



Baker City Hall  
 1655 First Street, Suites 105/106  
 P.O. Box 650  
 Baker City, OR 97814  
 (541) 524-2030 / 2028  
 FAX (541) 524-2049

File No. \_\_\_\_\_  
 Applicant \_\_\_\_\_  
 Received by \_\_\_\_\_  
 Date \_\_\_\_\_  
 Accepted as Complete by \_\_\_\_\_  
 Date Accepted as Complete \_\_\_\_\_  
**Fee: 1-3 lots \$425, 4 or more lots \$600**

**RE-PLAT APPLICATION – 1-3 LOTS 4-MORE LOTS (circle one)**

**Replat** – is defined as the act of platting the lots, parcels, and easements in a recorded subdivision or partition plat to achieve a reconfiguration of the existing subdivision or partition plat, or to increase or decrease the number of lots in the subdivision. (ORS 92.010(12))

Tax Map #(s) \_\_\_\_\_ Tax Lot #(s) \_\_\_\_\_

Frontage Street or Address \_\_\_\_\_

Zoning \_\_\_\_\_ Size of Original Parcel \_\_\_\_\_ acres or sq. ft.

Applicant \_\_\_\_\_ Signature \_\_\_\_\_ Date: \_\_\_\_\_

Mailing Address/State/Zip \_\_\_\_\_

Phone \_\_\_\_\_ Fax \_\_\_\_\_ Email \_\_\_\_\_

Applicant's interest in property \_\_\_\_\_

Owner \_\_\_\_\_ Signature \_\_\_\_\_ Date: \_\_\_\_\_

Mailing Address/State/Zip \_\_\_\_\_

Phone \_\_\_\_\_ Fax \_\_\_\_\_ Email \_\_\_\_\_

Please list any adjacent property under same ownership:

**Project Summary:** *Specify project type: Single Family Residential (SFR), Multi-family Residential (MF), Commercial (C), Industrial (I). Indicate whether project includes non-buildable areas such as access easements, storm water quality tracts, open space tracts, right-of-way dedications, etc.*

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Additional reviews pending?  Yes  No If yes, File # \_\_\_\_\_

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

**ADDITIONAL PROJECT TEAM MEMBERS**

**Please include any other parties you wish to receive notice and staff report(s).**

Planner/Consultant \_\_\_\_\_

Mailing Address/State/Zip \_\_\_\_\_

Phone \_\_\_\_\_ Fax \_\_\_\_\_ Email \_\_\_\_\_

Civil Engineer/Surveyor \_\_\_\_\_

Mailing Address/State/Zip \_\_\_\_\_

Phone \_\_\_\_\_ Fax \_\_\_\_\_ Email \_\_\_\_\_

Additional Personnel \_\_\_\_\_

Mailing Address/State/Zip \_\_\_\_\_

Phone \_\_\_\_\_ Fax \_\_\_\_\_ Email \_\_\_\_\_

Additional Personnel \_\_\_\_\_

Mailing Address/State/Zip \_\_\_\_\_

Phone \_\_\_\_\_ Fax \_\_\_\_\_ Email \_\_\_\_\_

**Submittal requirements:**

1 Original application form signed by all parties. Multiple forms may be used if necessary.

2 copies for Type II (6 or fewer lots) or 10 copies for Type III (7 or more lots) of application with a narrative including all approval criteria and your responses.

2 copies for Type II (6 or fewer lots) or 10 copies for Type III (7 or more lots) of a site plan showing existing conditions and proposed changes. All site plans should be printed at 1" = 20' scale; 1:40 or 1:100 scale may be used for very large projects. If no new construction or exterior modifications are proposed, this requirement may be waived by the Planning Director.

All materials larger than 8 ½ X 11 shall be folded to 8 ½ X 11 size.

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

*Additional materials may be requested for review to outside agencies.*

Each current property owner of record must sign the application or provide a letter authorizing an agent or representative to act on his or her behalf. By signing this form, the applicant/property owner certifies that the information provided herein is accurate. Applicant/property owner further certifies that he/she is authorized to make the application and that there are no covenants, conditions or restrictions that may limit or prohibit the division of land.

## **Chapter 4.3 of the Baker City Development Code sets standards and criteria for replatting and vacation of plats:**

### **4.3.200 Replatting and Vacation of Plats**

- A. Replatting and Vacations. Any plat or portion thereof may be replatted or vacated upon receiving an application signed by all of the owners as appearing on the deed.
- B. Procedure. All applications for a replat 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 replat or vacate the plat). The same appeal rights provided through the subdivision and partition process shall be afforded to the plat vacation process. (See Chapter 15.1 – Types of Applications and Review Procedures.)
- C. Basis for denial. A replat or vacation application may be denied if it abridges or destroys and 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 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 laid out or 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 the lots within the platted area consent in writing to the plat vacation.
- F. Vacation of the streets. All street vacations shall comply with the procedures and standards set forth in City ordinance.

### **4.3.110 General Requirements**

- A. Subdivision and Partition Approval through Two-step Process. Applications for subdivision or partition approval shall be processed through a two -step process: the preliminary plat and the final plat.
  - 1. The preliminary plat shall be approved before the final plat can be submitted for approval consideration; and
  - 2. The final plat shall include all conditions of approval of the preliminary plat.
- B. Compliance with ORS Chapter 92. All subdivision and partition proposals shall be in conformance to state regulations set forth in Oregon Revised Statute (ORS) Chapter 92, Subdivisions and Partitions. Complete language for ORS Chapter 92 is available here: <http://www.leg.state.or.us/ors/092.html>
- C. Future Re-division Plan. When subdividing or partitioning tracts into large lots (i.e., greater than two times or 200 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 which identifies:
  - 1. Potential future lot division(s) in conformance with the housing and density standards of Chapter 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 the Residential district, as long as the average area for all lots is not less than allowed by the district. No lot created under this provision shall be less than 90% of the minimum lot size allowed in the underlying district. For example, if the minimum lot size is 7,500 square feet, the following three lots could be created: 7,500 square feet, 6,750 square feet, and 8,250 square feet.
- E. Temporary Sales Office. A temporary sales office in conjunction with a subdivision may be approved as set forth in Section 15.7.100, 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. Development in a 100-year flood plain shall comply with Federal Emergency Management Agency requirements, including filling to elevate structures above the base flood elevation. The applicant shall be responsible for obtaining such approvals from the appropriate agency before City approval of the final plat.

- G. 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 located and constructed to prevent or minimize flood damage to the extent practicable.
- H. Need for Adequate Drainage. All subdivision and partition proposals shall have adequate surface water drainage provided to reduce exposure to flood damage. Water quality or quantity control improvements may be required.

#### **4.3.120 Approvals Process**

- A. Review of Preliminary Plat. Review of a preliminary plat for a subdivision or partition with 6 or fewer lots shall be processed by means of a Type II procedure, as governed by Section 15.1.400. Preliminary plats with greater than 6 lots shall be processed with a Type III procedure under Section 15.1.500. All preliminary plats shall be reviewed using approval criteria contained in Section 4.3.140.
- B. Review of Final Plat. Review of a final plat for a subdivision or partition shall be processed by means of a Type I procedure under Section 15.1.300, using the approval criteria in Section 4.3.160.
- C. Preliminary Plat Approval Period. Preliminary plat approval shall be effective for a period of one year from the date of approval. The preliminary plat shall lapse if a final plat has not been submitted within a one -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 15.4 - Modifications. The Planning Director shall, upon written request by the applicant and payment of the required fee, grant one extension of the approval period not to exceed one year; provided that:
  - 1. Any changes to the preliminary plat follow the procedures in Chapter 15.4;
  - 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.

#### **4.3.130 Preliminary Plat Submission Requirements**

- A. General Submission Requirements. For Type II subdivisions (6 lots or fewer) and partitions, the applicant shall submit an application containing all of the information required for a Type II procedure. For Type III subdivisions (greater than 6 lots), the application shall contain all of the information required for a Type III procedure under Section 15.1.500.
- B. Preliminary Plat Information. In addition to the general information described in Subsection A above, the preliminary plat application shall consist of drawings and supplementary written material (i.e., on forms and/or in a written narrative) adequate to provide the following information:
  - 1. General information:**
    - a. Name of subdivision (not required for partitions). This name must not duplicate the name of another subdivision in the county in which it is located (please check with County surveyor);
    - b. Date, north arrow, and scale of drawing (1"=20' preferred; 1"=100' acceptable for very large parcels);
    - c. Location of the development sufficient to define its location in the city, boundaries, and a legal description of the site;
    - d. Names, addresses and telephone numbers of the owners, designer, and engineer or surveyor if any, and the date of the survey; and
    - e. Identification of the drawing as a "preliminary plat".
  - 2. Site analysis:**
    - a. Streets: Location, name, present width of all streets, alleys and rights-of- way on and abutting the site;
    - b. Easements: Width, location and purpose of all existing easements of record on and abutting the site;
    - c. Utilities: Location and identity of all utilities on and abutting the site. If water mains and sewers are not on or abutting the site, indicate the direction and distance to the nearest ones;
    - 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. Such ground elevations shall be related to some established bench mark or other datum approved by the County Surveyor. This requirement may be waived for partitions when grades, on average, are less than 1 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;
- h. Site features, including existing structures, pavement, and drainage ways, canals and ditches;
- i. Designated historic and cultural resources on the site and adjacent parcels or lots;
- j. The location, size and species of trees having a caliper (diameter) of 4 inches or greater at four feet above grade in conformance with Chapter 3.2;
- k. North arrow, scale, name and address of owner;
- l. Name and address of project designer, if applicable; and
- m. Other information, as deemed appropriate by the Planning Director. The City may require studies or exhibits prepared by qualified professionals to address specific site features and code requirements.

### 3. Proposed improvements:

- a. Public and private streets, tracts, driveways, open space and park land; location, names, right -of-way dimensions, approximate radius of street curves; and approximate finished street center line grades. All streets and tracts which are being held for private use and all reservations and restrictions relating to such private tracts shall be identified;
- b. Easements: location, width and purpose of all easements;
- c. Lots and private tracts (e.g., private open space, common area, or street): approximate dimensions, area calculation (e.g., in square feet), and identification numbers for all lots and tracts;
- d. Proposed uses of the property, including all areas proposed to be dedicated to the public or reserved as open space for the purpose of surface water management, recreation, or other use;
- e. Proposed improvements, as required by Chapter 3 (Design Standards), and timing of improvements (e.g., in the case of streets, sidewalks, street trees, utilities, etc.);
- f. The proposed source of domestic water;
- g. The proposed method of sewage disposal, and method of surface water drainage and treatment if required;
- h. The approximate location and identity of other utilities, including the locations of street lighting fixtures;
- i. Proposed railroad crossing or modifications to an existing crossing, if any, and evidence of contact with Oregon Department of Transportation related to proposed railroad crossing(s);
- j. Changes to water courses. Provision or closure of public access to these areas shall be shown on the preliminary plat, as applicable;
- k. Identification of the base flood elevation for development greater than 6 lots or 2 acres, whichever is less. Evidence of contact with the Federal Emergency Management Agency to initiate a flood plain map amendment shall be required when development is proposed to modify a designated 100- year flood plain;
- l. Evidence of contact with Oregon Department of Transportation (ODOT) for any development requiring access to a highway under the State's jurisdiction; and
- m. Evidence of contact with the applicable natural resource regulatory agency(ies) for any development within or adjacent to jurisdictional wetlands and other sensitive lands.

#### 4.3.140 Approval Criteria: Preliminary Plat.

**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 all of the applicable Development Code sections and other applicable ordinances and regulations. At a minimum, the provisions of this Chapter, and the applicable sections of Chapter 2.0 (Land Use Districts) and Chapter 3.0 (Design Standards) shall apply. Where a variance is necessary to receive preliminary plat approval, the application shall also comply with the relevant sections of Chapter 16;
- 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, side walks, 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; and
- 4. All proposed private common areas and improvements (e.g., home owner association property) are identified on the preliminary plat.

**B. Housing Density.** The subdivision meets the City’s housing standards of Chapter 2.

**C. Block and Lot Standards.** 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, setback, and dimensional requirements of the applicable land use district (Chapter 2), and the standards of Section 3.1.200.J - Street Connectivity and Formation of Blocks.
2. Setbacks shall be as required by the applicable land use district (Chapter 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 also, Chapter 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 also, 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.

**D. 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 also, Section 3.4.00.D (Public Facilities).

**For land divisions in residential zones:**

**2.1.100 Purpose**

The Residential District is intended to promote the livability, stability and improvement of the City’s neighborhoods. This chapter provides standards for the orderly expansion and improvement of neighborhoods based on the following principles:

- Make efficient use of land and public services, and implement the Comprehensive Plan, by providing minimum and maximum density standards for housing.
- Accommodate a range of housing needs, including owner-occupied and rental housing.
- Provide for compatible building and site design at an appropriate neighborhood scale.
- Reduce reliance on the automobile for neighborhood travel and provide options for walking, bicycling.
- Provide direct and convenient access to schools, parks and neighborhood services.
- Maintain and enhance the City’s historic architecture or historic districts

**2.1.105 Subdistricts**

A. Because of the variety and types of residential development, not all types are appropriate in all residentially zoned areas of the city. Therefore, Medium Density (MD) and Low Density (LD) subdistricts are created for the purpose of recognizing this diversity.

**2.1.110 Permitted Land Uses**

A. Permitted Uses. The land uses listed in Table 2.1.110.A are permitted in the Residential District, subject to the provisions of this Chapter. Only land uses which are specifically listed in Table 2.1.110.A, and land uses which are approved as “similar” to those in Table 2.1.110, may be permitted. Land uses identified as “Subdistrict Only” are permitted only within the applicable subdistrict. The land uses identified with a “CU” in Table 2.1.110.A require Conditional Use Permit approval prior to development or a change in use, in accordance with Chapter 15.3.

B. Determination of Similar Land Use. Similar use determinations shall be made in conformance with the procedures in Chapter 15.6 Interpretations.

1. Residential: Single-family a. Single-family detached housing	Residential care i. Residential care homes and facilities* j. Family daycare	i. Uses similar to those listed above j. Professional offices
b. Single-family detached zero-lot line*	2. Home Occupations	k. Emergency shelter care facilities
c. Accessory dwellings*	3. Agriculture, Horticulture	l. Hospitals
d. Manufactured homes - individual lots*	4. Public and Institutional (CU)*: a. Churches and places of worship	5. Accessory Uses and Structures (includes accessory structures)
e. Manufactured home park* (CU in R-MD and prohibited in R-LD subdistricts).	b. Clubs, lodges, similar uses	6. Bed & Breakfast Inns (CU)
f. Single-family attached townhome*	c. Government offices and facilities (administration, public safety, transportation, utilities and similar uses)	7. Vacation Home Rental (CU) as amended by Ord. No. 3245
Two & Three Family g. Two & Three family housing (duplex and tri-plex)* (CUP in R-LD Sub-district)	d. Libraries, museums, community centers, and similar uses	Uses marked with an asterisk* are subject to the standards in Section 2.1.170, “Special Standards for Certain Uses.” Home occupations and temporary uses are subject to the standards in Chapter 15.7.
Multi-family h. Multi-family housing* CU in R-MD and prohibited in R-LD subdistricts).	e. Public utilities	
	f. Public parks and recreational facilities	
	g. Schools (public & private)	
	h. Telecommunications equipment (including wireless)	

The full table is available on the City’s website at:  
<http://www.bakercity.com/ords/documents/Chapter2.1.pdf>

## **2.1.120 Building Setbacks**

### **A. Front Yard Setbacks**

1. Residential Uses (single family, duplex and triplex, multifamily housing types)
  - a. A minimum setback of 15 feet (20 feet in RMD and RLD subdistricts) is required, except that an unenclosed porch may be within 10 feet, as long as it does not encroach into a public utility easement. See also, Section F, which provides standards for Setbacks for Established Residential Areas.
  - b. Garages and carports shall be accessed from alleys or otherwise recessed at least 20 feet from the front property line.
2. Public and Institutional Buildings.
  - a. A minimum front setback is not required, except as necessary to comply with the vision clearance standards in Section 3.1.200.N.

### **B. Rear Yard Setbacks**

The minimum rear yard setback shall be 10 feet.

### **C. Side Yard Setbacks**

The minimum side yard setback shall be 10 feet on one side and 5 feet on the other for all interior side yards, and 15 feet on street corner yards; or when zero-lot line development is permitted, the minimum side yard setbacks shall be 15 feet minimum on one side of the dwelling unit, and no setback required on the opposite side. (See standards for zero-lot line housing in Section 2.1.170.)

### **D. Setback Exceptions**

The following architectural features are allowed to encroach into the setback yards: Eaves, chimneys, bay windows, overhangs, and similar architectural features may encroach into setbacks by no more than 3 feet. Porches, decks and similar structures not exceeding 36 inches in height may encroach into setbacks by no more than 6 feet, subject to the front yard setback provisions in “A”. Walls and fences may be placed on property lines, subject to the standards in Chapter 3.2 Landscaping and Fences and Walls. Walls and fences within front yards shall additionally comply with the vision clearance standards in Section 3.1.200.N.

## **2.1.130 Lot Area and Dimensions**

### **LOT STANDARDS**

Detached Single Family Housing; Manufactured Homes on Lots

Minimum Area: 5,000 square feet; 7,500 square feet in MDR & LDR Subdistrict zones

Minimum Width: 25 feet at front property line.

Maximum Depth: Three (3) times the lot width; except as may be required by this code (e.g., to protect sensitive lands, etc.)

## **2.1.150 Maximum Lot Coverage**

### **A. Maximum Lot Coverage.**

The following maximum lot coverage standards shall apply to all.

1. Single Family Detached Houses 60 percent
2. Duplexes 60 percent
3. Single Family Attached Townhomes 60 percent
4. Multiple Family Housing 60 Percent

## STREETS

Right-of-way dedications are determined by the Transportation System Plan and should conform to the standards below. The City may require dedication of property and public improvements if the public right-of-way along the property's frontage does not meet these standards.

Transportation System Plan			
Table 7-1			
Recommended Street Standards for Baker City			
Classification	Pavement width	R-O-W width	Min. posted speed
Urban			
Local Residential	32	54	15-25
Collector	48	72	25-35
Arterial	50	80	25-45
Downtown Commercial	48	74	15-25
Alleys	20-24	20-24	15

## MAKING FINDINGS:

A land division may be approved if the Planning Department finds the application conforms to the criteria found in the Development Code and the applicable development standards. Before the Planning Department can approve an application, the applicant must submit information that adequately supports the application. **The applicant bears the burden of proof to make findings showing the criteria are met.** If the applicant submits insufficient or unclear information, the application will be delayed or possibly denied.

### **FORMAT FOR FINDINGS:**

Statements addressing individual criteria consist of two parts:

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

### **EXAMPLE:**

**Criterion:** (4.3.110.C.2.) (Include) 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.

**Fact:** State fact(s) relating to the question – “As shown on the site plans, we will dedicate public right-of-way and construct a street stub for a future east-west connection to X Street, should the neighboring property to the west develop.”

**Conclusion:** State conclusion – “The proposed Land Division will allow a future east-west right-of-way extension to X Street if and when it develops.”