housing densities are calculated by multiplying the total parcel or lot area by the applicable density standard. For the purpose of calculating the density for partition lots only, the area of ½ of right of way abutting the proposed partition lots shall be added to the gross areas.

2. Areas reserved for flag lot access (flag poles) are not counted for the purpose of calculating minimum densities.

2.2.160 Lot Coverage

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

2.2.170 Building Height: Measurement, Exceptions

Building heights shall conform to the standards in Table 2.2.120, and subsections A-B, below:

A. Building Height Measurement. Building height is measured as the vertical distance above a reference datum measured to the highest point of the coping of a flat roof, or to the deck line of a mansard roof, or to the ridgeline or highest gable of a pitched or hipped roof. The height of a stepped or terraced building is the maximum height of any segment of the building. The reference datum shall be either 1 or 2, whichever yields a greater height:

1. The elevation of the highest adjoining sidewalk or ground surface within a five-foot horizontal distance of an exterior wall of the building when such sidewalk or ground surface is not more than 10 feet above the lowest grade;

2. An elevation 10 feet higher than the lowest grade when the sidewalk or ground surface described in subsection 1 is more than 10 feet above the lowest grade.

B. Exclusions from Maximum Building Height Standards. Chimneys, bell towers, steeples, roof equipment, flag poles, and similar features not for human occupancy are exempt from the maximum building heights, provided that all applicable fire and building codes are met.

2.2.180 Building Orientation

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

A. Purpose. The following standards are intended to orient buildings close to streets to promote pedestrian-oriented development where walking is encouraged, and to discourage automobile-oriented development. Placing residences and other buildings close to the street also encourages crime prevention, natural surveillance or security, and safety by having more "eyes-on-the-street."

B. Applicability. Section 2.2.180 applies to all developments that are subject to Site Design Review, including developments that are reviewed as part of a Master Planned Development or Conditional Use application. The Planning Director or his or her designee in the case of Type I and Type II developments subject to these standards, or the Planning Commission in the case of Type III developments, may waive or modify these requirements if physical site conditions or City urban design objectives make their application impractical or undesirable from the perspective of public planning objectives.

C. Building orientation standards. All developments that are subject to Section 2.2.180 shall have buildings that are oriented to a street. This standard is met when all of the following criteria are met:

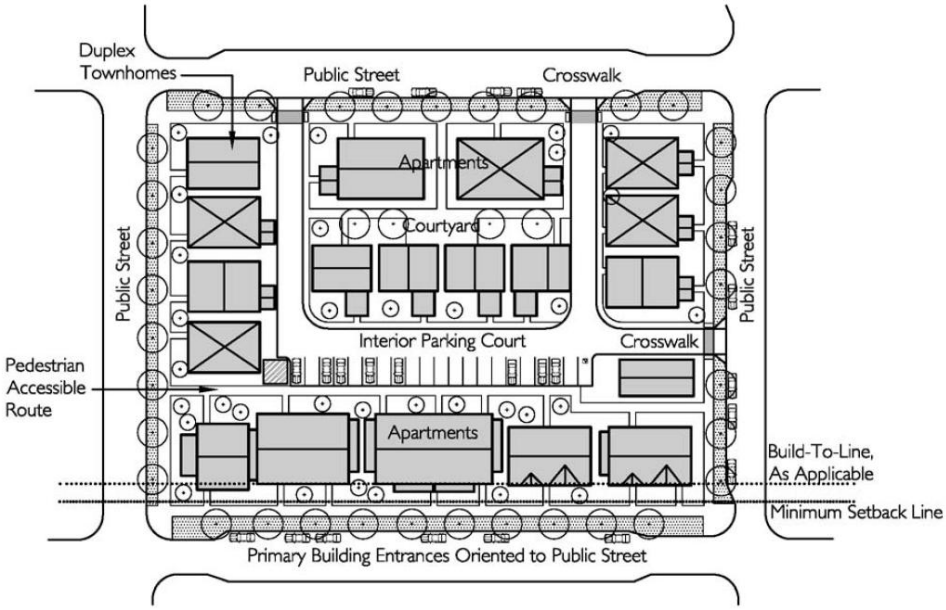
1. Compliance with the setback;

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

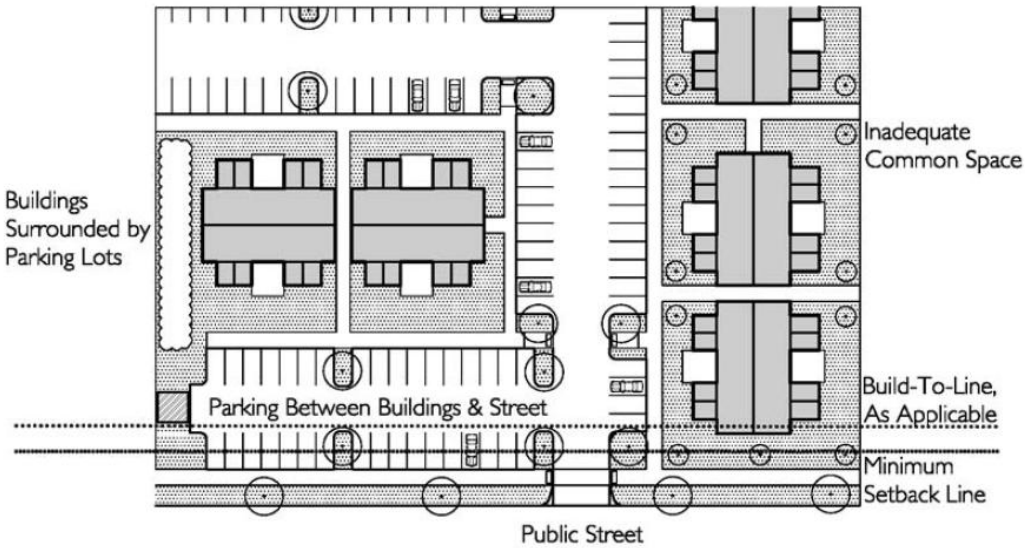
sidewalk. See Figure 2.2.180.C(1);

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

Examples of Code Compliant Features:



Example of Non-Compliant Features:



3. Off-street parking, driveways, and other vehicle areas shall not be placed between buildings and the street(s) to which they are oriented, as per subsection 2 and Figure 2.2.180.C(1); except the following vehicle areas are allowed where the approval body finds that they will not adversely affect pedestrian safety and convenience:

a. Schools, multiple family buildings, assisted living facilities, and other institutional uses may have one driveway not exceeding 20 feet in width plus parallel parking, including ADA accessible spaces, located between the street and the primary building entrance, provided that the building's primary entrance is connected to an adjacent street by a pedestrian walkway and the driveway/parking area is crossed by a clearly defined pedestrian walkway, as required by Section 3.1.300. The intent of this exception is use driveways that have street-like features;

b. Attached single family housing developments (townhomes) with street-facing garages may have one driveway access located between the street and the primary building entrance for every two dwelling units, provided they meet the following criteria, as generally shown in Figure 2.2.180.C(2):

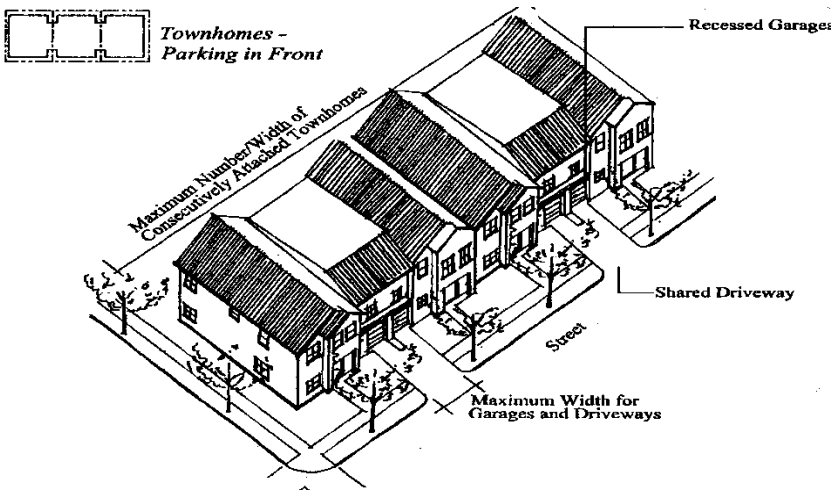
   (i) Where two abutting townhomes have street-facing garages, they shall share one driveway access that does not exceed 16 feet in width where it crosses the sidewalk and intersects the street;

   (ii) All primary building entrances shall be connected to a driveway (and sidewalk) via a pedestrian walkway that is not less than three (3) feet wide;

   (iii) The maximum number of consecutively attached townhomes with garages facing the same street is four (4) (two driveways). The maximum number of consecutively attached townhouses without garages facing the same street is six (6); and

   (iv) Street-facing garages shall be setback at least 20 feet from the street; where a building is placed less than 20 feet from the street, the 20-foot garage setback may be accomplished recessing the garage behind the front building elevation.

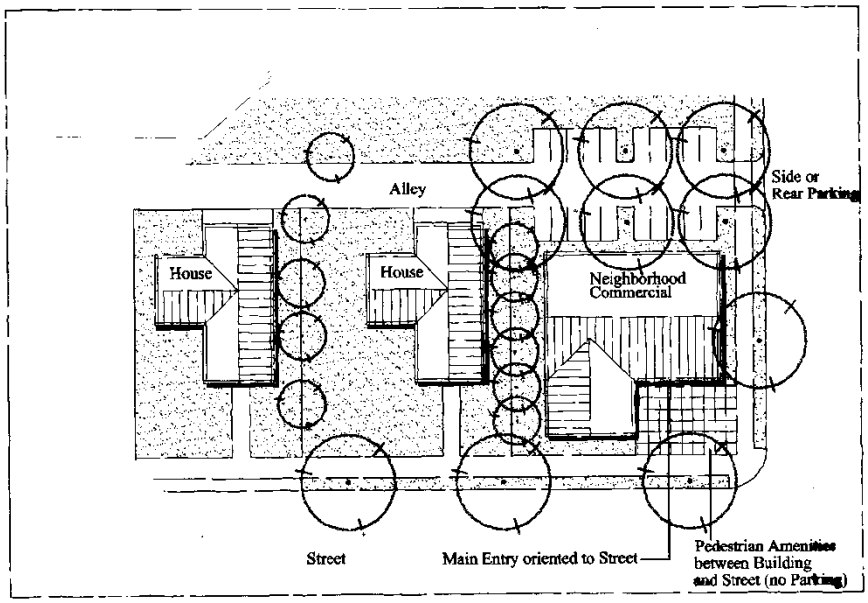
Figure 2.2.180.C (2) – Townhome Building Orientation

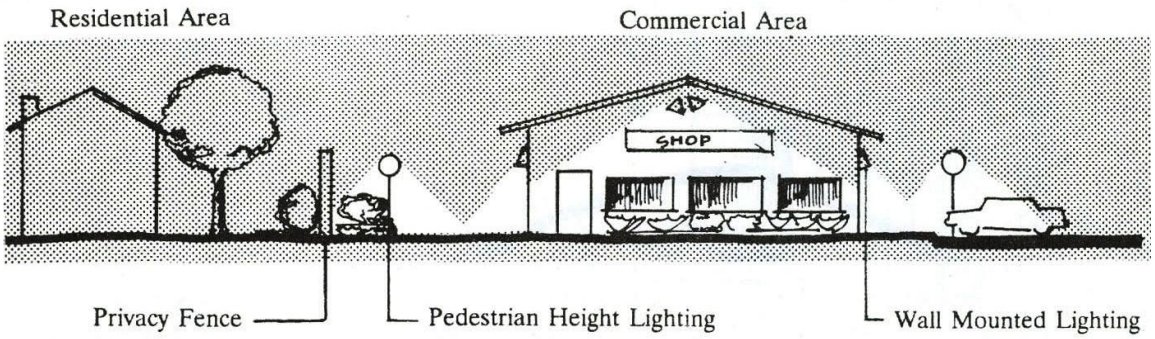


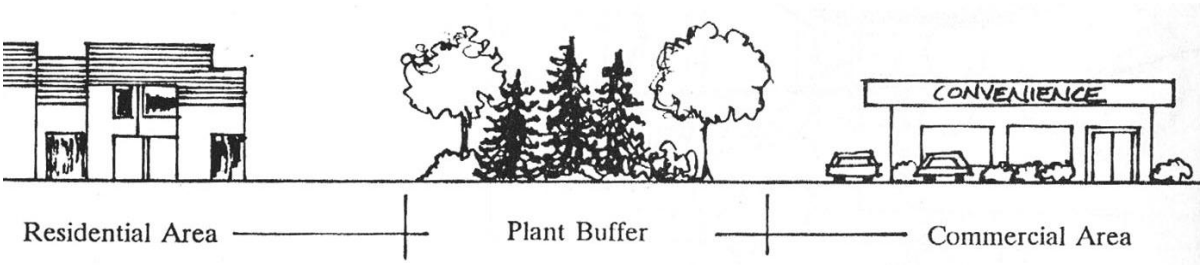
c. Commercial buildings and uses (e.g., neighborhood commercial or mixed-use) shall have all of their off-street parking located behind or to the side of such buildings and uses and screened from abutting properties in accordance with Chapter 3.2, as generally shown in

Figure 2.2.180.C(3). Off-street parking shall not be located between any building and any street.

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







4. Where a development contains multiple buildings and there is insufficient street frontage to which buildings can be oriented, a primary entrance may be oriented to common green, open space, plaza, or courtyard. When oriented in this way, the primary entrance(s) and green, plaza,

or courtyard shall be connected to the street by a pedestrian walkway meeting the standards in Section 3.1.300. See example in Figure 2.2.180.C(1) "Code Compliant Features."

2.2.190 Architectural Design Standards

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

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

B. Applicability. Section 2.2.190 applies to all new buildings subject to Site Design Review, except accessory structures. It is applied through the Site Design Review procedure, as applicable, prior to building permit review and approval.

C. Standards. All projects that are subject to Section 2.2.190 shall meet all of the standards in subsections 1-3. The graphics provided with each standard are intended to show examples of how to comply and should not be interpreted as requiring a specific architectural style. Other building styles and designs can be used to meet the standards when the approval body finds they are consistent with the text. An architectural feature (*i.e.,* as shown Figures 2.2.190.C(1) and (2) may be used to comply with more than one standard.

1. Building Length. The continuous horizontal distance, as measured from end-wall to end-wall, of individual buildings shall not exceed 120 feet.

2. Articulation. All buildings shall incorporate design features such as varying roof lines, offsets, balconies, projections (e.g., overhangs, porches, or similar features), recessed or covered entrances, window reveals, or similar elements to break up large expanses of uninterrupted building surfaces (blank walls). Along the vertical face of a structure, and on all building stories, such elements shall occur at a minimum interval of 30 feet, and each floor shall contain at least two elements, as generally shown in Figure 2.2.190.C(2):

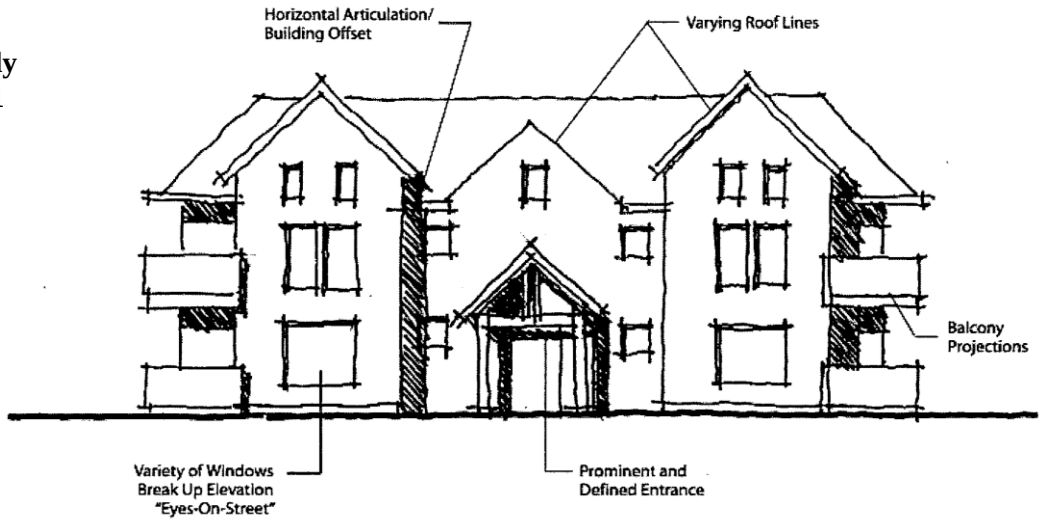
   a. Recess (e.g., deck, patio, courtyard, entrance or similar feature) that has a minimum depth of 4 feet;

   b. Extension (e.g., floor area, deck, patio, entrance, overhang, or similar feature) that projects a minimum of 2 feet and runs horizontally for a minimum length of 4 feet; and/or

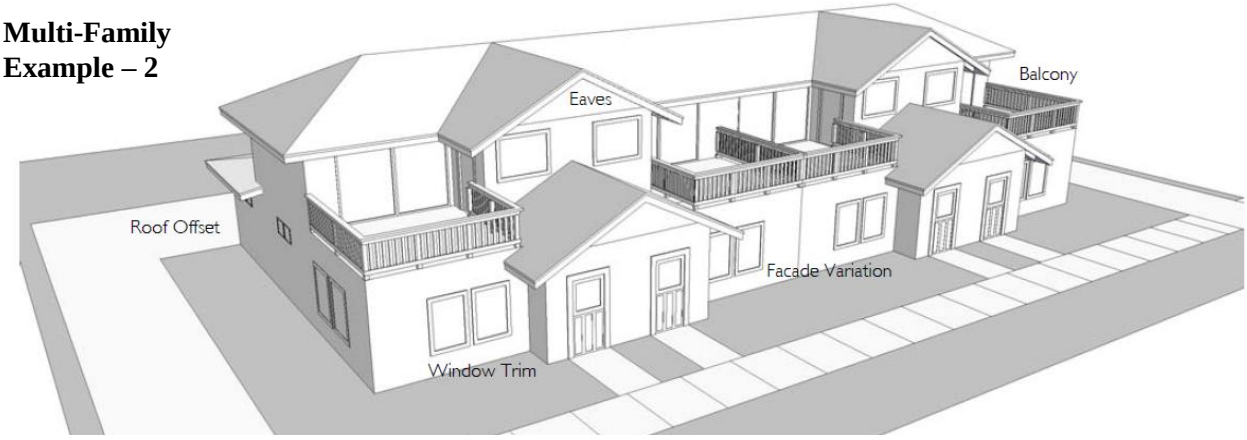
   c. Offsets or breaks in roof elevation of 2 feet or greater in height;

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

Multi-Family Example – 1



Multi-Family Example – 2



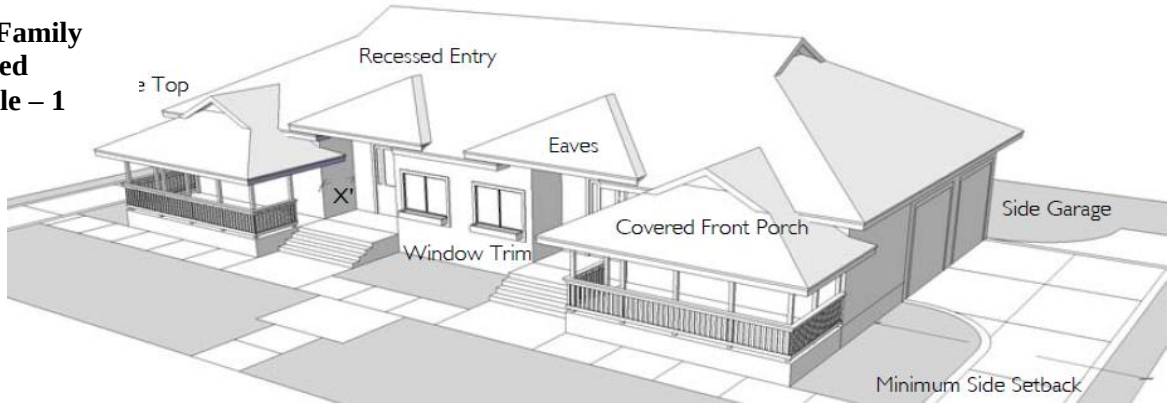
3. <u>Detailed Design.</u> All buildings shall provide detailed design on all street-facing walls (45 degrees or less from street lot line). Detailed design shall be provided by using at least 5 of the architectural features in items "a" through "m," below, as is appropriate for the proposed building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

   a. Dormers
   b. Gables
   c. Recessed entries
   d. Covered porch entries or portico
   e. Cupolas or towers
   f. Pillars or posts

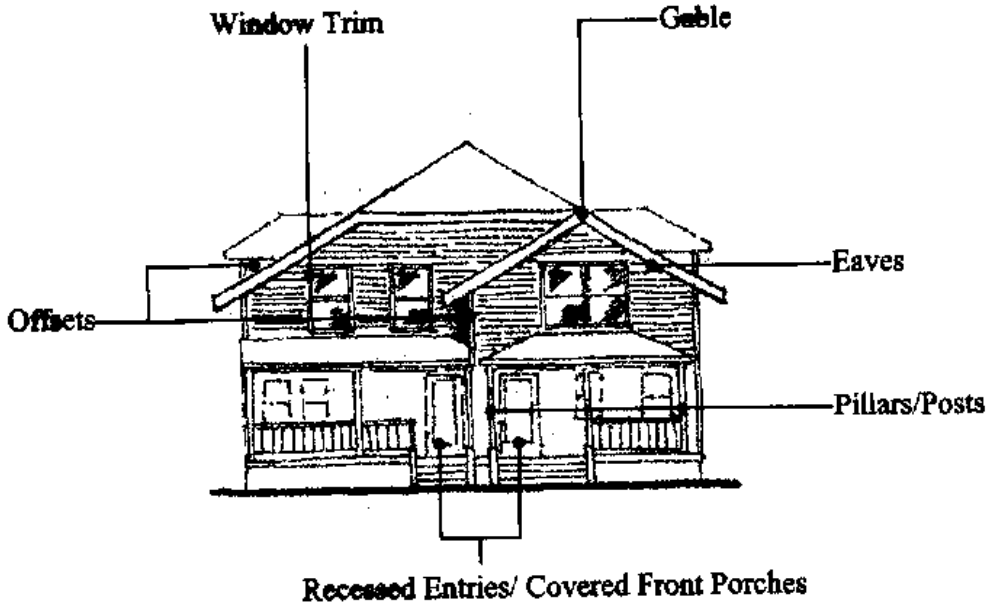
g. Eaves (minimum 6-inch projection)
h. Off-sets in building face or roof (minimum 16 inches)
i. Window trim (minimum 3 inches wide)
j. Bay windows
k. Balconies
l. Decorative patterns on exterior finish (*e.g.,* scales/shingles, wainscoting, ornamentation, and similar features)
m. Decorative cornice or pediment (*e.g.,* for flat roofs)
n. An alternative feature providing visual relief, similar to options a.-m., as approved through Site Design Review.

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

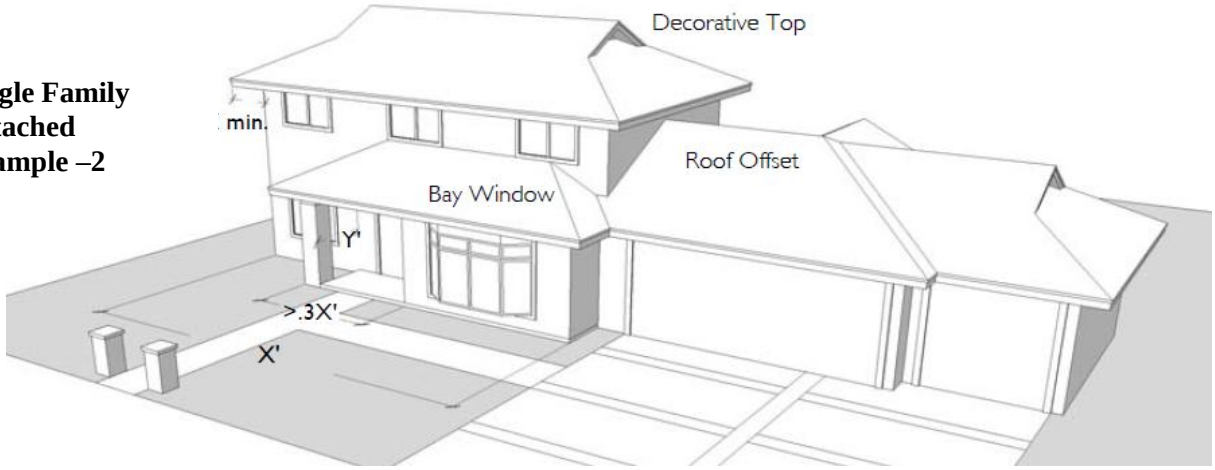
Single Family Detached Example – 1



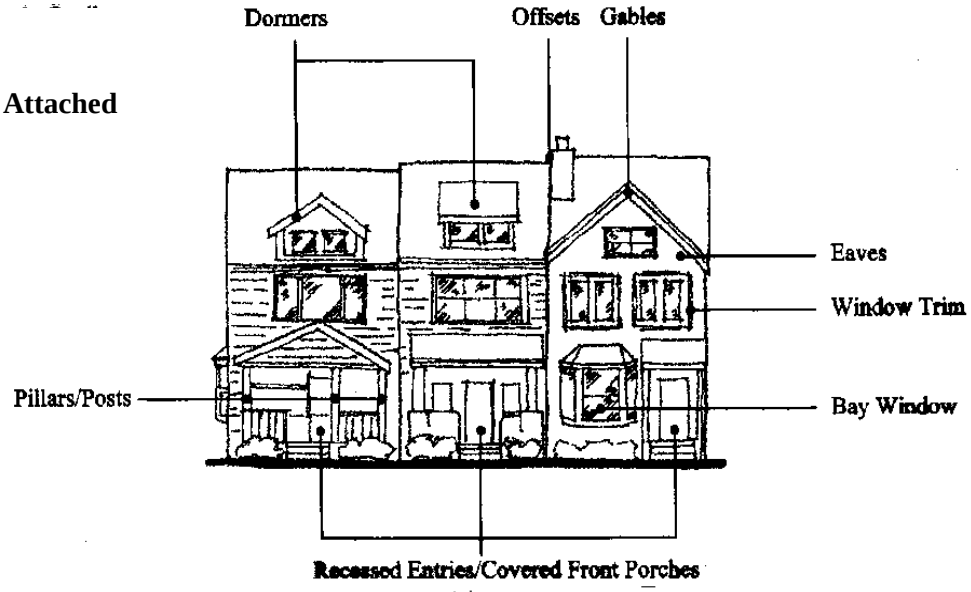
Duplex Example – 1



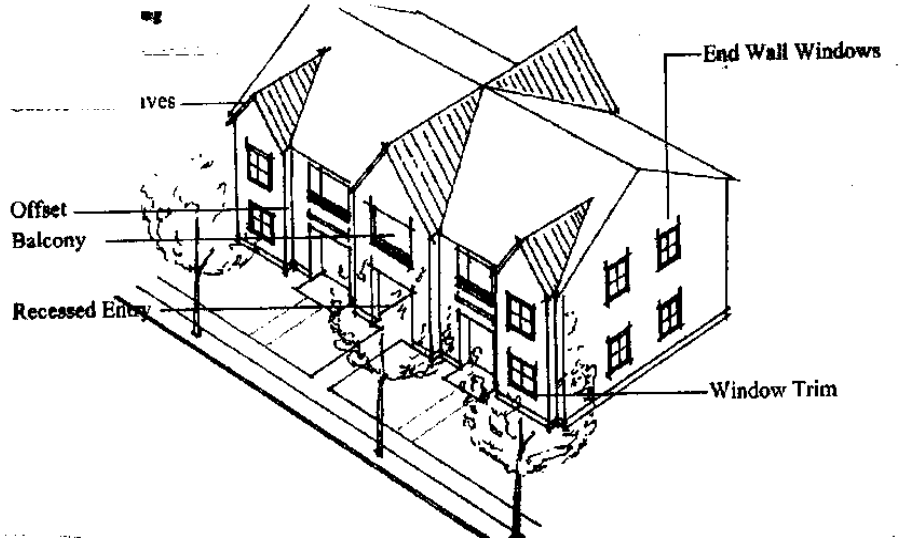
Single Family Detached Example –2



Single Family Attached Example – 1



Multi-Family Example – 3



2.2.200 Special Use Standards

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

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

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

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

A. Accessory Dwelling (attached, detached, or above detached garage). Accessory dwellings shall conform to all of the following standards:

1. Floor Area. Accessory dwellings shall not exceed 700ft^2 of floor area. The unit can be a detached unit, a unit attached to a garage, or in a portion of an existing house;

2. Exempt from Density. Accessory dwellings are exempt from the housing density standards of the Residential District, due to their small size and low occupancy levels;

3. Oregon ~~Structural~~ Specialty Codes. The structure complies with the Oregon ~~Structural~~ Specialty Codes;

4. Owner-Occupied. The primary residence or accessory dwelling shall be owner-occupied. [Alternatively, the owner may appoint a family member as a resident caretaker of the principal house and manager of the accessory dwelling];

5. One Unit. A maximum of one accessory dwelling unit is allowed per lot;

6. Building Height. The building height of a detached accessory dwelling shall not exceed 18 feet in height without first obtaining a Conditional Use Permit. The eave height of an accessory dwelling shall not exceed 12 feet in height without first obtaining a Conditional Use Permit. Any accessory dwelling requiring a Conditional Use Permit shall, among other possible considerations, be reviewed based upon the following criteria:

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

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

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

7. Buffering. The approval body may require a landscape hedge or fence be installed on the property line separating a detached accessory dwelling from an abutting single family dwelling, unless the applicant and the owner of the abutting single family dwelling agree in writing not to install the hedge or fence; and

8. Short-Term Vacation Rental Prohibited. Accessory dwellings shall not be utilized as short-term vacation rentals.

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

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

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

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

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

5. Building Height and Size. An accessory structure shall not exceed 1,000 ft^2 in size or 18 feet in height without first obtaining a Conditional Use Permit. The eave height of an accessory structure shall not exceed 12 feet in height without first obtaining a Conditional Use Permit. Any accessory structure requiring a Conditional Use Permit shall, among other possible considerations, be reviewed based upon the following:

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

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

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

ACCESSORY BUILDINGS	Less than 1,000 sq.ft. and 18 ft. in height or less	More than 1,000 sq.ft. or more than 18 ft. in height
Process time	Priority – normally less than 10 days	120 days
Permit rights	By-Right	Discretionary
Public Notice/Hearing	None	Neighbor notification & Hearing
Permit Cost	Minimal	Substantial

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

1. Alley Access Required for Subdivisions Principally Containing Townhomes or Duplexes. Subdivisions, or phases of subdivisions, proposed to contain three (3) or more consecutively attached single family dwellings, and developments with two (2) or more attached duplexes (4+ dwelling units), shall provide vehicle access to all such lots and units from an alley or parking courts, as described in Chapter 3.1.200. Alley(s) and parking court(s) shall be created at the time of subdivision approval, and may be contained in private tracts or, if approved by the City, in public right-of-way, in accordance with Chapter 3.4, Transportation Standards, and Chapter 4.3, Land Divisions.

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

D. Bed and Breakfast Inns. Bed and Breakfast Inns are permitted or are conditional uses in the residential districts, and shall comply with all of the following standards. (See also, Vacation Rentals, which are different than Bed and Breakfast Inns, under Section 2.2.200.J.)

1. Accessory Use. The use must be accessory to a household already occupying the structure as a residence.

2. Maximum Size. In the residential districts, four (4) bedrooms for guests, and a maximum of eight (8) guests are permitted per night. No separate structures are permitted, except for customary residential accessory structures as defined above.

3. Length of Stay. Maximum length of stay is 28 days per guest; anything longer is classified as a hotel or commercial lodging.

4. Employees. Up to two (2) non-resident employees. There is no limit on residential employees.

5. Food Service. May be provided only to overnight guests of the business.

6. Owner-Occupied. Shall be owner-occupied.

7. Signs. Signs shall not exceed a total of $4ft^2$ of surface area on all sides.

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

1. Licensing. All residential care homes and facilities shall be duly licensed by the State of Oregon.

2. Parking. Parking in accordance with Chapter 3.3.

3. Site Design Review. Site Design Review shall be required for new structures to be used as residential care facilities, to ensure compliance with the licensing, parking, and other requirements of this Code. Residential care homes are exempt from this requirement.

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

1. Home Occupations meeting the standards in subsections ~~1~~a-i~~9~~, below, are ~~allowed~~ permitted ~~by right, provided~~ through a Type I Home Occupation Permit procedure ~~the owner has a current business license and~~ , provided all other uses and structures on the subject property

are in conformance with the applicable zoning~~; and~~ .

~~**Type I Standards for Home Occupations**~~

a. Appearance of Residence:

i. The home occupation shall be restricted to lawfully-built enclosed structures and be conducted in such a manner as not to give an outward appearance of a business.

ii. The home occupation shall not result in any structural alterations or additions to a structure that will change its primary use or building code occupancy classification.

iii. The home occupation shall not violate any conditions of development approval (*i.e.,* prior development permit approval).

iv. No products and or equipment produced or used by the home occupation may be displayed to be visible from outside any structure.

b. Storage:

i. Outside storage, visible from the public right-of-way or adjacent properties, that exceeds what is customary for a single family residence in the vicinity, is prohibited.

ii. On-site storage of hazardous materials (including toxic, explosive, noxious, combustible or flammable) beyond those normally incidental to residential use is prohibited.

iii. Storage of inventory or products and all other equipment, fixtures, and activities associated with the home occupation shall be allowed in any structure.

c. Employees:

i. Other than family members residing within the dwelling located on the home occupation site, there shall be not more than one (1) full time equivalent employee at the home occupation site at any given time. As used in this chapter, the term "home occupation site" means the legal lot on which the home occupation is conducted.

ii. Additional individuals may be employed by or associated with the home occupation, so long as they do not report to work or pick up/deliver at the home occupation site.

iii. The home occupation site shall not be used as a headquarters for the assembly of employees for instruction or other purposes, including dispatch of employees to other locations.

d. Advertising and Signs: Signs shall comply with all applicable sign regulations. In no case shall a sign in the Residential District exceed $4ft^2$ of surface area on all sides.

e. Vehicles, Parking and Traffic:

i. One (1) commercially-licensed vehicle associated with the home occupation is allowed at the home occupation site. It shall be of a size that would not overhang into the public right-of-way when parked in the driveway or other location on the home occupation site.

ii. There shall be no more than three (3) commercial vehicle deliveries to or from the home occupation site daily. There shall be no commercial vehicle deliveries during the hours of 8:00 *p.m. to* 6:00 *a.m.*

iii. There shall be no more than one (1) client's or customer's vehicle at any one time and no more than eight (8) per day at the home occupation site.

f. Business Hours. There shall be no restriction on business hours, except that clients or customers are permitted at the home occupation from 6:00 *a.m. to* 8:00 *p.m.* only, Monday through Friday, subject to subsections 1 and 5, above.

g. Prohibited Home Occupation Uses:

i. Any activity that produces radio, TV, or other electronic interference; noise, glare, vibration, smoke, or odor beyond allowable levels as determined by local, state or federal standards, or that can be detected beyond the property line; is prohibited.

ii. Any activity involving on-site retail sales, including garage sales exceeding the thresholds of a temporary use, is prohibited, except that the sale of items that are incidental to a permitted home occupation is allowed. For example, the sale of lesson books or sheet music from music teachers, art or craft supplies from arts or crafts instructors, computer software from computer consultants, and similar incidental items for sale by home business is allowed subject to 1-6, above.

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

A. Ambulance service;

B. Animal hospital, veterinary services, kennels or animal boarding;

C. Auto and other vehicle repair, including auto painting; and

D. Repair, reconditioning or storage of motorized vehicles, boats, recreational vehicles, airplanes or large equipment on-site.

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

i. Family child care and In-home tutoring: These types of home occupations are not subject to

the above subsections (5) and (6); however, they shall conform to the state licensing requirements and standards under ORS 657A.

2. Home Occupations exceeding any of the threshold standards in subsections 1-9 may receive approval through the Type III Home Occupation Permit procedure under Section 4.9.200.

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

1. Floor Plan. The manufactured home shall be multi-sectional and have an enclosed floor area of not less than 1,000ft^2;

2. Roof. The manufactured home shall have a pitched roof with a slope not less than 3 feet in height for each 12 feet in width (14 degrees);

3. Residential Building Materials. The manufactured home shall have exterior siding and roofing which in color, material and appearance are similar or superior to the exterior siding and roof material used on nearby residences (*e.g.,* horizontal wood or wood-appearance siding is considered "superior" to metal siding and roofing);

4. Garages and Carports. If the manufactured home has a garage or carport, the garage or carport shall be constructed of materials like those used on the house;

5. Thermal Envelope. The manufactured home shall be certified by the manufacturer to meet the thermal envelope requirements equivalent to those for a single-family dwelling constructed under the State Building Code. Evidence demonstrating that the manufactured home meets "Energy Star" energy efficiency standards is deemed to satisfy the exterior thermal envelope certification requirement. Additional manufacturer certification shall not be required;

6. Placement. The manufactured home shall be placed on an excavated and back-filled permanent foundation of concrete or cinder blocks, and enclosed at the perimeter such that the manufactured home is located not more than 16 inches above grade, and complies with the minimum set-up standards of the adopted state Administrative Rules for Manufactured Dwellings, OAR Chapter 918. Where the building site has a sloped grade, no more than 16 inches of the enclosing material shall be exposed on the uphill side of the home;

7. Prohibited. The manufactured home shall not be located in a designated historic district.

8. Year Built. The home shall have been manufactured after 1976 and bear the "Insignia of Compliance" issued by the Oregon Department of Commerce showing the unit met the state construction standards in effect at the date of construction. Older mobile homes can be upgraded to "substantial equivalence" of 1976 standards.

H. Manufactured/Mobile Home Parks. Manufactured/mobile home parks (not including recreational vehicles) are permitted on parcels of one (1) acre or larger, subject to compliance with subsections 1-10, below:

1. Floor Plan. The manufactured home shall be multi-sectional and have an enclosed floor area of not less than 750ft^2;

2. Permitted uses. Single family residences, manufactured home park manager's office, home occupations, and accessory structures that are necessary for the operation and maintenance of the manufactured dwelling park (*e.g.,* landscape maintenance).

3. Space. The minimum size pad or space for each dwelling is 2,500ft^2, provided that the overall density of the park does not exceed 12 units per acre. Each space shall be at least 30 feet wide and 40 feet long, in accordance with ORS 446.100(c).

4. Setbacks and Building Separation. The minimum setback between park structures and abutting properties is 10 feet. The minimum setback between park structures and public street right-of-way is 15 feet. At least a 10-foot separation shall be provided between all dwellings. Dwellings shall be placed a minimum of 14 feet apart where flammable or combustible fuel is stored between units. Park structures shall be placed no closer than 5 feet to a park street or sidewalk/pathway. An accessory structure shall not be located closer than 6 feet to any other structure or dwelling, except that a double carport or garage may be built which serves 2 dwellings. When a double carport/garage is built, the carport/garage shall be separated from all adjacent structures by at least 3 feet.

5. Perimeter landscaping. When manufactured dwellings are oriented with their back or side yards facing a public right-of-way, the City may require installation of fencing and planting of a 10 foot wide landscape buffer between the right-of-way and a manufactured home park for the privacy and security of residents or aesthetics of the streetscape.

6. Utilities. Each site shall be adequately served by City water and sewer, sidewalks and paved streets. Each mobile home unit shall be provided with a water, sewer and electrical connection. The electrical connection shall provide for 120 and 240 volt services.

7. Minimum Frontage. Each mobile home park shall have a minimum frontage of 100 feet, a minimum depth of 150 feet, and an area of not less than one (1) acre.

8. Outdoor Recreation Area. A minimum of 100 ft^2 of outdoor area, suitably improved for recreation use, shall be provided for each manufactured home unit exclusive of required yards. Each recreation area shall have a minimum size of 2,500ft^2 and a minimum width of 25 feet. No more than 10% of the recreation area may exceed a 10% slope.

9. Parking. There shall be a minimum of two off-street parking spaces for every manufactured dwelling. Parking may be located on each site or in community parking lots.

10. Foundation Skirt. The foundation area of the manufactured home shall be fully skirted;

I. Multi-Family Housing. Where multi-family housing is allowed, it shall conform to all of the following standards, which are intended to promote livability for residents and compatibility with nearby uses. Figure 2.2.200.I provides a conceptual illustration of the requirements listed below.

1. Building mass. The maximum width or length of a multiple family building shall not exceed 120 feet from end-wall to end-wall, not including outdoor living areas (*e.g.,* porches, balconies, patios, and similar unenclosed spaces). The City shall determine on a case-by-case basis, taking into consideration the principles of urban design, the appropriate spacing between structures to maintain a human scale in site development.

2. Common open space. A minimum of 15 percent of the site area shall be designated and permanently reserved as common open space in all multiple family developments, in accordance with all of the following criteria:

   a. The site area is defined as the lot or parcel on which the development is to be located, after subtracting any required dedication of street right-of-way and other land for public purposes (*e.g.,* public park or school grounds, etc.);

   b. In meeting the common open space standard, the multiple family development shall contain one or more of the following: outdoor recreation area, protection of sensitive lands (*e.g.,* trees preserved), play fields, outdoor playgrounds, outdoor sports courts, swim pools, walking fitness courses, pedestrian amenities, or similar open space amenities for residents;

   c. Historic buildings or landmarks that are open to the public may count toward meeting the common open space requirements when approved by the Planning Director*;*

   d. To receive credit under Section 2.2.200.I, a common open space area shall have an average width that is not less than 20 feet and an average length that is not less than 20 feet;

   e. The approval body may waive the common open space requirement for the first 20 dwelling units in a multiple family project that is located within one-quarter mile (measured walking distance) of a public park, and there is a direct, accessible (*i.e.,* Americans With Disabilities Act-compliant), pedestrian walkway or multi-use pathway connecting the site to the park. If the park is not developed, or only partially developed, the approval body may require the multiple family housing developer to improve park land in an amount comparable to that which he or she would otherwise be required to provide in his or her development.

3. Private open space. Private open space areas shall be required for ground-floor and upper-floor housing units based on all of the following criteria:

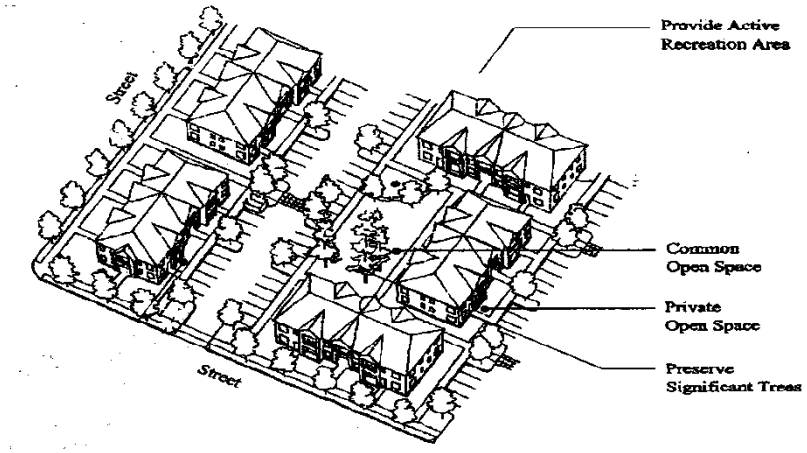
   a. A minimum of 50 percent of all ground-floor housing units shall have front or rear patios or decks measuring at least 48 ft^2. Ground-floor housing means the housing unit entrance (front or rear) is within 5 feet of the finished ground elevation (*i.e.,* after grading and landscaping);

   b. A minimum of 50 percent of all upper-floor housing units shall have balconies or porches measuring at least 48 ft^2. Upper-floor housing means housing units that are more than 5 feet above the finished grade; and

   c. In the Residential-High Density District multiple family dwellings are exempt from the

private open space standard where the development contains pedestrian amenities located between primary building entrance(s) and adjoining streets of 5 percent of the site or greater.

Figure 2.2.200.I – Examples of Multiple Family Open Space



4. Trash receptacles. Trash receptacles shall be oriented away from building entrances, setback at least ten (10) feet from any public right-of-way and adjacent residences and shall be screened with an evergreen hedge or solid fence or wall of not less than 6 feet in height. Receptacles must be accessible to trash pick-up trucks.

J. Short-Term Vacation Rentals. Short-term vacation rentals shall conform to all of the following criteria:

1. Vacation rentals allowed under this subsection are those with 28 or fewer days continuous occupancy by the same tenant;

~~2. A Business License is required to operate one or more short-term vacation rentals. The license application shall identify all short-term rental properties under the same ownership or management, and shall provide the City with information regarding the name, address and telephone number of a contact person who can be on the vacation home rental site within four (4) hours to respond to problems.~~

~~3.~~2. A Conditional Use Permit is required to operate one or more short-term vacation rentals in any R-LD or R-MD district;

~~4.~~3. The vacation rental unit shall provide two (2) off-street parking spaces, as is required for a single family dwelling;

~~5.~~4. In the R-LD and R-MD districts, all required parking shall be provided on the same lot as the vacation home rental unit;

~~6.~~5. All vacation home rentals shall have a maximum occupancy of one person per 200 ft^2 or not more than 8 people, whichever is more restrictive; and

~~7.~~6. The scale, building materials, and colors of the building shall be consistent with the neighborhood.

~~8.~~7. Accessory dwellings shall not be utilized as short-term vacation rentals.

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

1. Site Design Review Required. Site Design Review is required for new zero-lot line developments. When a zero-lot line development is proposed as part of a Land Division, Master Planned Development, or other application, the Site Design Review may be combined with the other application(s).

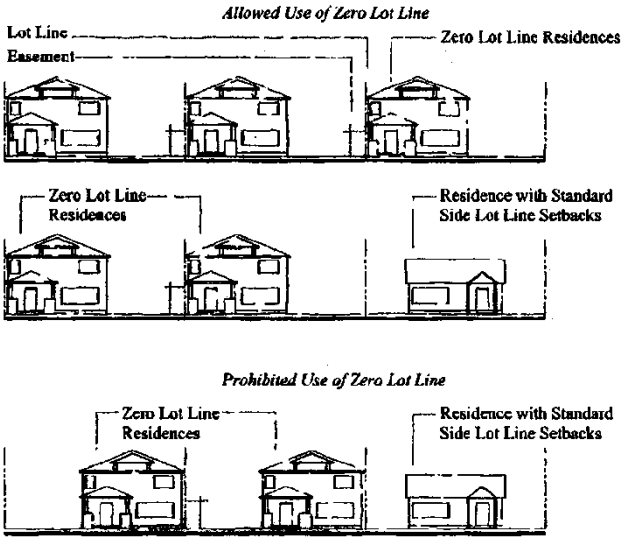
2. Setbacks for Primary and Accessory Structures. The allowance of a zero (0) side yard setback is for one single family dwelling on each lot; it does not extend to accessory structures which shall conform to the applicable setback requirements of the zone;

3. Setbacks Adjacent to Non-Zero Lot Line Development. When a zero-lot line house shares a side property line with a non-zero lot line development, the zero-lot line building shall be setback from that common property line by not less than 5 feet;

4. Building Orientation and Design. The building placement and/or design shall encourage privacy for the occupants of abutting lots. For example, this standard can be met by staggering foundation plans, by placing windows (along the zero lot line) above sight lines with direct views into adjacent yards, by using frosted/non-see-through windows, by avoiding placement of windows on the zero lot line, or other designs approved by the approval body through Site Design Review; and

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

Figure 2.2.200.K – Zero-Lot Line Housing



L. Agriculture and Horticulture. The City allows for agriculture and horticulture uses outside of the special prohibition overlay subject to the

following standards that are intended to provide buffering between these uses and residences:

1. Prohibited Areas. Livestock, defined as a horse, mule, cow, sheep, pig, or other animal of similar size or larger, shall not be kept within the boundaries of the area defined by Baker City Code Chapter 90.

2. Standards. No livestock, fowl, or bees shall be kept on any lot unless the livestock is for personal, non-commercial use (4-H exempted) and:

   a. In the case of horses, cows, and similar sized animals, the animals are kept in an enclosed area having at least 2,500 ft^2 for each animal over 6 months of age;

   b. In the case of sheep, goats, pigs, and similarly sized animals, the animals are kept in an enclosed area having at least 1,000 ft^2 for each animal over 6 months of age.

   c. No exotic species that may pose a risk to human safety or that may pose a risk to the natural environment if intentionally or accidentally released, shall be kept.

   d. The number of colonies of bees allowed on a lot shall be limited to one colony for each 5,000 ft^2 of lot area up to a maximum of three. Colonies shall be set back a minimum of 20 feet from any property line with the hive entrance/exit facing the interior of the property. In any instance in which a colony exhibits aggressive behavior, such as stinging or attacking without provocation, the beekeeper must ensure that the colony is re-queened. Every beekeeper shall maintain an adequate supply of water for the bees located close to each hive.

3. Farm Structures. New barns, stables, corrals, or enclosures used to house livestock shall not be developed closer than 20 feet to any property line.

4. Permits. No person shall cause or allow the keeping of any livestock or bees on real property without a current, valid livestock permit. A livestock permit is not required for fowl.

5. Permit Issuance. The City Police Chief or his or her designee shall issue a permit for keeping livestock and bees upon application on a form prescribed by the City and payment of the permit fee as set by Council resolution, if:

   a. The premises where the livestock will be kept are sanitary and adequately enclosed from other person's property and all other conditions as set forth in this section have been met.

   b. As a condition of the issuance of a permit, the premises shall remain open for inspection at reasonable times by the Police Chief for compliance with this Chapter.

6. Permit Revocation or Denial – Appeal.

   a. Any person whose application for a permit is denied or whose permit is revoked by the Police Chief may seek review of the denial or revocation by filing a written appeal with the City Manager not more than ten days after receiving notice of denial or revocation. The written appeal shall state:

i. The name and address of the appellant;

ii. A description of the livestock being kept or desired to be kept and the facilities for livestock;

iii. A map showing the location of the livestock in relation to the permittee's property lines, abutting properties and all structures used for human occupancy;

iv. The reason given by the Police Chief for denying the application or revoking the permit; and

v. The reason the determination is incorrect.

b. If a written appeal from a revocation is timely filed, the permittee shall be allowed to continue to keep the livestock for which the permit was obtained, pending the determination of the appeal, unless the Police Chief determines that the livestock present an unreasonable threat to the public health or safety, in which case the revocation of the permit shall become effective immediately.

c. The City Manager shall hear and determine the appeal on the basis of the appellant's written statement and any additional evidence the City Manager deems appropriate. If the City Manager decided to take oral argument or evidence at the hearing, the appellant may present testimony and oral argument personally or by counsel. The rules of evidence as used by courts of law do not apply.

d. The appellant shall have the burden of proving the error in the Police Chief's determination.

e. The City Manager shall issue a written decision within twenty days of the hearing date.

f. Any person whose appeal has been denied may petition the City Council requesting it review the record in the proceedings before the Police Chief and City Manager. Such petition shall be in writing and filed with the City Manager not more than ten days after receiving the City Manager's decision. The petition shall specify the reason why the City Manager's decision is erroneous and state the desired result.

g. Upon receiving a petition for review the Council may, in its sole discretion, decline to review the City Manager's decision, review the decision on the written record before it or invite oral argument before rendering a decision on the record. The decision of the Council is final.

M. Institutional and Civic Uses. Institutional and civic uses are allowed in the residential districts as specified in Table 2.2.110 subject to the following requirements and where applicable, Conditional Use Permit requirements.

1. Development Site Area. The maximum development site area shall be 8 acres, except that this standard shall not apply to parks and open space uses. Larger developments may be approved as a Conditional Use.

2. Vehicle Areas and Trash Receptacles. All vehicle areas (i.e. parking, drives, storage, etc.) and trash receptacles shall be oriented away from adjacent residences to the greatest extent practicable, and shall be screened with an evergreen hedge or solid fence or wall of not less than 6 feet in height.

Chapter 2.3 — Commercial Districts

Sections:

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

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

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

RESIDENTIAL DEVELOPMENT INCENTIVES

Second story residential development is strongly encouraged in Baker City's historic core commercial areas. It is recognized as a "by-right" use. Height bonus densities are also provided along with a special prescriptive path building code program to assist conversion of older buildings. Contact the City Planning or Building Departments for more details

2.3.110 Allowed Land Uses

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 identifies the land uses that are allowed in the Commercial Districts. The specific land use categories are described and uses are defined in Chapters 1.3 and 1.4.

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

Uses	**Status of Use in District**	
Use Categories *Examples of uses are in Chapter 1.4; definitions are in Chapter 1.3*	**Central Commercial (C-C)**	**General Commercial (C-G)**
RESIDENTIAL CATEGORIES		
Household Living		
Single Family Detached - If lawfully existing as of 2/13/04 (including replacement not exceeding footprint area) - Expansion (including the addition of an accessory structure or accessory dwelling) per Section 2.3.190.E - New	 P CU N	 P CU N
Single Family Attached (2 or more common-wall single family dwellings) and Duplexes (2 dwellings sharing a common wall on one lot), 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, per Section 2.3.190.F	CU + S	CU + S
New dwelling built in conjunction with a permitted commercial use (residential use above ground floor commercial only)	P	P
Bed and Breakfast Inn, per Section 2.2.200.D	P	P
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 - 6 to 15 individuals - 16 or more individuals	 N S CU	 N S CU
COMMERCIAL CATEGORIES		

Table 2.3.110 – Land Uses Allowed in Commercial Districts (C-C, C-G)		
Uses	**Status of Use in District**	
Use Categories *Examples of uses are in Chapter 1.4; definitions are in Chapter 1.3*	**Central Commercial (C-C)**	**General Commercial (C-G)**
Commercial Educational Services, not a school (e.g., 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 - CUP Other Uses - N	S
Major Event Entertainment	CU	CU
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	N	CU
Shopping Center (three or more establishments on same parcel) and Box Stores of 80,000 ft² or larger, per Section 2.3.190.C Multi-story Department Store 80,000 sq. ft. or larger	N CU	CU CU
Short Term Vacation Rental, per Section 2.2.200.J	P	P
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 ft² of floor area -fully enclosed, equal to or greater than 40,000 ft² of floor area -not enclosed	CU N N	P CU CU
INSTITUTIONAL CATEGORIES		
Basic Utilities	P	P
Colleges	P	P
Community Service	P	P
Daycare, adult or child day care; does not include Family Daycare (16 or fewer children) under ORS 657A.250	P	P
Detention Facilities and Correctional Institutions	N	CU
Medical Centers	P	P

Table 2.3.110 – Land Uses Allowed in Commercial Districts (C-C, C-G)		
Uses	**Status of Use in District**	
Use Categories *Examples of uses are in Chapter 1.4; definitions are in Chapter 1.3*	**Central Commercial (C-C)**	**General Commercial (C-G)**
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, - lawfully existing as of 2/13/04 - new	 P CU	 P CU
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 also, Wholesale and Retail Uses)	P	P
Buildings and Structures Exceeding the Height Limits in Table 2.3.120	CU	CU
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 per Sections referenced
CU = Conditional Use Permit required (Chapter 4.4)
N = Not permitted

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

Table 2.3.120 – Development Standards for Commercial Districts		
Standard	**C-C**	**C-G**
Minimum Lot Area* (square feet) **Development must conform to lot width, depth, yard setback and coverage standards*	No Standard	No Standard
Minimum Lot Width Single Family, attached Multiple-Family Non-Residential Uses *Note: For flag lots, width is measured at the front building line*	 20 ft 50 ft 20 ft	 20 ft 50 ft 20 ft
Minimum Lot Depth	x2 min. width	x2 min. width
Structure Height Level Site (slope less than 15%) maximum height Sloping Site (15% or greater) maximum height Height Bonus for Residential Use in Upper Building Story, per Section 2.3.160 Fences, Retaining/Garden Walls Max. Height. – Front Yard Max. Height. – Interior Side Max. Height – Rear Yard Max. Height – Street Side or Reverse Frontage Lot (rear) ** Height may be exceeded with approval of a Conditional Use Permit, per Chapter 4.4* *Note: see also, Sections 3.1.200.N – Vision Clearance, and 3.2.500 – Fences and Walls*	 50 ft level site + 5ft 10 ft 6 ft 8 ft 8 ft 6 ft, or 8 ft with 5 ft landscape buffer	 40 ft level site + 5ft 10 ft 6 ft 8 ft 8 ft 6 ft, or 8 ft with 5 ft landscape buffer
Lot Coverage: Maximum Building Coverage (foundation plane as percent of site area)	100% - 95%	93% -90%
Min. Landscape Area (percent of site area), *except does not apply to Single Family Dwellings.* Landscape area may include plant areas and some non-plant/hardscape areas, as allowed under Section 3.2.300.D	0%-5% based on lot configuration and site plan review	10% Campbell Street and Freeway Area; 7% other C-G areas
Minimum Setbacks (feet) Front, Street, Side, and Rear property lines, except garage or carport Garage/Carport Entry, setback from street Alley **Separate or additional setback restrictions and fire protection measures may be required by the Building official*	 0 ft 20 ft 1 ft	 0 ft 20 ft 1 ft

2.3.130 Setbacks

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

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

A. Zero Setbacks – Purpose; Fire Code; and Clear Vision. Zero setbacks are intended to encourage pedestrian-oriented development, while providing more flexibility in site design than what is possible with large setbacks. With buildings placed close to the street, a development can afford good access for emergency service providers in the case of a fire or other emergency. Where no minimum setback is required, all structures and buildings shall conform to the vision clearance standards in Chapter 3.1 and the applicable fire and building codes (e.g., for attached structures, fire walls, and related requirements). Separate or additional setback restrictions and fire protection measures may be required by the Building official.

B. Reverse Frontage Lots. Reverse frontage lots are subject to the fence height and setback requirements in Section 2.3.120 and the landscape buffer requirements in Chapter 3.2.300.

C. Flag Lots. The front yard of a flag lot shall conform to one of the following two options:

1. Parallel to the street from which access is taken; or
2. Parallel to the flag pole from which access is taken.

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

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

2.3.150 Building Orientation and Commercial Block Layout

Background: Section 2.3.150 is to be used in conjunction with Table 2.3.120 (Development Standards), 2.3.180 (Pedestrian Amenities) and Section 3.4.100 (Transportation Design Standard).

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

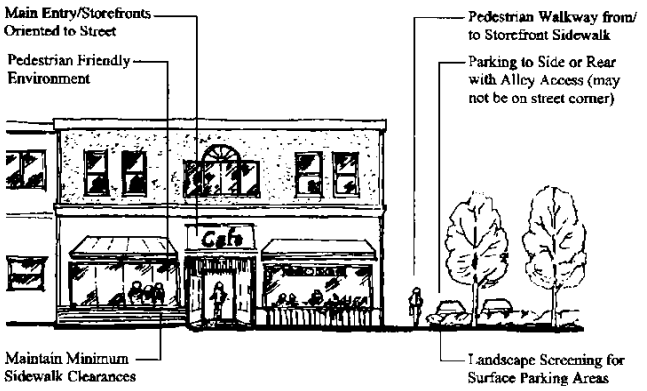
A. Purpose. Section 2.3.150 orients buildings close to streets to promote pedestrian-oriented development where walking is encouraged, and to discourage automobile-oriented development.

Placing residences and other buildings close to the street also encourages crime prevention, natural surveillance or security, and safety by having more "eyes-on-the-street."

B. Applicability. Section 2.3.150 applies to projects that are subject to Site Design Review or Land Division Review, including those reviewed as part of a Master Planned Development.

C. Building orientation standards. Developments subject to this Section shall have their buildings oriented to a street, as generally shown in Figure 2.3.150.C(1). This standard is met when all of the following criteria are met:

Figure 2.3.150.C(1) – Building Orientation

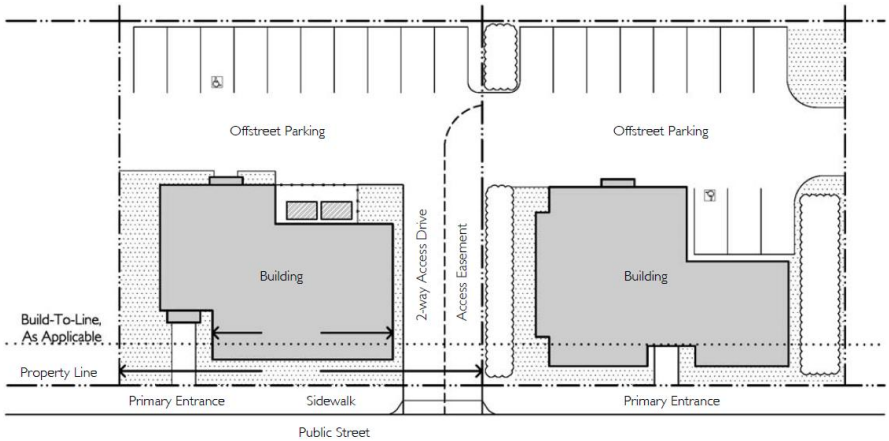


1. Compliance with the setback standards in Section 2.3.120, where applicable.

2. Except as provided in subsections 2.3.150.C(4) and (5), below, all buildings shall have at least one primary building entrance (i.e., dwelling entrance, a tenant entrance, lobby entrance, or breezeway/courtyard entrance) facing an adjoining street (i.e., within 45 degrees of the street property line), or if the building entrance is turned more than 45 degrees from the street (i.e., front door is on a side elevation), the primary entrance shall not be more than 30 feet from a street sidewalk, except to provide pedestrian amenities; a walkway shall connect the primary entrance to the sidewalk in this case.

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

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



4. In the C-G District, the building orientation standard may be met with vehicle areas allowed between the street right-of-way and a building's primary entrance when the approval body

finds that the following criteria are met:

a. Placing vehicle areas between the street right-of-way and building's primary entrance will not adversely affect pedestrian safety and convenience, based on the distance from the street sidewalk to the building entrance, projected vehicle traffic volumes, and available pedestrian walkways;

b. The proposed vehicle areas are limited to one drive aisle with adjoining bays of not more than eight (8) consecutive parking spaces per bay (including ADA accessible spaces) on the side(s) of the drive aisle. (The intent is to create a drive aisle that is street-like, and break up parking into small bays with landscaping;

c. The building's primary entrance is connected to an adjoining street by a pedestrian walkway that meets the standards for pedestrian walkways under Section 3.1.300; and

d. Appropriate sight distances can be maintained for vehicular safety when exiting the internal streets.

5. Where a development contains multiple buildings and there is insufficient street frontage to which buildings can be oriented, a primary entrance may be oriented to common green, plaza, or courtyard. When oriented in this way, the primary entrance(s) and green, plaza, or courtyard shall be connected to the street by a pedestrian walkway meeting the standards in Section 3.1.300.

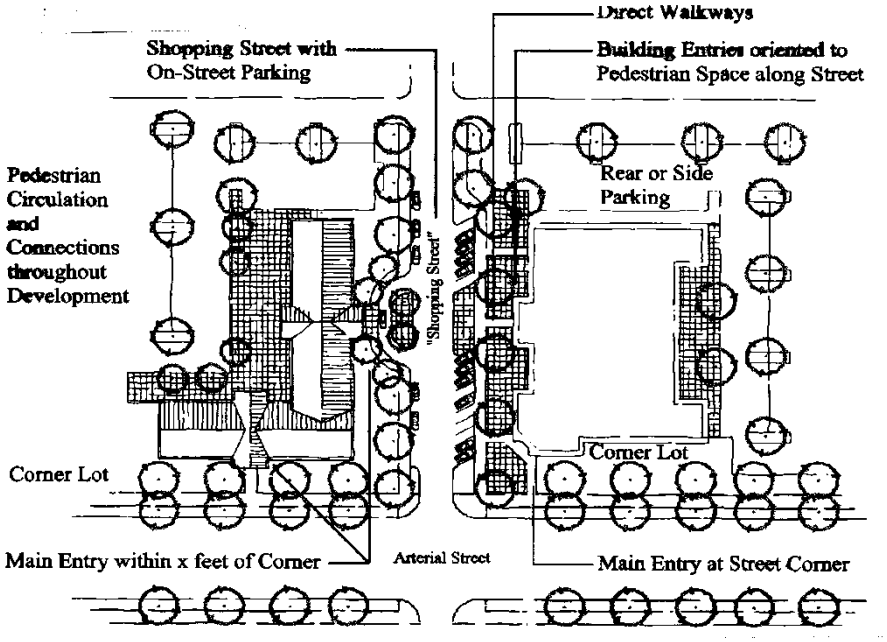
D. Block Layout Standard. Developments containing 80,000 ft^2 or more building floor area shall meet all of the following standards:

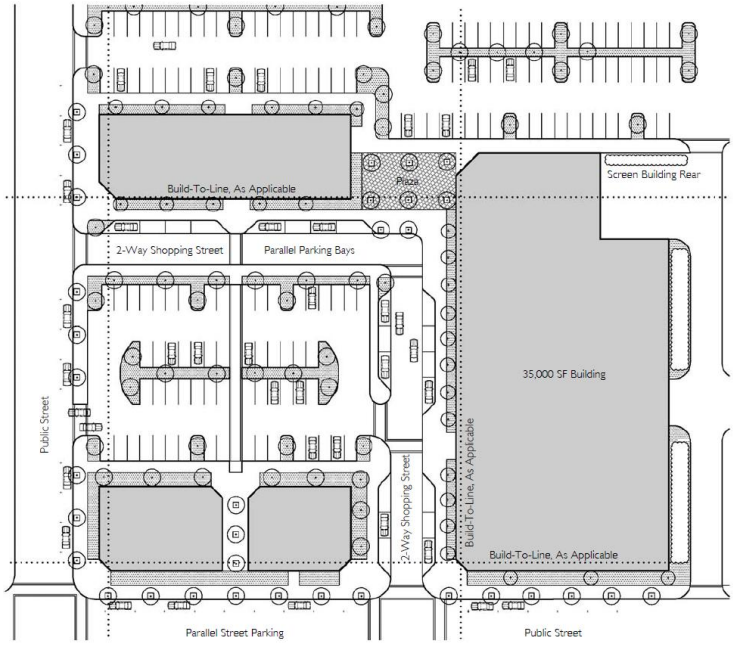
1. The site shall be configured into blocks that have frontage onto streets, interior parking courts (as generally shown in Figure 2.3.150.C(2), above), or shopping streets (as generally shown in Figure 2.3.150.C(3), below). All parking courts and shopping streets shall contain on-street parking (parallel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

2. Blocks shall not exceed 400 feet in length, and shall have a perimeter not exceeding 1,400 feet;

3. Pedestrian pathways shall connect the street right-of-way to building entrances and the interior parking courts between buildings, as necessary to ensure reasonably safe, direct, and convenient access to building entrances and off-street parking;

Figure 2.3.150.C(3) – Shopping Street Examples





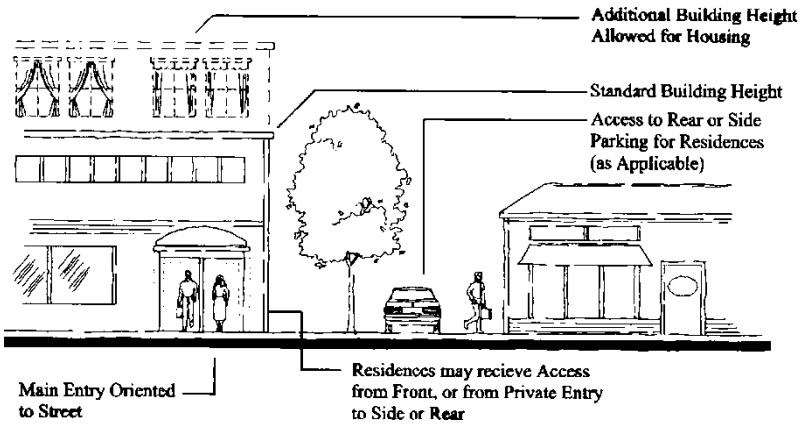
2.3.160 Building and Structure Height; Bonus for Mixed-Use

Background: Section 2.3.160 is to be used in conjunction with Table 2.3.120 (Development Standards), 2.3.150 (Building Orientation), Section 2.3.170 (Architectural Design) and Section 3.4.100 (Transportation Design Standards).Section 2.3.160 encourages compact, pedestrian-oriented development in the downtown/main street district by allowing building height bonuses for mixed-use projects.

A. **Method of Measurement.** Building and structure heights shall conform to the standards in Table 2.3.120; height is measured in conformance with Section 2.2.170.

B. **Height Bonus for Housing.** The building height in the C-C and C-G Districts may be increased by 10 feet when housing is provided above ground floor commercial use(s), as generally shown in Figure 2.3.160.B. Where a second egress is required for fire safety, residences may have their entrances/egress oriented to any yard; such entrances need not be oriented to the street yard.

Figure 2.3.160.B - Building Height Bonus for Housing



2.3.170 Architectural Design Standards

Background: Section 2.3.170 is to be used in conjunction with Table 2.3.120 (Development Standards), 2.3.150 (Building Orientation), Section 2.3.180 (Pedestrian Amenities) and Section 3.4.100 (Transportation Design Standards). This section provides minimum design standards for commercial and mixed-use buildings. The standards are intended to promote compatibility with adjacent buildings, break up large building elevations, and promote human scale design. This section also addresses some of the Transportation Planning Rule site design requirements under OAR 660-012-0045 by requiring prominent building entrances that face streets.

A. **Purpose and Applicability.** Section 2.3.170 is intended to provide detailed, human-scale design that is characteristic of Baker City, while affording flexibility to use a variety of architectural building styles. All new buildings and major remodels shall meet the standards of subsections 2.3.170.B-D., which are applied through Site Design Review. The applicant demonstrates that the standards are met by complying with the criteria under each standard.

B. **Pedestrian-Orientation.** The design of all buildings on a site shall support a safe and attractive

pedestrian environment. This standard is met when the approval body finds that all of the criteria in 1-6, below, are met. Alternatively, the approval body may approve a different design upon finding that the design contains an equally good or superior way of achieving the above standard.

1. The building orientation standards under Section 2.3.150 are met; and

2. Primary building entrances shall open directly to the outside and, if not abutting a street, shall have walkways connecting them to the street sidewalk; every building shall have at least one primary entrance that does not require passage through a parking lot or garage to gain access; and

3. Corner buildings (i.e., buildings within 20 feet of a corner as defined by the intersecting curbs) shall have corner entrances, or shall provide at least one entrance within 20 feet of the street corner or corner plaza; and

4. Ground floor windows or window displays shall be provided along at least 30 percent of the building's (ground floor) street-facing elevation(s); windows and display boxes shall be integral to the building design and not mounted to an exterior wall; and

5. Primary building entrance(s) are designed with weather protection, such as awnings, canopies, overhangs, or similar features; and

6. Drive-up and drive-through facilities, when allowed, shall conform to Section 2.3.190.A; the provisions of which shall <u>not</u> be modified without a variance (Chapter 5.1).

C. Compatibility. All new buildings and major remodels shall be designed consistent with the architectural context in which they are located. This standard is met when the approval body finds that all of the criteria in 1-6, below, are met.

1. There is continuity in building sizes between new and existing buildings;

2. The ground floor and upper floor elevations and architectural detailing are compatible with adjacent commercial buildings;

3. Roof elevation is compatible with adjacent commercial buildings (roof pitch, shape, height step-down);

4. There is continuity of building sizes on the site, if more than one building is proposed;

5. There is continuity in the rhythm of windows and doors on the proposed building(s);

6. The relationship of buildings to public spaces, such as streets, plazas, other areas, and public parking, including on-street parking, is strengthened by the proposed building(s).

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

that are consistent/inconsistent with human scale criteria.

1. Regularly spaced and similarly-shaped windows are provided on all building stories;

2. Ground floor retail spaces have tall ceilings (i.e., 12 feet or higher) with display windows on the ground-floor;

3. Display windows are trimmed, recessed, or otherwise defined by wainscoting, sills, water tables, or similar architectural features;

4. On multi-story buildings, ground floors are defined and separated from upper stories by appropriate architectural features (*e.g.,* cornices, trim, awnings, canopies, arbors, trellises, overhangs, or other features) that visually identifies the transition from ground floor to upper story; such features should be compatible with the surrounding architecture;

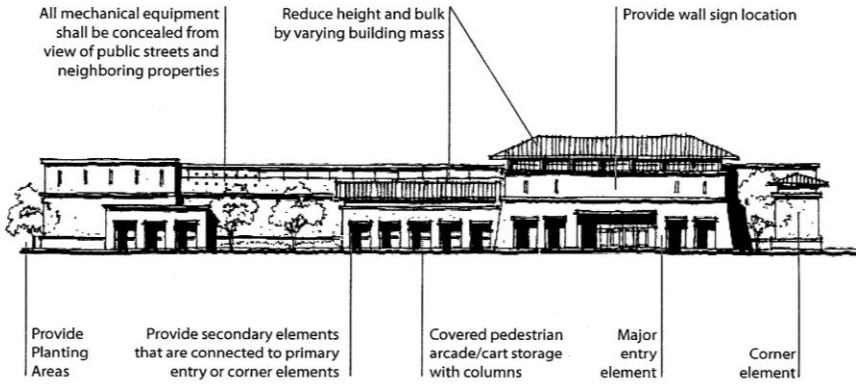
5. The tops of flat roofs are treated with appropriate detailing (*i.e.,* cornice, pediment, flashing, trim, or other detailing) that is compatible with the surrounding architecture;

6. Pitched roofs have eaves, brackets, gables with decorative vents, or other detailing that is consistent with the surrounding architecture;

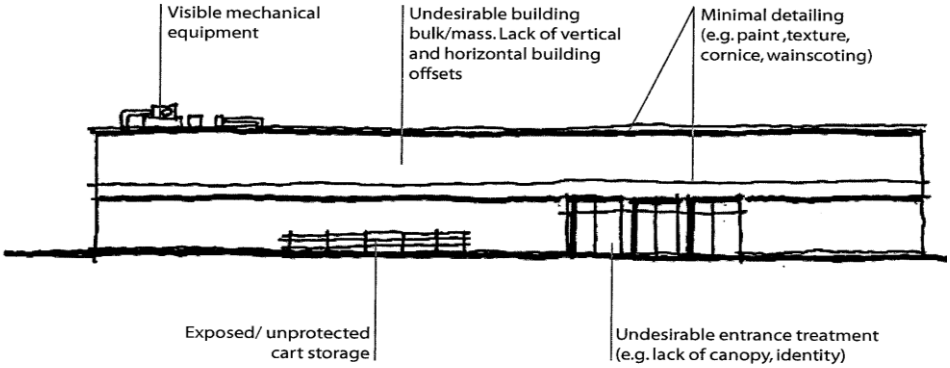
7. Historic design and compatibility requirements, where applicable, are met; and

8. Where buildings with greater than 20,000 ft^2 of enclosed ground-floor space are proposed, they shall provide articulated facades on all street-facing elevations. This criterion is met when an elevation contains at least one of the following features for every 40 feet of building (horizontal length): windows; primary entrances; weather protection (awnings, canopies, arbors, trellises), building offsets; projections; changes in elevation or horizontal direction; sheltering roofs; terraces; a distinct pattern of divisions in surface materials; ornamentation; screening trees; small-scale lighting (e.g., wall-mounted lighting, or up-lighting); and/or similar features as generally shown in Figure 2.3.170.D. Note: Figure 2.3.170.D should not be interpreted as a required architectural style.

Figure 2.3.170.D – Examples of Large Commercial Design Elements



Large Commercial Massing - Acceptable



Large Commercial Massing - Unacceptable

2.3.180 Pedestrian Amenities

Background: Section 2.3.180 is to be used in conjunction with Table 2.3.120 (Development Standards), 2.3.150 (Building Orientation), and Section 2.3.170 (Architectural Standards) and Section 3.4.100 (Transportation Design Standards). This section also supports implementation of the Transportation Planning Rule site design requirements under OAR 660-012-0045 by supporting attractive and comfortable streets for pedestrians.

A. Purpose and Applicability. Section 2.3.180 provides standards for pedestrian amenities when pedestrian amenities are required as part of new developments and major remodels in the Central-Commercial and Commercial-General Districts, and when pedestrian amenities are provided to meet the requirements of other code sections. Pedestrian amenities serve as informal gathering places for socializing, resting, and enjoyment along street frontages and contribute to a walkable district.

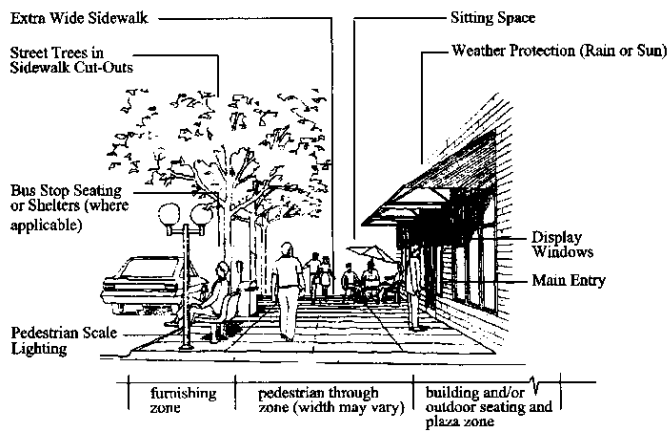
B. Standards. New developments and major remodels in the Central-Commercial and Commercial-General Districts and other developments subject to the provisions of this section shall provide one or more of the "pedestrian amenities" listed below, and as generally illustrated in Figure 2.3.180.B. Pedestrian amenities may be provided within a street furnishing zone, building frontage zone, or plaza, or within the pedestrian through zone, as shown in Figure 2.3.180.B. Use of the public right-of-way requires approval by the roadway authority. Within the furnishing zone a 2' setback clearance for car doors shall be maintained.

1. A plaza, courtyard, square or extra-wide sidewalk next to the building entrance (minimum width of 6 feet);

2. Sitting space (i.e., dining area, benches, garden wall or ledges between the building entrance and sidewalk) with a minimum of 16 inches in height and 30 inches in width;

3. Building canopy, awning, pergola, or similar weather protection (minimum projection of 4 feet over a sidewalk or other pedestrian space). The vertical clearance from the sidewalk to the lowest stationary structural support shall be 8 feet minimum. Non-rigid awning valance heights shall be at least 7 feet above the sidewalk;

Figure 2.3.180.B – Examples of Pedestrian Amenities



4. Public art that incorporates seating (*e.g.,* fountain sculpture);
5. Bus waiting shelter with schedule information and seating, per the standards of the transit service provider.

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

A. Drive-up/Drive-In/Drive-Through Uses and Facilities
B. Adult Entertainment Establishments and Adult Stores
C. Large Format Retail Stores located in one structure in excess of 80,000 ft^2
D. Formula Business Design Standards
E. Expansion of Single Family Detached Structures, if lawfully existing as of 2/13/04 (including the addition of accessory structures and dwellings), in Commercial and Industrial Districts
~~E.~~F. Home Occupations

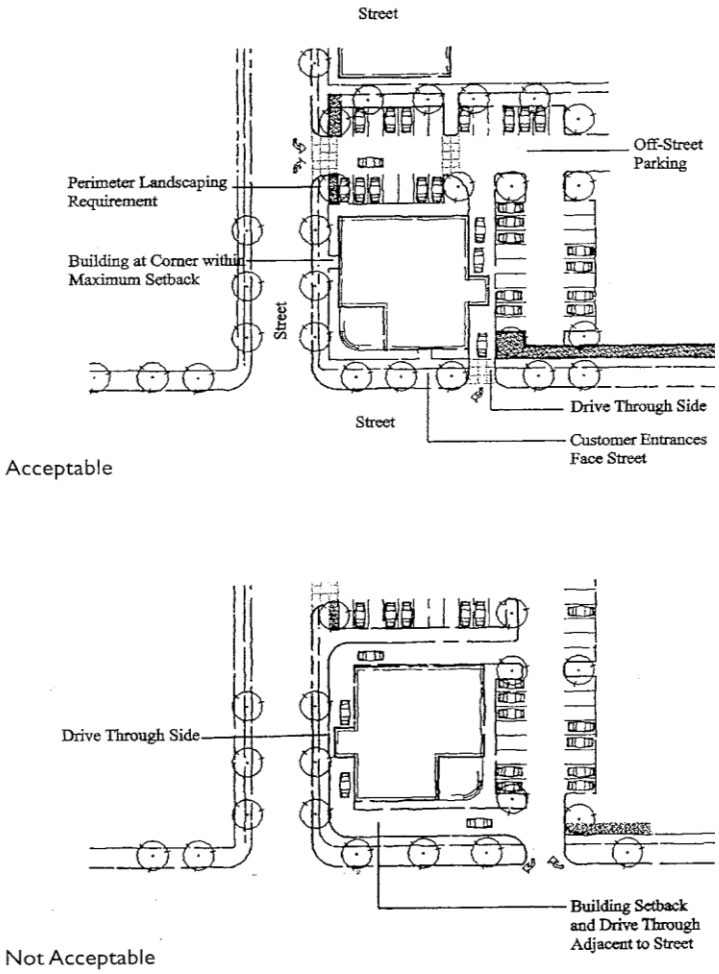
A. Drive-Up/Drive-In/Drive-Through Uses and Facilities. When drive-up or drive-through uses and facilities are allowed, they shall conform to all of the following standards, which are intended to calm traffic, and protect pedestrian comfort and safety.

1. The drive-up/drive-through facility shall orient to, and receive access from, a driveway, or interior parking area, and not a street [Figure 2.3.190.A(1)];

2. None of the drive-up, drive-in or drive-through facilities (e.g., driveway queuing areas, windows, teller machines, service windows, kiosks, drop-boxes, or similar facilities) are located within 20 feet of a street and shall not be oriented to a street corner. (Walk-up only teller machines and kiosks may be oriented to a street or placed adjacent to a street corner);

3. Drive-up/in queuing areas shall be designed so that vehicles do not obstruct a driveway, fire access lane, walkway, or public right-of-way.

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



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

1. An adult store or adult entertainment establishment shall be located at least 500 feet from any Religious Assembly; Educational facility, Primary/Secondary; Public Parks and Recreational Areas; Public Recreation Assembly; Day Care Center; Public Assembly; Cultural Services; Homes for Adults, Life Care Facility; or Residential Zoning District.

2. Any Adult Entertainment Establishment or Adult Store must be at least 1,000 feet from any other Adult Entertainment Establishment or Adult Store.

3. No Adult Store or adult entertainment establishment shall display adult media, depictions or specified sexual activities or specified anatomical areas, sexually oriented goods or depictions or sexually oriented goods, in its window, in a manner visible (by normal unaided vision) from the street, highway, pubic sidewalk, or the property of others. Window areas shall remain transparent and shall not be made opaque.

C. Large Format Retail Sales located in one structure in excess of 80,000 ft^2 (see definition in Chapter 1.3). When large format retail sales are located in one structure in excess of 80,000 ft^2, or which exceed 80,000 ft^2 in contiguous lots, they shall conform to all of the following standards and considerations in addition to the standards contained in Sections 2.3.110 through 2.3.180 when considered under both Conditional Use and Site Plan Review;

1. Working with a consultant selected and paid for by the applicant, the applicant may be required to provide the following detailed analyses in addition to the other requirements of the Baker City Development Code:

   a. Impact on employment in the greater Baker City area, including number of jobs gained and/or lost, and effect on salaries and benefits;

b. Estimated costs of public services and improvements attributable to the project;

c. Impact on commercial and residential property values in the City with an emphasis on the immediate area around the project;

d. Extent to which the project will contribute to or draw business from existing businesses in the greater Baker City area;

e. Estimate of how much revenue generated by the project will be retained and redirected to the economy of the community; and

f. A traffic analysis study.

2. The use of alternative pavements, such as stenciled concrete and porous pavement is encouraged.

3. Multistory retail development and mixed-use multistory development is encouraged and strongly preferred.

4. The street elevation of each large format retail sales structure shall have at least one street-oriented primary entrance and contain the principal windows of the store.

5. The hours of operation may be restricted through the Conditional Use Permit.

6. Exterior lighting shall be compatible with the surrounding neighborhood.

7. Entrances to the site should be minimized and placed in such a way as to maximize safety, maximize efficient traffic circulation, and minimize the impact on any adjacent residential neighborhood.

8. The scale, massing, and building design shall be compatible with surrounding developments, and shall constitute a significant contribution in urban design and regional architecture for the enhancement of the City. The structure and site shall be street-oriented with the pedestrian entrances from the street. The standard architectural designs of regional or national businesses shall be modified in such a way as to be compatible with the scale, massing and design of the surroundings and City design preferences. The building shall be designed in order to reduce the appearance of massive scale or a uniform and impersonal appearance and to provide visual interest. Long building walls (front, side, and rear) shall be broken up with projections or recessions. Architectural detailing, including entrances and fenestration, shall be incorporated into all facades so as to avoid blank or monotonous appearance. Predominate exterior building materials shall not include smooth-faced concrete block or prefabricated steel panel. The roof design shall provide variations in roof lines and heights to add interest and to reduce the massive scale of large buildings.

9. The location, dimensions, and design concept of any proposed signage shall be provided at the time of the Conditional Use Permit application.

10. Loading areas shall be sited in such a way so as to minimize the impact on any surrounding neighborhood.

11. Parking shall be located behind the front line of the principle building. The Planning Commission may grant an exception to this requirement where necessary due to the shallow depth of a parcel, the location of existing mature trees, or other similar circumstances.

12. Project review shall balance the potential negative and positive impacts on existing local businesses, commercial districts, and area consumers in the consideration of granting a Conditional Use Permit. A qualified third party economic and land-use analysis may be required of the applicant as part of the application. Said study, at applicant's expense, may be undertaken by the City or a consultant selected by the City as agreed to by the applicant. Mitigation measures to reduce or eliminate negative impacts may be proposed by the applicant or required by the City. Approval of a Conditional Use Permit and Site Plan Review requires that the Planning Commission find that the proposed establishment will:

    a. Complement existing uses and enhance the economic health of the surrounding area;

    b. Be operated in a non-obtrusive manner that preserves the City's distinctive character, ambiance, and small-sized city and historic nature;

    c. Promote diversity and variety to assure a balanced mix of commercial uses available to serve both resident and visitor populations;

    d. Contribute to an appropriate balance of local, regional, or national-based businesses in the community;

    e. The use will be compatible with the neighborhood, particularly with regard to traffic circulation, parking, buffering and appearance; and

    f. Avoid an appearance commonly associated with strip retail, shopping centers, or large box stores.

D. Formula Business Design Standards (See definition in Chapter 1.3). In order to maintain Baker City's unique historic small city character, the diversity and economic vitality of the community's commercial districts, and the quality of life of Baker City residents and visitors, supplemental design criteria are considered in conjunction with the other site design review or land use review requirements of this Code in the establishment of a formula business. Approval of a site plan review or land use review for a formula business requires that the appropriate approval entity (Planning Director or Planning Commission) find that the proposed establishment will:

1. Complement and advance the architectural character and theme of the given commercial area;

2. Avoid the appearance commonly associated with franchised establishments including the widespread application of large scale bright color schemes and associated signage except that the design may continue to employ in an understated and architecturally compatible fashion trademark, logo, service mark, or symbols associated with the franchise so long as the design is judged to meet the design theme of the given commercial area. In some commercial districts a

1950s retro theme may specifically encourage older franchise designs;

3. The design preserves a balanced mix or the appearance of a balanced mix of locally, regionally, and nationally based businesses; and

4. Be designed and operated in a non-obtrusive manner that preserves the City's distinctive character.

E. **Expansion of Single Family Detached Structures, if lawfully existing as of 2/13/04 (including the addition of accessory structures and accessory dwellings), in Commercial and Industrial Districts.** The expansion of a single family detached structure, if lawfully existing as of 2/13/04, including the addition of an accessory structure or an accessory dwelling, may be permitted in a commercial or industrial district by Conditional Use Permit subject to, but not exclusive of, the following criteria and considerations:

1. Any expansion to an existing primary structure or addition of an accessory structure or accessory dwelling shall be compatible with surrounding commercial or industrial uses, and shall not increase the potential for any land use conflicts with adjacent uses or contribute to the perpetuation of existing conflicts, if they so exist.

2. Any expansion shall be incidental in nature to the primary structure.

3. Any addition to an existing primary structure shall not exceed 20 percent of the primary structure's building footprint.

   a. Expansion of an existing primary structure is permitted to occur only one time during the life of the structure.

   b. Upon approval of a Conditional Use Permit, it shall be required that, at applicant's expense, descriptive language be recorded with the Baker County Clerk's Office reflecting the one-time expansion limitation on the existing single family detached structure.

4. Any accessory dwelling that may be permitted must either be a second-story addition to an existing component of a garage or contained within the primary residence, and shall comply with the requirements related to such accessory dwellings under Section 2.2.200.A.

5. Any accessory structure that may be permitted must comply with the requirements related to such structures under section 2.2.200.B.

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

Chapter 2.4 —Industrial (I) Districts

Sections:

2.4.100 Purpose
2.4.110 Allowed Land Uses
2.4.120 Setback Yards and Buffering
2.4.130 Lot Coverage
2.4.140 Site Layout and Design
2.4.150 Building and Structure Height

2.4.100 Purpose. Chapter 2.4 accommodates a range of industrial and commercial land uses in two Industrial Districts, Light Industrial (LI) and General Industrial (I). Both districts are intended to provide for land use compatibility while providing a high-quality environment for businesses and employees. The I district is also intended to provide suitable locations for heavy industrial uses (e.g., raw materials processing; and manufacturing, assembly, packaging or distribution of heavy or large goods) that would not otherwise be compatible in other districts. The Light Industrial (LI) district is intended to provide for those uses with relatively less impact, primarily where adjacent to residential zones. Chapter 2.4 guides the orderly development of industrial areas based on the following objectives:

- Provide for efficient use of land and public services;
- Provide appropriately zoned land with a range of parcel sizes for industry;
- Provide transportation options for employees and customers;
- Locate business services close to major employment centers;
- Ensure compatibility between industrial uses and nearby commercial and residential areas;
- Provide appropriate design standards to accommodate a range of industrial users;
- Provide attractive locations for business to locate; and
- Accommodate mixed-use development of light industrial areas.

2.4.110 Allowed Land Uses

Background: This code is designed to make it easier to mix compatible uses than is typically allowed under conventional zoning.

Statutes and Regulations: Sections 2.3.110 and 2.3.190 address parts of OAR 660-012-0045 and 0060 by recommending design standards for commercial uses (e.g., offices and limited retail) where these uses are allowed in an industrial district.

Table 2.4.110 identifies the land uses that are allowed in the Industrial Districts. The specific land use categories are described and uses are defined in Chapter 1.3 and 1.4.

Table 2.4.110 – Land Uses Allowed in Industrial Districts		
Uses	**Status of Use in District**	
Use Categories (Examples of uses are in Chapter 1.4; definitions are in Chapter 1.3.)	**General Industrial (I)**	**Light Industrial (LI)**
RESIDENTIAL CATEGORIES		
Household Living		
All Residential Uses (Household Living and Group Living) allowed, if: - lawfully existing as of 2/13/04 - May be expanded including the addition of accessory structures, and accessory residential dwellings when in association with a principal use single family detached house per section 2.2.200 and 2.3.190(E) by Conditional Use Permit. - new dwelling built in conjunction with a permitted commercial or industrial use (residential use is allowed above ground floor only), or - one industrial watchman's caretaker unit subject to the standards of Section 2.4.160.B *<u>Note</u>: Group Care Living Uses shall conform to the provisions in Section 2.2.200.E*	 P CU N P	 P CU P P
Bed and Breakfast Inn	N	N
COMMERCIAL CATEGORIES		
Commercial Educational Services, not a school (e.g., tutoring or similar services)	N	CU
Commercial Outdoor Recreation	N	CU
Commercial Parking Facility *(when not an accessory use)*	CU	CU
Drive-Up / Drive-In / Drive-Through (drive-up windows, kiosks, ATM's, similar uses/facilities), per Section 2.3.190.A	CU	CU
Home Occupation - per the standards in Section 2.2.200.F - per the procedures in Section 4.9.200	 S CU	 S CU
Major Event Entertainment	N	CU
Offices	P	P
Quick Vehicle Servicing or Vehicle Repair *[see also Drive-Up Uses 2.3.190(A)]*	P	S
Retail Sales and Service, *See also, Drive-Up Uses* - less than 10,000 ft^2 floor area - greater than 10,000 ft^2 floor area, per Section 2.4.140	 P N	 P N
Self-Service Storage	P	P
Short Term Vacation Rental	N	N
INDUSTRIAL CATEGORIES		
Industrial Service (see also Drive-Up Uses) - fully enclosed (e.g., office) - not enclosed	 P P	 P CU

Table 2.4.110 – Land Uses Allowed in Industrial Districts		
Uses	**Status of Use in District**	
Use Categories (Examples of uses are in Chapter 1.4; definitions are in Chapter 1.3.)	**General Industrial (I)**	**Light Industrial (LI)**
Manufacturing and Production - fully enclosed - not enclosed	 P P	 P CU
Warehouse and Freight Movement	P	P
Waste-Related	CU	N
Wholesale Sales, per Section 2.4.140 - fully enclosed - not enclosed	 S S	 S S
INSTITUTIONAL CATEGORIES		
Basic Utilities	P	P
Colleges	N	CU
Community Service	CU	CU
Daycare, adult or child day care; does not include Family Daycare (12 or fewer children) under ORS 657A.250	N	CU
Detention Facilities and Correctional Institutions	P	CU
Medical Centers	P	P
Parks and Open Space - pedestrian amenities - parks and recreation facilities - other open space	 P CU P	 P CU P
Religious Institutions and Houses of Worship, - lawfully existing as of 2/13/04 - new	 P N	 P N
Schools - lawfully existing as of 2/13/04 - new	 P N	 P N
OTHER CATEGORIES		
Accessory Structures (with a permitted use)	P	P
Agriculture – Animals, when - existing use as of 2/13/04 - accessory to a permitted industrial use - new use	 P CU CU	 P CU CU
Agriculture – Nurseries and similar horticulture (See also, Wholesale and Retail Uses)	P	P
Buildings and Structures Exceeding the Height of 50 ft (Section 2.4.150)	CU	CU
Mining	CU	N

Table 2.4.110 – Land Uses Allowed in Industrial Districts		
Uses	**Status of Use in District**	
Use Categories (Examples of uses are in Chapter 1.4; definitions are in Chapter 1.3.)	**General Industrial (I)**	**Light Industrial (LI)**
Radio Frequency Transmission Facilities - within structure height limit of district - exceeds zone structure height limit (free-standing or building-mounted facilities)	 P CU	 P CU
Rail Lines and Utility Corridors, except those existing prior to effective date of Development Code are allowed.	CU	CU
Temporary Uses, per Section 4.9.100.	P	P
Transportation Facilities (operation, maintenance, preservation, and construction [*in accordance with the City's Transportation System Plan*])	P	P
Minimum Setbacks (feet): Front and Street side setback Rear Yard, where adjacent to a commercial or industrial district, except common wall buildings with 0-setback are allowed Industrial district abutting a residential district (front, rear, or side) Alley **Separate or additional setback restrictions and fire protection measures may be required by the Building official.*	 20 ft 10 ft 25 ft 1 ft	 20 ft 10 ft 25 ft 1 ft
Structure Height Maximum structure height, except where taller structures are allowed by CUP Buildings within 100 ft of a residential district	 50 ft 38 ft	 50 ft 38 ft
Lot Coverage	90%	80%

Key:

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

2.4.120 Setback Yards and Buffering

Background: Section 2.4.120 is intended to provide flexibility in development. The standards ensure compliance with fire and building codes, separation between industrial district uses and adjacent residential areas, and pedestrian connections through large developments.

A. Purpose. Setback yards and buffers provide separation between industrial and non-industrial uses for fire protection/security, building maintenance, sunlight and air circulation, noise buffering, and visual separation.

B. Applicability. The setback yard and buffer standards in subsections 2.4.120(C)(F) are minimum standards that apply to buildings, accessory structures, parking areas, mechanical equipment, and other development, but not buffers as required under subsection F). In granting a Conditional Use Permit, the approval body may increase the standard yards and/or buffers consistent with the criteria in Chapter 4.4. The approval body may also decrease the standard yards and/or buffers through the CUP process, provided that all applicable building and fire safety codes (subsection G) are met. Separate or additional setback restrictions and fire protection measures may be required by the Building official.

C. Front and Street Yard Setbacks.

1. General Industrial (I) District: Minimum of 20 feet

2. Light Industrial (LI) District: Minimum of 20 feet

D. Rear Yard Setbacks.

1. General Industrial (I) District: Minimum of 10 feet where adjacent to a Commercial or Industrial District, except common wall buildings with 0-setback are allowed;

2. Light Industrial (LI) District: Minimum of 10 feet where adjacent to a Commercial or Industrial District, except common wall buildings with 0-setback are allowed;

3. Industrial District (I or LI) Abutting a Residential District: Minimum of 25 feet.

E. Side Yard Setbacks. There are no required side-yard setbacks, except a minimum of 25 feet is required when an Industrial District (I or LI) abuts any residential district.

F. Other Yard Requirements.

1. Buffering. The approval body may require landscaping, fences, walls or other buffering that exceed the landscaping standards in Chapter 3.2 when it finds through Site Design Review (Chapter 4.2), Conditional Use Permit review (Chapter 4.4), and/or Master Planned Development review (Chapter 4.5), as applicable, that more or different buffering is necessary to mitigate adverse noise, light, glare, and/or aesthetic impacts to adjacent properties.

2. Pedestrian Access. The approval body may require the construction of pedestrian access ways

through required buffers to ensure pedestrian connections within large developments, between multiple development phases, or connecting to public sidewalks, walkways, or multi-use pathways. The design of access ways shall conform to Section 3.1.300.

G. **Building and Fire Codes.** All developments shall meet applicable fire and building code standards which may require setbacks different from those listed above (e.g., combustible materials, etc.)

2.4.130 Lot Coverage

Background: Section 2.4.130 is intended to provide flexibility in development while ensuring some provision of open space for landscaping and stormwater management.

A. **General Industrial (I) District:** Maximum lot coverage, including all impervious surfaces, 90 percent.

B. **Light Industrial (LI) District:** Maximum lot coverage, including all impervious surfaces, 80 percent.

2.4.140 Site Layout and Design

Background: Section 2.4.140 is intended to provide flexibility in development while providing for compatibility of industrial uses through the application of discretionary standards. This section also ensures the creation of a local street network in large developments (LI District only).

Statutes and Regulations: Section 2.4.140 implements parts of Transportation Planning Rule (OAR 660-012-0045) related to the formation of connected street systems.

A. **Development Compatibility.** Industrial uses and developments shall be oriented on the site to minimize adverse impacts (e.g., noise, glare, smoke, dust, exhaust, vibration, etc.) and to provide compatibility with adjacent uses to the extent practicable. The following standards shall apply to all development in the General Industrial and Light Industrial Districts:

1. Mechanical equipment, lights, emissions, shipping/receiving areas, and other components of an industrial use that are outside enclosed buildings, shall be located away from residential areas, schools, parks and other non-industrial areas to the maximum extent practicable; and

2. The City may require a landscape buffer, or other visual or sound barrier (fence, wall, landscaping, or combination thereof), to mitigate adverse impacts that cannot be avoided, as provided in Section 2.4.120.

3. Junk as defined by ORS 377.605(5) and Junk yards as defined in Section 1.3.300 shall be fenced, screened, or limited in height so as to block substantially any view of such material from any point located on an abutting street or from any point less than eight feet above grade within any abutting residential or commercial zone. However, this section shall not be deemed to require more than an opaque fence or screen not more than ten feet in height and not longer

than the full perimeter of the subject development site. No outdoor storage of materials which could be blown into the air or strewn about by wind shall be permitted.

B. Large-Scale Commercial Development – LI District Only. Developments containing 50,000 ft^2 or more commercial, retail, wholesale, or office floor area in a Light Industrial District shall have pedestrian-oriented design. This standard is satisfied when the approval body finds that a development meets all of the following criteria:

1. The commercial block layout standards in Section 2.3.150.D are met; and

2. The architectural standards in Section 2.3.170 are met.

2.4.150 Building and Structure Height. The maximum allowable height of buildings and structures in the I and LI districts is 50 feet, except that taller buildings and structures are allowed when approved as part of a Conditional Use Permit. Buildings within 100 feet of a residential zone shall not exceed a height of 38 feet.

2.4.160 Special Standards

A. Uses with significant noise, light/glare, dust, vibration, odor, or traffic impacts as defined below shall require Conditional Use Permit approval, in addition to Development Review or Site Design Review:

1. Noise: The noise level beyond the property line exceeds 85 dBA at any time.

2. Light and Glare: Lighting and/or reflected light from the development exceeds ordinary ambient light and glare levels (i.e. levels typical of the surrounding areas).

3. Dust and/or Exhaust: Dust and/or exhaust emissions from the development exceeds ambient dust or exhaust levels that existed prior to development.

4. Odor and other Air Emissions: Odors and other air emissions that are generally recognized to be a risk to human health, a potential impact on individuals with respiratory illnesses, or which hold the potential to negatively impact the enjoyment of adjacent properties.

5. Traffic: Uses which are likely to generate unusually high levels of vehicle traffic due to shipping and receiving.

B. Residential Caretakers Units. One residential caretaker unit shall be permitted for each primary industrial use, subject to the following conditions:

1. The primary industrial use shall be an active on-going business, occupied during working hours with employee activity, and shall have an industrial building footprint of no less than 5,000 ft^2. If a primary industrial use ceases to exist the caretaker unit shall be removed. If a primary industrial use is closed for more than 24 months the caretaker unit shall not be occupied.

2. The unit shall be served with public water and sanitary sewerage disposal, in conformance with city engineering requirements. It may be a stick-built house, or a single-wide manufactured home newer than 1990. The unit shall be at least 760 ft^2, but no larger than 1,000. It must be located within 150' and in sight of the principle industrial use.

3. Caretaker units shall be required to meet applicable fire safety and building code requirements, in addition to the applicable setback standards of this chapter.

C. Home Occupation – Home Occupations are permitted in pre-existing non-conforming residences in the Industrial Zone subject to criteria and standards in Section 2.2.200 (F) and Section 4.9.200.

Chapter 2.5 — Overlay Zones

Sections:

2.5.100 ~~Interchange Overlay Zone~~ Purpose
2.5.110 Intent
2.5.120 Applicability
2.5.130 Uses
2.5.140 Development Standards
2.5.150 Traffic Impact Analysis
2.5.160 Agency Coordination

2.5.100 ~~Interchange Overlay Zone~~ Purpose. The purpose of this chapter is to provide the rules, regulations and standards governing permissible uses in the Interchange Overlay Zone.

2.5.~~120~~110 Intent. The Interchange Overlay Zone implements the "I-84 Exits 302 and 306 Interchange Area Management Plan" (IAMP) and is intended to maintain interchange capacity and protect interchange functions. The City coordinates development review with Baker County and ODOT, and assists ODOT in monitoring development, to protect interchange functions, as follows:

A. The primary function of the I-84 Exit 302 interchange is to provide truck and vehicular access to northern Baker City and OR 86, including the industrial lands along Best Frontage Road and at the Baker City Airport. A secondary function is to provide an alternative access to central Baker City and to US 30.

B. The primary function of Exit 306 is to provide access to downtown and southern Baker City, particularly for individuals coming from the east. A secondary function is to provide access to various regional visitor attractions, such as Phillips Reservoir and the historic mining town, the City of Sumpter.

2.5.~~130~~120 Applicability. Any land use action within the Interchange Overlay Zone is subject to the regulations herein described and those of the underlying zone. If any conflicts in regulation or procedure occur between the zones, the provisions of the Interchange Overlay Zone shall govern.

2.5.~~140~~130 Uses. Permitted and conditional uses shall be as defined in the underlying base zone.

2.5.~~150~~140 Development Standards.

Comment: 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:

A. Approach spacing shall be consistent with the IAMP Access Management Plans (AMPs) for Exits 302 and 306.

B. Private approaches shall be consolidated and improved as properties redevelop, consistent with the AMPs.

C. Where a new approach to OR 86 or Cedar Street is proposed in the vicinity of Exit 302 interchange and it cannot be located pursuant to the ¼-mile spacing standard, it shall be located as far from the interchange as practically possible.

D. Where a new approach to US 30 is proposed in the vicinity of the Exit 306 interchange and it cannot be located outside the ¼-mile spacing standard, it shall be located as far from the interchange as practically possible.

E. Development applicants shall be required to mitigate the impacts attributed to development, including but not limited to dedicating right-of-way and making needed access and transportation improvements consistent with the IAMP.

F. Where it is not feasible to meet ODOT access spacing standards or to make planned transportation improvements due to property boundary constraints, property redevelopment shall be required to move in the direction of conformity over time, pursuant to ODOT standards.

G. Where a land use application or change of use relies on a private connection to a state highway, it shall meet the requirements of OAR 734-051-3020 Change of Use of a Private Connection. An application for state highway approach is required for a change of use when:

1. The number of peak hour trips increases by fifty (50) trips or more from that of the property's prior use and the increase represents a twenty (20) percent or greater increase in the number of peak hour trips from that of the property's prior use;

2. The average daily trips increases by five hundred (500) trips or more from that of the property's prior use and the increase represents a twenty (20) percent or greater increase in the average daily trips from that of the property's prior use;

3. The daily use of a connection increases by ten (10) or more vehicles with a gross vehicle weight rating of twenty-six thousand (26,000) pounds or greater;

4. ODOT demonstrates that safety or operational concerns related to the connection are occurring as identified in OAR 734-051-4020(3);

5. The existing connection to the state highway does not meet ODOT's stopping sight distance standards.

2.5.~~160~~150 Traffic Impact Analysis.

Comment: The following provisions are recommended to ensure consistency with existing Baker City and ODOT traffic impact analysis requirements. See OAR 734-051-3030 (attached), which contains ODOT requirements for traffic impact studies.

A. All development applications located within either the Exit 302 or Exit 306 Interchange Management Areas that meet the criteria of BCDC 4.1.900 shall be accompanied by a Transportation Impact Study that demonstrates the level of impact of the proposed development on the interchange and surrounding street system, and how the impact will be mitigated pursuant to ODOT and County standards.

B. Notwithstanding the criteria of BCDC 4.1.900, a Transportation Impact Study/Analysis shall be required where a proposed change relying on a private connection to a state highway meets the ODOT requirements for a traffic impact study contained in OAR 734-051-3030(4) When a Traffic Impact Analysis is Required.

C. The determination of impact or effect, and the scope of the TIA, shall be coordinated with Baker County and ODOT, and the developer shall be required to mitigate impacts attributable to the project consistent with the standards of the applicable roadway authority.

2.5.~~170~~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.

Article 3 — Community Design Standards

Chapters:

3.0 Design Standards Administration
3.1 Access and Circulation
3.2 Landscaping, Street Trees, Fences and Walls
3.3 Parking and Loading
3.4 Public Facilities
3.5 Signs
3.6 Radio Frequency Transmission Facilities

Chapter 3.0 - Design Standards Administration

Sections:

3.0.100 Purpose
3.0.200 Applicability

3.0.100 Purpose. The following provisions describe how the Community Design Standards (Article 3) are intended to be applied, and the relationship between Article 3 and the supplemental design standards for specific land uses and building types contained in Article 2.

3.0.200 Applicability. The standards in Article 3 are applied based on whether a project is classified as a *Major Project* or a *Minor Project*. In addition, each chapter of Article 3 contains "applicability directions." In general, the chapters are applied as follows:

A. Major Project. Major projects, including developments that require Site Design Review (Chapter 4.2), Land Division approval (Chapter 4.3), Master Planned Development (Chapter 4.5), and amendments to the Comprehensive Plan or Zoning Map (Chapter 4.7), must conform to the applicable sections of:

- Access and Circulation (Chapter 3.1)
- Landscaping, Street Trees, Fences and Walls (Chapter 3.2)
- Parking and Loading (Chapter 3.3)
- Public Facilities (Chapter 3.4)
- Signs (Chapter 3.5)
- Radio Frequency Transmission Facilities (Chapter 3.6)

B. Minor Project. Minor projects are small developments and land use actions that require only Land Use Review or Conditional Use approval (no site design review). The following chapters generally apply; however, individual sections will not apply to some projects.

- Access and Circulation (Chapter 3.1)
- Landscaping, Street Trees, Fences and Walls (Chapter 3.2)
- Parking and Loading (Chapter 3.3)

- Signs (Chapter 3.5)

C. Non-Conforming Situations. See Chapter 5.2 for provisions related to non-conforming uses and developments.

Chapter 3.1 — Access and Circulation

Sections:

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

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

3.1.200 Vehicular Access and Circulation

A. Intent and Purpose. The intent of this Section is to manage access to land uses and on-site circulation, and to preserve the transportation system in terms of safety, capacity, and function. This Section implements the access management policies of the Baker City Comprehensive Plan and Transportation System Plan.

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

C. Access Permit Required. Access to a public street (e.g., a new curb cut or driveway approach) requires an Access Permit. An access permit may be in the form of a letter to the applicant, or it may be attached to a land use decision notice as a condition of approval. In either case, approval of an access permit shall follow the procedures and requirements of the Baker City Public Works Department, as determined through the review procedures in Article 4.

D. Traffic Study Requirements. The City may require a traffic study prepared by a qualified professional to determine access, circulation, and other transportation requirements in conformance with Section 4.1.900, Traffic Impact Study.

E. Conditions of Approval. The City may require the closing or consolidation of existing curb cuts or other vehicle access points, recording of reciprocal access easements (i.e., for shared driveways), development of a frontage street, installation of traffic control devices, and/or other mitigation as a condition of granting an access permit, to ensure the safe and efficient operation of the street and highway system.

F. Corner and Intersection Separation; Access Spacing; Backing onto Public Streets. New and modified accesses shall conform to the following standards:

1. Except as provided under subsection 5 below, the following minimum distances shall be maintained between access points or approaches, where distance is measured from the edge of one approach to the edge of another:

   a. On an arterial street: 300-500 feet based on speed limit or posted speed, as applicable, except as otherwise required by ODOT for a state highway, pursuant to Oregon Administrative Rules (OAR) 734-051; and

   b. On a collector street: 100 feet; and

   c. On a local street, see subsection 5 below.

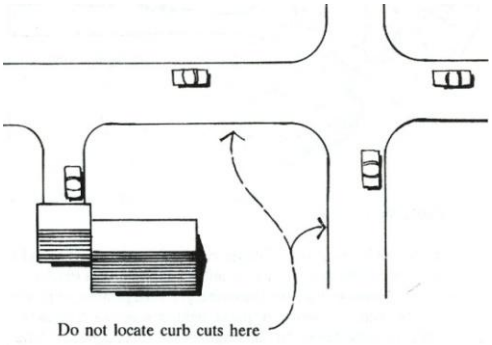
2. New property access on state highways shall conform to the State highway access spacing requirements in OAR 734-051.

3. New property access on ~~Collector and Arterial~~ 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 City may reduce required separation distance of access points as established in the Baker City Transportation System Plan (TSP) where they prove impractical due to lot dimensions, existing development, other physical features, or conflicting code requirements, provided all of the following requirements are met:

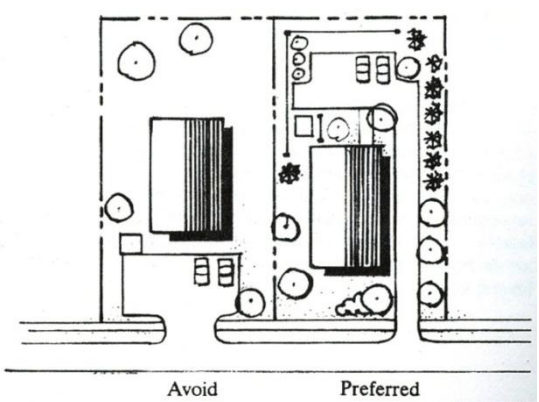
   a. Joint-use driveways and cross-access easements are provided, where practical, in accordance with subsection 3.1.200.H;

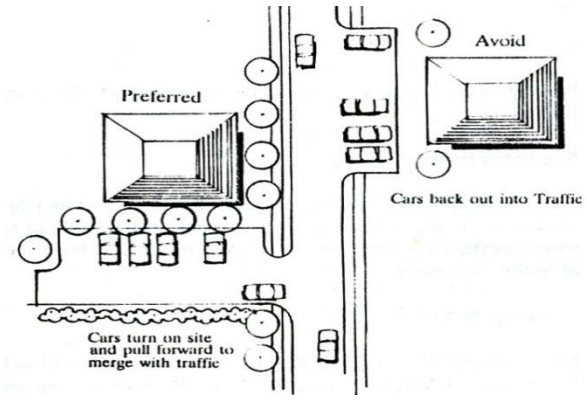


b. The site plan incorporates a unified access and circulation system in accordance with this Section; and

c. The property owner(s) enter in a written agreement with the City that pre-existing connections on the site will be closed and eliminated in conjunction with construction of each side of the joint-use driveway. Said written agreement can take the form of a condition of approval for a subdivision, partition, development review, site plan review, or recorded with the deed.

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





G. Site Circulation. New developments shall be required to provide a circulation system that accommodates expected traffic on the site and does not conflict with traffic on adjacent roads. Pedestrian and, as applicable, bicycle way connections on the site, including connections through large sites, and connections between sites (as applicable) and adjacent sidewalks, must conform to the provisions in Section 3.1.300.

H. Joint and Cross Access – Requirement. The number of driveway and private street intersections with public streets should be minimized by the use of shared driveways for adjoining lots where feasible. When necessary for traffic safety and access management purposes, or to access flag lots, the City may require joint access and/or shared driveways in the following situations as follows:

1. For shared parking areas;

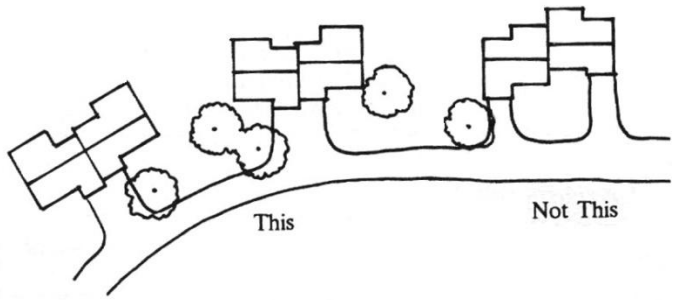
2. For adjacent developments, where access onto an arterial is limited;

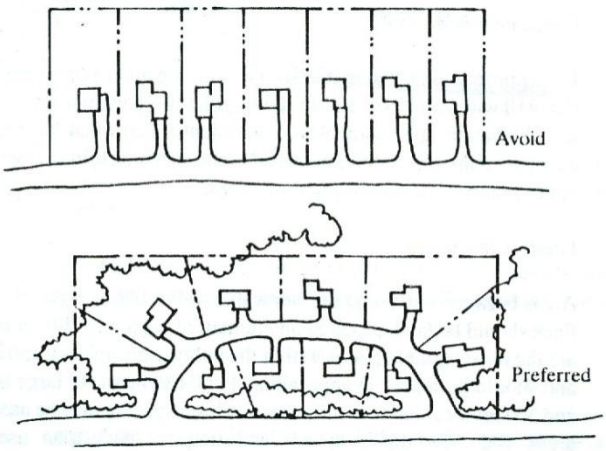
3. For multi-tenant developments, and developments on multiple lots or parcels. Such joint accesses and shared driveways shall incorporate all of the following:

   a. A continuous service drive or cross-access corridor that provides for driveway separation consistent with the applicable transportation authority's access management classification system and standards;

b. A design speed of 10 miles per hour and a maximum width of 20 feet, in addition to any parking alongside the driveway; additional driveway width or fire lanes may be approved when necessary to accommodate specific types of service vehicles, loading vehicles, or emergency service provider vehicles;

c. Driveway stubs to property lines (for future extension) and other design features to make it easy to see that the abutting properties may be required with future development to connect to the cross-access driveway;





I. Joint and Cross Access – Reduction in Required Parking Allowed. When a shared driveway is provided or required as a condition of approval, the land uses adjacent to the shared driveway may have their minimum parking standards reduced in accordance with the shared parking provisions of Section 3.3.300.F.

J. Joint and Cross Access – Easement and Use and Maintenance Agreement. Pursuant to this Section, property owners shall:

1. Record an easement with the deed allowing cross-access to and from other properties served by the joint-use driveways and cross-access or service drive;

2. Record an agreement with the deed that remaining access rights along the roadway for the subject property shall be dedicated to the City and pre-existing driveways will be closed and eliminated after construction of the joint-use driveway;

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

K. Access Connections and Driveway Design. All driveway connections to a public right-of-way (access) and driveways shall conform to all of the following design standards:

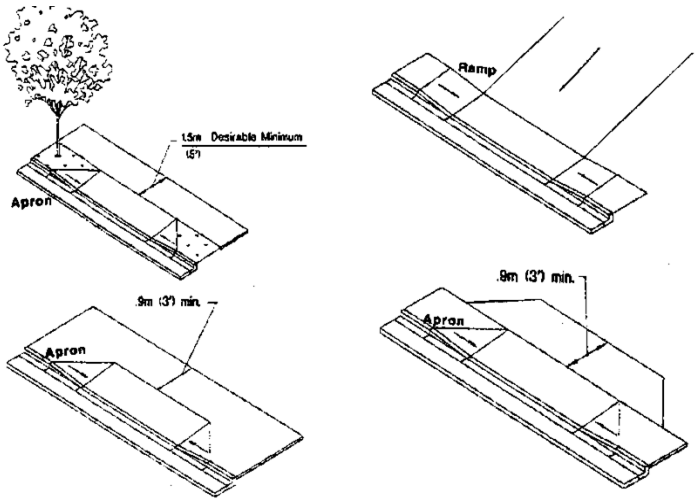
1. <u>Driveway Opening Width.</u> Driveways shall meet the following standards:

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.

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



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.

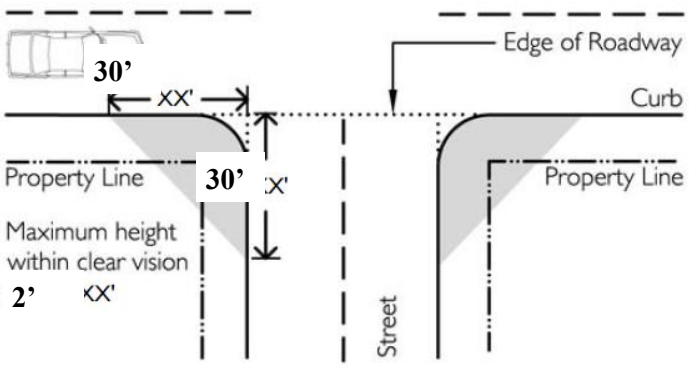
4. Driveway Limit. Driveways are limited to one per residential dwelling unit, with exceptions for existing alleyways and multiple driveways.

L. Fire Access and Turnarounds. When required under the Uniform Fire Code, fire access lanes with turnarounds shall be provided. 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. The Fire Chief may require that fire lanes be marked as "No Stopping/No Parking." For requirements related to cul-de-sacs or dead-end streets, please refer to Section 3.4.100.N.

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.

Figure 3.1.200.N Vision Clearance Areas



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

1. Surface Options. Driveways, parking areas, aisles, and turnarounds may be paved with asphalt, concrete, or comparable surfacing, or a durable non-paving or porous paving material may be used to reduce surface water runoff and protect water quality. Driveway and street materials within the public right-of-way shall be subject to review and approval by the Baker City Public Works Department.

2. Surface Water Management. When non-porous paving is used, all driveways, parking areas, aisles, and turnarounds shall have on-site collection of surface waters to eliminate sheet flow of such waters onto public rights-of-way and abutting property. Surface water facilities shall be constructed in conformance with Chapter 3.4 and applicable engineering standards.

3. Driveway Aprons. When driveway approaches or "aprons" are required to connect driveways to the public right-of-way, they shall be paved with concrete surfacing and conform to the City's engineering design criteria and standard specifications. (See general illustrations in Section 3.1.200.K, above.)

3.1.300 Pedestrian Access and Circulation

A. Site Layout and Design. To ensure safe, direct, and convenient pedestrian circulation, all developments shall provide a continuous pedestrian system. Pedestrian circulation will also be evaluated and provided for in industrial developments, as reviewed in the site plan review process. However, industrial developments shall not be required to provide sidewalks along public roads unless a determination is made by the Planning Director that such pedestrian access is justified for connectivity associated with adjacent residential or commercial land uses, or where a pedestrian project has been identified pursuant to the Transportation System Plan. The pedestrian system shall be based on the standards in subsections 1-4, below:

1. Continuous Walkway System. The pedestrian walkway system shall extend throughout the development site and connect to all future phases of development, and to existing or planned off-site adjacent trails, public parks, and open space areas 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.

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. The main public entrance to the building. In the case where no public entrance exists, street connections shall be provided to the main employee entrance.

   d. "Primary entrance" for residential buildings is the front door (i.e., facing the street). For multifamily buildings in which each unit does not have its own exterior entrance, the "primary entrance" may be a lobby, courtyard, or breezeway, which serves as a common entrance for more than one dwelling.

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

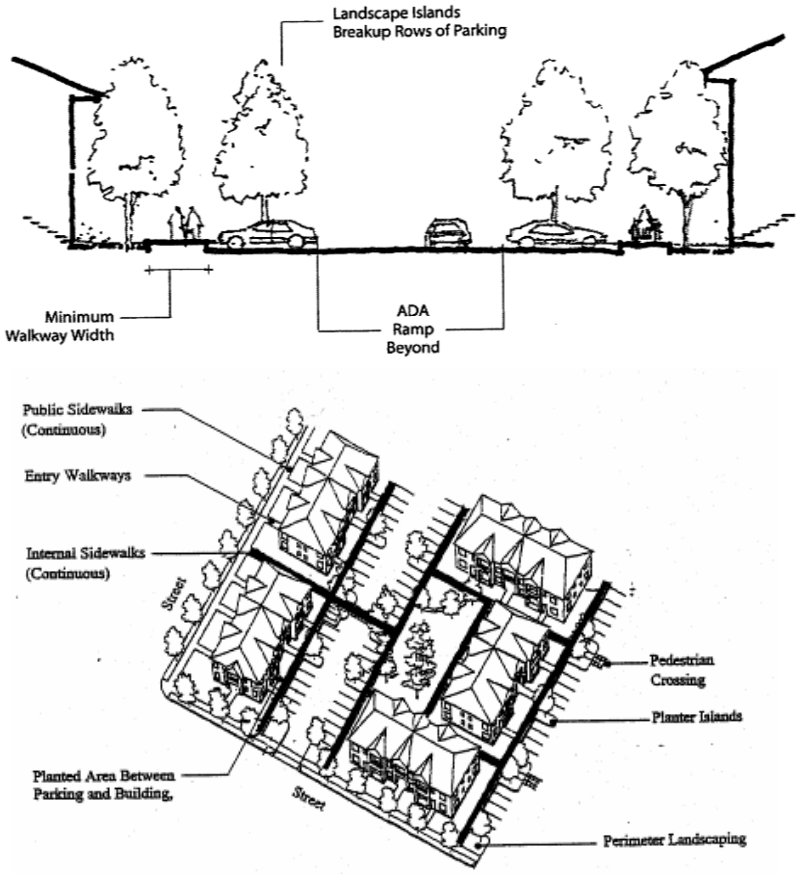
   a. Walkways shall connect all building entrances to one another to the extent practicable, as generally shown in Figure 3.1.300.A(1);

   b. Walkways shall connect all on-site parking areas, storage areas, recreational facilities and common areas, and shall connect off-site adjacent uses to the site to the extent practicable. Topographic or existing development constraints may be cause for not making certain

walkway connections, as generally shown in Figure 3.1.300.A(1); and

c. Large parking areas shall be broken up so that no contiguous parking area exceeds three (3) acres. Parking areas may be broken up with plazas, large landscape areas with pedestrian access ways (i.e., at least 20 feet total width), streets, or driveways with street-like features. Street-like features, for the purpose of this section, means a raised sidewalk of at least 4-feet in width, 6-inch curb, accessible curb ramps, street trees in planter strips or tree wells, and pedestrian-oriented lighting.

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

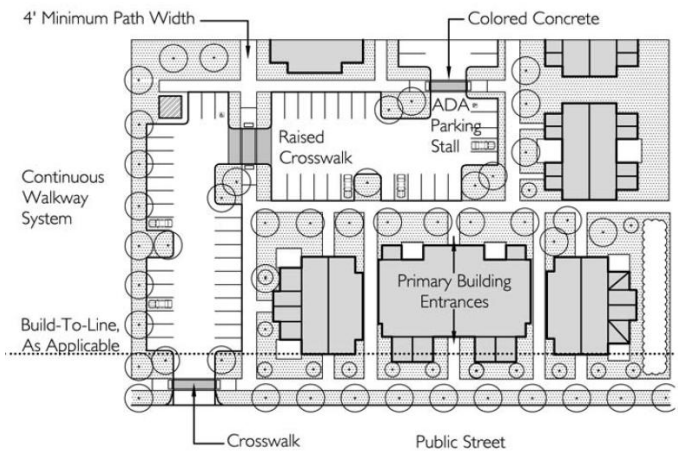


B. Walkway Design and Construction. Walkways, including those provided with pedestrian access ways, shall conform to all of the standards in subsections 1-4, as generally illustrated in Figure 3.1.300B:

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

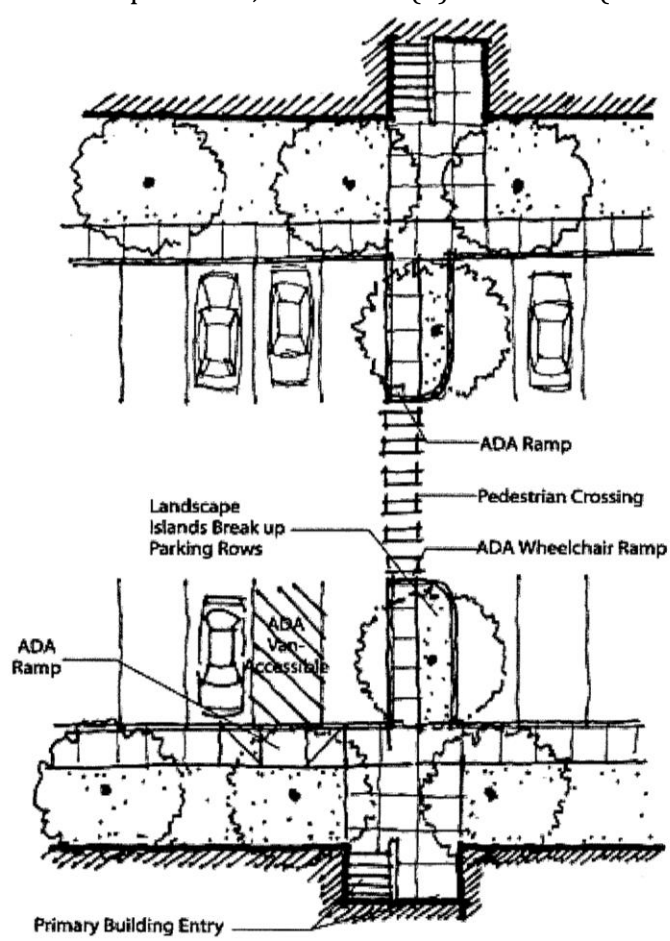
2. Crosswalks. Where walkways cross a parking lot or street ("crosswalk"), they shall be clearly marked with contrasting paving materials as approved by the Pubic Works Department.

Figure 3.1.300B
Pedestrian Walkway Detail (Typical)



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.

Chapter 3.2 — Landscaping, Street Trees, Fences and Walls

Sections:

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

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

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

3.2.200 Landscape Conservation

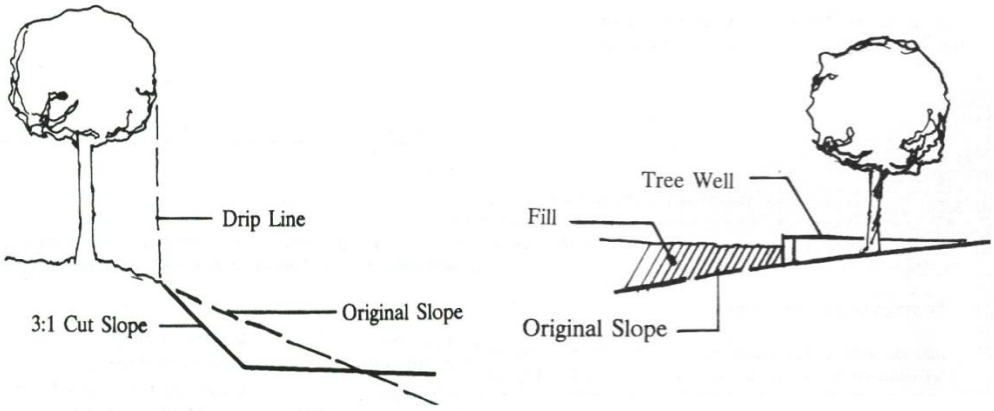
A. Applicability. All development sites containing Significant Vegetation, as defined below, shall comply with the standards of this Section. The purpose of this Section is to incorporate significant native vegetation into the landscapes of development.

B. Significant Vegetation. "Significant vegetation" means trees and shrubs that have a diameter of 6 inches or larger at four (4) feet height, except that protection shall not be required for plants listed as non-native, invasive plants by the Oregon State University (OSU) Extension Service in the applicable OSU bulletins for Baker County.

C. Mapping and Protection Required. The City also may require an inventory, survey, or assessment prepared by a qualified professional when necessary to determine construction boundaries, building setbacks, and other protection or mitigation requirements.

D. Protection Standards. Significant trees and shrubs identified as meeting the criteria in Section B, above, shall be retained to the extent practicable to minimize the risk of erosion, landslide, and stormwater runoff. Where protection is impracticable because it would prevent reasonable development of public streets, utilities, or land uses permitted by the applicable land use district, the City shall allow removal of significant vegetation from the building envelope as defined by required yard setbacks. Where other areas must be disturbed to install streets or utilities, the applicant may be required to restore such areas after construction with landscaping or other means to prevent erosion and to protect the public health, safety, and welfare. With the owner's consent, the City may accept a land dedication or become a party to a conservation easement on private property for conservation purposes.

E. Construction. All significant vegetation on a site that is not otherwise designated and approved by the City for removal through an approved site plan shall be protected prior to, during, and after construction in accordance with a limit-of-clearing and grading plan approved by the City. The City may limit grading activities and operation of vehicles and heavy equipment in and around significant vegetation areas to prevent erosion, pollution, or landslide hazards.



3.2.300 Landscaping

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

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

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

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

2. Central Commercial District: 0-5% percent of the site dependent on parcel and site plan.

3. General Commercial District: Campbell Street and Freeway Area – 10% of site; all other general commercial areas – 7%

4. General Industrial District and Light Industrial District: Zero percent of the site except that the approval body may require landscaping, fences, walls or other buffering that exceed the 0% landscaping standards when it finds through Site Design Review (Chapter 4.2), Conditional Use

Permit review (Chapter 4.4), and/or Master Planned Development review (Chapter 4.5), as applicable, that more or different buffering is necessary to mitigate adverse noise, light, glare, and/or aesthetic impacts to adjacent properties or public roads.

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

1. Existing Vegetation. Existing non-invasive vegetation may be used in meeting landscape requirements. When existing mature trees are protected on the site (e.g., within or adjacent to parking areas) the decision making body may reduce the number of new trees required by a ratio of one (1) inch diameter of new trees at four (4) feet height of new tree(s) for every one (1) inch diameter at four (4) feet height of existing tree(s) protected.

2. Plant Selection. A combination of deciduous and evergreen trees, shrubs, and ground covers shall be used for all planted areas, the selection of which shall be based on local climate, exposure, water availability, and drainage conditions. When new vegetation is planted, soils shall be amended, as necessary, to allow for healthy plant growth.

3. "Non-native, invasive" plants, as per Section 3.2.200.B, shall be removed during site development and the planting of new invasive species is prohibited.

4. Hardscape features, i.e., patios, decks, plazas, etc., may cover up to 30 percent of the required landscape area; except in the Central Commercial District where hardscape features may cover up to 100 percent of the landscape area. Swimming pools, sports courts, and similar active recreation facilities may not be counted toward fulfilling the landscape requirement.

5. Ground Cover Standard. All landscaped area, whether or not required, that is not planted with trees and shrubs, or covered with non-plant material (subsection 8, below), shall have ground cover plants that are sized and spaced as follows: a minimum of one plant per 12 inches on center in triangular spacing, or other planting pattern that is designed to achieve 50 percent coverage at maturity of the area not covered by shrubs and tree canopy.

6. Tree Size. Trees shall have a minimum diameter of two (2) inches or greater at time of planting as measured a four (4) feet above grade.

7. Shrub Size. Shrubs shall be planted from 5 gallon containers or larger.

8. Non-plant Ground Covers. Bark dust, chips, aggregate, or other non-plant ground covers may be used, but shall cover no more than 50 percent of the area to be landscaped and shall be confined to areas underneath plants. Non-plant ground covers cannot be a substitute for ground cover plants.

9. Significant Vegetation. Significant vegetation protected in accordance with Section 3.2.200 may be credited toward meeting the minimum landscape area standards. Credit shall be granted on a per square foot basis. The Street Tree standards of Section 3.2.400 may be waived by the City when existing trees protected within the front yard provide the same or better shading and

visual quality as would otherwise be provided by street trees.

10. Storm Water Facilities. Storm water treatment facilities (e.g., detention/retention ponds and swales designed for water quality treatment), when required under Section 3.4.400, shall be landscaped with water tolerant, native plants

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

1. Yard Setback Landscaping. Landscaping in yards shall:

   a. Provide visual screening and privacy within side and rear yards; while leaving front yards and building entrances mostly visible for security purposes;

   b. Use shrubs and trees as wind breaks;

   c. Retain natural vegetation;

   d. Define pedestrian pathways and open space areas with landscape materials;

   e. Provide focal points within a development, for example, by preserving large or unique trees or groves, hedges, and flowering plants;

   f. Use trees to provide summer shading within common open space areas and within front yards when street trees cannot be provided;

   g. Use a combination of plants for year-long color and interest;

   h. Use landscaping to screen outdoor storage and mechanical equipment areas, and to enhance graded areas such as berms, swales, and detention/retention ponds.

2. Parking areas. A minimum of 5 percent of the total surface area of all parking areas, as measured around the perimeter of all parking spaces and maneuvering areas, shall be landscaped. Such landscaping shall consist of "evenly distributed" shade trees with shrubs and/or ground cover plants that conform to the criteria in Section 3.2.300.E.1.a-h, above. "Evenly distributed" means that the trees and other plants are distributed around the parking lot perimeter and between parking bays to provide a partial canopy. At a minimum, one tree per six (6) parking spaces on average shall be planted to create a partial tree canopy over and around the parking area. All parking areas with more than 20 spaces shall include landscape islands with trees to break up the parking area into rows of not more than 12 contiguous parking spaces. All parking area landscapes shall have dimensions of not less than 24 ft^2 of area, or not less than 4 feet in width by 6 feet in length, to ensure adequate soil, water, and space for healthy plant growth.

3. Buffering and Screening Required. Buffering and screening are required under the following conditions:

a. Parking/Maneuvering Area Adjacent to Streets and Drives. Where a parking or maneuvering area is adjacent and parallel to a street or driveway, an evergreen hedge; decorative wall (masonry or similar quality material) with openings; arcade, trellis, or similar partially opaque structure 3-4 feet in height shall be established between street and driveway. The required screening shall have breaks, where necessary, to allow pedestrian access to the site. The design of the wall or screening shall also provide breaks or openings for visual surveillance of the site and security. Evergreen hedges used to comply with this standard shall be a minimum of 36 inches in height at maturity, and shall be of such species, number, and spacing to provide the required screening within one (1) year after planting. Any areas between the wall/hedge and the street/driveway line shall be landscaped with plants or other vegetative ground cover. Alternatively, an 8 foot wide planting strip with street trees subject to review by the Tree Board may fulfill the screening requirement.

b. Parking/Maneuvering Area Adjacent to Building. Where a parking or maneuvering area, or driveway, is adjacent to a building, the area shall be separated from the building by a curb and a raised walkway, plaza, or landscaped buffer not less than 5 feet in width. Raised curbs, bollards, wheel stops, or other design features shall be used to protect pedestrians, landscaping, and buildings from being damaged by vehicles. Where parking areas are located adjacent to residential ground-floor living space, a 4-foot wide landscape buffer with a curbed edge may fulfill this requirement.

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

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

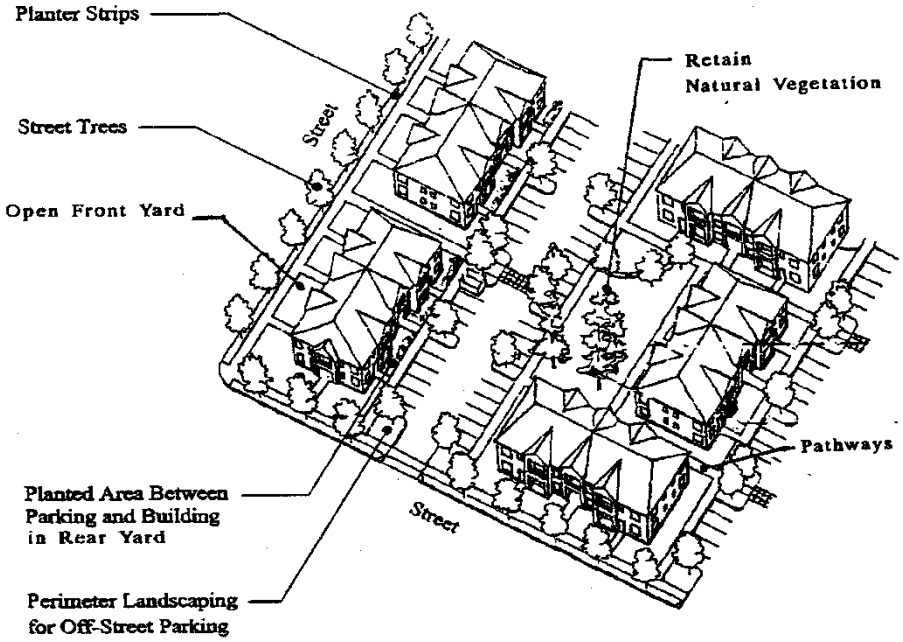
   Walls, fences, and hedges shall comply with the vision clearance requirements and provide for pedestrian circulation, in accordance with Chapter 3.1, Access and Circulation. (See Section 3.2.500 for standards specific to fences and walls.)

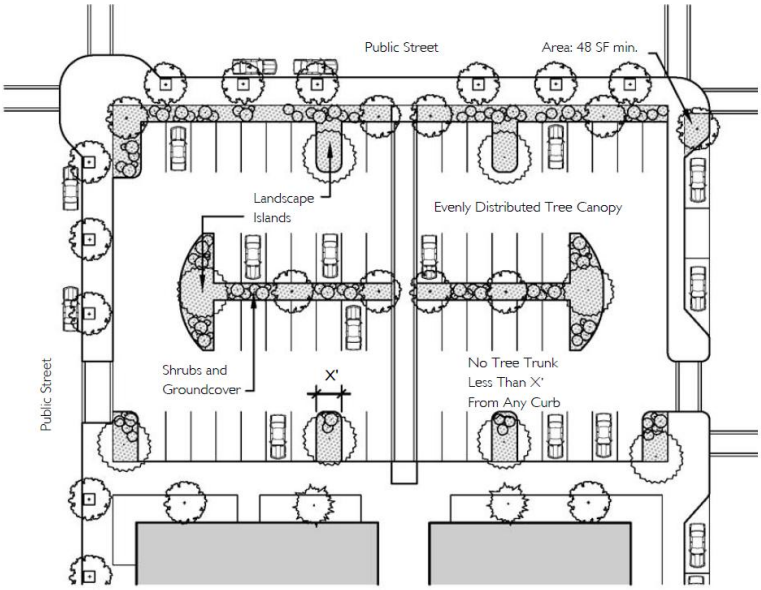
d. Flag Lot Screen. In approving a flag lot, the City may require a landscape screen and/or fence be installed along property line(s) of the flag lot, for privacy of adjoining residents, in accordance with the provisions of Section 4.3.115. A flag lot screen shall not be required if the abutting property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

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

condition, or otherwise replaced by the owner.

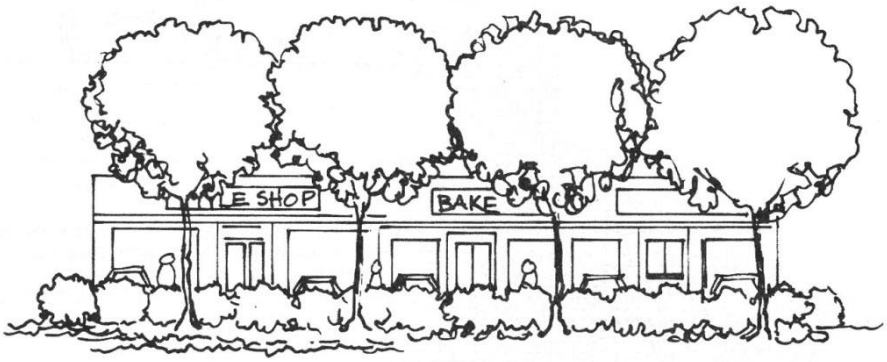
Figure 3.2.300.E General Landscape Areas (Typical)





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 3.4.100, 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 ft^2, or typically, 4 feet by 4 feet. In general, trees shall be spaced no more than 30 feet apart, except where planting a tree would conflict with existing trees, retaining walls, utilities and similar physical barriers. All street trees shall be placed outside utility easements. Refer to adopted spacing guidelines in Baker City Code Chapter 94.

E. Soil Preparation, Planting and Care. The developer shall be responsible for planting street trees, including soil preparation, ground cover material, staking, and temporary irrigation for two years after planting. The developer or property owner shall also be responsible for tree care (pruning, watering, fertilization, and replacement as necessary) for two years after planting or until such time as the responsibility is passed-on to the property owner adjacent to the planting strip.

F. Street Tree List. See the City Public Works Department for an official list of permitted street tree species.

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

A. General Requirements

1. All fences and walls shall comply with the height limitations of the respective zoning district (Article 2) and the standards of this Section. The City may require installation of walls and/or fences as a condition of development approval, in accordance with land division approval (e.g., flag lots), approval of a conditional use permit, or site design review approval. New fences and walls require Land Use Review (Type I) approval; if greater than 6 feet in height, a building permit is also required. (See also, Section 3.2.300 for landscape screening wall requirements.)

2. Fences shall not conflict with the requirements for clear vision areas set forth in section 3.1.200(N). The Planning Director may require greater setbacks or height limitations when it is determined that clear vision safety cannot be maintained under standard requirements.

3. All fences shall be constructed and maintained in a structurally sound manner. Fences which are structurally unsound are subject to abatement as set forth in subsection (F).

4. Fences may be constructed of wood, masonry, wire, or similar materials employed by standard building practice. Prohibited fence and wall materials include; straw bales; barbed or razor wire; scrap lumber, metal, tires or other scrap or salvage materials not originally designed as structural components of fences.

5. Any free-standing property perimeter wall which is not a retaining wall shall be considered a fence. Retaining walls may be constructed to the height necessary to protect a cut-fill type needed grade, but shall be a maximum of nine (9) inches above finished grade along the fill side of the wall.

6. Where an earthen berm is used as a barrier in lieu of a fence, the height restrictions of this resolution shall apply and shall be measured from the highest finished grade of the berm or any fence atop the berm.

7. It shall be the property owner's responsibility and obligation to identify the property line when proposing to construct a fence upon the property line. A property survey may be necessary to accurately determine the property line location. Property line disputes are a civil matter and may not be resolved by the City.

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

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

2. It is actually used for security of commercial or industrial property regardless of location. In such instances, any barbed wire must be planed above a fence at least otherwise six (6) feet in height.

3. No person shall install, maintain or operate any electric fence unless such fence is first approved by the City Manager or his or her designee. Electric fences must be set back at least five (5) feet from the property line or enclosed by additional fencing or other barriers which prevent access to the electric fence by persons on the adjacent property.

C. Dimensions – Residentially Zoned Fences

1. **Front Yard**. From the front yard set-back line (front plane of the structure) to the front property line, no fence shall exceed four (4) feet in height with the following exceptions. The front yard fence height may be up to (6) feet in height in accordance with the following illustration. If the property abuts a commercial or industrial zone, fences may be erected and maintained to a height of eight (8) feet along the commercial or industrial zone line.

2. **Rear and Side Yards**. Fences not to exceed six (6) feet in height are permitted in side and rear yards, but shall not extend into the front yard set-back area. If the property abuts a commercial or industrial zone, fences may be erected and maintained to a height of eight (8) feet along the zone line. For residential properties located in a commercial or industrial district, fences may be up to eight (8) feet tall on side and rear yards.

3. One arbor, gate, or similar garden structures not exceeding 8 feet in height and 4 feet in width is allowed within the front yard, provided that it is not within a clear vision triangle.

4. **Swimming Pool**. All swimming pools (any structure intended for swimming or recreational bathing that contains water over 24 inches deep-this includes in-ground, above-ground and on-ground swimming pools, hot tubs and spas) shall be enclosed by a fence which shall be at least four (4) feet in height and which shall be the type not readily climbed by children. The gate shall be a self-closing and latching type, the latch on the inside of the gate not readily available for children to open. The Barrier Requirements to bet met are identified in the ~~2011~~ Oregon ~~Residential~~ Specialty Code~~s Section AG105~~. These design controls are intended to provide protection against potential drowning and near- drowning by restricting access to swimming pools, spas and hot tubs.

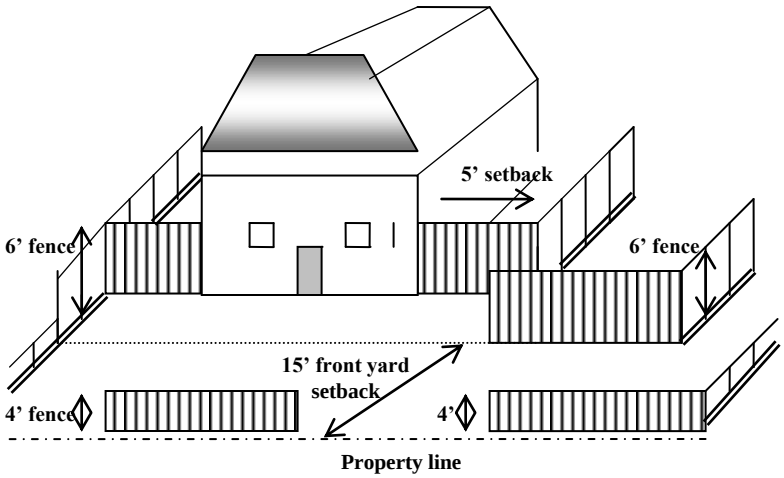


Figure 3.2.500(C) –When a 6-foot fence would be permitted in a front yard

D. Dimensions – Commercially Zoned Fences

1. **Front Yard.** Fences constructed within the front yard setback area shall not exceed six (6) feet in height. Front yard fences beyond the required front-yard setback line shall not exceed eight (8) feet in height.

2. **Side and Rear Yards.** The maximum height in the rear yard and in a side yard behind the required front-year setback shall be eight (8) feet.

E. Dimensions – Industrially Zoned Fences

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

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

Chapter 3.3 — Parking and Loading

Sections:

3.3.100 Purpose
3.3.200 Applicability
3.3.300 Automobile Parking Standards
3.3.400 Bicycle Parking Standards
3.3.500 Loading Areas

Background: The minimum parking standards in Chapter 3.3 balance parking demand with community goals for land use efficiency and resource conservation. This chapter provides a basic set of parking standards and encourages reductions in required parking when requested by applicants through individual or case-by-case determinations of parking need for specific uses. The code also encourages shared parking where two or more businesses with different peak customer hours can agree to pool their parking.

3.3.100 Purpose. The purpose of this Chapter is to provide basic and flexible standards for development of vehicle and bicycle parking. The design of parking areas is critically important to the economic viability of some commercial areas, pedestrian and driver safety, the efficient and safe operation of adjoining streets, and community image and livability. Historically, some communities have required more parking than is necessary for some land uses, paving extensive areas of land that could be put to better use. Because vehicle parking facilities occupy large amounts of land, they must be planned and designed carefully to use the land efficiently, minimize stormwater runoff, and maintain the visual character of the community. This Chapter recognizes that each development has unique parking needs and provides a flexible approach for determining parking space requirements (i.e., "minimum" and "performance-based" standards). This Chapter also provides standards for bicycle parking because many people use bicycles for recreation, commuting, and general transportation. Children as well as adults need safe and adequate spaces to park their bicycles throughout the community. In order to encourage the maximum use of Baker City's parking lots and to reduce the amount of urban land that must be dedicated to parking needs, Baker City encourages the application of a variety of flexible parking management tools including the use of shared parking lots and off-site leased parking.

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.

3.3.300 Automobile Parking Standards

A. Vehicle Parking - Minimum Standards by Use. The number of required off-street vehicle parking spaces shall be determined in accordance with the standards in Table 3.3.300.A, <u>or</u> alternatively, through a separate parking demand analysis prepared by the applicant and subject to a Type I Review, Type II Review, or Type III review dependent upon the classification of the application. Where a use is not specifically listed in this table, parking requirements are determined by finding that a use is similar to one of those listed in terms of parking needs, or by estimating parking needs

individually using the demand analysis option described above. Parking that counts toward the minimum requirement is parking in garages, carports, parking lots, bays along driveways, shared parking, and qualifying on-street parking.

B. **Central Commercial District – Minimum Standards.** There is no minimum number of off-street parking spaces required in the Central Commercial District (CC) for commercial uses however, the "maximum parking" standards of this Chapter apply. Residential uses within the Central Commercial District (CC) are subject to the minimum parking standards of this chapter, but residential parking requirements may be met with a variety of long-term lease, shared parking by easement or contract, or off-site parking options.

C. **Leased Parking.** Parking requirements may be satisfied by applicants who lease spaces from Baker City or from private parking lot operators if approved by the City. A copy of the active lease agreement shall be kept on file by the Planning Office, and planning approvals may be revoked if an active lease agreement in some acceptable capacity is not maintained.

Table 3.3.300.A – Minimum and Maximum Required Parking by Use

Use Categories (Examples of uses are in Chapter 1.4; definitions are in Chapter 1.3.)	**Minimum Parking per Land Use** (fractions rounded down to the closest whole number)
Maximum Allowed Parking	For parking areas exceeding 25 spaces, no use shall exceed 125% of the minimum requirement
RESIDENTIAL CATEGORIES	
Accessory Dwelling	None
Single Family Dwelling, including attached and detached dwellings and manufactured homes	2 parking spaces
Duplex	3 spaces per duplex
Multifamily	1 space/unit per 1 studio unit or 1-bedroom unit 1.5 spaces/unit per 2-bedroom unit 2 spaces/unit per 3 or more-bedroom unit
Group Living, such as nursing or convalescent homes, rest homes, assisted living, congregate care, and similar special needs housing	0.5 space per 4 bedrooms
Other Group Living	1 space per 2 bedroom
COMMERCIAL CATEGORIES	
Bed and Breakfast Inn	1 space per bedroom
Commercial Educational Services, not a school (e.g., tutoring or similar services)	2 space per 1,000 sq. ft. floor area
Commercial Outdoor Recreation	per CUP review (Chapter 4.4)
Commercial Parking Facility (when not an accessory use)	per CUP review (Chapter 4.4)

Table 3.3.300.A – Minimum and Maximum Required Parking by Use	
Use Categories (Examples of uses are in Chapter 1.4; definitions are in Chapter 1.3.)	**Minimum Parking per Land Use** (fractions rounded down to the closest whole number)
Drive-Up/Drive-In/Drive-Through *(drive-up windows, kiosks, ATM's, similar uses/facilities), per Section 2.3.190*	No requirement. See Section 2.3.190 for queuing area requirements
Major Event Entertainment	per CUP review (Chapter 4.4)
Offices	2 spaces per 1,000 ft^2 floor area
Quick Vehicle Servicing or Vehicle Repair. *(See also Drive-Up/Drive-In/Drive-Through Uses, per Section 2.3.190)*	2 spaces, or per CUP review (Chapter 4.4)
Retail Sales and Service *(See also Drive-Up Uses)*	Retail: 2 spaces per 1,000 ft^2, except bulk retail (e.g., auto, boat, trailers, nurseries, lumber and construction materials, furniture, appliances, and similar sales) 1 per 1,000 ft^2 Restaurants and Bars: 8 spaces per 1,000 ft^2 floor area Health Clubs, Gyms, Continuous Entertainment (e.g., bowling alleys): 3 space per 1,000 ft^2 Lodging (hotels, motels, inns) (see also Bed and Breakfast Inns): 0.75 per rentable room; for associated uses, such as restaurants, entertainment uses, and bars, see above Theaters and Cinemas: 1 per 6 seats
Self-Service Storage	No standard
INDUSTRIAL CATEGORIES	
Industrial Service (See also Drive-Up Uses)	1 space per 1,000 ft^2 of floor area
Manufacturing and Production	1 space per 1,000 ft^2 of floor area
Warehouse and Freight Movement	0.5 space per 1,000 ft^2 of floor area
Waste-Related	per CUP review (Chapter 4.4)
Wholesale Sales - fully enclosed - not enclosed	 1 space per 1,000 ft^2. per CUP review (Chapter 4.4)
INSTITUTIONAL CATEGORIES	
Basic Utilities Police and Fire Stations	None Per Site Design Review (Chapter 4.2)
Colleges	Per CUP review (Chapter 4.4)
Community Service	1 space per 200 sq. ft. of floor area
Daycare, adult or child day care; does not include Family Daycare (16 or fewer children) under ORS 657A.250	1 space per 500 sq. ft. of floor area
Detention Facilities and Correctional Institutions	Per Site Design Review (Chapter 4.2)
Medical Centers	Per Site Design Review (Chapter 4.2)

Table 3.3.300.A – Minimum and Maximum Required Parking by Use	
Use Categories (Examples of uses are in Chapter 1.4; definitions are in Chapter 1.3.)	**Minimum Parking per Land Use** (fractions rounded down to the closest whole number)
Parks and Open Areas	Determined per CUP review (Chapter 4.4) for active recreation areas, or no standard
Religious Institutions and Houses of Worship	1 space per 75 ft^2 of main assembly area; or per CUP review, as applicable
Schools	Grade, elementary, middle, junior high schools: 1 space per classroom, or per CUP review (Chapter 4.4) High schools: 7 per classroom, or per CUP review (Chapter 4.4)
OTHER CATEGORIES	
Accessory ~~Uses~~ Structures (with a permitted use)	No standard, except some uses may be required to provide parking under the minimum standards for primary uses, as determined by the decision body through Land Use Review, Conditional Use Permit review, or Site Design Review.
Agriculture – Animals	None, or per CUP review (Chapter 4.4)
Agriculture – Nurseries and similar horticulture	See Retail Sales and Wholesale, as applicable
Mining	Determined per CUP review (Chapter 4.4)
Radio Frequency Transmission Facilities	None
Rail Lines and Utility Corridors	None
Temporary Uses, per Section 4.9.100.	As determined per Section 4.9.100
Transportation Facilities	None

D. Vehicle Parking - Minimum Accessible Parking

1. Accessible parking shall be provided for all uses in accordance the standards in Table 3.3.300B; parking spaces used to meet the standards in Table 3.3.300B shall be counted toward meeting off-street parking requirements in Table 3.3.300A;
2. Such parking shall be located in close proximity to building entrances and shall be designed to permit occupants of vehicles to reach the entrance on an unobstructed path or walkway;
3. Accessible spaces shall be grouped in pairs where possible;
4. Where covered parking is provided, covered accessible spaces shall be provided in the same ratio as covered non-accessible spaces;
5. Required accessible parking spaces shall be identified with signs and pavement markings identifying them as reserved for persons with disabilities; signs shall be posted directly in front of the parking space at a height of no less than 42 inches and no more than 72 inches above pavement level. Van spaces shall be specifically identified as such.

Table 3.3.300B - Minimum Number of Accessible Parking Spaces Source: ADA Standards for Accessible Design 4.1.2(5)			
Total Number of	Total Minimum Number	Van Accessible	Accessible Parking

Parking Spaces Provided (per lot)	of Accessible Parking Spaces *(with 60" access aisle, or 96" aisle for vans*)*	Parking Spaces with min. 96" wide access aisle	Spaces with min. 60" wide access aisle
1 to 25	*Column A*	1	0
	1		
26 to 50	2	1	1
51 to 75	3	1	2
76 to 100	4	1	3
101 to 150	5	1	4
151 to 200	6	1	5
201 to 300	7	1	6
301 to 400	8	1	7
401 to 500	9	2	7
501 to 1000	2% of total parking provided in each lot	1/8 of Column A**	7/8 of Column A***
1001	20 plus 1 for each 100 over 1000	1/8 of Column A**	7/8 of Column A***
*vans and cars may share access aisles **one out of every 8 accessible spaces ***7 out of every 8 accessible parking spaces			

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

1. Dimensions. The following constitutes one on-street parking space:

   a. Parallel parking, each 22 feet of uninterrupted curb;

   b. 45 degree diagonal, each with 12 feet of curb;

   c. 90 degree (perpendicular) parking, each with 10 feet of curb.

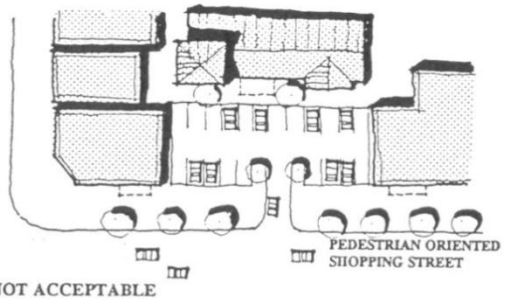
2. Location. Parking may be counted toward the minimum standards in Table 3.3.300A when it is on the block face abutting the subject land use. An on-street parking space must not obstruct a required clear vision area and its must not violate any law or street standard.
3. Public Use Required for Credit. On-street parking spaces counted toward meeting the parking requirements of a specific use may not be used exclusively by that use, but shall be available for general public use at all times. Signs or other actions that limit general public use of on-street spaces are prohibited.

F. Shared Parking. Required parking facilities for two or more uses, structures, or parcels of land may be satisfied by the same parking facilities used jointly, to the extent that the owners or operators show that the need for parking facilities does not materially overlap (e.g., uses primarily of a daytime versus nighttime nature; weekday uses versus weekend uses), and provided that the right of joint use is evidenced by a recorded deed, lease, contract, or similar written instrument establishing the joint use. The City may approve owner requests for shared parking through Land Use Review based on the following general standards:

1. If the applicants combine residential uses with non-residential uses having normal business hours between 8 a.m. and 6 p.m., each space may be counted for both uses.

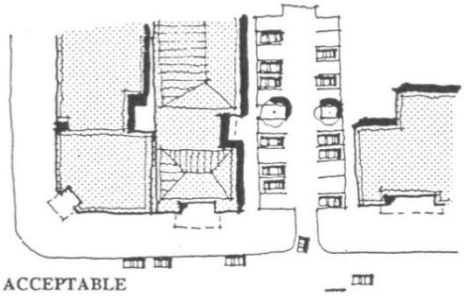
2. If the applicants can demonstrate to the satisfaction of the City that the peak business hours for each use are substantially different, such as an office having daytime hours combined with a restaurant or church having peak use in the evening or Sunday, each space may be counted for both uses.

Figure 3.3.300(F)1



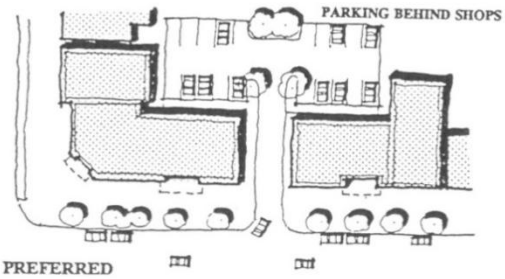
NOT ACCEPTABLE

Parking lots along the full length of the streetfront are generally inappropriate.



ACCEPTABLE

In certain situations, limited streetfront parking lots may be acceptable.



PREFERRED

Parking lots located behind shops and offices are preferred.

G. Off-site Parking. Except for single-family detached dwellings, the vehicle parking spaces required by this Chapter may be located on another parcel of land, provided the parcel is within a reasonable walking distance, generally interpreted to be within 500 feet of the use it serves, and the City has approved the off-site parking through Land Use Review. The distance from the parking area to the use shall be measured from the nearest parking space to a building entrance, following a sidewalk or other pedestrian route. The right to use the off-site parking must be evidenced by a recorded deed, lease, easement, or similar written instrument.

H. General Parking Standards.

1. Location. Parking is allowed only on streets, within garages, carports, and other structures, or on driveways or parking lots that have been developed in conformance with this code. Article 2, Land Use Districts, prescribes parking location for some land uses (*e.g.,* the requirement that parking for some multiple family and commercial developments be located to side or rear of buildings). Where physically possible, parking lots shall be located behind buildings, such that buildings separate parking areas from the street. In cases where this is not possible, parking may be located to the side of a building, but in no case shall the parking area be wider than 50 percent of the lot frontage in commercial land use districts and industrial land use districts.

Parking shall not be placed to the side of a building adjacent to a street unless there is no other feasible alternative. See Figure 3.3.300.F(1) for design guidance. Chapter 3.1, Access and Circulation, provides design standards for driveways. Street parking spaces shall not include space in a vehicle travel lane (including emergency or fire access lanes), public right-of-way, pedestrian accessway, landscape, or other undesignated area.

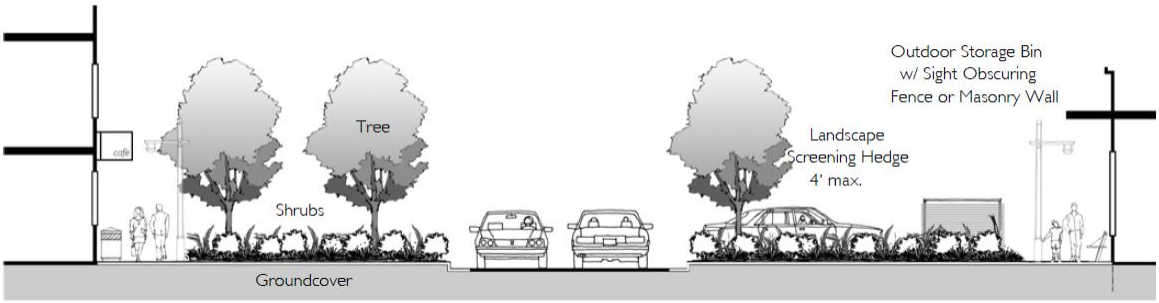
2. Mixed Uses. If more than one type of land use occupies a single structure or parcel of land, the total requirements for off-street automobile parking shall be the sum of the requirements for all uses, unless it can be shown that the peak parking demands are actually less (i.e., the uses operate on different days or at different times of the day). The City may reduce the total parking required accordingly through Land Use Review.

3. Availability of Facilities. Owners of off-street parking facilities may post a sign indicating that all parking on the site is available only for residents, customers, and/or employees. Signs shall conform to the standards of Chapter 3.5.

4. Lighting. All parking areas for more than 10 vehicles serving business uses and collective residential parking shall be illuminated during the hours between sunset and sunrise when the use is in operation. Any light standards associated with parking lots shall be directed downward only and shielded to prevent lighting spillover into any adjacent residential district or use. Fixtures shall be equipped with or be capable of being back fitted with light directing devices such as shield, visors or hood when necessary to redirect offending light distribution. Lights shall be installed or aimed so that they do not project their output into the window of a neighboring residence, an adjacent use, or directly skyward.

5. Screening of Parking Areas. When parking areas are located adjacent to a street or sidewalk, additional design methods need to be employed to provide an effective screen and deemphasize large expanses of pavement. The use of trees, evergreen shrub hedges, landscaped berms and/or screening walls shall be used in such locations. The final screening design shall be approved by the City. Effective options include a four foot tall fence constructed of wood, vinyl designed to look like wood, brick, stone, stucco over concrete block, ornamental iron grate with brick or stone blasters, or a hedge that will reach at least four feet at maturity. See Figure 3.3.300F(2) for design guidance.

Figure 3.3.300.F (2) - Parking Area Screening



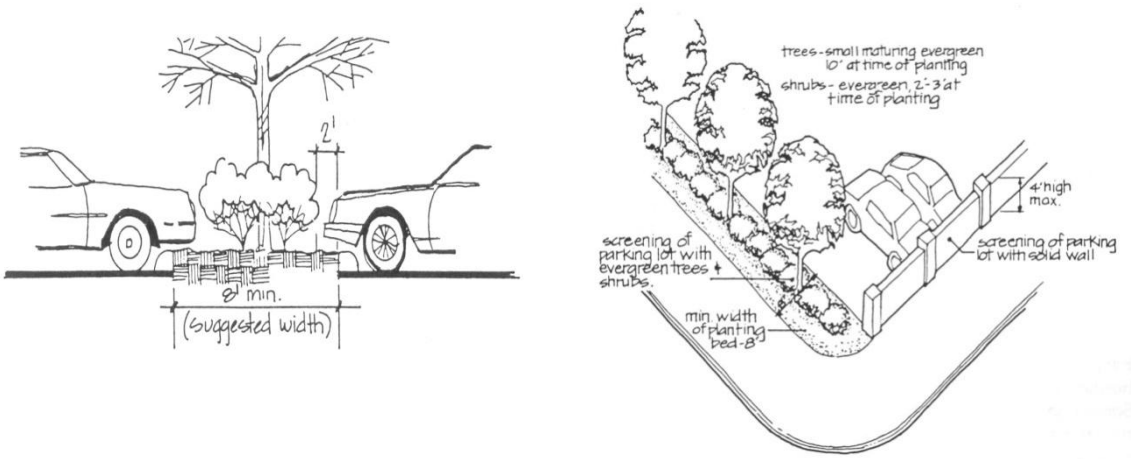


Figure 3.3.300.F (3) and (4) - Parking Area Screening

I. Parking Stall Design and Minimum Dimensions. All off-street parking spaces shall be improved to conform to City standards for surfacing, stormwater management, and striping. Standard parking spaces shall conform to the following standards and the dimensions in Figures 3.3.300F(5) and (6), and Table 3.3.300.F:

1. Motor vehicle parking spaces shall measure eight (8) feet six (6) inches wide by eighteen (18) feet long or by sixteen (16) feet long, with not more than a two (2) foot overhang when allowed;

2. All parallel motor vehicle parking spaces shall measure eight (8) feet six (6) inches by twenty-two (22) feet;

3. Parking area layout shall conform to the dimensions in Figure 3.3.300F(5) and (6), and Table 3.3.300.F, below;

4. Parking areas shall conform to Americans With Disabilities Act (ADA) standards for parking spaces (dimensions, van accessible parking spaces, etc.). Parking structure vertical clearance, van accessible parking spaces, should refer to Federal ADA guidelines.

Figure 3.3.300.F(5) - Parking Area Layout

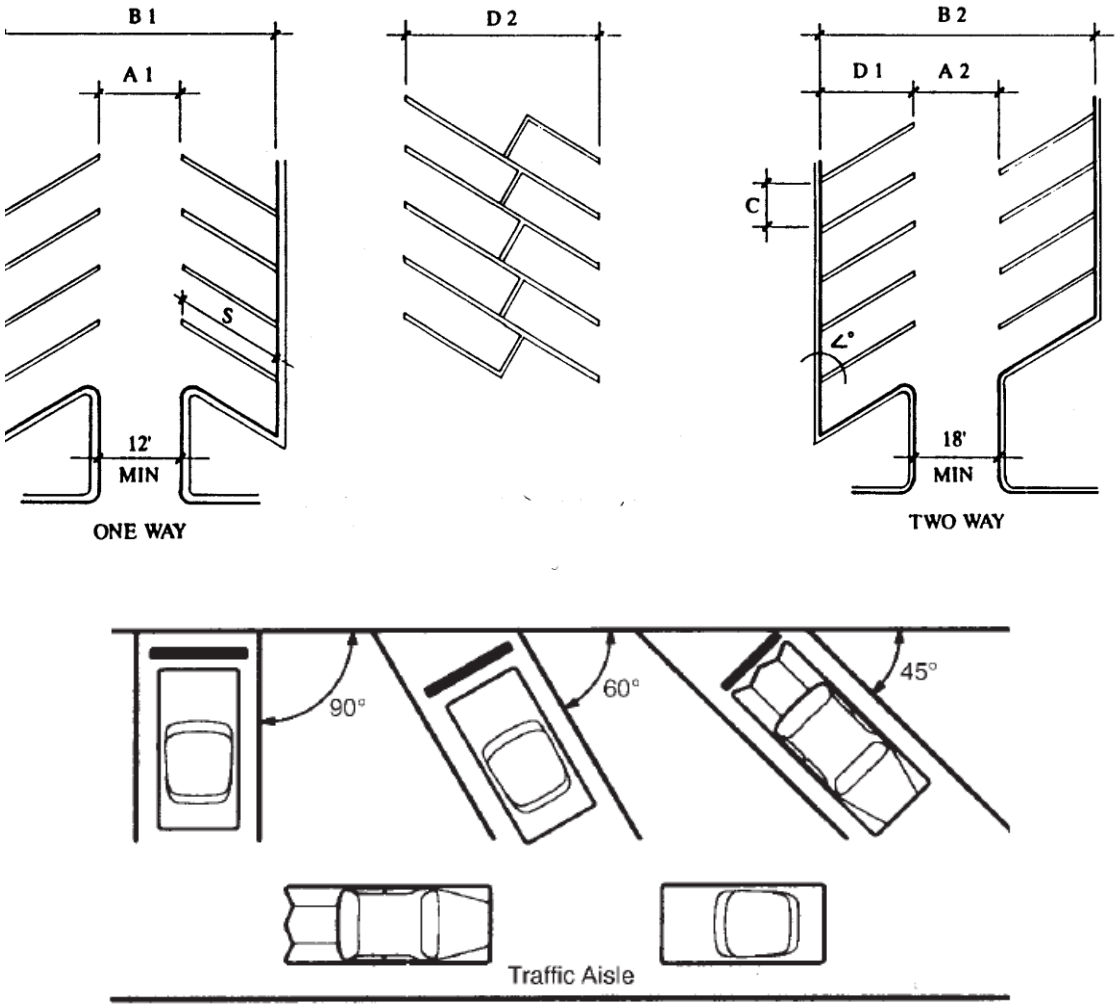


Figure 3.3.300.F(6) Disabled Person Parking Requirements

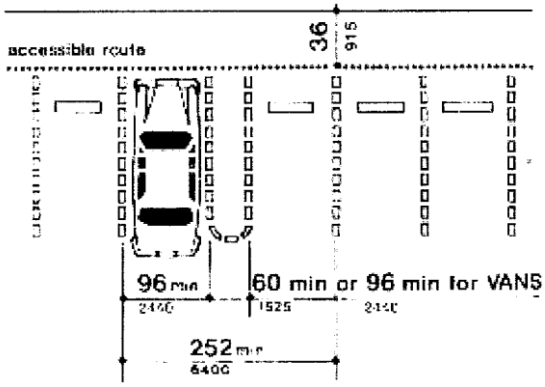


Table 3.3.300.F - Parking Area Layout*									
	PARKING ANGLE **< °**	CURB LENGTH **C**	STALL DEPTH		AISLE WIDTH		BAY WIDTH		STRIPE LENGTH **S**
			SINGLE **D1**	DOUBLE **D2**	ONE WAY **A1**	TWO WAY **A2**	ONE WAY **B1**	TWO WAY **B2**	
Standard Car Stall width = 8'-6"	90°	8'-6"	18'	36'	23'	23'	59'	59'	18'
	60°	10'	20'	40'	17'	18'	57'	58'	23'
	45°	12'	18'-6"	37'	13'	18'	50'	55'	26'-6"
	30°	17'	16'-6"	33'	12'	18'	45'	51'	32'-8"
	0°	22'	8'-6"	17'	12'	18'	29'	35'	8'-6"
Large Car Stall width = 10'	90°	10'	20'	40'	24'	30'	64'	70'	20'
	60°	11'-6"	22'-6"	45'	20'	24'	65'	69'	25'-9"
	45°	14'	21'	42'	16'	20'	58'	62'	30'
	30°	20'	19'	38'	14'	20'	52'	58'	37'-4"
	0°	26'	10'	20'	14'	20'	34'	40'	10'

**See Figure 3.3.300F(6) for ADA space requirements.*

Important cross-references:
See also, Article 2 – Land Use District standards, for parking location requirements for some multifamily and commercial land uses; Chapter 3.1 – Access and Circulation, for driveway standards; Chapter 3.2 – Landscaping.

3.3.400 Bicycle Parking Standards

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

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

Table 3.3.400 – Minimum Required Bicycle Parking by Use		
Use Categories	**Specific Uses**	**Bicycle Parking Spaces**
RESIDENTIAL CATEGORIES		
Household Living	Multifamily	2, or 1 per 20 units
	3 story Multifamily or higher	**Long-Term Spaces** 1 per 3 units
Group Living		None
	Dormitory	None
COMMERCIAL CATEGORIES		
Commercial Outdoor Recreation		None
Office		2, or 1 per 40,000 sq. ft. of floor area
Major Event Entertainment		None
Retail Sales And Service		2, or 1 per 5,000 sq. ft. of floor area
	Lodging	2, or 1 per 20 rentable rooms
INDUSTRIAL CATEGORIES		
Manufacturing And Production		None
Warehouse And Freight Movement		None
INSTITUTIONAL CATEGORIES		
Basic Utilities	Bus transit center	None
Community Service		2, or 1 per 10,000 sq. ft. of floor area
	Park and ride	None
Parks (active recreation areas only)		8, or per CU review
Schools	Grades 1-8	One (1) short-term space per classroom, plus one (1) long-term space per classroom
	Grades 9-12	One (1) short-term space per classroom, plus one (1) long-term space per classroom, or per CUP review
Colleges	Excluding dormitories (see Group Living, above)	2 per classroom
Medical Centers		2, or 1 per 40,000 sq. ft. of net building area, or per CU review
Religious Institutions and Places of Worship		2, or 1 per 10,000 sq. ft. of net building area
Daycare		2, or 1 per 10,000 sq. ft. of net building area

Table 3.3.400 – Minimum Required Bicycle Parking by Use		
Use Categories	**Specific Uses**	**Bicycle Parking Spaces**
OTHER CATEGORIES		
Other Categories	Determined through Land Use Review, Site Design Review or CU Review, as applicable	

C. Exemptions. This Section does not apply to single-family and two-family housing (attached, detached, or manufactured housing), home occupations, agriculture and livestock uses.

D. Location and Design. Short-term bicycle parking should, where possible, be no farther from the main building entrance than the distance to the closest vehicle space, or 50 feet, whichever is less. Long-term (*i.e.,* covered) bicycle parking, where required, should be incorporated into a building's design. Short-term bicycle parking, when allowed within a public right-of-way, should be coordinated with the design of street furniture, as applicable.

E. Visibility and Security. Bicycle parking for customers and visitors of a use shall, where possible, be visible from street sidewalks or building entrances, so that it provides sufficient security from theft and damage.

F. Options for Storage. Long-term bicycle parking requirements for multiple family uses and employee parking can be met by providing a bicycle storage room, bicycle lockers, racks, or other secure storage space inside or outside of the building. Long-term bicycle parking requirements for other uses can be met by locating parking in a covered area, such as under a canopy, eave, or stairway, or within a building or storage locker.

G. Lighting. For security, bicycle parking shall be at least as well lit as vehicle parking.

H. Reserved Areas. Areas set aside for bicycle parking shall be clearly marked and reserved for bicycle parking only.

I. Hazards. Bicycle parking shall not impede or create a hazard to pedestrians. Parking areas shall be located so as to not conflict with vision clearance standards (Chapter 3.1, Access and Circulation).

3.3.500 Loading Areas

A. Purpose. The purpose of this section of the Code is to provide standards (1) for a minimum number of off-street loading spaces that will ensure adequate loading areas for large uses and developments, and (2) to ensure that the appearance of loading areas is consistent with that of parking 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 ft^2 or more total floor area.

C. Number of Loading Spaces.

1. R<u>esidential buildings.</u> Buildings where all of the floor area is in residential use shall meet the

following standards:

a. Fewer than 50 dwelling units on a site that abuts a local street: No loading spaces are required.

b. All other buildings: One space.

2. Non-residential and mixed-use buildings. Buildings where any floor area is in non-residential uses shall meet the following standards:

a. Shall be determined during the time of Site Design Review.

D. Size of Spaces. Required loading spaces shall be at least 35 feet long and 10 feet wide, and shall have a height clearance of at least 13'-16".

E. Placement, setbacks, and landscaping. Loading areas shall conform to the setback and perimeter landscaping standards in Articles 2 and 3. Where parking areas are prohibited between a building and the street, loading areas are also prohibited. The decision body may approve a loading area adjacent to or within the street right-of-way through Site Design Review or Conditional Use Permit review, as applicable, where it finds that loading and unloading operations are short in duration (*i.e.,* less than one hour), not obstruct traffic during peak traffic hours, or interfere with emergency response services.

Chapter 3.4 — Public Facilities

Sections:

3.4.~~0~~100 Purpose and Applicability
3.4.200 Public Improvements
3.4.300 Transportation Standards
3.4.~~42~~00 Public Use Areas
3.4.~~53~~00 Sanitary Sewer and Water Service Improvements
3.4.~~64~~00 Storm Drainage Improvements
3.4.~~75~~00 Utilities
3.4.~~86~~00 Easements
3.4.~~97~~00 Construction Plan Approval and Assurances
3.4.~~108~~00 Installation
3.4.~~119~~00 Waiver or Deferral of Sidewalk Improvements

Background: Chapter 3.4 provides standards for new developments and land divisions, and general procedures for the review of public improvement plans. The code also cross-references the city's public facility master plans (water, sanitary sewer, storm drainage), Transportation System Plan, and engineering design criteria and standards.

Transportation Planning Rule: Section 3.4.100 implements parts of OAR 660-012-0045 and 660-012-0060. It provides functional classifications for streets, typical street sections, and improvement standards (i.e., operation, safety, level of service, etc.). The street sections that are provided for local streets, collectors, and arterials address the TPR provisions related to narrow street standards.

Reference: See the Transportation and Growth Management Program's *Neighborhood Street Design Guidelines: an Oregon Guide for Reducing Street Widths.*

3.4.~~0~~100 Purpose and Applicability

A. Purpose. The purpose of this Chapter is to provide planning and design standards for public and private transportation facilities and utilities. Streets are the most common public spaces, touching virtually every parcel of land. Therefore, one of the primary purposes of this Chapter is to provide standards for attractive and safe streets that can accommodate vehicle traffic from planned growth and provide a range of transportation options, including options for driving, walking, and bicycling. This Chapter is also intended to implement the City's Transportation System Plan.

B. Applicability~~When Standards Apply~~. 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.

3.4.200 Public Improvements

A. Conditions of Development Approval. No development may occur unless required public ~~facilities~~ improvements are in place or guaranteed, in conformance with the provisions of this Code. ~~Improvements required as a condition of development approval, when not voluntarily accepted by the applicant, shall be roughly proportional to the impact of the development on public facilities. Findings in the development approval shall indicate how the required improvements are directly related and roughly proportional to the impact.~~ 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

B. Public Improvements and Exaction. When not voluntarily accepted by the applicant, all new development must adhere to public improvement requirements if required as a condition of developmental approval. Public improvement requirements shall be based on nexus and rough proportionality:

1. Nexus. A reasonable relationship and demonstrated nexus between the required public improvement and the cost of a development's impacts on public infrastructure must exist. Analysis may evaluate the following criteria:

   a. street classification
   b. infrastructure connectivity
   c. public transportation system
   d. accident mitigation
   e. surrounding land use and neighborhood amenities
   f. benefit to development project
   g. Baker City Transportation System Plan
   h. Baker City Comprehensive Plan
   i. adopted street plans
   j. other information demonstrating a nexus between exaction and the proposed development

2. Rough Proportionality. An individualized determination must quantify the impacts of the development compared to the public improvement costs. Rough proportionality costs shall be verified by a City-designated engineer. The cost of the public improvement shall not exceed the estimated cost of impacts to public infrastructure. An analysis may include:

   a. transportation demand based on land use specific trip generation rates or equations from the *Institute of Transportation Engineers (ITE) Trip Generation Manual*
   b. proposed intensity of development
   c. length of trips associated with the identified land use type(s)
   d. cost per vehicle mile traveled on city streets.

e. a time period not to exceed 25 years
f. other information that may assist in determining rough proportionality

3.4.~~100~~ 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 within or adjacent to a development shall be improved in accordance with the Transportation System Plan and the provisions of this Chapter;

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. Sidewalks are required for all new development, except where specifically exempt by other provisions of this Code;

6. Where the TSP designates a multi-use path, the City may allow construction of a multi-use path in lieu of a standard sidewalk improvement. This option applies only in locations where providing both a multi-use path and a standard sidewalk would be redundant.

7. Where it is impractical for a developer or builder to provide a required sidewalk improvement at the time of development or construction, as applicable, the City decision body may require 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.

8. New streets, drives, and shared use paths shall be paved with asphalt, concrete, or other all-weather surface approved by the Public Works Director, pursuant to this Chapter.

B. Guarantee. The City may accept a future improvement guarantee (*e.g.,* owner agrees not to object to the formation of a local improvement district in the future) in lieu of street improvements if one or more of the following conditions exist:

1. A partial improvement may create a potential safety hazard to motorists or pedestrians;

2. Due to the developed condition of adjacent properties it is unlikely that street improvements would be extended in the foreseeable future and the improvement associated with the project under review does not, by itself, provide increased street safety or capacity, or improved pedestrian circulation;

3. The improvement would be in conflict with an adopted capital improvement plan; or

4. The improvement is associated with an approved land partition in a residential District and the proposed land partition does not create any new streets**.**

C. 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 Section 10.207.

D. 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.

E. Street Location, Width, and Grade. Except as noted below, the location, width and grade of all streets shall conform to the Transportation System 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:

1. Street grades shall be approved by the City Engineer in accordance with the design standards in subsection 'O', below; and

2. Where the location of a street is not shown in an existing street plan, the location of streets in a development shall either:

   a. Provide for the continuation and connection of existing streets in the surrounding areas, conforming to the street standards of this Chapter, or
   b. 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.

F. Minimum Rights-of-Way and Street Sections. Except as provided by subsections (1) and (2) below, street rights-of-way and improvements shall be the widths in Table 3.4.100.F, as generally depicted in Figures 3.4.100.F(1) through (12). The basic public local residential street section shall be 28' with parking on both sides as shown in Table 3.4.100.F for streets with an anticipated traffic demand of 500 ADT or less, and 32' with parking on both sides as shown in Table 3.4.100.F when the anticipated traffic demand will be greater than 500 ADT.

1. The Baker City Public Works Director shall have the discretion to approve alternative sections to those shown in Table 3.4.100.F and Figures 3.4.100.F(1) through (12), 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 3.4.100.F and Figures 3.4.100.F(1) through (12), as may be proposed under a Master Planned Development.

   a. Anticipated traffic generation and/or factors of limited access;

   b. On-street parking needs;

   c. Requirements for the placement of utilities. Preliminary engineering for utilities on narrow streets or those with significant variance in curve radii may be required;

   d. Protection of significant environmental resources or reduction of potential impacts;

   e. Advancement of urban or neighborhood design objectives, including but not limited to traffic calming, and general pedestrian safety and comfort;

   f. Access needs for emergency vehicles; and

   g. Other engineering or urban design factors as may be relevant.

2. Half-Street Improvements. With the Public Works Director's concurrence, the Planning Commission shall have the discretion to approve a half-street dedication and street frontage improvement where the developer does not own or control both sides of the subject right-of-way and where the new development will generate less than less than 300 Average Daily Trips (ADT).

Table 3.4.100.F Street Standards from the adopted Transportation System Plan

Street Type	Ave. Daily Trips (ADT)	Right-of-Way Width	Curb-to-Curb Paved Width	Within Curb-to-Curb Area: Motor Vehicle Travel Lanes	Median/ Center Turn Lane	Bike Lanes	On-Street Parking	Curb	Planting Strips, or Swales	Side-walks	Multi-Use Paths
URBAN ARTERIALS: 8,000 - 30,000 ADT											
Urban Arterial Street *(50' Paving with No Parking)*		80'	50' w/ 14' raised median	2 at 12'	14'	2 at 6'	none	6"	6'	8'	
Urban Arterial Street *(with Parking on Both Sides)*		80'	64' w/14' raised median	2 at 12'	12-14'	2 at 5'-6'	8' parallel (both sides)	6"	None	7'	
Commercial Street *(36'*		80'	36'	2 at 12'	None	2 at 6'	None	6"	11'-15'	6'	10' Option

Table 3.4.100.F Street Standards from the adopted Transportation System Plan

Street Type	Ave. Daily Trips (ADT)	Right-of-Way Width	Curb-to-Curb Paved Width	Within Curb-to-Curb Area: Motor Vehicle Travel Lanes	Median/ Center Turn Lane	Bike Lanes	On-Street Parking	Curb	Planting Strips, or Swales	Side-walks	Multi-Use Paths
Paving with No Parking)											al
Commercial Street *(50' Paving with Parking on Both Sides)* [1]		80'	50'	2 at 12'	None	2 at 5'	8' parallel (both sides)	6"	8' with 6' sidewalk or none with 14' sidewalk	6' or 14'	
COLLECTORS											
Major Collector Street	Greater than 1,500 ADT	80'	52'	24'	None	2 at 5'	9' parallel (both sides)	6"	7'	6'	
Minor Collector Street	1,000 to 1,500 ADT	60'	36'	22'	None	None	7' parallel (both sides)	6"	5'	6'	
Local Industrial [2]		60'	24'	24'	None	None	None	-	None	None	
LOCAL RESIDENTIAL STREETS: Less than 1,000 ADT											
Local Residential Street *(32' Parking Both Sides)*	500 to 1,000 ADT	60'	32'	2 at 9'	None	None	7' parallel (both sides)	6"	8'	5'	
Local Residential Street *(28' Parking Both Sides)*	< 500 ADT	54'	28'	14'	None	None	7' parallel (both sides)	6"	7'	5'	
Improvement Option for Existing Unpaved Local Residential Street	< 250 [3] ADT	Existing Right-of-Way	-	20'	None	None	None	-	6' minimum swale	-	6'
Multi-Use Path Street Option		Existing Right-of-Way	-	24'	None	None	None	-	7'	-	10'

[1] Design may utilize either setback sidewalks with a landscape strip or a continuous 14' sidewalk with a 4'-5' wide strip for amenities (lighting, trees, benches, etc.) adjacent to the curb. The Central Commercial Zone will have 14' sidewalks with amenities and the General Commercial Zone shall have the landscape strip and sidewalks.

[2] Section to be used only for industrial streets that are not designated as Collectors or Arterials.

[3] Requires Public Works Department discretionary approval. "No Parking" signs required.

Figure 3.4.100.F(1) Urban Arterial Street (50' Paving with No Parking)

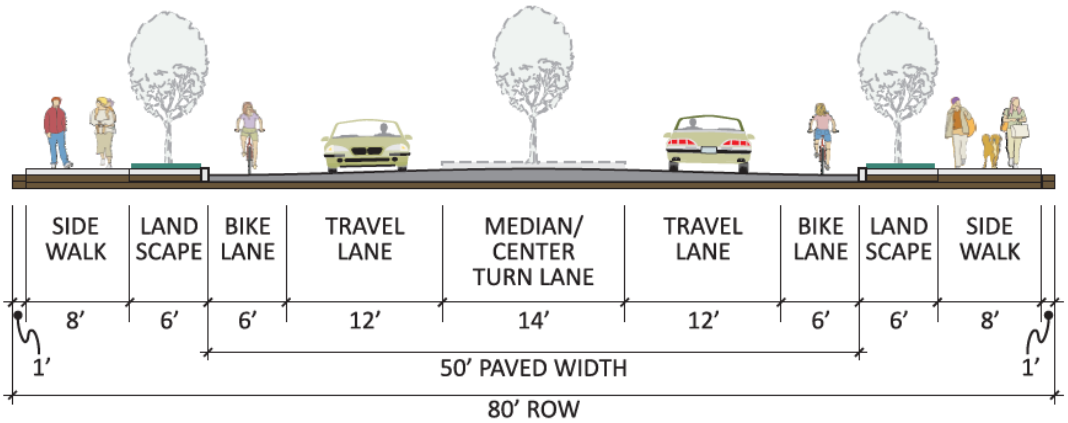


Figure 3.4.100.F(2) Urban Arterial Street (with Parking on Both Sides)

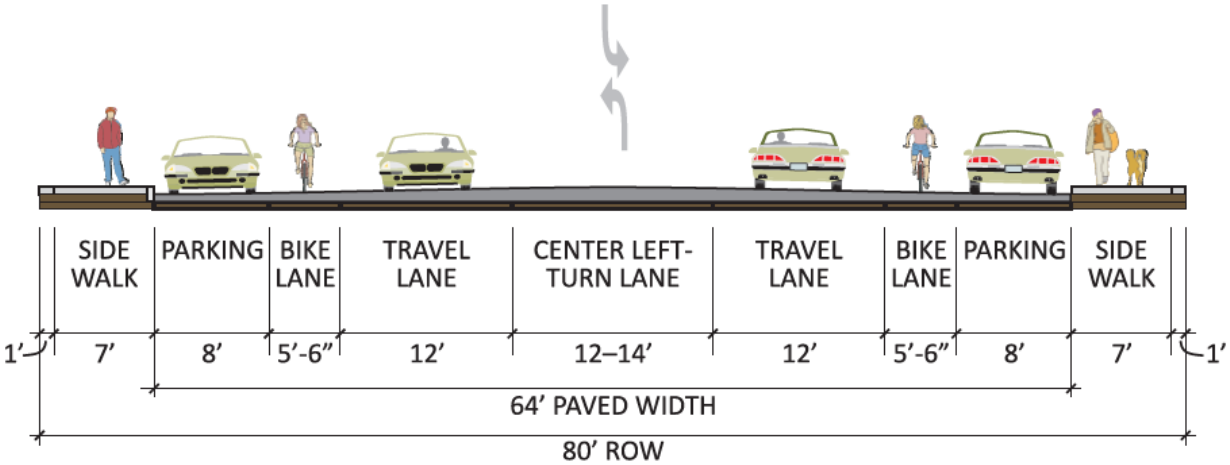
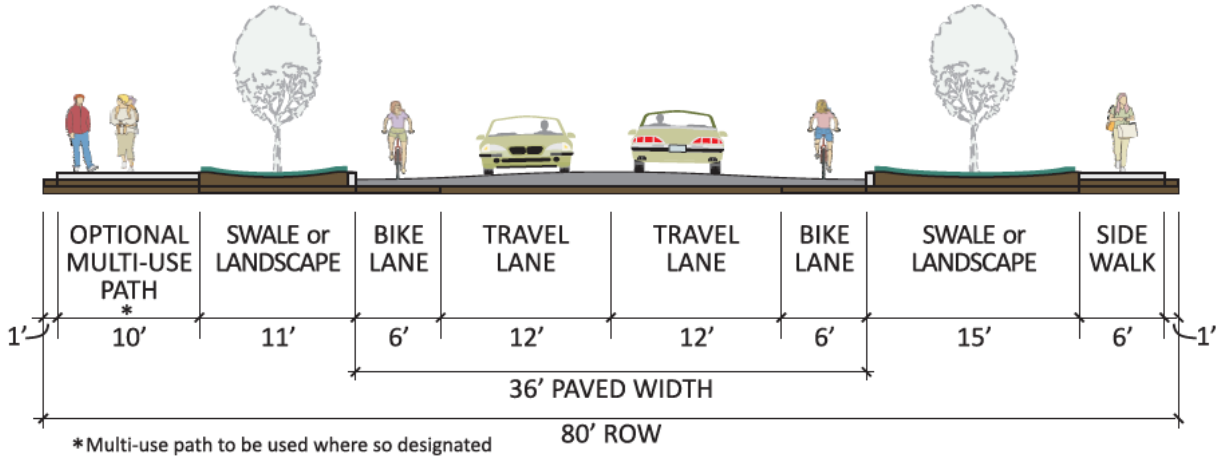
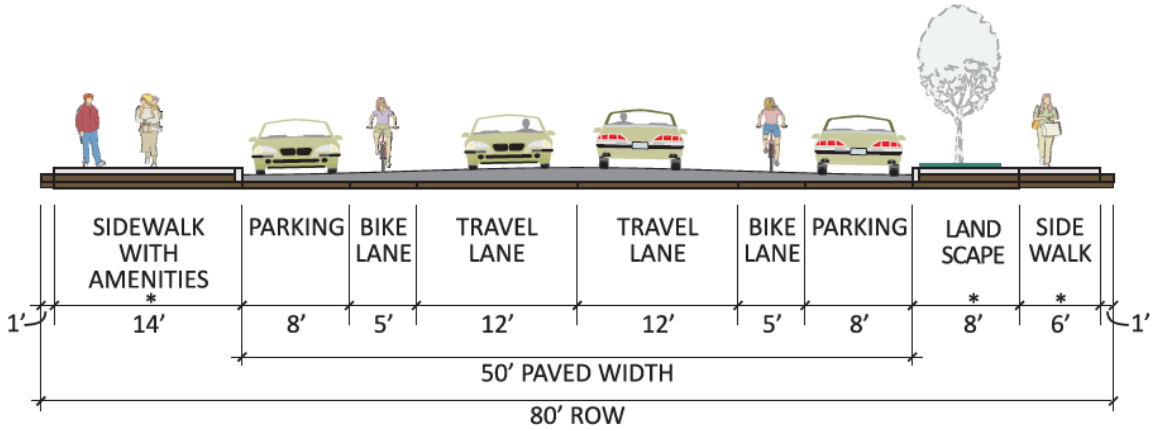


Figure 3.4.100.F(3) Commercial Street (36' Paving with No Parking)



*Multi-use path to be used where so designated in the TSP or where approved for use by City Engineer. When no multi-use path is used, provide 6' sidewalk on both sides.

Figure 3.4.100.F(4) Commercial Street (50' Paving with Parking on Both Sides)



* Design may utilize either setback sidewalks with a landscape strip or a continuous 14' sidewalk with a 4' – 5" wide strip for amenities (lighting, trees, benches, etc.) adjacent to curb. The Central Commercial Zone will have 14' sidewalks with amenities and the General Commercial Zones shall have the landscape strip and sidewalks.

Figure 3.4.100.F(5) Major Collector Street

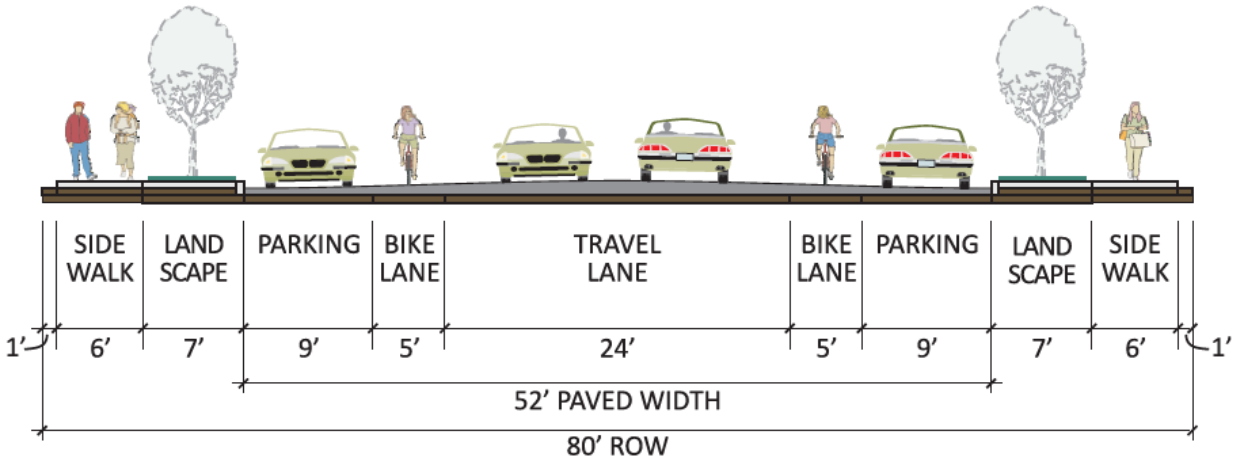


Figure 3.4.100.F(6) Minor Collector Street

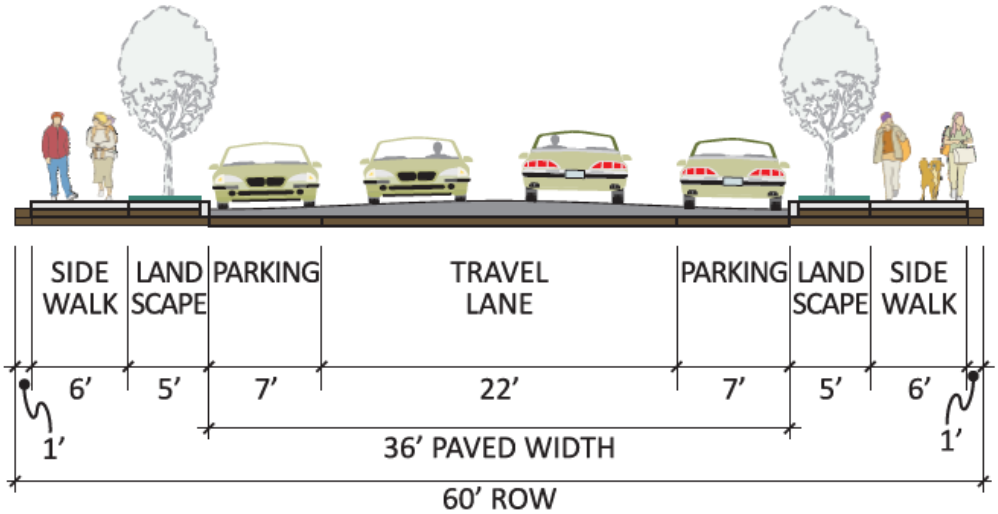


Figure 3.4.100.F(7) Local Industrial Street

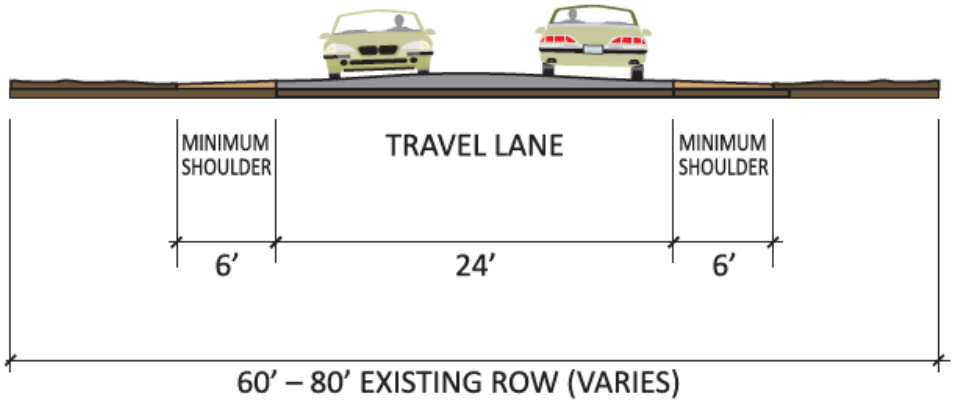


Figure 3.4.100.F(8) Local Residential Street (32' Parking on Both Sides)

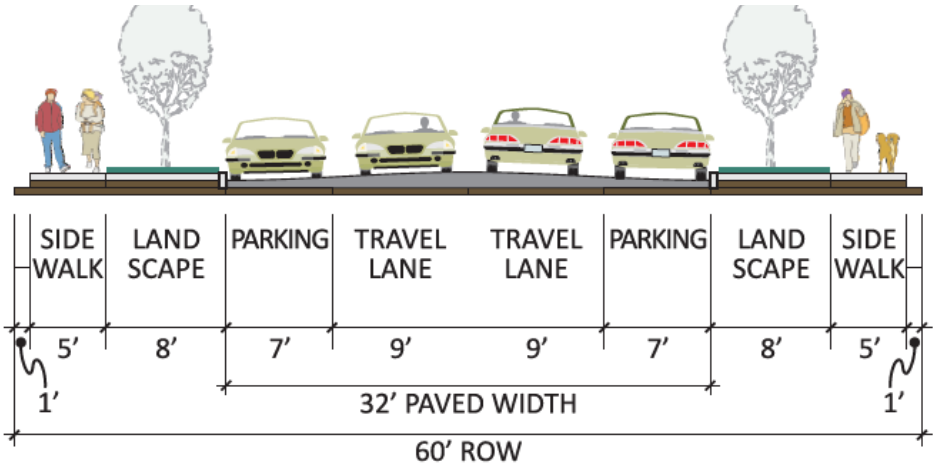


Figure 3.4.100.F(9) Local Residential Street (28' Parking on Both Sides)

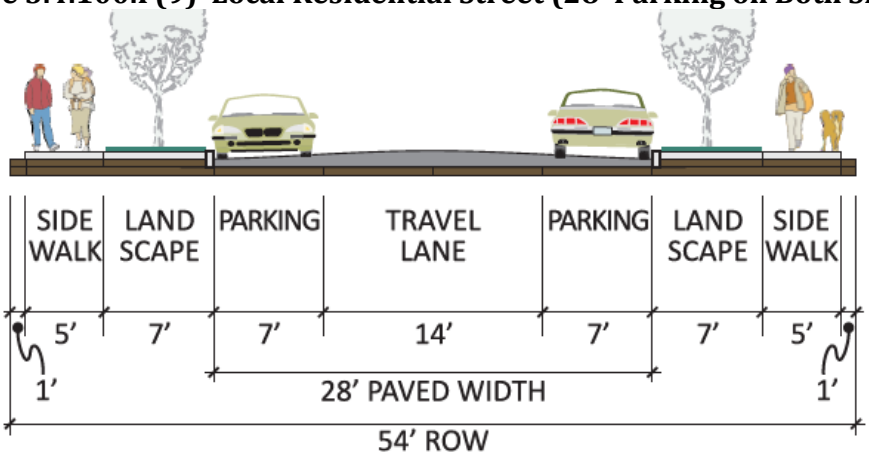


Figure 3.4.100.F(10) Improvement Option for Existing Unpaved Local Residential Street

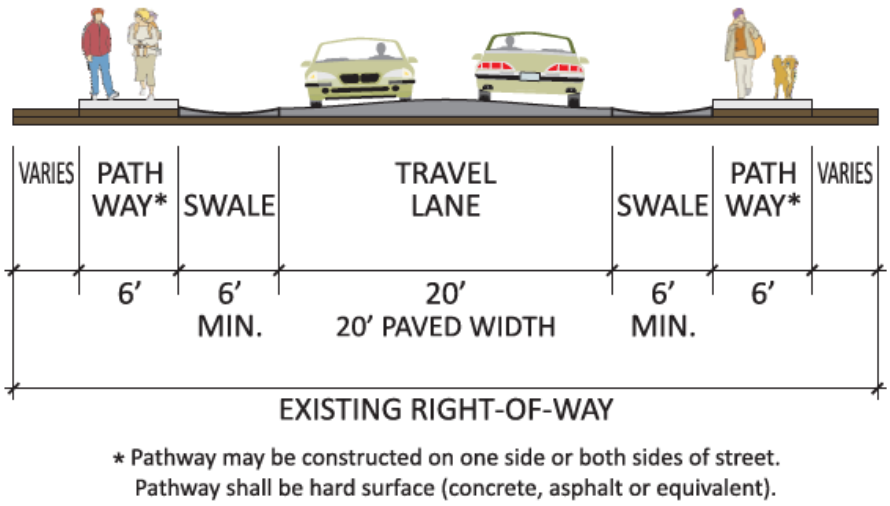


Figure 3.4.100.F(11) Multi-Use Path Street Option

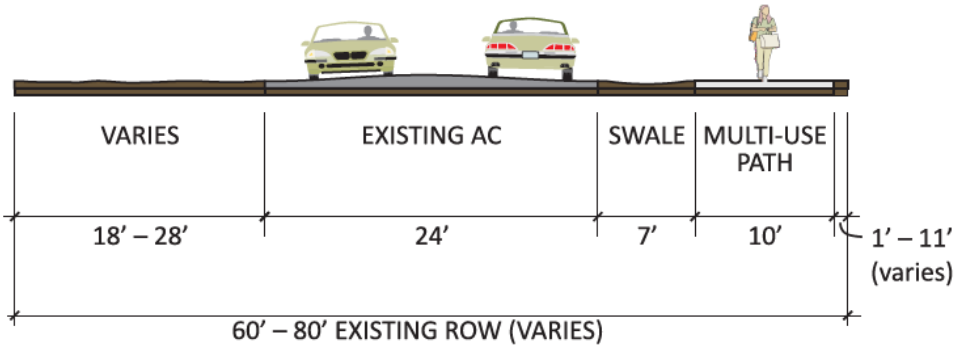
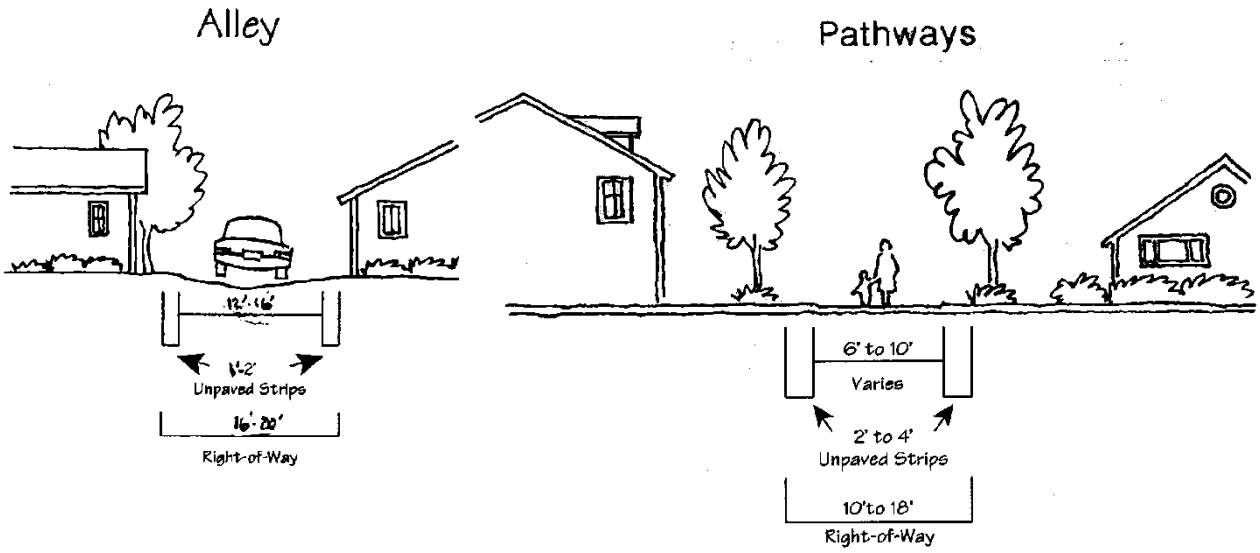


Figure 3.4.100.F(12) Alley and Pathway Sections



G. Subdivision Street Connectivity. All subdivisions shall conform to all the following access and

circulation design standards, as applicable:

1. Connectivity to Abutting Lands. The street system of proposed subdivisions shall be designed to connect with existing, proposed, and planned streets outside of the subdivision as provided in this Section. Wherever a proposed development abuts unplatted land or a future development phase of the same development, street stubs shall be provided to allow access to future abutting subdivisions and to logically extend the street system into the surrounding area. All street stubs that extend 150 feet or more shall be provided with a temporary turn-around unless specifically exempted by the Baker City Fire Chief, and the restoration and extension of the street shall be the responsibility of any future developer of the abutting land.

2. When Abutting an Arterial Street. Property access to abutting arterials shall be minimized. Where such access is necessary, shared driveways may be required in conformance with Section 3.1.200. If vehicle access off a secondary street is possible, then the road authority may prohibit access to the arterial.

3. Continuation of Streets. Planned streets shall connect with surrounding streets to permit the convenient movement of traffic between residential neighborhoods and to facilitate emergency access and evacuation. Connections shall be designed to meet or exceed the standards in subsection 4, below, and to avoid or minimize through traffic on local streets. Appropriate design and traffic control and traffic calming measures, as provided in subsection I, below, are the preferred means of discouraging through traffic.

4. Street Connectivity and Formation of Blocks. In order to promote efficient vehicular and pedestrian circulation throughout the city, subdivisions and site developments of more than two (2) acres shall be designed with a connecting network of public streets and/or access ways in accordance with the following guidance standards. The Planning Director in consultation with the Public Works Director may approve alternatives to the following guidance standards if warranted due to topographic or other design considerations.

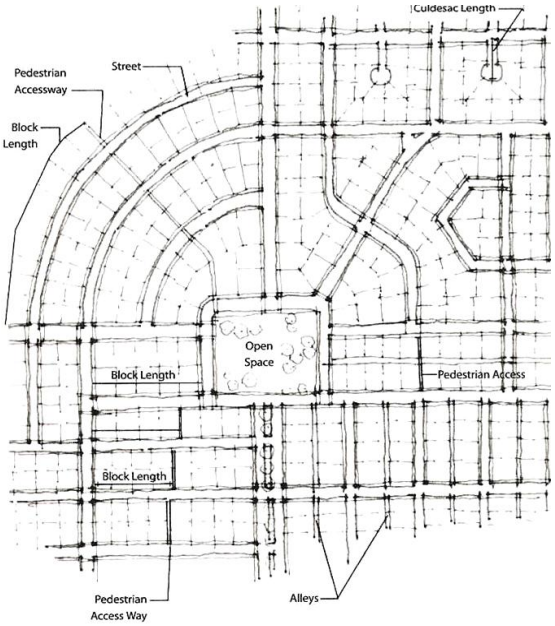
   a. Residential Districts: A minimum of 100 foot block length and a maximum of 600 foot length; A maximum 1,400 feet block perimeter;

   b. Central Commercial District: A minimum of 100 foot length and a maximum of 400 foot length; A maximum 1,200 foot perimeter;

   c. General Commercial Districts: A minimum of 100 foot length and a maximum of 600 foot length; maximum 1,400 foot perimeter;

   d. Not applicable to the Industrial Districts;

Figure 3.4.100.G.(1) Street Connectivity and Formation of Blocks



3. Access way Standards. Where a street connection in conformance with the maximum block length standards in subsection 4 is impracticable, an access way shall generally be provided at or near the middle of a block in lieu of the street connection, as generally shown in Figure 3.4.100G. The City may also require developers to provide an access way where a cul-de-sac or other street is planned and the access way would connect the streets or provide a connection to other developments. Such access ways shall conform to all of the following standards:

   a. Access ways shall be no less than ten (10) feet wide and located within a right-of-way or easement allowing public access and, as applicable, emergency vehicle access. Where utilities are required for placement in an accessway, the right-of-way for the accessway shall generally be no less than 20 feet wide unless approved by the Baker City Public Works Department;

   b. A right-of-way or public access easement may be allowed to be less than 10 feet wide, if approved by the City, on steep slopes where the decision body finds that stairs, ramps, or switch-back paths are required;

   c. All access ways shall conform to applicable ADA requirements;

   d. The City may require landscaping as part of the required accessway improvement to buffer pedestrians from adjacent vehicles, provided that landscaping or fencing adjacent to the accessway does not exceed four (4) feet in height; and

   e. These guidelines may be modified by the decision body without a variance when the modification affords greater convenience or comfort for, and does not compromise the safety of, pedestrians or bicyclists.

H. 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.

I. Future Street Plan and Extension of Streets

1. A future street plan shall be filed by the applicant in conjunction with an application for a subdivision in order to facilitate orderly development of the street system, consistent with the road network identified in the Transportation System Plan (TSP). The plan shall show the pattern of existing and proposed future streets from the boundaries of the proposed land division and shall include other divisible parcels within 400 feet surrounding and adjacent to the proposed land division, such that the proposed development will not restrict the future extension of key streets identified by the TSP. The street plan is not binding; rather it is intended to show potential future street extensions with future development.

2. Streets shall be extended to the boundary lines of the parcel or tract to be developed when the City determines that the extension is necessary to give street access to, or permit a satisfactory future division of, adjoining land, consistent with the TSP and the standards of this Code. The point where the streets temporarily end shall conform to a-c, below:

    a. These extended streets or street stubs to adjoining properties are not considered to be cul-de-sacs since they are intended to continue as through streets when the adjoining property is developed.

    b. A barricade (e.g., fence, bollards, boulders or similar vehicle barrier) shall be constructed at the end of the street by the subdivider and shall not be removed until authorized by the City or other applicable agency with jurisdiction over the street. The cost of the barricade shall be included in the street construction cost.

    c. Temporary street ends shall provide turnarounds constructed to Uniform Fire Code standards for streets over 150 feet in length. See also, Section 3.1.200.

    d. A “No Through Street” sign shall be required.

J. Street Alignment, Radii, and Connections

1. Staggering of streets making "T" intersections at collectors and arterials shall not be designed so that offsets of less than 300 feet on such streets are created, as measured from the centerline of the street unless no other reasonable alternative exists.

2. Spacing between local street intersections shall have a minimum separation of 125 feet, except where more closely spaced intersections are designed to provide an open space, pocket park, common area, or similar neighborhood amenity. This standard applies to four-way and three-way (off-set) intersections.

3. All local and collector streets that stub into a development site shall be extended within the site to provide through circulation unless prevented by environmental or topographical constraints, existing development patterns, or compliance with other standards in this code. This exception applies when it is not possible to redesign or reconfigure the street pattern to provide required extensions. Land is considered topographically constrained if the slope is greater than 15% for a distance of 250 feet or more. In the case of environmental or topographical constraints, the mere presence of a constraint is not sufficient to show that a street connection is not possible. The applicant must show why the environmental or topographic constraint precludes some reasonable street connection.

4. Proposed streets or street extensions shall be located to allow continuity in street alignments and to facilitate future development of vacant or re-developable lands.

5. Corner curb radii shall be at least 20 feet, except where smaller radii are approved by the City Engineer.

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

L. Intersection Angles. Streets shall be laid out so as to intersect at an angle as near to a right angle as practicable, except where topography requires a lesser angle or where a reduced angle is necessary to provide an open space, pocket park, common area or similar neighborhood amenity. In addition, the following standards shall apply:

1. Streets shall have at least 25 feet of tangent adjacent to the right-of-way intersection unless topography requires a lesser distance;

2. Intersections which are not at right angles shall have a minimum corner radius of 20 feet along the right-of-way lines of the acute angle; and

3. Right-of-way lines at intersection with arterial streets shall have a corner radius of not less than 20 feet.

M. 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 3.4.100.

N. Cul-de-sacs. When cul-de-sacs are provided, the following guidelines shall be following shall be met:

1. The cul-de-sac shall not exceed a length of 800 feet; the length of the cul-de-sac shall be measured along the centerline of the roadway from the near side of the intersecting street to the farthest point of the cul-de-sac;

2. Circular turnaround shall have a minimum radius of 30 feet (i.e. from center to edge of pavement), except that the Baker City Public Works Department in consultation with the Baker City Fire Department may require a larger radius of up to 40 feet in unique or unusual circumstances related to public safety or topography. Turnarounds that contain a landscaped island or parking bay at their center shall exceed the minimum radius of 30 feet as reviewed and approved by the Baker City Public Works Department. When an island or parking bay is provided, there shall be a fire apparatus lane of 20 feet in width except in the case of a one-way travel lane in which case the travel lane shall be no less than 14 feet; and

3. The cul-de-sac shall provide, or not preclude the opportunity to later install, a pedestrian and bicycle accessway connection between it and adjacent streets access ways, parks, or other

right-of-way. Such accessways shall conform to Section 3.1.400 and shall generally have a right-of-way of 20 feet to allow for the extension of utilities.

O. Grades and Curves. Grades shall not exceed 6 percent, except that at the discretion of the Baker City Public Works Director, grades may be permitted up to 10 percent based on factors of topography and engineering.

1. Centerline curve radii shall not be less than 700 feet on arterials, 500 feet on major collectors, 350 feet on minor collectors, or 100 feet on other streets; and

2. Streets intersecting with a minor collector or greater functional classification street, or streets intended to be posted with a stop sign or signalization, shall provide a landing averaging five percent or less. Landings are that portion of the street within 20 feet of the edge of the intersecting street at full improvement.

P. 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.

Q. Streets Adjacent to Railroad Right-of-Way. When a transportation improvement is proposed within 100 feet of a public railroad crossing, or a modification is proposed to an existing public crossing, the Oregon Department of Transportation and the rail service provider shall be notified and given an opportunity to comment, in conformance with the provisions of Article 4. Private crossing improvements are subject to review and licensing by the rail service provider.

R. Development Adjoining Arterial Streets. Where a development adjoins or is crossed by an existing or proposed arterial street, the development design shall separate residential access from through traffic and minimize traffic conflicts. (See also, the access requirements under Section 3.1.200.) The development design shall include one or more of the following:

1. A parallel access street (frontage road) along the arterial with a landscape median (raised curbs) of not less than 10 feet in width separating the two streets;

2. Deep lots 120 feet or greater) abutting the arterial or major collector to provide adequate buffering with frontage along another street;

3. Screen planting within a non-access reservation (e.g., public easement or tract) of not less than 10 feet in width at the rear or side property line along the arterial; or

4. Other treatment approved by the City under site plan review that is consistent with the purpose of this Section;

S. Alleys, Public or Private. Alleys shall conform to the standards in Figure 3.4.100.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.

T. Private Streets. Private streets shall conform to City standards of construction and shall provide sidewalks or pathways as approved by the City. Private streets shall not be used to avoid public access connectivity required by this Chapter. Gated communities (i.e., where a gate limits access to

a development from a public street onto a private street network) are permitted as approved Master Planned Developments; and

U. Gated Communities. Gated communities (i.e. where a gate limits access to a development from a public street on to a private street network) are permitted if during the planning review by the City as a Master Planned Development a determination is made that:

1. The street network design does not significantly impact in a negative capacity transportation connectivity and public safety; and

2. Emergency and police services access is provided for and approved by the City Police Chief and Fire Chief.

V. Street Names. No new street name shall be used which will duplicate or be confused with the names of existing streets in Baker County. Street names, signs, and numbers shall conform to the established pattern in the surrounding area, except as requested by emergency service providers.

W. 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.

X. Street Signs. The city, county, or state with jurisdiction shall install all signs for traffic control and street names. The cost of signs required for new development shall be the responsibility of the developer. Street name signs shall be installed at all street intersections. Stop signs and other signs may be required.

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

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

3.4.200 Public Use Areas

A. Dedication of Public Use Areas

1. Where a proposed park, playground, or other public use shown in a plan adopted by the City is located in whole or in part in a subdivision, the City may require the dedication or reservation of this area on the final plat for the subdivision, provided that the impact of the development on the City park system is roughly proportionate to the dedication or reservation being made.

2. The City may purchase or accept voluntary dedication or reservation of areas within the subdivision that are suitable for the development of parks and other public uses; however, the City is under no obligation to accept such areas offered for dedication or sale.

B. System Development Charge Credit. Dedication of land to the City for public use areas, voluntary or otherwise, shall be eligible as a credit toward any required system development charge for parks.

3.4.300 Sanitary Sewer and Water Service Improvements

A. Sewers and Water Mains Required. Sanitary sewers and water mains shall be installed to serve each new development and to connect developments to existing mains in accordance with the City's Sanitary Sewer Master Plan, Water System Master Plan, and the applicable construction specifications. When streets are required to be stubbed to the edge of the subdivision, sewer and water system improvements shall also be stubbed with the streets, except as may be waived by the City Public Works Director. No new development requiring water and sewer service shall be permitted without extension and connection to City water and sewer facilities.

B. Sewer and Water Plan Approval. Development permits for sewer and water improvements shall not be issued until the City Public Works Director or his or her designee has approved all sanitary sewer and water plans in conformance with City standards.

C. Over-Sizing. The City may require as a condition of development approval that sewer, water, and/or storm drainage systems serving new development be sized to accommodate future development within the area as projected by the applicable Water, Sewer, and/or Storm Drainage Master Plan, provided that the city may grant the developer credit toward any required system development charge for the same.

D. Inadequate Facilities. Development permits may be restricted by the City where a deficiency exists in the existing water or sewer system that cannot be rectified by the development and which if not rectified will result in a threat to public health or safety, surcharging of existing mains, or violations of state or federal standards pertaining to operation of domestic water and sewerage treatment systems.

3.4.400 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.

3.4.500 Utilities

A. Underground Utilities

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

2. Subdivisions. The following additional standards apply to all new subdivisions, in order to facilitate underground placement of utilities:

   a. The developer shall make all necessary arrangements with the serving utility to provide the underground services. Care shall be taken to ensure that all above ground equipment does not obstruct vision clearance areas for vehicular traffic (Chapter 3.1);

   b. The City reserves the right to approve the location of all surface-mounted facilities;

   c. All underground utilities, including sanitary sewers and storm drains installed in streets by the developer, shall be constructed prior to the surfacing of the streets; and

   d. Stubs for service connections shall be long enough to avoid disturbing the street improvements including sidewalks when service connections are made.

B. Exception to Undergrounding Requirement. The standard applies only to proposed subdivisions. An exception to the undergrounding requirement may be granted due to physical constraints, such as steep topography, sensitive lands (Chapter 3.7), or existing development conditions.

3.4.600 Easements

A. Provision. The developer or applicant shall make arrangements with the City, the applicable district, and each utility franchise for the provision and dedication of utility easements necessary to provide full services to the development. The City's standard width for public main line utility easements shall be determined by the City Public Works Director.

B. Recordation. As determined by the City Public Works Director, all easements for sewers, storm drainage and water quality facilities, water mains, electric lines, or other public utilities shall be recorded with the final plat. See Chapter 4.2, Site Design Review, and Chapter 4.3, Land Divisions.

3.4.700 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.

3.4.800 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 warranties all improvements for one year.

3.4.900 Waiver or Deferral of Required Sidewalk Improvements

A. Any applicant for a building permit or 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.

B. The following items do not normally constitute unusual circumstances which warrant granting of a deferral or waiver of sidewalk improvement requirements:

1. Financial hardship of the applicant and/or property owner.

2. Lack of street improvements or sidewalks on adjacent properties.

3. Cost of the improvement.

4. 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.

C. Pedestrian accessways identified in the Transportation System Plan Table 2-1 Planned Pedestrian Network are not eligible for waiver.

D. 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:

1. 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.

2. 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.

3. Public improvement projects are planned in the next five (5) years which would require the City to remove the sidewalk improvements.

4. 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.

5. The sidewalk improvement requirement is not roughly proportional to the site specific impacts of the proposed development.

6. Unusual circumstances or peculiarities of the site exist, which, in the opinion of the City, warrant deferral of required sidewalk improvements.

E. If the Public Works Director grants a deferral of the sidewalk improvement, the property owner shall execute and file an agreement with the City which:

1. Describes the sidewalk improvements that have been deferred; and

2. States the period of time within which the required sidewalk improvements shall be installed; and

3. States the agreement is terminated upon installation of all required sidewalk improvements; and

4. 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

5. States the property owner waives the right to remonstrate against any Local Improvement District initiated to install the required sidewalk improvements.

6. 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.

F. **Waiver Requests.** Upon review of a written request for a waiver of sidewalk improvements, the Planning Commission 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:

1. The condition and standard of the existing, abutting street;

2. The likelihood and timing of new improvements given existing development on parcels in the vicinity;

3. Topographic constraints;

4. Safety concerns;

5. Other details specific to the subject property or vicinity.

G. 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.

H. Notice of Decision. The City Planning Official shall provide the applicant with written notice of the Planning Commission's decision. The decision shall become final fourteen (14) days after the date the written Notice of Decision is mailed, unless the decision is appealed to the City Council pursuant to Section 4.1.400 (F).

Chapter 3.5 - Signs

Sections:

3.5.010 ~~Purpose and~~ Applicability, Purpose & Intent
3.5.020 Permits~~,~~ & Process ~~and Fees~~
~~3.5.100 Definitions~~
3.5.~~200~~030 Exempt Signs
3.5.040~~210~~ Prohibited Signs
3.5.050~~300~~ General ~~Sign~~ Regulations
3.5.~~400~~060 Signs in Residential Zones ~~Sign Regulations~~
3.5.~~500~~070 Signs in Commercial & Industrial ~~Signs~~Zones
3.5.~~510~~080 ~~Flashing and Reader-board Signs~~Signs in the Freeway Overlay District
3.5.~~600~~090 ~~Temporary Signs~~Signs in the Historic District
3.5.~~700~~100 ~~Special Sign Districts~~Signs in the 10th Street Business District
3.5.~~800~~110 ~~Non-conforming Signs~~Signs on South US Highway 30
3.5.~~900~~120 Maintenance~~Enforcement~~
3.5.~~910~~130 ~~Effective Date~~Non-Conforming Signs
3.5.140 Removal & Abandonment
3.5.150 Enforcement
3.5.160 Effective Date

3.5.010 ~~Purpose and Applicability.~~Applicability, Purpose & Intent

~~**A. Purpose.** The purpose of this chapter is to promote public safety, to enhance the city's economy, to maintain and promote the city's historic character, to encourage high-quality economic development through the advancement of community character, and to protect property values. This chapter will establish design criteria that will promote safe, well-located, suitably sized, attractive and effective signs for Baker City.~~

~~A. B.~~ **Applicability.** Any sign erected, altered or maintained after the effective date of this Ordinance shall conform to the following regulations. Existing sign shall be classified as: ~~Except as otherwise provided in this chapter, it shall be unlawful for any person to erect, construct, enlarge, move, or substantially alter any sign in the City, or cause the same to be done, in a manner other than described in this chapter and without first obtaining a sign permit through the Planning and/or Building Department. Exempt signs (see Section 3.5.200) are not subject to this permitting requirement.~~

~~B.~~

~~C. Existing signs shall be classified under one of 2 classifications:~~

a. *Conforming*: a sign that conforms to the requirements of this chapter.
b. *Non-conforming*: any sign that does not conform to the requirements of this chapter, but was legally erected before the ~~adoption~~ effective date of this code. ~~See Section 3.5.800 for further applicability.~~

B. ~~A.~~ Purpose & Intent. The intent of this chapter is to regulate all signs within Baker City to ensure that they are appropriate for their respective uses, in keeping with the appearance of the affected property and surrounding environment, and protective of the public health, safety and general welfare by:~~purpose of this chapter is to promote public safety, to enhance the city's economy, to maintain and promote the city's historic character, to encourage high quality economic development through the advancement of community character, and to protect property values. This chapter will establish design criteria that will promote safe, well-located, suitably sized, attractive and effective signs for Baker City.~~

1. Setting standards and providing uniform controls that permit reasonable use of signs and preserve the character of Baker City.

2. Prohibiting the erection of signs in such numbers, sizes, designs, illuminations, and locations which may create a hazard to pedestrians and motorists.

3. Avoiding excessive conflicts from large or multiple signs, so that permitted signs provide adequate identification and direction while minimizing clutter, unsightliness, and confusion.

4. Establishing a process for the review and approval of sign permit applications.

5. Ensuring sign design that builds on the traditional town image and visual environment that Baker City seeks to promote.

6. Encouraging public safety and welfare by allowing address sign that can be easily identified by emergency responders.

3.5.020 Permits~~,~~ & Process ~~& Fees.~~

A. Permits. ~~A sign permit is required for each of the following instances:~~

~~Upon the erection of any new sign except exempted signs.~~
~~To make major repairs, as defined by this ordinance, to any existing signs.~~

1. A sign permit is required for each of the following instances:

   a. Upon the erection of any new sign, except exempt signs
   To make repairs to any existing sign which exceed 60 percent of the replacement cost of the sign

2. A sign permit is not required for the following minor repairs:

   a. Painting
   b. Cleaning
   c. Replacement of defective parts
   d. Replacement of existing sign face with a new sign face which does not alter the size, type or function of the existing sign cabinet or structure

e. Other similar maintenance to a sign, which will keep said sign at a maintained level and which does not change the total area of the sign
f. Repairs to any existing sign which do not exceed 60 percent of the replacement cost of the sign

B. Process.

1. For every sign proposal as specified above, a detailed signage plan must be submitted and ~~subject to section 3.5.020. This must~~ include a scale drawing clearly showing materials, color, ~~texture,~~ dimensions and physical shape of the sign, structural and electrical details of the proposed sign, and a site plan in which the sign will be located in relation to property lines, buildings and any other structures located on the applicants building or property. If the sign will be attached to a wall or roof, the dimensions of the wall or building façade will be provided.

2. Planning s~~S~~taff will ~~examine~~ complete~~d~~ applications within 10 working days after filing. Sign permits shall be processed as a Type I Procedure, unless otherwise stated in this ordinance. Appeals shall be processed as a Type III Procedure.~~Staff will then determine if the sign permit will require either Type I, Type II, or Type III processing.~~

3. Every sign permit issued by the City shall become void if erection or construction on site has not begun within ~~6 months~~one (1) year from the date of permit issuance. If work authorized by such permit is suspended or abandoned for more than 1 year, a new permit shall be obtained.

~~3.~~4. No signs within the Historic District shall be erected or altered until an application has been reviewed and approved by the Historic District Design Review Commission and after the Baker City Planning Department has issued a decision and the appropriate permit. See *Section 3.5.090 – Signs in the Historic District* for further criteria.

~~4. Signs permits shall be processed as a Type I Procedure, unless otherwise stated in this ordinance. The right of appeal shall be processed as a Type III Procedure.~~

~~5. Unsafe signs:~~

~~a. If the Building Official finds that any sign is unsafe or insecure, or any sign erected or established under a sign permit has been carried out in violation of said permit or this chapter, the building official shall give written notice to the permittee or owner thereof to remove or alter such sign within 30 days.~~

~~b. The Building Official may cause any sign that is an immediate peril to persons or property, or any sign erected without a permit, to be removed immediately, and said sign shall not be re-established until a valid permit has been issued. Failure to remove or alter said sign as directed shall subject the permittee or owner to the penalties prescribed in this ordinance.~~

	~~Monument Signs~~	~~Reader-board Signs~~	~~Flashing Signs~~
~~Maximum Size~~	~~80 ft²~~	~~50 ft²~~	~~Varies~~
~~Process Type~~	~~Type I~~	~~Type II~~	~~Type III~~

~~Process Time~~	~~10 days~~	~~120 days (max.)~~	~~120 days (max.)~~
~~Neighborhood Notice~~	~~N~~	~~Y~~	~~Y~~
~~Public Hearing~~	~~N~~	~~Y~~	~~Y~~
~~Government Authority~~	~~Applicant by-right~~	~~Discretionary~~	~~Discretionary~~
~~City Design Guidance~~	~~Available~~	~~Available~~	~~Available~~

~~**C. Fees.** The fees for different sign permits shall be set forth by Resolution of the City Council. The fees for any sign erected without a sign permit shall be double the regular sign fee.~~

3.5.~~200~~030 Exempt Signs. The following signs shall be allowed without a sign permit and shall not be included in the determination of the type, number, or area of permanent signs allowed within a zone, provided such signs comply with the regulations in this section, if any.~~The following signs are not subject to the permitting requirement.~~

A. Government/Regulatory signs ~~placed~~ erected or required by the City of Baker City, the State of Oregon, or any other government agency including traffic, utility, safety, railroad crossing and identifications signs for public facilities. ~~in the right-of-way.~~

B. ~~Real estate signs, civic event signs (on-premises), instructional.~~Legal notices

~~B.~~C. Temporary signs that do not require a building permit and have a sign area of 12ft^2 or less and are of following forms: banner, freestanding, hanging, portable and window. No other sign forms shall be allowed as temporary signs. Though exempt from sign permits, these temporary signs must comply with vision clearance area restrictions.

~~C.~~D. Address signs, with or without illumination, that do not exceed a sign area of 3ft^2. Address signs exceeding 3ft^2 must obtain a sign permit and shall be evaluated using the form-based (i.e. wall, monument, freestanding, etc.) criteria of the applicable zone. ~~smaller than 1.5 square feet.~~

~~D.~~E. Temporary electronic reader-board signs that do not exceed a sign area of 65ft^2 and are displayed for a period of seven (7) days or less within a six (6) month period, per parcel . ~~Memorial tablets, cornerstones, or similar plaques not exceeding 2 square feet in size~~.

~~**E.** Those defined by super graphic.~~

3.5.040 ~~210~~ Prohibited signs. The following signs are unlawful and prohibited in any zone:

A. Based on Location.

1. A banner or sign of any type suspended across a public street without the permission of the affected owners of both the property and the road.

2. Roof signs.

~~1.~~3. Signs attached to parking meters;~~,~~ historical markers;~~,~~ traffic signposts;~~,~~ signals or control devices;~~,~~ power, light, or other utility poles;~~,~~ or other similar official city and government structures except those placed by said government agencies.

~~2.~~4. Signs attached to ~~rocks,~~ trees, shrubs, or any living vegetative matter except trail signage designed to direct walkers. ~~, or approved and permitted neighborhood identification signs that may be affixed to artificially designed rock monuments or landscape features.~~

5. Signs erected without the permission of the property owner, with the exception of those authorized or required by local, state, or federal government.

6. Vehicular signs. This regulation does not include the use of business logos, identification or advertising on vehicles primarily and actively used for business purposes and/or personal transportation. ~~A sign affixed to any parked or idle vehicle or trailer on any property for more than 72 hours which is intended to attract, direct, or advertise to customers to a business which is on or near the property. This does not pertain to fleet vehicles, which leave the premises during normal business operation.~~

7. Signs placed in such a position as to endanger pedestrians, bicyclists, or traffic on a street by obscuring the view or by interfering with official street signs or signals by virtue of position or color.

8. A sign or portion of a sign which extends beyond any property line of the premises on which such sign is located, unless specifically allowed.

9. A sign, other than an exempt temporary sign or temporary sign, placed or extending into the public right-of-way, unless specifically allowed by the Baker City Municipal Code or as exempted by this code.

10. A sign that interferes with any surface or underground utility or communication lines and equipment.

B. Based on Safety.

1. Interactive signs or mechanical movement signs, including revolving signs.

2. Signs that because of color, wording, design, size, shape, or illumination resemble, obstruct, or conflict with any traffic-control device or with the safe and efficient flow of traffic. Or private signs which appear to control or direct traffic, parking, or public use or access inconsistent with city regulations.

3. Signs which prevent free ingress or egress from any door, window, fire escape, or that prevent free access from one part of a roof to any other part. No sign other than a safety sign shall be attached to a standpipe or fire escape.

~~1.~~4. Unsafe signs, as determined by the Building Official.

C. Based on Visual Character.

1. Animated or flashing signs, signs which contain ~~B~~beacon or strobe lights, reflective or mirror signs, or signs which flash text or graphics. ~~movement signs, roof signs, strobe light, and vehicular signs.~~

~~2. Signs that have a bare exposed metal pole(s) supporting the sign face from underneath.~~

~~3. Off-premise signs, except sandwich boards as permitted by Ord. 3030 and 3095 and those permitted within the freeway district.~~

~~4. Certain illuminated signs that expel such an intensity that causes glare or brightness to a degree that could constitute a hazard or nuisance; nor signs with reflective backgrounds or elements.~~

~~5. Signs containing words, statements, phrases or pictures of an obscene character that are generally offensive to the public.~~

~~6.~~2. ~~Signs that because of color, wording, design, size, shape, or illumination resemble, obstruct, or conflict with any traffic-control device or with the safe and efficient flow of traffic. Or private signs which appear to control or direct traffic, parking, or public use or access inconsistent with city regulations.~~

~~7. Banner signs except those for temporary uses, non-commercial, or institutional purposes.~~

~~8.~~3. Signs which~~that~~ emit smoke, visible vapors, particulate matter,~~any~~ sound, odor, or contain open flames~~visible substance~~.

~~9.~~4. ~~A sign affixed to any parked or idle vehicle or trailer on any property for more than 72 hours which is intended to attract, direct, or advertise to customers to a business which is on or near the property. This does not pertain to fleet vehicles, which leave the premises during normal business operation.~~

~~10.~~5. ~~Signs attached to parking meters, historical markers, traffic signposts, signals or control devices, power, light, or other utility poles, or other similar official city and government structures except those placed by said government agencies.~~

~~11.~~6. ~~Signs attached to rocks, trees, shrubs, or any living vegetative matter except trail signage designed to direct walkers, or approved and permitted neighborhood identification signs that may be affixed to artificially designed rock monuments or landscape features.~~

3.5.050 General Sign Regulations and Design Criteria. The following requirements shall apply to all signs in all ~~districts~~ 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. ~~Signs~~Every sign should ~~shall incorporate~~ utilize design and building materials ~~that~~which complement the architectural theme of the building which it identifies. ~~Architectural details and other decorative elements that do not contain copy are allowed up to 15 percent over the maximum height allowance.~~

~~1.~~4. Every ~~All freestanding~~ sign~~s~~ 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 criteria cannot be met, landscaping requirements may be placed elsewhere on the property. The Historic District shall be exempt from landscape requirements.

~~2.~~5. ~~Signs shall incorporate design and building materials that complement the architectural theme of the building which it identifies. Architectural details and other decorative elements that do not contain copy are allowed up to 15 percent over the maximum height allowance.~~

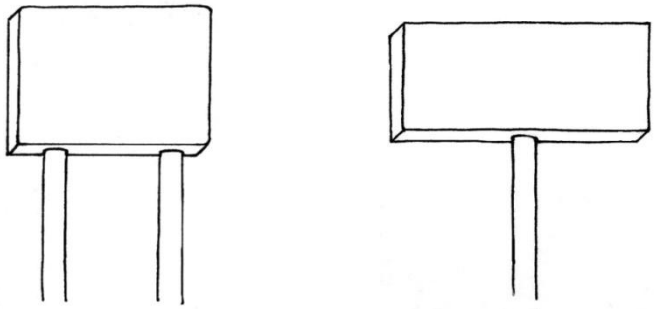
~~3.~~6. ~~B~~Signs which are constructed using bare pylons and/or pole supports shall ~~be constructed with~~include pole covers and shall meet the following requirements:

a. Covering shall fully enclose the pole. Wood, brick, vinyl or similar materials that complement the sign shall be allowed as determined by the P~~p~~lanning D~~d~~irector or designee. Paint or wraps shall not be considered types of covering.

b. Special decorative elements such as sculpted metal, wrought iron, or other similar ~~aesthetically pleasing~~ materials, which ~~that~~ are incorporated into the support structure design and do not fully enclose the poles may be allowed as determined by the ~~p~~Planning ~~d~~Director or designee.

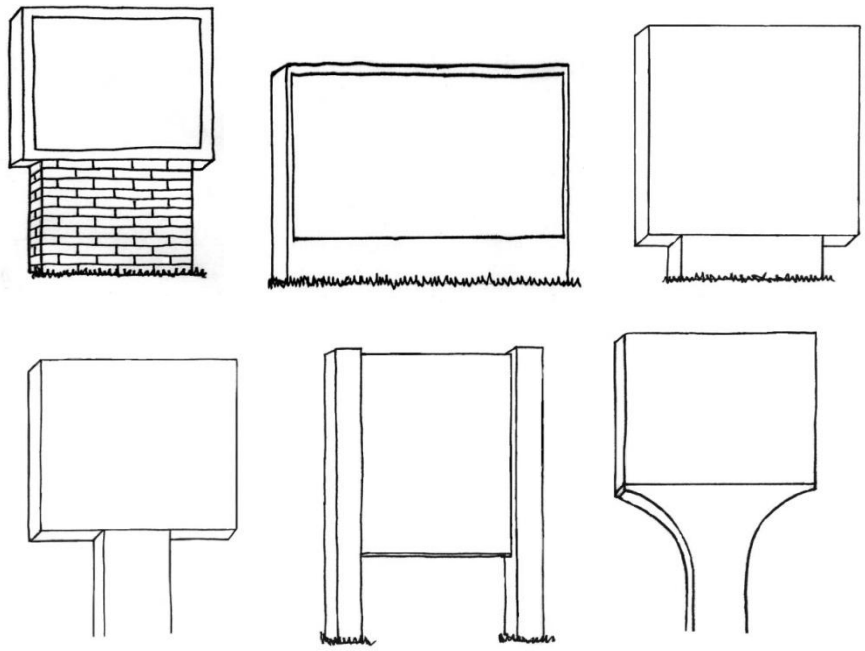
Exposed Pylons *(prohibited)*

~~**Prohibited**~~



Enclosed Pylons *(accepted)*

~~**Acceptable**~~



The above signs are not the only acceptable signs.
We encourage the applicant to exercise originality and innovation when applying for a sign permit.

~~**B. Maintenance and Repair.** 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:~~

~~Any metal poles, pole covers, and/or sign cabinets shall be kept free from rust and stains.~~

~~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.~~

1. Any internally illuminated sign cabinets or sign panels that have been damaged shall remain un-illuminated until repaired.

2. Any signage that has been damaged to such an extent that they may pose a hazard to passersby shall be repaired or removed immediately.

~~A.~~B.___ ~~C.~~ **Sign Safety.**

~~1. All signs shall comply with the electrical, mechanical, and structural codes of Baker City.~~

~~2.~~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~~Oregon Trail Electric Cooperative (OTEC)~~. All applicants are required to contact OTEC before erecting a sign nearer than 25 feet of electric power lines.

~~3.~~2. No sign shall be permitted in ~~the~~ "vision clearance areas" ~~triangle~~ as defined~~set forth~~ by Chapter 1.3 and as set forth by Chapter 3.1.200 (N) of the Baker City Development Code. ~~Ord. 3216.~~

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.

~~5. If the Building Official finds that any sign is unsafe or insecure, is an immediate peril to persons or property, has been carried out without a valid permit or is in violation of this chapter, the Building Official shall give written notice to the permittee or owner thereof to remove or alter such sign within 30 days. A new sign shall not be re-established until a valid permit has been issued. Failure to remove or alter said sign as directed shall subject the permittee or owner to the penalties prescribed in this ordinance.~~

~~**D. Abandoned.**~~

~~1. A conforming abandoned sign structure may remain, however the business name panels shall either be reversed or have blank panels installed immediately. Such signs shall be maintained aesthetically pleasing according to the standards.~~

~~2. An abandoned non-conforming sign is prohibited and shall be immediately removed upon notice by the City or brought to conforming status by the owner of the sign or property.~~

TABLE 3.5.050 - SIGN RESTRICTIONS – SIGN TYPE & ZONE/DISTRICT

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.

Sign Type [2]	Residential Zones	Commercial Zones	Industrial Zones	Freeway Overlay District
Awning/Canopy	N	P	P	P
Banner	N	P	P	P
Billboard*	N [3]	N [3 or 4]	N [3 or 4]	P
Freestanding	P	P	P	P
Hanging	P	P	P	P
Monument	P [1]	P	P	P
Multi-Tenant	N	P	P	P
Portable	N	P	P	P
Projecting	N	P	P	P
Electronic Reader Board*	N	P	P	P
Temporary (Non-exempt)	P	P	P	P
Wall	N [1]	P	P	P
Window	P	P	P	P

P = Permitted, subject to restrictions (see applicable Zone/District)
N = Not permitted
* = Type III signs

[1] Replacement only, unless otherwise directed by ODOT
[2] Except for exempt signs (see Section 3.5.030)
[3] Replacement not to exceed a sign area of 100ft^2
[4] Allowed only within the Freeway Overlay District

3.5.~~400~~060 Signs – in Residential Zones~~Sign Regulations~~. In addition to sign types listed in *Section 3.5.030 –Exempt Signs*, the following numbers and types of signs may be erected in Residential Low-Density (R-LD), Residential Medium-Density (R-MD) and Residential High-Density (R-HD) zones.

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.

Only one sign shall be permitted per parcel within Residential Low-Density (R-LD), Residential Medium-Density (R-MD) and Residential High-Density (R-HD) Zones.

~~A. Only one sign shall be permitted per parcel or per contiguous block of parcels if in common ownership within residential districts.~~

~~B. No sign or portion thereof shall extend beyond any property line of the premises on which such sign is located. No signs shall be placed within the public right-of-way.~~

~~C. Flashing, internally illuminated, or window signs shall not be permitted in residential districts.~~

~~Once a commercial venture within a residential district ceases to exist, all applicable sign and sign supports must be removed immediately. Improper maintenance of signs and/or sign supports causing them to be unsafe or unsightly must be removed.~~ .

~~**Table 3.5.500 - Residential Signs**~~

~~Sign Type~~	~~Max. Area~~	~~Location~~	~~Permit~~
~~Address Sign~~	~~1.5 ft²~~	~~On façade of building facing street frontage~~	~~N~~
~~Neighborhood Identification~~	~~50 ft²~~ ~~Max. sign height 6 ft.~~	~~1 per entry into subdivision~~	~~Y~~
~~Home Occupation/ Bed and Breakfast~~	~~4 ft²~~ ~~Max. sign height 3 ft. (for freestanding signs)~~	~~On façade, fence, hanging or freestanding~~	~~Y~~
~~Institutional~~	~~50 ft²~~ ~~Max. sign height 10 ft.~~	~~Freestanding, on property~~	~~Y~~

	TABLE 3.5.060 – SIGNS IN RESIDENTIAL ZONES			
	Restrictions & Guidelines	**Number & Location**	**Maximum Area & Height**	**Permitted Illumination**
Freestanding	- May not project into R-O-W	- 1 per street frontage	- Area: 4ft²	- Not

		- 1ft setback from property line	- Height: 6ft	permitted
Hanging		- 1 per lot - Must hang from building, eave, canopy, awning or marquee	- Area: 4ft² - Height: 6ft	- Not permitted
Monument		- 1 per lot - 1ft setback from property line	- Area: 4ft² - Height: 6ft	- Not permitted
Wall	- Replacement only - May not project into R-O-W - May not project more than 1ft - May not interrupt architectural details of façade - May not extend beyond eave or roof lines	- 1 per tenant	- Area: 4ft² - Height: 6ft	- Not permitted
Window		- 1 per building	- Area: 4ft²	- Not permitted

~~**3.5.500 Commercial & Industrial Sign Regulations.** All signs in the Central Commercial (C-C), Commercial General (C-G), Industrial (I), & Light Industrial (L-I) zones, except those in the special sign districts as designated below, shall conform to the following provisions of this Code, as well as to general regulations where applicable. See Table 3.5.600.~~

~~A. Business shall have no more than 1 freestanding sign per street frontage. No freestanding sign shall be placed in the public right-of-way~~

~~B. A shopping center may display 1 multi-tenant freestanding sign on each major street frontage for which there is an entrance and exit. Occupants within said shopping center may not display freestanding signs.~~

~~C. No sign abutting a residential district shall be located within 70 feet of said property line.~~

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 & Location[4]	Maximum Area & Height	Permitted Illumination
Awning or Canopy	- An awning and canopy without lettering or other advertising shall not be regulated as a sign - Lettering or advertising may not project beyond or below the printable material area - No awning or canopy sign shall be wider than the building wall or tenant space it identifies - If the awning or canopy sign is to be mounted on a multi-tenant building, the awning and canopy sign shall be similar in terms of height, projection, and style across all tenants in the building	- No limit - Must attach to building façade and project from it - Awning and canopy signs may not project into the R-O-W, unless specifically permitted by the Baker City Municipal Code - Awning and canopy signs must be centered within or over architectural elements such as windows or doors	- Area: 1.5ft^2 per 1linear foot of the awning or canopy - Height: Equal to eaveline or bottom of second story window sill, whichever is lower. Bottom of awning must be at least 8ft above grade. Bottom of canopy must be at least 10ft above grade	- Internal or external, except for signs located in the C-C Zone, where only external illumination is permitted
Banner	- Temporary use only	- No limit but aggregate sign areas not to exceed 200ft^2 - 1ft setback from property line	- Area: 200ft^2 - Height: 6ft	- Not permitted
Billboards	- Allowed only within the Freeway Overlay District *(see Section 3.5.080 and Table 3.5.080)*			

Electronic Reader Board[3]	- 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 - 1ft setback from property line	- Area: 24ft^2 - Height: 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[2]	- May not project into R-O-W	- 1 per 50ft of street frontage - 1ft setback from property line[3]	- Area: 50ft^2 - Height: 15ft	- Internal, external, backlit, neon or bare bulb
Hanging		- No limit - Must hang from building, eave, canopy, awning or marquee	- Area: 4ft^2 - Height: Bottom of sign must be at least 8ft above grade	- Internal, external, backlit, neon or bare bulb
Monument	- May not project into R-O-W	- 1 per street frontage - 1ft setback from property line[3]	- Area: 80ft^2 - Height: 15ft	- Internal or external
Multi-tenant	- May not project into R-O-W	- 1 on each major street frontage with exit and entrance - 1ft setback from property line[3]	- Freestanding: Area: 80ft^2 Height: 15ft - Monument: Area: 120ft^2 Height: 15ft	- Internal or external
Portable	- May not impede pedestrian traffic	- 1 per business - May be located within ROW[4]	- Area: 24ft^2 - Height: 6ft^2	- As allowed by the Baker City Municipal Code
Projecting	- Projection from wall: no more than 12 inches, no less than 6 inches - May not project more than 4ft or 1/3 width of sidewalk, whichever is less	- 1 per street frontage per ground floor establishment, plus 1 sign per building entrance serving one or more commercial tenants without a	- Area: 20ft^2 - Height: Equal to eaveline or bottom of second story window sill, whichever is	- Internal, external, backlit or neon

			ground floor entrance	lower. Bottom of sign must be at least 8ft above grade	
Temporary (Non-Exempt)	- May not impede pedestrian traffic - May not be located in R-O-W - Erected for a period longer than 6 months - Building permit required - Has a sign area no greater than 24ft^2	- No limit	- Area: 36ft^2, except banner signs which may be ≤ 200ft^2 - Height: 6ft	- Not permitted	
Wall [1,2] (Except those wall signs within the Freeway Overlay District. See Section and Table 3.5.080)	- May not project into R-O-W - May not project more than 1ft - May not interrupt architectural details of façade. - May not extend beyond eave or roof lines	- One sign per tenant per street frontage, up to 2 signs per tenant. Where a store has entrances facing both a street and a parking lot, a second sign is permitted to face the parking lot	- Area: 32ft^2 - Height: Equal to eaveline or bottom of second story window sill, whichever is lower	- Internal, external, back-lit or neon	
Window	- Electronic reader board signs with an area greater than 2ft^2 may not be used as window signs	- No limit	- Area: 1.5ft^2 per 1ft of building frontage or no more than 50% total window coverage, whichever is less	- Internal or neon	

[1] Painted Wall signs may increase sign area by 25%.
[2] When combination of wall and freestanding signs are used, total area for wall signs shall be reduced to 50% if all signage if orientated to same street frontage.
[3] No sign abutting a residential zone shall be located within 70 feet of said property line
[4] Signs allowed or permitted within the R-O-W must be approved by the Baker City Public Works Department.

~~3.5.510 LED, Flashing and Automatic Reader-Board Signs.~~

~~A. Text messages longer than the display that do not contain any graphics shall scroll in a consistent and predictable manner.~~

~~B. In all other displays, including but not limited to graphics, letters, and/or numbers, each display shall remain unchanged – including color and brightness – for a minimum of 5 seconds.~~

~~Flashing neon and bare-bulb signs shall be exempt from this provision provided that they do not contain lettering and/or numbers.~~

~~C. Internal illumination shall not exceed 40 watts or 60 milliamps.~~

~~D. All reader-board signs shall be processed as a Type II Procedure.~~

~~E. All flashing signs shall be processed as a Type III Procedure.~~

~~3.5.600 Temporary Signs.~~

~~A. No temporary sign shall be placed within the public right-of-way unless written approval is obtained from the Planning Department, except for real estate signs.~~

~~B. No temporary sign may be externally or internally illuminated.~~

~~C. All temporary signs shall be securely fastened to the ground, or permanent structure.~~

~~D. Signs shall be erected in a manner and location that does not create a potential hazard of any kind.~~

~~E. All temporary signs shall be weatherproofed and kept in a state of good appearance, safety, and repair. Any damaged or potentially hazardous sign shall be repaired or removed immediately.~~

~~F. Where applicable, temporary signs shall be removed upon expiration of the allowed or permitted display period.~~

~~Table 3.5.600 - Temporary Signs – All zones~~

~~Sign Type~~	~~Max. Area~~	~~Max. No. Allowed~~	~~Setback and location~~	~~Permit~~	~~Duration of Display~~
~~Real Estate (On Premises)~~	~~R = 6 sq. ft.~~ ~~C/I = 32 sq. ft.~~	~~1 per lot~~	~~Within R-O-W or private property~~	~~N~~	~~Removed when property is sold or rented~~
~~Real Estate (Off Premises)~~	~~6 sq. ft.~~	~~1 per block~~	~~Within R-O-W~~	~~N~~	~~Removed when property is sold or rented~~
~~Construction/ Development~~	~~32 sq. ft.~~	~~1 per frontage~~	~~5 feet from property line~~	~~N~~	~~Removed upon receiving the Certificate of Occupancy~~
~~Political~~	~~R = 6 sq. ft.~~ ~~C/I = 48 sq. ft.~~	~~No Limit~~	~~Within R-O-W or private property~~	~~N~~	~~Remove 7 days following an election~~
~~Artisan~~	~~6 sq. ft.~~	~~No Limit~~	~~Within private property~~	~~N~~	~~Remove upon completion of work~~

~~Wind-driven~~	~~32 sq. ft.~~	~~1 per 50' of frontage~~	~~Within R-O-W or private property~~	~~N~~	~~30 days, four times per calendar year~~
~~Banner~~	~~28 sq. ft.~~	~~1 per 50' of frontage~~	~~Within R-O-W or private property~~	~~N~~	~~30 days, four times per calendar year~~
~~Yard Sale~~	~~6 sq. ft.~~	~~1 per frontage~~	~~Within R-O-W or private property~~	~~N~~	~~7 days~~

~~R = Residential~~
~~C/I = Commercial/Industrial~~

~~3.5.700 Special Sign Districts~~

~~**A. Historic City Center.** In addition to all other applicable requirements of this Ordinance, signs in the C-C zone shall conform to the following regulations:~~

~~1. All signs shall be subject to the Historic Design Review Commission and their standards. Due to the unique character of the building facades within the district, signs that are larger than the maximum area allowed or of unique size, shape, or material are permitted if approved by the historic design review committee.~~

~~2. All signs must be externally illuminated.~~

~~3. Signs are not to cover architectural details of the building:~~

~~**B. 10th Street.** The 10th Street Business District is a specially designated sign district where traditional 1950'and 1960's era neon and bare-bulb signs are encouraged as well as more contemporary neon and bare-bulb sign applications. Applicants who chose to pursue this option, may increase the districts maximum sign height by 33 percent.~~

~~**C. Freeway Overlay Zone.** There shall be a Freeway Overlay zone located within an area 200 feet from and parallel to the right-of-way of I-84 on both the east and west sides of the interstate within the C-G zone; and continue west to Birch Street, and east to Windmill Lane. The Freeway Overlay Zone shall be comprised of two sub-districts. Sub-area "A" is that area from the south City Limits north to D Street. Sub-area "B" is that area from D Street to the north City Limits. In addition to all other applicable requirements of this Ordinance, signs along Interstate I-84 as defined in the Freeway Overlay Zone shall conform to the following regulations:~~

~~1. On-premise freestanding and wall signs shall adhere to the following standards: See Table 3.5.700.C~~

~~a. Only 1 wall sign oriented to I-84 shall be allowed per business, or per tenant in a building occupied by 2 or more tenants.~~

~~b. A freestanding sign shall be no higher than 30 feet above property grade, or 15 feet above highway grade, whichever is higher. If a business has more than one frontage, then only the sign oriented to the freeway shall be granted the size and height allowances of the Freeway Overlay zone.~~

~~c. A freestanding sign shall be 1 square foot of sign area per linear foot of freeway frontage up to a maximum of 150 square feet. For multi-tenant signs, maximum shall be 250 square feet.~~

~~2. Off-premise billboard signs within the Freeway Overlay Zone shall adhere to the following standards:~~

~~a. All signs must obtain of a Conditional Use Permit from the Planning Commission prior to construction.~~

~~b. The Planning Commission shall consider issues of community character, public safety, and adjacent businesses and other existing signage, important visual corridors, sign design, and base landscaping.~~

~~c. All signs must adhere to relevant Oregon Department of Transportation (ODOT) regulations.~~

~~d. Minimum spacing between signs on the same side of the freeway shall be 1,000 feet.~~

~~e. Within sub-district "A" the display area of each face of a billboard is restricted in size to 572 square feet. The overall height of a billboard with sub-district "A" is restricted to 35' measured from the ground level below the sign or from the surface of the freeway adjacent to the sign, whichever is greater.~~

~~f. Within sub-district "B" the display area of each face of a billboard is restricted in size to 300 square feet. The overall height of a billboard with sub-district "B" is restricted to 30' measured from the ground level below the sign.~~

~~**D. South US Highway 30.** Off-premise "replacement" billboard signs shall be permitted along US Highway 30 from the southern City Limits to Indiana Avenue within 50' of the highway right-of-way subject to the following standards:~~

~~a. All signs must obtain of a Conditional Use Permit from the Planning Commission prior to construction.~~

~~b. Any new off-premise billboard sign within the designated US Highway 30 corridor shall only be permitted if it is a replacement sign by which an existing off-premise billboard sign in the same corridor is removed and replaced. The replacement location needs to be within South US Highway 30 corridor as defined above, but not necessarily in the identical location.~~

~~c. The Planning Commission shall consider issues of community character, public safety, adjacent businesses and other existing signage, important visual corridors, sign design, and base landscaping.~~

~~d. All signs must adhere to relevant Oregon Department of Transportation (ODOT) regulations.~~

~~e. Minimum spacing between signs on the same side of the freeway shall be 500 feet.~~

~~f. Each face of a billboard is restricted in size to 120 square feet. The overall height of a billboard is restricted to 15' as measured from the ground level below the sign unless conditions related to vehicle safety and circulation are a consideration in which case billboard signs may be approved up to 25' in height.~~

3.5.080 Signs in the Freeway Overlay District: There shall be a Freeway Overlay District *(Figure 3.5.080)* located within an area 500ft from, and parallel to, the right-of-way of Interstate 84 (I-84) on both the east and west sides of the interstate. In addition to all other applicable requirements of this Ordinance, signs within the Freeway Overlay District shall conform to the following regulations:

TABLE 3.5.080 – SIGNS IN FREEWAY OVERLAY DISTRICT

	Restrictions & Guidelines	Number & Location	Maximum Area &Height	Permitted Illumination
Billboard [1, 2, 3]	- Conditional Use Permit from Planning Commission required prior to installation - Stacked signs shall not be permitted - Signs may be double-sided	- Minimum spacing between signs on the same side of the freeway shall be 1,000ft - Setback from R-O-W a distance equal to sign height or 15ft, whichever is greater - 25ft setback from property line - 50ft setback from any building or structure - 500ft setback from any intersection or interchange ramp - 1,000ft from any property line abutting a public park, playground, religious institution, cemetery, school, or residential zone - Not attached to any building - Not located on an utility	*Residential Zones*: - Area: 572ft^2 of display area - Height: 35ft measured from ground level below the sign or from the surface of the freeway adjacent to the sign, whichever is greater *Commercial and Industrial Zones*: - Area: 300 ft^{2}of display area - Height: Overall height 30ft measured from ground level below the	- All light sources are designed, shielded, arranged, and installed to confine or direct all illumination to the surface of the off-premises sign and away from adjoining properties - Light sources shall not be visible from any street or adjoining properties

		easement - Not located on a bridge	sign	
Electronic Reader Board [1, 2, 3]	- 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 - 1ft setback from property line	- Area: 50ft^2 - Height: 15ft	- Internal, not to exceed 40 watts or 60 milliamps Color and brightness of displays shall remain unchanged for a minimum of 5 seconds
Wall [1, 2, 3]	- May not project into R-O-W - May not project more than 1ft - May not interrupt architectural details of façade - May not extend beyond eave or roof lines	- 1 per tenant, oriented towards freeway	- Area: 18% of wall area along freeway frontage	- Internal, external, back-lit or neon

[1] If a business has more than one frontage, only the sign oriented to the freeway shall be granted the size and height allowances of the Freeway Overlay District
[2] Painted Wall signs may increase sign area by 25%
[3] All signs must adhere to relevant Oregon Department of Transportation (ODOT) regulations

Billboard Signs in the Freeway Overlay District are also subject to the following regulations:

A. Construction and Maintenance.

1. All plans for billboard signs shall be certified by a licensed engineer registered in Oregon.

2. All billboard signs shall be constructed in accordance with industry-wide standards established by the Outdoor Advertising Association of America or their successor organizations. All billboard signs shall be structurally sound and maintained in good condition and in compliance with Oregon Building Code.

3. The rear face of a single-face billboard shall be painted and maintained with a single neutral color as approved by the Baker City Planning Department.

B. Identification of Sign Owner: All billboard signs shall be identified on the structure with the name, address, and phone number of the owner of such sign.

C. Landscaping.

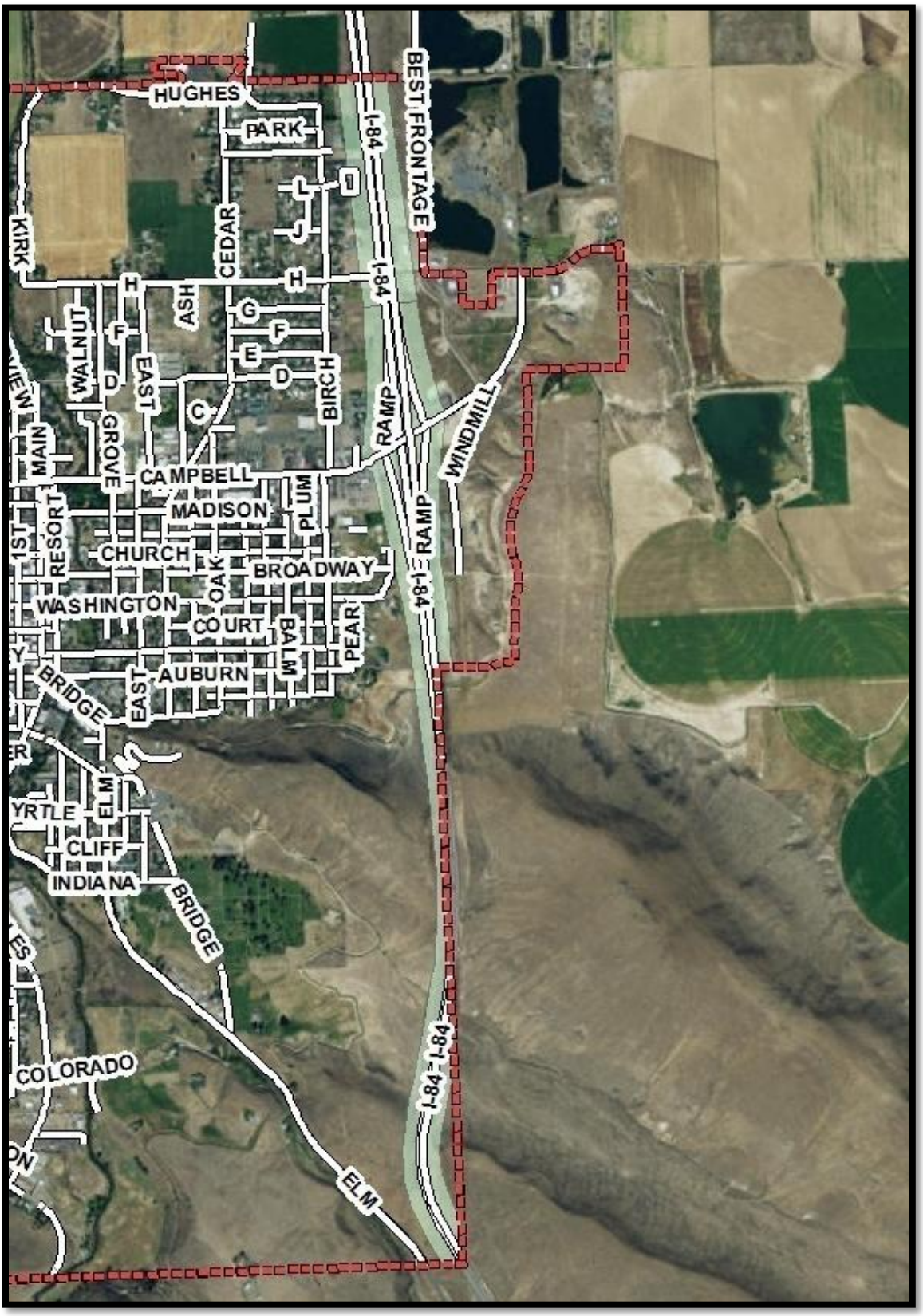
1. Landscaping shall be provided at the base of all billboard signs. Trees and shrubbery, including evergreen and flowering trees, of sufficient size and quantity shall be used to achieve the purpose of this Ordinance.

2. Trees greater than four (4) inches in diameter removed for construction of the sign shall be replaced on-site at a ratio of one (1) replacement tree for each removed tree using native species no less than three (3) inches in diameter.

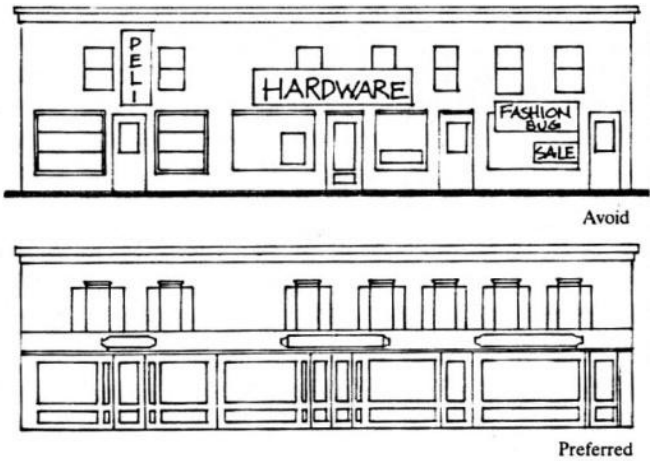
D. Additional Regulations. The Planning Commission shall consider issues of community character, public safety and adjacent businesses and other existing signage, important visual corridors, sign design and base landscaping. All billboard signs shall comply with any and all applicable zoning regulations of the Baker City Development Code and any and all municipal, state and/or federal regulations. In the event any other applicable regulation is in conflict with the provisions of this Section, the more strict regulation shall apply.

E. Safety. In applying for special exception relief, the applicant bears the burden of proof to establish that the proposed billboard sign will not create a public health or safety hazard in the matter and location that it is proposed and in the manner by which it is to be operated.

Figure 3.5.080 – Freeway Overlay District Map



3.5.090 Signs in the Historic District: In addition to all other requirements of this Ordinance, the following regulations shall be applicable to any sign placed in a designated Historic District *(Figure 3.5.090)*:



A. No sign shall be erected or altered until an application has been reviewed and approved by the Baker City Planning Department. Approval from the Historic District Design Review Commission (HDDRC) is also required.

B. Installation must not damage or require removal of historic materials and must be done in a manner such that signs can be removed without harm to the masonry or architectural detailing.

C. The Historic District Design Review Commission shall ensure that the proposed sign is appropriate compared:

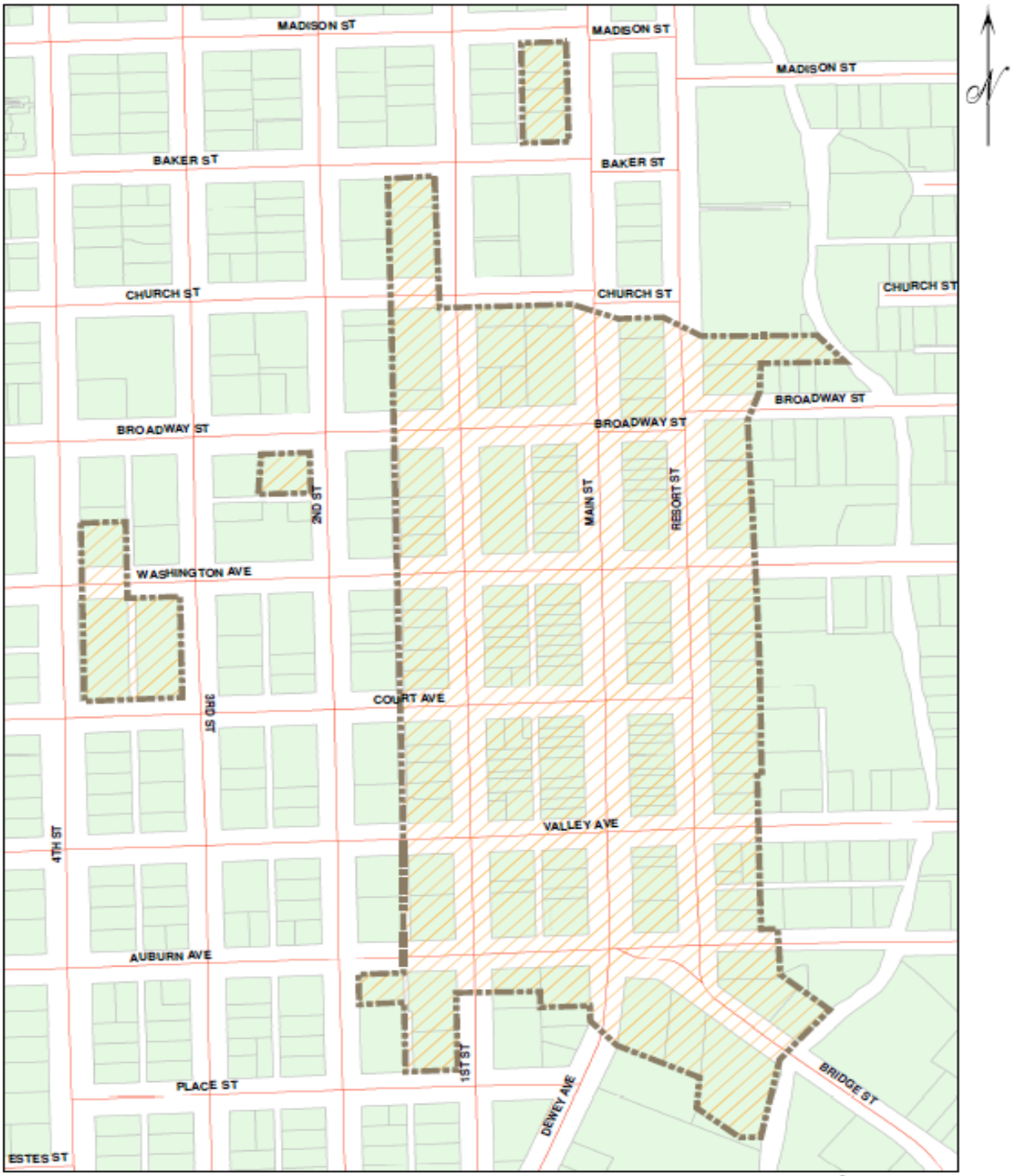
   1. To the style, period, type, size, and scale of the building for which it is proposed; and
   2. With other signs in the Historic District.

D. Due to the unique character of the building facades within the district, signs that are larger than the maximum area allowed or of unique size, shape, or material are permitted if approved by HDDRC.

E. Signs shall not cover architectural details of the building.

F. External illumination shall be the only lighting option permitted.

Figure 3.5.090 – Historic District Map



Legend

- Historic District
- Tax Lots
- STREETS

THIS MAP WAS PREPARED FOR PLANNING PURPOSES ONLY

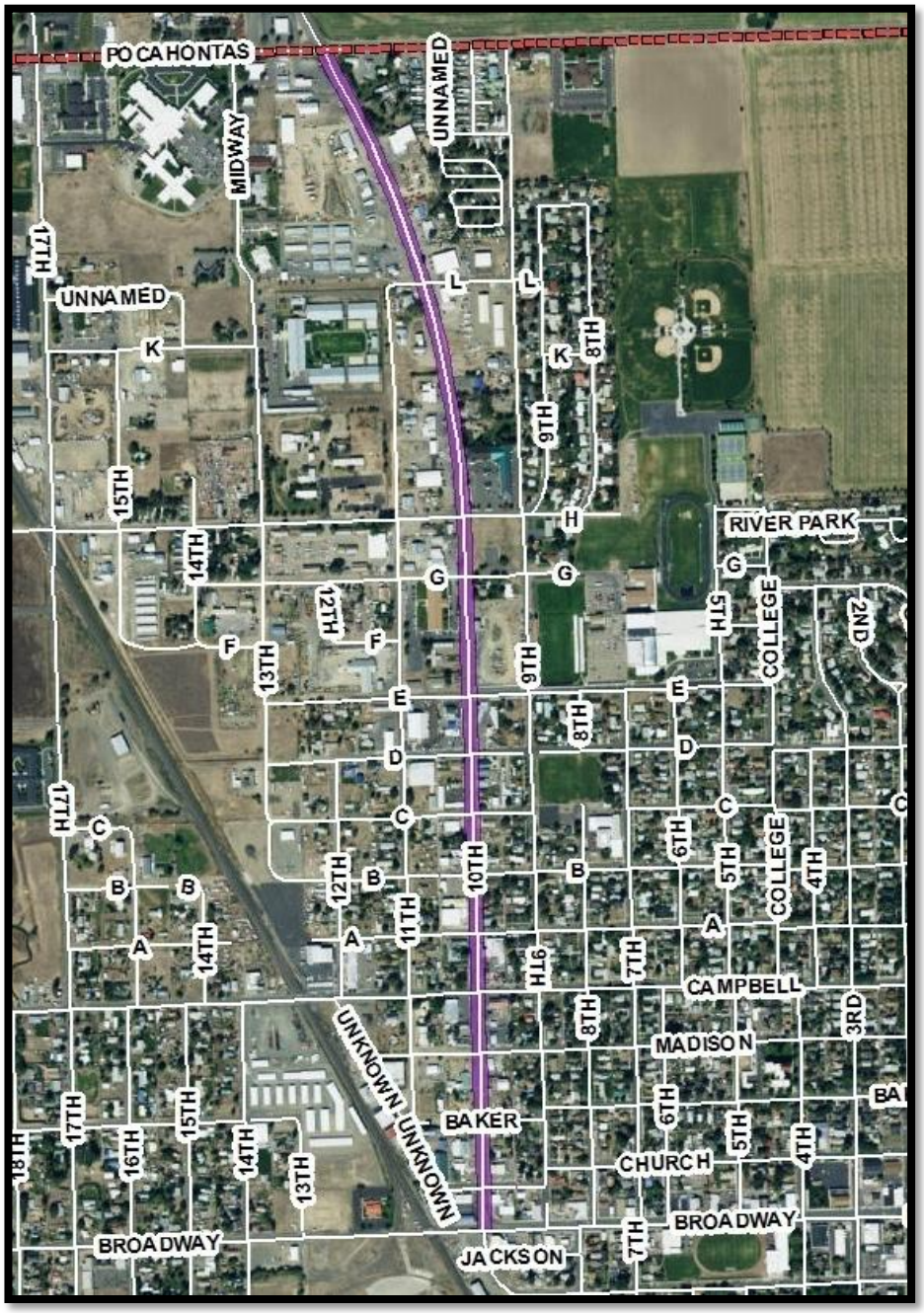
0 100 200 300 400 500 Feet

1 inch = 100 feet
for 24" x 36" size

Baker City Planning Department
1655 1st Street
P.O. Box 650
Baker City, OR 97814
(541) 524-2028

3.5. 100 Signs in the 10th Street Business District: The 10th Street Business District *(Figure 3.5.100)* is a specially designated sign district where traditional 1950's and 1960's era neon and bare-bulb signs are encouraged as well as more contemporary neon and bare-bulb sign applications. Applicants who chose to pursue this option may increase the districts maximum sign height by 33 percent.

Figure 3.5.100 – 10th Street Business District Map



3.5. 110 Signs on South US Highway 30: In addition to all other requirements of this Ordinance, the following regulations shall be applicable to any sign placed along South US Highway 30 *(Figure 3.5.110)*:

A. Replacement billboard signs shall be permitted along US Highway 30 from the southern City Limits to Indiana Avenue within 50' of the highway right-of-way subject to the following standards:

1. All new or replacement signs must obtain of a Conditional Use Permit from the Planning Commission prior to construction.

2. Replacement billboard signs within the designated US Highway 30 corridor shall only be permitted if the existing billboard sign is removed. The replacement location needs to be within South US Highway 30 corridor as defined above but not necessarily in the identical location.

3. The Planning Commission shall consider issues of community character, public safety, adjacent businesses and other existing signage, important visual corridors, sign design, and base landscaping, as well as the applicable criteria listed in *Chapter 4.4 – Condition Use Permits* of this Code.

4. All signs must adhere to relevant Oregon Department of Transportation (ODOT) regulations.

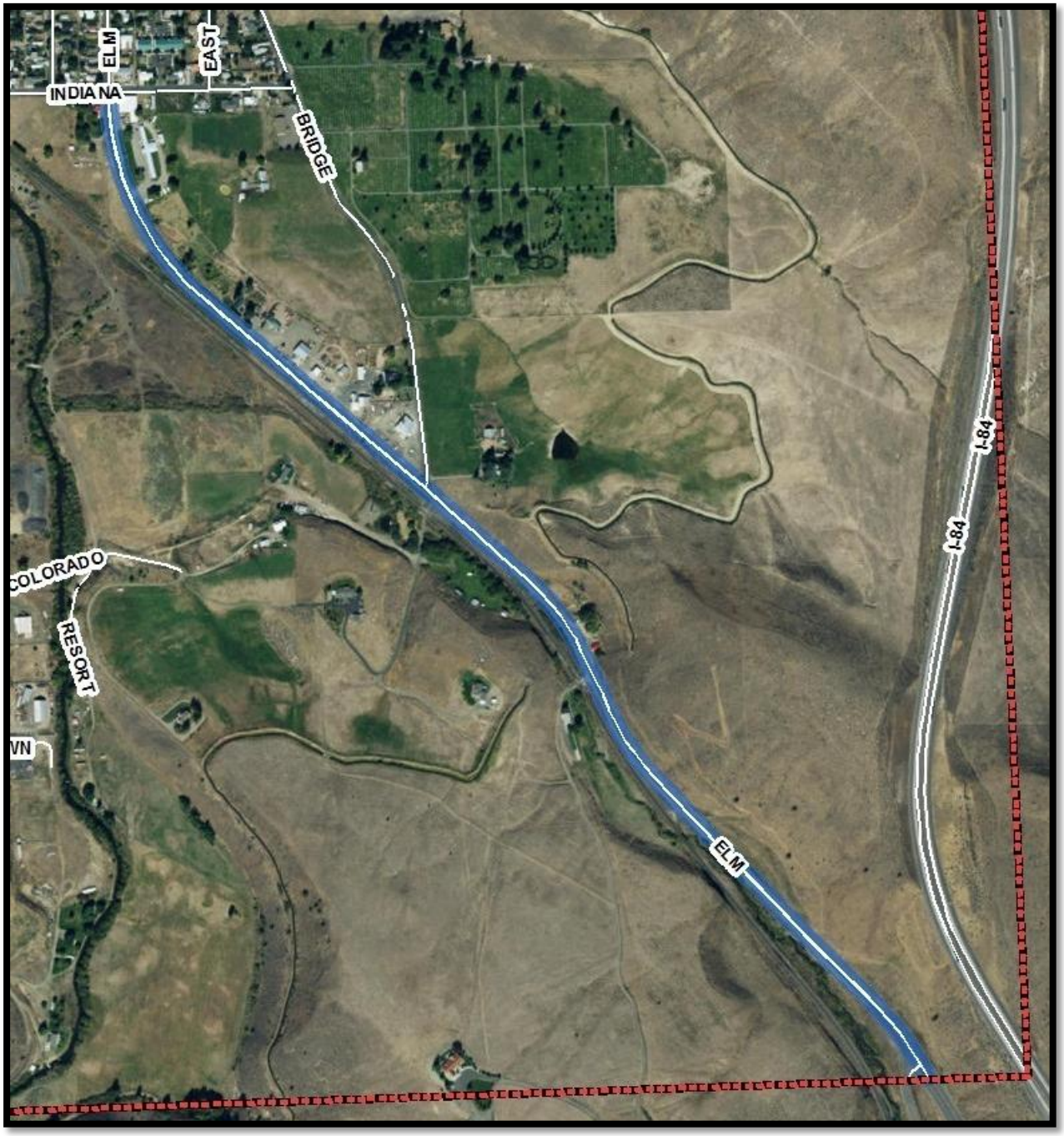
5. Minimum spacing between signs on the same side of US Highway 30 shall be 500 feet.

6. Each face of a billboard is restricted in size to 120 ft^2. The overall height of a billboard is restricted to 15' as measured from the ground level below the sign unless conditions related to vehicle safety and circulation are a consideration in which case billboard signs may be approved up to 25' in height.

7. Double-sided billboard signs are allowed.

8. The rear face of a single-face billboard shall be painted and maintained with a single neutral color as approved by the Baker City Planning Department.

Figure 3.5.110 – South US Highway 30 District Map



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.

3.5.~~800~~130 Non-Conforming Signs

A. It is unlawful to make a major repair without a permit ~~alter~~ any existing non-conforming sign. The sign must be immediately brought into conformance with this ordinance upon any structural alteration, relocation, or replacement. ~~Vandalism and 'Acts of God' which damage the sign shall be exempt from this subsection if the cost of the repair is less than 60 percent of the cost of replacing the sign with a conforming sign. However, the damaged sign must be restored to its original design.~~

B. Any non-conforming sign that ~~has been~~ is damaged or destroyed may be replaced or restored to its original design, so long as the cost of the repair is less than ~~by fire, wind, or other causes in excess of~~ 60 percent of ~~its~~the replacement or restoration cost. ~~shall not be restored except in conformance with the provisions of this chapter.~~

C. Any non-conforming sign that is damaged or destroyed in excess of 60 percent of its replacement or restoration cost shall not be restored except in conformance with the provisions of this chapter.

~~C.~~**D.** No sign shall be altered or enlarged in such a way that increases or continues its non-conformity.

3.5.140 Removal & Abandonment

A. Improperly maintained signs and/or sign supports which cause them to be unsafe or unsightly must be removed.

B. A conforming, abandoned sign structure may remain, however, the business name panels shall either be reversed or have blank panels installed immediately. Such signs shall be maintained according to the standards set forth in this ordinance.

C. An abandoned non-conforming sign is prohibited and shall be immediately removed upon notice by the City or brought to conforming status by the owner of the sign or property.

D. All temporary signs shall be removed within the applicable timeframe set forth by this chapter.

3.5.900150 Enforcement & Penalty for Violation. Any person who erects, constructs, paints, or otherwise makes displays a sign for which a sign permit or approval is required under this ordinance without first obtaining a permit has committed an infraction; and upon conviction thereof, shall be fined not more than $500 per day. It shall not be a defense in any prosecution pursuant to Chapter 1.45 – *Enforcement* that such person erected or otherwise displayed, constructed, painted, or otherwise made the sign for another, whether for gain or otherwise. The City has authority to remove any sign found to be in violation of this Code.

Structural provisions of this code shall be enforced by the City Building Official or designee. If the Building Official finds that any sign is unsafe or insecure, is an immediate peril to persons or property, has been carried out without a valid permit or is in violation of this chapter, the Building Official shall give written notice to the permittee or owner thereof to remove or alter such sign within 30 days. A new sign shall not be re-established until a valid permit has been issued. Failure to remove or alter said sign as directed shall subject the permittee or owner to the penalties prescribed in this ordinance.

All other portions of this code shall be enforced by the Planning Director or designee.

3.5.910160 Effective Date. The provisions of this chapter will be effective beginning on May 29XXXX XX, 20092017.

~~Sign Type~~	~~Restrictions and Guidelines~~	~~Location and Setback~~	~~Number Allowed~~	~~R-O-W Clearance~~	~~Permit~~
~~Window~~	~~Not to exceed more than 50% of total window area (all windows combined)~~	~~-~~	~~No limit~~	~~-~~	~~N~~
~~Marquee~~	~~Permitted by Conditional Use Permit~~	~~-~~ ~~-~~ ~~-~~	~~1~~	~~10 feet above grade~~	~~Y~~
~~Freestanding (Monument)~~	~~1 square foot per 1 foot of street frontage up to 80 sq. ft. (120 for multi-tenet)~~ ~~Maximum height 15 feet~~ ~~May not project into the R-O-W~~	~~1 foot from property line~~	~~1 per street frontage~~	~~-~~ ~~-~~ ~~-~~	~~Y~~
~~Freestanding~~	~~1 square foot per 1 foot of street frontage up to 50 sq. ft. (80 for multi-tenet)~~ ~~Maximum height 15 feet~~ ~~May not project into the R-O-W~~	~~1 foot from property line~~	~~1 per street frontage~~	~~-~~ ~~-~~ ~~-~~	~~Y~~
~~Wall~~	~~18% of wall area along street frontage[1,2]~~ ~~May not Project more than 12"~~ ~~May not extend beyond eave or roof line~~ ~~May not interrupt architectural details of the façade~~	~~-~~ ~~-~~ ~~-~~ ~~-~~	~~No limit as long as stay within aggregate area~~	~~-~~ ~~-~~ ~~-~~ ~~-~~	~~Y~~
~~Projecting~~	~~Maximum 25 sq. ft.~~ ~~Minimum projection from wall (supports) 6";~~ ~~Maximum 12"~~ ~~May not project more than 4' or 1/3 width of sidewalk, whichever is less~~	~~-~~ ~~-~~ ~~-~~ ~~-~~	~~1 per street frontage~~	~~8 feet above grade~~	~~Y~~
~~Awning~~	~~May not exceed total aggregate area of wall sign~~ ~~May not project beyond or below the printable material area~~	~~On building façade and projects from it~~	~~No limit as long as stay within total aggregate area of wall sign~~	~~8 feet above grade~~	~~Y~~
~~Canopy~~	~~May not exceed total aggregate area of wall sign~~	~~On a freestanding structure~~	~~No limit as long as stay within total aggregate area of wall sign~~	~~15 feet above grade~~	~~Y~~
~~Directional~~	~~Maximum 4 sq. ft.~~ ~~Maximum height 4 feet[3]~~	~~With in private property~~	~~1 per entrance into property~~		~~Y~~
~~Hanging~~	~~Maximum 8 sq. ft. per sign~~	~~Under marquee or~~	~~No limit as long as stay within total~~	~~8 feet above grade~~	~~N~~

		awning	aggregate area of wall sign		
Sandwich Board	May not impede pedestrian traffic May only be displayed during business hours	May be located within R-O-W	1	- -	Y

Table 3.5.500 - C-C, C-G, I, & L-I zones - Sign Regulations

[1] Painted wall signs may increase the sign area to 25%.

[2] When combination of wall and freestanding signs are used, total area for wall signs shall be reduced by 50% if all signage is orientated to same frontage.

[3] Due to extenuating circumstances, the planning director or designee may increase or reduce height requirements.

Table 3.5.700.C – C-G Freeway District – Sign Regulations

Sign Type	Restrictions and Guidelines	Location and Setback	Number Allowed	Permit
Freestanding (single bldg.)	1 square foot per 1 foot of freeway frontage up to 150 sq. ft.[1] Maximum height 25 feet above property grade or 12 feet above highway grade, whichever is higher.	1 foot from property line	1 per street frontage	Y
Freestanding (Multi-tenant)	1 square foot per 1 foot of freeway frontage up to 250 sq. ft.[1] Maximum height 25 feet above property grade or 12 feet above highway grade, whichever is higher.	1 foot from property line	1 per street frontage	Y
Wall	18% of wall area along street frontage[2,3] May not Project more than 12" May not extend beyond eave or roof line	- - -	1 per business	Y

[1] If a business has more than one frontage, then only the sign oriented to the freeway shall be granted the size and height allowances of the Freeway Overlay zone.

[2] Painted wall signs may increase the sign area to 25%.

[3] When combination of wall and freestanding signs are used, total area for wall signs shall be reduced by 50% if all signage is orientated to same frontage.

Chapter 3.6 – Radio Frequency Transmission Facilities

Sections:

3.6.100 Purpose
3.6.200 Siting Requirements and Procedures
3.6.300 Application Requirements
3.6.400 Standards for Transmission Towers and Antennas
3.6.500 Standards for Ancillary Facilities
3.6.600 Variance
3.6.700 Removal of Facilities
3.6.800 Application Review and Fees

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

A. Minimizes the number of transmission towers throughout the community;

B. Encourages the collocation of radio frequency transmission facilities;

C. Encourages the use of existing buildings, light or utility poles or water towers as opposed to construction of new radio frequency transmission towers;

D. Recognizes the need of radio frequency transmission providers to build out their systems over time; and

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

3.6.200 Siting Requirements and Procedures

A. Siting Restricted. No radio frequency transmission facility, as defined in this land use code, may be constructed, modified to increase its height, installed or otherwise located within the city except as provided in this section. Depending on the type and location of the radio frequency transmission facility, the radio frequency transmission facility shall be either permitted via a Type I procedure~~an outright permitted use~~, subject to site review procedures, or require a conditional use permit.

1. ~~Outright~~ Permitted Uses. A land use permit is required for a radio frequency transmission facility which, pursuant to subsections B through D of this section, is a ~~n outright~~ permitted use. Such a radio frequency transmission facility shall require only a development review using a Type I procedure in accordance with the land use review procedures in Section 4.2.300 Land Use Review – Procedures and Approval Criteria.

2. Site Review. A radio frequency transmission facility which, pursuant to subsections B through D of this section, is subject to site design review shall be processed in accordance with the Type II site design review procedures in Chapter 4.2. The criteria contained in this section, as well as the criteria contained in Section 4.2.600 Site Design Review – Approval Criteria, shall govern approval or denial of the site review application. In the event of a conflict in criteria, the criteria contained in this section shall govern. No development permit shall be issued prior to completion of the site review process, including any local appeal.

3. Conditional Use Permit. A radio frequency transmission facility which, pursuant to subsections C or D of this section, requires a conditional use permit shall be processed in accordance with the conditional use permit procedures in Chapter 4.4, except that the variance provisions shall not apply. The criteria contained in Section 4.4.400 Conditional Use Permits – Criteria, Standards and Conditions of Approval and Sections 3.6.300 and 3.6.400 of this section shall govern approval or denial of the conditional use permit application. In the event of a conflict in criteria, the criteria contained in Sections 3.6.300 and 3.6.400 of this section shall govern. No development permit shall be issued prior to completion of the conditional use permit process, including any local appeal.

B. Collocation of Additional Antennas on Existing Transmission Tower

1. Permitted Use. Collocation of an additional antenna on an existing transmission tower shall be ~~considered an outright~~ permitted via a Type I procedure ~~permitted use~~ if property is zoned C-G, I or LI, or if the transmission tower is in any other zone and the city specifically approved, as part of a prior land use process authorizing the transmission tower, collocation of additional antennas.

2. Site Design Review. Collocation of an additional antenna on an existing transmission tower shall be subject to site design review approval if property is zoned R-HD, R-MD, R-LD, or C-C and approval for collocation was not granted through a prior land use process.

C. Collocation of Antennas on Existing Buildings, Light or Utility Poles, and Water Towers. In addition to collocation on a transmission tower, an antenna may be collocated on existing buildings, light or utility poles, and water towers.

1. Permitted Use. Such collocation on a building, light or utility pole, or water tower, shall be permitted via a Type I procedure ~~considered an outright permitted use~~ provided that the antennas and ancillary facilities comply with the standards contained in this Chapter, the color of the antennas blends in with the existing structure and surroundings, and one of the following is met:

   a. The property is zoned C-G, I or LI, and the antennas do not exceed the height limitation of the zone; or

   b. The property is zoned R-HD, R-MD, R-LD, or C-C, and the antennas extend no more than 18 feet above, and project no more than 2 feet horizontally away from the existing structure.

2. Site Design Review. Such collocation on a building, light or utility pole, or water tower shall be subject to site design review approval provided that the antennas and ancillary facilities

comply with the standards contained in this Chapter, the color of the antennas blend in with the existing structure and surroundings, and:

a. The property is zoned R-HD, R-MD, R-LD, or C-C, and the antennas extend more than 18 feet above, or project more than 2 feet horizontally away from the existing structure.

3. Conditional Use Permit. In all cases other than those listed in items (1) and (2) above, such collocation shall require a conditional use permit. No exceptions to the standards contained in this Chapter shall be permitted except as authorized by Section 3.6.600. In no event shall a conditional use permit authorize a tower or antennas to exceed the height limitation for a zone except as provided for in this section.

D. Construction of Transmission Tower. Construction of a transmission tower, or a modification of an existing transmission tower to increase its height, shall be allowed as follows:

1. Permitted Use.

a. Such construction or modification shall be permitted via a Type I procedure ~~considered an outright permitted use~~ in the I zone.

b. Modification to increase the height of an existing transmission tower shall be considered a~~n outright~~ permitted use in all other zones if the city approved an increase in tower height, as part of a prior land use process authorizing the transmission tower. The increase in height allowed under this paragraph shall be limited to the specific height authorized in the prior land use process.

2. Site Design Review. Such construction shall require site design review approval in the LI zone.

3. Conditional Use Permit. Such construction shall require a conditional use permit in the C-G and C-C zones.

4. Prohibited Zones and Locations. No new transmission tower shall be permitted in any zones not included in items (1) through (3) above, including the R-HD, R-MD, and R-LD zones.

3.6.300 Application Requirements

A. Collocation of Antennas. In addition to standard required application material, an applicant for collocation of antennas shall submit the following information; additional application material is required, as specified in subsection C below, for applications requiring a site design review or conditional use process.

1. A description of the proposed antennas location**,** design and height.

2. Documentation demonstrating compliance with non-ionizing electromagnetic radiation (NIER) emissions standards as set forth by the Federal Communications Commission (FCC) particularly with respect to any habitable areas within the structure on which the antennas are co-locating on or in structures directly across from or adjacent to the antennas.

3. A statement documenting that placement of the antenna is designed to allow future collocation of additional antennas if technologically possible.

4. Documentation that the ancillary facilities will not produce sound levels in excess of those standards specified in Section 3.6.400.F, or designs showing how the sound is to be effectively muffled and reduced pursuant to those standards.

5. Plans showing the connection to utilities/right-of-way cuts required, ownership of utilities and easements required.

6. Documents demonstrating that necessary easements have been obtained.

7. Plans showing how vehicle access will be provided.

8. Signature of the property owner(s) on the application form or a statement from the property owner(s) granting authorization to proceed with development permit and land use processes.

9. If ancillary facilities will be located on the ground, a landscape plan drawn to scale showing proposed and existing landscaping, including type, spacing, size and irrigation methods.

10. Documents demonstrating that the FAA has reviewed and approved the proposal, and the Oregon Department of Aviation has reviewed the proposal. Alternatively, when a site design review or conditional use process is required, submit a statement documenting that notice of the proposal has been submitted to the FAA and Oregon Department of Aviation. The site design review or conditional use process may proceed and approval may be granted for the proposal as submitted, subject to FAA approval. If FAA approval requires any changes to the proposal as initially approved, then that initial approval shall be void. A new application will need to be submitted, reviewed and approved through an additional site design review or conditional use process. No development permit application shall be submitted without documents demonstrating FAA review and approval and Oregon Department of Aviation review.

B. Construction of Transmission Tower. In addition to standard required application material, an applicant for a transmission tower shall submit the following information; additional application material is required, as specified in subsection C below, for applications requiring a site design review or conditional use process:

1. A description of the proposed tower location, design and height.

2. The general capacity of the tower in terms of the number and type of antennas it is designed to accommodate.

3. Documentation demonstrating compliance with non-ionizing electromagnetic radiation (NIER) emissions standards as set forth by the Federal Communications Commission (FCC).

4. A signed agreement, as supplied by the city, stating that the applicant will allow collocation with other users, provided all safety, structural, and technological requirements are met. This

agreement shall also state that any future owners or operators will allow collocation on the tower.

5. Documentation that the ancillary facilities will not produce sound levels in excess of those standards specified in Section 3.6.400.F, or designs showing how the sound is to be effectively muffled and reduced pursuant to those standards.

6. A landscape plan drawn to scale showing proposed and existing landscaping, including type, spacing, size and irrigation methods.

7. Plans showing the connection to utilities/right-of-way cuts required, ownership of utilities and easements required.

8. Documents demonstrating that necessary easements have been obtained;

9. Plans showing how vehicle access will be provided;

10. Signature of the property owner(s) on the application form or a statement from the property owner(s) granting authorization to proceed with development permit and land use processes;

11. Documents demonstrating that the FAA has reviewed and approved the proposal, and Oregon Department of Aviation has reviewed the proposal. Alternatively, when a site design review or conditional use process is required, submit a statement documenting that notice of the proposal has been submitted to the FAA and Oregon Department of Aviation. The site design review or conditional use process may proceed and approval may be granted for the proposal as submitted, subject to FAA approval. If FAA approval requires any changes to the proposal as initially approved, then that initial approval shall be void. A new application will need to be submitted, reviewed and approved through an additional site review or conditional use process. No development permit application shall be submitted without documents demonstrating FAA review and approval and Oregon Department of Aviation review.

C. Site Review and Conditional Use Permit Applications. In addition to the application requirements specified in subsection B above, applications for site design review or conditional use permits also shall include the following information:

1. A visual study containing, at a minimum, a graphic simulation showing the appearance of the proposed tower, antennas, and ancillary facilities from at least 5 points within a 3 mile radius. Such points shall be chosen by the provider with review and approval by the planning director to ensure that various potential views are represented.

2. Documentation that alternative sites within a radius of at least 2000 feet have been considered and have been determined to be technologically unfeasible or unavailable. For site design reviews, alternative sites zoned I or LI must be considered. For conditional use permits, alternative sites zoned I, LI, C-G or C-C must be considered.

3. Evidence demonstrating collocation is impractical on existing tall buildings, light or utility poles, water towers, existing transmission towers, and existing tower facility sites for reasons of structural support capabilities, safety, available space, or failing to meet service coverage

area needs.

4. A current overall system plan for the city, showing facilities presently constructed or approved and future expansion plans.

5. A statement providing the reasons for the location, design and height of the proposed tower or antennas.

3.6.400 Standards for Transmission Towers and Antennas. Installation, construction or modification of all transmission towers and antennas shall comply with the following standards, unless a variance is obtained pursuant to the provisions of Section 3.6.600:

A. Separation Between Transmission Towers. No transmission tower may be constructed within 2000 feet of any pre-existing transmission tower. Tower separation shall be measured by following a straight line from the portion of the base of the proposed tower which is closest to the base of any pre-existing tower. For purposes of this paragraph, a tower shall include any transmission tower for which the city has issued a development permit, or for which an application has been filed and not denied. Transmission towers constructed or approved prior to [amendment effective date, 2014] may be modified to accommodate additional providers consistent with provisions for collocation in this section.

B. Height Limitation: Transmission tower heights are subject to structural height standard in the zone. Approval may be obtained for taller structures through a Conditional Use Permit application. No transmission tower shall exceed the maximum heights provided below. In no case shall a variance be granted from the limitations of items (1) and (2) below.

1. If located within an I or LI zone, the maximum height of a transmission tower, including antennas, is 200 feet.

2. If located within a C-G or C-C zone, the maximum height of a transmission tower, including antennas, is 100 feet.

3. If located within an R-HD, R-MD, or R-LD zone, the maximum height of a transmission tower, including antennas, is 75 feet, unless a variance is granted pursuant to the provisions of Section 3.6.600. In no event shall a variance be granted to construct such a tower in excess of 100 feet.

C. Collocation. New transmission towers shall be designed to accommodate collocation of additional providers:

1. New transmission towers of a height of 80 feet or more shall be designed to accommodate collocation of a minimum of 2 additional providers either ~~outright~~ as proposed or through future modification to the tower.

2. New transmission towers of a height of at least 60 feet and no more than 80 feet shall be designed to accommodate collocation of a minimum of 1 additional provider either ~~outright~~ as proposed or through future modification to the tower.

D. Setback. The following setbacks from adjacent property lines and adjacent streets shall be required unless a variance is granted pursuant to the provisions of Section 3.6.600:

1. If located within an I zone, no setback from adjacent property lines shall be required beyond that required by this land use code.

2. If located within a LI, C-G or C-C zone, the transmission tower shall be set back from adjacent property lines a minimum number of feet that is equal to the height of the transmission tower.

E. Buffering. In all zones, existing vegetation shall be preserved to the maximum extent possible. In the I and LI zones, no buffering is required beyond that required by this land use code. In all other zones, landscaping shall be placed completely around the transmission tower and ancillary facilities located at ground level except as required to access the facility. Such landscaping shall consist of evergreen vegetation with a minimum planted height of 6 feet placed densely so as to form a screen. Landscaping shall be compatible with other nearby landscaping and shall be kept healthy and well maintained.

F. Noise Reduction. In R-HD, R-MD, and R-LD, and in all other zones when the adjacent property is zoned for residential use or occupied by a dwelling, hospital, school, library, or nursing home, noise generating equipment shall be sound-buffered by means of baffling, barriers, or other suitable means to reduce sound level measured at the property line to 45dBa.

G. Status of Location. No permit may be issued for the location of a new radio frequency transmission facility within an R-HD, R-MD, or R-LD zone unless the lot on which it is to be placed is developed with a non-residential use at the time the permit application is submitted. This restriction does not apply within other zones.

H. Lighting. No lighting shall be permitted on transmission towers except that required by the Federal Aviation Administration. No high intensity white lights may be located on transmission towers in an R-HD, R-MD, or R-LD zone.

I. Color. The transmission tower and attached antennas shall be unpainted galvanized steel or painted neutral colors or such shades as are appropriate and compatible with the surrounding environment, as approved by the city.

J. Viewshed. The transmission tower shall be located down slope from the top of a ridgeline so that when viewed from any point along the base of the hill, the tower does not interrupt the profile of the ridgeline. Visual impacts to prominent views of the Elkhorn Mountains and Eagle Cap Mountains shall be minimized to the greatest extent possible. Approval for location of a transmission tower in a prominent view of these Mountains shall be given only if location of the transmission tower on an alternative site is not possible as documented by application materials submitted by the applicant, and the transmission tower is limited in height to the minimum height necessary to provide the approximate coverage the tower is intended to provide.

K. Display. No signs, striping, graphics or other attention getting devices are permitted on the transmission tower or ancillary facilities except for warning and safety signage with a surface area of no more than 3 ft^2. Such signage shall be affixed to a fence or ancillary facility and the number of signs is limited to no more than two (2).

3.6.500 Standards for Ancillary Facilities. All ancillary facilities shall comply with the standards of Sections 3.6.400.E and 3.6.400.F. In addition, all ancillary facilities within an R-HD, R-MD, or R-LD zone must be located underground to the maximum extent technology allows, unless a variance is obtained pursuant to the provisions of Section 3.6.600. This restriction does not apply within other zones.

3.6.600 Variance

A. Any variance to the requirements of this section shall be granted only pursuant to the following provisions. The criteria for granting a variance shall be limited to this section, and shall not include the standard variance criteria of Chapter 5.1.

B. The city may grant a variance from the provisions of Section 3.6.400.A of this section providing the applicant demonstrates that:

1. It is technologically impossible to locate the proposed tower on available sites more than 2,000 feet from a pre-existing transmission tower and still provide the approximate coverage the tower is intended to provide;

2. The pre-existing transmission tower that is within 2,000 feet of the proposed tower cannot be modified to accommodate another provider; and

3. There are no available buildings, light or utility poles, or water towers on which antennas may be located and still provide the approximate coverage the tower is intended to provide.

C. The city may grant a variance to the setback and undergrounding requirements of Sections 3.6.400.D or 3.6.500 upon finding that stealth design, proposed landscaping, configuration of the site, or the presence of mature trees obviates the need for compliance.

D. The city may grant a variance to the 75 foot height limitation in the R-HD, R-MD, or R-LD zone to a maximum of 100 feet providing the applicant demonstrates that modifying a transmission tower taller than 75 feet will not affect the Viewshed regulations of Section 3.6.400.J.

E. If the proposed transmission tower or ancillary facility requires site design review or a conditional use permit, the request for variance shall be considered as part of the site design review or conditional use permit process. If the proposed transmission tower or ancillary facility ~~is an~~can be permitted via a Type I procedure ~~outright permitted use~~, the request for a variance shall be processed in accordance with the Type II application procedures in Section 4.1.300.

3.6.700 Removal of Facilities

A. All transmission towers and antennas shall be removed by the person who constructed the facility, by the person who operates the facility, or by the property owner, within 6 months of the time that the facilities have ceased being used to transmit, receive or relay voice and data signals to or from wireless communication devices. The city manager may grant a 6-month extension where a

written request has been filed, within the initial 6-month period, to reuse the tower or antennas.

B. If a transmission tower is located within an R-HD, R-MD, or R-LD zone, the provisions of subsection A also shall apply to the tower substructure and all above ground ancillary facilities.

C. The city may require the posting of an open ended bond before development permit issuance to insure removal of the transmission tower, substructure or antennas after the facility no longer is being used.

3.6.800 Application Review and Fees. The city manager shall retain one or more consultants to verify the accuracy of statements made in connection with an application for a building or land use permit for a radio frequency transmission facility. Notwithstanding any other provision of this code, the city manager shall require the applicant to pay, as part of the application fees, an amount sufficient to recover all of the city's costs in retaining the consultant(s).

Article 4 – Administration of Land Use and Development

Chapters:

4.1. Types of Review Procedures
4.2. Land Use Review and Site Design Review
4.3. Land Divisions and Property Line Adjustments
4.4. Conditional Use Permits
4.5. Master Planned Developments and Coved Neighborhood Plans
4.6. Modifications to Approved Plans and Conditions of Approval
4.7. Land Use District Map and Text Amendments
4.8. Code Interpretations
4.9. Miscellaneous Permits

Chapter 4.1 - Types of Review Procedures

Sections:

4.1.100 Purpose and Applicability of Review Procedures
4.1.200 Type I Procedure (Administrative)
4.1.300 Type II Procedure (Administrative with Notification)
4.1.400 Type III Procedure (Quasi-Judicial)
4.1.500 Type IV Procedure (Legislative)
4.1.600 General Provisions Applicable to All Reviews
4.1.700 Special Procedures
4.1.800 Neighborhood Meetings
4.1.900 Traffic Impact Studies

4.1.100 Purpose and Applicability of Review Procedures

A. Purpose. The purpose of this chapter is to establish standard decision-making procedures that will enable the City, the applicant, and the public to reasonably review applications and participate in the local decision-making process in a timely and effective way. Table 4.1.100 provides a key for determining the review procedure and the decision-making body for particular approvals.

B. Applicability of Review Procedures. All land use and development permit applications and approvals, except building permits, shall be decided by using the procedures contained in this chapter. The procedure "type" assigned to each application governs the decision-making process for that permit or approval. There are four types of permit/approval procedures: Type I, II, III, and IV. These procedures are described in subsections 1-4 below. Table 4.1.100 lists all of the City's land use and development approvals and their required review procedure(s). All decisions may be appealed before the Land Use Board of Appeals (LUBA) once other resources have been exhausted.

1. Type I Procedure (Administrative). Type I decisions are made by the City Planning Official, or someone he or she officially designates, without public notice and without a public hearing. The Type I procedure is used when there are clear and objective approval criteria, and applying City standards and criteria requires limited discretion;

2. Type II Procedure (Administrative). Type II decisions are made by the City Planning Official or designee with public notice, and an opportunity for a public hearing if appealed. The Type II procedure is used when there are clear and objective approval criteria, and applying City standards and criteria requires limited discretion. The appeal of a Type II decision is heard by the Planning Commission;

3. Type III Procedure (Quasi-Judicial). Type III decisions are made by the Planning Commission after a public hearing, with appeals reviewed by the City Council. Type III decisions generally use discretionary approval criteria.

4. Type IV Procedure (Legislative). Type IV procedures apply to legislative matters. Legislative matters involve the creation, revision, or large-scale implementation of public policy (e.g., adoption of land use regulations, zone changes, and comprehensive plan amendments that apply to entire districts, not just one property). Type IV matters are considered initially by the Planning Commission with final decisions made by the City Council.

Table 4.1.100
Summary of Approvals by Type of Review Procedure

Approvals*	Review Procedures	Applicable Regulations
Access Permit (public street)	Type I	Chapters 3.1, 4.2, 4.3; Engineering Standards
Building Permit	N/A	Building Code
Code Interpretation	Type I/III	Chapter 4.8
Code Amendment	Type IV	Chapter 4.7
Comprehensive Plan Amendment	Type IV	Comprehensive Plan
Conditional Use Permit	Type III	Chapter 4.4
Flood Plain Development Permit	Type I	Building Code
Home Occupation exceeding the criteria in Section 2.2.200.F	Type III	Chapter 4.9
Master Planned Development	Type III	Chapter 4.5
Modification to Approval	Type I/II/III	Chapter 4.6
Land Use District Map Change Quasi-Judicial (no plan amendment required) Legislative (plan amendment)	 Type III Type IV	 Chapter 4.7 Chapter 4.7
Land Use Review	Type I	Chapter 4.2, Building Code
Property Line Adjustments and Lot Consolidations	Type I	Chapter 4.3
Lot of Record Determination	Type I	Chapter 5.3
Non-Conforming Use or	Type I	Chapter 5.2

Table 4.1.100 Summary of Approvals by Type of Review Procedure		
Approvals*	**Review Procedures**	**Applicable Regulations**
Development Confirmation		
Partition (2-3 lots)	Type II	Chapter 4.3
Sign Permit	Type I/II/III	Chapter 3.5
Site Design Review	Type II/ III	Chapter 4.2
Subdivision (4 lots or more) Preliminary Plan Final Plat	Type III Type I	Chapter 4.3
Temporary Use Permit	Type I~~/II~~	Chapter 4.9
Tree Removal	Type I/II	Chapter 3.2
Variance Class A Class B Class C	 Type I Type II Type III	 Chapter 5.1 Chapter 5.1 Chapter 5.1

* The applicant may be required to obtain building permits and other approvals from other agencies, such as a road authority or natural resource regulatory agency. The City's failure to notify the applicant of any requirement or procedure of another agency shall not invalidate a permit or other decision made by the City under this Code.

4.1.200 Type I Procedure (Administrative)

A. Application Requirements

1. Application Forms. Type I applications shall be made on forms provided by the City Planning Official or designee.

2. Application Requirements. Type I applications shall:

   a. Include the information requested on the application form;

   b. Address the criteria in sufficient detail for review and action; and

   c. Be filed with the required fee.

B. Administrative Decision Requirements. The City Planning Official or designee's decision shall address all of the approval criteria, including applicable requirements of any road authority. Based on the criteria and the facts contained within the record, the City Planning Official shall approve or deny the requested permit or action. A written record of the decision shall be provided to the applicant and kept on file at City Hall.

C. Final Decision. A Type I decision is the final decision of the City. It cannot be appealed to City officials.

D. Effective Date. A Type I decision is final on the date it is made.

4.1.300 Type II Procedure (Administrative with Notification)

A. Pre-application Conference. A pre-application conference is recommended for Type II reviews. Pre-application conference procedures are in Section 4.1.600.

B. Application Requirements

1. Application Forms. Type II applications shall be made on forms provided by the City Planning Official or designee.

2. Submittal Information. The application shall:

   a. Include the information requested on the application form;

   b. Be filed with one copy of a narrative statement that explains how the application satisfies each and all of the relevant criteria and standards in sufficient detail for review and decision-making. Note: additional information may be required under the specific application requirements for each approval, e.g., Chapters 4.2 (Land Use Review), 4.3 (Land Divisions), 4.6 (Modifications), 4.8 (Code Interpretations), and 4.9 (Miscellaneous Permits); and

   c. Be accompanied by the required fee.

C. Notice of Application for Type II Administrative Decision

1. Before making a Type II Administrative Decision, the City Planning Official or designee shall mail notice to:

   a. All owners of record of real property within 100 feet of the subject site;

   b. All City recognized neighborhood groups or associations whose boundaries include the site;

   c. Any person who submits a written request to receive a notice; and

   d. Any governmental agency that is entitled to notice under an intergovernmental agreement entered into with the City. The City may notify other affected agencies. The City shall notify the road authority, and rail authority and owner, when there is a proposed development abutting or affecting their transportation facility and allow the agency to review, comment on, and suggest conditions of approval for the application.

   e. The City's official may also post the notice on the City's website.

2. The purpose of the notice is to give nearby property owners and other interested people the opportunity to submit written comments about the application before the Type II decision is made. The goal of this notice is to invite people to participate early in the decision-making process.

3. Notice of a pending Type II Administrative Decision shall:

   a. Provide a 14-day period for submitting written comments before a decision is made on the permit;

   b. List the relevant approval criteria;

   c. State the place, date and time the comments are due, and the person to whom the comments should be addressed;

   d. Include the name and telephone number of a contact person regarding the Administrative Decision;

   e. Describe proposal and identify the specific permits or approvals requested;

   f. Describe the street address or other easily understandable reference to the location of the site;

   g. State that if any person fails to address the relevant approval criteria with enough detail, they may not be able to appeal to the Land Use Board of Appeals or Circuit Court on that issue. Only comments on the relevant approval criteria are considered relevant evidence;

   h. State that all evidence relied upon by the City Planning Official or designee to make this decision is in the public record, available for public review. Copies of this evidence can be obtained at a reasonable cost from the City;

   i. State that after the comment period closes, the City Planning Official or designee shall issue a Type II Administrative Decision, and that the decision shall be mailed to the applicant and to anyone else who submitted written comments or who is otherwise legally entitled to notice;

   j. Contain the following notice: "Notice to mortgagee, lien holder, vendor, or seller: The City of Baker City Development Code requires that if you receive this notice it shall be promptly forwarded to the purchaser."

D. Administrative Decision Requirements. The City Planning Official or designee shall make a Type II written decision addressing all of the relevant approval criteria and standards. Based upon the criteria and standards, and the facts contained within the record, the City Planning Official or designee shall approve, approve with conditions, or deny the requested permit or action. Alternatively, the applicant may refer the application to the Planning Commission for review in a public hearing, in which case the review shall follow the Type III procedures in Section 4.1.400.

E. Notice of Decision

1. Within five days after the City Planning Official or designee signs the decision, a Notice of

Decision shall be sent by mail to:

a. The applicant and all owners or contract purchasers of record of the site that is the subject of the application;

b. Any person who submits a written request to receive notice, or provides written comments during the application-review period;

c. Any City-recognized neighborhood group or association whose boundaries include the site; and

d. Any governmental agency that is entitled to notice under an intergovernmental agreement entered into with the City, and other agencies that were notified or provided comments during the application review period.

e. The City may also post the decision onto the City's website.

2. The City Planning Official or designee shall cause an affidavit of mailing the notice to be prepared and made a part of the file. The affidavit shall show the date the notice was mailed and shall demonstrate that the notice was mailed to the parties above and was mailed within the time required by law.

3. The Type II Notice of Decision shall contain:

a. A description of the applicant's proposal and the City's decision on the proposal (i.e., may be a summary);

b. The address or other geographic description of the property proposed for development, including a map of the property in relation to the surrounding area, where applicable;

c. A statement of where the City's decision can be obtained;

d. The date the decision shall become final, unless appealed;

e. A statement that all persons entitled to notice may appeal the decision; and

f. A statement briefly explaining how to file an appeal, the deadline for filing an appeal, and where to obtain further information concerning the appeal process.

F. Final Decision and Effective Date. A Type II administrative decision is final for purposes of appeal, when it is mailed by the City. A Type II administrative decision is effective on the day after the appeal period expires. If an appeal is filed, the decision is effective when the appeal is decided.

G. Appeal. A Type II administrative decision may be appealed to the Planning Commission as follows:

1. Who may appeal. The following people have legal standing to appeal a Type II Administrative Decision:

   a. The applicant or owner of the subject property;

   b. Any person who was entitled to written notice of the Type II administrative decision; and

   c. Any other person who participated in the proceeding by submitting written comments.

2. Appeal filing procedure

   a. *Notice of appeal*. Any person with standing to appeal, as provided in subsection 1, above, may appeal a Type II Administrative Decision by filing a Notice of Appeal according to the following procedures;

   b. *Time for filing*. A Notice of Appeal shall be filed with the City Planning Official or designee within 14 days of the date the Notice of Decision was mailed;

   c. *Content of notice of appeal*. The Notice of Appeal shall contain:

      i. An identification of the decision being appealed, including the date of the decision;

      ii. A statement demonstrating the person filing the Notice of Appeal has standing to appeal;

      iii. A statement explaining the specific issues being raised on appeal;

      iv. If the appellant is not the applicant, a statement demonstrating that the appeal issues were raised during the comment period; and

      v. Filing fee.

3. Scope of appeal. The appeal of a Type II Administrative Decision by a person with standing shall be a hearing *de novo* before the Planning Commission. The appeal shall not be limited to the application materials, evidence and other documentation, and specific issues raised in the Type II administrative review. The Planning Commission may allow additional evidence, testimony or argument concerning any relevant standard, criterion, condition, or issue.

4. Appeal procedures. Type III notice, hearing procedures and decision process shall also be used for all Type II Administrative Appeals, as provided in Sections 4.1.400.C - E;

5. Further appeal to City Council. The decision of the Planning Commission regarding an appeal of a Type II Administrative Decision is the final decision of the City unless appealed to City Council. An appeal to City Council shall follow the same notification and hearing procedures as for the Planning Commission hearing. The decision of the City Council on an appeal is final and effective on the date it is mailed by the City. The City Council's decision may be appealed to the State Land Use Board of Appeals pursuant to ORS 197.805 – 197.860.

4.1.400 Type III Procedure (Quasi-Judicial)

A. Pre-application Conference. A pre-application conference is recommended for all Type III applications. The procedures for a pre-application conference are described in Section 4.1.600.C.

B. Application Requirements

1. Application forms. Type III applications shall be made on forms provided by the City Planning Official or designee; if a Type II application is referred to a Type III hearing, either voluntarily by the applicant or staff, or upon appeal, no new application is required.

2. Submittal Information. When a Type III application is required, it shall:

   a. Include the information requested on the application form;

   b. Be filed with one copy of a narrative statement that explains how the application satisfies each and all of the relevant criteria and standards in sufficient detail for review and decision-making. Note: additional information may be required under the specific application requirements for each approval, e.g., Chapters 4.2 (Land Use Review), 4.3 (Land Divisions), 4.6 (Modifications), 4.8 (Code Interpretations), and 4.9 (Miscellaneous Permits); and

   c. Be accompanied by the required fee.

C. Notice of Hearing

1. Mailed notice. The City shall mail the notice of the Type III action. The records of the Baker County Assessor's Office are the official records for determining ownership. Notice of a Type III application hearing or Type II appeal hearing shall be given by the City Planning Official or designee in the following manner:

   a. At least 20 days before the hearing date, notice shall be mailed to:

      i. The applicant and all owners or contract purchasers of record of the property that is the subject of the application;

      ii. All property owners of record within 100 feet of the site;

      iii. Any governmental agency that is entitled to notice under an intergovernmental agreement entered into with the City. The City may notify other affected agencies. The City shall notify the road authority, and rail authority and owner, when there is a proposed development abutting or affecting their transportation facility and allow the agency to review, comment on, and suggest conditions of approval for the application.

      iv. Owners of airports in the vicinity shall be notified of a proposed zone change in accordance with ORS 227.175;

v. Any neighborhood or community organization recognized by the City Council and whose boundaries include the property proposed for development;

vi. Any person who submits a written request to receive notice;

vii. For appeals, the appellant and all persons who provided testimony in the original decision; and

viii. For a land use district change affecting a manufactured home or mobile home park, all mailing addresses within the park, in accordance with ORS 227.175.

b. The City Planning Official or designee shall have an affidavit of notice be prepared and made a part of the file. The affidavit shall state the date that the notice was mailed to the persons who must receive notice.

c. At least 14 business days before the hearing, notice of the hearing shall be printed in a newspaper of general circulation in the City. The newspaper's affidavit of publication of the notice shall be made part of the administrative record.

d. The City may also post the notice on the City's website.

2. Content of notice. Notice of appeal of a Type II Administrative decision or notice of a Type III hearing to be mailed and published per Subsection 1 above shall contain the following information:

a. The nature of the application and the proposed land use or uses that could be authorized for the property;

b. The applicable criteria and standards from the development code(s) that apply to the application;

c. The street address or other easily understood geographical reference to the subject property;

d. The date, time, and location of the public hearing;

e. A statement that the failure to raise an issue in person, or by letter at the hearing, or failure to provide statements or evidence sufficient to afford the decision-maker an opportunity to respond to the issue, means that an appeal based on that issue cannot be filed with the State Land Use Board of Appeals;

f. The name of a City representative to contact and the telephone number where additional information on the application may be obtained;

g. A statement that a copy of the application, all documents and evidence submitted by or for the applicant, and the applicable criteria and standards can be reviewed at Baker City Hall

at no cost and that copies shall be provided at a reasonable cost;

h. A statement that a copy of the City's staff report and recommendation to the hearings body shall be available for review at no cost at least seven days before the hearing, and that a copy shall be provided on request at a reasonable cost;

i. A general explanation of the requirements to submit testimony, and the procedure for conducting public hearings; and

j. The following notice: "Notice to mortgagee, lien holder, vendor, or seller: The City of Baker City Development Code requires that if you receive this notice it shall be promptly forwarded to the purchaser."

D. Conduct of the Public Hearing.

1. At the commencement of the hearing, the hearings body shall state to those in attendance:

   a. The applicable approval criteria and standards that apply to the application or appeal;

   b. A statement that testimony and evidence shall concern the approval criteria described in the staff report, or other criteria in the comprehensive plan or land use regulations that the person testifying believes to apply to the decision;

   c. A statement that failure to raise an issue with sufficient detail to give the hearings body and the parties an opportunity to respond to the issue, means that no appeal may be made to the State Land Use Board of Appeals on that issue;

   d. Before the conclusion of the initial evidentiary hearing, any participant may ask the Planning Commission for an opportunity to present additional relevant evidence or testimony that is within the scope of the hearing. The hearings body shall grant the request by scheduling a date to finish the hearing (a "continuance") per paragraph 2 of this subsection, or by leaving the record open for additional written evidence or testimony per paragraph 3 of this subsection.

2. If the Planning Commission grants a continuance, the completion of the hearing shall be continued to a date, time, and place at least seven days after the date of the first evidentiary hearing. An opportunity shall be provided at the second hearing for persons to present and respond to new written evidence and oral testimony. If new written evidence is submitted at the second hearing, any person may request, before the conclusion of the second hearing, that the record be left open for at least seven days, so that they can submit additional written evidence or testimony in response to the new written evidence;

3. If the Planning Commission leaves the record open for additional written evidence or testimony, the record shall be left open for at least seven days after the hearing. Any participant may ask the City in writing for an opportunity to respond to new evidence submitted during the period that the record was left open. If such a request is filed, the Planning Commission shall reopen the record.

a. When the Planning Commission reopens the record to admit new evidence or testimony, any person may raise new issues that relate to that new evidence or testimony;

b. An extension of the hearing or record granted pursuant to Section 4.1.400.D is subject to the limitations of ORS 227.178 ("120-day rule"), unless the continuance or extension is requested or agreed to by the applicant;

c. If requested by the applicant, the City shall allow the applicant at least seven days after the record is closed to all other persons to submit final written arguments in support of the application, unless the applicant expressly waives this right. The applicant's final submittal shall be part of the record but shall not include any new evidence;

d. The record shall contain all testimony and evidence that is submitted to the City and that the hearings body has not rejected;

e. In making its decision, the hearings body may take notice of facts not in the hearing record (e.g., local, state, or federal regulations; previous city decisions; case law; staff reports). The review authority must announce its intention to take notice of such facts in its deliberations, and allow persons who previously participated in the hearing to request the hearing record be reopened, if necessary, to present evidence concerning the noticed facts;

f. The review authority shall retain custody of the record until the City issues a final decision.

4. Participants in the appeal of a Type II Administrative decision or participants in a Type III hearing are entitled to an impartial review authority as free from potential conflicts of interest and pre-hearing *ex parte* contacts (see Section 4.1.400.D (6) below) as reasonably possible. However, the public has a countervailing right of free access to public officials. Therefore:

a. At the beginning of the public hearing, hearings body members shall disclose the substance of any pre-hearing ex parte contacts (as defined in Section 4.1.400.D(5) below) concerning the application or appeal. He or she shall state whether the contact has impaired their impartiality or their ability to vote on the matter and shall participate or abstain accordingly;

b. A member of the hearings body shall not participate in any proceeding in which they, or any of the following, has a direct or substantial financial interest: their spouse, brother, sister, child, parent, father-in-law, mother-in-law, partner, any business in which they are then serving or have served within the previous two years, or any business with which they are negotiating for or have an arrangement or understanding concerning prospective partnership or employment. Any actual or potential interest shall be disclosed at the hearing where the action is being taken;

c. Disqualification of a member of the hearings body due to contacts or conflict may be ordered by a majority of the members present and voting. The person who is the subject of the motion may not vote on the motion to disqualify;

d. If a member of the hearings body abstains or is disqualified, the City may provide a substitute in a timely manner subject to the impartiality rules in Sections 4.1.400.D(4) through (5) and the needs for a quorum. In this case, a member of the City Council appointed by the Mayor may substitute for a member of the Planning Commission.

e. If all members of the Planning Commission abstain or are disqualified, the City Council shall be the hearing body. If all members of the City Council abstain or are disqualified, a quorum of those members present who declare their reasons for abstention or disqualification shall be re-qualified to make a decision;

f. Any member of the public may raise conflict of interest issues prior to or during the hearing, to which the member of the hearings body shall reply in accordance with this section.

5. *Ex parte* communications

a. Members of the hearings body shall not:

i. Communicate directly or indirectly with any applicant, appellant, other party to the proceedings, or representative of a party about any issue involved in a hearing without giving notice at the public hearing;

ii. Take official notice of any communication, report, or other materials outside the record prepared by the proponents or opponents in connection with the particular case, unless all participants are given the opportunity to respond to the noticed materials.

b. No decision or action of the hearings body shall be invalid due to *ex parte* contacts or bias resulting from *ex parte* contacts, if the person receiving contact:

i. Places in the record the substance of any written or oral *ex parte* communications concerning the decision or action; and

ii. Makes a public announcement of the content of the communication and of all participants' right to dispute the substance of the communication made. This announcement shall be made at the first hearing following the communication during which action shall be considered or taken on the subject of the communication.

c. A communication between City staff and the hearings body is not considered an *ex parte* contact.

6. Presenting and receiving evidence

a. The hearings body may set reasonable time limits for oral presentations and may limit or exclude cumulative, repetitious, irrelevant or personally derogatory testimony or evidence;

b. No oral testimony shall be accepted after the close of the public hearing. Written testimony may be received after the close of the public hearing, only as provided in Section 4.1.400.D;

c. Members of the hearings body may visit the property and the surrounding area, and may use information obtained during the site visit to support their decision, if the information relied upon is disclosed at the beginning of the hearing and an opportunity is provided to dispute the evidence.

E. The Decision Process

1. Basis for decision. Approval or denial of an appeal of a Type II Administrative decision or of a Type III application shall be based on standards and criteria in the development code. The standards and criteria shall relate approval or denial of a discretionary development permit application to the development regulations and, when appropriate, to the comprehensive plan for the area in which the development would occur and to the development regulations and comprehensive plan for the City as a whole;

2. Findings and conclusions. Approval or denial shall be based upon the criteria and standards considered relevant to the decision. The written decision shall explain the relevant criteria and standards, state the facts relied upon in rendering the decision, and justify the decision according to the criteria, standards, and facts;

3. Form of decision. The Planning Commission shall issue a final written order containing the findings and conclusions stated in subsection 2, which either approves, denies, or approves with specific conditions. The Planning Commission may also issue appropriate intermediate rulings when more than one permit or decision is required;

4. Decision-making time limits. A final order for any Type II Administrative Appeal or Type III action shall be filed with the City Planning Official or designee within ten business days after the close of the deliberation;

5. Notice of decision. Written notice of a Type II Administrative Appeal decision or a Type III decision shall be mailed to the applicant and to all participants of record within ten business days after the hearings body decision. Failure of any person to receive mailed notice shall not invalidate the decision, provided that a good faith attempt was made to mail the notice.

6. Final decision and effective date. The decision of the hearings body on any Type II appeal or any Type III application is final for purposes of appeal on the date it is mailed by the City. The decision is effective on the day after the appeal period expires. If an appeal is filed, the decision becomes effective on the day after the appeal is decided by the City Council. The notification and hearings procedures for Type III applications on appeal to the City Council shall be the same as for the initial hearing. An appeal of a land use decision to the State Land Use Board of Appeals must be filed within 21 days of the City Council's written decision or, in the case of Type I decision, within 21 days of the administrative decision date.

F. Appeal. A Type III Planning Commission decision may be appealed to the City Council as follows:

1. Who may appeal. The following people have legal standing to appeal a Type III Quasi-Judicial Decision:

a. The applicant or owner of the subject property;

b. Any other person who testified orally or in writing during the subject public hearing before the close of the public record.

2. Appeal filing procedure.

a. *Notice of appeal*. Any person with standing to appeal, as provided in subsection 1, above, may appeal a Type III Quasi-Judicial Decision by filing a Notice of Appeal according to the following procedures;

b. *Time for filing*. A Notice of Appeal shall be filed with the City Planning Official or designee within 14 days of the date the Notice of Decision was mailed;

c. *Content of notice of appeal*. The Notice of Appeal shall be accompanied by the required filing fee and shall contain:

i. An identification of the decision being appealed, including the date of the decision;

ii. A statement demonstrating the person filing the Notice of Appeal has standing to appeal;

iii. A statement explaining the specific issues being raised on appeal; and

iv. If the appellant is not the applicant, a statement demonstrating that the appeal issues were raised during the comment period.

3. Scope of appeal. The appeal of a Type III Quasi-Judicial Decision shall be a hearing *de novo* before the City Council. The appeal shall not be limited to the application materials, evidence and other documentation, and specific issues raised in the review leading up to the Quasi-Judicial Decision, but may include other relevant evidence and arguments. The City Council may allow additional evidence, testimony or argument concerning any relevant standard, criterion, condition, or issue.

4. Appeal procedures. Type III notice, hearing procedures and decision process shall be used for all Type III Quasi-Judicial Appeals, as provided in Section 4.1.400.C - E;

5. Effective Date and further appeal to the Land Use Board of Appeals (LUBA). The decision of the City Council regarding an appeal of a Type III Quasi-Judicial Decision is the final decision of the City. The decision of the City Council on an appeal is final and effective on the date it is mailed by the City. The City Council's decision may be appealed to the State Land Use Board of Appeals pursuant to ORS 197.805 – 197.860.

4.1.500 Type IV Procedure (Legislative)

A. Pre-Application Conference. A pre-application conference is recommended for all Type IV

applications. The procedures for a pre-application conference are described in Section 4.1.600.C.

B. Application Requirements

1. Application forms. Type IV applications shall be made on forms provided by the City Planning Official or designee.

2. Submittal Information. The application shall contain:

   a. The information requested on the application form;

   b. A map and/or plan addressing the appropriate criteria and standards in sufficient detail for review and decision (as applicable);

   c. The required fee; and

   d. One copy of a letter or narrative statement that explains how the application satisfies each and all of the relevant approval criteria and standards.

C. Notice of Hearing

1. Required hearings. A minimum of two hearings, one before the Planning Commission and one before the City Council, are required for all Type IV applications, except annexations where only a hearing by the City Council is required.

2. Notification requirements. Notice of public hearings for the request shall be given by the City Planning Official or designee in the following manner:

   a. At least 20 days, but not more than 40 days, before the date of the first hearing on an ordinance that proposes to amend the comprehensive plan or any element thereof, or to adopt an ordinance that proposes to rezone property, a notice shall be prepared in conformance with ORS 227.175 and mailed to:

      i. Each owner whose property would be rezoned in order to implement the ordinance (including owners of property subject to a comprehensive plan amendment shall be notified if a zone change would be required to implement the proposed comprehensive plan amendment);

      ii. Any affected governmental agency;

      iii. Any person who requests notice in writing;

      iv. For a zone change affecting a manufactured home or mobile home park, all mailing addresses within the park, in accordance with ORS 227.175; and

      v. Owners of airports shall be notified of a proposed zone change in accordance with ORS 227.175.

b. At least 10 days before the scheduled Planning Commission public hearing date, and 14 days before the City Council hearing date, public notice shall be published in a newspaper of general circulation in the City and may be posted on the City's website.

c. The City Planning Official or designee shall:

i. For each mailing of notice, file an affidavit of mailing in the record as provided by subsection a; and

ii. For each published notice, file in the record the affidavit of publication in a newspaper that is required in subsection b.

d. The Oregon Department of Land Conservation and Development (DLCD) shall be notified in writing of proposed comprehensive plan and development code amendments at least 35 days before the first public hearing at which public testimony or new evidence will be received. The notice to DLCD shall include a DLCD Certificate of Mailing.

e. Notifications for annexation shall follow the provisions of this Chapter.

3. Content of notices. The mailed and published notices shall include the following information:

a. The number and title of the file containing the application, and the address and telephone number of the City Planning Official or designee's office where additional information about the application can be obtained;

b. The proposed site location;

c. A description of the proposed site and the proposal in enough detail for people to determine what change is proposed, and the place where all relevant materials and information may be obtained or reviewed;

d. The time(s), place(s), and date(s) of the public hearing(s); a statement that public oral or written testimony is invited; and a statement that the hearing will be held under this title and rules of procedure adopted by the Council and available at City Hall (See Section 4.1.500.E); and

e. Each mailed notice required by Section 4.1.500.D shall contain the following statement: "Notice to mortgagee, lien holder, vendor, or seller: The Baker City Development Code requires that if you receive this notice it shall be promptly forwarded to the purchaser."

4. Failure to receive notice. The failure of any person to receive notice shall not invalidate the action, providing:

a. Personal notice is deemed given where the notice is deposited with the United States Postal Service;

b. Published notice is deemed given on the date it is published.

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.

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.

G. Approval Process and Authority

1. The Planning Commission shall:

   a. After notice and a public hearing, vote on and prepare a recommendation to the City Council to approve, approve with modifications, approve with conditions, deny the proposed change, or adopt an alternative; and

   b. Within 14 business days of determining a recommendation, the presiding officer shall sign the written recommendation, and it shall be filed with the City Planning Official or designee.

2. Any member of the Planning Commission who votes in opposition to the Planning Commission's majority recommendation may file a written statement of opposition with the City Planning Official or designee before the Council public hearing on the proposal. The City Planning Official or designee shall send a copy to each Council member and place a copy in the record;

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 within 60 days of its first public hearing on the proposed change, the City Planning Official or designee shall:

   a. Report the failure together with the proposed change to the City Council; and

   b. Provide notice and put the matter on the City Council's agenda for the City Council to hold a public hearing and make a decision. No further action shall be taken by the Commission.

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 for a recommendation for approval, approval with modifications, approval with conditions, denial or adoption of an alternative.

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.

4.1.600 General Provisions: Applicable to all Reviews

A. 120-day Rule. The City shall take final action on Type I, II, and III permit applications that are subject to this Chapter, including resolution of all appeals, within 120 days from the date the application is deemed as complete, unless the applicant requests an extension in writing. Any exceptions to this rule shall conform to the provisions of ORS 227.178. (The 120-day rule does not apply to Type IV legislative decisions - plan and code amendments - under ORS 227.178.)

B. Time Computation. In computing any period of time prescribed or allowed by this Chapter, the day of the act or event from which the designated period of time begins to run shall not be included. The last day of the period so computed shall be included, unless it is a Saturday or legal holiday, including Sunday, in which event, the period runs until the end of the next day which is not a Saturday or legal holiday.

C. Pre-application Conferences

1. Participants. When a pre-application conference is recommended, the applicant may meet with the City Planning Official or his/her designee(s) and other parties as appropriate;

2. Information provided. At such conference, the City Planning Official or designee may:

   a. Cite the comprehensive plan policies and map designations applicable to the proposal;

   b. Cite the ordinance provisions, including substantive and procedural requirements applicable to the proposal;

   c. Provide available technical data and assistance that will aid the applicant;

   d. Identify other governmental policies and regulations that relate to the application; and

   e. Reasonably identify other opportunities or constraints concerning the application.

3. Disclaimer. Failure of the City Planning Official or his/her designee to provide any of the information recommended by this Section 4.1.600.C shall not constitute a waiver of any of the standards, criteria or requirements for the application;

4. Changes in the law. Due to possible changes in federal, state, regional, and local law, the applicant is responsible for ensuring that the application complies with all applicable laws on the day the application is deemed complete.

D. Acceptance and Review of Applications

1. Initiation of applications:

   a. Applications for approval under this Chapter may be initiated by:

i. Order of City Council;

ii. Resolution of the Planning Commission;

iii. The City Planning Official or designee;

iv. A record owner of property (person(s) whose name is on the most recently recorded deed), or contract purchaser with written permission from the record owner.

b. Any person authorized to submit an application for approval may be represented by an agent authorized in writing to make the application on their behalf.

2. Consolidation of proceedings. When an applicant applies for more than one type of land use or development permit (e.g., Type II and III) for the same one or more parcels of land, the proceedings shall be consolidated for review and decision.

a. If more than one approval authority would be required to decide on the applications if submitted separately, then the decision shall be made by the approval authority having original jurisdiction over one of the applications in the following order of preference: the Council, the Commission, or the City Planning Official or designee.

b. When proceedings are consolidated:

i. The notice shall identify each application to be decided;

ii. The decision on a plan map amendment shall precede the decision on a proposed land use district change and other decisions on a proposed development. Similarly, the decision on a zone map amendment shall precede the decision on a proposed development and other actions; and

iii. Separate findings and decisions shall be made on each application.

3. Check for acceptance and completeness. In reviewing an application for completeness, the following procedure shall be used:

a. Acceptance. When an application is received by the City, the City Planning Official or designee shall immediately determine whether the following essential items are present. If the following items are not present, the application shall not be accepted and shall be immediately returned to the applicant;

i. The required form;

ii. The required fee;

iii. The signature of the applicant on the required form and signed written authorization of the property owner of record if the applicant is not the owner.

b. Completeness

i. Review and notification. After the application is accepted, the City Planning Official or designee shall review the application for completeness. If the application is incomplete, the City Planning Official or designee shall notify the applicant in writing of exactly what information is missing within 30 days of receipt of the application and allow the applicant 180 days to submit the missing information, or 14 days to submit a refusal statement;

ii. Application deemed complete for review. In accordance with the application submittal requirements of this Chapter, the application shall be deemed complete upon the receipt by the City Planning Official or designee of all required information. The applicant shall have the option of withdrawing the application, or refusing to submit information requested by the City Planning Official or designee in Section 4.1.600.D.3.b(1), above. For the refusal to be valid, the refusal shall be made in writing and received by the City Planning Official or designee no later than 14 days after the date on the City Planning Official or designee's letter of incompleteness. If the applicant refuses in writing to submit the missing information, the application shall be deemed complete on 31st day after the City Planning Official or designee first accepted the application.

iii. Standards and criteria that apply to the application. Approval or denial of the application shall be based upon the standards and criteria that were applicable at the time it was first accepted.

4. <u>Changes or additions to the application during the review period</u>. Once an application is deemed complete:

a. All documents and other evidence relied upon by the applicant shall be submitted to the City Planning Official or designee at least seven days before the notice of action or hearing is mailed, if possible. Documents or other evidence submitted after that date shall be received by City Planning Official or designee, and transmitted to the hearings body, but may be too late to include with the staff report and evaluation;

b. When documents or other evidence are submitted by the applicant during the review period but after the application is deemed complete, the assigned review person or body shall determine whether or not the new documents or other evidence submitted by the applicant significantly change the application;

c. If the assigned reviewer determines that the new documents or other evidence significantly change the application, the reviewer shall include a written determination that a significant change in the application has occurred as part of the decision. In the alternate, the reviewer may inform the applicant either in writing, or orally at a public hearing, that such changes may constitute a significant change (see "d", below), and allow the applicant to withdraw the new materials submitted, in order to avoid a determination of significant change;

d. If the applicant's new materials are determined to constitute a significant change in an

application that was previously deemed complete, the City shall take one of the following actions, at the choice of the applicant:

i. Continue to process the existing application and allow the applicant to submit a new second application with the proposed significant changes. Both the old and the new applications will proceed, but each will be deemed complete on different dates and may therefore be subject to different criteria and standards and different decision dates;

ii. Suspend the existing application and allow the applicant to submit a new application with the proposed significant changes. Before the existing application can be suspended, the applicant must consent in writing to waive the 120-day rule (Section 4.1.600.A above) on the existing application. If the applicant does not consent, the City shall not select this option;

iii. Reject the new documents or other evidence that has been determined to constitute a significant change, and continue to process the existing application without considering the materials that would constitute a significant change. The City will complete its decision-making process without considering the new evidence;

e. If a new application is submitted by the applicant, that application shall be subject to a separate check for acceptance and completeness and will be subject to the standards and criteria in effect at the time the new application is accepted.

E. City Planning Official's Duties. The City Planning Official or designee shall:

1. Prepare application forms based on the criteria and standards in applicable state law, the City's comprehensive plan, and implementing ordinance provisions;

2. Accept all development applications that comply with Section 4.1.600;

3. Prepare a staff report that summarizes the application(s) and applicable decision criteria, and provides findings of conformance and/or non-conformance with the criteria. The staff report may also provide a recommended decision of: approval; denial; or approval with specific conditions that ensure conformance with the approval criteria;

4. Prepare a notice of the proposal decision:

   a. In the case of an application subject to a Type I or II review process, the City Planning Official or designee shall make the staff report and all case-file materials available at the time that the notice of the decision is issued;

   b. In the case of an application subject to a hearing (Type III or IV process), the City Planning Official or designee shall make the staff report available to the public at least seven days prior to the scheduled hearing date, and make the case-file materials available when notice of the hearing is mailed, as provided by Sections 4.1.400.C (Type II), 4.1.400.C (Type III), or 4.1.500.D (Type IV);

5. Administer the hearings process;

6. File notice of the final decision in the City's records and mail a copy of the notice of the final decision to the applicant; all persons who provided comments or testimony; persons who requested copies of the notice; and any other persons entitled to notice by law;

7. Maintain and preserve the file for each application for the time period required by law. The file shall include, as applicable, a list of persons required to be given notice and a copy of the notice given; the affidavits of notice; the application and all supporting information; the staff report; the final decision including the findings, conclusions and conditions, if any; all correspondence; minutes of any meeting at which the application was considered; and any other exhibit, information or documentation which was considered by the decision-maker(s) on the application; and

8. Administer the appeals and review process.

F. Amended Decision Process

1. The purpose of an amended decision process is to allow the City Planning Official or designee to correct typographical errors, rectify inadvertent omissions and/or make other minor changes that do not materially alter the decision.

2. The City Planning Official or designee may issue an amended decision after the notice of final decision has been issued but before the appeal period has expired. If such a decision is amended, the decision shall be issued within 14 business days after the original decision would have become final, but in no event beyond the 120-day period required by state law. A new 10-day appeal period shall begin on the day the amended decision is issued.

3. Notice of an amended decision shall be given using the same mailing and distribution list as for the original decision notice.

4. Modifications to approved plans or conditions of approval requested by the applicant shall follow the procedures in Chapter 4.6. All other changes to decisions that are not modifications under Chapter 4.6 follow the appeal process.

G. Re-submittal of Application Following Denial. An application that has been denied, or an application that was denied and on appeal or review has not been reversed by a higher authority, including the Land Use Board of Appeals, the Land Conservation and Development Commission or the courts, may not be resubmitted as the same or a substantially similar proposal for the same land for a period of at least 12 months from the date the final City action is made denying the application, unless there is substantial change in the facts or a change in City policy that would change the outcome, as determined by the City Planning Official or designee.

H. Appeal Process. An appeal by a person with standing shall be a hearing *de novo* and following the Type III procedure under Section 4.1.400. The appeal shall not be limited to the application materials, evidence and other documentation, and specific issues raised in the proceeding below. The Planning Commission or City Council may allow additional evidence, testimony, or argument

concerning any standard, criterion, condition, or issue relevant to the original application.

4.1.700 Special Procedures

A. Expedited Land Divisions. An Expedited Land Division ("ELD") shall be defined and may be used as provided under ORS 197.360 through 197.380.

1. Selection. An applicant who wishes to use an ELD procedure for a partition, subdivision or planned development instead of the regular procedure type assigned to it, must request the use of the ELD in writing at the time the application is filed, or forfeit his/her right to use it;

2. Review procedure. All applications for Expedited Land Divisions shall comply with ORS 197.360 through 197.380 and the Baker City Comprehensive Plan; ORS 197.360 through ORS 197.380 details the criteria, application and notice requirements, and action and appeal procedures for expedited land divisions.

3. Appeal procedure. An appeal of an ELD shall follow the procedures in ORS 197.375. Where the City has not otherwise appointed a hearings officer (referee) for such appeals, and the City Attorney is a Contractor (not a city employee), the City Attorney shall serve as the referee for ELD appeals.

4.1.800 Neighborhood Meetings. Applicants are encouraged to meet with adjacent property owners and neighborhood representatives prior to submitting their application to the City in order to solicit input and exchange information about the proposed development. Master Planned developments and cove subdivision proposals are eligible for community design workshop assistance from the city to increase neighborhood collaboration

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

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

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

2. Any proposed development or land use action that a road authority states may have

operational or safety concerns along its facility(ies);

3. An increase in site traffic volume generation by 300 Average Daily Trips (ADT) or more; or

4. An anticipated increase in peak hour volume of a particular movement to and from the State or road authority highway by 20 percent or more; or

5. An increase in use of adjacent streets by vehicles exceeding the 20,000 pound gross vehicle weights by 10 vehicles or more per day; or

6. The location of the access driveway does not meet minimum sight distance requirements, or is located where vehicles entering or leaving the property are restricted, or such vehicles queue or hesitate on the State highway, creating a safety hazard; or

7. A change in internal traffic patterns that may cause safety problems, such as back up onto a street or greater potential for traffic accidents.

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

Chapter 4.2 - Land Use Review and Site Design Review

Sections:

4.2.100 Purpose
4.2.200 Applicability
4.2.300 Land Use Review - Procedure and Approval Criteria
4.2.400 Site Design Review - Application Review Procedure
4.2.500 Site Design Review - Application Submission Requirements
4.2.600 Site Design Review - Approval Criteria
4.2.700 Bonding and Assurances
4.2.800 Development in Accordance With Permit Approval; Modifications; Permit Expiration

4.2.100 Purpose. The purpose of this Chapter is to:

A. Provide rules, regulations and standards for efficient and effective administration of land use and site development review;

B. Carry out the development pattern and plan of the City and its comprehensive plan policies;

C. Promote the public health, safety and general welfare;

D. Provide adequate light and air, prevent overcrowding of land, and provide for adequate transportation, water supply, sewage, fire protection, pollution control, surface water management, and protection against natural hazards;

E. Encourage the conservation of energy resources; and

F. Encourage efficient use of land resources, full utilization of urban services, mixed uses, transportation options, and detailed, human-scaled design.

4.2.200 Applicability. Land Use Review or Site Design Review shall be required for all new developments and modifications of existing developments described below. Regular maintenance, repair and replacement of materials (e.g., roof, siding, awnings, etc.), parking resurfacing and similar maintenance and repair shall be exempt from review.

A. Land Use Review. Land Use Review is a review conducted by the City Planning Official or designee without a public hearing (Type I). (See Chapter 4.1 for review procedure.) It is for changes in land use and developments that do not require a conditional use permit or site design review approval. Land Use Review ensures compliance with the basic land use and development standards of the land use district, such as lot area, building setbacks and orientation, lot coverage, maximum building height, and other provisions of Article 2. Land Use Review is required for all of the types of land uses and development listed below. Land uses and developments exceeding the thresholds below require Site Design Review.

1. Any change in land use deemed to not be significant defined as one that would not result in a change of "Use Categories" as recognized in Chapter 1.4 or as may be determined by the City Planning Official;

2. Single-family detached dwelling (including manufactured home on its own lot);

3. A single duplex, or up to two single family attached (town home) units not requiring a land division, and accessory parking on the same lot;

4. Non-residential building additions up to 1,000 ft^2 or 20% of an existing structure, whichever is greater;

5. Minor Modifications to development approvals as defined by Chapter 4.6;

6. Any proposed development that has a valid conditional use permit. Major modifications to a development with a conditional use permit shall require review and approval in accordance with Chapter 4.4 - Conditional Use Permits;

7. Home occupations requiring a permit under Chapter 4.9;

8. Temporary uses requiring a permit under Chapter 4.9;

9. Accessory structures and accessory or commercial parking lots of 50 spaces or less;

10. Development and land uses that are part of a previously approved Site Design Review or Conditional Use Permit application;

11. Public improvements required by a condition of approval (e.g., transportation facilities and improvements, parks, trails, and similar improvements, as determined by the City Planning Official).

B. Site Design Review. Site Design Review shall be conducted as a Type II or Type III procedure as specified in Section "C" below (See Chapter 4.1 for review procedures.) It applies to all development in the City, except those specifically listed under "A" above (applications subject to Land Use Review). Site Design Review ensures compliance with the land use and development standards in Article 2 (e.g., lot area, building setbacks and orientation, lot coverage, maximum building height), and the design standards and public improvement requirements in Article 3.

C. Site Design Review – Determination of Type II and Type III Applications. Applications for Site Design Review shall be subject to Type II or Type III review, based on the following criteria:

1. Residential buildings with 12 or fewer dwellings units shall be reviewed as a Type II application, except when Land Use Review is allowed under Section 4.2.200A. Residential buildings or projects with greater than 12 dwellings units shall be reviewed as a Type III application.

2. Commercial, industrial, public/semi-public, and institutional buildings with less than 15,000 ft^2

of gross floor area or smaller shall be reviewed as a Type II application, except when Land Use Review is allowed under Section 4.2.200A. Commercial, industrial, public/semi-public, and institutional buildings with more than 15,000 ft^2 of gross floor area shall be reviewed as a Type III application.

3. Accessory or commercial parking lots of greater than 50 spaces shall be reviewed as a Type III application.

4. All conditional uses shall be processed as a Type III application.

4.2.300 Land Use Review - Procedure and Approval Criteria. When Land Use Review is required, it shall be conducted prior to issuance of building permits, occupancy permit, ~~business license,~~ or public improvement permits, as determined by the City Planning Official. The City shall conduct Land Use Reviews as a Type I procedure. The City Planning Official shall be responsible for determining the required review procedure. An application for Land Use Review shall be approved only upon meeting all of the following criteria:

A. The proposed land use or development is permitted by the underlying land use district (Article 2);

B. The land use, building/yard setback, lot area, lot dimension, density, lot coverage, building height and other applicable standards of the underlying land use district and any applicable overlay district(s) are met (Article 2); and

C. When development is proposed, the applicable sections of Article 3, Design Standards apply.

Land Use Reviews do not address a project's compliance with applicable building, fire and life safety regulations.

4.2.400 Site Design Review - Application Review Procedure. Where Site Design Review is required, it shall be conducted using a Type II or Type III procedure, consistent with Section 4.2.200C, and using the application requirements and approval criteria contained in Sections 4.2.500 through 4.2.600, below.

4.2.500 Site Design Review - Application Submission Requirements. All of the following information is required for Site Design Review application submittal:

A. General Submission Requirements. An application for Site Design Review shall contain all of the information required for a Type II review (Section 4.1.300) or Type III review (Section 4.1.300), consistent with project designations under Section 4.2.200C.

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

1. ~~Site analysis map~~Proposed Site Plan. The site ~~analysis map shall be provided and generally contain the following:~~plan shall generally contain the following information:

   a. The applicant's entire property and the surrounding property to a distance sufficient to determine the location of the development in the City, and the relationship between the proposed development site and adjacent property and development. The property boundaries, dimensions and gross area shall be identified;

   b. Topographic contour lines at 2-foot intervals for slopes of 6 to 10 percent, and 5-foot intervals for steeper slopes. Contour lines are not required for slopes of less than 6 percent;

   c. Identification of slopes greater than 25 percent;

   d. The location and width of all public and private streets, drives, sidewalks, pathways, rights-of-way, and easements on the site and adjoining the site;

   e. Potential natural hazard areas, including any areas identified as subject to a 100-year flood, areas subject to high water table, and areas mapped by the City, County, or State as having a potential for geologic hazards;

   f. Resource areas, including marsh and wetland areas, streams, and wildlife habitat identified by the City or any natural resource regulatory agencies as requiring protection;

   g. Site features, including existing structures, pavement, large rock outcroppings, ~~areas having unique views,~~ and drainage ways, canals and ditches;

   h. Locally or federally designated historic and cultural resources on the site and adjacent parcels or lots;

   i. The location and~~,~~ size ~~and species~~ of existing and proposed trees and other vegetation ~~having a caliper (diameter) of six (6) inches or greater at four feet above grade~~;

   j. North arrow, scale, names and addresses of all persons listed as owners of the subject property on the most recently recorded deed;

   k. Name and address of project designer, engineer, surveyor, architect, and/or planner, if applicable.

~~2. Proposed site plan. The site plan shall generally contain the following information:~~

   l. The proposed development site, including boundaries, dimensions, and gross area;

   m. Features identified on the existing site analysis maps that are proposed to remain on the site;

   n. Features identified on the existing site map, if any, which are proposed to be removed or modified by the development;

o. The location and dimensions of all proposed public and private streets, drives, rights-of-way, and easements;

p. The location and dimensions of all existing and proposed structures, utilities, pavement and other improvements on the site. Setback dimensions for all existing and proposed buildings shall be provided on the site plan;

q. The location and dimensions of entrances and exits to the site for vehicular, pedestrian, and bicycle access;

r. The location and dimensions of all parking and vehicle circulation areas (show striping for parking stalls and wheel stops);

s. Pedestrian and bicycle circulation areas, including sidewalks, internal pathways, pathway connections to adjacent properties, and any bicycle lanes or trails;

t. Loading and service areas for waste disposal, loading and delivery;

u. Outdoor recreation spaces, common areas, plazas, outdoor seating, street furniture, and similar improvements;

v. Location, type, and height of outdoor lighting;

w. Location of mail boxes, if known;

x. Name and address of project designer, if applicable;

y. Locations of bus stops and other public or private transportation facilities; and

z. Locations, sizes, and types of signs.

~~3.~~2. Architectural drawings. Architectural drawings showing one or all of the following shall be required for new buildings and major remodels:

a. Building elevations (as determined by the City Planning Official) with building height and width dimensions;

b. Building materials, colors and type;

~~c. The name of the architect or designer.~~

~~4.~~3. Preliminary grading plan. A preliminary grading plan prepared by a registered engineer shall be required for development sites 1 acre or larger. The preliminary grading plan shall show the location and extent to which grading will take place, indicating general changes to contour lines, slope ratios, slope stabilization proposals, and location and height of retaining walls, if proposed. Surface water detention and treatment plans may also be required, in accordance with Section 3.4.400.

~~5.~~4. Landscape plan. A landscape plan may be required and at the direction of the City Planning Official shall show the following:

a. The location and height of existing and proposed fences, buffering or screening materials;

b. The location of existing and proposed terraces, retaining walls, decks, patios, shelters, and play areas;

c. The location, size, and species of the existing and proposed plant materials (at time of planting);

d. Existing and proposed building and pavement outlines;

~~e. Specifications for soil at time of planting, irrigation if plantings are not drought-tolerant (may be automatic or other approved method of irrigation) and anticipated planting schedule;~~

~~f.~~e. Other information as deemed appropriate by the City Planning Official. An arborist's report may be required for sites with mature trees that are protected under Chapter 3.2. Landscape, Street Trees, Fences and Walls of this Code.

~~6.~~5. Sign drawings shall be required in conformance with the City's Sign Code (Chapter 3.5).

~~7.~~6. Deed restrictions. Copies of all existing and proposed restrictions or covenants, including those for access control.

~~8.~~7. Narrative. Letter or narrative report documenting compliance with the applicable approval criteria contained in Section 4.2.600 Approval Criteria.

~~9.~~8. Traffic Impact Study, when required, shall be prepared in accordance with the road authority's requirements. See Section 4.1.900 and Section 3.4.100 for relevant standards.

~~10.~~9. Other information determined by the City Planning Official. The City may require studies or exhibits prepared by qualified professionals to address specific site features or project impacts (e.g., traffic, noise, environmental features, natural hazards, etc.), in conformance with this Code. Supplemental analysis may include Public Facilities and Service Impact Studies. Said studies may be required to quantify and assess the effect of the development on public facilities and services. The City shall advise as to the scope of the study during the required pre-application conference (Section 4.1.600C).

~~11.~~10. In situations where this Code requires the dedication of real property 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.

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

A. The application is complete, as determined in accordance with Chapter 4.1 - Types of Applications and Section 4.2.500, above.

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

C. The applicant may be required to upgrade existing development that does not comply with the applicable land use district standards, in conformance with Chapter 5.2, Non-Conforming Uses and Development;

D. The application complies with all of the Design Standards in Article 3 and other City Ordinances:

1. Chapter 3.1 - Access and Circulation;
2. Chapter 3.2 - Landscaping, Street Trees, Fences and Walls;
3. Chapter 3.3 - Parking and Loading
4. Chapter 3.4 - Public Facilities
5. Chapter 3.5 -Signs;
6. Chapter 3.6 –Radio Frequency Transmission Facilities;
7. Baker City Design Review Guidelines for Historic District Properties.

E. Existing conditions of approval required as part of a prior Land Division (Chapter 4.3), Conditional Use Permit (Chapter 4.4), Master Planned Development (Chapter 4.5) or other approval shall be met.

4.2.700 Bonding and Assurances

A. Performance Bonds for Public Improvements. On all projects where public improvements are required, the City shall require a bond or cash in an amount not greater than 100%.

B. Release of Performance Bonds. The bond or assurance shall be released when the City Planning Official finds the completed project conforms to the site development approval, including all conditions of approval.

C. Completion of Landscape Installation. Landscaping shall be installed prior to issuance of occupancy permits, unless security equal to the cost of the landscaping as determined by the City

Planning Official or a qualified landscape architect is filed with the City Planning Official assuring such installation within six months after occupancy. If the installation of the landscaping is not completed within the six-month period, the security may be used by the City to complete the installation.

4.2.800 Development in Accordance With Permit Approval; Modifications; Permit Expiration. Development shall not commence until the applicant has received all of the appropriate land use and development approvals (i.e., site design review approval) and building permits. Construction of public improvements shall not commence until the City has approved all required public improvement plans (e.g., utilities, streets, public land dedication, etc.). The City may require the applicant to enter into a development agreement (e.g., for phased developments and developments with required off-site public improvements), and may require bonding or other assurances for improvements, in accordance with Section 4.2.700. Development Review and Site Design Review approvals shall be subject to all of the following standards and limitations:

A. Modifications to Approved Plans and Developments. Minor modifications of an approved plan or existing development, as defined in Chapter 4.6, shall be processed as a Type I procedure and require only Land Use Review. Major modifications, as defined in Chapter 4.6, shall be processed as a Type II or Type III procedure and shall require Site Design Review. For information on Type I, Type II and Type III procedures, please refer to Chapter 4.1. For Modifications approval criteria, please refer to Chapter 4.6.

B. Approval Period. Development Review and Site Design Review approvals shall be effective for a period of two years from the date of approval. The approval shall lapse if:

1. A public improvement plan or building permit application for the project has not been submitted within two years of approval; or

2. Construction on the site is in violation of the approved plan.

C. Extension. The Planning Director may, upon written request by the applicant, grant a written extension of the approval period not to exceed one year; provided that:

1. No changes are made on the original approved site design review plan;

2. The applicant can show intent of initiating construction on the site within the one-year extension period;

3. There have been no changes to the applicable Code provisions on which the approval was based. If there have been changes to the applicable Code provisions and the expired plan does not comply with those changes, then the extension shall not be granted; in this case, a new site design review shall be required; and

4. The applicant demonstrates that failure to obtain building permits and substantially begin construction within one year of site design approval was beyond the applicant's control.

D. Phased Development. Phasing of development may be approved with the Site Design Review

application, subject to the following standards and procedures:

1. A phasing plan shall be submitted with the Site Design Review application.

2. The Planning Commission shall approve a time schedule for developing a site in phases, but in no case shall the total time period for all phases be greater than 5 years without reapplying for site design review.

3. Approval of a phased site design review proposal requires satisfaction of all of the following criteria:

    a. The public facilities required to serve each phase are constructed in conjunction with or prior to each phase;

    b. The development and occupancy of any phase dependent on the use of temporary public facilities shall require City Council approval. Temporary facilities shall be approved only upon City receipt of bonding or other assurances to cover the cost of required public improvements, in accordance with Section 4.3.180. A temporary public facility is any facility not constructed to the applicable City or district standard, subject to review by the City Engineer;

    c. The phased development shall not result in requiring the City or other property owners to construct public facilities that were required as part of the approved development proposal; and

    d. An application for phasing may be approved after Site Design Review approval as a modification to the approved plan, in accordance with the procedures for minor modifications (Chapter 4.6).

Chapter 4.3 - Land Divisions and Property Line Adjustments

Sections:

4.3.100 Purpose
4.3.110 General Requirements
4.3.115 Flexible Lot Size; Flag Lots; Lots Accessed by Mid-Block Lanes
4.3.120 Preliminary Plat - Approval Process
4.3.130 Preliminary Plat - Submission Requirements
4.3.140 Preliminary Plat - Approval Criteria
4.3.150 Variances Authorized
4.3.160 Final Plat - Submission Requirements and Approval Criteria
4.3.170 Public Improvements Required
4.3.180 Performance Guarantee
4.3.190 Filing and Recording
4.3.200 Re-platting and Vacation of Plats
4.3.210 Property Line Adjustments

4.3.100 Purpose. The purpose of this chapter is to:

A. Provide rules, regulations and standards governing the approval of subdivisions, partitions and lot line adjustments, as defined below and in Chapter 1.3:

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 lots within one calendar year.

3. Lot line adjustments, which Baker City processes as Type I Re-plats, are modifications to lot lines or parcel boundaries that do not result in the creation of new lots (includes consolidation of lots).

B. Carry out the City's development pattern, as envisioned by the Comprehensive Plan.

C. Encourage efficient use of land resources, full utilization of urban services, and transportation options;

D. Promote the public health, safety and general welfare through orderly and efficient urbanization;

E. Provide adequate light and air, prevent overcrowding of land, and provide for adequate transportation, water supply, sewage, fire protection, pollution control, surface water management, and protection against natural hazards; and

F. Encourage the conservation of energy resources.

4.3.110 General Requirements

A. Subdivision and Partition 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 or partitioning 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:

DEVELOPMENT OPTIONS COMPARISON		
	Master Planned Developments	Standard Tract Subdivisions/Partitions
Uses permitted	Flexible- Mixed Use	Restricted by Zoning Standards
City Design Assistance Program	Available	Not Eligible
Design Standards	Flexible	Fixed
Lots Size Standards	Flexible	Fixed
Public Hearings	Community Consultation Workshop with City assistance to create cooperative environment & reduce project controversy	Standard Hearings Required
Approval Class	Government Discretion	By-Right Prescriptive Path
Min. Project Size	1 acre – residential districts. No limitation in commercial or industrial districts	No limitation

B. 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.

C. Future Re-division Plan. When subdividing or partitioning tracts into large lots (i.e., greater than three times or 300 percent the minimum lot size allowed by the underlying land use district), 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 district and this Code. A re-division plan shall be submitted for large lots identifying:

1. Potential future lot division(s), consistent with the density and lot size standards of Article 2;

2. Potential street right-of-way alignments to serve future development of the property and connect to adjacent properties, including existing or planned rights-of-way;

3. A disclaimer that the plan is a conceptual plan intended to show potential future development. It shall not be binding on the City or property owners, except as may be required through conditions of land division approval. For example, dedication and improvement of rights-of-way within the future plan area may be required to provide needed secondary access and circulation.

D. Lot Size Averaging. Single family residential lot size may be averaged to allow lots less than the minimum lot size in Residential districts, as provided by Section 2.2.150, Flexible Lot Size Option, or through approval of a Master Planned Development under Chapter 4.5.

E. 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.

F. Minimize Flood Damage. All subdivisions and partitions 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. All new lots shall be buildable without requiring development within the floodway and, where possible, allow building outside of the flood fringe. Development in a 100-year flood plain shall comply with the National Flood Insurance Program and state building code requirements, including elevating structures above the base flood elevation. The applicant shall be responsible for obtaining floodplain development permit from the NFIP and local jurisdiction.

G. Determination of Base Flood Elevation. Where a development site consists of five (5) or more acres or 50 or more lots, and is located in or near areas prone to inundation for which the base flood elevation has not been mapped, the applicant shall have the base flood elevation prepared by a qualified professional as part of the land division application.

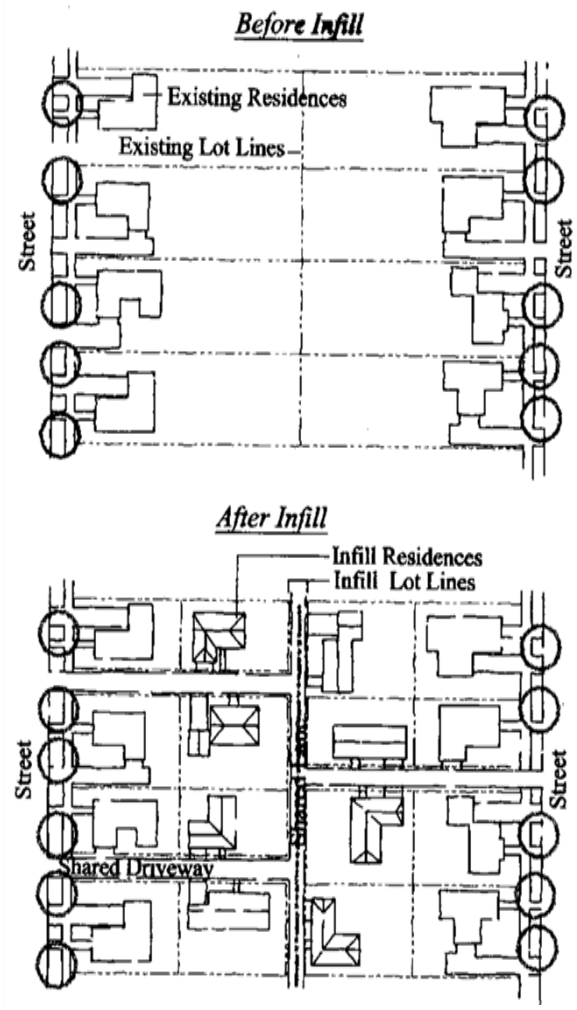
H. Need for Adequate Utilities. All lots created through land division shall have adequate public utilities and facilities such as sewer, gas, electrical, and water systems. These systems shall be located and constructed to prevent or minimize flood damage, and to avoid impairment of the system and contamination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

I. Need for Adequate Drainage. All subdivision and partition 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.

J. Floodplain, Park, and Open Space Dedications. Where land filling and/or development is allowed within or adjacent to regulatory flood plain and the Comprehensive Plan designates the subject flood plain for park, open space, or trail use, the City may require the dedication of sufficient open land area for a greenway and/or trail adjoining or within the flood plain for transportation, storm drainage/water quality, or park purposes in the public interest. When practicable, this area shall include portions at a suitable elevation for the construction of a multi-use pathway in accordance with the City's adopted trails plan or pedestrian and bikeway plans, as applicable. The City shall evaluate individual development proposals and determine whether the dedication of land is justified based on the development's impact to the park and/or trail system, or stormwater management requirements, consistent with Chapter 3.4.200 and 3.4.400, and assist in obtaining any floodplain permit that may be required.

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

Figure 4.3.115.B Mid-block Infill



A. Flexible Lot Size. To allow creativity and flexibility in subdivision design and to address physical constraints, such as topography, existing development, significant trees and other natural and built features, the approval body may grant a 20% modification to the lot area and/or lot dimension (width/depth) standards in Section 2.2.120, provided that the overall density of the subdivision does not exceed the allowable density of the district and the approval body finds that granting the modification allows for a greater variety of housing types, or enhancement in urban design and creation of open space, or it improves development compatibility with natural features or adjacent land uses. The approval body may require that standard size lots be placed at the perimeter of the development where the abutting lots are standard size or larger; except that this provision shall not apply where the abutting lots are larger than 20,000 ft^2.

B. Mid-block lanes and Reverse Frontage Lots. Lots may be developed without frontage onto a public street when lot access is provided by mid-block lanes, as shown above. Mid-block lanes or shared driveways, as illustrated in Figure 4.3.115.B, may be required when practicable to provide connectivity between infill developments. Mid-block lanes with access easements for adjoining properties may be allowed as an alternative to requiring through streets where block lengths do not necessitate a through street. The lanes shall meet the standards for alleys, per Chapter 3.4, and the standards under subsections C-F, below. The Public Works Department may require the granting of utilities access easements.

C. Flag lots. Flag lots may be created only when a through street or mid-block lanes cannot be extended to serve abutting uses or future development. A flag lot driveway ("flag pole") may serve no more than two (2) dwelling units, including accessory dwellings and dwellings on individual lots, unless Uniform Fire Code (UFC) standards are met for more units. When UFC standards are met, the maximum number of dwellings shall be four (4). A drive serving more than one lot shall have a reciprocal access and maintenance easement recorded for all lots. No fence, structure or other obstacle shall be placed within the drive area. The Fire Marshal may require an emergency turn-around. Fire sprinklers may also be required for buildings that cannot be fully served by fire hydrants (i.e., due to distance from hydrant or insufficient fire flow).

D. Driveway and lane width. The minimum width of all shared drives and lanes shall be 10 feet; the maximum width is 20 feet, except as required by the Uniform Fire Code when more than 2 flag lots

are created.

E. Easement and improvement of drive lane. The property owner shall record a 20 foot easement benefiting all properties that are to receive vehicle access. The drive lane shall be improved with an all weather surface approved by the City. Dedication or recording, as applicable, shall be so indicated on the face of the subdivision or partition plat.

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.

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).

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. The City Planning Official may, upon written request by the applicant and payment of the required fee, grant a written extension of the approval period not to exceed one year; provided that:

1. Any changes to the preliminary plat follow the procedures in Chapter 4.6;

2. The applicant has submitted written intent to file a final plat within the one-year extension period;

3. An extension of time will not prevent the lawful development of abutting properties;

4. There have been no changes to the applicable Code provisions on which the approval was based. If such changes have occurred, a new preliminary plat application shall be required; and

5. The extension request is made before expiration of the original approved plan.

E. Phased Development

1. The City may approve a time schedule for developing a subdivision in phases, but in no case shall the actual construction time period (i.e., for required public improvements, utilities, streets) for any partition or subdivision phase be more than 5 years without reapplying for a preliminary plat;

2. The criteria for approving a phased land division proposal are:

   a. Public facilities shall be constructed in conjunction with or prior to each phase;

   b. The development and occupancy of any phase dependent on the use of temporary public facilities shall require City Council approval. Temporary facilities shall be approved only upon City receipt of bonding or other assurances to cover the cost of required permanent public improvements, in accordance with Section 4.3.180. A temporary public facility is any facility not constructed to the applicable City or district standard;

   c. The phased development shall not result in requiring the City or a third party (e.g., owners of lots) to construct public facilities that were required as part of the approved development proposal; and

   d. The proposed time schedule for phased development approval shall be reviewed concurrently with the preliminary plat application, and the decision may be appealed in the same manner as the preliminary plat.

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:

1. <u>General information</u>:

   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".

2. Site analysis:

a. Streets: Location, name and ~~,~~ present width of all existing and proposed streets, alleys, driveways and rights-of-way on and abutting the site; approximate radius of street curves; approximate finished street center line grades;

b. Easements: Width, location and purpose of all existing and proposed easements of record on and abutting the site;

c. Utilities: Location and identity of all existing and proposed utilities on and abutting the site, including street lighting fixtures. 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;

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;

e. The location and elevation of the closest benchmark(s) within or adjacent to the site (i.e., for surveying purposes);

f. Potential natural hazard areas, including any flood plains, areas subject to high water table, landslide areas, and areas having a high erosion potential;

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, relevant portions of the Comprehensive Plan.);

h. Site features, including existing and proposed structures, pavement, large rock outcroppings~~, areas having unique views~~, and drainage ways, canals and ditches;

i. Designated historic and cultural resources on the site and adjacent parcels or lots;

~~j. North arrow and scale;~~

~~k. Name and address of project designer, if applicable;~~

~~l.~~j. 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

~~m. 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:~~

~~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;~~

~~a. Easements: location, width and purpose of all existing and proposed easements;~~

k. 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. All streets and tracts that are being held for private use and all reservations and restrictions relating to such private tracts shall be identified;

l. 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;

l. 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.);

~~m. The proposed source of domestic water;~~

~~n. The proposed method of sewage disposal;~~

~~o.~~m. Proposed method of surface water drainage and treatment if required;

~~p. The approximate location and identity of other utilities, including the locations of street lighting fixtures;~~

~~q.~~n. 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

o. Changes to navigable streams, or other watercourses. Status of public access to these areas shall be shown on the preliminary plat, as applicable.

~~r.~~p. Proposed public dedications, if applicable.

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;

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

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;

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

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

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

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.

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.

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 3.4.100.G.4 - Street Connectivity and Formation of Blocks.

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

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

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.

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.

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.

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

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).

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.

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 with the following criteria:

1. The final plat is consistent in design (e.g., number, area, dimensions of lots, easements, tracts, right-of-way) with the approved preliminary plat, and all conditions of approval have been satisfied;

2. All public improvements required by the preliminary plat have been installed and approved by the City Engineer or appropriate service provider (*e.g.*, road authority). Alternatively, the developer has provided a performance guarantee in accordance with Section 4.3.180;

3. The streets and roads for public use are dedicated without reservation or restriction other than reversionary rights upon vacation of any such street or road and easements for public utilities;

4. The streets and roads held for private uses have been approved by the City as conforming to the preliminary plat;

5. The plat and deed contain a dedication to the public of all public improvements, including but not limited to streets, public pathways and trails, access reserve strips, parks, sewage disposal storm drainage and water supply systems;

6. The applicant has provided copies of all recorded homeowners association Covenants, Conditions and Restrictions (CC&R's); deed restrictions; private easements and agreements (e.g., for access, common areas, parking, etc.); and other recorded documents pertaining to common improvements recorded and referenced on the plat;

7. The plat complies with the applicable Sections of this code (i.e., there have been no changes in land use or development resulting in a code violation since preliminary plat approval);

8. The developer shall certify, as applicable, that water and sanitary sewer service is available to every lot depicted on the plat; or bond, contract or other assurance has been provided by the subdivider/partitioner to the City that such services will be installed in accordance with Chapter 3.4 - Public Facilities, and the bond requirements of Section 4.3.180. The amount of the bond, contract or other assurance by the subdivider/partitioner shall be determined by a registered professional engineer, subject to review and approval by the City;

9. The plat contains an affidavit by the surveyor who surveyed the land, represented on the plat to the effect the land was correctly surveyed and marked with proper monuments as provided by ORS Chapter 92, indicating the initial point of the survey, and giving the dimensions and kind of such monument and its reference to some corner established by the U.S. Geological Survey, or giving two or more permanent objects for identifying its location.

10. The Plat contains language indicating if lots are subject to Codes, Covenants, and Restrictions (CC&R's).

~~10.~~11. No plat containing a dedication of land, right of way, or other improvement to the public shall be recorded without the City indicating acceptance of the dedication on the face on the final plat.

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.

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:

1. An irrevocable letter of credit executed by a financial institution authorized to transact business in the state of Oregon;

2. A surety bond executed by a surety company authorized to transact business in the state of Oregon which remains in force until the surety company is notified by the City in writing that it may be terminated; or

3. Cash.

B. Determination of Sum. The assurance of performance shall be for a sum determined by the City as required to cover the cost of the improvements and repairs, including related engineering and incidental expenses.

C. Itemized Improvement Estimate. The developer shall furnish to the City an itemized improvement estimate, certified by a registered civil engineer, to assist the City in calculating the amount of the performance assurance.

D. Agreement. An agreement between the City and developer shall be recorded with the final plat. The agreement may be prepared by the City or prepared by the applicant as a letter. It shall not be valid until it is signed and dated by both the applicant and City Planning Official. The agreement shall contain all of the following:

1. The period within which all required improvements and repairs shall be completed;

2. A provision that if work is not completed within the period specified, the City may complete the work and recover the full cost and expenses from the applicant;

3. The improvement fees and deposits that are required;

4. (Optional) A provision for the construction of the improvements in stages and for the extension of time under specific conditions therein stated in the contract.

E. When Developer Fails to Perform. In the event the developer fails to carry out all provisions of the agreement and the City has un-reimbursed costs or expenses resulting from such failure, the City shall call on the bond, cash deposit or letter of credit for reimbursement.

F. Termination of Performance Guarantee. The developer shall not cause termination of nor allow expiration of the guarantee without having first secured written authorization from the City.

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.

4.3.200 Re-platting and Vacation of Plats

A. Re-platting and Vacations. Any plat or portion thereof may be re-platted or vacated upon receiving an application signed by all of the owners as appearing on the deed.

B. Procedure. All applications for a re-plat or vacation shall be processed in accordance with the procedures and standards for a subdivision or partition (i.e., the same process used to create the plat shall be used to re-plat or vacate the plat), except that a Property Line Adjustment as specified in the Section 4.3.210 shall be processed as a Type I procedure. The same appeal rights provided through the subdivision and partition process shall be afforded to the plat vacation process. (See Chapter 4.1 - Types of Applications and Review Procedures.) The road authority(ies) shall be notified of all applications for re-plats and street vacations. All street vacations shall also conform to the ORS Chapter 271.

C. Basis for Denial. A re-plat or vacation application may be denied if it abridges or destroys any public right in any of its public uses, improvements, streets or alleys; or if it fails to meet any applicable criteria.

D. Recording of Vacations. All approved plat vacations shall be recorded in accordance with 4.3.190 and the following procedures:

1. Once recorded, a re-plat or vacation shall operate to eliminate the force and effect of the plat prior to vacation; and

2. Vacations shall also divest all public rights in the streets, alleys and public grounds, and all dedications described on the plat.

E. After Sale of Lots. When lots have been sold, the plat may be vacated only in the manner herein, and provided that all of the owners of lots within the platted area consent in writing to the plat vacation.

F. Street Requirement. Except as prohibited by law (e.g., ORS 92.837, Manufactured Home Park), in approving a right-of-way vacation or re-plat, the City may require dedication of access ways, paths or trails as a condition of the vacation of any public easement or right-of-way, in order to establish

or maintain a safe, convenient and direct pedestrian and bicycle circulation system. Such requirements shall be coordinated with the applicable road authority.

4.3.210 Property Line Adjustments. A Property Line Adjustment is the modification of lot boundaries, when no lot is created. The application submission and approval process is as follows:

A. Submission Requirements. All applications for Property Line Adjustment shall be made on forms provided by the City and shall include information required for a Type I application, as governed by Section 4.1.200. The application shall include either a preliminary lot line map or preliminary survey prepared by an Oregon professional licensed surveyor. If a preliminary lot line map is provided it should be drawn to scale identifying all existing and proposed lot lines and dimensions; footprints and dimensions of existing structures (including accessory structures); location and dimensions of driveways and public and private streets within or abutting the subject lots; existing fences and walls; and any other information deemed necessary by the City Planning Official or designee for ensuring compliance with City codes.

B. Approval Process

1. Decision-making process. Property line adjustments shall be reviewed by means of a Type I procedure, as governed by Section 4.1.200, using approval criteria contained in Section 4.3.210.C below.

2. Time limit on approval. The property line adjustment approval shall be effective for a period of one (1) year from the date of approval, during which time the property line adjustment deed must be recorded and the survey map filed.

3. Lapsing of approval. The property line adjustment approval shall lapse if:

   a. The property line adjustment is not recorded within the time limit in Section 4.3.210.B(2);

   b. The property line adjustment has been improperly recorded with Baker County without the satisfactory completion of all conditions attached to the approval; or

   c. The final recording is a departure from the approved plan.

C. Approval Criteria. The City Planning Official or designee shall approve or deny a request for a property line adjustment in writing based on all of the following criteria:

1. Parcel Creation. No additional parcel or lot is created by the lot line adjustment;

2. Lot standards. All lots and parcels conform to the applicable lot standards of the land use district (Article 2) including lot area, dimensions, setbacks, and coverage, and no resulting lot is wholly comprised of a flood hazard area or jurisdictional wetland;

3. Access and Road authority Standards. All lots and parcels conform to the standards or requirements of Chapter 3.1 – Access and Circulation, and all applicable road authority requirements are met. If a lot is non-conforming to any City or road authority standard, it shall not be made even less conforming by the property line adjustment;

D. Recording Property Line Adjustments

1. Recording. Upon the City's approval of the proposed property line adjustment, the applicant shall record the property line adjustment deed with Baker County within (1) year of approval (or the decision expires), and submit a copy of the property line adjustment survey (original filed with the County Surveyor) to the City, to be filed with the approved application.

2. Time limit. The applicant shall submit a copy of the recorded property line adjustment survey map to the City within 15 days of recording and prior to the issuance of any building permits on the re-configured lots.

D. Extension. The City may, upon written request by the applicant and payment of the required fee, grant a written extension of the approval period not to exceed one year provided that:

1. No changes are made to the original property line adjustment as approved by the City;

2. The applicant can show intent of recording the approved plan within the one-year extension period;

3. There have been no changes in the applicable Code or plan provisions on which the approval was based. In the case where the property line adjustment conflicts with a code change, the extension shall be denied; and

4. The extension request is made before expiration of the original approved plan.

Chapter 4.4 - Conditional Use Permits

Sections:

4.4.100 Purpose
4.4.200 Approvals Process
4.4.300 Application Submission Requirements
4.4.400 Criteria, Standards and Conditions of Approval
4.4.500 Additional Development Standards

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

4.4.200 Approvals Process

A. Initial Application. An application for a new conditional use shall be processed as a Type III procedure (Section 4.1.400). The application shall meet submission requirements in Section 4.4.300, and the approval criteria contained in Section 4.4.400.

B. Modification of Approved or Existing Conditional Use. Modifications to approved or existing conditional uses shall be processed in accordance with Chapter 4.6 - Modifications.

4.4.300 Application Submission Requirements. In addition to the submission requirements required in Chapter 4.1, an application for conditional use approval must include the following information (1-8), as applicable to the particular request as determined by the Planning Official. For a description of each item, please refer to Section 4.2.500 - Site Design Review Application Submission Requirements:

A. Existing site conditions;

B. Site plan;

C. A landscape plan;

D. Architectural drawings of all structures;

E. Drawings of all proposed signs;

F. A copy of all existing and proposed restrictions or covenants;

G. Narrative report or letter documenting compliance with all applicable approval criteria in Section 4.4.400.

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

A. Use Criteria

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

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

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

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

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

1. Limiting the hours, days, place and/or manner of operation;

2. Requiring site or architectural design features which minimize environmental impacts such as noise, vibration, exhaust/emissions, light, glare, erosion, odor and/or dust;

3. Requiring larger setback areas, lot area, and/or lot depth or width;

4. Limiting the building or structure height, size or lot coverage, and/or location on the site;

5. Designating the size, number, location and/or design of vehicle access points or parking areas;

6. Requiring street right-of-way to be dedicated and street(s), sidewalks, curbs, planting strips, pathways, or trails to be improved;

7. Requiring landscaping, screening, drainage, water quality facilities, and/or improvement of parking and loading areas;

8. Limiting the number, size, location, height and/or lighting of signs;

9. Limiting or setting standards for the location, design, and/or intensity of outdoor lighting;

10. Requiring berms, screening or landscaping and the establishment of standards for their installation and maintenance;

11. Requiring and designating the size, height, location and/or materials for fences;

12. Requiring the protection and preservation of existing trees, soils, vegetation, watercourses, habitat areas, drainage areas, historic resources, cultural resources, and/or sensitive lands (Chapter 3.2);

13. Requiring the dedication of sufficient land to the public, and/or construction of pedestrian/bicycle pathways in accordance with the adopted plans, or requiring the recording of a local improvement district non-remonstrance agreement for the same. Dedication of land and construction shall conform to the provisions of Chapter 3.1, and Section 3.1.300 in particular.

4.4.500 Additional Development Standards

A. Concurrent Variance Application(s). A conditional use permit shall not grant variances to regulations otherwise prescribed by the Development Code. Variance application(s) may be filed in conjunction with the conditional use application, and both applications may be reviewed at the same hearing.

B. Additional Development Standards. Development standards for specific uses are contained in Article 2 - Land Use Districts.

4.4.600 Revocation of Conditional Use Permit

A. Any previously granted conditional use permit may be revoked by the Planning Commission, after a hearing conducted in the manner required for approval of a conditional use permit initially, upon the following grounds:

1. Failure to comply with the conditions of approval.

2. Discontinuance of the use for a period in excess of two years.
3. Failure to comply with other applicable provisions of the Baker City Development Code regarding design, dimensional or use requirements.

4. A change in the Baker City Development Code or standards of the land use district within which the use is located that have the effect of no longer allowing a new conditional use permit application to be considered in such district.

B. Revocations initiated under (A)(1) or (2) above shall not be initiated for at least 6 months after approval of the conditional use permit. Revocations initiated under (A)(1), (2), and (3) above shall have the effect of making the previously granted conditional use permit void until a new application is submitted and granted. Revocations initiated under (A)(4) above shall have the effect of making the previously granted conditional use a non-conforming use.

Chapter 4.5 - Master Planned Developments and Coved Neighborhood Plans

Sections:

4.5.100 Master Planned Development and Coved Neighborhood Plans - Purpose
4.5.110 Master Planned Development - Applicability
4.5.120 Master Planned Development - Review and Approvals Process
4.5.130 Master Planned Development - Modification of District Standards (Article 2) and Design Standards (Article 3)
4.5.140 Master Planned Development - Overlay Zone and Concept Plan Submission
4.5.150 Master Planned Development - Detailed Development Plan Submission Requirements
4.5.160 Master Planned Development - Detailed Development Plan Approval Criteria
4.5.170 Master Planned Development - Administrative Procedures
4.5.180 Master Planned Development - Land Use Review, Site Design Review, Final Plat, and Building Permit Approvals
4.5.190 Coved Neighborhood Developments – Applicability
4.5.200 Coved Neighborhood Developments – Review and Approvals Process
4.5.210 Coved Neighborhood Developments – Modification of District Standards (Article 2) and Design Standards (Article 3)
4.5.220 Coved Neighborhood Developments – Pedestrian Design Principals

DEVELOPMENT OPTIONS COMPARISON		
	Master Planned Developments	*Standard Tract Subdivisions*
Uses permitted	Flexible - Mixed Use	Restricted by Zoning Standards
City Design Assistance Program	Available	Not Eligible
Design Standards	Flexible	Fixed
Lots Size Standards	Flexible	Fixed
Public Hearings	Community Consultation Workshop with City assistance to create cooperative environment & reduce project controversy.	Standard Hearings Required
Approval Class	Government Discretion	By-Right Prescriptive Path

4.5.100 Master Planned Development and Coved Neighborhood Plans – Purpose. The purposes of this Section are to:

A. Implement the Comprehensive Plan and applicable land use district(s) by providing a means for master planning sites and the development of coved neighborhood plans;

B. Allow greater flexibility than is generally possible under conventional zoning district regulations to encourage development of difficult infill parcels;

C. Provide design and process incentives to encourage innovative planning and development investments that result in benefits to the community. Benefits to the community may be realized through improved sense of place, enhanced urban design quality, improvement in the overall visual quality of project areas, provision for compatible mixed-use development, the establishment of significant open space resources, and a greater commitment to pedestrian oriented design;

D. Encourage developments that recognize the relationship between buildings, their use, open space, and transportation options, providing varied opportunities for innovation and diversified human-made environments;

E. Facilitate the efficient use of land;

F. Promote an economic arrangement of land use, buildings, circulation systems, open space, and utilities;

G. Preserve to the greatest extent possible the existing landscape features and amenities that may not otherwise be protected through conventional development;

H. Encourage energy conservation and improved air and water quality;

I. Assist the City in planning infrastructure improvements;

J. Create an opportunity to reflect changes in the technology of land development, provide opportunities for new approaches to home ownership, and provide for an efficient use of land that can result in reduced development costs;

K. Provide for larger scaled developments, clustering of residential dwellings, density transfers, and neighborhood design techniques which generate a range of housing types and densities that may be difficult to plan for in the most innovative and efficient manner under conventional development practices; and

L. Encourage public-private partnerships in the planning and development of the City's environs.

4.5.110 Master Planned Development – Applicability

A. Overlay Designation. The master planned development designation is an overlay designation that may be applied over any of the City's land use districts. The approval of a Master Planned Development does not constitute a rezone from one land use district to another. An applicant may elect to develop a project as a Master Planned Development in compliance with the requirements of this Chapter. In addition, the City may require that the following types of development be processed using the provisions of this Chapter:

1. Subdivisions of large residential sites 20 acres and larger, in accordance with the Master Planned Development standards.

2. District designation for large residential sites undergoing annexation.

The Master Planned Development provisions of Chapter 4.5 represent a fundamental departure in process and orientation from other provisions in the Baker City Development Code. The Code's other provisions are based on a high level of predictability provided through regulatory regimentation. Land-use and project design discretion is limited with the trade-off that a higher level of predictability is provided with a range of established development rights.

In contrast, the Master Planned Development provisions of this Chapter provide a far higher level of design and land-use flexibility in project development – optional "engineered paths." But an applicant must understand that the potential granting of such flexibility under Chapter 4.5 is entirely discretionary on the part of Baker City, pursuant to established processes and broad review criteria that include the implementation of Comprehensive Plan objectives. While the Master Planned Development option potentially provides broad flexibility in issues of land use, development form and standards, the burden of proof is on the applicant to show that any variance from established standards will, on balance of multiple considerations, advance the underlying objectives of the Baker City Comprehensive Plan and Development Code, and provide a greater benefit to the community than traditional development practices. In submitting an application for consideration under Chapter 4.5, Master Planned Development, the applicant does not forfeit the right to be considered under the standard provisions and rights established in this Code in other Chapters.

B. Eligibility for Master Planned Developments. The Master Planned Development designation may be applied over any of the City's land use districts for any property or combination of properties subject to the following requirements:

1. The parcel must be one (1) acre or greater in size in residential land use districts and may be any size in commercial or industrial land use districts;

2. The tract of land may be held in single and separate ownership or in multiple ownerships. However, when a tract is held in multiple ownerships, it shall be planned for as a single entity with common authority and common responsibility; and

3. The project area must be located where public water and sewer systems are available or will be available as a condition of approval.

4.5.120 Master Planned Development - Review and Approvals Process

A. Review Steps. There are three required steps to planned development approval, which may be reviewed individually or combined into one package for concurrent review:

1. The development, review and public comment on a Preliminary Master Concept Plan that includes a community consultation workshop;

2. The approval of a detailed Master Development plan; and

3. The approval of a preliminary subdivision plat(s) and/or site design review application(s).

B. Approval Process

1. The Preliminary Master Planned Development shall be reviewed but not formally approved using the Type II procedure in Section 4.1.300, the submission requirements in Section 4.5.170, and the review criteria in Section 4.5.150.

2. The detailed development plan shall be reviewed and potentially approved using the Type III procedure in Section 4.1.400 and the review criteria in Section 4.5.160.

3. Preliminary subdivision plats and site design review applications for approved planned developments shall be reviewed using a Type II procedure, as governed by Section 4.2.400.

4. Steps 1-3, above, may be combined in any manner, so long as the decision-making sequence follows that in Section 4.5.120.A, above. Notification and hearings may be combined.

4.5.130 Master Planned Development - Modification of District Standards (Article 2) and Design Standards (Article 3). The district standards in Article 2 and design standards of Article 3 may be modified through the master plan approval without the need for variances, except that the following standards within Articles 2 and 3 shall not be modified:

A. Gross Residential densities. As 1) allowed under the Comprehensive Plan and, 2) as specified in other Chapters of the Development Code, except that density bonuses as recognized in Chapter 4.5 may be permitted (note: minimum lot size requirements may be modified); and

B. Industrial and Commercial Uses. If not otherwise allowed in a Residential District, industrial and commercial uses shall not be allowed in a Residential District master plan, but residential uses may be permitted in industrial and commercial land use districts.

4.5.140 Master Planned Development - Overlay Zone and Concept Plan Submission

A. Preliminary Master Plan Submission Requirements

1. Pre-Submission Conference**.** Prior to submitting an application for a Master Planned Development the developer shall schedule an appointment and meet with the Planning Department to discuss the procedure for review and approval, including submittal requirements, design standards, and technical assistance options. A preliminary site visit with administrative staff is strongly encouraged but not required as part of the conference.

2. Preliminary Master Plan Development and Community Consultation Workshop**.** The preliminary plan and community consultation workshop is designed to be a low cost process, requiring no surveying or engineering expense. It is also designed to reduce applicant financial risk and encourage collaboration in design by addressing preliminary questions about land use, appropriate density, site plan design, architectural themes, and urban form. The developer in

consultation and assistance from the Planning Department shall conduct a community design workshop or charrette (not public hearing) that is open to the general public with invitations to surrounding property owners, Planning Commission members, City staff, and City Council members for the purpose of collaborative discussion and input. The consultation is to allow early input from neighborhood and City interests in a collaborative, non-confrontational workshop format. For large scale project proposals two work sessions may be advisable with the first designed to collect basic input and the second to present and refine design concepts.

3. The developer shall have prepared, at a minimum, the following material for review at the Preliminary Master Plan Development Consultation and may want to develop more than one general development sketch plan to aid in workshop discussions:

   a. Existing Conditions/Site Analysis Graphic**.** For all Master Plan Developments an Existing Conditions and Site Analysis Graphic shall be prepared to provide the developer, City, and community a basis upon which to develop and review the Preliminary Master Plan. The Analysis Graphic identifies and locates noteworthy features and resources that should be taken into consideration in conservation sensitive design and issues of urban form. These resources include, but are not be limited to, wetlands, floodplains, steep slopes, soil limitations, sensitive geologic features, scenic view corridors, historic or cultural features, community compatibility, utilities, and transportation connectivity and capacity. The graphic or graphic overlays shall generally be to scale, but do not require surveys, and should include the development tract along with an extension of 200 feet or onto adjacent parcels to provide context. The general information contained on the graphic or graphic overlays can usually be obtained from existing published resources, landowner knowledge, and "reading" the land in a walking survey. General guidelines for preparation include the following suggestions, but mapping for the initial application can be done in any combination of features as long as individual map components can be distinguished and the relationship between components can be determined:

      i. Maps should be prepared at a scale of 1 inch = 100 feet or 1 inch = 200 feet, whichever would fit best on a single standard sheet from 17 x 22 to 24 x 36 in size.

      ii. Site topography should be indicated utilizing contour lines from USGS published maps or other existing sources. Slopes between 15 and 25 % and slopes over 25% should be delineated in a graphic fashion.

      iii. All water bodies, wetlands, floodplains, floodways, and any recognizable potential geologic hazard areas shall be noted. Drainage ways, ridgelines and watershed boundaries shall also be identified.

      iv. Areas of suspected shallow depth to bedrock or elevated water tables shall be noted.

      v. Land cover on the site shall be identified. Existing buildings and structures and any cultural resources shall be noted, along with suspected waste disposal sites and other areas of potential sensitivity.

      vi. A viewshed analysis showing the location and extent of views into the property from

public roads and from key vantage points shall be indicated. The analysis should also include potential view corridors within the property to guide conservation reserve land and building placement.

vii. Surrounding land uses and potential neighborhood sensitivities.

b. Residential Yield Plan**.** The maximum number of cluster residential lots or units which can be created in a Master Planned Development is derived from a Yield Plan. The Yield Plan shall show the maximum number of lots or dwelling units that could be placed upon the site under a conventional tract subdivision based on the underlying zoning district. Yield Plans must be prepared as conceptual layout plans in accordance with the standards of the Development Code as applies to conventional tract subdivisions, showing proposed lots, streets, rights-of-way, and other pertinent features. Although it must be generally drawn to scale, it need not be based on a field survey and requires no engineering work. While a conceptual sketch plan, it must be a realistic layout reflecting a development pattern that could reasonably be expected to be implemented, taking into account minimum lot size requirements of the zoning district, development standards for conventional tract subdivision, and the physical restraints of the parcel.

i. Adjusted Tract Acreage is determined through the preparation of a Yield Plan. For the purposes of calculating Adjusted Tract Acreage the following development constrained land shall be deducted from any lot in the requirement to meet the minimum lot size requirement of the underlying zoning district:

A. Floodway – no credit
B. Floodplains - 0.5 reduction
C. Wetlands and water bodies -0.8 reduction
D. Steep slopes exceeding 25% - 0.5 reduction
E. Deduction for public rights-of-way and roads

ii. Bonus gross densities may be granted in master planned projects based on either the percentage of permanent open space or the particular value or quality of public open space created in the development. Residential densities may be increased by the permitting authority, at its discretion, based on the following criteria:

A. 0.8% density increase over the yield plan for each 1.0% of additional useable open space over 15% that is available to general public, not to exceed a total bonus density of 20% over the underlying land use district; or

B. The approval authority may grant a bonus density increase not to exceed 20% over the yield plan for particularly high value public open space such as public urban plazas, commercial district pocket parks, or similar open space investments.

c. Concept Development Sketch Plan**.** By using the information from the Existing Conditions Site Analysis and the Yield Plan, the applicant shall have prepared and submit a Concept Development Sketch Plan. The Concept Development Sketch Plan is intended to be a preliminary plan that while needing to be drawn to scale, does not require engineering

work or surveys for preparation. The Concept Development Sketch Plan shall be prepared by a landscape architect or land planner holding an accredited university degree in either profession, or by a multi-disciplinary team of which one member must be an accredited landscape architect or land planner. It is also recommended that a licensed engineer and licensed architect be involved in the development concept at this preliminary stage. The Conservation Development Sketch Plan shall include at least the following information at a scale no less than 1 inch = 100 feet:

i. The approximate location of existing landscape features including the designation of significant attributes to be preserved, demolished or moved;

ii. The approximate location and size of Conservation Reserve Lands, associated recreation facilities and any trail locations;

iii. The approximate boundaries of areas to be developed and proposed, general street and lot layout, circulation patterns, and other information necessary to convey the concept plan;

iv. Land uses, number and type of housing units proposed, commercial/industrial footprints and types;

d. Preliminary Master Plan Narratives**.** The Concept Development Plan shall also contain a number of narrative explanations including the following:

i. A narrative explanation of the planning objectives and development theme of the project to be achieved by the Master Planned Development. This statement should include a description of the character of the proposed development and the rationale behind the assumptions and choices made by the applicant, as well as, how the proposal contributes to the objectives of the Master Planned Development Section 4.5.100(A), and furthers the objectives of the Baker City Comprehensive Plan;

ii. The proposed Master Plan name, applicant name(s), names of owners of record, and
iii. the members or firms of the professional design team responsible for assisting the landowner/developer;

iv. A narrative explanation and/or illustrations of the architectural concept and landscape concept plan;

v. A narrative explanation proposing water, sewage and storm-water drainage. Detailed engineering plans are not required at the Conceptual Plan review stage;

vi. A narrative explanation of the proposed quality, quantity, use and ownership of the Conservation Reserve Lands (Open Space);

vii. A narrative explanation of the proposed road standards, street cross-sections, rights-of-way widths and maintenance provisions;

viii. A narrative explanation or initial draft copy of homeowner covenants and conservation reserve land management plans and proposed ownership arrangements; and

ix. A narrative list and justification of the suggested variances from Code standards and requirements that will likely be requested.

B. Documentation of Preliminary Master Plan Review and Community Design Consultation. At the conclusion of the Community Design Consultation, the Planning Department shall provide a written summary of findings and recommendations associated with the Preliminary Master Plan Concept to the developer and make said materials available to the Public for a 14 day written comment period following standard procedures which may include posting on the City's website. At the conclusion of the 14 day comment period any public comments received and/or Planning Staff response to said comments shall be provided to the developer and be made available for public review.

4.5.150 Master Planned Development - Detailed Development Plan Submission Requirements

A. Following the development and review of the concept Master Plan and conductance of the associated Community Design Consultation, the applicant shall submit a Final Master Plan Development for consideration under a Type III procedure. In order to expedite the process, the applicant may apply for one or more development reviews associated with the Final Master Plan such as Preliminary Plat review or Site Plan Development Review. The review steps, notification and hearings may be combined.

B. The contents of the detailed development plan shall be determined by the Planning Department and will generally include the refined material submitted for the Preliminary Master Plan Review and Community Consultation as specified in Section 4.5.140. It shall also identify the final proposed location of all lots, tracts, parcels, open space, rights-of-way, building envelopes and other features, prior to approval of a development permit. The Planning Department may also specify special studies or plan materials related to issues that were identified during the Preliminary Master Plan Review and Community Consultation.

4.5.160 Master Planned Development - Detailed Development Plan Approval Criteria. The City shall make findings that all of the following criteria are satisfied when approving or approving with conditions, the overlay zone and Master plan:

A. Comprehensive Plan. All relevant provisions of the Comprehensive Plan are met;

B. Land Division Chapter. All of the requirements for land divisions, as applicable, shall be met (Chapter 4.3);

C. Article 2 and Article 3 Standards. All of the land use, development, and design standards contained in Articles 2 and 3 which are proposed for modification under the Master Plan Overlay sufficiently contribute, in balance, to the general welfare and benefit of the community to warrant approval based upon but not exclusive to the following considerations:

1. Improvement in the overall visual quality of the project area;
2. Improvement in the sense of place and identify;
3. Improvement in the overall urban design quality of the community;
4. Improvement in the opportunities to use alternative modes of transportation;
5. Improvement in the protection of the natural environment;
6. Improvement in energy conservation;
7. Improvement in opportunities for outdoor recreation and social activities;
8. Improvement in the economic vitality of the City and its citizens;
9. Improvement in the opportunities for children, the elderly, and the handicapped to use and enjoy the neighborhood;
10. Improvement in the social equity and equality for different income groups;

D. Open Space. Master plans shall contain a minimum of 15 percent open space. Public open space shall be integral to the master plan. Plans shall emphasize public gathering places such as plazas, neighborhood parks, trails, and other publicly accessible spaces that integrate land use and transportation and contribute toward a sense of place. Where public or common private open space is designated, the following standards apply:

1. The open space area shall be shown on the final plan and recorded with the final plat or separate instrument; and

2. The open space shall be conveyed in accordance with one of the following methods:

   a. By dedication to the City as publicly owned and maintained open space. Open space proposed for dedication to the City must be acceptable to the City Planning Official with regard to the size, shape, location, improvement, environmental condition (i.e., the applicant may be required to provide a level one environmental assessment), and budgetary and maintenance abilities;

   b. By leasing or conveying title (including beneficial ownership) to a corporation, home association or other legal entity, with the City retaining the development rights to the property. The terms of such lease or other instrument of conveyance must include provisions (e.g., maintenance, property tax payment, etc.) suitable to the City.

4.5.170 Master Planned Development - Administrative Procedures

A. Land Use District Map Designation. After a Master Planned Development has been approved or approved with conditions, the subject development site shall be shown on a map maintained by the City that illustrates the location of the approved Master Planned Development as an MPD overlay on an existing Land Use District. The approval of a Master Planned Development shall not be considered a rezone. As a condition of approval, the applicant shall record a Deed Restriction on

the subject properties and all future lots and parcels created, noting inclusion in the approved Master Planned Development area.

B. Modifications. Once a Final Master Plan has been approved, the approval runs permanently with the land and does not have a time limit. To substantially modify the development plan for the parcel shall require approval of a modification in conformance with Chapter 4.6. Minor changes to the approved Master plan may be approved when the Planning Department finds that the modification(s) is/are consistent with the criteria in 1-6, below. Changes exceeding those in subsections 1-6, below, must be reviewed as major modifications under Chapter 4.6.

1. Increased residential densities (overall or reallocated between development phases) by no more than 20 percent, provided such increase conforms to the Comprehensive Plan and underlying District;

2. Increase in lot coverage or impervious surface (overall or reallocated between development phases) by no more than 15 percent over that which is approved;

3. Reduction in open space or landscaping by no more than 20 percent;

4. Increase in overall automobile parking spaces by no more than 20 percent;

5. Land use**.** No fundamental change in land use that would be beyond the recognized uses established in approved Use Categories shall be permitted without a major modification to the Master plan;

6. Proposals to add or increase lot coverage within an environmentally sensitive areas (sensitive lands) or areas subject to a potential hazard shall require a major modification to the concept plan;

4.5.180 Master Planned Development - Land Use Review, Site Design Review, Final Plat, and Building Permit Approvals

A. Land Use and Site Design Reviews. For projects requiring land use or site design review, all such approvals must be final and appeal periods expired before the City issues building permits. Chapter 4.2 applies to site design review.

B. Land Divisions. For projects requiring a land division, the preliminary land division plats must be final and appeal periods expired before a final plat is approved and building permits issued**.** Chapter 4.3 applies to land divisions.

C. **Streamlined Review Option.** Applications for preliminary land division plats, land use reviews, and site design review applications that are part of an approved master planned development may be reviewed using a Type II procedure, rather than the conventional Type III procedure. This shall be the applicant's option. The variation from the standard procedures of Chapter 4.2 - Site Design Review, and Chapter 4.3 - Land Divisions is intended to streamline review of projects that have received master planned development approvals, since those projects have previously been subject to public review and hearings.

4.5.190 Coved Neighborhood Developments – Applicability

A. **Coved Neighborhood Developments.** Coving is an efficient method of land planning that utilizes a unique meandering road pattern, combined with an independently meandering home setback line, designed to vary the streetscape, thus adding visual interest. Coving also creates additional areas of open spaces along the street, referred to as "Coves". Coving reduces length of infrastructure (roads, sidewalks) by +/- 20 percent, which reduces environmental impact, while average lot sizes and park areas increase +/- 15 percent. Density generally remains the same as conventionally planned neighborhoods. Coving is one of several innovations in residential design techniques that Baker City desires to encourage by code. The application of coving requires certain modifications to traditional development standards and field practice. Proposals for coved neighborhood plans are subject to all the procedures and specifications of this Code except as noted herein.

Figure 4.5.190 – Coved Design

4.5.200 Coved Neighborhood Developments – Review and Approvals Process. Coved Neighborhood Developments are restricted to subdivisions or re-plats of 20 lots or more in size. This restriction is imposed because to achieve the desired effect of coving requires projects of a certain minimum scale. All Coved Neighborhoods Developments shall be reviewed under a Type III application procedure. A pre-submission conference between the developer and Planning Department

is required.

4.5.210 Coved Neighborhood Developments – Modification of District Standards (Article 2) and Design Standards (Article 3)

A. Blocks. With a free-form design such as coving, it is difficult to determine a block length. Instead "blocks" will be defined by perimeter length of street and walk right-of-ways. Minimum block perimeter length will be 1,000 feet and the maximum shall generally be 2,500 feet as measured along the right-of-way as street or through walk. The block perimeter length can be greater where topography or configuration will not fit within said maximum length (See figure 4.1)

B. Lots. A "cove" in subdivision design is an indentation of the front setback-line designed to create a park-like streetscape. A coved lot is similar to a conventional lot, except the front setback is individually dimensioned from the road right-of-way at a greater distance than generally defined in Code requirements for conventional subdivision designs. In coved lots staggering of the front setbacks shall be avoided, instead the application of meandering setbacks shall be utilized to open up the streetscape and avoid monotony of home placement.

A proper coved design uses the home fronts (Front Setback Line) to form a curve that differs from the curvature of the street (Figure 4.2).

1. The minimum lot width along the meandering Front Setback Line shall be 50' as measured from a point where the Front Setback Line intersects the side lot lines.

2. The minimum dimension lot width along the street right-of-way for frontage shall be 25'.

3. The design layout should avoid angles on said street frontage lot lines unless it is difficult to meet the 25' minimum.

4. Each side lot line shall contain a dimension distance from the right-of-way corner to the Front Setback Line intersection, then a bearing and distance from the setback intersection to the rear lot line shall be noted in the final plat. An additional bearing shall be shown if there is an angle point on the side lot line, otherwise it is assumed the lot line is void of angles.

5. The home front shall be constructed at the same angle as defined by the front setback line, (i.e. perpendicular and parallel to the front setback line.)

6. Side lot lines are generally not perpendicular or radial to the right-of-way line (Figure 4.3).

C. Side Yards. Side yard minimum shall be (5) feet from the side lot-line to the home structure. Overall, *average* side yards on coved neighborhoods are much greater than conventional platting, as few home sides will parallel each other. Side yards on a corner lot shall be (10) feet from the right-of-way.

D. Street Pattern. Coved street pattern shall be designed to reduce the number of streets, using a meandering patter, yielding a reduction of intersections, compared to conventional parallel streets.

Streets shall be designed to reduce speed by avoiding long straight street patterns (Figure 4.4). If a street splits to form a landscaped island, a more meandering pattern is encouraged. The right-of-way shall parallel the meandering pavement. The one-way lanes shall be a minimum of 14-feet wide. A minimum landscaped island width of 14-feet shall be maintained at its narrowest point.

E. Road Tangents and Curve Radii. Coved street design shall not have a minimum tangent distance. Tangent requirements between reverse curves shall be waived. Coved neighborhood designs work best with liberal curve radii in the 180' to low 200s'range due to impact on lot configurations and issues of backyard privacy. In general, curve radiuses should avoid being any tighter than 120' to 140'.

F. Streets and Right-of-Ways. Street construction shall conform to existing City requirements except for the following:

1. Streets shall have a 50-feet right-of-way with a 20-foot pavement section.

2. Right-of-way width along one-way street sections shall be no less than 30-feet.

3. Cul-de-Sac diameters shall have a minimum of a 50-feet radius at the right-of-way line and a minimum 30 –feet radii at the paving. Counter intuitively cove designs encourage much larger radii for cul-de-Sac size to increase lot yield efficiency. Narrow one-way cul-de-Sacs with a 12 to 14 feet pavement section with a radius right-of-way of 80-feet to 90-feet with center landscape island will maximize lot yield.

G. Cove Patterns. Gentle and gradual transitions from minimum setback to deep setback should be avoided. Long transitions will dilute the effect of scale. A more aggressive shallow to deep transition should be encouraged (Figure 4.5).

H. Lot Size Distribution and Lot Size Averaging. To obtain the meandering front yards, where a series of homes begin at the minimum Front Setback ten transitions (quickly) to a deeper setback and back to the minimum, the cove design cannot function without a natural distribution of a wide variety of lot sizes due to the physical limitations of the geometry itself. Lot size averaging is permitted in any cove development so long as the average lot size in the total project, not including open space and right-of-ways, meets the minimum lot size of the underlying land-use district.

I. Lot Width and Depth. Minimum lot width shall be measured along the meandering Front Setback Line, not right-of-way frontage. There is no maximum lot depth or lot width-to-depth ratio requirement in cove developments.

J. Rear Yards. The minimum rear yard setback requirements of the underlying land-use district shall apply.

4.5.220 Coved Neighborhood Developments – Pedestrian Design Principals

A. Pedestrian-Oriented Design. Traditional placement of sidewalks and walkways along road right-of-ways shall be waived. Walks of a durable material as approved by the City Public Works

Department shall interlink to generally allow the shortest distance *through* the neighborhood, regardless of the street pattern. The City Planning Official shall review the development's pedestrian plan to insure connectivity, ease of pedestrian travel, and safety throughout the project including connections at cul-de-Sac ends and linkages of open space.

B. Meandering. A system of meandering pedestrian walk-ways is not just attractive, but also safer, by separating pedestrians and vehicular traffic to the degree possible. A meandering walk can be within the right-of-way of a street, but it can also be outside the street right-of-way. When the walk meanders outside the street right-of-way, a public easement shall be dedicated and defined to be parallel to the walk and 2-feet outside each edge of the walk. The walkway easement shall be designated on the preliminary and final plat. Walkway should be gently meandering using large radii, avoiding zigzag patterns.

C. Walkway Width. Where walks through blocks also serve as an emergency vehicle path, the minimum width shall be 8-feet wide in a 20-wide walk right-of-way. Walks on one side of the street shall be preferable to walks on both sides of a street, except in high traffic volume streets. Walkway width when on a single side of the street shall be 5-feet minimum.

Chapter 4.6 - Modifications to Approved Plans and Conditions of Approval

Sections:

4.6.100 Purpose
4.6.200 Applicability
4.6.300 Major Modifications
4.6.400 Minor Modifications

4.6.100 Purpose. The purpose of this Chapter is to provide an efficient process for modifying land use decisions and approved development plans, in recognition of the cost and complexity of land development and the need to conserve City resources.

4.6.200 Applicability

A. This Chapter applies to all development applications approved through the provisions of Chapter 4, including:

1. Land Use Review approvals;
2. Site Design Review approvals;
3. Subdivisions, Partitions, and Property Line Adjustments;
4. Conditional Use Permits;
5. Master Planned Developments; and
6. Conditions of approval on any of the above permit types.

B. This Chapter does not apply to Comprehensive Plan amendments, land use district changes, text amendments, annexations, temporary use permits, or other permits not listed in subsection A.

4.6.300 Major Modifications.

A. Major Modification Defined. The City Planning Official shall determine that a major modification(s) is required if one or more of the changes listed below are proposed:

1. A significant change in land use defined as one that would result in a change of "Use Categories" as recognized in Chapter 1.4 or as may be determined by the City Planning Official;
2. An increase in density by more than ten (10) percent, provided the resulting density does not exceed that allowed by the land use district or as approved in a Master Planned Development;

3. A change in setbacks or lot coverage by more than 30 percent, provided the resulting setback or lot coverage does not exceed that allowed by the land use district or as approved in a Master Planned Development;

4. A change in the type and/or location of access-ways, drives or parking areas significantly affecting off-site traffic;

5. An increase in the floor area proposed for non-residential use by more than 20 percent where previously specified;

6. A reduction of more than 10 percent of the area reserved for common open space; or

7. Change to a condition of approval, or a change similar to items 1-6, that could have a significant detrimental impact on adjoining properties. The City Planning Official shall have discretion in determining detrimental impacts warranting a major modification.

B. Major Modification Applications; Approval Criteria. An applicant may request a major modification using a Type II review procedure, as follows:

1. Upon the City Planning Official determining that the proposed modification is a major modification, the applicant shall submit an application form, filing fee and narrative, and a site plan using the same plan format as in the original approval. The Planning Official may require other relevant information, as necessary, to evaluate the request.

2. The application shall be subject to a Type II procedure utilizing the approval criteria employed in the initial project approval with the following exceptions. Adding a conditional use to an approved project shall be subject to a Type III procedure. In addition, if in the judgment of the City Planning Official the modification request is of such a magnitude or level of discretion as to warrant additional review, the modification request shall be reviewed using a Type III procedure if the initial request was processed as a Type III procedure.

3. The scope of review shall be limited to the modification request. For example, a request to modify a parking lot shall require site design review only for the proposed parking lot and any changes to associated access, circulation, pathways, lighting, trees, and landscaping. Notice shall be provided in accordance with Chapter 4.1.

4. The City Planning Official or decision making body shall approve, deny, or approve with conditions an application for major modification based on written findings on the criteria.

4.6.400 Minor Modifications

A. Minor Modification. Any modification to a land use decision or approved development plan that is not within the description of a major modification as provided in Section 4.6.300.A, above.

B. Minor Modification Review Procedure. An application for approval of a minor modification shall be reviewed by the Planning Official using a Type I procedure under Section 4.1.200. The Planning

Official is responsible for determining the appropriate review procedure based on the following criteria.

C. Minor Modification Applications. An application for minor modification shall include an application form, filing fee and narrative, and a site plan using the same plan format as in the original approval. The Planning Official may require other relevant information, as necessary, to evaluate the request.

D. Minor Modification Approval Criteria. The Planning Official shall approve, deny, or approve with conditions an application for minor modification based on written findings that the modification is in compliance with all applicable requirements of the Development Code and conditions of approval on the original decision, and the modification is not a major modification as described in Section 4.6.300.A, above.

Chapter 4.7 - Land Use District Map and Text Amendments

Sections:

4.7.100 Purpose
4.7.200 Legislative Amendments
4.7.300 Quasi-Judicial Amendments
4.7.400 Conditions of Approval for Quasi-Judicial Amendments
4.7.500 Record of Amendments
4.7.600 Transportation Planning Rule Compliance

4.7.100 Purpose. The purpose of this chapter is to provide standards and procedures for legislative and quasi-judicial amendments to this Code and the land use district map. These will be referred to as "map and text amendments." Amendments may be necessary from time to time to reflect changing community conditions, needs and desires, to correct mistakes, or to address changes in the law.

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.

4.7.300 Quasi-Judicial Amendments

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

1. The Planning Commission shall review and act upon land use district map changes that do not involve comprehensive plan map amendments;

2. The Planning Commission shall make a recommendation to the City Council on an application for a comprehensive plan map amendment. The City Council shall decide such applications; and

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

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

1. Approval of the request is consistent with the Statewide Planning Goals;

2. Approval of the request is consistent with the Comprehensive Plan;

3. The property and affected area is presently provided with adequate public facilities, services and transportation networks to support the use, or such facilities, services and transportation networks are planned to be provided in the planning period; and

4. The change is in the public interest with regard to neighborhood or community conditions, or corrects a mistake or inconsistency in the comprehensive plan or land use district map regarding the property which is the subject of the application; and

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

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

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

4.7.600 Transportation Planning Rule Compliance

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

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

2. Change the standards implementing a functional classification system; or

3. Reduce the performance of an existing or planned transportation facility below the minimum acceptable performance standard identified in the City's Comprehensive Plan; or

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

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

1. Adopting measures that demonstrate that allowed land uses are consistent with the planned function of the transportation facility; or

2. Amending the Comprehensive Plan to provide transportation facilities, improvements, or services adequate to support the proposed land uses; such amendments shall include a funding plan to ensure the facility, improvement, or service will be provided by the end of the planning period; or,

3. Altering land use designations, densities, or design requirements to reduce demand for automobile travel and meet travel needs through other modes of transportation; or

4. Amending the planned function, capacity or performance standards of the transportation facility; or

5. Providing other measures as a condition of development or through a development agreement or similar funding method, specifying when such measures will be provided.

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

1. The amendment does not include property located in an interchange area, as defined under applicable law;

2. The currently planned facilities, improvements or services are not adequate to achieve the standard;

3. Development resulting from the amendment will, at a minimum, mitigates the impacts of the amendment in a manner that avoids further degradation to the performance of the facility by the time of the development; and

4. The road authority provides a written statement that the proposed funding and timing for the proposed development mitigation are sufficient to avoid further degradation to the facility.

Chapter 4.8 - Code Interpretations

Sections:

4.8.100 Purpose
4.8.200 Procedure

4.8.100 Purpose. Some terms or phrases within the Code may have two or more reasonable meanings. This section provides a process for resolving differences in the interpretation of the Code text.

4.8.200 Procedure

A. Requests. A request for a code interpretation shall be made in writing to the City Planning Official.

B. Decision to Issue Interpretation. The Planning Official shall have the authority to interpret the code, or refer the request to the Planning Commission for its interpretation. The Planning Official shall advise the person making the inquiry in writing within 14 days after the request is made, on whether or not the City will make an interpretation.

C. Written Interpretation. If the City decides to issue an interpretation, it shall be issued in writing and shall be mailed or delivered to the person requesting the interpretation and any other person who specifically requested a copy. The written interpretation shall be issued within 14 days of the request. The decision shall become effective 14 days later, unless an appeal is filed in accordance with E-F below.

D. Type I Procedure. Code Interpretations shall be made using a Type I procedure under Section 4.1.300.

E. Appeals. The applicant and any party who received notice or who participated in the proceedings through the submission of written or verbal evidence may appeal the decision to the Planning Commission for a Type III decision. The appeal must be filed within 14 days after the interpretation was mailed or delivered to the applicant. Initiating an appeal requires filing a notice of appeal with the City Planning Official pursuant to Section 4.1.400.

F. Interpretations on File. The City shall keep on file a record of all code interpretations.

Chapter 4.9 - Miscellaneous Permits

Sections:

4.9.100 Temporary Use Permits
4.9.200 Home Occupation Permits

4.9.100 Temporary Use Permits. Temporary uses are characterized by their short term or seasonal nature and by the fact that permanent improvements are not made to the site. Temporary uses include, but are not limited to: construction trailers, leasing offices, temporary carnivals and fairs, parking lot sales, retail warehouse sales, and seasonal sales such as Christmas tree sales and vegetable stands. Temporary Use applications shall be processed using a Type I procedure, except that the Planning Official may chose, at his or her discretion, to process a request under a Type II procedure. ~~Three~~ Four types of temporary uses require permit approval (See A, B, ~~and~~ C and D):

A. Seasonal and Special Events. These types of uses occur only once in a calendar year and for no longer a period than 30 days. Using the Type I procedure under Section 4.1.200, the City shall approve, approve with conditions or deny a temporary use permit based on findings that all of the following criteria are satisfied:

1. The use is permitted in the underlying land use district and does not violate any conditions of approval for the property (e.g., prior development permit approval);

2. The applicant has proof of the property-owner's permission to place the use on his/her property;

3. No parking will be utilized by customers and employees of the temporary use which is needed by the property owner to meet their minimum parking requirement under Chapter 3.3 - Vehicle and Bicycle Parking;

4. The use provides adequate vision clearance, as required by Section 3.1.200, and shall not obstruct pedestrian access on public streets;

5. Ingress and egress are safe and adequate when combined with the other uses of the property; as required by Section 3.1.200 - Vehicular Access and Circulation;

6. The use does not create adverse off-site impacts including vehicle traffic, noise, odors, vibrations, glare or lights that affect an adjoining use in a manner in which other uses in the district do not affect the adjoining use; and

7. The use is adequately served by sewer or septic system and water, if applicable. (The applicant shall be responsible for obtaining any related permits.)

B. Temporary Sales Office or Model Home. Using a Type I procedure under Section 4.1.200, the City may approve, approve with conditions or deny an application for the use of any real property within the City as a temporary sales office, offices for the purpose of facilitating the sale of real property, or model home in any subdivision or tract of land within the City, but for no other purpose, based on the following criteria:

1. Temporary sales office:

   a. The temporary sales office shall be located within the boundaries of the subdivision or tract of land in which the real property is to be sold;

   b. The property to be used for a temporary sales office shall not be permanently improved for that purpose;

   c. Conditions may be imposed regarding temporary utility connections, and as necessary to protect public health, safety, or welfare.

2. Model house:

   a. The model house shall be located within the boundaries of the subdivision or tract of land where the real property to be sold is situated; and

   b. The model house shall be designed as a permanent structure that meets all relevant requirements of this Code and other applicable codes and permit requirements.

C. Temporary Building, Kiosk, or Structure. Temporary or permanent placement of a building, kiosk, or structure, including but not limited to prefabricated building(s), for use on any real commercial or industrial property within the City shall require a development permit. Using a Type I procedure, as governed by Section 4.1.200, the City may approve, approve with conditions or deny an application for a placement of a building, kiosk, or structure for temporary use, or temporary placement, such as a temporary commercial or industrial use or space associated with the primary use on the property, based on following criteria:

1. The temporary building shall be located within the specified property line setbacks of the parcel of land on which it is located;

2. Ingress and egress are safe and adequate as demonstrated by an approach permit approved by the road authority, as applicable. See also, Section 3.1.200 – Vehicular Access and Circulation;

3. There is adequate parking for the customers or users of the temporary use as required by Chapter 3.3 - Bicycle and Vehicle Parking;

4. The use will not result in vehicular congestion on streets;

5. The use will pose no impediment or hazard to pedestrians in the area of the use;

6. The use does not create adverse off-site impacts including vehicle traffic, noise, odors, vibrations, glare or lights that affect an adjoining use in a manner which other uses ~~allowed~~

~~outright~~ in the district do not affect the adjoining use;

7. The building complies with applicable building codes;

8. The use can be adequately served by sewer or septic system and water, if applicable. (The applicant shall be responsible for obtaining any related permits); and

9. The length of time that the temporary building will be used does not exceed 6 months. When a temporary building exceeds this time frame, the applicant shall be required to remove the building, or renew the temporary use permit; and

Conditions may be imposed regarding temporary utility connections, and as necessary to protect public health, safety, or welfare.

D. Temporary Occupancy of Motor Homes and Travel Trailers in Residential Zones. ~~Using a Type I procedure, the City may approve, approve with conditions, or deny an application for t~~

1. The temporary occupancy of motor homes and travel trailers in residential zones may be approved, approved with conditions, or denied, following the criteria, procedures and conditions listed below: ~~.~~

a. Short-term stays, defined as 28 or fewer consecutive days, are exempt.

b. Manufactured homes (mobile homes) are not eligible for temporary use permits.

~~a.~~c. Per ORS 197.493, residing in a travel trailer for an unlimited period of time is allowed if it is located in a mobile home park and lawfully connected to water, sewer, and electrical systems.

d. This permit requirement does not waive any permit requirements of the City or State of Oregon, including the City requirements for connection to water or sewer services.

~~1. The following procedures and conditions shall be complied with in the temporary occupancy of motor homes and travel trailers:~~

~~**2.**~~

~~1.~~2. ~~M~~Using a Type I procedure, motor homes and travel trailers, regardless of location in a residential zone or other standards imposed by this ordinance, may be allowed temporary ~~occupancy for some specified period of time of not more than one year:~~ occupancy in the circumstances described in sections (a) or (b) below, if the following criteria are met:

a. ~~This~~ The motor home or travel trailer is being used~~may be for reasons of~~ to provide~~ing~~ shelter while a ~~building~~ dwelling is under construction or~~,~~ for temporary housing subsequent to disaster (i.e., fire, earthquake, landslide, flood, or other similar disaster) for a specified period not to exceed one (1) year and is subject to the following requirements: ~~, for short-term occupancy where a more permanent facility would be inappropriate or for other good cause as determined by the Planning Official.~~

i. An application shall include a description of the dwelling being constructed or the disaster, and an estimate of the amount of time the motor home or travel trailer will

need to be occupied.

~~i.~~ii. The criteria in section (c) below shall be met.

b. ~~Motor homes and travel trailers in residential zones may be allowed temporary occupancy for the undefined term of a~~A "hardship" is suffered by the ~~existing~~ resident that necessitates the use of the motor home or travel trailer in order to provide or receive care. As used in this section, "hardship" means a condition created when a person is aged, infirm or suffers from a medical condition, or when an individual is providing care of such a person. A permit approval for "hardship" is permitted for a period of six (6) months and is subject to the following requirements:~~medical hardship or hardship for the care of an aged or infirm~~

~~person or persons.~~

i. ~~The applicant shall provide w~~An application shall include written verification of the hardship and the need for assistance from a medical professional~~(statement from doctor regarding need for assistance~~ Specific information regarding medical conditions shall not be requested nor required as part of the application. ~~) annually, and~~

ii. W~~w~~ithin 30 days ~~after~~of the hardship ceasing~~es~~ to exist, the temporary occupancy of the motor home or travel trailer shall cease.

c. In addition, the following standards shall be met:

i. All application requirements set forth in Chapter 4.1.200 have been met.

~~i.~~ii. All property line setback requirements set forth in the applicable underlying zone are met, as well as other s~~S~~pecific siting requirements ~~may be imposed at the discretion of~~ deemed necessary by the Planning Official.

~~This provision does not waive any permit requirements of the City or State of Oregon.~~

~~The Planning Official, may if he/she determines that an extension of time is warranted, grant extensions in monthly increments up to one year on the temporary siting of a travel trailer or motor home.~~

iii. The unit ~~shall~~ is not be parked in, or in any way obstructing, a~~ny~~ public right-of-way and is sited ~~the unit shall maintain~~ a minimum of five (5) feet ~~between it and~~from any structure. ~~, and all side/rear property lines.~~

iv. An Any previously granted temporary use permit may be revoked by the Planning Commission, following a hearing, upon the following grounds:

A. the applicant or property owner is cited by the Baker City Police Department for any reason relating to the property or activities conducted thereon

B. violation of the Baker City Development Code

C. violation of any of the conditions of approval required by the temporary use permit

~~1. Motor homes and travel trailers in residential zones may be allowed temporary occupancy for the undefined term of a hardship suffered by the existing resident. As used in this section, "hardship" means a medical hardship or hardship for the care of an aged or infirm person or persons. The applicant shall provide written verification of hardship (statement from doctor regarding need for assistance) annually, and within 30 days after the hardship ceases to exist, the temporary occupancy shall cease.~~

~~2. 3. Per ORS 197.493, residing in a travel trailer for an unlimited period of time is allowed if it is located in a mobile home park and lawfully connected to water, sewer, and electrical systems.~~

4.9.200 Home Occupation Permits

A. Purpose. The purpose of this Section is to encourage those who are engaged in small commercial ventures that do not conform to the Special Standards for Certain Uses in Section 2.2.200.F. Home Occupation. The standards referenced above allow home occupations to be ~~as~~ permitted via a Type I procedure, which ~~outright permitted uses that~~ does not require Development Review or Site Design Review.

B. Approval Process and Criteria. Section 4.9.200 provides a process for more intense home occupations to be allowed with Site Design Review by the Planning Commission and notice to surrounding property owners. These home occupations may be permitted, with conditions of approval when appropriate, in order to increase the benefits of people working and living in the same place, while protecting neighboring residents from adverse impacts of home occupation activities. These benefits to the business owner and to the general public include: reduced number of commute-to-work trips, day-time "eyes on the street" at the residence, and a neighborhood-scale version of mixed residential and commercial uses.

1. Home Occupation Permit. Applications for proposals that cannot meet all of the standards in Section 2.2.200.F. shall be processed using a Type III procedure, as governed by Chapter 4.1.400, using the approval criteria in subsection 2, below. In addition to the application requirements contained in Section 4.1.400.B., the applicant shall provide:

   a. A written narrative or letter:

      i. describing the proposed home occupation;

      ii. demonstrating compliance with those standards in subsection 2.2.200.F that can be met, and explaining why the other standards in subsection 2.2.200.F cannot be met, and

      iii. demonstrating compliance with the criteria in subsection 2 below.

   b. A site plan, not necessarily to scale, of the lot proposed for the home occupation, including:

      i. the property lines and their dimensions;

      ii. outlines of the foundations of all buildings proposed for home occupation use with dimensions for each wall, and the distances from each wall to the nearest property line;

      iii. boundaries and dimensions of driveways and parking areas, indicating areas for use by home occupation employees and customers;

      iv. outlines of the foundations of abutting residences, and the distances from the shared property line to the nearest wall of each neighboring residence; and

      v. identifying the buildings and areas of those buildings in which home occupation

activities will take place, and identifying which activities will take place in which buildings and areas.

2. The City shall approve, approve with conditions, or deny an application for a Type III home occupation based on all of the following criteria:

   a. The proposed use will not be materially detrimental to the stated purposes of applicable Code requirements and to other properties within a radius of 100 feet of the subject property;

   b. Impacts to surrounding properties may exist but can be mitigated; and

   c. Existing physical and natural systems, such as, but not limited to drainage, natural resources, and parks, will not be adversely affected any more than would occur if the development occurred in compliance Section 2.2.200.F.

Article 5 — Exceptions to Code Standards

Chapters:

5.1.100 Variances
5.2.200 Non-Conforming Uses and Development
5.3.300 Lots of Record

Chapter 5.1 — Variances

Sections:

5.1.100 Purpose
5.1.200 Applicability
5.1.300 Class A Variances
5.1.400 Class B Variances
5.1.500 Class C Variances
5.1.600 Application and Appeals

Background: The code is designed to be more flexible than conventional zoning; the model code frequently allows uses permitted via a Type I procedure~~outright~~, or subject to discretionary review, design options that would require a variance under conventional codes. For example, the code provides flexibility in lot sizes and setbacks, as well as minimum parking ratios that are below the minimums of some codes. It also allows reductions to required off-street parking if an applicant can demonstrate through a parking study that less parking would be sufficient.

Typical variance procedures require the property owner to demonstrate that a hardship exists which is not self-imposed; there are unusual or extraordinary circumstances related to the site; and rights that others in the vicinity enjoy would be denied without a variance. In contrast, the three variance options in Chapter 5.1 provide a range of standards and approval criteria based on the specific type of variance requested. For example, it should be fairly easy to modify a yard setback in order to protect significant trees or to provide other amenities if all applicable building and fire codes are met.

5.1.100 Purpose. This Chapter provides standards and procedures for variances, which are modifications to land use or development standards that are not otherwise permitted elsewhere in this Code as exceptions to code standards. This Code cannot provide standards to fit every potential development situation. The City's varied geography, and complexities of land development, require flexibility. Chapter 5.1 provides that flexibility, while maintaining the purposes and intent of the Code. The variance procedures provide relief from specific code provisions when they have the unintended effect of preventing reasonable development in conformance with all other codes. The variance procedures are intended to provide flexibility while ensuring that the purpose of each development standard is met.

5.1.200 Applicability.

A. Exceptions and Modifications versus Variances. A code standard or approval criterion ("code section") may be modified without approval of a variance if the applicable code section expressly allows exceptions or modifications. If the code section does not expressly provide for exceptions or modifications, then a variance is required to modify that code section and the provisions of Chapter 5.1 apply.

B. Combining Variances With Other Approvals; Permit Approvals by Other Agencies. Variance requests may be combined with and reviewed concurrently by the City approval body with other land use and development applications (e.g., development review, site design review, subdivision, conditional use, etc.), however, some variances may be subject to approval by other permitting agencies, such as ODOT in the case of State Highway access.

C. Types of Variances. There are three types of variances (Class A, B, or C); the type of variance required depends on the extent of the variance request and the discretion involved in the decision making process. Because some variances are granted using "clear and objective standards," they can be granted by means of a Type I procedure. Other variances, as identified below, require a Type II or III procedure because they involve discretionary decision-making.

5.1.300 Class A Variances.

A. Applicability. The following variances are reviewed using a Type I procedure, as governed by Chapter 4.1, using the approval criteria in Subsection B, below:

1. Front yard setbacks. Up to a 15 percent change to the front yard setback standard in the land use district.

2. Interior setbacks. Up to a 15 percent reduction of the dimensional standards for the side and rear yard setbacks required in the base land use district.

3. Lot coverage. Up to 15 percent increase of the maximum lot coverage required in the base zone.

4. Landscape area. Up to 10 percent reduction in landscape area (overall area or interior parking lot landscape area).

B. Approval criteria. A Class A Variance shall be granted if the applicant demonstrates compliance with all of the following criteria:

1. The variance requested is required due to the lot configuration, or other conditions of the site;

2. The variance does not result in the removal of trees, or it is proposed in order to preserve trees, if trees are present in the development area;

3. The variance will not result in violation(s) of any other adopted ordinance or code standard; each code standard to be modified shall require a separate variance request.

4. An application for a Class A variance is limited to one lot per application.

5. No more than three Class A variances may be approved for one lot or parcel in 12 months.

5.1.400 Class B Variances

A. Applicability. Class B variance requests apply to the types of requests meeting the approval criteria in Sections 5.1.400B through 5.1.400G, and that conform to subsections 1-3, below, Class B variances shall be reviewed using a Type II procedure, in accordance with Chapter 4.1:

1. The Class B variance standards apply to individual platted and recorded lots only.

2. The Class B variance procedure shall not be used to modify a standard for lots yet to be created through a partition or subdivision process; such requests shall utilize the Class C variance procedure.

3. A variance shall not be approved that would vary the "permitted uses" or "prohibited uses" of a land use district (Article 2).

B. Variance to minimum housing density standard (Chapter 2.2). The City may approve a variance to a minimum housing density standard in Chapter 2.2 after finding that the minimum housing density cannot be achieved due to physical constraints that limit the division of land or site development. "Physical constraint" means steep topography, unusual parcel configuration, or a similar constraint. The variance approved shall be the minimum variance necessary to address the specific physical constraint on the development.

C. Variance to Vehicular Access and Circulation Standards (Chapter 3.1). Where vehicular access and circulation cannot be reasonably designed to conform to Code standards within a particular parcel, shared access with an adjoining property shall be considered. If shared access in conjunction with another parcel is not feasible, the City may grant a variance to the access requirements after finding all of the following:

1. There is not adequate physical space for shared access, or the owners of abutting properties do not agree to execute a joint access easement;

2. There are no other alternative access points on the street in question or from another street;

3. The access separation requirements cannot be met;

4. The request is the minimum variance required to provide adequate access;

5. The approved access or access approved with conditions will result in a safe access;

6. The visual clearance requirements of Chapter 3.1 will be met; and

7. Variances for street access deviations shall be subject to review and approval by the roadway

authority.

8. Variances for access deviations on a Baker County road right-of-way shall be subject to review and approval by Baker County.

D. Variance to Street Tree Requirements (Chapter 3.2). The City may approve, approve with conditions, or deny a request for a variance to the street tree requirements in Chapter 3.2, after finding the following:

1. Installation of the tree would interfere with existing utility lines, and no substitute tree with a lower canopy is appropriate for the site;

2. The tree would cause visual clearance problems; or

3. There is not adequate space in which to plant a street tree; and

4. The City may require the installation of additional or replacement landscaping elsewhere on the site (e.g., parking lot area trees) to compensate for the street tree variance.

5. Street tree approval or modification of standards within an ODOT or Baker County right-of-way may require approval, respectively, by ODOT or Baker County.

E. Variance to Parking and Loading Standards (Chapter 3.3)

1. The City may approve variances to the minimum or maximum standards for off-street parking (quantities and dimensions of parking spaces) in Chapter 3.3.1 upon finding all of the following:

   a. The individual characteristics of the use at that location require more or less parking than is generally required for a use of this type and intensity, or modified parking dimensions, as demonstrated by a parking analysis or other facts provided by the applicant;

   b. The need for additional parking cannot reasonably be met through provision of on-street parking or shared parking with adjacent or nearby uses; and

   c. All other code standards are met, in conformance with Article 2 (Land Use Districts) and Article 3 (Design Standards).

2. The City may reduce the number of required bicycle parking spaces per Chapter 3.3.200, if the applicant can demonstrate that the proposed use by its nature would be reasonably anticipated to generate a lesser need for bicycle parking.

3. The City may allow a reduction in the amount of vehicle stacking area required in for drive-through facilities if such a reduction is deemed appropriate after analysis of the size and location of the development, limited services available and other pertinent factors.

4. The City may modify the loading area standards if such a reduction is deemed appropriate after analysis of the use, anticipated shipping or delivery traffic generated by the use and

alternatives for loading/unloading, such as use of on- or off-street parking areas during non-business hours provided that traffic is not impeded.

F. Variance to Maximum or Minimum Yard Setbacks to Avoid or Reduce Impacts to Floodplains, Significant Trees, Wetlands, or Other Natural Features (Chapters 2.2-2.6 – Land Use Districts). The City may grant a variance to the applicable setback requirements of this Code for the purpose of avoiding or reducing impact to floodplains, significant trees, wetlands, or other natural features. Modification of the standard shall not be more than is necessary for the preservation of the nature feature to be protected.

G. Variances to Transportation Improvement Requirements (Chapter 3.4.100). The City may approve, approve with conditions, or deny a variance to a transportation improvement standard in Table 3.4.100.F. when the variance does not exceed 20 percent of the standard. When a variance request to the standards in Table 3.4.100.F. exceeds 20 percent, then the request shall be reviewed as a Class C variance.

H. Variances to Fencing Standards (Chapter 3.2). The City may grant a variance from the fencing standards provided in Section 3.2.500 after finding the following:

1. The proposed variance will not adversely affect the following interests of the City:

   a. Visibility for public safety and neighborhood security;
   b. Preservation of access for public right of ways, utilities and emergency services;
   c. Attractive appearance; and
   d. Safety physical environment;

2. The proposed variance will not adversely affect the neighboring property owners; and

3. Substantial reasons exist why the fence cannot be constructed in accordance with current regulations; or there is a hardship on the land, and that the hardship is not a personal or self-created hardship.

5.1.500 Class C Variances

A. Applicability. Class C variance requests are those that do not conform to the provisions of Sections 5.1.300-5.1.400 (Class A and Class B), and that meet the criteria in 1-4, below, Class C variances shall be reviewed using a Type III procedure, in accordance with Chapter 4.1:

1. The Class B variance standards apply to individual platted and recorded lots only.

2. The Class C variance procedure may be used to modify a standard for 3 or fewer lots, including lots yet to be created through a partition process.

3. An applicant who proposes to vary a standard for lots yet to be created through a subdivision process may not utilize the Class C variance procedure. Approval of a Master Planned Development shall be required to vary a standard for lots yet to be created through a

subdivision process, where a specific code section does not otherwise permit exceptions.

4. A variance shall not be approved that would vary the “permitted uses” or "prohibited uses" of a land use district (Article 2).

B. Approval Process. Class C variances shall be processed using a Type III procedure, as governed by Chapter 4.1.400, using the approval criteria in subsection C, below. In addition to the application requirements contained in Chapter 4.1.400, the applicant shall provide a written narrative or letter describing his/her reasoning for the variance, why it is required, alternatives considered, and compliance with the criteria in subsection C.

C. Approval Criteria. The City shall approve, approve with conditions, or deny an application for a variance based on all of the following criteria:

a. The proposed variance will not be materially detrimental to the purposes of this Code, to any other applicable policies and standards, and to other properties in the same land use district or vicinity;

b. A hardship to development exists which is peculiar to the lot size or shape, topography, or other similar circumstances related to the property over which the applicant has no control, and which are not applicable to other properties in the vicinity (e.g., the same land use district);

c. The use proposed will be the same as permitted under this title and City standards will be maintained to the greatest extent that is reasonably possible while permitting reasonable economic use of the land;

d. Existing physical and natural systems, such as but not limited to traffic, drainage, natural resources, and parks will not be adversely affected any more than would occur if the development occurred as specified by the subject Code standard;

e. The hardship is not self-imposed; and

f. The variance requested is the minimum variance that would alleviate the hardship.

5.1.600 Application and Appeals

A. Application. The variance application shall conform to the requirements for Type I, II, or III applications (Chapter 4.1.200, 4.1.300, 4.1.400), as applicable. In addition, the applicant shall provide a narrative or letter explaining the reason for his/her request, alternatives considered, how the stated variance criteria are satisfied, and why the subject standard cannot be met without the variance.

B. Appeals. Appeals to variance decisions shall be processed in accordance with the provisions of Chapter 4.1.

Chapter 5.2 — Non-Conforming Uses and Developments

Sections:

5.2.100 Purpose
5.2.200 Non-Conforming Uses
5.2.300 Non-Conforming Development

5.2.100 Purpose. This Chapter provides standards and procedures for non-conforming situations (i.e., existing uses or development that do not comply with the Code). The standards for non-conforming uses and development are intended to provide some relief from code requirements for uses and developments that were established prior to the effective date of this Code and do not comply with current standards.

5.2.200 Non-Conforming Uses. Where at the time of adoption of this Code a use of land exists which would not be permitted by the regulations imposed by this Code and was lawful at the time it was established, the use may be continued as long as it remains otherwise lawful, provided:

A. Expansion Prohibited. No such non-conforming use is enlarged, increased or extended to occupy a greater area of land or space than was occupied at the effective date of adoption or amendment of this Code, except as may be specifically provided for in Article 2 – Land Use Districts. No additional structure, building or sign shall be constructed on the lot in connection with such non-conforming use of land;

B. Location. No such non-conforming use shall be moved in whole or in part to any portion of the lot other than that occupied by such use at the effective date of adoption or amendment of this Code;

C. Discontinuation or Abandonment. The non-conforming use of land is not discontinued for any reason for a period of 24 months or longer. For purposes of calculating the 24 month period, a use is discontinued or abandoned upon the occurrence of the first of any of the following events:

1. On the date when the use of land is physically vacated;

2. On the date the use ceases to be actively involved in the sale of merchandise or the provision of services;

3. On the date that a non-conforming use has been changed to a conforming use;

4. On the date of termination of any lease or contract under which the non-conforming use has occupied the land; or

5. On the date a request for final reading of water and power meters is made to the applicable utility districts.

D. Application of Code Criteria and Standards. If the use is discontinued or abandoned for any reason for a period of 24 months or longer, any subsequent use of land shall conform to the

applicable standards and criteria specified by this Code for the land use district in which such land is located except as follows:

1. Buildings that were specifically constructed to serve as residential buildings that have retained their residential floor plan and character that are now non-conforming uses within the land use district in which they are located, may be used for residential applications even if the use has been discontinued for 24 months, except that once such a use is discontinued for a period of 12 months any new residential use within the building shall be subject to the obtainment of a Conditional Use Permit. Such a use shall not be utilized for a non-conforming residential application if the structure has been previously remodeled and utilized for commercial applications to such an extent that the building no longer retains its fundamental residential characteristics and floor plan.

2. Buildings that were specifically constructed to serve as industrial or commercial applications that by their design and nature cannot be reasonably converted to residential applications, and that are non-conforming uses within the land use district in which they are located, may be used for industrial or commercial applications even if the use has been discontinued for 24 months, except that once such a use is discontinued for a period of 12 months any new commercial or industrial use within the building shall be subject to the obtainment of a Conditional Use Permit.

3. No non-conforming commercial or industrial building may be expanded in a way that increases the non-conformity of the structure.

5.2.300 Non-Conforming Development. Where a development exists at the effective date of adoption or amendment of this Code that could not be built under the terms of this Code by reason of restrictions on lot area, lot coverage, height, yard, equipment, access, parking, landscaping, its location on the lot or other requirements concerning the development; and the development was lawful when constructed, the development may remain on the site so long as it remains otherwise lawful, subject to the following provisions:

A. Alterations. No such non-conforming development may be enlarged or altered in a way that increases its non-conformity, but any development or portion thereof may be enlarged or altered in a way that satisfies the current requirements of this Code or will decrease its non-conformity;

B. Destruction. Should such non-conforming development or non-conforming portion of development be destroyed by any means to an extent more than 60 percent of its current value as assessed by either the Baker County Building Official or Baker County Assessor, it shall be reconstructed only in conformity with this Code;

C. Roadway Access. The owner of a non-conforming access connection (i.e., street or highway access) may be required to bring the non-conforming access into conformance with this Code and other applicable standards as a condition of the City or other roadway authority approving a new access connection permit, or a change in land use.

D. Relocation or Removal. Should such development be moved for any reason and by any distance, it shall thereafter conform to the regulations of this Code.

Chapter 5.3 - Lots of Record

Sections:

5.3.100 Purpose
5.3.200 Applicability
5.3.300 Procedure
5.3.400 Platted Lots – Continuous Ownership of Substandard Lots

5.3.100 Purpose. The purpose of Chapter 5.3 is to establish criteria and a process for determining when a lot of record exists, and to establish criteria for the development or recombination of platted lots when more than one platted lot is held in continuous ownership.

5.3.200 Applicability. A lot of record is a plot of land that ~~was not created through an approved subdivision or partition;~~ was created and recorded before April 9, 1956 (the date of adoption of Baker City's first subdivision ordinance), and for which the deed, or other instrument dividing the land, is recorded with Baker County. A lot of record shall be entitled to development of no less than one single family dwelling and, provided all applicable Code standards are met, additional land use or development may be approved.

5.3.300 Procedure. A lot of record determination shall be made by the City Planning Official through a Type I procedure (Chapter 4.1.200). It shall be the property owner's responsibility to demonstrate that his or her plot of land meets the lot of record criteria in Section 5.3.200.

5.3.400 Platted Lots – Continuous Ownership of Substandard Lots. If two or more lots or combinations of lots and portions of lots with continuous frontage in single ownership are on record as of April 9, 1956, and if all or part of the lots do not meet the requirements for lot area as established by this ordinance, no portion of said parcel shall be leased, rented, or sold which does not meet lot area requirements established by this ordinance, nor shall any division of the parcel be made which leaves remaining any lot areas below the requirements stated in this ordinance with the following exceptions:

A. When lots of record in single ownership with continuous frontage exists, the owner may lease, rent, or sell up to two substandard lots of record if each lot has a minimum of 4,600 ft^2 and it is not possible to reconfigure the lots in contiguous ownership to meet the minimum lot size requirement of the underlying land use district;

B. When lots of record in single ownership with continuous frontage exist that are substandard in lot area, the owner, at the discretion of the Planning Director, may reconfigure through re-plat up to two continuous lots so long as neither reconfigured lot has less than 4,600 ft^2.

Chapter 5.4 Compensation Claims

Sections:

5.4.100 Purpose
5.4.200 Definitions
5.4.300 Application Process

5.4.100 Purpose. If the City enacts one or more land use regulations that restrict the residential use of private real property and that reduce the fair market value of the property, then the owner of the property shall be entitled to just compensation from the City that enacted the land use regulation or regulations as provided in Oregon Revised Statute (ORS) 195.310 to 195.314, and this Chapter.

5.4.200 Definitions. The words used in this chapter that are the same as words used in ORS 195.300 to 195.336 shall have the same meaning as the words used in those subsections of the ORS, notwithstanding any different definition in city ordinances or regulations. ***OWNER*** shall have both a singular and plural meaning.

5.4.300 Application Process

A. Application for compensation or waiver. An owner of private real property may apply for a waiver from a city regulation, whether in the Development Code or in any other city ordinance or regulation, if the owner believes that without a waiver, the owner is or will be entitled to compensation under ORS 195.310. A person must file a claim under ORS 195.310 within five years after the date the land use regulation was enacted.

B. Form of Application.

1. An application for compensation or a waiver under division (A) above shall be filed with the Planning Department on a completed application form established by the Department. Unless waived by the Director of the Department, an application shall include at least the following information, to the extent such information may be required as a condition of acceptance of filing an application under ORS 195.310-195.314:

    a. A legal description of the private real property as to which the owner is applying for compensation or a waiver, including the common address and the Baker County Assessor's description of the property;

    b. The name, address and telephone number of each owner of and security interest holder in the private real property, together with the signature of the owner making the application;

    c. The date the owner acquired ownership of the private real property;

d. A title report, current within 30 days prior to the application date verifying the owner's ownership of the private real property and documenting the date on which the owner acquired ownership;

e. A description of each parcel of land owned by the owner of the private real property as to which the owner is applying for compensation that is either directly contiguous to the private real property or is indirectly contiguous through contiguity with another parcel under the same ownership that itself is directly or indirectly contiguous, together with the following:

   i. The date of acquisition of each directly or indirectly contiguous parcel;

   ii. Information showing the extent to which the owner has treated the private real property, as to which the owner is applying for compensation, and the directly or indirectly contiguous parcels, as a single economic unit, for example in the purchase and financing of the land and in the owner's development of and economic planning for the land; and

   iii. Information showing the extent to which application of the subject regulation to the private real property, as to which the owner is applying for compensation, enhances the value of the contiguous or indirectly contiguous parcels of land.

f. The specific regulation as to which the owner is applying for compensation or a waiver, including the date the regulation was adopted, first enforced or applied;

g. The manner in which, and the extent to which, the regulation restricts the use of the private real property as to which the owner is applying for compensation or a waiver;

h. An appraisal of the private real property as to which the owner is applying for a variance or compensation, prepared by a person certified or licensed under Oregon law to perform an appraisal of the private real property, stating the appraiser's opinion of the fair market value of the private real property <u>one year before</u> application of the regulation and the evidence on which the appraiser's opinion is based;

i. An appraisal of the private real property as to which the owner is applying for compensation or a waiver, prepared by a person certified or licensed under Oregon law to perform an appraisal of the private real property, stating the appraiser's opinion of the fair market value of the private real property <u>one year after</u> application of the regulation and the evidence on which the appraiser's opinion is based; in both appraisals required herein there shall be included a statement of the assumptions used in making the appraisals and separately stating the net cost to the owner of any affirmative obligation imposed on the owner and compensable under ORS 195.310, and included in the determination of the reduction of fair market value, with a statement and explanation of the acts required in order to accomplish the obligation; and

j. The amount the owner claims as compensation under ORS 195.310 in the event a waiver from the regulation is not permitted.

2. An application shall also include an application fee, in the amount established by resolution of the City Council, to at least partially cover the city's cost of processing the application, to the extent an application fee may be required as a condition of acceptance of the filing of an application under ORS 195.310.

C. Application completeness and acceptance for filing. The Planning Director shall review the application and determine whether it is complete within 60 days after receiving the claim. If deemed complete, the 180-day period referred to in ORS 195.312 shall commence as of the date of filing. If the Planning Director determines that the application is not complete, the Planning Director shall inform the applicant in writing of the additional information necessary to make the application complete. The application shall be deemed complete at such time that the additional information is submitted unless additional information is required to make the application complete. If the Planning Director determines that the additional information still does not result in a complete application, the Planning Director shall inform the applicant in writing of the remaining additional information necessary to make the application complete. If the Planning Director fails to mail notice of the determination of incompleteness within 60 days from the date of filing the application, the application shall be deemed complete as of the date of initial filing of the application. If the Planning Director fails to mail notice of the determination of incompleteness within 30 days from the date of filing the supplemental information submitted following initial determination of incompleteness, the application shall be deemed complete as of the date of filing of the supplemental information. A claim filed under this section is deemed withdrawn if the Planning Department gives notice to the claimant and the claimant does not comply with the requirements of this section.

D. Review and report to City Council. The City Manager shall, following the filing of a complete application for compensation or a waiver under this section, determine whether a waiver is necessary to avoid the owners being entitled to compensation under ORS 195.310 and, if so, the extent of the waiver needed to avoid the owner's being entitled to the compensation and the amount of compensation to which the owner would be entitled without a waiver. If the City Manager determines that a waiver is needed to avoid the owner's being entitled to compensation, the City Manager shall compare the public benefits from application of the regulation to the owner's private real property, to the public burden of paying the required compensation to the owner if the waiver is not granted, taking into consideration the financial resources of the city for the payment of the claims. Based on this comparison, the City Manager shall prepare a written report to the City Council stating his or her determinations and the evidence on which they are based; and, if the City Manager has determined that a waiver is needed to avoid the owner's being entitled to compensation, making a recommendation to grant a waiver that will avoid the owner's being entitled to compensation, to grant a waiver that will not avoid, but will reduce, the compensation to which the owner is entitled and to pay the reduced compensation, or to deny a waiver and pay the compensation to which the owner is entitled. The City Manager shall provide the written report to the City Council.

E. Notice of City Council hearing.

1. Upon receipt of the written report provided above, the City Council shall schedule a public hearing on the application for compensation or a waiver. Public notice of the hearing shall be given as follows.

a. The city shall mail written notices of the public hearing at least thirty (30) days in advance of the hearing date to the applying owner and any other owners of the private real property as to which the owner is applying for compensation or a waiver; to the owners of record of property within 100 feet from the exterior boundary of the private real property as to which the owner is applying for compensation as reflected on the most recent property tax assessment roll; to Baker County; and to any neighborhood or community organization recognized by the City Council and whose boundaries include the private real property as to which the owner is applying for compensation or a waiver.

b. The notice mailed under division (E)(1)(a) above shall contain the following information:

   i. The City Council will hold a public hearing to determine whether an owner of private real property is entitled under ORS 195.310 to receive either compensation or a waiver from a city regulation and, if so, to determine whether to pay compensation or grant a waiver;

   ii. The date, time and location of the City Council public hearing, and the final date for submission of written evidence and arguments relating to the claim;

   iii. The name of the applying owner;

   iv. The common address or other easily understood geographical reference to the private real property as to which the owner is applying for compensation or a waiver and a map showing its location;

   v. The regulation in relation to which the owner is applying for compensation or a waiver;

   vi. The amount of compensation claimed by the owner if a waiver is not granted;

   vii. The possibility that the City Council, following the public hearing, would grant the owner a waiver from the regulation in relation to which the owner is applying for compensation or a waiver, rather than paying the amount of claimed compensation; the City Council's decision will be based on:

      A. A determination whether the applying owner is or will be entitled to compensation under ORS 195.310 unless the city grants a waiver from the regulations; and, if so,

      B. A comparison of the public benefits from application of these regulations to the owner's private real property to the public burden of paying the required compensation to the owner if the waiver is not granted, taking into consideration the financial resources of the city for the payment of the claims.

   viii. The name of the city representative to contact and the telephone number where additional information may be obtained;

ix. A copy of the application, all documents and evidence relied on by the applying owner and the City Manager's report to the City Council are available for inspection at no cost and will be provided at a reasonable cost;

x. Written testimony may be submitted to the Planning Department at any time prior to the hearing for inclusion in the hearing record and may also be submitted at the hearing; and oral testimony may be given at the hearing;

xi. Judicial review of the final determination of the City on the claim is limited to the written evidence and arguments submitted to the City; and

xii. Judicial review is available only for issues that are raised with sufficient specificity to afford the City an opportunity to respond.

c. In addition, the city, in its discretion, may publish the notice described in division (E)(1)(b) of this section in a newspaper of general circulation in the city and may give other notice by such means as the city deems appropriate.

2. The failure of the city to give notice as provided in this section or the failure of any person to receive notice given under this section shall not invalidate any action of the City Council under this chapter.

3. Except as provided in item 4 of this section, written evidence and arguments in the proceedings on the claim must be submitted to the Planning Department not later than the close of the final public hearing on the claim.

4. The claimant may request additional time to submit written evidence and arguments in response to testimony or submittals. The request must be made before the close of testimony or the deadline for submission of written evidence and arguments.

5. The Planning Department shall make the record on review of a claim, including any staff reports, available to the public before the close of the record as described in items 3 and 4 of this section.

F. City Council hearing and action.

1. The City Council shall hold a public hearing on the application for compensation or a waiver. The hearing shall be legislative in nature. At the close of the hearing, the City Council shall:

a. Determine whether the applying owner is or will be entitled to compensation under ORS 195.310; and

b. If so entitled, the City Council shall compare the public benefits in the application of the regulation to the owner(s)' private real property, to the public burden of paying the required compensation to the owner if a waiver is not granted, taking into consideration the financial resources of the city for the payment of the claims.

2. If the City Council has determined that either compensation or a waiver is appropriate, then based on this comparison:

    a. If the City Council finds that the public burden of paying the required compensation, taking into consideration the city's financial resources for the payment of the claims, is sufficient to justify, foregoing the public benefits from application of the regulation to the owner's private real property, the City Council shall grant a waiver from the specified regulation to the extent necessary to avoid the owner's being entitled to the compensation;

    b. If the City Council finds that the public benefits from application of the regulation to the owner's private real property are sufficient to justify the public burden of paying the required compensation, taking into consideration the city's financial resources for the payment of the claims, the City Council shall deny a waiver from the specified regulation and the city shall pay the required compensation; and

    c. If the City Council finds that some of the public benefits from application of the regulation to the owner's private real property are sufficient to justify the public burden of paying some of the required compensation, taking into consideration the city's financial resources for the payment of the claims, but that other public benefits are not sufficient to justify the public burden of paying the balance of required compensation, taking into consideration the city's financial resources for the payment of the claims, the City Council shall grant a waiver to the limited extent necessary to avoid the owner's being entitled to compensation as to that part of the specified regulation providing public benefits not sufficient to justify the public burden of paying compensation and the city shall pay the required compensation as to that part of the specified regulation as to which a waiver is not granted.

3. The City Council's decision shall be by written order that shall include the findings and conclusions based on which the City Council has made its decision. If the Council has determined that a waiver should be granted or compensation should be paid, or both, the order shall state the extent of the waiver granted or the amount of compensation to be paid, or both.

G. Notice of City Council decision. The City shall mail a copy of the City Council's written order to the applying owner and to all other persons who submitted written or oral testimony at the City Council hearing and to any person who submitted written evidence or arguments before the close of the record. The failure of the City to give notice as provided in this section, or the failure of any person to receive notice given under this section, shall not invalidate any action of the City Council under this section. The Planning Department shall forward to the county, and the county shall record, a memorandum of the final determination in the deed records of the county in which the property is located.

H. Extent of waiver in case of Court review. If the City Council has taken an action under division (F) above, and the owner nevertheless files a Court action seeking compensation or additional compensation from the city in relation to the specified regulation as it affects the owner's private real property and, if a final Court decision determines that the extent of the waiver specified as being granted by the City Council is not sufficient to avoid the owner's being entitled to compensation, then the extent of the original waiver granted by the city shall be deemed to be the extent of waiver necessary to avoid the owner's being entitled to compensation or additional compensation, effective as of the original date of the City Council's decision.

I. **Termination of waiver.** Any waiver granted under this section shall be applicable during such time as the property owner owns the property and so long after the property owner is no longer the property owner as the property qualifies under any Baker City land development ordinance as a non-conforming use. At such time as the use of the property ceases to qualify as a non-conforming use, all regulations then in effect will apply to the property.

Article 6 - Map Amendments and Code Interpretations

Sections:

6.1.100 Purpose

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

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