



Oregon

Theodore R. Kulongoski, Governor

Department of Land Conservation and Development

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NOTICE OF ADOPTED AMENDMENT

January 18, 2007



TO: Subscribers to Notice of Adopted Plan
or Land Use Regulation Amendments

FROM: Mara Ulloa, Plan Amendment Program Specialist

SUBJECT: City of Baker City Plan Amendment
DLCD File Number 003-03

The Department of Land Conservation and Development (DLCD) received the attached notice of adoption. Due to the size of amended material submitted, a complete copy has not been attached. A copy of the adopted plan amendment is available for review at the DLCD office in Salem and the local government office.

Appeal Procedures*

DLCD ACKNOWLEDGMENT or DEADLINE TO APPEAL: January 30, 2007

This amendment was submitted to DLCD for review 45 days prior to adoption. Pursuant to ORS 197.830 (2)(b) only persons who participated in the local government proceedings leading to adoption of the amendment are eligible to appeal this decision to the Land Use Board of Appeals (LUBA).

If you wish to appeal, you must file a notice of intent to appeal with the Land Use Board of Appeals (LUBA) no later than 21 days from the date the decision was mailed to you by the local government. If you have questions, check with the local government to determine the appeal deadline. Copies of the notice of intent to appeal must be served upon the local government and others who received written notice of the final decision from the local government. The notice of intent to appeal must be served and filed in the form and manner prescribed by LUBA, (OAR Chapter 661, Division 10). Please call LUBA at 503-373-1265, if you have questions about appeal procedures.

***NOTE: THE APPEAL DEADLINE IS BASED UPON THE DATE THE DECISION WAS MAILED BY LOCAL GOVERNMENT. A DECISION MAY HAVE BEEN MAILED TO YOU ON A DIFFERENT DATE THAN IT WAS MAILED TO DLCD. AS A RESULT YOUR APPEAL DEADLINE MAY BE EARLIER THAN THE ABOVE DATE SPECIFIED.**

Cc: Gloria Gardiner, DLCD Urban Planning Specialist
Darren Nichols, DLCD Regional Representative
Jennifer Murphy, City of Baker City

<paa> ya/

FORM 2

DLCD

Notice of Adoption

THIS FORM **MUST BE MAILED** TO DLCD
WITHIN 5 WORKING DAYS AFTER THE FINAL DECISION
PER ORS 197.610, OAR CHAPTER 660 - DIVISION 18

In person electronic mailed

DEPT OF

JAN 11 2007

LAND CONSERVATION
AND DEVELOPMENT

Jurisdiction: **City of Baker City**

Local file number: **03-ZT-07**

Date of Adoption: **1/13/2004**

Date Mailed: **1/9/2007**

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? **Select one** Date: 8/12/2003

Comprehensive Plan Text Amendment

Comprehensive Plan Map Amendment

Land Use Regulation Amendment

Zoning Map Amendment

New Land Use Regulation

Other:

Summarize the adopted amendment. Do not use technical terms. Do not write "See Attached".

Complete revision of zoning and subdivision ordinances to both bring into compliance with state laws and regulations and to update code language. Code now closely follows initial Model Development Code furnished by DLCD.

Does the Adoption differ from proposal? Yes, Please explain below:

Minor details were changed to reflect certain comments from DLCD and public; i.e., accessory structures allowed to be 1,000 sq. ft rather than 800 sq. ft. proposed. No substantive changes were made.

Plan Map Changed from:

to:

Zone Map Changed from:

to:

Location:

Acres Involved:

Specify Density: Previous:

New:

Applicable statewide planning goals:

1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19

Was an Exception Adopted? YES NO

Did DLCD receive a Notice of Proposed Amendment...

45-days prior to first evidentiary hearing?

Yes No

If no, do the statewide planning goals apply?

Yes No

If no, did Emergency Circumstances require immediate adoption?

Yes No

003-03(12921)

DLCD file No. _____

Please list all affected State or Federal Agencies, Local Governments or Special Districts:

City of Baker City

Local Contact: **Jennifer Murphy**

Phone: (541) 524-2028 Extension:

Address: 1655 1st Street, PO Box 650

Fax Number: 541-524-2049

City: Baker City

Zip: 97814-

E-mail Address: jmurphy@bakercity.com

ADOPTION SUBMITTAL REQUIREMENTS

This form **must be mailed** to DLCD **within 5 working days after the final decision**
per ORS 197.610, OAR Chapter 660 - Division 18.

1. Send this Form and TWO Complete Copies (documents and maps) of the Adopted Amendment to:

**ATTENTION: PLAN AMENDMENT SPECIALIST
DEPARTMENT OF LAND CONSERVATION AND DEVELOPMENT
635 CAPITOL STREET NE, SUITE 150
SALEM, OREGON 97301-2540**

2. Electronic Submittals: At least **one** hard copy must be sent by mail or in person, but you may also submit an electronic copy, by either email or FTP. You may connect to this address to FTP proposals and adoptions: webserver.lcd.state.or.us. To obtain our Username and password for FTP, call Mara Ulloa at 503-373-0050 extension 238, or by emailing mara.ulloa@state.or.us.
3. Please Note: Adopted materials must be sent to DLCD not later than **FIVE (5) working days** following the date of the final decision on the amendment.
4. Submittal of this Notice of Adoption must include the text of the amendment plus adopted findings and supplementary information.
5. The deadline to appeal will not be extended if you submit this notice of adoption within five working days of the final decision. Appeals to LUBA may be filed within **TWENTY-ONE (21) days** of the date, the Notice of Adoption is sent to DLCD.
6. In addition to sending the Notice of Adoption to DLCD, you must notify persons who participated in the local hearing and requested notice of the final decision.
7. **Need More Copies?** You can now access these forms online at <http://www.lcd.state.or.us/>. Please print on 8-1/2x11 green paper only. You may also call the DLCD Office at (503) 373-0050; or Fax your request to: (503) 378-5518; or Email your request to mara.ulloa@state.or.us - ATTENTION: PLAN AMENDMENT SPECIALIST.

ORDINANCE NO. 3216

AN ORDINANCE AMENDING ORDINANCE NO. 2778 AND PROVIDING FOR CHANGES IN THE AREAS OF ZONING AND LAND DEVELOPMENT.

BE IT ORDAINED by the City of Baker City:

Section 1:

Articles 1 through 14A of Ordinance 2778 of the City of Baker City are hereby repealed.

Section 2:

That document entitled, "Baker City Proposed Revision to Zoning and Subdivision Ordinance, October 22, 2003", as filed with the Baker City Planning Director, approved by the Baker City Planning Commission on October 15, 2003, and attached hereto, is hereby adopted by reference as though fully set forth herein.

Section 3:

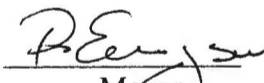
Said "Baker City Proposed Revision to Zoning and Subdivision Ordinance, October 22, 2003" shall be integrated into Ordinance No. 2778 as Articles 1 through 4.

READ for the first time in full this 7th day of Dec, 2003.

READ for the second time by title only this 7th day of Dec, 2003, upon the unanimous vote of the members present, after the text of the ordinance was offered to the members of the Council and the press and public for their use during the meeting.

READ for the third time by title only this 15th day of Jul, 2004, upon the unanimous vote of the members present, after the text of the ordinance was offered to the members of the Council and the press and public for their use during the meeting.

PASSED by the City Council of the City of Baker City, Oregon, and signed by the Mayor of the City of Baker City, Oregon, this 15th day of Jul, 2004.


Mayor

ATTEST:


City Recorder

MATERIAL CHANGES TO ZONING AND SUBDIVISION ORDINANCES BY NEW DEVELOPMENT CODE

Definitions:

- Adds “accessory dwelling”
- Defines “development”
- Defines “pedestrian-scale” and “neighborhood-scale” designs

Enforcement:

- Adds “stop work” order by Planning Director with subsequent hearing by Planning Commission within ten days.
- Retains \$500.00 fine for violation

Major Residential Areas:

- Adds single-family zero lot line detached houses and townhouses with standards.
- Allows a manufactured home park as conditional use in Low Density-Residential Zone.
- Allows multi-family dwelling as conditional use in Low Density-Residential Zone.
- Changes setback measuring point to wall, not eave.
- Clarifies that garages shall be setback 20 feet from the front property line.
- Uncovered porches and decks are allowed to encroach up to six feet into required yard space, rather than an unlimited amount.
- Requires at least 8 feet of space between buildings on the same lot.
- Allows front yard setbacks in established residential areas to be based on existing housing rather than ordinance requirements.
- Provides that the maximum lot coverage for all residential zones shall be 60 percent.
- Defines new method of determining building height (basically average height of the highest gable of a pitched or hipped roof).
- Allows accessory dwellings on a single-family lot, usually the size of a studio apartment. Maximum size is 700 square feet.

Major Residential Areas: (Continued)

- Single-wide mobile homes, in areas in which they are allowed, must be of 1990 construction or newer.
- Sets private and common open face space standards for multi-family housing.
- Provides that no livestock, defined as horse, mule, cow, sheep, pig or other animal of similar size or larger, shall be kept on any lot less than one acre-in-area and that no more than two head of such livestock over the age of six months may be maintained per acre. Any new barn, stable or other building or structure used to house livestock shall not be developed closer than 20 feet to any property line.
- Sets the building height of a detached accessory structure at a maximum of 14 feet.

Commercial Areas:

- Provides that auto-oriented uses in the Central-Commercial area are allowed only if a Conditional Use Permit is first obtained.
- Provides maximum allowable front yard setback of 20 feet in Central-Commercial Zone.
- Parking lots and garages in the Central-Commercial area shall be accessed from alleys or located other than at ground level.

Industrial Areas:

- Allows the City to require landscaping, walls, or other buffering to mitigate adverse impacts on adjacent properties.
- Provides that uses with significant noise, light/glare, dust, vibration or traffic impacts must obtain a Conditional Use Permit ("traffic impact" means raising existing traffic by 20 percent or more).

Design Standards:

- Clarifies that any access to a public street requires an "access permit" from the Public Works Director. Standards for such access are set forth in the ordinance.
- Provides that any paved surface used on the property must have its own onsite collection process for surface waters.
- Provides a requirement for pathways within developments to provide direct and convenient connections between primary building entrances and adjacent streets.

Design Standards: (Continued)

- Provides that off-street parking lots shall not exceed the required minimum number by more than 10 percent. Also allows spaces provided on street adjacent to the project to be counted toward the maximum number of allowable spaces.

Public Facility Standards:

- Combines elements of the City Subdivision Ordinance and the standard specifications for Public Works Facilities and places them in this ordinance.
- Provides substantially more guidance to developers on the type of street that is required for a particular project and its construction standard.

Land Divisions:

- Provides that the final plat for a subdivision may be approved at staff level after reviewed to ensure that it complies with preliminary plan approved by Planning Commission.
- Allows some undersized lots in a residential subdivision under an averaging process.
- Provides specific process for phased developments.
- Clarifies the procedure that variances to subdivision requirements be processed in the same manner as variances regarding the zoning portion of the ordinance.
- Requires that lot line adjustments receive approval from the City prior to their completion.

**City of Baker City
Development Code**

Adopted by Ordinance No. 3216
Effective 2/13/04

DEPT OF

JAN 11 2007

LAND CONSERVATION
AND DEVELOPMENT

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ARTICLE 1.0 - Introduction

- 1.1 - How to Use the Development Code**
- 1.2 - General Administration**
- 1.3 - Definitions**
- 1.4 - Enforcement**

Chapter 1.1 — How to Use the Development Code

Welcome to the Baker City Development Code. This is a comprehensive land use and development code that governs all of the land within the incorporated limits of Baker City and the city's urban growth boundary. The five chapters of the code are used together to review land use applications. They are organized as follows:

Chapter 1 - In addition to this brief introduction, Chapter 1 provides definitions for selected terms and information on the legal construct of the code. It also explains the city authority to enforce the Development Code.

Chapter 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.

Chapter 3 - The design standards contained in Chapter 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.

Chapter 4 - This chapter provides regulations and criteria for all types of land partitions.

Chapter 15 - Chapter 15 provides all of the application requirements and procedures for obtaining permits required by this code. Four types of permit procedures are covered: Type I (non-discretionary, "ministerial" decision); Type II (discretionary, "administrative" decision); Type III (discretionary, administrative decision with public hearing); and Type IV ("legislative" decision by City Council). This chapter also includes application requirements and procedures for land divisions and lot line adjustments.

Chapter 16 - Chapter 16 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 5 provides that flexibility, while maintaining the purposes and intent of the code.

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

1.2.200 Compliance and Scope.

A. **Compliance with the provisions in the Development Code.** Land and structures may be used or developed by construction, reconstruction, alteration, occupancy, use or otherwise, 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 restrictive regulations apply.** Where this Code imposes greater restrictions than those imposed or required by other rules or regulations, the most restrictive or that imposing the higher standard shall govern.

D. **Variances.** Variances shall be governed by the provisions of Chapter 16.1.

E. **Transfer of development standards prohibited.** No lot area, yard or other open space or off-street parking or loading area which is required by this Code for one use shall be a required lot area, yard or other open space or off-street parking or loading area for another use, except as otherwise specifically allowed by this Code.

1.2.300 Consistency With Plan and Laws.

Each development and use application and other procedure initiated under this Code shall be consistent with the adopted comprehensive plan of the City of Baker City as implemented by this Code, and with applicable state and federal laws and regulations. All provisions of this Code shall be construed in conformity with the adopted comprehensive plan.

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 16.2), and is not prohibited by law.

1.2.500 Pre-Existing Approvals.

A. Legality of pre-existing approvals. Developments, including subdivisions, projects requiring development review or site design review approval, or other development applications for which approvals were granted prior to the effective date of this Code, may occur pursuant to such approvals; except that modifications to development approvals shall comply with Chapter 15.4 - Modifications to Approved Plans and Conditions of Approval.

B. Subsequent development applications. All development proposals received by the Planning Department after the adoption of this Code shall be subject to review for conformance with the standards under this Code or as otherwise provided by state law.

1.2.600 Building Permit and Certificate of Occupancy.

A. Building permit. A building permit shall not be issued until the Planning Director has issued a development permit in accordance with the provisions of Chapter 5 - Administration of Land Use and Development Review, or otherwise found that a development permit is not required.

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

C. Prior to final completion. Prior to the final completion of all work, a certificate of occupancy may be issued 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 vested with authority to issue permits or grant approvals shall adhere to and require 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.

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.

Chapter 1.3 — Definitions

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

Access easement - An easement recorded for the purpose 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.

Access management - The control of street (or highway) access for the purpose of improving the efficiency, safety and/or operation of the roadway for vehicles; may include prohibiting, closing, or limiting direct vehicle access to a roadway from abutting properties, either with physical barriers (curbs, medians, etc.) or by land dedication or easement. See also, Chapter 3.1,

Accessible - Approachable and useable by people with disabilities. Complies with the Americans With Disabilities Act.

Accessory dwelling - An accessory dwelling is a small, secondary housing unit on a single family lot, usually the size of a studio apartment. See Section 2.1.170.B.

Accessory use/Accessory structure - Accessory uses and structures are those of a nature customarily incidental and subordinate to the principal use or structure on the same lot. See Section 2.1.170.J.

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

Administrative - A discretionary action or permit decision made without a public hearing, but requiring public notification and an opportunity for appeal. See also Section 4.1.400.

Adverse impact - Negative affect of development that can be measured (e.g., noise, air pollution, vibration, dust, etc.).

Agriculture - As used in this Code, "agriculture" is the same as "farm use". [See also, ORS 215.203(2)(a).]

Alley - A public way which affords an alternative means of vehicular access to property and not designed for general travel. See Chapter 3.4., Table 3.4.1.

Ambient - Something that surrounds, as in the level of light, dust or noise.

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

Arterial - An arterial street. See Chapter 3.4, Table 3.4.1.

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

Automobile-oriented use - Vehicles are an integral part of the use. See Section 2.2.150.D.

Bed and breakfast inn - Provides accommodations (two or more rooms) plus breakfast on a daily or weekly basis in an operator- or owner-occupied home that is primarily used for this purpose. This use is operated as a commercial enterprise, encourages direct bookings from the public, and is intended to provide a major source of income to the proprietors. This level includes inns that operate restaurants offering meals to the general public as well as to overnight guests.

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

Block - A parcel of land or group of lots bounded by intersecting streets.

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

Boulevard - A street with broad open space areas; typically with planted medians. See Chapter 3.4, Table 3.4.1.

Building footprint - The outline of a building, as measured around its foundation.

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.

Bulkhead - The wall below ground-floor windows on a building (i.e., may be differentiated from other walls by using different materials or detailing).

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

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

Child care center, family child 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 12 children in a home. See also, ORS 657A for certification requirements.

Clear and objective - Relates to decision criteria and standards that do not involve substantial discretion or individual judgment in their application.

Collector - Type of street. See Chapter 3.4, Table 3.4.1.

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 homeowners associations).

Conditional use - A use which requires a Conditional Use Permit. See Chapter 15.3.

Consensus - Agreement or consent among participants.

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

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 that may be used as an accessory dwelling, in conformance with Section 2.1.170.B.

Courtyard - A court or enclosure adjacent to a building, which usually provides amenities such as gardens, planters, seating, or art.

Curb cut - A driveway opening where a curb is provided along a street.

Deciduous - Tree or shrub that sheds its leaves seasonally.

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 does not include land devoted to street right-of-

way. Density is a measurement used generally for residential uses.

Developable - Buildable land, as identified by the City's Comprehensive Plan. Includes both vacant land and land likely to be redeveloped, per ORS 197.295(1).

Development - All improvements on a site, including buildings, other structures, parking and loading areas, landscaping, paved or graveled areas, grading, 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 landscapes. Development site/area.

Discontinued/abandoned use - See Chapter 16.2 - Non-Conforming Uses and Developments.

Discretionary - Describes a permit action or decision that involves substantial judgment or discretion.

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

Drive lane/travel lane - An improved (e.g., paved) driving surface for one line of vehicles.

Driveway - Areas that provide vehicular access to a site, except for public and private streets. A driveway begins at the property line and extends into the site. Driveways do not include parking, maneuvering, or circulation areas in parking space areas.

Driveway apron/approach - The edge of a driveway where it abuts a public way; usually constructed of concrete. See Figure 3.1.2K.

Drought-tolerant/drought-resistant plants - Refer to *Sunset Western Garden Book* (latest edition).

Duplex - A building with two attached housing units on one lot or parcel.

Dwelling unit - A "dwelling unit" is a living facility that includes provisions for sleeping, eating, cooking and sanitation, as required by the Uniform Building Code, for not more than one family, or a congregate residence for 10 or less persons. (UBC 205)

Easement - A right of usage of real property granted by an owner to the public or to specific persons, firms, and corporations.

Elevation - Refers to a building face, or scaled drawing of the same, from grade to roof ridge line.

Environmentally sensitive areas - See "sensitive lands".

Established residential area - “Established residential area” means an area within the Residential District that was platted prior to the effective date of this ordinance. See Section 2.1.120.F.

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

Family day care - See “child care facilities”.

Fire apparatus lane - As defined by the Uniform Fire Code.

Flag lot - A lot or parcel which has access to a road, street or easement, by means of a narrow strip of lot or easement. See Section 2.1.140.

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

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

Functional classification - The classification given to streets by the City’s Transportation System Plan.

Ground cover - A plant material or non-plant material (e.g., mulch, bark chips/dust) that is used to cover bare ground. See also, Chapter 3.2 - Landscaping.

Hammerhead turnaround - A “T” or “L” shaped dead-end street that allows for vehicles to turn around.

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

Home occupation, home occupation site - See Section 15.7.200.

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 which 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 which are primarily intended to accommodate automobile traffic.

Impervious surface - Development which does not allow for water infiltration (e.g., pavement, roofs, etc.).

Incidental and subordinate to - A use or portion of a development that is secondary to, and less apparent, than the primary use or other portion of the development.

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

Land division - The process of dividing land to create parcels or lots.

Land use - The main activity that occurs on a piece of land, or the structure in which the activity occurs (e.g., residential, commercial, mixed use, industrial, open space, recreation, street rights-of-way, vacant, etc.).

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

Landing - A level part of a staircase, as at the end of a flight of stairs.

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. Landscaping also includes irrigation systems, mulches, topsoil, and revegetation or the preservation, protection and replacement of existing trees.

Lane, mid-block lane - A narrow, limited use roadway facility usually used to access a limited number of dwelling units. Similar to an alley in design. See Section 2.1.140.

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 Section 15.1.600

Level of service - For transportation, a standard of a street's carrying capacity, based upon prevailing roadway, traffic and traffic control conditions during a given time period. The Level of Service range, from LOS A (free flow) to LOS F (forced flow) describes operational conditions within a traffic stream and their perception by motorists/passengers. Level of Service is normally measured for the peak traffic hour, at intersections (signalized or unsignalized) or street segments (between signalized intersections).

Light manufacture - "Light manufacture" means production or manufacturing of small-scale goods, such as crafts, electronic equipment, bakery products, printing and binderies, furniture, and similar goods. See Chapter 2, Section 2.2.150.F. Also see Chapter 2.5.

Livestock - Domestic animal types customarily raised or kept on farms.

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 and City Ordinance 2344. See also Section 3.4.100.

Lot - A lot is a unit of land that is created by a subdivision of land (ORS 92.010(3)). See also, Chapter 4.3.

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

Lot coverage - The area of a lot covered by a building or buildings expressed as a percentage of the total lot area.

Lot line adjustment - The adjustment of a property line by the relocation of a common line where no additional lots are created. This development code also defines the consolidation of lots (i.e., resulting in fewer lots) as a lot line adjustment.

Main/Primary entry/entrance - A main entrance is the entrance, or entrances, to a building that most pedestrians are expected to use. Generally, smaller buildings have one main entrance. Main entrances may also be 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. Buildings may also have main entrances opening directly into a reception or sales areas, a courtyard, or plaza.

Maneuvering area/aisle - Refers to the driving area in a parking lot where motor vehicles are able to turn around and access parking spaces.

Manufactured home - A transportable single-family dwelling conforming to the Manufactured Housing Construction and Safety Standards Code of the US Dept. of Housing and Urban Development, but is not regulated by the Oregon State Structural Specialty Code and Fire Life Safety Regulations, and is intended for permanent occupancy.

Manufactured home park - As defined by ORS 446.

Ministerial - A routine governmental action or decision that involves little or no discretion. The issuance of a building permit is such an action. See also, Section 15.1.300.

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

Multi-family housing - Multi-family housing means housing that provides more than three dwellings on an individual lot. See Section 2.1.170.F.

Multi-use pathway - See Section 3.1.300.

Natural hazard - Natural areas that can cause dangerous or difficult development situations. For example, natural hazard areas include steep slopes, unstable soils, landslides, flood areas.

Neighborhood - A geographic area lived in by neighbors and usually having distinguishing character.

Neighborhood-scale design - Site and building design elements that are dimensionally related to housing and pedestrians, such as narrower streets with tree canopies, smaller parking areas, lower building heights (as compared to downtown areas) and similar neighborhood characteristics. These features are generally smaller in scale than those which are primarily intended to accommodate automobile traffic.

Non-conforming use/non-conforming development - A use of land or structure that exists at the effective date of any ordinance that prohibits such use or structure. See Chapter 16.2.

Non-native invasive plants - See Oregon State University Extension Service Bulletin for your area.

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

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 also, Chapter 3.3.

Open space (common/private/active/passive) - Land within a development which 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.

Orientation - To cause to face toward a particular point of reference (e.g., “A building oriented to the street”).

Oriented to a street - See Orientation.

Outdoor commercial use - A use supporting a commercial activity which 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 provide regulations that address specific subjects that may be applicable in more than one land use district. See also Chapter 2.6.

Parcel - A parcel is a unit of land that is created by a partitioning of land (ORS 92.010(6)). See also, Chapter 4.3.

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

Parking vs. storage - Parking is the area used for leaving motor vehicles for a temporary time. Storage is to place or leave in a location for maintenance, repair, sale, rental, or future use.

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 also, ORS 92.010(8)).

Pathway/walkway/access way - See Section 3.1.300. As defined in this code, a pathway or multi-use pathway may be used to satisfy the requirements for “accessways” in the Transportation Planning Rule. (OAR 660-012-045).

Pier - Exterior vertical building elements that frame each side of a building or its ground-floor windows (usually decorative).

Planter strip, tree cut-out - A landscape area for street trees and other plantings within the public right-of-way, usually between the street and a sidewalk.

Plat - A map of a subdivision, prepared as specified in ORS 92.080, and recorded with the County Assessor’s Office. All plats shall also conform to Chapter 4.3 - Land Divisions.

Pocket park - A small park, usually less than one-half acre.

Primary - The largest or most substantial element on the property, as in “primary”: use, residence, entrance, etc. All other similar elements are secondary in size or importance.

Professional Offices - Offices or clinics for doctors, dentists, lawyers or architects and any office of similar nature or impact. Does not include real estate or real estate management offices.

Property line: front, rear, interior side, street side - See Figure 2.1.130.

Public facilities - See Chapter 3.4.

Public improvements - Development of public facilities. See Chapter 3.4.

Quasi-judicial - Refers to an action or decision that requires substantial discretion or judgement in applying the standards or criteria of this Code, and usually involves a public

hearing. See Section 15.1.500.

Residence - Same as “dwelling”.

Residential caretaker unit - A dwelling unit located within an Industrial or Commercial zone, designed and solely utilized for protection and security for a site. Such quarters may be a single-wide mobile home provided it meets all requirements of the Mobile Home overlay district except for location. Such quarters must further meet all building and development code ordinances and be located within 150 feet and in sight of the main use of the property. See Section 2.3.160.B.

Residential care home/Residential care facility - 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. See Section 2.1.170.G.

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

Right-of-way - Land that is owned in fee simple by the public, usually for transportation facilities.

Roof pitch - The slope of a roof, usually described as ratio (e.g., 1 foot of rise per 2 feet of horizontal distance).

Roof-top garden - A garden on a building terrace, or at top of a building with a flat roof (usually on a portion of a roof).

Senior housing - Housing designated and/or managed for persons over the age of 55. (Specific age restrictions vary.)

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

Setback - The distance between a building (or other feature of development) and a property line. Minimum and maximum setbacks may be required for front, side and rear yards.

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

Shared parking - See Section 3.3.200 C.

Single-family attached housing (townhomes) - Two or more single family dwellings with common end-walls. See also, Sections 2.1.110 and 2.1.170.

Single-family detached house - A single family dwelling that does not share a wall with any other building. See also, Sections 2.1.110 and 2.1.170.

Single-family detached zero-lot line house - A single family detached house with one side yard setback equal to "0". See also, Sections 2.1.110 and 2.1.200.

Site - A property (or group of adjacent parcels or lots under the same ownership) that is subject to a permit application under this Code.

Site design review, development review - See Sections 15.2.400 and 15.2.500.

Specific Area Plan - Specific area plan districts ("specific plans") describe in more detail the type of development planned for a specific area than is typically found in a comprehensive plan, zone map, or public facilities plan. See Chapter 2.6.

Standards and criteria - Standards are code requirements. Criteria are the elements required to comply with a particular standard.

Steep slopes - Slopes of greater than 25 percent.

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.

Storm water facility - A detention and/or retention pond, swale, or other surface water feature that provides storage during high-rainfall events and/or water quality treatment.

Street/road - A public or private way for travel by vehicles, bicycles and pedestrians, that meets the city standards in Section 3.4.100.

Street access - See Chapter 3.1.

Street connectivity - The number of street 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 furniture/furnishings - Benches, lighting, bicycle racks, drinking fountains, mail boxes, kiosks, and similar pedestrian amenities located within a street right-of-way. See also, Section 2.2.170.

Street stub - A temporary street ending; i.e., 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 cut-out.

Subdivision - To divide land into four or more lots within a single calendar year. (ORS 92.010(13)).

Surface water management - [Definition to be developed in Chapter 3.5.]

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

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

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

Topographical constraint - Where existing slopes prevent conformance with a Code standard.

Tract: private/public - A piece of land set aside in a separate area for dedication to the public, a homeowner's association, or other entity (e.g., open space, recreation facilities, sensitive lands, etc.).

Transportation facilities - The physical improvements used to move people and goods from one place to another; i.e., streets, sidewalks, pathways, bike lanes, airports, transit stations and bus stops, etc.).

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

Triplex - A building with three attached housing units on one lot or parcel.

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. A plat may be vacated, returning the property to an undivided condition.

Vacation Home Rental- A commercial use of a single family or duplex dwelling unit where the unit is rented for periods of time not exceeding 29 consecutive days.

Variance - An administrative or quasi-judicial decision to lessen or otherwise modify the requirements of this Code. See Chapter 16.1.

Vision clearance area - See Figure 3.1.2.N.

Wetland - Wetlands are land areas where water is the dominant factor determining the nature of soil development and the types of plant and animal communities. They are defined more

specifically by the Federal Clean Water Act (Section 404) and Oregon Administrative Rules (OAR 141-85-010). For more information, contact the Oregon Division of State Lands.

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

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

Zero-lot line house - See Section 2.1.170A.

Chapter 1.4 — Enforcement

Sections:

1.4.100	Provisions of this Code Declared to be Minimum Requirements.
1.4.200	Violation of Code Prohibited.
1.4.300	Penalty.
1.4.400	Complaints Regarding Violations.
1.4.500	Inspection and Right of Entry.
1.4.600	Abatement of Violations.
1.4.700	Stop-Order Hearing.

1.4.100 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 or with other applicable standards, the most restrictive or that imposing the highest standard shall govern.

1.4.200 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.

1.4.300 Penalty

A. Penalty. A person violating a provision of this Code shall, upon conviction, be punished by a fine of not more than \$500.00.

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 remedies available to the City.

D. 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.

1.4.400 Abatement of Violations.

Any development or use which 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.

1.4.500 Stop-Order Hearing.

A. Stop order issued. Whenever any work is being done in violation of the provisions of the Code or a condition of any permit or other approval granted pursuant hereto, the Planning Director may order the work stopped by notice in writing served on persons engaged in doing such work or causing such work to be done. All work under the permit or approval shall cease until it is authorized to continue.

B. Stop-order hearing. The Planning Director shall schedule a hearing if requested on the stop order for the earliest practicable date, but not more than ten days after the effectiveness of any required notice. At the discretion of the Planning Director, such hearing may be:

1. Part of a hearing on revocation of the underlying development approval; or
2. Solely to determine whether a violation has occurred. The Planning Commission shall hold this hearing and shall make written findings as to the violation within 10 days. Upon a finding of no violation, the Planning Commission shall require the issuance of a resume work order. Upon finding a violation, the stop-order shall continue to be effective until the violating party furnishes sufficient proof to the Planning Commission that the violation has been abated. The Planning Commission decision is subject to review under Type III (Public Hearing) Procedure.

ARTICLE 2.0 — Land Use Districts

- 2.0 - Land Use District Administration**
- 2.1 - Residential (R) District**
- 2.2 - Central-Commercial (C-C) District**
- 2.3 - General Industrial (I) District**
- 2.4 - Light-Industrial (LI) District**
- 2.5 - Specific Area Plan (SPA) Districts**
- 2.6 - Overlay (O) Districts**
- 2.7 - Mobile Home Overlay (MH) District**
- 2.8 - Standards for Transportation Improvement**
- 2.9 - Specific Area Development Standards**

Chapter 2.0 - Land Use District Administration

Sections:

- 2.0.100 Classification of Land Use Districts**
- 2.0.200 Land Use District Map**
- 2.0.300 Determination of Land Use District Boundaries**

2.0.100 Classification of Land Use Districts.

All areas within the corporate limits and Urban Growth Boundary area of the City of Baker City are divided into land use districts. The use of each lot, parcel and tract of land is limited to the uses permitted by the applicable land use district. The applicable land use district shall be determined based on the Land Use District Map, and the provisions of this Chapter.

2.0.200 Land Use District Map.

A. Consistency with land use district map.

The boundaries of each 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 Land Development Code. A certified print of the adopted land use district map, and any map amendments, shall be maintained by the City.

B. Applicability of zoning requirements.

Each lot, tract and parcel of land or portion thereof within the land use district boundaries as designated and marked on the zoning map, is classified, zoned and limited to the uses as hereinafter specified and defined for the applicable district classification.

C. Land use district map amendments.

All amendments to the City land use district (zoning) map shall be made in accordance with the provisions of Chapter 15.5.

- 1. Copies of all map amendments shall be dated with the effective date of the ordinance adopting the map amendment, and shall be maintained without change, together with the adopting documents, on file at the City; and**
- 2. The City shall make available for public inspection an up-to-date copy of the revised land use district map, so that it accurately portrays changes of zone boundaries or classification, as applicable.**

2.0.300 Determination of Land Use District Boundaries

Where due to the scale, lack of scale, lack of detail or illegibility of the City zoning district map, or due to any other reason, there is uncertainty, contradiction or conflict as to the intended location of district boundary lines, the boundary lines shall be determined by the Planning Director in accordance with the following:

- 1. Boundaries indicated as approximately following the center lines of streets, highways, railroad tracks or alleys shall be construed to follow such center lines;**
- 2. Boundaries indicated as approximately following the boundaries of a parcel, lot, or tract shall be construed as following such boundaries;**
- 3. Boundaries indicated as approximately following a City boundary, or the Urban Growth Boundary, shall be construed as following said boundary;**
- 4. Boundaries indicated as approximately following river, stream and/or drainage channels or basins shall be construed as following river, stream and/or drainage channels or basins, as applicable; and**
- 5. 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 area. In cases where the right-of-way formerly served as a land use district boundary, the lands formerly within the vacated right-of-way shall be allocated proportionately between the subject land use districts.**
- 6. If a zone boundary line on the land use district map divides a lot into two zones, where an adjustment would amount to less than 50 feet, the lot is considered to be wholly within the zone of the greater portion; when adjustment would amount to greater than 50 feet, the zoning requirements shall apply as if the zone boundary line were a lot line separating two lots, each in a different zone.**

Chapter 2.1 — Residential (R) District

Sections:

- 2.1.100 Purpose**
- 2.1.105 Subdistricts**
- 2.1.110 Permitted Land Uses**
- 2.1.120 Building Setbacks**
- 2.1.130 Lot Area and Dimensions**
- 2.1.135 Lots of Record**
- 2.1.140 Flag Lots and Lots Accessed by Mid-Block Lanes**
- 2.1.150 Maximum Lot Coverage**
- 2.1.160 Building Height**
- 2.1.170 Special Standards for Certain Uses**
- 2.1.180 Residential Sub-Districts**

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 (M-D) and Low Density (L-D) subdistricts are created for the purpose of recognizing this diversity.

2.1.110 Permitted Land Uses

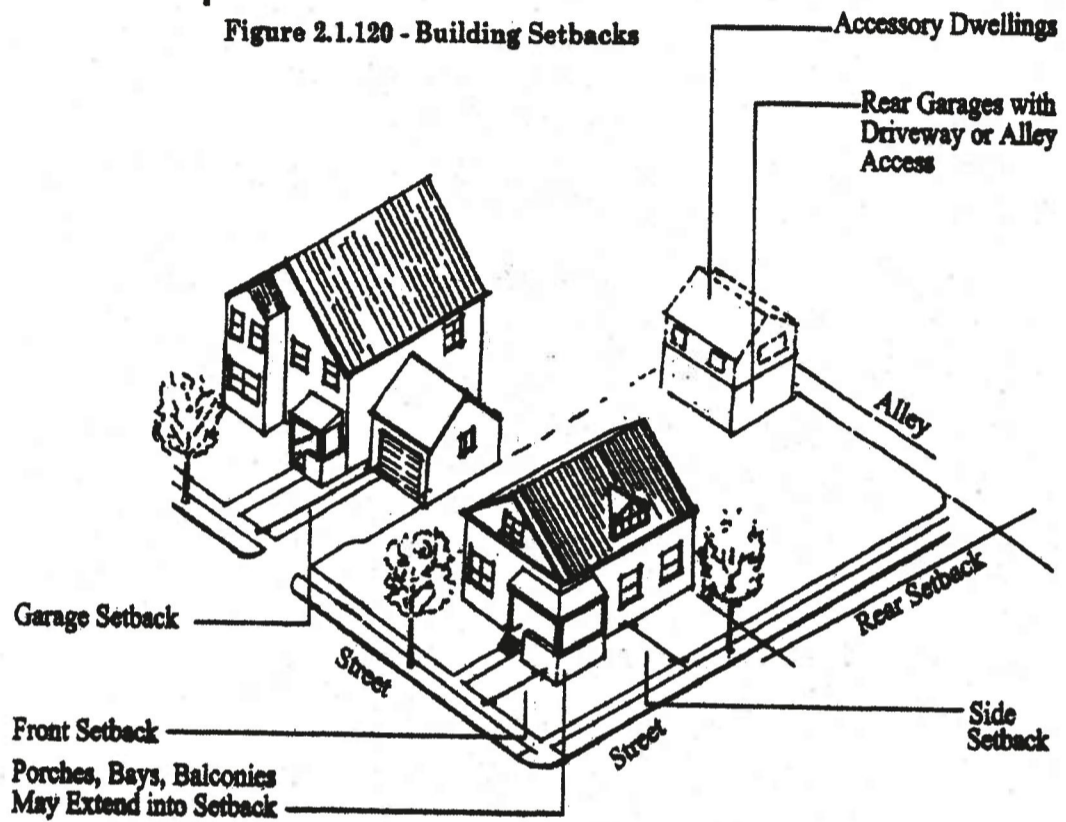
A. Permitted Uses. The land uses listed in Table 2.1.110.A are permitted in the Residential District, subject to the provisions of this Chapter. Only land uses which are specifically listed in Table 2.1.110.A, and land uses which are approved as “similar” to those in Table 2.1.110, may be permitted. Land uses identified as “Sub-district Only” are permitted only within the applicable sub-district. 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.

**TABLE 2.1.110.A
Land Uses and Building Types Permitted in the Residential District**

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



Building setbacks provide space for private yards, and building separation for fire protection/security, building maintenance, sun light and air circulation. This section is also intended to promote human-scale design and traffic calming by downplaying the visual presence of garages along the street and encouraging the use of extra-wide sidewalks and pocket parks in front of markets and other non-residential uses. The standards encourage placement of residences close to the street for public safety and neighborhood security.

Building setbacks are measured from the nearest point of the main structure to the respective property line. Setbacks for decks and porches are measured from the edge of the deck or porch to the property line. The setback standards, as listed on the following page and illustrated

above, apply to primary structures as well as accessory structures. A Variance is required in accordance with Chapter 16.1 to modify any setback standard.

A. Front Yard Setbacks

1. Residential Uses (single family, duplex and triplex, multi-family housing types)

- a. A minimum setback of 15 feet (20 feet in R-MD and R-LD 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.

E. Special Yards - Distance Between Buildings on the Same Lot

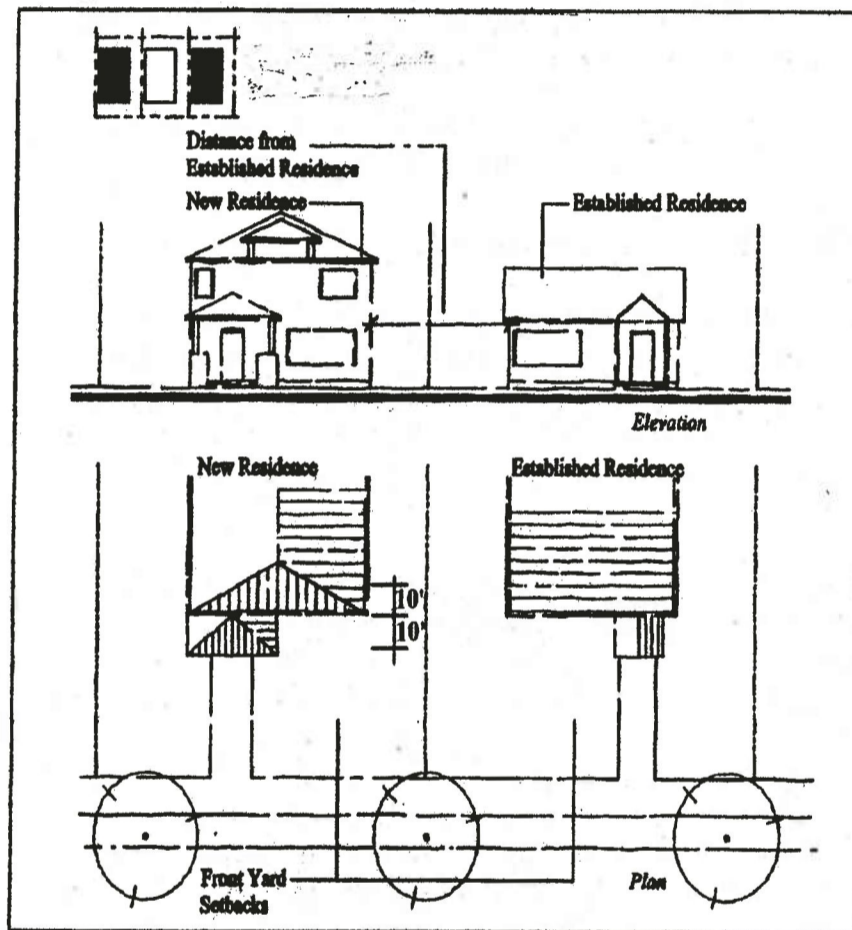
To provide usable yard area and allow air circulation and light, the minimum distance between buildings on the same lot shall be at least 8 feet exclusive of eaves. This requirement shall also

apply to portions of the same buildings separated from each other by a court, landscape yard, or other open space.

F. Setbacks for Infill Housing in Established Residential Areas.

“Established residential area” means an area within the Residential District that was platted prior to the effective date of this ordinance. In such areas, the following setback standards shall apply:

Figure 2.1.120F - Infill/Established Residential Area Setbacks



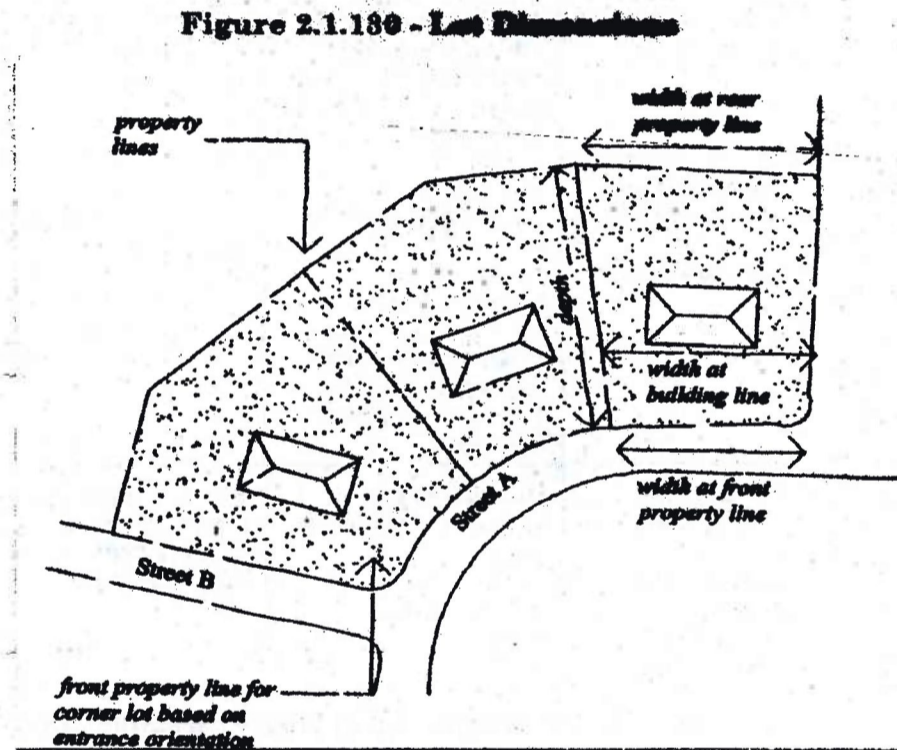
1. When an existing single family residence on the same street is located within 30 feet of the subject site, a front yard setback similar to that of the nearest single family residence shall be used. “Similar” means the setback is within 5 feet of the setback provided by the nearest single family residence on the same street. For example, if the existing single family residence has a front yard setback of 20 feet, then the new building shall have a front yard setback between 15 feet and 25 feet. If the new building is to be located between two

existing residences, then the setback for the new building shall be based on the average setback of both adjacent residences, plus or minus 5 feet.

2. In no case shall a front yard setback be less than 10 feet. Zero-lot line houses shall comply with the standards for zero-lot line housing in Chapter 2.1, Section 170.
3. The standards in 1-2 shall not be changed, except through a Class B Variance (i.e., to avoid significant trees, topographic constraints or other sensitive lands).

2.1.130 Lot Area and Dimensions

Figure 2.1.130 - Lot Dimensions



LAND USE	LOT AREA	LOT WIDTH/DEPTH	RELATED STANDARDS
Detached Single Family Housing; Manufactured Homes on Lots	Minimum: 5,000 square feet; 7,500 square feet in MD-R & LD-R Sub-district 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.)	
Two and Three Family Housing (Duplexes)	Minimum area for two family: 5,000 square feet; 7,500 square feet in MD-R and LD-R Sub-district zones.	Minimum Width: 25 feet at front property line. Maximum Depth: Three (3) times the lot width; except as required to protect sensitive lands, etc.	
Attached (Townhome) Single Family Housing	Minimum area: 3,000 square feet Maximum: None	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.)	
Multi-family Housing (more than 3 units)	Minimum area: 9,000 square feet Maximum area: None. (see "related standards")	Minimum Width: 25 feet at front property line. Maximum Depth: None.	The maximum lot/parcel area is controlled by the Block Area standards in Chapter 3.1 - Access and Circulation.
Manufactured Home Parks	See Section 2.7 for Manufactured Home Park Standards		
Public and Institutional Uses	Minimum area: None Maximum area: None. (see "related standards")	Minimum Width: 25 feet at front property line. Maximum Depth: None.	The maximum lot/parcel area is controlled by the Block Area standards in Chapter 3.1 - Access and Circulation.

2.1.135 Lots of Record

- A. In any zone which single family dwellings are permitted, a single-family dwelling and customary accessory buildings may be erected, notwithstanding limitations imposed by other provisions of this ordinance, on any single lot of record in existence as of January 1, 1979. Such lot must be in separate ownership and not of continuous frontage with other lots in the same ownership.**

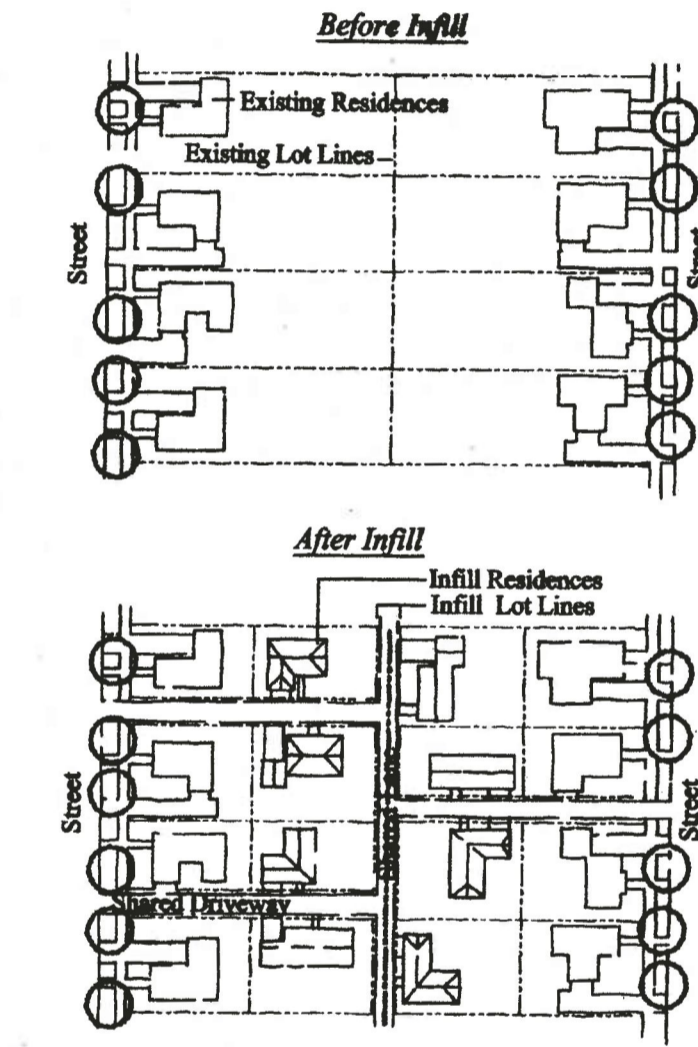
A single-family dwelling and customary accessory buildings may be erected even though such lot fails to meet the requirements for area or width or both; however, yard dimensions and other requirements not involving area or width or both shall conform to the regulation for the district in which such lot is located, unless a variance to yard requirements is granted in accordance with the procedures of Article 16

- B. If two or more lots or combinations of lots and portions of lots with continuous frontage in single ownership are on record as of January 1, 1979, and if all or part of the lots do not meet the requirements for lot width and area as established by this ordinance, no portion of said parcel shall be used or sold which does not meet lot width and area requirements established by this ordinance, nor shall any division of the parcel be made which leaves remaining any lot with width or areas below the requirements stated in this ordinance.**

2.1.140 Flag Lots and Lots Accessed by Mid-Block Lanes

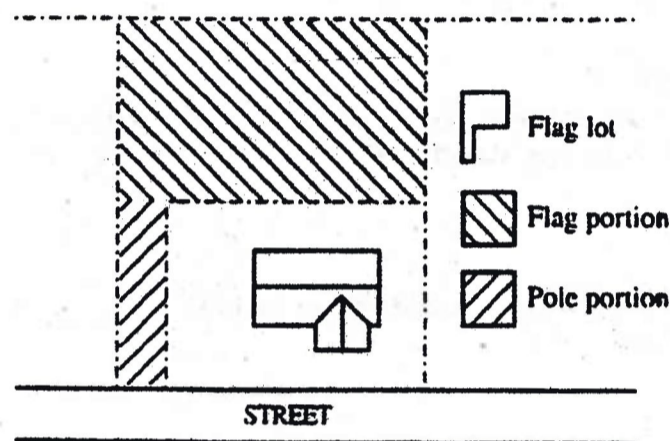
Some lots in existing neighborhoods may have standard widths but be unusually deep compared to other lots in the area. Essentially unused space at the back of a lot may provide room for one or more lots for infill housing. Infill lots may be developed as “flag lots” as defined below:

Figure 2.1.140A - Mid-block Infill



2.1.140 Flag Lots and Lots Accessed by Mid-Block Lanes (continued)

Figure 2.1.140B - Flag Lot (Typical)



A. Flag lots. Flag lots may only be created when physical or topographical conditions make normal development impractical, when building or other existing developments on adjacent lands physically preclude appropriate lot width, or when necessary to achieve planning objectives, such as reducing direct access to roadways, providing internal platted lots with access to a residential street, or the preservation of natural or historic resources. A flag lot driveway may serve no more than two (2) dwelling units, including accessory dwellings and dwellings on individual lots. 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.

B. Driveway width. The minimum width for all shared drives shall be 10 feet; the maximum width is 20 feet, except as required by the Uniform Fire Code. Any such consolidated driveway shall be paved with a hard surface pavement.

C. Maximum consolidated driveway length. The maximum consolidated driveway length for flag lots is subject to requirements of the Uniform Fire Code, but shall not exceed 150 feet.

D. 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.

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

B. Lot Coverage Defined.

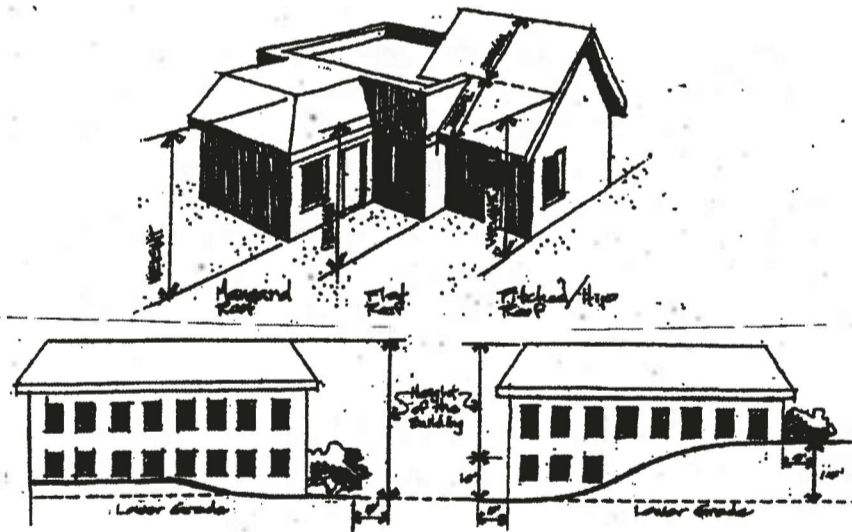
“Lot Coverage” means all areas of a lot or parcel covered by buildings (as defined by foundation perimeters) and other structures with surfaces greater than 36 inches above the finished grade.

C. Compliance.

Compliance with other sections of this code may preclude development of the maximum lot coverage for some land uses.

2.1.160 Building Height

Figure 2.1.160A - Building Height Measurement (Composite of Several Roof Forms)



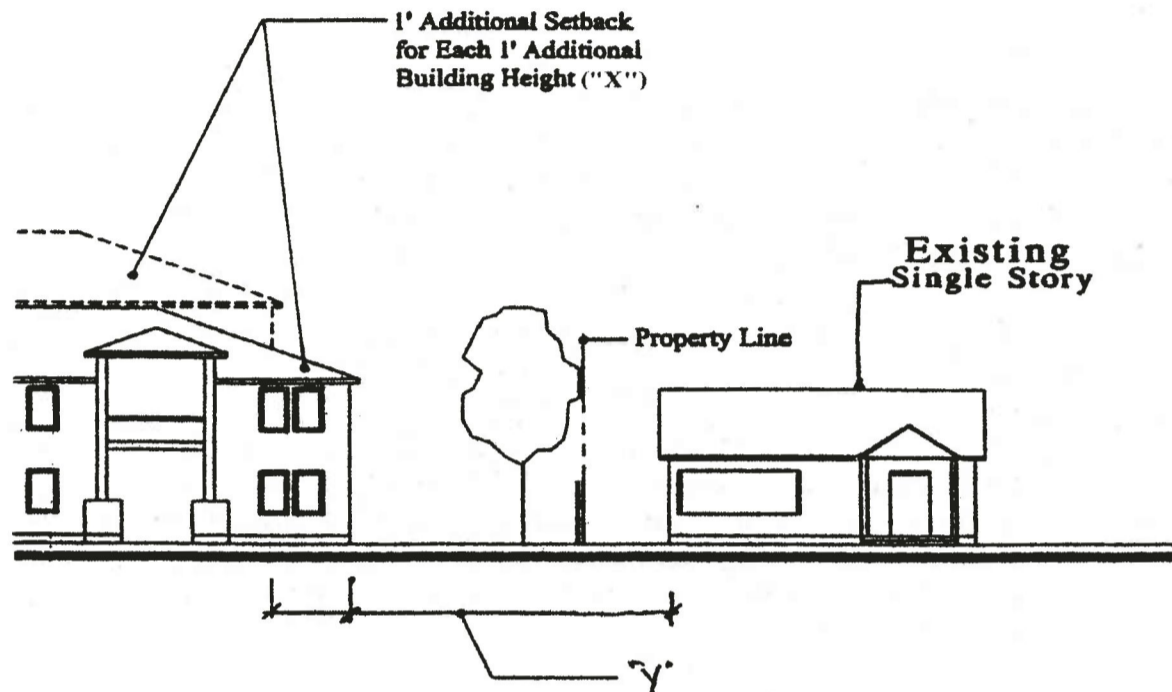
The following building height standards are intended to promote land use compatibility and support the principle of neighborhood-scale design:

A. Building Height Standard. Buildings within the Residential District shall be no more than 35 feet or 3 stories in height, whichever is greater and buildings within the Multi-family Sub-district may be up to 45 feet or 4 stories. Building height may be restricted to less than these maximums when necessary to comply with the Building Height Transition standard in “C” below.

B. Method of 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 average height of the highest gable of a pitched or hipped roof (See above examples). The reference datum shall be selected by either of the following, whichever yields a greater height of building:

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 ‘a’ is more than 10 feet above the lowest grade. The height of a stepped or terraced building is the maximum height of any segment of the building. Not included in the maximum height are: chimneys, bell towers, steeples, roof equipment, flag poles, and similar features which are not for human occupancy.

Figure 2.1.160B - Building Height Transition



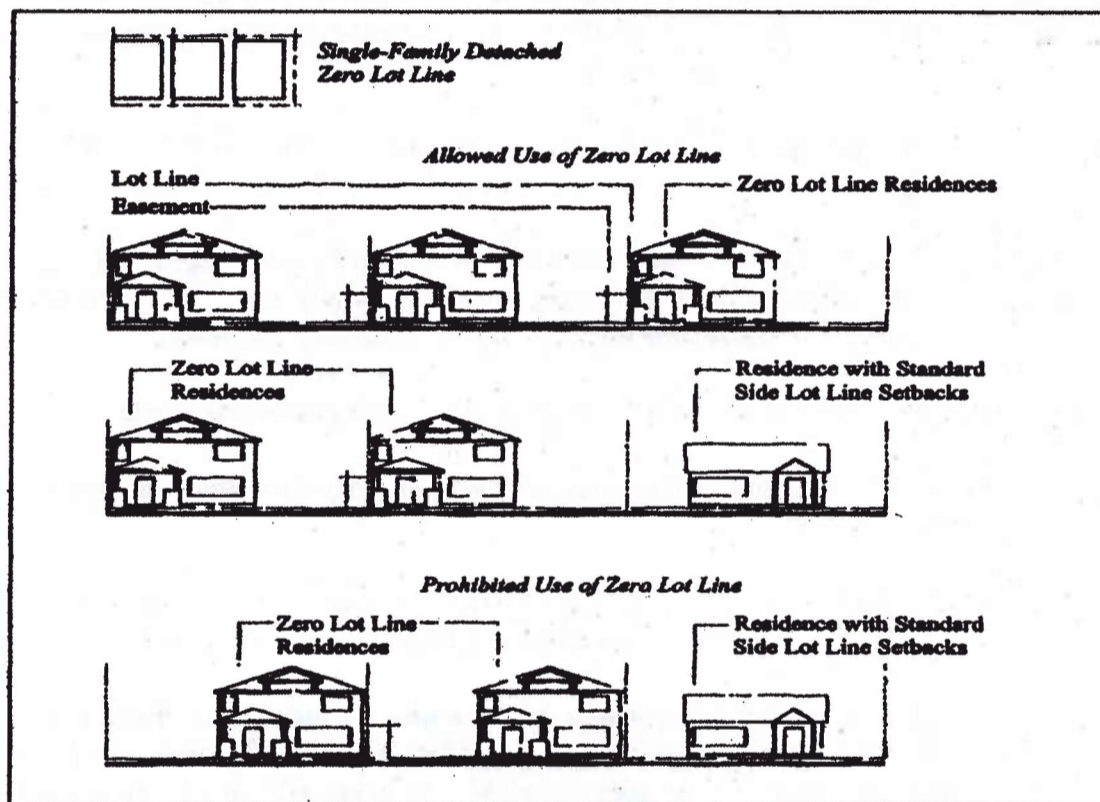
C. Building Height Transition. To provide compatible building scale and privacy between developments, taller buildings shall “step-down” to create a building height transition to adjacent single-story building(s).

1. This standard applies to new and vertically expanded buildings within 30 feet (as measured horizontally) of an existing single-story building with a height of 20 feet or less, as shown above.
2. The building height transition standard is met when the height of the taller building (“x”) does not exceed one (1) foot of height for every one (1) foot separating the two buildings (“y”), as shown above.

2.1.170 Special Standards for Certain Uses

A. "Zero-lot line" (single family courtyard home). "Zero-lot line" houses are subject to the same standards as single family housing, except that a side yard setback is not required on one side of a typical lot (as shown below). This type of housing is permitted to allow development on smaller (i.e., narrower) lots and still provide usable outdoor living area in side-oriented courtyards. The following standards are intended to promote compatibility and privacy between adjacent buildings and allow for building maintenance:

Figure 2.1.170A -Zero-Lot Line Housing



1. **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 the common property line by a minimum of 10 feet;
2. **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 rights for the purpose of construction and maintenance of structures and yards. The easement shall stipulate that no fence or other obstruction shall be placed in a manner that would prevent maintenance of structures on the subject lot; and

3. **Buffering.** The building placement, landscaping, and/or design of windows shall provide a buffer for the occupants of abutting lots. For example, this standard is met by placing ground-floor windows (along the zero setback) above sight lines with direct views into adjacent yards, or by directing views away from yards (e.g., bay window), or by using frosted/non-see-through windows, as necessary.

B. Accessory dwelling (attached, separate cottage, or above detached garage). An accessory dwelling is a small, secondary housing unit on a single family lot, usually the size of a studio apartment. The additional unit can be a detached cottage, a unit attached to a garage, or in a portion of an existing house. The housing density standard of the Residential District does not apply to accessory dwellings, due to the small size and low occupancy level of the use. The following standards are intended to control the size and number of accessory dwellings on individual lots, so as to promote compatibility with adjacent land uses. Accessory dwellings shall comply with all of the following standards:

1. **Oregon Structural Specialty Code.** The structure complies with the Oregon Structural Specialty Code;
2. **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;
3. **One Unit.** A maximum of one accessory dwelling unit is allowed per lot;
4. **Floor Area.** The maximum floor area of the accessory dwelling shall not exceed 700 square feet;
5. **Building Height.** The building height of detached accessory dwellings (i.e., separate cottages) shall not exceed 25 feet, as measured in accordance with Section 2.1.160; and
6. **Buffering.** A minimum 6 - foot hedge or fence may be required to buffer a detached accessory dwelling from dwellings on adjacent lots, when buffering is necessary for the privacy and enjoyment of yard areas by either the occupants or adjacent residents.

C. Manufactured homes on individual lots. Manufactured homes are permitted on individual lots, subject to all of the design standards in Section 2.7.130, consistent with ORS 197.307(5). Exception: The following standards do not apply to units which existed within the city on the same lot prior to the effective date of this ordinance.

1. **Floor Plan.** The manufactured home shall be multi-sectional and have an enclosed floor area of not less than 1,000 sq. ft;

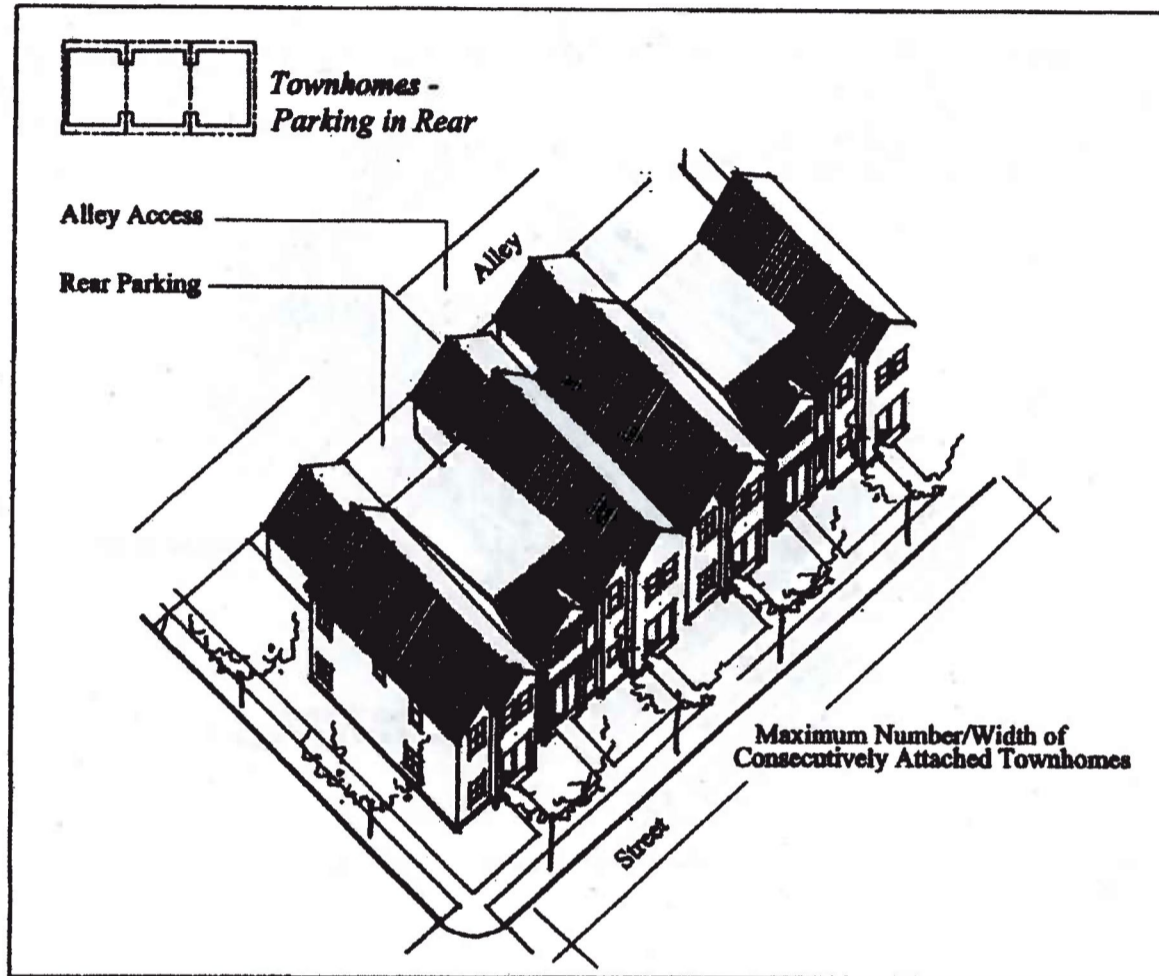
2. **Roof.** The manufactured home shall have a pitched roof with a slope not less than 3 feet in height for each 12 feet in width (14 degrees);
 3. **Residential Building Materials.** The manufactured home shall have exterior siding and roofing which in color, material and appearance are similar or 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 an attached garage or carport, then said garage or carport must be constructed of like materials to the manufactured home.
 5. **Placement.** The manufactured home shall be placed on an excavated and back-filled foundation and enclosed at the perimeter such that the manufactured home is located not more than 16 inches above grade, and complying with the minimum set-up standards of the adopted state Administrative Rules for Manufactured Dwellings, 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;
 6. **Foundation Skirt.** The foundation area of the manufactured home shall be fully skirted; and
 7. **Lot Ownership:** The manufactured home owner must also own the lot on which the home is placed.
- D. Manufactured Home Park.** Manufactured home parks are permitted on parcels of one (1) acre or larger, subject to compliance with subsections 1-5, below:
1. **Permitted uses:** Single family residences, manufactured home park manager’s office, home occupations, and accessory structures which are necessary for the operation and maintenance of the manufactured home park (e.g., landscape maintenance). Home occupations shall comply with Chapter 15.7, Section 200 - Home Occupations.
 2. **Space.** The minimum size pad or space for each home is 2,500 square feet, 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).
 3. **Setbacks and Building Separation.** The minimum setback between park structures and abutting properties is 5 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.

4. **Perimeter landscaping.** When manufactured homes 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.
5. **House design (parks smaller than 3 acres).** Manufactured homes in parks smaller than 3 acres shall meet the following design standards, consistent with ORS 197.314(6):
 - a. 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);
 - b. 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);
 - c. **Exception:** Subsections a-b, above, do not apply to manufactured homes which existed within the city prior to the effective date of this ordinance.

E. Single-family attached (townhomes), Duplexes, and Triplexes. Single-family attached housing (townhome units on individual lots), and duplex developments shall comply with the standards in 1-4, below. The standards 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.

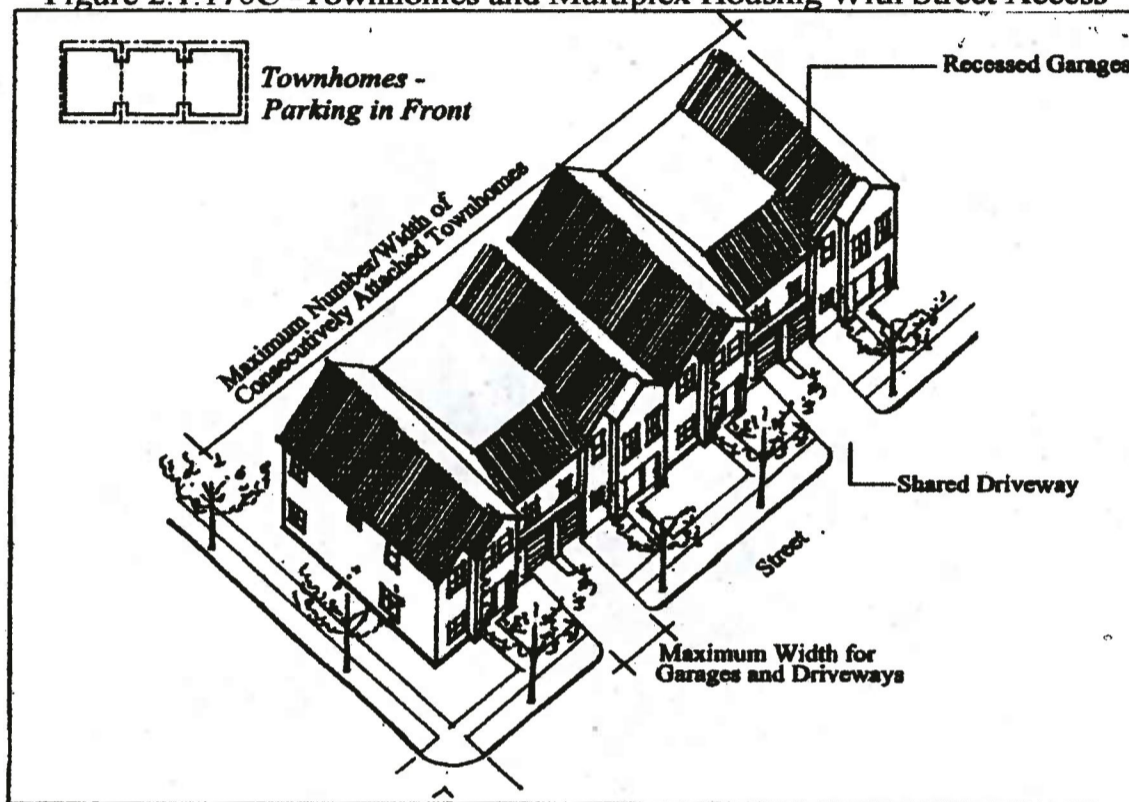
Figure 2.1.170B -Townhomes and Multiplex Housing With Alley Access



1. **Building Mass Supplemental Standard.** Within the Residential District, with the exception of the LD-R overlay zone, the maximum number and width of consecutively attached townhomes (i.e., with attached walls at property line) shall not exceed 4 units, or 120 feet (from end-wall to end-wall), whichever is less.

2. **Alley Access.** Townhome, duplex and triplex subdivisions (4 or more lots) shall receive vehicle access only from a rear alley. Alley(s) shall be created at the time of subdivision approval, in accordance with Section 3.4.1 - Transportation Standards, and Chapter 4.3 - Land Divisions. Alleys are not required when existing development patterns or topography make construction of an alley impracticable (See #3 for standards). As necessary, the City shall require dedication of right-of-way or easements and construction of pathways between townhome lots (e.g., between building breaks) to implement the standards in Chapter 3.1- Access and Circulation.

Figure 2.1.170C -Townhomes and Multiplex Housing With Street Access



3. Street Access Developments. Townhomes, duplexes and triplexes receiving access directly from a public or private street shall comply with all of the following standards, in order to minimize interruption of adjacent sidewalks by driveway entrances, slow traffic, improve appearance of the streets, and minimize paved surfaces for better storm water management.

- a. When garages face the street, they shall be recessed behind the front elevation (i.e., living area or covered front porch) by a minimum of 6 feet.
- b. The maximum allowable driveway width facing the street is 20 feet per dwelling unit. The maximum combined garage width per unit is 50 percent of the total

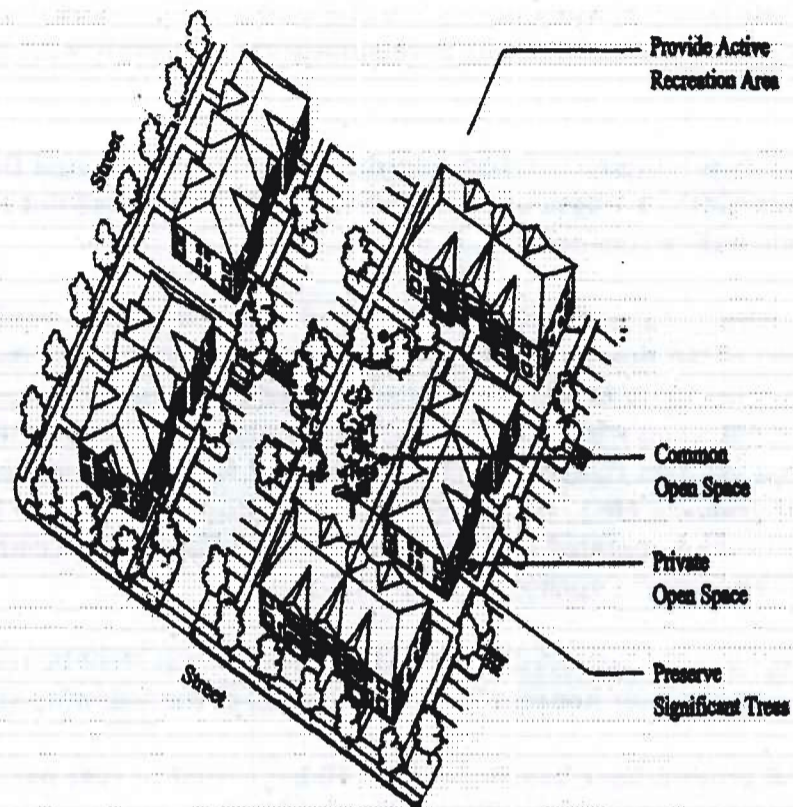


Figure 2.1.170D - Multifamily Housing (typical site layout)

building width. For example, a 24-foot wide unit may have one 12-foot wide recessed garaged facing the street.

- c. Two adjacent garages shall share one driveway when individual driveways would otherwise be separated by less than 20 feet (i.e., the width of one on-street parking space). When a driveway serves more than one lot, the developer shall record an access and maintenance easement/agreement to benefit each lot, prior to building permit issuance.

4. **Common Areas.** “Common areas” (e.g., landscaping in private tracts, shared driveways, private alleys, and similar uses) shall be maintained by a homeowners association or other legal entity. A homeowners association may also be responsible for exterior building maintenance. A copy of any applicable covenants, restrictions and conditions shall be recorded and provided to the city prior to building permit approval.

F. Multi-family housing

Multi-family housing is allowed within the High-Density residential subdistrict of the Residential district and is a conditional use within the Medium-Density residential subdistrict. Multi-family housing means housing that provides more than three dwellings on an individual lot. New multi-family developments shall comply with all of the following standards:

- 1. Building Mass Supplemental Standard. Within the Residential District, the maximum width or length of a multiple family building shall not exceed 120 feet (from end-wall to end-wall).**
- 2. Common open space standard. Inclusive of required setback yards, a minimum of 15 percent of the site area shall be designated and permanently reserved as usable common open space in all multiple family developments. The site area is defined as the lot or parcel on which the development is planned, after subtracting any required dedication of street right-of-way and other land for public purposes (e.g., public park or school grounds, etc.). Sensitive lands and historic buildings or landmarks open to the public and designated by the Comprehensive Plan may be counted toward meeting the common open space requirements.**
- 3. Private open space standard. Private open space areas shall be required for ground-floor and upper-floor housing units based on all of the following standards:**
 - a. All ground-floor housing units shall have front or rear patios measuring at least 48 square feet with a minimum depth of 6 feet.**
 - b. All upper floor housing units shall have balconies or porches measuring at least 48 square feet with a minimum depth of 6 feet. Upper-floor housing means housing units which are more than 5 feet above the finished grade;**
 - c. Private open space areas shall be oriented toward common open space areas and away from adjacent single family residences, trash receptacles, parking and drives to the greatest extent practicable; and**
- 4. Exemptions. Exemptions to the common open space standard may be granted for multi-unit developments of up to 20 units. Exemptions may be granted for the first 20 units of a larger project when these developments are within one-quarter mile (measured walking distance) of a public park; and there is a direct, accessible (i.e., Americans With Disabilities Act-compliant), lighted, and maintained pedestrian trail or sidewalk between the site and the park. An exemption shall be granted only when the nearby park provides active recreation areas such as play fields, children's play area, sports courts, walking/fitness course, or similar facilities.**

5. **Trash receptacles.** Trash receptacles shall be oriented away from adjacent residences and shall be screened with an evergreen hedge or solid fence or wall of not less than 6 feet in height.

G. 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 shall not be 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 shall be duly licensed by the State of Oregon.
2. **Parking.** A minimum of one parking space shall be provided for each employee and typical number of visitors, in accordance with Chapter 3.3 - Parking requirements.
3. **Development Review.** Development review shall be required for new structures to be used as residential care homes or facilities, and for conversion of an existing residence to be used as a residential care home, to ensure compliance with the licensing, parking, and other requirements of this Code.

H. Agriculture and Horticulture. The City allows for agriculture and horticulture uses, subject to the following standards which 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 City Ordinance No. 2617, Section 10 (a) as closed to livestock.
2. **Standards .** No livestock shall be kept on any lot unless the livestock is for personal, noncommercial 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 square feet for each animal over 6 months of age;
 - B. In the case of sheep, goats, and similarly sized animals, the animals are kept in an enclosed area having at least 1,000 square feet for each animal over 6 months of age.

3. **Farm Structures.** New barns, stables, corrals, or enclosures used to house livestock shall not be developed closer than 35 feet to any property line.
4. **Permits.** No person shall cause or allow the keeping of any livestock on real property without a current, valid livestock permit.
5. **Permit Issuance.** The City Recorder shall issue a permit for keeping livestock 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 persons' property.
 - 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:
 1. The name and address of the appellant;
 2. A description of the livestock being kept or desired to be kept and the facilities for livestock;
 3. 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;
 4. The reason given by the Police Chief for denying the application or revoking the permit; and
 5. 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 Manager deems appropriate. If the City Manager decides 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 reasons 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.

I. Public and Institutional Land Uses.

Public and institutional uses (as listed in Table 2.1.110.A) are allowed in the Residential District subject to the following land use standards, which are intended to control the scale of these developments and their compatibility with nearby residences:

- 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, in accordance with Chapter 15.3 - Conditional Use Permits.**
- 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.**

J. Accessory Uses and Structures

Accessory uses and structures are of a nature customarily incidental and subordinate to the

principal use or structure on the same lot. Typical accessory structures in the Residential District include detached garages, sheds, workshops, green houses and similar structures. (For standards applicable to Accessory Dwellings, please refer to Section 2.1.170.B. All accessory structures shall comply with all of the following standards:

1. **Primary use required.** An accessory structure shall not be allowed without another permitted use (e.g., as listed in Table 2.1.110.A).
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 structure or combination of such structures shall have a footprint larger than the primary 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.
5. **Building Height and Size.** An accessory structure shall not exceed 1,000 square feet in size or 18 feet in height as measured in accordance with Section 2.1.160(B) without a Conditional Use Permit; and (As amended by Ord. No. 3246)
6. **Set-Back Requirements.** Accessory structure shall only be allowed in side or rear yards in the residential zones. If the accessory structure is separated from the main building on the property it may be located as close as 5 feet to either the rear or side lot line. If the accessory structure is located within 5 feet of the main structure of the property then it is considered to be part of the main building for set-back purposes. In the residential zone, though not in the MD-R or LD-R Sub-district zones, an accessory structure may be located within one (1) foot of an alley.

K. Vacation Home Rental

1. No vacation home rental shall operate as such without first obtaining an annual license therefore from the city. Licenses shall be personal to the owner of the property and shall expire whenever the property is sold. The fee for such license shall be set from time to time by the city council.
2. Each owner of a vacation home rental shall provide the City with the name, address, and telephone number of a contact person who can be at the vacation home rental site within two hours to responds to problems. This information shall also be affixed to the structure in such manner as to be readily visible to emergency response personnel.
3. The scale, building materials, and color of the structure should be consistent with the neighborhood and shall not be used to draw attention to the structure itself. (As amended by Ord. No. 3245)

2.1.180 Residential Sub-Districts

A. Sub-district Authorized. Sub-districts provide needed land for land uses that may not otherwise be accommodated in the Residential District. The Comprehensive Plan identifies a need for a variety of housing densities. Therefore, the City has adopted Medium-Density Residential (MD-R) and Low-Density Residential (LD-R) Sub-districts to address that need.

B. Applicability. Sub-districts are identified on the City's official zoning map. Properties designated with a sub-district shall comply with the provisions of the underlying Residential District, except as may be modified by this ordinance.

Chapter 2.2 — Central-Commercial (C-C) District

Sections:

2.2.100	Purpose
2.2.110	Permitted Land Uses
2.2.120	Building Setbacks
2.2.130	Lot Coverage
2.2.140	Building Height
2.2.150	Special Standards for Certain Uses

2.2.100 Purpose

A City goal is to strengthen the Central-Commercial district as the heart of the community and allow it to retain its logical place for persons to gather and conduct business. The District is intended to support this goal through elements of design and appropriate mixed use development. This chapter provides standards for the orderly improvement of the Central-Commercial District based on the following principles:

- **Efficient use of land and urban services;**
- **A mixture of land uses to encourage walking as an alternative to driving, and provide more employment and housing options;**
- **The Central- Commercial District provides both formal and informal community gathering places;**

- **There is a distinct storefront character which identifies the Central-Commercial District;**
- **The Central-Commercial District is connected to neighborhoods and other employment areas;**
- **Design standards/guidelines maintain and enhance the City's historic architecture.**

2.2.110 Permitted Land Uses

- A. Permitted Uses.** The land uses listed in Table 2.2.110.A are permitted in the Central-Commercial District, subject to the provisions of this Chapter. Only land uses which are specifically listed in Table 2.2.110.A, and land uses which are approved as “similar” to those in Table 2.2.110, may be permitted. The land uses identified with a “CU” in Table 2.2.110.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.

**Table 2.2.110.A
Land Uses and Building Types Permitted in the
Central-Commercial District**

<p>1. Commercial:</p> <p>a. Auto-oriented uses and facilities (CU)*</p> <p>b. Entertainment (e.g., theaters, clubs, amusement uses)</p> <p>c. Hotels/motels</p> <p>d. Medical and dental offices, clinics and laboratories</p> <p>e. Mixed use development</p> <p>f. Office uses (i.e., those not otherwise listed)</p> <p>g. Personal and professional services, e.g., child care center, catering/food services restaurants, laundromats and dry cleaners, barber shops and salons, banks and financial institutions and similar uses)</p> <p>h. Repair services (must be enclosed within building)(CU)</p> <p>i. Retail trade and services, except auto-oriented uses</p> <p>j. Uses similar to those listed above (subject to CU requirements as applicable)</p> <p>k. Athletic clubs</p>	<p>2. Residential*:</p> <p>a. Multi-family housing</p> <p>b. Family daycare (12 or fewer children)</p> <p>c. Individual dwelling units within commercial structures</p> <p>3. Bed and Breakfast Inns (CU)*</p> <p>4. Industrial*: Light manufacture in which all operations and material storage is entirely within an enclosed building and the manufacturing operation must be free of objectionable odor, noise, smoke, dust, glare, heat or other adverse affect on neighboring properties.</p> <p>5. Public and Institutional*</p> <p>a. Churches and places of worship</p> <p>b. Clubs, lodges, similar uses</p> <p>c. Government offices and facilities administration, public safety, transportation</p>	<p>d. Libraries, museums, community centers, concert halls and similar uses</p> <p>e. Public parking lots and garages</p> <p>f. Private utilities</p> <p>g. Public parks and recreational facilities</p> <p>h. Schools (public and private)</p> <p>i. Special district facilities</p> <p>j. Telecommunications equipment (including wireless) (CU)</p> <p>k. Uses similar to those listed above, subject to CU requirements, as applicable</p> <p>6. Accessory Uses and Structures*</p> <p>7. Home Occupations</p> <p>Uses marked with an asterisk (*) are subject to the standards in Section 2.2.150, "Special Standards for Certain Uses." Home occupations and temporary uses are subject to the standards in Chapter 15.7.*</p>
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2.2.120 Building Setbacks

In the Central-Commercial District, buildings are placed close to the street to create a pedestrian environment, to slow traffic, provide a storefront character in the street, and encourage walking.

Building setbacks are measured from the nearest point of the main building to the respective property line. Setbacks for porches are measured from the edge of the deck or porch to the property line. The setback standards as listed on the following page apply to primary structures as well as accessory structures. The standards may be modified only by approval of a Variance, in accordance with Chapter 16.1.

A. Front Yard Setbacks:

1. **Minimum Setback.** There is no minimum front yard setback required.
2. **Maximum Setback.**

The maximum allowable front yard setback is 20 feet. This standard is met when a minimum of 50 percent of the front building elevation is placed no more than 20 feet back from the front property line. On parcels with more than one building, this standard applies to the largest building. The setback standard may be increased when a usable public space with pedestrian amenities (e.g., extra-wide sidewalk, plaza, pocket park, outdoor dining area or town square with seating) is provided between the building and front property line.

B. Rear Yard Setbacks:

1. **Minimum Setback:**

The minimum rear yard setback for all structures shall be 0 feet for street-access lots, and 0 feet for alley-access lots (distance from building to rear property line or alley easement).

2. **Through-Lots:**

For buildings on through-lots (lots with front and rear frontage onto a street), the front yard setbacks in "A" shall apply.

C. Side Yard Setbacks:

There is no minimum side yard setback required, except that buildings shall conform to the vision clearance standards in Chapter 3.1 and the applicable fire and building codes for attached structures, fire walls, and related requirements.

D. Setback Exceptions:

Eaves, chimneys, bay windows, overhangs, cornices, awnings, canopies, porches, decks, pergolas, and similar architectural features may encroach into setbacks by no more than 4 feet, subject to compliance with applicable standards of the Uniform Building Code and Uniform Fire Code. Walls and fences may be placed on the property line, subject to the requirements of Chapter 3.2 - Landscaping and Fences and Walls.

2.2.130 Lot Coverage

There is no maximum lot coverage requirement, except that compliance with other sections of this code may preclude full (100 percent) lot coverage for some land uses.

2.2.140 Building Height

There shall be no maximum height limitation for buildings in the Central Commercial Zone.

2.2.150 Special Standards for Certain Uses

This section supplements the standards contained in Sections 2.2.100 through 2.2.170. It provides standards for the following land uses in order to control the scale and compatibility of those uses within the Central Commercial Zone:

- Residential Uses, except those residential uses which existed prior to the effective date of this code. (As amended by Ord. No. 3250 10/25/05)
- Public and Institutional Uses
- Accessory Uses and Structures
- Automobile-Oriented Uses and Facilities
- Outdoor Storage and Display
- Light Manufacture

A. Residential Uses.

Higher density residential uses, such as multi-family buildings and attached townhomes, are permitted to encourage housing near employment, shopping and services. All residential developments shall comply with the standards in subsections 1-4, below, which are intended to require mixed use development; conserve the community's supply of commercial land for commercial uses; provide for designs which are compatible with a storefront character; avoid or minimize impacts associated with traffic and parking; and ensure proper management and maintenance of common areas. (As amended by Ord. No. 3250 10/25/05).

1. **Mixed Use Development Required.** Residential uses which are located in buildings which have a Main Street exposure shall be permitted only when part of a mixed use

development (residential with commercial or public/institutional use). Both “vertical” mixed use (housing above the ground floor), and “horizontal” mixed use (housing on the ground floor) developments are allowed. (As amended by Ord. No. 3250 10/25/05)

2. **Limitation on street-level housing.** No portion of a single street frontage of a building which has a Main Street exposure may be occupied by residential uses. This standard is intended to reserve storefront space for commercial uses and public/institutional uses; it does not limit residential uses above the street level on upper stories, or behind street-level storefronts. For parcels with street access at more than one level (e.g., sloping sites with two street frontages), the limitation on residential building space shall apply to all street frontages. (As amended by Ord. No. 3250 10/25/05)

3. **Density.** There is no minimum or maximum residential density standard. Density shall be controlled by the applicable lot coverage, and building height standards.

4. **Parking, Garages, and Driveways.** Off-street vehicle parking, including structured parking garages, may be access from alleys or from the street, but may not be located on corner lots unless a conditional use permit has been approved. Off-street vehicle parking may be located at surface-level, underground, or placed in structures above the ground floor. Surface-level, off-street parking placed inside of a structure must not be visible from the street, and may only take up the rear thirty percent of the structure. All parking garage entrances facing a street shall be recessed behind the front elevation by a minimum of six feet. (As amended by Ord. No. 3253 6/13/06)

B. Public and Institutional Uses.

Public and institutional uses (as listed in Table 2.2.110.A) are allowed in the Central-Commercial District, except that automobile-oriented uses shall comply with the standards in “D”, below. Typical automobile oriented uses in this category include public works yards, equipment storage and repair, school bus companies, and similar facilities that store, repair or service automobiles, trucks, buses, heavy equipment and construction materials.

C. Accessory Uses and Structures.

Accessory uses and structures are of a nature customarily incidental and subordinate to the principal use or structure on the same lot. Typical accessory structures in the Central-Commercial District include small workshops, greenhouses, studios, storage sheds, and similar structures. Accessory uses and structures are allowed for all permitted land uses within the Central-Commercial District, as identified in Table 2.2.2.A. Accessory structures shall comply with the following standards:

1. **Primary use required.** An accessory structure shall not be allowed before or without a primary use, as identified in Table 2.2.110.A.
2. **Setback standards.** Accessory structures shall comply with the setback standards in Section 2.2.120, except that the maximum setback provisions shall not apply.

- 3 **Restrictions.** A structure shall not be placed over an easement that prohibits such placement. No structure shall encroach into the public right-of-way.
- 4 **Compliance with subdivision 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.

D. Automobile-Oriented Uses and Facilities.

Automobile-oriented uses and facilities, as defined below, shall conform to all of the following standards in the Central-Commercial District. The standards are intended to provide a vibrant storefront character, slow traffic down, and encourage walking.

1. **Parking, Garages, and Driveways.** Off-street vehicle parking, including structured parking garages, may be access from alleys or from the street, but may not be located on corner lots unless a conditional use permit has been approved. Off-street vehicle parking may be located at surface-level, underground, or placed in structures above the ground floor. Surface-level, off-street parking placed inside of a structure must not be visible from the street, and may only take up the rear thirty percent of the structure. All parking garage entrances facing a street shall be recessed behind the front elevation by a minimum of four feet. (As amended by Ord. No. 3253 6/13/06)
2. **Automobile-Oriented Uses.** "Automobile-oriented use" means automobiles and/or other motor vehicles are an integral part of the use. These uses are restricted because, when unrestricted, they detract from the pedestrian-friendly, storefront character of the district and can consume large amounts of land relative to other permitted uses. Automobile-oriented uses shall comply with the following standards:
 - a. **Vehicle repair, storage, service.** Businesses that service automobiles, trucks, motorcycles, buses, recreational vehicles/boats, and similar vehicles and equipment are permitted when the use of repair or service is contained within an enclosed building. (As amended by Ord. No. 3247)
 - b. **Drive-up, drive-in, and drive-through facilities.** Drive-up, drive-in, and drive-through facilities (e.g., associated with restaurants, banks, car washes, and similar uses) are permitted only when accessory to a primary commercial "walk-in" use, and shall conform to all of the following standards:
 - 1) None of the drive-up, drive-in or drive-through facilities (e.g., driveway queuing areas, windows, teller machines, service windows, drop-boxes, and 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 corner);

- 2) **The facility is subordinate to a primary permitted use. “Subordinate” means all components of the facility, in total, occupy less street frontage than the primary commercial or public/institutional building; and**
- 3) **No more than one drive-up, drive-in, or drive-through facility shall be permitted on one block, or for a distance of 400 linear feet along the same street frontage, whichever is less.**

E. Sidewalk Displays.

Sidewalk display of merchandise and signs shall be regulated by City Ordinance No. 3030.

F. Light Manufacture.

Light manufacture uses are allowed in the Central-Commercial District. “Light manufacture” means production or manufacturing of small-scale goods, such as crafts, electronic equipment, bakery products, printing and binderies, furniture, and similar goods.

1. **Limitation on Use. Light manufacture is allowed only when it is free of objectionable odor, noise, smoke, dust, glare, heat, or other adverse effect on neighboring properties.**
2. **Location. The light manufacture use shall be enclosed within a building, or shall be located within a rear yard not adjacent to a street.**

Chapter 2.3 — General-Commercial (C-G) District

Sections:

- 2.3.100 Purpose**
- 2.3.110 Permitted Land Uses**
- 2.3.120 Development Setbacks**
- 2.3.130 Lot Coverage**
- 2.3.140 Building Height**
- 2.3.150 Architectural Guidelines & Standards**

2.3.100 Purpose

- ▶ **Provide for efficient use of land and public services**
- ▶ **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, in conformance with the Comprehensive Plan**

2.3.110 Permitted Land Uses

A. Permitted Uses. The land uses listed in Table 2.3.110.A are permitted in the General-Commercial District, subject to the provisions of this Chapter. Only land uses which are specifically listed in Table 2.3.110.A, and land uses which are approved as “similar” to those in Table 2.3.110, may be permitted. The land uses identified with a “CU” in Table 2.3.110.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.

**Table 2.3.110.A
Land Uses Types Permitted in the General-Commercial District**

<p>1. Commercial:</p> <p>a. Auto-oriented uses and facilities</p> <p>b. Entertainment (e.g., theaters, clubs, amusement uses)</p> <p>c. Hotels/Motels</p> <p>d. Medical and dental offices, clinics and laboratories</p> <p>e. Office uses (i.e., those not otherwise listed)</p> <p>f. Personal and professional services (e.g., child care center, catering/food services, restaurants, laundromats and dry cleaners, barber shops and salons, banks and financial institutions, and similar uses)</p> <p>g. Retail trade and services, except auto-oriented uses</p> <p>h. Repair services</p> <p>i. Building supply outlets</p> <p>j. Car wash</p> <p>k. Mortuary (CU)</p>	<p>Commercial (continued)</p> <p>l. Farm equipment, heavy equipment sales and service</p> <p>m. Storage buildings for personal property</p> <p>n. Wholesale business not exceeding 40,000 square feet of area</p> <p>o. Shopping center (three or more establishments on same parcel) (CU)</p> <p>p. Uses similar to those listed above</p> <p>2. Residential:</p> <p>a. Multi-family dwelling (CU)</p> <p>b. Bed and breakfast Inn (CU)</p> <p>c. Additions to dwellings of all classes if the dwelling was in existence on the effective date of the City Comprehensive Plan in 1964 (CU)</p> <p>d. Travel trailer park (CU)</p> <p>e. Residential caretaker's quarters (CU)</p>	<p>3. Public and Institutional:</p> <p>a. Church (CU)</p> <p>b. Hospital (CU)</p> <p>c. Government offices and facilities</p> <p>d. Clubs, lodges and similar uses</p> <p>e. Schools (CU)</p> <p>f. Telecommunications equipment (CU)</p> <p>4. Industrial:</p> <p>a. Light manufacturer (e.g., small-scale crafts, electronic equipment, bakery, furniture, similar goods when in conjunction with retail) (CU) see also 2.2.150(F)</p> <p>5. Accessory Uses and Structures</p>
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2.3.120 Development Setback

Development setbacks provide separation between industrial and non-industrial uses for fire protection/security, building maintenance, sun light and air circulation, noise buffering, and visual separation.

A. Front Yard Setbacks.

There is no minimum or maximum front yard set back required.

B. Rear and Side Yard Setbacks. Side yards and rear yards shall not be required except in instances where a lot abuts a residential zone, the side or rear yard shall be at least 15 feet.

C. Other Yard Requirements.

1. **Buffering.** The City may require landscaping, walls or other buffering in setback yards to mitigate adverse noise, light, glare, and aesthetic impacts to adjacent properties.
2. **Neighborhood Access.** Construction of pathway(s) within setback yards may be required to provide pedestrian connections to adjacent neighborhoods or other districts, in accordance with Chapter 3.1 - Access and Circulation Standards.
3. **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.).

D. Other Standards.

1. All open areas shall be landscaped and continuously maintained.
2. Open display sales areas and parking lots shall be drained and surfaced with crushed rock or pavement.
3. Any establishment on a lot abutting a residential zone shall conduct its business, service, processing, storage or display entirely within an enclosed building or shall be screened from the residential zone by a permanently maintained sight obscuring fence at least six (6) feet in height.

2.3.130 Lot Coverage

There is no maximum lot coverage requirement, except that compliance with other sections of this code may preclude full (100 percent) lot coverage for some land uses.

2.3.140 Building Height

All buildings in the General-Commercial District shall comply with the following building height standards:

A. **Maximum Height:** Buildings shall be no more than 4 stories or 50 feet in height, whichever is greater. The maximum height may be increased by 10 feet when housing is provided above the ground floor (“vertical mixed use”). The building height increase for housing shall apply only to that portion of the building that contains housing.

B. **Method of 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 average height of the highest gable of a pitched or hipped roof (see figure 2.1.160A for examples of measurement). The reference datum shall be selected by either of the following, whichever yields a greater height of building:

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 ‘a’ is more than 10 feet above the lowest grade. The height of a stepped or terraced building is the maximum height of any segment of the building. Not included in the maximum height are: chimneys, bell towers, steeples, roof equipment, flag poles, and similar features which are not for human occupancy.

2.3.150 Architectural Guidelines and Standards

A. **Purpose and Applicability.**

The General-Commercial architectural guidelines and standards are intended to provide design standards for commercial development. These standards ensure that the public health, safety and general welfare are protected and the general interest of the public is served. The standards provide for originality, flexibility, and innovation in site planning and development, including architecture, landscaping, transit, parking design, signs and enhancement of the special characteristics that make Baker City a unique place to live.

B. **Guidelines and Standards:**

Each of the following standards shall be met. An architectural feature used to comply with one standard may also be used to comply with another standard.

1. **Application of Sections 2.3.150 Relating to Design Review**

This section shall apply to the following activities within the General- Commercial zone as indicated on the City of Baker City zoning ordinance map:

- (a) All new building construction of over 10,000 square feet.**
- (b) All building expansions of over 10,000 square feet.**

2. Process

The review authority (the Site Plan Review Committee, or Planning Commission if the Committee's decision is appealed) shall approve, approve with conditions or deny an application based upon compliance with the site plan criteria, design review standards, conformance with the Comprehensive Plan and all City laws, rules and regulations. Approval shall be obtained from the review authority prior to the issuance of a building permit for all activities described in Section 2.3.150(B)(1) of this ordinance.

3. Application Requirements

The applicant is encouraged to attend a pre-application meeting prior to filing an application for Design Review with the City. The applicant shall file an application for Design Review with the City. This application may be filed in conjunction with other permits when the property is subject to other land use action. The application shall be accompanied by pertinent materials containing information as specified by the City. The application form lists the required submittal information.

4. Standards for Approval

The review authority shall use the standards in this section and the criteria for site plan review to ensure compliance with the purpose of Design Review.

(a) Natural Features:

Buildings shall be sited to protect any area of special interest as defined in the Comprehensive Plan. Other natural features such as natural grade, trees, vegetation are encouraged to be incorporated into the overall site plan and may be calculated as part of the landscaping requirement if healthy and not damaged during construction.

(b) Pedestrian Walkways:

(1) Walkways From the Sidewalk To Building Entrances.

A pedestrian walkway shall be provided from the street frontage sidewalk for pedestrians to access public entrances to all buildings.

(2) Walkways From Parking Areas To Building Entrances.

Internal pedestrian walkways shall be developed for persons who need access to the public entrances from the parking area. The walkways shall be located within the parking area and shall be designed to provide at least one such walkway for every four parking rows. The walkways shall be designed to separate people from moving vehicles as much as possible. These walkways shall have a minimum width of five feet with no car overhang or other obstruction. The walkways must also be designed for disabled access according to the Oregon State Structural Code. This may require the walkways to be widened or modified. The walkways shall be distinguished from the parking and driving areas. Materials other than asphalt may be used for the walkways if they are appropriate to the overall design of the site and building and acceptable to the review authority.

(c) Mechanical Equipment and Service Areas

Where practicable, the architectural design of the building shall incorporate design features which must screen, contain and conceal all heating, ventilation, air conditioning units, trash enclosures and dumpsters. Also where practicable, loading docks and service yards shall be screened from adjacent properties, public roadways, parks, or other public areas, with visual barriers.

(d) Building Design

(1) Exterior Building Design.

To avoid open expanses of blank walls, a building's exterior walls which front a public street or public parking area shall be constructed using architectural features and a variety of building materials for at least 50% of the wall length. For all other walls the requirement shall be for 30% of the wall length.

Architectural Features

Architectural features include, but are not limited to the following: recesses, projections, wall insets, arcades, window display areas, awnings, balconies, window projections, variations of materials including patterns or textures, landscape structures or other features that complement the design intent of the structure and are acceptable to the review authority.

Building Materials

The predominant building materials shall be materials such as brick, wood, native stone and tinted/textured concrete masonry units and/or glass products. Other materials such as smooth-faced concrete block and undecorated tilt-up concrete panels shall only be used as accents and not dominate the building exterior of the structure.

(2) Roof Design.

Roofs should be designed to reduce the apparent exterior mass of a building, add visual interest and be appropriate to the architectural style of the building. Variations within one architectural style are highly encouraged. Visible roof lines and roofs that project over the exterior wall of a building enough to cast a shadow on the ground are highly encouraged. Architectural methods shall be used to conceal flat roof tops. Overhanging eaves, sloped roofs and multiple roof elements are highly encouraged. Roof design should include consideration of solar orientation and the effect of snow sliding.

(3) Customer Entrances.

Clearly defined, highly visible customer entrances using features such as canopies, porticos, arcades, arches, wing walls, and integral planters are highly encouraged.

(4) Community Amenities

Community amenities such as patio/seating areas, water features, art work or sculpture, clock towers, pedestrian plazas with park benches or other features located adjacent to the primary entrance to the building(s) are highly encouraged and may be calculated as part of the landscaping requirement.

(e) Building and Sign Colors

Predominant exterior colors should be of low reflectance, subtle, neutral or earth tone colors. The use of high intensity colors such as black, neon, metallic or fluorescent for the facade and/or roof of the building is highly discouraged.

(f) Lighting and Flag Poles

The lighting shall be shielded and directed down onto the site and not shine or glare onto adjacent property or streets. Light poles with included fixtures and flag poles shall not exceed 25 feet in height.

(g) Signage

A comprehensive signage plan shall be required pursuant to the City of Baker City Sign Code. Bases for all ground mounted signs shall be constructed of materials compatible with the architecture of the building(s) located on the premises.

5. Exceptions

The review authority is authorized to grant exceptions from the setbacks, height, landscaping, parking, roof design and lot coverage standards if it can be determined that:

- (a) The exception is the minimum needed to achieve the purpose and objectives of this ordinance;**
- (b) The exception does not adversely impact an adjacent building or property or create any unsafe pedestrian or vehicular situation; and**
- (c) The exception is necessary to create a more aesthetic or pleasing vista along the streets within the General-Commercial.**

6. Compliance with Plans

Construction, site development and landscaping shall comply with the approved plans, drawings, sketches and other documents approved by the review authority.

7. Modifications

If a change is proposed to the approved plan, a modification to the original decision must be requested of the review authority. Proposed changes shall be submitted in writing to the City of Baker City for approval.

8. Interpretation

Where conditions imposed by the provisions of this Ordinance are less restrictive than comparable conditions imposed by any other provisions which are more restrictive, the more restrictive shall govern.

Chapter 2.4 — General Industrial (I-G) District

Sections:

- 2.4.100 Purpose**
- 2.4.110 Permitted Land Uses**
- 2.4.120 Development Setbacks**
- 2.4.130 Lot Coverage**
- 2.4.140 Development Orientation**
- 2.4.150 Building Height**
- 2.4.160 Special Standards for Certain Uses**

2.4.100 Purpose

The General-Industrial District accommodates a range of light and heavy industrial land uses. It is intended to segregate incompatible developments from other districts, while providing a high-quality environment for businesses and employees. This chapter guides the orderly development of industrial areas based on the following principles:

- **Provide for efficient use of land and public services**
- **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, in conformance with the Comprehensive Plan.**

2.4.110 Permitted Land Uses

A. Permitted Uses.

The land uses listed in Table 2.4.110.A are permitted in the General Industrial District, subject to the provisions of this Chapter. Only land uses which are specifically listed in Table 2.4.110.A, and land uses which are approved as “similar” to those in Table 2.4.110, may be permitted. The land uses identified with a “CU” in Table 2.4.110.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.

Table 2.4.110.A

Land Uses Types Permitted in the General Industrial District

A. Industrial Product Sales:

1. **Characteristics:** Firms are involved in the sale, rent or lease of products intended for industrial or commercial users. Sales may be wholesale or retail. Emphasis is on-site sales or order taking and may include display areas. Products may be delivered to the customer.
2. **Accessory Activities:** Accessory activities may include offices, product repair, warehouses, minor fabrication services, and repackaging of goods.
3. **Examples:** Industrial product sales activities may include: sale of machinery, equipment, trucks, special trade tools, welding supplies, machine parts, electrical supplies, janitorial supplies, restaurant equipment, office furniture, and store fixtures. Industrial product sales also include industrial equipment and vehicle rentals.
4. **Exceptions:** Firms that primarily engage in retail sales to the general public are classified as retail product sales and service, and are a prohibited use in the Industrial Zone.

B. Industrial Service:

1. **Characteristics:** 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. Contractor's building maintenance services and similar activities perform services off-site. Few customers, especially the general public, come to the site.
2. **Accessory Activities:** Accessory activities may include offices, retail drop-off centers, rail spurs or lead lines.
3. **Examples:** Industrial service activities may include welding shops; machine shops; tool and appliance repair; electric motor repair; enameling and plating; truck and large equipment repair, storage and salvage; auto salvage; truck service station; garbage and sanitary service (not disposal); headquarters for building, heating, plumbing or electrical contractor; printing, publishing and blueprinting; exterminators; recycling operation; janitorial and building maintenance services; medical, research and testing laboratories; laundry, dry cleaning, and carpet cleaning plant; and photo-finishing laboratories.

C. Manufacturing & Production:

1. **Characteristics:** Firms are involved in the manufacturing, processing, fabrication, packaging, or assembly of goods. Raw, or secondary or partially completed materials may be used. Products may be finished or semi-finished, and are generally made for the wholesale market, or transferred to other plants, or to order for firms or consumers. Goods are generally not displayed or sold on site, but if so are subordinate part of sales. Relatively few customers come to the manufacturing site.
2. **Accessory Activities:** Accessory activities may include: offices, cafeterias, employee recreational facilities, warehouses, storage yards, rail, spur or lead lines, repair facilities, truck fleets, retail outlets, caretaker's quarters, and quarters for artists in connection with studio space.
3. **Examples:** Manufacturing and production activities may include: processing of food related products; use or production of textiles or apparel; wood products mills; wood working including cabinet makers; production of chemical, rubber, leather, clay or glass materials or products; production or fabrication of metals or metal products; manufacturing or assembly of machinery, equipment, vehicles, appliances, precision items, and other electrical items; production of art work and sign-making.

D. Warehouse and Distribution:

1. **Characteristics:** Firms are involved in the movement, storage and/or sales of goods for themselves or other firms. Goods are generally delivered to other firms or the final consumer, except for some will-call pickups. The category includes wholesale sales which are not open to the general public and where on-site sales are low.
2. **Accessory Activities:** Accessory activities may include: offices, truck fleet parking and maintenance areas, rail spur or lead lines, repackaging of goods, and show rooms or display areas, but generally not for direct sale. Temporary 'warehouse sales' to the general public are an accessory activity if held three days or less in a calendar month. Use may include a watchman's or caretaker's quarters which may be a manufactured home.
3. **Examples:** Warehouse and distribution firms may include: warehouses used by retail stores such as furniture and appliance stores; food and hardware distributors; household moving and general freight storage; distribution of industrial items such as steel products or machinery parts; building materials, plumbing and electrical distributors; sub-terminal; parcel services; heating oil distributors; mail order houses; and public mini-ware houses.

E. Agricultural Activities:

1. **Characteristics:** Activities which raise, produce or keep plants or animals, but do not process agricultural products.
2. **Accessory Activities:** Accessory activities include dwellings for proprietors and employees of the activity.
3. **Examples:** Examples include: farming; truck gardening; forestry; plant nursery; breeding or raising of fish, fowl or animal; dairy; and dog kennels or other animal boarding places.

F. Residential:

One caretaker unit shall be permitted for each development, subject to the standards in Section 2.3.160. Other residential uses are not permitted, except that residences existing prior to the effective date of this code may continue in accordance with the sections of this ordinance providing for non-conforming structures.

G. Accessory uses and structures

H. Conditional Uses:

1. **Retail and commercial service uses up to 3,000 square feet in gross floor area (e.g., convenience market, small restaurant, secondary use for wholesaler, similar use)**
2. **Public and institutional uses: Government facilities (e.g., public safety, utilities, school district bus facilities, public works yards, transit and transportation, and similar facilities where the public is generally not received); private utilities (e.g., natural gas, electricity, telephone, cable, and similar facilities); passive open space (e.g., natural areas); special district facilities (e.g., irrigation district, and similar facilities); vocational schools co-located with parent industry or sponsoring organization; and uses similar to those listed above.**
3. **Above-ground storage of flammable or combustible liquids, except in those areas where such storage is already allowed as an outright use as defined in Section 4 of City Ordinance No. 3081.**
4. **Animal slaughtering, stockyards, holding pens, dairies, chicken or hog farms, or livestock sales yards.**
5. **Any use which requires an Oregon State Department of Environmental Quality Permit or registration due either to the use of PCB in a concentration of greater than five (5) parts per million or the use of hazardous materials as defined in**

Section 1.030 herein.

- 6. Automotive vehicle dismantling.**
- 7. Bulk storage of corrosive acids or alkalies.**
- 8. Concrete or asphalt plant, rock crushing, and mineral extraction.**
- 9. Incineration of waste or toxic chemicals, except that solid waste incidental to an operation may be incinerated under state standards.**
- 10. Leather tanning.**
- 11. Manufacture of industrial inorganic or organic chemicals, including alkalies and chlorines, industrial and medical gasses, fertilizers, agricultural chemicals, pesticides, paints, preservatives, and solvents.**
- 12. Manufacture of plastics, synthetic rosins, nonvulcanizable elastomers, synthetic rubber, manmade fibers, adhesives.**
- 13. Manufacture of primary ferrous and nonferrous metals, foundries, secondary smelting, junkyards and secondary metal salvage and processing out of salvage yards. (CU)**
- 14. Manufacture of tires and tubes.**
- 15. Manufacturing or processing activities conducted in the open which are impractical, because of size, to be carried on in an enclosed building.**
- 16. Metal stamping or forging.**
- 17. Wrecking yard.**
- 18. Wireless Communication Equipment**
- 19. Uses With Significant Noise, Light/Glare, Dust, Vibration, or Traffic Impacts.**

Table 2.4.110.B

Land Uses Prohibited in the General-Industrial District

Only uses specifically listed in Table 2.3.110.A, and uses similar to those in Table 2.3.110.A, are permitted in this district. The following uses are expressly prohibited:

In the Industrial Zone, the following uses are expressly prohibited:

- 1. Any activity involving the incineration of electrical transformers or any part thereof.**
- 2. Any use having the primary function of storing, utilizing or manufacturing explosives as that term is defined by the Uniform Fire Code.**
- 3. Any principal use involving the rendering of fats, or the fermenting of food such as sauerkraut or vinegar.**
- 4. Churches, temples, and other places of worship.**
- 5. Commercial and residential uses not otherwise specifically authorized in this Article.**
- 6. Dwellings, manufactured home and recreation vehicle parks, except watchman's quarters as provided herein.**
- 7. Hospitals, rest homes, and other resident or nonresident human health-care facilities.**
- 8. Mortuaries.**
- 9. Motels and hotels.**
- 10. Schools, colleges, except technical schools.**

2.4.120 Development Setbacks

Development setbacks provide separation between industrial and non-industrial uses for fire protection/security, building maintenance, sun light and air circulation, noise buffering, and visual separation.

- A. Front Yard Setbacks. The minimum front yard setback shall be 10 feet. The setback standard shall increase by one foot for every one foot of building height in excess of 30 feet.**
- B. Rear Yard Setbacks. There is no required rear yard setback, except that industrial development (i.e., buildings, parking, outdoor storage and industrial activities) shall be set back from Residential districts by a minimum of 25 feet, and from other non-General Industrial districts by a minimum of 15 feet; the rear setback in this case shall increase by one foot for every one foot of building height in excess of 30 feet.**

C. Side Yard Setbacks. There are no required side-yard setbacks, except that industrial development (i.e., buildings, parking, outdoor storage and industrial activities) shall be set back from Residential districts by a minimum of 25 feet, and from other non-General Industrial districts by a minimum of 15 feet; the rear setback in this case shall increase by one foot for every one foot of building height in excess of 30 feet.

D. Other Yard Requirements.

1. **Buffering.** The City may require landscaping, walls or other buffering in setback yards to mitigate adverse noise, light, glare, and aesthetic impacts to adjacent properties.
2. **Neighborhood Access.** Construction of pathway(s) within setback yards may be required to provide pedestrian connections to adjacent neighborhoods or other districts, in accordance with Chapter 3.1 - Access and Circulation Standards.
3. **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

There is no maximum lot coverage requirement, except that compliance with other sections of this code may preclude full (100 percent) lot coverage for some land uses.

2.4.140 Development Orientation

Industrial developments shall be oriented on the site to minimize adverse impacts (e.g., noise, glare, smoke, dust, exhaust, vibration, etc.) and protect the privacy of adjacent uses to the extent possible. The following standards shall apply to all development in the General Industrial District:

- A. 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

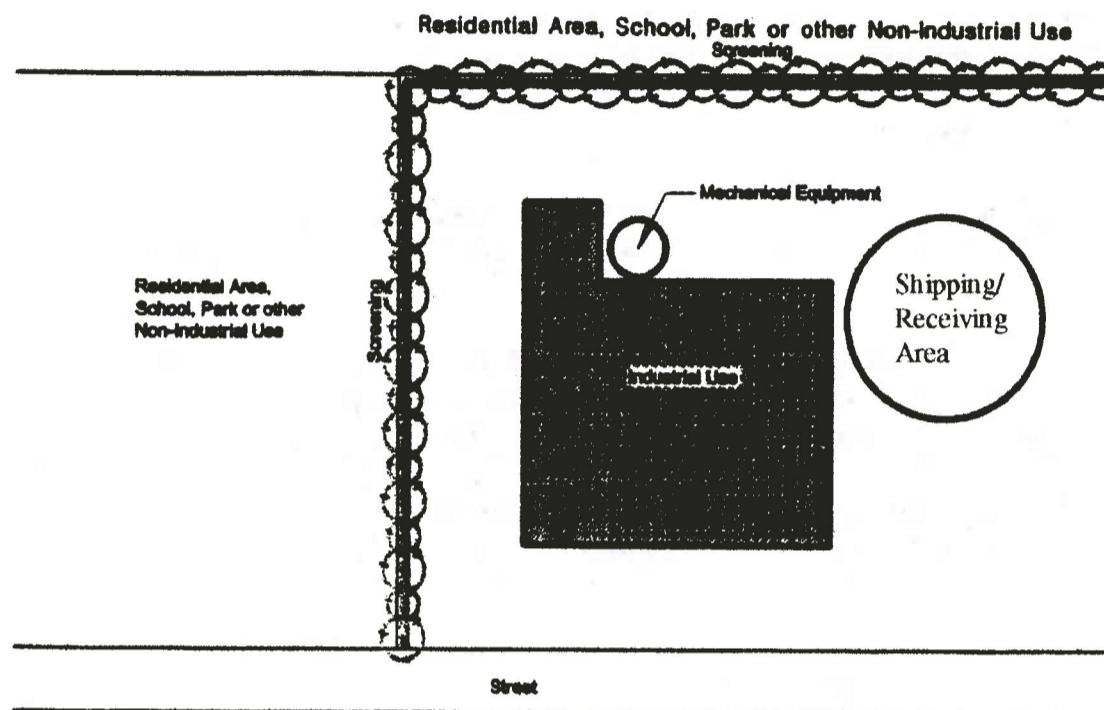


Figure 2.4 A - Industrial Development Orientation

- B.** 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 through building orientation standards alone.

2.4.150 Building Height

The following building height standards are intended to promote land use compatibility and flexibility for industrial development at an appropriate community scale:

- A. Base Requirement.** Buildings shall be no more than 4 stories or 50 feet in height, whichever is greater, and shall comply with the building setback/height standards in Section 2.3.140. Buildings within 100 feet of a Residential zone shall not exceed a height of 38 feet and also shall comply with said building setbacks/height standards.
- B. Method of 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 average height of the highest gable of a pitched or hipped roof (See Figure 2.2.160A for examples of measurement). The reference datum shall be selected by either of the following, whichever yields a greater height of building:

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 'a' is more than 10 feet above the lowest grade. The height of a stepped or terraced building is the maximum height of any segment of the building. Not included in the maximum height are: chimneys, bell towers, steeples, roof equipment, flag poles, and similar features which are not for human occupancy.

2.4.160 Special Standards for Certain Uses

A. Uses With Significant Noise, Light/Glare, Dust, Vibration, or Traffic Impacts.
The following uses shall require Conditional Use Permit approval, in addition to Development Review or Site Design Review:

1. **Uses With Significant Noise, Light/Glare, Dust and Vibration Impacts.** Uses which are likely to create significant adverse impacts beyond the Industrial District boundaries, such as noise, light/glare, dust, or vibration, shall require conditional use approval, in conformance with Chapter 4.4. The following criteria shall be used in determining the adverse impacts of a use are likely to be "significant":

- a. **Noise.** The noise level beyond the property line exceed 65 dBA (24-hour average) on a regular basis.
- b. **Light/glare.** Lighting and/or reflected light from the development exceeds ordinary ambient light and glare levels (i.e., levels typical of the surrounding area).
- c. **Dust and/or Exhaust.** Dust and/or exhaust emissions from the development exceeds ambient dust or exhaust levels, or levels that existed prior to development.
- d. **Vibration.** Vibration (e.g., from mechanical equipment) is sustained and exceeds ambient vibration levels (i.e., from adjacent roadways and existing land uses in the surrounding area).

2. **Traffic.** Uses which are likely to generate unusually high levels of vehicle traffic due to shipping and receiving. "Unusually high levels of traffic" means that the average number of daily trips on any existing street would increase by 20 percent or more as a result of the development. The city may require a traffic impact analysis prepared by a qualified professional prior to deeming a land use application complete, and determining whether the proposed use requires conditional use approval. Applicants may be required to provide a traffic analysis for review by ODOT for developments that increase traffic on state highways.

3. **Resource extraction**, such as the operation of mineral and aggregate quarries and similar uses, shall require a Conditional Use Permit. The applicant shall also be required to prepare a site reclamation plan for review and approval by the city and other affected agencies, prior to commencing resource extraction. The required scope of the reclamation plan shall be identified by the Conditional Use Permit, and shall comply with applicable requirements of State natural resource regulatory agencies.

B. Residential Caretakers.

One residential caretaker unit shall be permitted for each primary industrial use, subject to the following conditions:

1. The unit shall be served with public water and sanitary sewerage disposal, in conformance with city engineering requirements. It may be a single-wide mobile home provided it is newer than 1972 and at least 750 square feet. It must be located within 150' and in sight of the main use of the property.
2. 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. Wireless communication equipment.

Wireless communication equipment includes radio (i.e., cellular), television and similar types of transmission and receiving facilities. Wireless communication equipment shall also comply with required setbacks, lot coverage and other applicable standards of the Industrial District.

D. Outdoor storage.

Junk, as defined by ORS 377.605(5), salvage, auto wrecking and similar operations 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, and further provided such screening may be reduced in height so as to avoid shading a solar collector on adjoining property when so requested by the adjoining property owner or a government official. No outdoor storage of materials which could be blown into the air or strewn about by wind shall be permitted.

E. Loading.

Truck loading and unloading operations shall take place entirely within the site and shall not be so located as to interfere with pedestrian routes.

F. Sewage and Liquid Waste.

All operations shall comply with City ordinances and any applicable regulations of State or Federal agencies responsible for pollution control. No wastes of a chemical, organic or

radioactive nature shall be injected or buried in the ground or stored in the open on the surface except in containers approved by the appropriate regulatory agency.

Chapter 2.5 — Light Industrial (I-L) District

Sections:

2.5.100 Purpose

2.5.110 Permitted Land Uses

2.5.120 Development Setbacks

2.5.130 Lot Coverage

2.5.140 Building Height

2.5.160 Special Standards for Certain Uses

2.5.100 Purpose

The Light-Industrial District accommodates a range of light manufacturing, industrial-office uses, automobile-oriented uses (e.g., lodging, restaurants, auto-oriented retail), and similar uses which are not appropriate in downtown or main street areas. The district's standards are based on the following principles:

- **Ensure efficient use of land and public services**
- **Provide a balance between jobs and housing, and encourage mixed use development**
- **Provide transportation options for employees and customers**
- **Provide business services close to major employment centers**
- **Ensure compatibility between industrial uses and nearby residential areas.**
- **Provide appropriately zoned land with a range of parcel sizes for industry**
- **Provide for automobile-oriented uses, while preventing strip-commercial development in highway corridors.**

2.5.110 Permitted Land Uses

- A. Permitted Uses.** The land uses listed in Table 2.5.110.A are permitted in the Light Industrial District, subject to the provisions of this Chapter. Only land uses which are specifically listed in Table 2.5.110.A, and land uses which are approved as “similar” to those in Table 2.5.110, may be permitted. The land uses identified with a “CU” in Table 2.4.110.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.

Table 2.5.110.A Land Use Types Permitted in the Light-Industrial District

- 1. Industrial:**
 - Light manufacture (e.g., electronic equipment, printing, bindery, furniture, and similar goods)
 - Light manufacture which requires outside storage or other non-enclosed activity, (CU)
 - Any use which requires an Oregon State Department of Environmental Quality permit or registration due either to use of PCB in a concentration greater than 5 parts per million, or the use of hazardous materials as defined in this ordinance (CU)
 - Research facilities
 - Warehousing and distribution
 - Mini-warehouse and storage
 - Similar uses
- 2. Commercial - (CU):**
 - Automobile-oriented uses (vehicle repair, sales, rental, storage, service; and drive-up, drive-in, and drive-through facilities)
 - Entertainment (e.g., theaters, amusement uses)
 - Hotels and motels

- **Medical and dental clinics and laboratories**
 - **Outdoor commercial uses (e.g., outdoor storage and sales)**
 - **Personal and professional services (e.g., child care, catering/food services, restaurants, laundromats and dry cleaners, barber shops and salons, banks and financial institutions, and similar uses)**
 - **Repair services**
 - **Retail trade and services, not exceeding 1000 square feet of floor area per building**
 - **Wholesale trade and services**
 - **Uses similar to those listed above**
- 3. Civic and Semi-Public Uses - (CU):**
- **Government facilities (e.g., public safety, utilities, school district bus facilities, public works yards, transit and transportation, public offices and similar facilities)**
 - **Utilities (e.g., natural gas, electricity, telephone, cable, and similar facilities)**
 - **Special district facilities (e.g., irrigation district, and similar facilities)**
 - **Vocational schools**
 - **Uses similar to those listed above.**
- 4. Accessory Uses**
- 5. Wireless communication equipment (CU)**
- 6. Agricultural Uses**
- 7. Residential Caretakers.**

2.5.120 Development Setbacks

Development setbacks provide building separation for fire protection/security, building maintenance, sun light and air circulation, noise buffering, and visual separation. Building setbacks are measured from the building foundation to the respective property line.

- A. **Front Yard Setbacks.** The minimum front yard building setback shall be 20 feet, except that additional setback yards may be required to provide for planned widening of an adjacent street.
- B. **Rear Yard Setbacks.** There is no required rear yard setback, except that buildings shall be setback from the Residential District by a minimum of 20 feet.
- C. **Side Yard Setbacks.** There are no required side-yard setbacks, except that buildings shall be setback from the Residential District by a minimum of 20 feet.
- D. **Other Yard Requirements.**
 - 1. **Buffering.** A 20 foot minimum buffer zone shall be required between development and any adjacent Residential District. The buffer zone shall provide landscaping to screen parking, service and delivery areas, and walls without windows or entries, as applicable. The buffer may contain pedestrian seating but shall not contain any trash receptacles or storage of equipment, materials, vehicles, etc. The landscaping standards in Chapter 3.2 may require buffering other situations, as well.
 - 2. **Neighborhood Access.** Construction of pathway(s) and fence breaks in setback yards may be required to provide pedestrian connections to adjacent neighborhoods or other districts, in accordance with Chapter 3.1 - Access and Circulation Standards.
 - 3. **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.).

2.5.130 Lot Coverage

There is no maximum lot coverage requirement, except that compliance with other sections of this code may preclude full (100 percent) lot coverage for some land uses.

2.5.140 Building Height

The following building height standards are intended to promote land use compatibility and flexibility for industrial development at an appropriate community scale:

- A. **Base Requirement.**
Buildings shall be no more than 4 stories or 50 feet in height, whichever is greater, and shall comply with the building setback/height standards in Section 2.3.120. Buildings within 100 feet of a Residential zone shall not exceed a height of 38 feet and also shall comply with said building setbacks/height standards.
- B. **Method of 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 average height of the highest gable of a pitched or hipped roof (See Figure 2.2.160A for examples of measurement). The reference datum shall be selected by either of the following, whichever yields a greater height of building:

- 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 ‘a’ is more than 10 feet above the lowest grade. The height of a stepped or terraced building is the maximum height of any segment of the building. Not included in the maximum height are: chimneys, bell towers, steeples, roof equipment, flag poles, and similar features which are not for human occupancy.**

2.5.160 Special Standards for Certain Uses

A. High Traffic-Generating Uses:

Uses which are likely to generate “significant” levels of vehicle traffic (e.g., due to shipping, receiving, and/or customer traffic) shall require a Conditional Use Permit, in accordance with Chapter 15.3. “Significant traffic” means that the average number of daily trips, or the average number of peak hour trips, on any existing street would increase by 20 percent or greater as a result of the development. The city may require a traffic impact analysis prepared by a qualified professional prior to deeming a land use application complete, and determining whether the proposed use requires conditional use approval. Applicants may be required to provide a traffic analysis for review by Oregon Department of Transportation (ODOT) for developments that increase traffic on state highways. The Conditional Use Permit shall include appropriate transportation improvement requirements, as identified by the traffic analysis and/or ODOT, in conformance with Chapter 3.4.1.

B. Wireless Communication Equipment:

Wireless communication equipment, including radio (i.e., cellular), television and similar types of transmission and receiving facilities are permitted, subject to the standards for wireless communication equipment and Conditional Use Permit requirements. Wireless communication equipment shall also comply with required setbacks, lot coverage and other applicable standards of the Light Industrial District.

C. Watchman’s Quarters

One residential caretaker unit shall be permitted for each primary industrial use, subject to the following conditions:

- 1. The unit shall be served with public water and sanitary sewerage disposal, in conformance with city engineering requirements. It may be a single-wide mobile home**

provided it is newer than 1972 and at least 750 square feet. It must be located within 150 feet and in sight of the main use of the property.

2. Caretaker units shall be required to meet applicable fire safety and building code requirements, in addition to the applicable setback standards of this chapter.

Chapter 2.6 — Specific Area Plan (SAP) Districts

2.6.100 - Purpose.

2.6.200 - Specific Area Plan Maps.

2.6.300 - Specific Area Plan Text.

2.6.400 - Criteria for Establishing Specific Area Plan Districts.

2.6.500 - Specific Area Plan Districts Adopted.

2.6.100 Purpose

Specific area plan districts (“specific plans”) describe in more detail the type of development planned for a specific area than is typically found in a comprehensive plan, zone map, or public facilities plan. The area covered by a specific plan can include multiple parcels and land owners, or a single large parcel. Some of the characteristics of specific plans are:

Designation of site specific land uses (e.g., for individual parcels);

Design standards specific to a geographic area;

Detailed description of public facilities needed to serve development;

The plan is adopted through a consensus-based process involving property owners;

Streamlined development review for projects that are part of the plan; and

May include intergovernmental agreements and complimentary zoning for sites that cross jurisdictional boundaries (e.g., between city and county).

Specific plans usually focus on some unique feature of the site, such as natural resources, economic activity, or desired neighborhood character. Specific plans may be used for large undeveloped areas, or partially developed areas with potential for infill and redevelopment.

2.6.200 Specific area Plan Maps

Specific Area Plan District ordinances shall include the following plan maps:

A. Boundary Map.

A boundary map shall be prepared for every Specific Area Plan District. The boundary map (i.e., based on parcel boundaries or other surveyed boundaries) shall be used to delineate areas of the district that lie within the city's boundaries on the official zoning map. The zoning map shall identify such areas as "SAP", and reference the applicable specific area plan ordinance.

B. Land Use Plan Map.

A land use plan map shall designate the land use types and intensities permitted within the district. The plan shall identify areas for the following land uses, as applicable:

1. Residential
2. Commercial
3. Industrial
4. Mixed use
5. Public and Institutional
6. Open Space
7. Other

The plan shall identify sufficient area for any needed parks, schools, libraries and other public and semi-public facilities based on the City's Comprehensive Plan and other applicable policies and plans.

C. Conceptual Development Plan.

The Specific Area Plan shall provide a conceptual development plan, with maps indicating the following features:

- 1) **Blocks.** A map with the general location and configuration of all blocks (i.e., areas bounded by streets).
- 2) **Residential Land Use.** A map with proposed residential densities, permitted housing types, and general lot patterns. Specific lot patterns shall be refined during land division approval.
- 3) **Transportation Plan.** A transportation plan map shall indicate future street connections to existing streets, and connections within the plan area. At a minimum, the plan shall indicate the general alignment of collector and arterial streets, and potential local street connections. Final street alignments and design shall be subject to final engineering approvals. The plan shall also indicate the location of bicycle and pedestrian improvements that are necessary to serve the area, in conformance with Chapter 3.4.1 - Transportation Standards.

- 4) **Preliminary Grading and Utilities Plan.** The preliminary grading and utilities plan shall indicate the extent of grading (i.e., cuts and fills) and the general alignment and sizing of major utility lines necessary to serve the area, including sanitary sewer, water, and storm drainage. Actual utility alignments and design shall be subject to engineering approvals through the land division and/or site design review process.

2.6.300 Specific Area Plan Text

Specific Area Plan District ordinances shall set forth the following provisions and standards:

A. Name and Purpose of District.

This section shall describe the district in sufficient detail as to clarify the purpose and intent of the district regulations.

B. Implementation.

This section shall describe the required land use application process for development within the district, including any modifications to the procedures in * Chapter 4 (e.g., site review versus site design review, Type I or Type II application versus Type III, etc.). This section shall also reference intergovernmental agreements that apply to the plan area (i.e., when part of the plan area lies outside of the City, within an unincorporated area).

C. Permitted Land Uses. This section identifies permitted and prohibited land uses.

D. Land Use Standards.

This section specifies any required land use conditions (i.e., land use mix, density, buffering, etc.), and the review procedure for each land use (i.e., site design review/site review, conditional use, etc.).

E. Lot Standards.

Lot standards shall include requirements for new lots, such as lot area, dimensions, and density, as applicable.

F. Building Setbacks.

This section provides setback standards for front, side and rear yards, as applicable.

G. Design Standards.

The design standards of Chapter 3 shall apply to all Specific Area Plan Districts. In addition, districts shall provide design standards to address standard building heights, building orientation, common and private open space, natural resource protection, architectural design, and any other provisions that are unique to the district.

2.6.400 Criteria for Establishing Specific Area Plan Districts

The adoption of the Specific Area Plan District ordinance shall conform to the following standards and procedures:

A. Comprehensive Plan Amendment and/or District Change Required.

Specific Area Plan Districts are adopted by ordinance as an amendment to both the Comprehensive Plan and Chapter 2 (Land Use Districts Chapter) of this code; except that only a land use district change shall be required when the specific area plan is consistent with the Comprehensive Plan. Comprehensive plan amendments shall comply with the applicable Statewide Planning Goals.

B. Specific Area Plan District Criteria.

Specific Area Plan Districts shall meet the following minimum standards for adoption:

1. **Specific Area.** The district is necessary to provide land use or design standards tailored to a specific geographic area and development program, that cannot otherwise be provided through conventional zoning.
2. **Land Use Compatibility.** The district provides equal or greater compatibility with surrounding land uses than what would likely occur with conventional zoning.
3. **Sensitive Lands.** The district provides equal or greater protection to sensitive lands than what would likely occur with conventional zoning.
4. **Natural Hazards.** The district avoids incompatible development on lands subject to natural hazards.
5. **Efficient Land Use.** The district promotes efficient land use by allowing housing and commercial development at densities that are equal to or greater than the densities that would be allowed with conventional zoning. The district may provide for density transfers or transferrable development rights as a method of providing efficient land use while protecting sensitive lands and avoiding natural hazards.
6. **Land Use and Transportation Relationship.** The district provides equal or greater opportunities for alternative modes of transportation (e.g., walking, bicycling, transit) than what would likely occur with conventional zoning by:
 - a. encouraging or requiring mixed use development where applicable;
 - b. providing a master plan with direct and convenient pedestrian and bicycle connections between all land uses; and
 - c. providing for transit service where applicable.

7. **Design Standards.** The design standards of Chapter 3 shall apply to all development. In addition, the district shall provide development design standards that are equal to or greater than the standards that would be required with conventional zoning (e.g., traditional neighborhood development, building orientation, parking, open space, architectural guidelines, etc.). Where SAP and Chapter 3 design standards conflict, SAP standards prevail.

2.6.500 Specific Area Plan Districts Adopted.

(Reserved for SAP districts adopted by the City)

Chapter 2.7 — Mobile Home Overlay (MH) District

2.7.100 - Purpose.

2.7.110 - Permitted Uses

2.7.120 - Conditional Land Uses

2.7.130 - Standards for Mobile Homes on Individual Lots

2.7.140 - Standards for Mobile Home Parks and Travel Trailer Parks

2.7.100 Purpose

The Mobile Home Overlay Zone is intended to provide limited areas of the city for single-wide mobile homes to be situated on individual lots. It is intended to provide various areas and settings for a quality living environment for mobile home residents.

2.7.110 Permitted Uses

- A. Mobile homes meeting the standards of Section 2.7.130.
- B. All other permitted uses as designated by the underlying residential classifications.

2.7.120 Conditional Land Uses

- A. Mobile home parks are permitted as a Conditional Use in the Mobile Home Overlay Zone.
- B. All other conditional uses as designated by the underlying residential classification are allowed with a Conditional Use Permit.

2.7.130 Standards for Mobile Homes on Individual Lots

- 1. Single-wide mobile homes to be placed on individual lots in residential zones shall meet the following standards within the MH Residential Overlay Zone:
 - A. The mobile home shall have been manufactured after April 1990 and bear an "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.

- B. The mobile home must be placed on a permanent foundation of concrete or blocks and be tied down in compliance with all regulations of the Oregon Department of Commerce. Continuous skirting of an approved material other than wood, compatible with the exterior of the mobile home is required around the perimeter from the bottom of the siding to ground level.**
- C. Arrangements must be made for water and approved sanitary sewer facilities before the mobile home is placed on the lot and such connections actually made before the mobile home is occupied.**
- D. Wheels, tongues and traveling lights must be removed within 15 days after the mobile home is placed on the lot. If the tongue is not removable, then it shall be screened from view from the street and abutting properties.**
- E. Except for a structure which conforms to the Oregon Department of Commerce definition of a mobile home accessory structure, no extension or outbuilding shall be attached to the mobile home.**
- F. The mobile home owner must also own the lot on which it is placed.**
- G. The mobile home must have a water closet, lavatory, bathtub or shower, kitchen area, and a floor area of 750 square feet or greater.**
- H. A mobile home owner must obtain a permit from the City Building Department prior to placement of the unit on a lot.**

2. Double wide or larger mobile homes to be placed on individual lots within residential zones must meet the following standards:

- A. The mobile home shall be multi-sectional and enclose a space of not less than 1,000 square feet.**
- B. The mobile home shall be placed on a continuous, excavated and back-filled foundation of a material meeting the Oregon Manufactured Dwelling and Park Speciality Code Standards for Foundation Walls.**
- C. The mobile home shall have a pitched roof with a slope of at least three feet in height for each 12 feet in width.**
- D. The mobile home shall have exterior siding and roofing which in color, material, and appearance is similar to the exterior siding and roofing material commonly used on residential dwellings within the community or**

which is comparable to the predominant material used on surrounding dwellings as determined by the City.

- E. If the mobile home has an attached garage or carport, then said garage or carport must be constructed of like materials to the mobile home.
 - F. The mobile home owner must also own the lot on which it is placed.
3. Mobile homes placed on individual lots must meet all criteria of the zone in which they are placed.

2.7.140 Standards for Mobile Home Parks and Travel Trailer Parks

The following conditions shall be complied with in establishing a mobile home park or travel trailer park:

1. Application for all mobile home parks and travel trailer parks shall be submitted under the rules outlined under Chapter 15.3, Conditional Use Application.
2. Site Development Plan - Mobile Home Park. Each application for a Conditional Use Permit for a mobile home park shall be accompanied by a development plan containing a plot plan of the proposed site, including site details such as topography, public utilities, parking, streets, and landscaping, the beginning and completion dates, and any other related information. The development plan shall comply with the following minimum standards:
 - A. Each site shall be adequately served by facilities such as water supply, sewers, 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.
 - B. 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 2 acres.
 - C. In mobile home parks, there shall be a minimum of 3,000 square feet of site area for each mobile home unit.
 - D. Setbacks and yard requirements for units located in mobile home parks shall be as follows:
 1. Front and rear yards shall have a minimum depth of 10 feet.
 2. Side yards shall have a minimum width of 10 feet. On a corner lot, the side yard shall be 15 feet on the side abutting the street.

3. No detached structure shall exist within 10 feet of the front lot line.

- E. No structure shall exceed 38 feet in height.**
- F. A minimum of 100 square feet of outdoor recreation area, suitably improved for recreational use, shall be provided for each mobile home unit exclusive of required yards. Each recreation area shall have a minimum size of 2,500 square feet and a minimum width of 25 feet. No more than 10% of the recreation area may exceed a 5% slope.**
- G. There shall be a minimum of six off-street parking spaces for every four mobile home units or fraction thereof. At least one parking space shall be located on each site.**
- H. Primary access to mobile home parks shall be from city streets and shall be designed to cause minimum interference with traffic movement. Where necessary, additional right-of-way shall be dedicated to maintain adequate traffic circulation.**
- I. Access driveways connecting mobile home parks to a public street shall have a width of not less than 36 feet, of which not less than 20 feet shall be paved. Driveways shall be designed to provide for all maneuvering of mobile homes without encroaching on a public street. All parking areas and drives shall be constructed of durable and dustless materials.**
- J. A sight-obscuring evergreen hedge, fence or wall not less than five feet nor more than six feet in height shall surround the development.**

3. Site Development Plan - Travel Trailer Park. All travel trailer parks shall be constructed and maintained to the standards set forth herein. For all such parks, a development plan of the proposed site, including such site details as topography, public utilities, parking, streets and landscaping, the beginning and completion dates, and any other related information, shall be submitted to the City Planning Department prior to the commencement of construction. The development plan shall show compliance with the following standards in addition to state standards in effect at the time of application.

- A. All requirements with regard to spacing of recreational vehicle sites, roadways, trash containers, and sanitary facilities such as toilets, lavatories and showers shall be the same as those set by State of Oregon Administrative Rule for Recreational Vehicle Parks as currently in effect and as amended.**
- B. A space provided for a recreation vehicle shall be covered with crushed gravel or paved with asphalt, concrete or similar material and be designed to provide run-off of surface water. The part of the space which is not**

occupied by the recreation vehicle not intended as an access way to the recreation vehicle or part of an outdoor patio, need not be paved or covered with gravel provided the area is landscaped or otherwise treated to prevent dust or mud.

- C. A recreation vehicle space shall be provided with piped potable water and sewage disposal service. A recreation vehicle staying in the park shall be connected to the water and sewage service provided by the park if the vehicle has equipment needing such service.
- D. A recreation vehicle space shall be provided with electrical service.
- E. Except for the access roadway into the park, the park shall be screened on all sides by a sight-obscuring hedge or fence not less than six feet in height.
- F. The park shall be maintained in a neat appearance at all times. Except for vehicles, there shall be no outside storage of materials or equipment belonging to the park or to any guest of the park.

Chapter 2.8 — Standards for Transportation Improvement

2.8.100 - Uses Permitted Outright

2.8.200 - Conditional Uses Permitted

2.8.300 - Time Limit on Transportation-Related Conditional Use Permits

2.8.100 Uses Permitted Outright

Except where otherwise specifically regulated by this ordinance, the following improvements are permitted outright in all zones:

1. Normal operation, maintenance, repair, and preservation activities of existing transportation facilities.
2. Installation of culverts, pathways, medians, fencing, guardrails, lighting, and similar types of improvements within the existing right-of-way.
3. Projects specifically identified in the Transportation System Plan as not requiring further land use regulation.
4. Landscaping as part of the transportation facility.

5. **Emergency measures necessary for the safety and protection of property.**
6. **Acquisition of right-of-way for public roads, highways, and other transportation improvements designated in the Transportation System Plan.**
7. **Construction of a street or road as part of an approved subdivision or land partition approved consistent with the applicable land division ordinance.**

2.8.200 Conditional Uses Permitted

Except where otherwise specially regulated by this ordinance, the following improvements are permitted only when a Conditional Use Permit is first obtained:

1. **Construction, reconstruction, or widening of highways, roads, bridges or other transportation projects that are:**
 - A. **Not improvements designated in the Transportation System Plan.**
 - B. **Not designed and constructed as part of a subdivision or planned development subject to site plan and/or conditional use review.**

2.8.300 Time limit on Transportation-Related Conditional Use Permits

Authorization of a conditional use shall be void after a period specified by the applicant as reasonable and necessary based on season, right-of-way acquisition, and other pertinent factors. This period shall not exceed three years.

Chapter 2.9 — Specific Area Development Standards

- 2.9.100 - Freeway and Campbell Street Development Standards**
- 2.9.110 - Northwest Industrial Area**
- 2.9.200 - Billboard and Off-Premise Sign Regulation**

2.9.100 Freeway and Campbell Street Development Standards

In addition to requirements concerning each individual zone, the following standards shall govern all land uses, structures, and landscaping in two areas of the City: (1) within 600 feet of the right-of-way of Interstate Highway I-84, both within the City limits and within the

relevant portions of the Urban Growth Boundary area, and (2) within 150 feet north and south of that portion of the Campbell Street right-of-way from its intersection with Main Street to its intersection with the I-84 right-of-way. In addition, these standards shall apply to all portions of the Urban Growth Boundary area lying within 200' of either side of the extension of Campbell Street from the east city limits to its intersection with H Street.

A. **Residential Zones:** Residential lots on the side abutting the freeway or Campbell Street shall have yards landscaped and maintained.

B. **Commercial and Industrial Zones:**

1. **Special features:** Exposed storage areas, exposed machinery installations, service areas, truck loading areas, utility buildings, and structures, and similar accessory areas and structures shall be given special consideration in setbacks, relative to plantings, or other screening methods required to prevent them being incongruous with the existing or contemplated environment and the surrounding properties.

2. Sidewalks shall be provided in all commercially-zoned areas and be built to city standards, and in such location as determined by the City Technical Services Department. This shall not apply on Campbell Street from Sunridge Lane east to the freeway nor to the area lying between Interstate Highway I-84 and Best Frontage Road.

3. All utilities shall be placed underground.

4. Signing shall comply with the following (in areas of overlap, the more lenient requirements shall apply):

Freeway Area: Businesses may erect and maintain on-premise signs with a total allowable area not greater than 4% of the total square footage of the principal buildings on the premises and all paved parking area, or a total of 1,000 square feet, whichever is less. The display area for one face of any one sign shall not exceed 425 square feet. Signs which are either free-standing or attached to the roof of a building may not be placed in such a manner that the highest point is higher than 55 feet above ground level. Any lighted sign must be effectively shielded so as to prevent beams or rays of light from being directed at any portion of the main traveled way of any street, or must be of such low intensity or brilliance as not to cause glare or to impair the vision of the driver of a motor vehicle or otherwise to interfere with the operation thereof.

Campbell Street Area: Businesses may erect and maintain on-premise signs with a total allowable area not greater than 4% of the total square footage of the principal buildings on the premises and all paved parking area, or a total of 500 square feet, whichever is less. The display area of one face of any one sign shall not

exceed 150 square feet. Signs which are either free-standing or attached to a building may not be placed in such a manner that the highest point is higher than 25 feet above ground level, except within the area from Birch Street to Clark Street wherein taller signs may be allowed if authorized pursuant to Article 16 herein; provided further that in no event shall the sign be higher than 55 feet above ground level. No off-premise signs will be allowed. Any lighted sign must be effectively shielded so as to prevent beams or rays of light from being directed at any portion of the main traveled way of any street, or must be of such low intensity or brilliance as not to cause glare or to impair the vision of the driver of a motor vehicle or otherwise to interfere with the operation thereof. No moving or flashing signs, with the exception of time and temperature signs, shall be allowed in that portion of the Campbell Street area from Main Street to Clark Street.

5. In addition to the signs permitted under (D) above, additional signs with lettering or symbols not more than four inches in height intended primarily for information or directional purposes shall be permitted. The total area of additional signs shall not exceed .002 square feet of the total square feet of the principal buildings on the premises or 100 square feet, whichever is greater. No such additional signs shall be placed to extend more than 8-ft. above the grade line and no such sign shall be moving or flashing.
6. Off-premise signs are not allowed in the Campbell Street area but are allowed in the freeway area according to State law and meeting the following conditions:
 - a. All such signs must have prior approval of the Planning Commission;
 - b. Minimum spacing between such signs on the same side of the highway shall be 1,000 feet;
 - c. All signs shall be set back at least five feet from the freeway right of way;
 - d. No sign shall be erected which, exclusive of cut-outs, is higher than 34-feet above grade level of the premises or the highway grade, whichever is higher;
 - e. All signs shall be designed so as to screen any back braces or supporting structures from view of the motoring public by means of fences, planters, or shrubs;

- f. All signs shall include in the immediate surrounding area a lawn, landscaped area, shrubs, or a planter of either natural or artificial plants;
 - g. Exposed conduit, lamps or lighting devices shall be painted in such a color as to blend with the surroundings and be as little noticed as possible.
7. All landscaping shall be continually maintained, including necessary watering, weeding, pruning and replacing, in a substantially similar manner as originally approved, unless altered with Commission approval.
 8. Major remodeling shall be covered by items (A) through (G). Major remodeling is defined as any change, enlargement or modification to an existing structure which increases the floor area by one-third of the previous floor area or the value of the structure by one-third of the previous value, or which substantially changes the exterior.
 9. All buildings shall have a minimum setback of 20 feet from any street right-of-way line, except that for properties fronting on the extension of Campbell Street (County Road 913) from Interstate Highway I-84 east for a distance of 1415 feet, there shall be no front yard setback requirements. Setbacks not involving street right-of-way lines shall be as set forth for each zone.
10. **Required Documents for Proposed Commercial or Industrial Development:**
- a. A site plan, drawn to scale, showing the proposed layout of all structures and other improvements including, where appropriate, driveways, pedestrian walks, landscaped areas, fences, walls, off-street parking and loading areas, and railroad tracks. The site plan shall indicate the location of entrances and exits, and direction of traffic flow into and out of off-street parking and loading areas, the location of each parking space and each loading berth, and areas of turning and maneuvering vehicles. The site plans shall indicate how utility service and drainage are to be provided.
 - b. A landscape plan, drawn to scale, showing the location of existing trees proposed to be removed and to be retained on the site, the location and design of the landscaped areas, the varieties and sizes of trees and plant materials to be planted on the site, other

pertinent landscaped features, and irrigation systems required to maintain trees and plant materials.

- c. Architectural drawings or sketches, drawn to scale, including floor plans, in sufficient detail to permit computation of yard requirements and showing all elevations of the proposed structures and other improvements as they will appear on completion of construction.
- d.. A design plan, drawn to scale, showing the location, size, design, material, color and methods of illumination of all exterior signs.
- e. Variance from any of the standards contained herein may be granted only under the provisions of Article 16.

2.9.110 Northwest Industrial Area

A. Purpose:

In addition to the requirements concerning industrial zones, the following standards shall govern all land uses, structures, and landscaping in the large parcel industrial land of the Northwest Urban Growth Boundary area.

B. Lot Size:

The minimum parcel in the Northwest Industrial Area shall be one (1) acre. (As amended by Ord. No. 3240 01/11/05)

C. Landscaping:

All exposed storage areas, exposed machinery installations, service areas, truck loading areas, utility buildings, structures and accessory areas shall be given special consideration relative to landscaping or other screening methods to prevent the above mentioned structures, areas and facilities from being incongruous with the existing or contemplated environment and the surrounding properties.

D. Utility Placement:

All utilities shall be placed underground. Utilities shall be construed as those facilities and services which are offered by a supplier to serve the energy and environmental needs of commercial and private concerns, e.g., electric, water, gas and sewer.

E. Exceptions:

Exceptions from any of the standards contained herein may be granted under the provisions of Article 16. In addition, a request for an exception in minimum parcel size shall contain information which shall:

- 1. State clearly and in detail the exception requested and the reasons therefore;

2. **State clearly and in detail the factual benefit in terms of employment and land use to Baker City in granting the requested exception;**
3. **Be accompanied by surveys and statistical information which would substantiate the requested exception.**

2.9.200 Billboards and Off-Premise Sign Regulation

In addition to the requirements concerning signs in each individual zone, the following standards shall govern all billboards and off-premise signs in all zones of the City:

- A. **Federal, State and local governmental informational and regulatory signs shall be allowable in all zones;**
- B. **All off-premise and billboard signs in existence as of the date of enactment of this amendment shall continue to be allowed. However, no further placement, expansion or construction of such signs and billboards shall be allowed in any zone without a Conditional Use Permit.**
- C. **Nothing in this section is intended to prohibit the repair or replacement of existing off-premise signs and billboards at their present locations.**

ARTICLE 3.0 — Design Standards

- 3.0 - Design Standards Administration**
- 3.1 - Access and Circulation**
- 3.2 - Landscaping, Street Trees, Fences and Walls**
- 3.3 - Vehicle and Bicycle Parking**
- 3.4 - Public Facilities Standards**

Chapter 3.0 - Design Standards Administration

Sections:

- 3.0.100 Applicability**
- 3.0.200 Types of Design Standards**

3.0.100 Applicability.

All developments within the City must comply with the provisions of Chapters 3.0 through 3.4. Some developments, such as major projects requiring land division and/or site design review approval, may require detailed findings demonstrating compliance with each chapter of the code. For smaller, less complex projects, fewer code provisions may apply. Though some projects will not require land use or development permit approval (e.g., building of single family houses on platted lots), they are still required to comply with the provisions of this Chapter.

3.0.200 Types of Design Standards.

The City's development design standards are contained in both Chapter 2 and Chapter 3. It is important to review both chapters, and all relevant code sections within the chapters, to determine which standards apply. The City may prepare checklists to assist property owners and applicants in determining which sections apply.

- A. Chapter 3. The design standards contained within the following chapters apply throughout the City, for all land use types:
 - 3.1 - Access and Circulation**
 - 3.2 - Landscaping, Street Trees, Fences and Walls**
 - 3.3 - Automobile and Bicycle Parking**
 - 3.4 - Public Facilities Standards****

- B. Chapter 2. Each land use district (Chapter 2) provides design standards that are specifically tailored to the district. In addition, each district provides**

special standards that are meant to address the impacts or characteristics of certain land uses.

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 transportation 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 vehicle access to development through a connected street system, while preserving the flow of traffic in terms of safety, roadway capacity, and efficiency. Access shall be managed to maintain an adequate “level of service” and to maintain the “functional classification” of roadways as required by the City’s Transportation System Plan. Major roadways, including highways, arterials, and collectors, serve as the primary system for moving people and goods. “Access management” is a primary concern on these roads. Local streets and alleys provide access to individual properties. If vehicular access and circulation are not properly designed, these roadways will be unable to accommodate the needs of development and serve their transportation function. This Section attempts to balance the right of reasonable access to private property with the right of the citizens of the City and the State of Oregon to safe and efficient travel. It also requires all developments to construct planned streets (arterials and collectors) and to extend local streets.

To achieve this policy intent, state and local roadways have been categorized in the Comprehensive Plan by function and classified for access purposes based upon their level of importance and function. (See Section 3.4.100) Regulations have been applied to these roadways for the purpose of reducing traffic accidents, personal injury, and property damage attributable to access systems, and to thereby improve the safety and operation of the roadway network. This will protect the substantial public investment in the existing transportation system and reduce the need for expensive remedial measures. These regulations also further the orderly layout and use of land, protect community character, and conserve natural

resources by promoting well-designed road and access systems and discouraging the unplanned subdivision of land.

B. Applicability.

This ordinance shall apply to all public streets within the City and to all properties that abut these streets.

C. Access Permit Required.

Access to a public street requires an Access Permit in accordance with the following procedures:

1. Permits for access to City streets shall be subject to review and approval by the Public Works Director or his designee based on the standards contained in this Chapter, and the provisions of Section 3.4.100 - Transportation Standards. 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.
2. Permits for access to State highways shall be subject to review and approval by Oregon Department of Transportation (ODOT), except when ODOT has delegated this responsibility to the City or Baker County. In that case, the City or County shall determine whether access is granted based on its adopted standards.
3. Permits for access to County highways shall be subject to review and approval by Baker County, except where the County has delegated this responsibility to the City, in which case the City shall determine whether access is granted based on adopted County standards.

D. Traffic Study Requirements.

The City or other agency with access jurisdiction may require a traffic study prepared by a qualified professional to determine access, circulation and other transportation requirements. (See also, Section 3.4.100 - Transportation Standards.)

E. Conditions of Approval.

The City or other agency with access permit jurisdiction 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. Access to and from off-street parking areas shall not permit backing onto a public street.

F. Access Options.

When vehicle access is required for development (i.e., for off-street parking, delivery, service, drive-through facilities, etc.), access shall be provided by one of the following methods (a minimum of 10 feet per lane is required). These methods are "options" to the

developer/subdivider, unless one method is specifically required by Chapter 2 (i.e., under “Special Standards for Certain Uses”).

1. **Option 1.** Access is from an existing or proposed alley or mid-block lane. If a property has access to an alley or lane, direct access to a public street is not permitted.

2. **Option 2.** Access is from a private street or driveway connected to an adjoining property that has direct access to a public street (i.e., “shared driveway”). A public access easement covering the driveway shall be recorded in this case to assure access to the closest public street for all users of the private street/drive.

3. **Option 3.** Access is from a public street adjacent to the development parcel. If practicable, the owner/developer may be required to close or consolidate an existing access point as a condition of approving a new access. Street accesses shall comply with the access spacing standards in Section G, below.

4. **Subdivisions Fronting Onto an Arterial Street.** New residential land divisions fronting onto an arterial street shall be required to provide alleys or secondary (local or collector) streets for access to individual lots. When alleys or secondary streets cannot be constructed due to topographic or other physical constraints, access may be provided by consolidating driveways for clusters of two or more lots (e.g., includes flag lots and mid-block lanes).

5. **Double-Frontage Lots.** When a lot has frontage onto two or more streets, access shall be provided first from the street with the lowest classification. For example, access shall be provided from a local street before a collector or arterial street. Except for corner lots, the creation of new double-frontage lots shall be prohibited in the Residential District, unless topographic or physical constraints require the formation of such lots. When double-frontage lots are permitted in the Residential District, a landscape buffer with trees and/or shrubs and ground cover not less than 10 feet wide shall be provided between the back yard fence/wall and the sidewalk or street; maintenance shall be assured by the owner (i.e., through homeowner’s association, etc.).

Important cross-references to other code sections:

Chapters 2 and 3 may require buildings placed at or near the front property line and driveways and parking areas oriented to the side or rear yard. The City may require the dedication of public right-of-way and construction of a street (e.g., frontage road, alley or other street) when the development impact is proportionate to the need for such a street, and the street is identified by the Comprehensive Plan or an adopted Local Streets Plan. (Please refer to Section 3.4.100 - Transportation Standards.)

G. Access Spacing.

Driveway accesses shall be separated from other driveways and street intersections in accordance with the following standards and procedures:

1. **Local Streets.** A minimum of 50 feet separation (as measured from the sides of the driveway/street) shall be required on local streets (i.e., streets not designated as collectors or arterials), except as provided in subsection 3, below.

2. **Arterial and Collector Streets.** Access spacing on collector and arterial streets, and at controlled intersections (i.e., with four-way stop sign or traffic signal) shall be determined based on the policies and standards contained in the City's Transportation System Plan / Manual for Uniform Traffic Control Devices. Access to State highways shall be subject to the applicable standards and policies contained in the Oregon Department of Transportation regulations

3. **Special Provisions for All Streets.** Direct street access may be restricted for some land uses, in conformance with the provisions of Chapter 2 - Land Use Districts. For example, access consolidation, shared access, and/or access separation greater than that specified by subsections 1-2, may be required by the City, County or ODOT for the purpose of protecting the function, safety and operation of the street for all users. (See Section 'I', below.) Where no other alternatives exist, the permitting agency may allow construction of an access connection along the property line farthest from an intersection. In such cases, directional connections (i.e., right in/out, right in only, or right out only) may be required.

H. Number of Access Points.

For single-family (detached and attached), two-family, and three-family housing types, one street access point is permitted per lot, when alley access cannot otherwise be provided; except that two access points may be permitted for two-family and three-family housing on corner lots (i.e., no more than one access per street), subject to the access spacing standards in Section 'G', above. The number of street access points for multiple family, commercial, industrial, and public/institutional developments shall be minimized to protect the function, safety and operation of the street(s) and sidewalk(s) for all users. Shared access may be required, in conformance with Section I, below, in order to maintain the required access spacing, and minimize the number of access points.

I. Shared Driveways.

The number of driveway and private street intersections with public streets shall be minimized by the use of shared driveways with adjoining lots where feasible. The City shall require shared driveways as a condition of land division or site design review, as applicable, for traffic safety and access management purposes in accordance with the following standards:

1. **Shared driveways and frontage streets** may be required to consolidate access onto a collector or arterial street. When shared driveways or frontage streets are required, they shall be stubbed to adjacent developable parcels to indicate future extension. "Stub" means that a driveway or street temporarily ends at the property line, but may be extended in the future as the adjacent parcel develops. "Developable" means that a parcel is either vacant or it is likely to receive additional development (i.e., due to infill or redevelopment potential).

2. **Access easements** (i.e., for the benefit of affected properties) shall be recorded for all shared driveways, including pathways, at the time of final plat approval (Chapter 4.3) or as a condition of site development approval (Chapter 15.2).

3. **Exception.** Shared driveways are not required when existing development patterns or physical constraints (e.g., topography, parcel configuration, and similar conditions) prevent extending the street/driveway in the future.

Figure 3.1.2J - Street Connectivity and Formation of Blocks

(See Next Page)

J. Street Connectivity and Formation of Blocks Required.

In order to promote efficient vehicular and pedestrian circulation throughout the city, land divisions and large site developments shall produce complete blocks bounded by a connecting network of public and/or private streets, in accordance with the following standards:

1. **Block Length and Perimeter.** The maximum block length and perimeter shall not exceed:

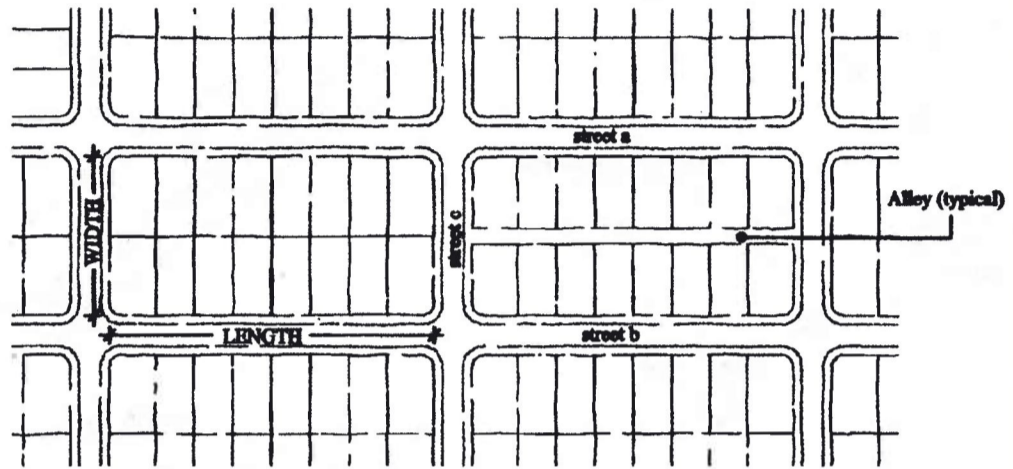
- a. 600 feet length and 1,600 feet perimeter in the Residential District;
- b. 400 feet length and 1,200 feet perimeter in the Central Commercial District;
- c. Not applicable to the General-Industrial District;
- d. 800 feet length and 2,000 feet perimeter in both the Light-Industrial District and the General-Commercial District.

2. **Street Standards.** Public and private streets shall conform to the City of Baker City Public Works Specifications for Public Improvements, in addition to Chapter 3.41, Transportation Standards, Chapter 3.13, Pedestrian Circulation, and applicable Americans With Disabilities Act (ADA) design standards.

3. **Exception.** Exceptions to the above standards may be granted when blocks are divided by one or more pathway(s), in conformance with the provisions of Section 3.1.300.A. Pathways shall be located to minimize out-of-direction travel by pedestrians and may be designed to accommodate bicycles.

Street Connectivity and Formation of Blocks

Standard Blocks



Exceptions

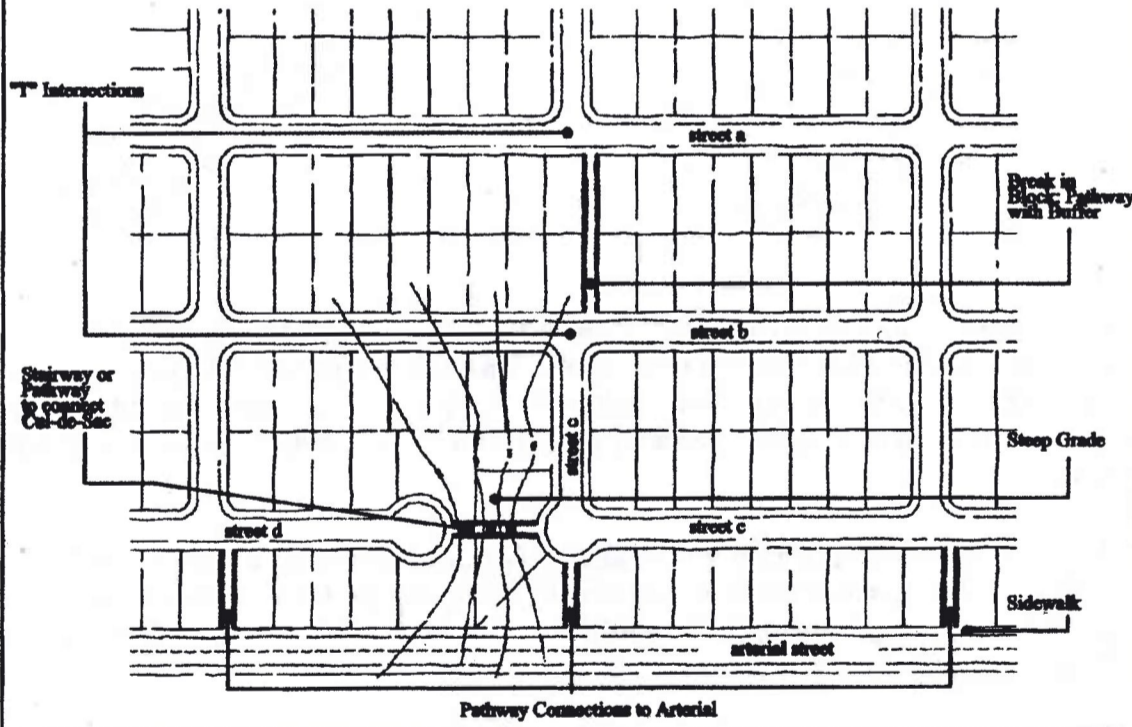
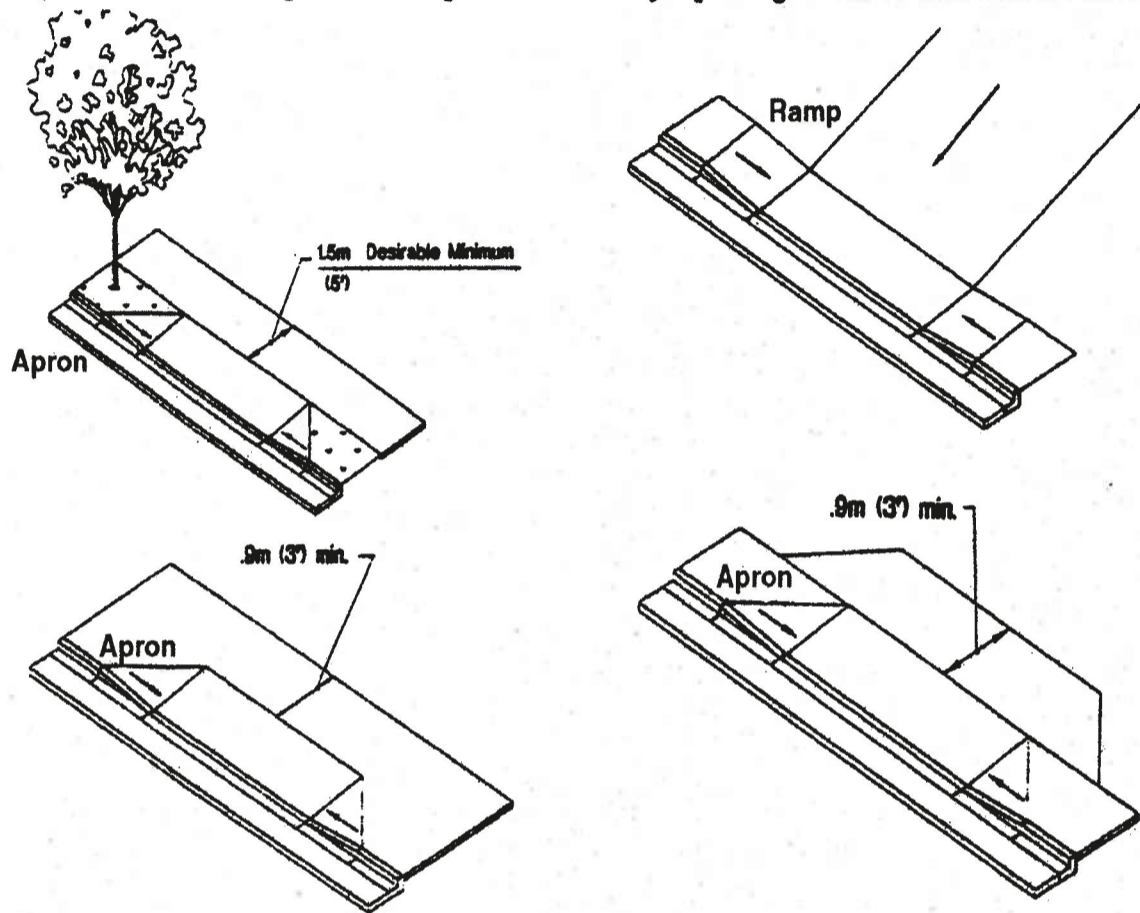


Figure 3.1.2J - Street Connectivity and Formation of Blocks

K. Driveway Openings.

Figure 3.1.2K - Examples of Acceptable Driveway Openings Next to Sidewalks/Pathways



Driveway openings shall be the minimum width necessary to provide the required number of vehicle travel lanes (10 feet for each travel lane). The following standards (i.e., as measured where the front property line meets the sidewalk or right-of-way) are required to provide adequate site access, minimize surface water runoff, and avoid conflicts between vehicles and pedestrians:

1. Single family, two-family, and three-family uses shall have a minimum driveway width of 10 feet, and a maximum width of 24 feet, except that one recreational vehicle pad driveway may be provided in addition to the standard driveway for lots containing 7,500 square feet of area or more.
2. Multiple family uses with between 4 and 7 dwelling units shall have a minimum driveway width of 20 feet, and a maximum width of 24 feet.
3. Multiple family uses with more than 8 dwelling units, and off-street parking areas with 16 or more parking spaces, shall have a minimum driveway width of 24 feet,

and a maximum width of 30 feet. These dimensions may be increased if the Planning Director determines that more than two lanes are required based on the number of trips generated or the need for turning lanes.

4. Access widths for all other uses shall be based on 10 feet of width for every travel lane, except that driveways providing direct access to parking spaces shall conform to the parking area standards in Chapter 3.3.

5. Driveway Aprons. 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 above. Driveway aprons shall conform to ADA standards for sidewalks and pathways, which require a continuous route of travel that is a minimum of 3 feet in width, with a cross slope not exceeding 2 percent.

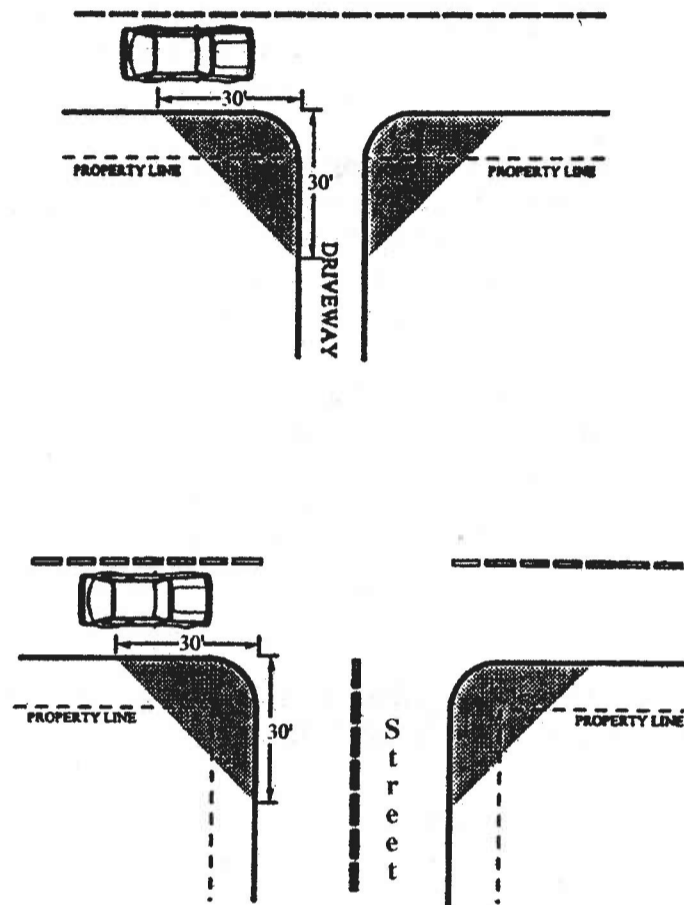
L. Fire Access and Parking Area Turn-arounds.

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. Parking areas shall provide adequate aisles or turn-around areas for service and delivery vehicles so that all vehicles may enter the street in a forward manner. For requirements related to cul-de-sacs, please refer to Section 3.4.100.M.

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.

Figure 8.1.2N - Vision Clearance Areas



N. Vision Clearance.

No signs, structures or vegetation in excess of 18 inches in height shall be placed in “vision clearance areas”, as shown above. The minimum vision clearance area may be increased by the Planning Director upon finding that more sight distance is required (i.e., due to traffic speeds, roadway alignment, etc.).

O. Construction.

The following development and maintenance standards shall apply to all driveways:

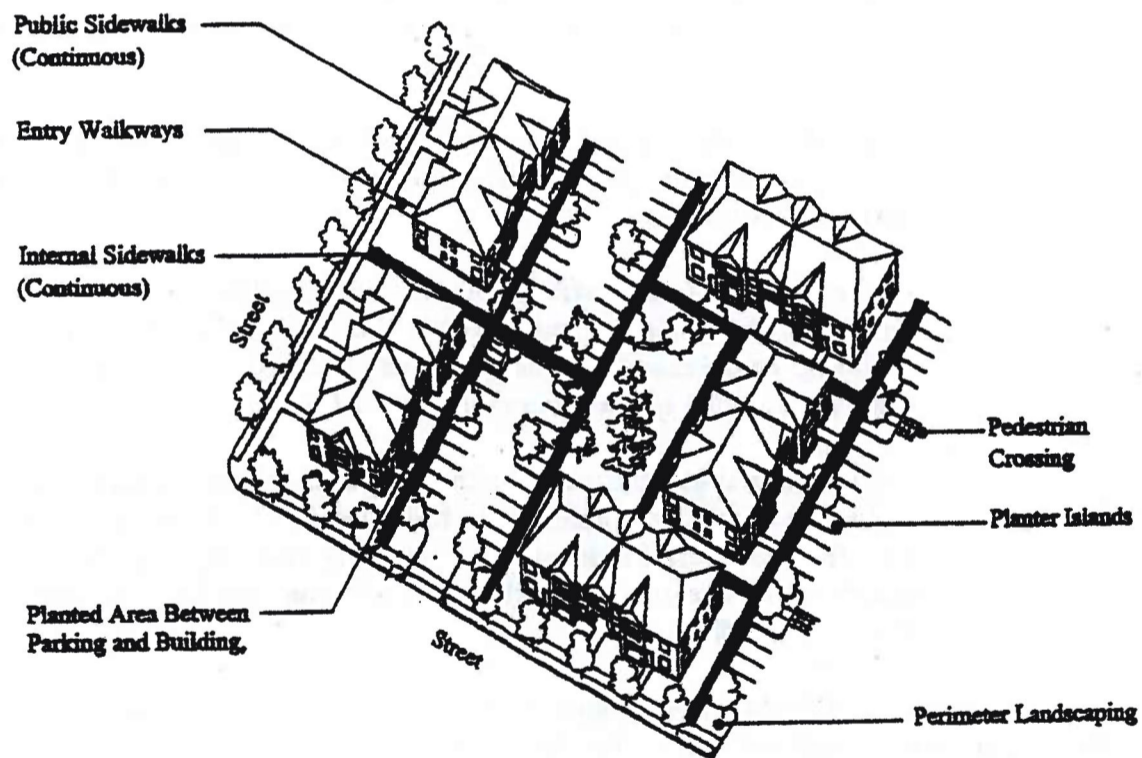
1. **Surface Options.** Driveways, parking areas, aisles, and turn-arounds may be paved with asphalt, concrete or comparable surfacing, or a durable non-paving material may be used to reduce surface water runoff and protect water quality. Paving

surfaces shall be subject to review and approval by the Director of Public Works or designee.

2. **Surface Water Management.** When a paved surface is used, all driveways, parking areas, aisles and turn-arounds shall have on-site collection or infiltration 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 City 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. (See also, Section K.)

Figure 3.1.3A- Pedestrian Pathway System for Multifamily Development (Typical)



3.1.300 Pedestrian Access and Circulation

To ensure safe, direct and convenient pedestrian circulation, all developments shall provide a continuous pedestrian and/or multi-use pathway system. (Pathways only provide for pedestrian circulation. Multi-use pathways accommodate pedestrians and bicycles.) The system of pathways shall be designed based on the standards in subsections 1-3, below:

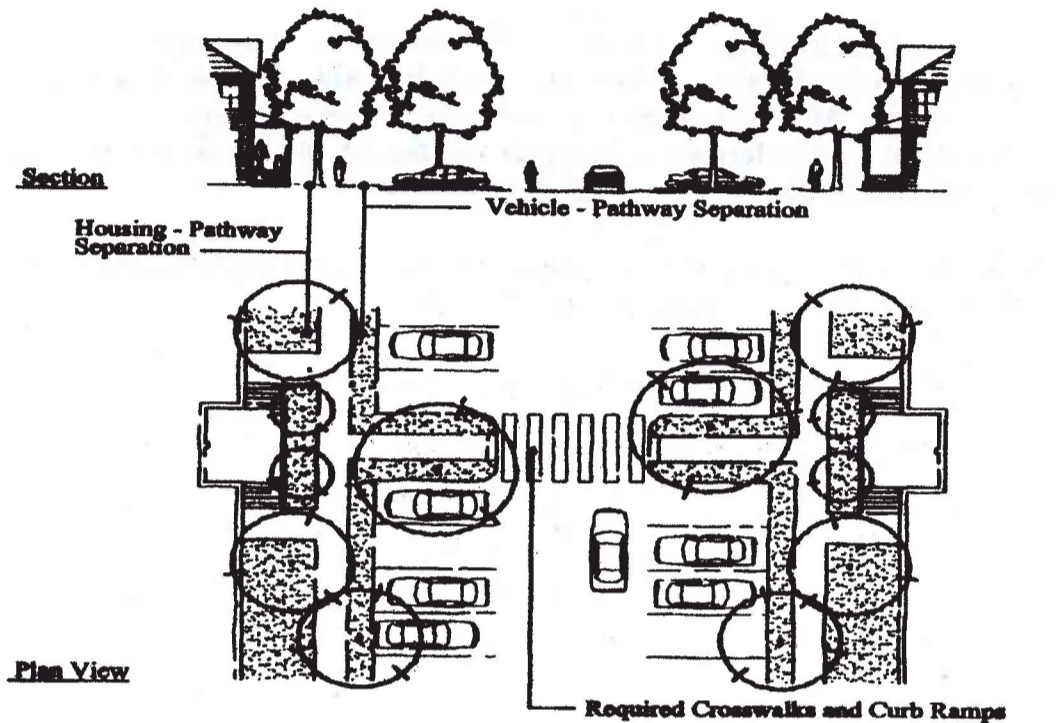
1. **Continuous Pathways.** The pathway system shall extend throughout the development site, and connect to all future phases of development, adjacent trails, public parks and open space areas whenever possible. The developer may also be required to connect or stub pathway(s) to adjacent streets and private property, 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 Pathways.** Pathways within developments shall provide safe, reasonably direct and convenient connections between primary building entrances and all adjacent streets, 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.** Bicycle and pedestrian routes that are reasonably free from hazards and provide a reasonably direct route of travel between destinations.
- c. **For commercial, industrial, mixed use, public, and institutional buildings, the “primary entrance” is 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. **For residential buildings the “primary entrance” 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.** For all developments subject to Site Design Review, pathways shall connect all building entrances to one another. In addition, pathways shall connect all parking areas, storage areas, recreational facilities and common areas (as applicable), and adjacent developments to the site, as applicable.

Figure 3.1.3B - Pathway Standards (Typical)



B. Design and Construction.

Pathways shall conform to all of the standards in 1-5 (below):

1. **Vehicle/Pathway Separation.** Where pathways are parallel and adjacent to a driveway or street (public or private), they shall be raised 6 inches and curbed, or separated from the driveway/street by a 5-foot minimum strip with bollards, a landscape berm, or other physical barrier. If a raised path is used, the ends of the raised portions must be equipped with curb ramps.
2. **Housing/Pathway Separation.** Pedestrian pathways shall be separated a minimum of 5 feet from all residential living areas on the ground-floor, except at building entrances. Separation is measured as measured from the pathway edge to the closest dwelling unit. The separation area shall be landscaped in conformance with the provisions of Chapter 3.3. No pathway/building separation is required for commercial, industrial, public, or institutional uses.
3. **Crosswalks.** Where pathways cross a parking area, driveway, or street ("crosswalk"), they shall be clearly marked with contrasting paving materials, humps/raised crossings, or painted striping. An example of contrasting paving material is the use of a concrete crosswalk through an asphalt driveway. If painted

striping is used, it shall consist of thermo-plastic striping or similar type of durable application.

4. **Pathway Surface.** Pathway surfaces shall be concrete, asphalt, brick/masonry pavers, or other durable surface, at least 6 feet wide, and shall conform to ADA requirements. Multi-use paths (i.e., for bicycles and pedestrians) shall be the same materials, at least 10 feet wide. (See also, Section 3.4.100 - Transportation Standards for public, multi-use pathway standard.)

5. **Accessible routes.** Pathways shall comply with the Americans With Disabilities Act, which requires accessible routes of travel.

Chapter 3.2 — Landscaping, Street Trees, Fences and Walls

Sections:

3.2.100	Purpose
3.2.200	New Landscaping
3.2.300	Street Trees
3.2.400	Fences and Walls

3.2.100 Purpose.

The purpose of this chapter 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:

3.2.200 New 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 landscaping standards are provided in Chapter 2 - Land Use Districts, for specific types of development.

3.2.300 Street Trees

Sets standards for and requires planting of trees along all streets for shading, comfort and aesthetic purposes.

3.2.400 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 New Landscaping

A. Applicability.

This Section shall apply to all new buildings, outdoor storage and sales areas, parking lots, or major remodeling that is undertaken in the General-Commercial zone. Major remodeling

is defined as any change, enlargement or modification to an existing structure which increases the floor area by one third or more of the previous floor area or the value of the structure by one third or more of the previous value.

B. Landscaping Plan Required.

A landscape plan is required. All landscape plans shall conform to the requirements in Chapter 4.2.500.B (Landscape Plans).

C. Landscape Area Standards.

All development subject to landscaping requirements shall meet the following minimum standards:

1. Campbell Street and Freeway area: A minimum of 10 percent of the developed area of the lot shall be landscaped. Developed area is defined as that portion of the lot improved any degree and includes, at a minimum, the floor area of any buildings, the areas required for parking, ingress and egress, setback areas, and other areas which may be required as a condition of site plan approval.

2. Other General-Commercial areas: A minimum of 7 percent of the developed area or lot as defined above shall be landscaped.

D. Landscape Materials.

Landscape materials include trees, shrubs, ground cover plants, non-plant ground covers, and outdoor hardscape features, as described below:

1. Natural Vegetation. Natural vegetation shall be preserved or planted where practicable.

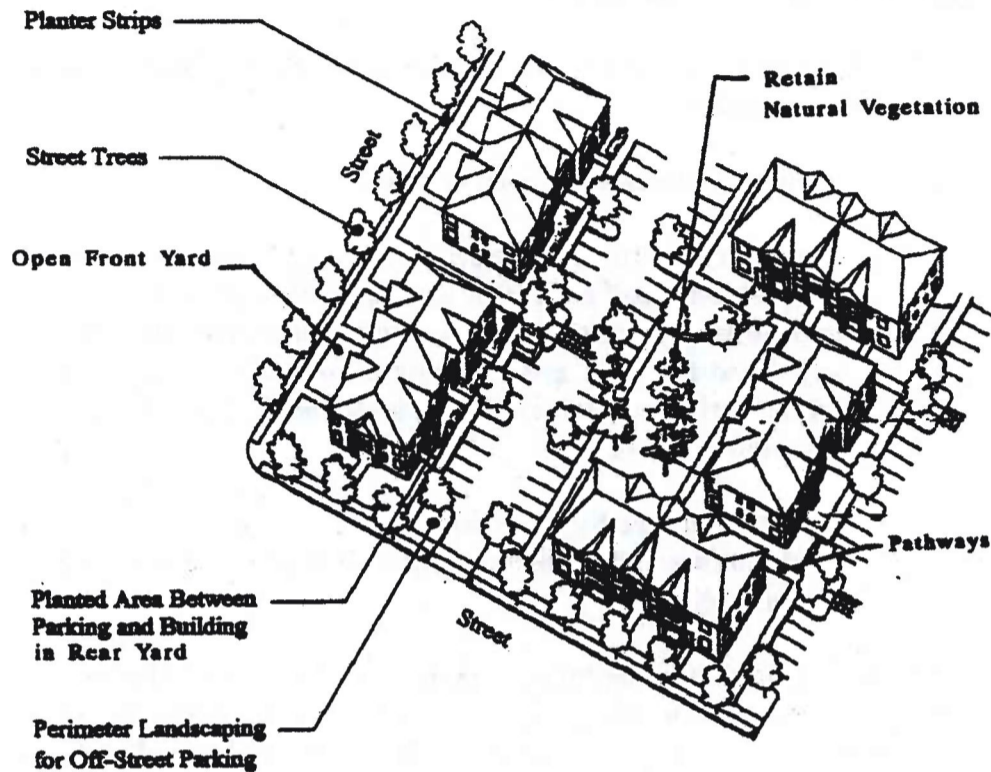
2. Plant Selection. A combination of deciduous and evergreen trees, shrubs and ground covers shall be used for all planted areas, the selection of which shall be based upon Baker City climate, exposure, water availability, and drainage conditions. Street trees selected for parking lot landscaping shall be selected from the list of approved street trees maintained by the City. As necessary, soils shall be amended to allow for healthy plant growth.

3. “Non-native, invasive” plants , as per the Oregon State University Extension Service, shall be prohibited.

4. Hardscape features (i.e., patios, decks, plazas, etc.) may cover up to 50 percent of the required landscape area. Swimming pools, sports courts and similar active recreation facilities may not be counted toward fulfilling the landscape requirement.

5. Non-plant Ground Covers. Bark dust, chips, or other organic groundcovers may be used, but shall cover no more than 50 percent of the area to be landscaped.

Figure 3.2.3 - Landscape Areas in a Multiple Family Development (Typical)



“Coverage” is measured based on the size of plants at maturity or after 5 years of growth, whichever comes sooner.

6. **Tree Size.** Trees shall have a minimum caliper size of one inches or greater, or be 10 feet or taller, at time of planting.

7. **Shrub Size:** Where not intended as screening, spacing of shrubs shall generally be equal to the same distance as the height of a mature shrub. For example, a shrub three feet tall at maturity shall be spaced three feet on center from other shrubs. However, narrow, upright shrubs shall be spaced closer.

8. **Storm Water Facilities.** Storm water facilities (e.g., detention/retention ponds and swales) shall be landscaped with water tolerant, native plants.

E. Landscape Design Standards.

All property including parking lots and required street tree planter strips shall be landscaped in accordance with the provisions of this Chapter (Sections 3.2.100 through 3.2.500). Landscaping shall be installed with development to provide erosion control, visual interest, buffering, privacy, open space and pathway identification, shading and wind buffering, based on the following standards:

1. Minimum Standards for Landscaping

a. All developments subject to landscaping requirements shall meet the following minimum standards:

i. Campbell Street and Freeway Area:

A minimum of 10 % of the developed area of the lot shall be landscaped. "Developed area" is defined as that portion of the lot improved to any degree and includes, at a minimum, the floor area of any buildings, the areas required for parking, ingress and egress, setback areas, and other areas which may be required as a condition of site-plan approval.

ii. Other commercially-zoned areas:

A minimum of 7 % of the developed area of the lot as defined above shall be landscaped.

b. Of the required landscaping, approximately 70% should be located along the property line dividing the property from the main traveled street. In the event of corner lots, such landscaping should be divided equally. The remaining required landscaped areas shall be located elsewhere on the lot with preference given to portions visible to the main traveled street, and also dividing the property from adjoining commercial or residential development.

c. Spacing of shrubs refers to the distance between the centers of the plants. Where not intended as screening, such spacing shall generally be equal to the same distance as the height of the mature shrub. For example, a shrub three-foot tall at maturity shall be spaced three foot on center from other shrubs. However, narrow, up-right shrubs shall be spaced closer.

d. Landscape coverage of the required landscaped area shall be at least 75% at the time of installation and 100% within three (3) years.

e. Areas of commercial zones used for vehicle maneuvering, parking, loading, or storage shall be landscaped as follows:

i. Parking lot landscaping, regardless of total landscaping required for the entire development, shall have a ratio of at least one tree for ten parking spaces. The tree species shall be selected from the list of approved street trees maintained by the City.

Required off-street parking spaces may be reduced by up to 10% on a basis of one space for each additional tree planted in the general

parking lot area. All trees in general parking lot area must be of species that will reach 25 feet to 40 feet in height upon maturity.

- ii. Landscaped buffers between parking areas and streets shall have a minimum width of three feet with no car overhang and eight feet with a car overhang.**
- iii. Landscaped buffers between parking and abutting property line shall have a minimum width of five feet.**
- iv. Landscaping in a parking or loading area shall have a width of not less than five feet. Landscaping in a parking or loading area shall be located in defined landscaping areas which are uniformly distributed throughout the parking or loading area.**
- f. All landscaped areas which involve growing vegetation shall be irrigated with an irrigation system which provides 100% coverage to all plant materials.**
- g. Required landscaping shall be continuously maintained. Plants or trees that die or are damaged shall be replaced as soon as possible and maintained in good health. In addition to required landscaping, this provision shall also apply to the maintenance of downtown street trees by abutting property owners.**

F. Landscaping Plans, Submittal and Review

- 1. At the time the applicant applies for a Building Permit, the applicant shall submit, for the Tree Board, five copies of a landscaping and plot plan. If the plot plan and landscaping plan are separate documents, five copies of each shall be submitted. These may be submitted to the Building Department to be forwarded to the Planning Department.**
- 2. No Building Permit shall be issued until the landscaping plan has been approved.**
- 3. The landscaping plan may be used as the plot plan required for Building Permits provided all information required for a Building Permit is provided.**
- 4. Landscaping review shall occur within ten (10) working days of submission of the plan. The applicant shall be notified of the time and place of the review, and is encouraged to be present, although that presence shall not be necessary for action to be taken on the plans.**
- 5. The landscaping plan shall be approved if it is found to be compatible with the purpose, intent and requirements of this article. Approval of the landscaping plans shall be indicated on the plot plan. Any modifications shall be specified on the plans and agreed to in writing by the applicant prior to the issuance of the building permit.**

One copy of said approved plans shall be retained by the Planning Department and included within the permanent file. Occupancy Permits may be issued prior to the complete installation of all required landscaping if security equal to 120% of the cost of landscaping, as determined by the Planning Director, is filed with the City assuring its installation within a time specified by the Planning Director, but not to exceed six months after occupancy. The applicant shall provide the estimates of landscaping materials and installation to the satisfaction of the Planning Director prior to the approval of the security. "Security" may consist of a faithful performance bond payable to the City, cash, certified check, certificate of deposit, or assignment of a savings account. If the installation of the landscaping is not completed within the period specified by the Planning Director, or within an extension of time authorized by the City Tree Board, the security may be used by the City to complete the installation. Upon completion of the installation, any portion of the remaining security deposit with the City shall be returned. The final landscaping inspection shall be made prior to any security being returned. Any portions of the plan not installed, not installed properly, or not properly maintained, shall cause an inspection to be postponed until the project is completed or cause the security to be used by the City. Any decision of the Tree Board with regard to landscaping may be appealed to the Planning Commission which shall hear the matter as a Type III procedure.

6. All completed landscaping projects shall be inspected by the Chairman of the Tree Board or his designee. Said projects shall be found to be in compliance with the approved plan prior to the issuance of any occupancy certificate for the structure, or prior to any security or portion thereof being refunded to the applicant. Minor changes in the landscape plan shall be allowed, as long as they do not alter the character and aesthetics of the original plan.

G. Maintenance and Irrigation.

The use of drought-tolerant plant species is encouraged, and may be required when irrigation is not feasible. 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 other landscape features required by this Code shall be maintained in good condition, or otherwise replaced by the owner.

H. Additional Requirements.

Additional buffering and screening may be required for specific land uses, as identified by Chapter 2, and the City may require additional landscaping through the Conditional Use Permit process (Chapter 15.3).

3.2.300 Street Trees

Street trees shall be planted for all developments that are subject to Land Division or Site Design Review. Plantings of unimproved streets shall be deferred until the construction of

curbs and sidewalks. Street trees shall conform to the standards and guidelines of Ordinance No. 2917.

3.2.400 Fences and Walls

The following standards shall apply to all fences and walls:

A. General Requirements.

- 1. All fences and walls shall comply with the standards of this Section. The City may require installation of walls and/or fences as a condition of development approval, in accordance with Chapter 15.3 - Conditional Use Permits or Chapter 15.2 - Site Design Review. Walls built for required landscape buffers shall comply with Section 3.2.300. A permit for all fences must be obtained from the Planning Department prior to construction.**
- 2. Fences shall be built on private property and not on public right-of-way. It shall be the property owner's responsibility and obligation to identify the property line when proposing to construct a fence upon said property line. A property survey may be required.**

B. Dimensions.

- 1. The maximum allowable height of fences and walls in Residential Districts is 6 feet, as measured from the lowest grade at the base of the wall or fence, except that retaining walls and terraced walls may exceed 6 feet when permitted as part of a site development approval, or as necessary to construct streets and sidewalks. A building permit is required for walls exceeding 6 feet in height, in conformance with the Uniform Building Code. The maximum allowable height of fences and walls in Commercial or Industrial areas is 8 feet.**
- 2. The height of fences and walls within a front yard setback in Residential Districts shall not exceed 4 feet (except decorative arbors, gates, etc.), as measured from the grade closest to the street right-of-way.**
- 3. Walls and fences to be built for required buffers shall comply with Section 3.2.300.**
- 4. Fences and walls shall comply with the vision clearance standards of Section 3.1.200.**

C. Materials.

- 1. Fences may be constructed of wood, masonry wire or similar materials employed by standard building practice. Fences shall not be made of tires or**

other salvage materials not originally designed as structural components of fences.

- 2. No person shall construct or maintain any fence which contains barbed wire as a part hereof unless it meets the following conditions:**
 - (a) As set forth in Section 7 of Ordinance No. 2426, no person shall construct or maintain any fence which contains barbed wire as a part thereof, unless it meets the following conditions:**
 - (i) It is located inside the area in which certain large animals are allowed according to Section 10 of Ordinance No.2617, and it is actually used or intended for use for control of such animals; or**
 - (ii) It is actually used or intended for use for security of commercial property regardless of location. In such instances, any barbed wire must be placed above a fence at least otherwise six (6) feet in height.**
- 3. No person shall install, maintain or operate any electric fence unless such fence is first approved by the City Manager. 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.**
- 4. All fences not in compliance with subsections 2 and 3 of this Section shall, within twenty (20) days of notification by the City, be removed by the owner or, upon failure to remove the fence, the City Manager or designee as empowered to cause the removal of the fence, the process of which shall be billed to the owner of the property.**

D. Maintenance.

For safety and for compliance with the purpose of this Chapter, walls and fences required as a condition of development approval shall be maintained in good condition, or otherwise replaced by the owner.

Chapter 3.3 — Vehicle and Bicycle Parking

Sections:

3.3.100 - Purpose

3.3.200 - Applicability

3.3.300 - Automobile Parking Standards

3.3.400 - Bicycle Parking Standards

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 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 can occupy large amounts of land, they must be planned and designed carefully to use the land efficiently while maintaining the visual character of the community. This chapter recognizes that each development has unique parking needs by providing 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.

3.3.200 Applicability

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

3.3.300 - Vehicle Parking Standards.

The minimum number of required off-street vehicle parking spaces (i.e., parking that is located in parking lots and garages and not in the street right-of-way) shall be determined based on the standards in 3.3.300 A.

There is no minimum number of off-street parking spaces required in the Central-Commercial District, however, the “maximum parking” standards of this Chapter apply.

A. Vehicle Parking - Minimum Standards Option

The number of required off-street vehicle parking spaces shall be determined in accordance with the following standards. Off-street parking spaces may include spaces in garages, carports, parking lots, and/or driveways if vehicles are not parked in a vehicle travel lane

(including emergency or fire access lanes), public right-of-way, pathway or landscape area. Credit shall be allowed for "on-street parking", as provided in 3.3.300.B.

Residential Uses

Single family detached housing. 2 parking spaces shall be provided for each detached single family dwelling or manufactured home on an individual lot.

Two- and three-family housing. 1.5 spaces per dwelling unit.

Multi-family and single family attached housing:

- a. Studio units or 1-bedroom units less than 500 sq. ft.--1 space/unit.
- b. 1-bedroom units 500 sq. ft. or larger--1.50 spaces/unit.
- c. 2-bedroom units--1.75 spaces/unit.
- d. 3-bedroom or greater units--2.00 spaces/unit.
- e. Retirement complexes for seniors 55-years or greater--One space per unit.

Rooming and boarding houses, dormitories. Two spaces for each three guest rooms, or one per three beds, whichever is more;

Senior housing. Same as for retirement complexes.

Manufactured home parks. Same as for single family detached housing.

Accessory dwelling. None required.

Commercial Uses

Auto, boat or trailer sales, retail nurseries and similar bulk retail uses. One space per 1,000 square feet of the first 10,000 square feet of gross land area; plus one space per 5,000 square feet for the excess over 10,000 square feet of gross land area; and one space per two employees.

Business, general retail, personal services. General - one space for 350 square feet of gross floor area. Furniture and appliances - one space per 750 square feet of gross floor area.

Chapels and mortuaries. One space per four fixed seats in the main chapel.

Hotels and motels. One space for each guest room, plus one space for the manager.

Offices. Medical and Dental Offices - one space per 350 square feet of gross floor area; General Offices - one space per 450 square feet of gross floor area.

Restaurants, bars, ice cream parlors and similar uses. One space per four seats or one space per 100 sq. ft. of gross leasable floor area, whichever is less.

Theaters, auditoriums, stadiums, gymnasiums, similar uses. One space per four seats.

Industrial Uses

Industrial uses, except warehousing. One space per two employees on the largest shift or for each 700 square feet of gross floor area, whichever is less, plus one space per company vehicle.

Warehousing. One space per 1,000 square feet of gross floor area or for each two employees, whichever is greater, plus one space per company vehicle.

Public utilities (gas, water, telephone, etc.), not including business offices. One space per two employees on the largest shift, plus one space per company vehicle; a minimum of two spaces is required.

Public and Institutional Uses

Child care centers having 13 or more children. One space per two employees; a minimum of two spaces is required.

Churches and similar places of worship. One space per four seats.

Golf courses, except miniature. Eight spaces per hole, plus additional spaces for auxiliary uses set forth in this section. Miniature golf courses -four spaces per hole.

Hospitals. Two spaces per patient bed.

Nursing and convalescent homes. One space per three patient beds.

Rest homes, homes for the aged, or assisted living. One space per two patient beds or one space per apartment unit.

Schools, elementary and junior high. One and one-half space per classroom, or the requirements for public assembly areas as set forth herein, whichever is greater.

High schools. One and one-half spaces per classroom, plus one space per 10 students the school is designed to accommodate, or the requirements for public assembly as set forth herein, whichever is greater.

Colleges, universities and trade schools. One and one-half spaces per classroom, plus one space per five students the school is designed to accommodate, plus requirements for on-campus student housing.

Unspecified Uses.

Where a use is not specifically listed in this table, parking requirements shall be determined by finding that a use is similar to those listed in terms of parking needs.

B. Credit for On-Street Parking

On-Street Parking Credit. The amount of off-street parking required shall be reduced by one off-street parking space for every on-street parking space adjacent to the development. On-street parking shall follow the established configuration of existing on-street parking, except that angled parking may be allowed for some streets, where permitted by City standards. The following constitutes an on-street parking space:

- a. Parallel parking, each 24 feet of uninterrupted curb;
- b. 45 degree diagonal, each with 14 feet of curb;
- c. 90 degree (perpendicular) parking, each with 10 feet of curb;
- d. Curb space must be connected to the lot which contains the use;
- e. Parking spaces that would not obstruct a required clear vision area, nor any other parking that violates any law or street standard; and
- f. On-street parking spaces credited for a specific use may not be used exclusively by that use, but shall be available for general public use at all times. No signs or actions limiting general public use of on-street spaces is permitted.

C. Parking Location and Shared Parking.

1. **Location.** Vehicle parking is allowed only on approved parking shoulders (streets), within garages, carports and other structures, or on driveways or parking lots that have been developed in conformance with this code. Specific locations for parking are indicated in Chapter 2 for some land uses (e.g., the requirement that parking be located to side or rear of buildings, with access from alleys, for some uses). (See also, Section 3.1 - Access and Circulation).

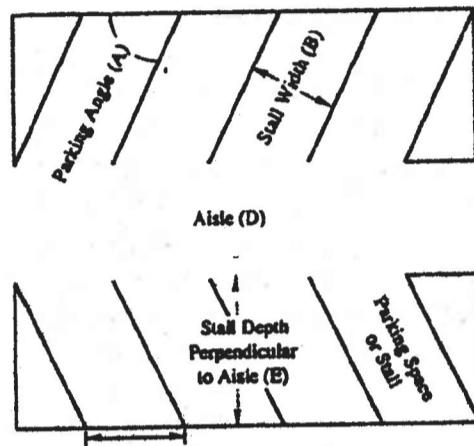
2. **Off-site parking.** Except for single family dwellings, the vehicle parking spaces required by this Chapter may be located on another parcel of land, provided the parcel is within a reasonable walking distance of the use it serves. The distance from the parking area to the use shall be measured 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.

3. **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). In that case, the total requirements shall be reduced accordingly.

4. **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), and provided that the right of joint use is evidenced by a recorded deed, lease, contract, or similar written instrument establishing the joint use.

5. **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, as applicable.

Figure 3.3.3.E - Parking Stall Dimensions (See 3.3.3.F for Disabled Parking)



Minimum Parking Space and Aisle Dimensions						
Angle (A)	Type	Width (B)	Curb Length (C)	1 Way Aisle Width (D)	2 Way Aisle Width (D)	Stall Depth (E)
0° (Parallel)	Standard	8 ft.	22 ft. 6 in.	12 ft.	24 ft.	8 ft.
	Compact	7 ft. 6 in.	19 ft. 6 in.	12 ft.	24 ft.	7 ft. 6 in.
	Disabled					
30°	Standard	9 ft.	18 ft.	12 ft.	24 ft.	17 ft.
	Compact	7 ft. 6 in.	15 ft.	12 ft.	24 ft.	14 ft.
	Disabled					
45°	Standard	9 ft.	12 ft. 6 in.	12 ft.	24 ft.	19 ft.
	Compact	7 ft. 6 in.	10 ft. 6 in.	12 ft.	24 ft.	16 ft.
	Disabled					
60°	Standard	9 ft.	10 ft. 6 in.	18 ft.	24 ft.	20 ft.
	Compact	7 ft. 6 in.	8 ft. 6 in.	15 ft.	24 ft.	16 ft. 6 in.
	Disabled					
90°	Standard	9 ft.	9 ft.	24 ft.	24 ft.	19 ft.
	Compact	7 ft. 6 in.	7 ft. 6 in.	22 ft.	24 ft.	15 ft.
	Disabled					

D. Parking Stall Standard Dimensions and Compact Car Parking.

All off-street parking stalls shall be improved to conform to City standards for hard surfacing, storm water management and striping, and provide dimensions in accordance with the following table. (Disabled person parking shall be provided in conformance with Section F.)

3.3.400 - Bicycle Parking Requirements.

All uses which are subject to Site Design Review shall provide bicycle parking, in conformance with the following standards which are evaluated during Site Design Review:

A. **Number of Bicycle Parking Spaces.** A minimum of 2 bicycle parking spaces per use is required for all uses with greater than 10 vehicle parking spaces. The following additional standards apply to specific types of development:

1. **Multi-Family Residences.** Every residential use of four (4) or more dwelling units provides at least one sheltered bicycle parking space for each dwelling unit. Sheltered bicycle parking spaces may be located within a garage, storage shed, basement, utility room or similar area. In those instances in which the residential complex has no garage or other easily accessible storage unit, the bicycle parking spaces may be sheltered from sun and precipitation under an eave, overhang, an independent structure, or similar cover.
2. **Parking Lots.** All public and commercial parking lots and parking structures provide a minimum of one bicycle parking space for every 10 motor vehicle parking spaces.
3. **Schools.** Elementary and middle schools, both private and public, provide one bicycle parking space for every 10 students and employees. High schools provide one bicycle parking space for every 5 students and employees. All spaces shall be sheltered under an eave, overhang, independent structure, or similar cover.
4. **Colleges and trade schools** provide one bicycle parking space for every 10 motor vehicle spaces plus one space for every dormitory unit. Fifty percent of the bicycle parking spaces shall be sheltered under an eave, overhang, independent structure, or similar cover.
5. **Central-Commercial District.** Within the Central-Commercial District, bicycle parking for customers shall be provided along the street at a rate of at least one space per use. Individual uses shall provide their own parking, or spaces may be clustered to serve up to six (6) bicycles. Bicycle parking spaces shall be in front of the stores along the street, either on the sidewalks or in specially constructed areas such as pedestrian curb extensions. Inverted "U" style racks are recommended. Bicycle parking shall not interfere with pedestrian passage, leaving a clear area of at least 36 inches between bicycles and other existing and potential obstructions. Customer spaces may or may not be sheltered. When provided, sheltered parking (within a building, or under an eave, overhang, or similar structure) shall be provided at a rate of one space per 10 employees, with a minimum of one space per store.

6 Multiple Uses. For buildings with multiple uses (such as a commercial or mixed use center), bicycle parking standards shall be calculated by using the total number of motor vehicle parking spaces required for the entire development. A minimum of one bicycle parking space for every 10 motor vehicle parking spaces is required.

B. Exemptions. This Section does not apply to single family, two-family, and three-family housing (attached, detached or manufactured housing), home occupations, agriculture and livestock uses, or other developments with fewer than 10 vehicle parking spaces.

C. Location and Design. Bicycle parking shall be conveniently located with respect to both the street right-of-way and at least one building entrance (e.g., no farther away than the closest parking space). It should be incorporated whenever possible into building design and coordinated with the design of street furniture when it is provided. Street furniture includes benches, street lights, planters and other pedestrian amenities.

D. Visibility and Security. Bicycle parking shall be visible to cyclists from street sidewalks or building entrances, so that it provides sufficient security from theft and damage;

E. Options for Storage. Bicycle parking requirements for long-term 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;

F. Lighting. Bicycle parking shall be least as well lit as vehicle parking for security.

G. Reserved Areas. Areas set aside for bicycle parking shall be clearly marked and reserved for bicycle parking only.

H. Hazards. Bicycle parking shall not impede or create a hazard to pedestrians. Parking areas shall located so as to not conflict with vision clearance standards (Chapter 3.1 - Access and Circulation).

Chapter 3.4 — Public Facilities Standards

Sections:

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

3.4.00 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.

Important cross-reference to other standards: The City requires that streets provide direct and convenient access, including regular intersections. Chapter 3.1 - Access and Circulation, provides standards for intersections and blocks, and requires pedestrian access ways to break up long blocks.

B. **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. **Standard Specifications.** The City Engineer shall establish standard construction specifications consistent with the design standards of this Chapter and application of engineering principles. They are incorporated in this code by reference.

D. **Conditions of Development Approval.** No development may occur unless required public facilities 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 development.

Findings in the development approval shall indicate how the required improvements are roughly proportional to the impact.

3.4.100 Transportation Improvements

A. Development Standards. No development shall occur unless the development has frontage or approved access to a public street, in conformance with the provisions of Chapter 3.1 Access and Circulation, and the following standards are met:

- 1. Streets within or adjacent to a development shall be improved in accordance with the Transportation System Plan and the provisions of this Chapter.**
- 2. Development of new streets, and additional street width or improvements planned as a portion of an existing street, shall be improved in accordance with this Section, and public streets shall be dedicated to the applicable city, county or state jurisdiction;**
- 3. New streets and drives connected to a collector or arterial street shall be paved; and**
- 4. The City may accept a future improvement guarantee [e.g., owner agrees not to remonstrate (object) against the formation of a local improvement district in the future] in lieu of street improvements if one or more of the following conditions exist:**
 - a. A partial improvement may create a potential safety hazard to motorists or pedestrians;**
 - b. 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;**
 - c. The improvement would be in conflict with an adopted capital improvement plan; or**
 - d. The improvement is associated with an approved land partition on property zoned residential and the proposed land partition does not create any new streets.**

B. Variances. Variances to the transportation design standards in this Section may be granted by means of a Class B Variance, as governed by Section 16.1.300 -Variances. A variance may be granted under this provision only if a required improvement is not feasible

due to topographic constraints or constraints posed by sensitive lands.

C. 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 essential by the City Council for the purpose of implementing the Comprehensive Plan or Transportation System Plan, and the deeded right-of-way conforms to the standards of this Code. All deeds of dedication shall be in a form prescribed by the City Attorney and shall name "the public," as grantee.

D. Creation of Access Easements. The City may approve an access easement established by deed 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.

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, as applicable; 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 Section 'N', below; and
2. Where the location of a street is not shown in an existing street plan (See Section 'H'), 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 Planning Commission, 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. Street rights-of-way and improvements shall be the widths in Table 3.4.1. A variance shall be required in conformance with Section 3.4.100.B to vary the standards in Table 3.4.1. Where a range of width is indicated, the width shall be determined by the decision-making authority based upon the following factors:

1. Street classification in the Transportation System Plan;
2. Anticipated traffic generation;

- 3. On-street parking needs;**
- 4. Sidewalk and bikeway requirements based on anticipated level of use;**
- 5. Requirements for placement of utilities;**
- 6. Street lighting;**
- 7. Minimize drainage, slope, and sensitive lands impacts, as identified by the Comprehensive Plan;**
- 8. Street tree location, as provided for in Chapter 3.2;**
- 9. Protection of significant vegetation, as provided for in Chapter 3.2;**
- 10. Safety and comfort for motorists, bicyclists, and pedestrians;**
- 11. Street furnishings (e.g., benches, lighting, bus shelters, etc.), when provided;**
- 12. Access needs for emergency vehicles; and**
- 13. Transition between different street widths (i.e., existing streets and new streets), as applicable.**

Table 3.4.1 - City of Baker City Right-of-Way and Street Design Standards

TYPE OF STREET	AVE. DAILY TRIPS (ADT)	RIGHT OF WAY WIDTH	CURB-TO-CURB PAVEMENT WIDTH	WITHIN CURB-TO-CURB AREA				CURB on both sides	PLANTING STRIP on both sides	SIDE-WALKS on both sides
				MOTOR VEHICLE TRAVEL LANES	MEDIAN AND/OR CENTER TURN LANE	BIKE LANE on both sides	ON-STREET PARKING			
ARTERIAL STREETS Boulevards: 2-Lane Boulevard 3-Lane Boulevard 5-Lane Boulevard Avenues: 2-Lane Avenue 3-Lane Avenue	8,000 to 30,000 ADT	61'-87'	36'	12'	none	2 at 6'	8' bays	6"	7'-8' ¹	6'-10' ²
		73'-99'	46'	11'	12'	2 at 6'	8' bays	6"	7'-8' ¹	6'-10' ²
		95'-121'	68'	11'	12'	2 at 6'	8' bays	6"	7'-8' ¹	6'-10' ²
	3,000 to 10,000 ADT	59'-86'	32'-33'	10'-10.5'	none	2 at 6' each	8' bays	6"	7'-8' ¹	6'-10' ²
			43.5'-44.5'	10'-10.5'	11.5	2 at 6'	8' bays	6"	7'-8' ¹	6'-10' ²
COLLECTOR STREETS Residential: No Parking Parking One Side Parking Both Sides Commercial: Parallel Parking One Side Parallel Parking Both Sides Diagonal Parking One Side Diagonal	1,500 to 5,000 ADT				N/A	N/A ³				
		49'-51'	22'	11'			none	6"	8'	5'-6'
		50'-56'	28'	10.5'			7' lane	6"	7'-8'	5'-6'
		57'-63'	32'	9'			7' lanes	6"	7'-8'	5'-6'
		55'-65'	28'	10'			8' lane	6"	7'-8' ¹	6'-10' ²
		63'-73'	36'	10'			8' lanes	6"	7'-8' ¹	6'-10' ²
		65'-74'	37'	10'			varies	6"	7'-8' ¹	6'-10' ²
81'-91'	54'	10'			varies	6"	7'-8' ¹	6'-10' ²		
LOCAL RESIDENTIAL STREETS ⁴ Parking One Side Parking Both	Less than 1,500 ADT				N/A	N/A ³				
		47'-51'	26'	14.5			one 7'	6"	7'-8'	5'-6'
		50'-57'	28'-32'	14'-18' Queuing			two 7' lanes	6"	7'-8'	5'-6'
ALLEYS	NA	16'-20'	12'-16' paved width, 1'-2' strips on both sides	NA	NA	NA	none	none	none	none
ACCESSWAYS & MULTI-USE PATHS	NA	10'-18'	8'-10' paved width, 2'-4' strips on both sides	NA	NA	NA	none	none	none	none

¹ Hardscape planting strip with tree wells shall be used in commercial and mixed-use development areas (where on-street parking is provided);
² 6' sidewalk shall be installed in residential areas, 8'-10' sidewalk shall be installed in commercial areas;
³ Bike lanes are generally not needed on low volume (less than 3,000 ADT) and/or low travel speed (less than 25 mph) streets;
⁴ Option for residential street with 22-feet of pavement width, and 4-foot wide sidewalks or pathways, separated from roadway by drainage swale (no curb).

Figure 3.4.1F(1) - Local Residential Street Sections

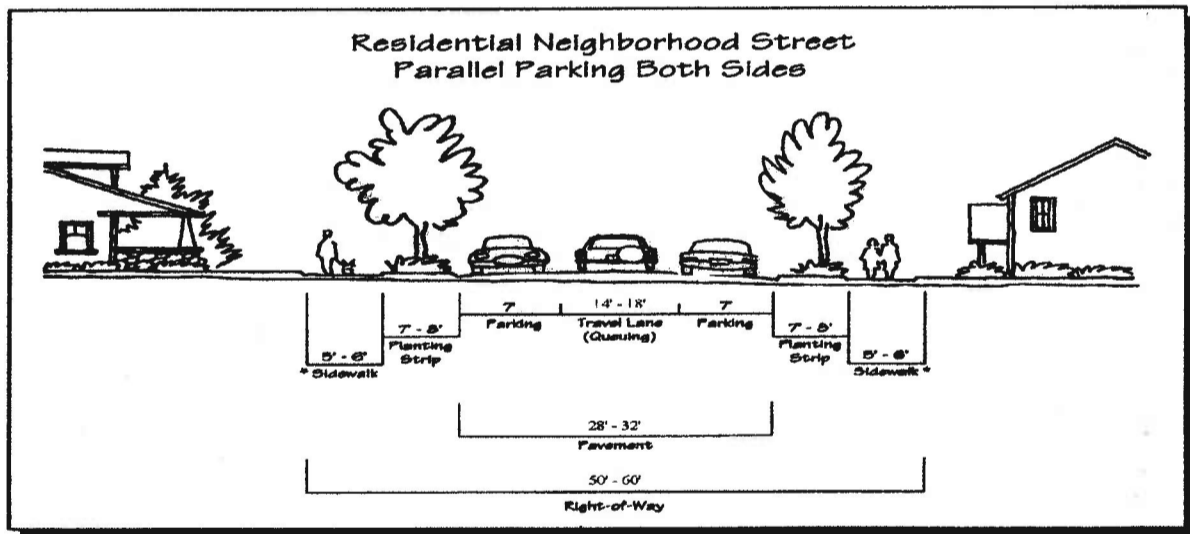
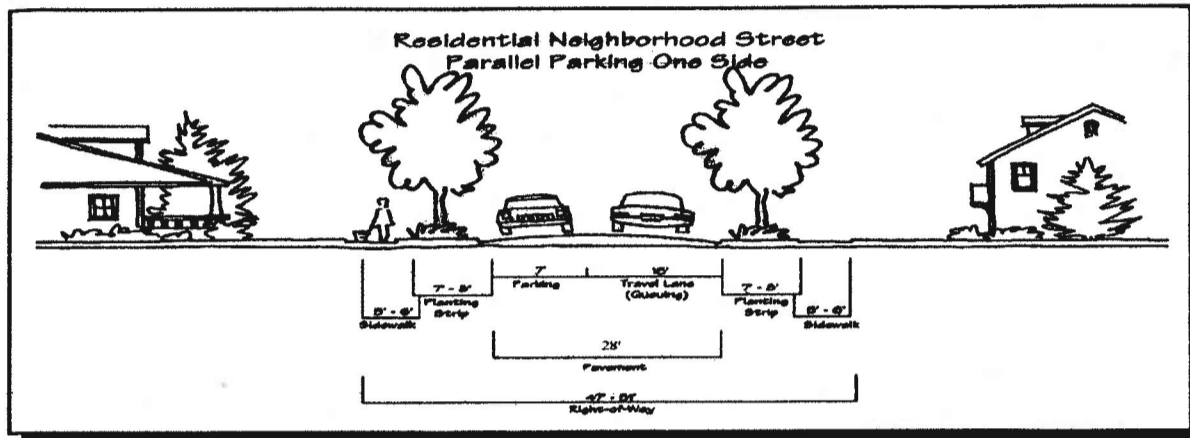


Figure 8.4.1F(2) - Alley and Pathway Sections

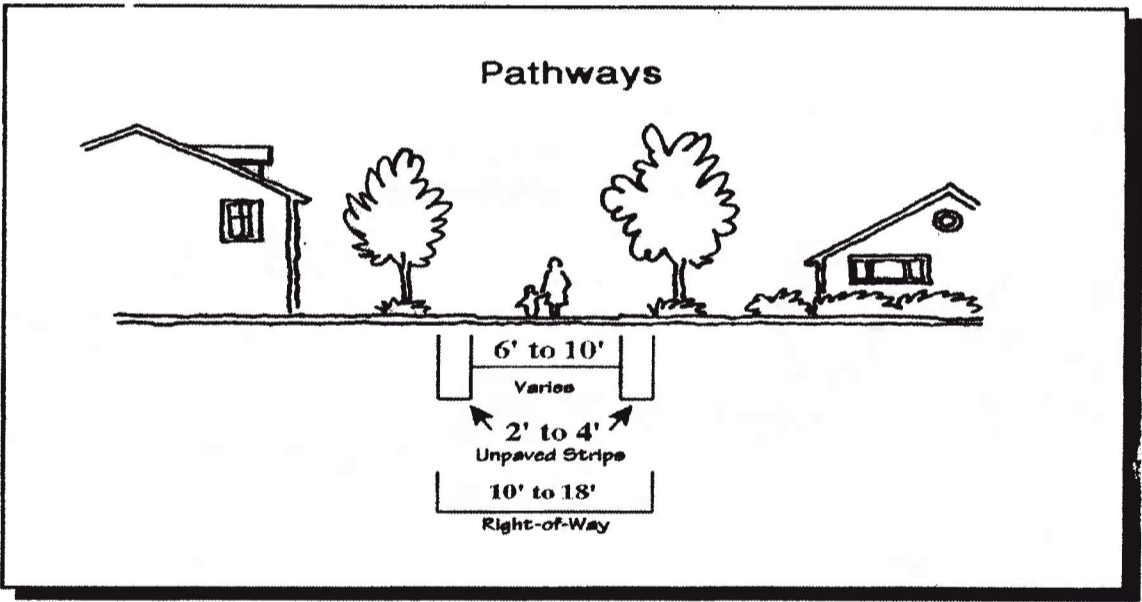
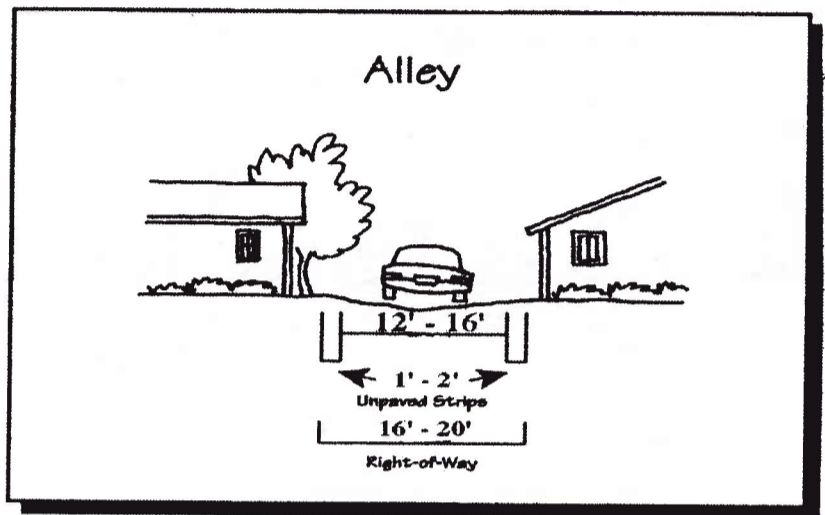


Figure 3.4.1F(3) - Residential Collector Street Sections

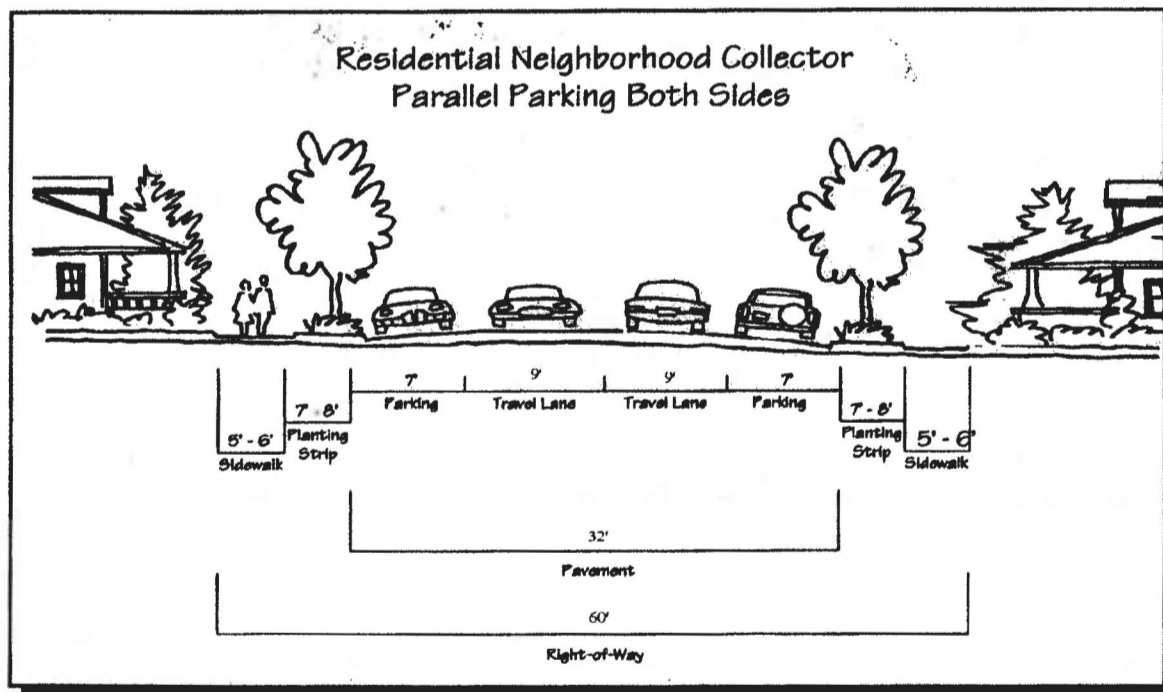
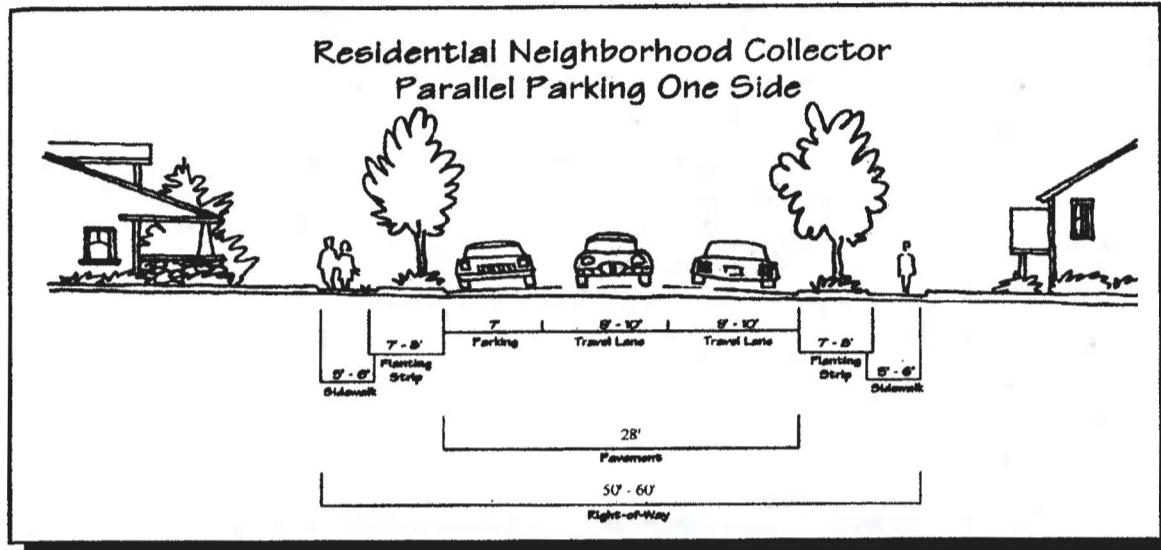


Figure 3.4.1F(4) - Commercial/Industrial Collector Street Sections (Parking One Side)

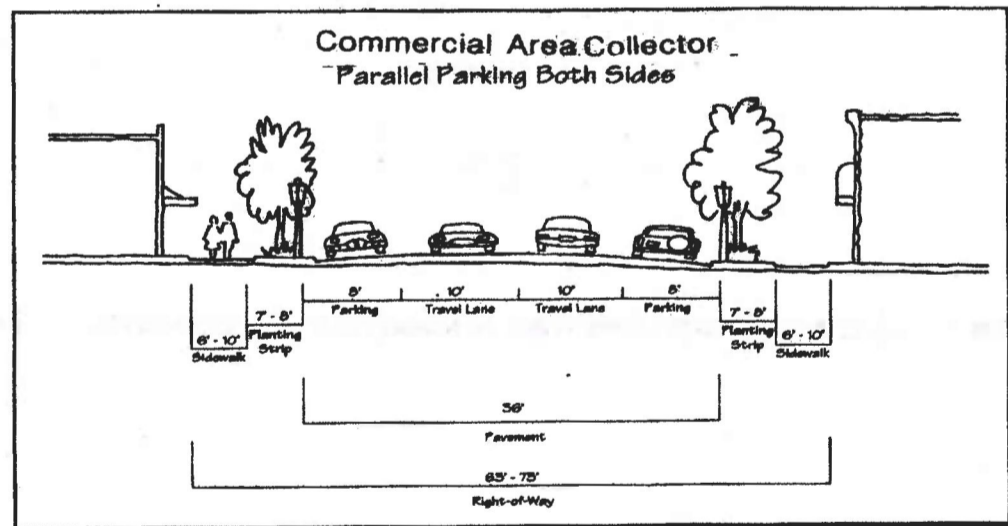
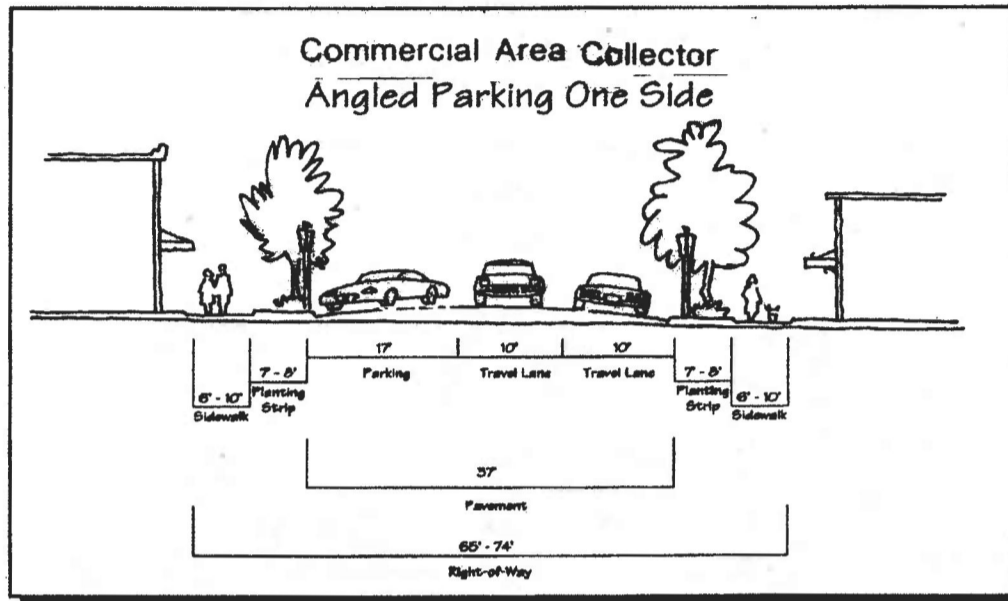
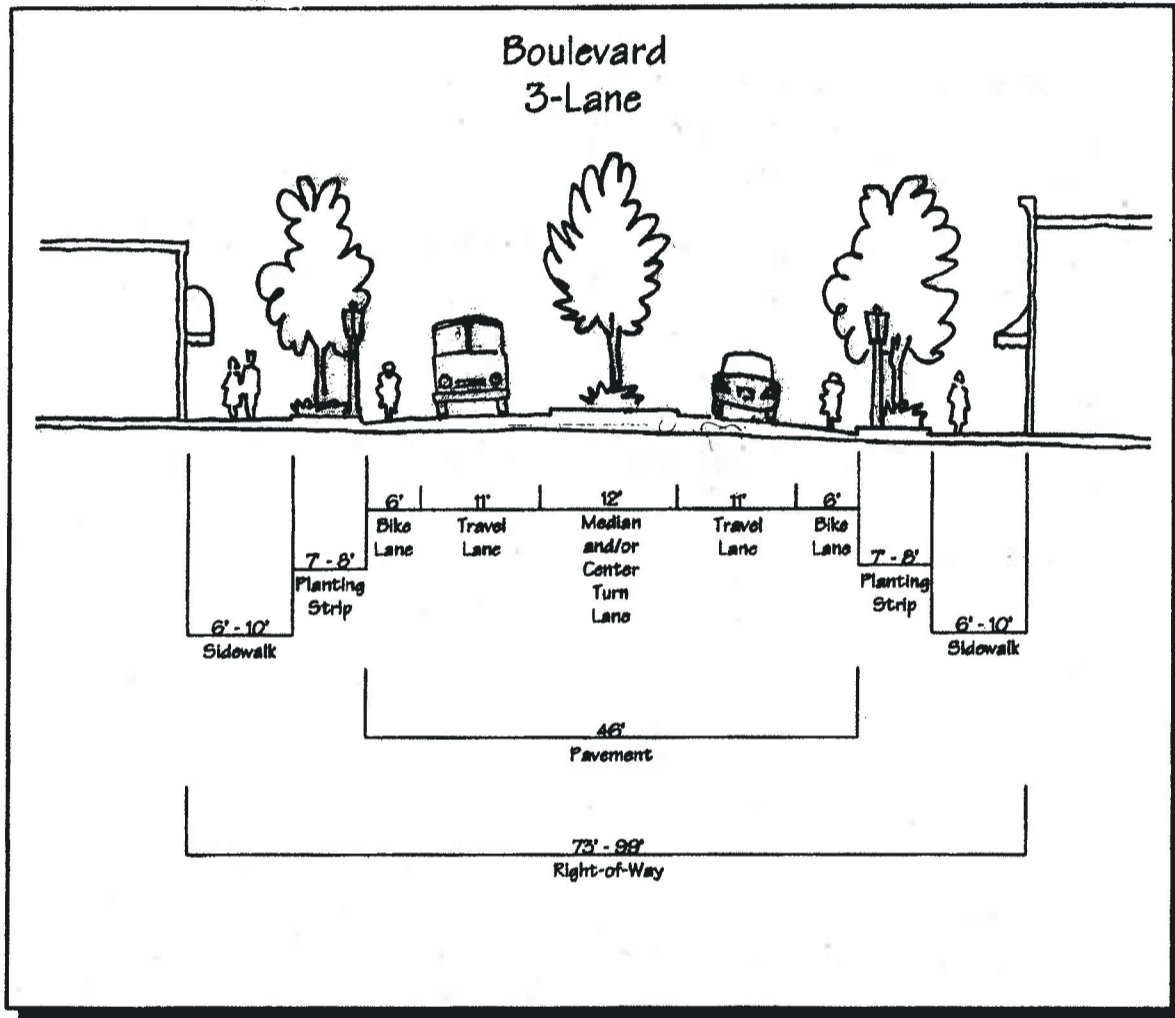



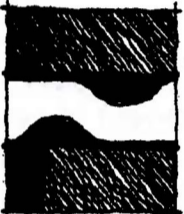
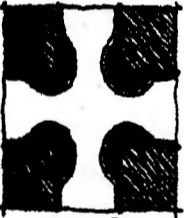
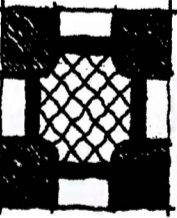
Figure 3.4.1F(5) - Commercial/Industrial Collector Street Sections (Parking Two Sides)

Figure 3.4.1F(6) - Three-Lane Arterial-Boulevard Street Section



[RESERVED FOR OTHER ARTERIAL STREET SECTIONS]

Figure 3.4.1G - Traffic Calming Features

<i>Drawing</i>	<i>Technique</i>	<i>Description</i>
	Traffic Circles	Circular raised islands centered within intersections. Circles can be landscaped or surfaced with special paving. Landscaping can be maintained by the local jurisdiction or by neighborhood volunteers.
	Chicanes	Alternately placed curb extensions into the street that force motorists to drive in a serpentine pattern. Chicanes are offset from each other in mid-block locations and can be used to keep through-trucks versus local delivery off residential streets.
	Curb Bulb-Outs, Chokers/Neckdowns	Curb extensions placed at mid-block locations or intersections which narrow the street to provide visual distinction and reduce pedestrian crossing distances. Bulb-outs help to provide a clear visual signal to drivers that a crossing is approaching and makes waiting pedestrians more visible. Neckdowns are often longer than bulb-outs and often line up with and help to define parallel street parking areas. They narrow the appearance of the street and can be attractive, especially when landscaped.
	Special Paving	Alternative road surfaces, such as brick, colored concrete or special pavers, can be used at crossings, intersections, or along the sides of the street to break up the visual expanse of pavement and define areas of pedestrian travel.

G. Traffic Signals and Traffic Calming Features.

- 1. Traffic-calming features, such as traffic circles, curb extensions, narrow residential streets, and special paving may be used to slow traffic in neighborhoods and areas with high pedestrian traffic.**
- 2. 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. The developer's cost and the timing of improvements shall be included as a condition of development approval.**

H. 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. The plan shall show the pattern of existing and proposed future streets from the boundaries of the proposed land division and shall include other parcels within 400 feet surrounding and adjacent to the proposed land division. 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 Planning Commission determines that the extension is necessary to give street access to, or permit a satisfactory future division of, adjoining land. 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 turnarounds (e.g., hammerhead or bulb-shaped configuration) shall be constructed for stub streets over 150 feet in length.**

I. Street Alignment and Connections.

1. Staggering of streets making "T" intersections at collectors and arterials shall not be designed so that jogs of less than 300 feet on such streets are created, as measured from the centerline of the street.

2. Spacing between local street intersections shall have a minimum separation of 200 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 which abut 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 provide direct access to existing or planned commercial services and other neighborhood facilities, such as schools, shopping areas and parks.

5. In order to promote efficient vehicular and pedestrian circulation throughout the city, the design of subdivisions and alignment of new streets shall conform to the following standards in Chapter 3.1 - Access and Circulation: The maximum block length shall not exceed:

- a. 600 feet in the Residential District;**
- b. 400 feet in the Central-Commercial Zone, except as provided by Section 2.2.140 - Block Layout and Building Orientation.**
- c. Not applicable to the General Industrial District;**
- d. 800 feet in the Light Industrial District, except as required for commercial developments subject to Section 2.2.140;**

Exceptions to the above standards may be granted when an access way is provided at or near mid-block, in conformance with the provisions of Section 3.1.300.A.

J. Sidewalks, Planter Strips, Bicycle Lanes. Sidewalks, planter strips, and bicycle lanes shall be installed in conformance with the standards in Table 3.4.1, applicable provisions of the Transportation System Plan, the Comprehensive Plan, and adopted street plans. Maintenance of sidewalks, curbs, and planter strips is the continuing obligation of the adjacent property owner.

K. 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.

L. Existing Rights-of-Way. Whenever existing rights-of-way adjacent to or within a tract are of less than standard width, additional rights-of-way shall be provided at the time of subdivision or development, subject to the provision of Section 3.4.000.D.

M. Cul-de-sacs. A dead-end street shall be no more than 300 feet long, shall not provide access to greater than 6 dwelling units, and shall only be used when environmental or topographical constraints, existing development patterns, or compliance with other standards in this code preclude street extension and through circulation:

1. All cul-de-sacs shall terminate with a circular or hammer-head turnaround. Circular turnarounds shall have a radius of no less than 40 feet, and not more than a radius of 50 feet (i.e., from center to edge of pavement); except that turnarounds may be larger when they contain a landscaped island or parking bay in their center. When an island or parking bay is provided, there shall be a fire apparatus lane of 20 feet in width; and
2. 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.

N. Grades and Curves. Grades shall not exceed 6 percent on any street unless prior approval is given by the City Engineer, and:

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.

O. Curbs, Curb Cuts, Ramps, and Driveway approaches.

Concrete curbs, curb cuts, wheelchair, bicycle ramps and driveway approaches shall be constructed in accordance with standards specified in Chapter 3.1 - Access and Circulation.

P. Streets Adjacent to Railroad Right-of-Way. Wherever the proposed development contains or is adjacent to a railroad right-of-way, a street approximately parallel to and on each side of such right-of-way at a distance suitable for the appropriate use of the land shall be created. New railroad crossings and modifications to existing crossings are subject to review and approval by Oregon Department of Transportation.

Q. 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 and through traffic, and shall minimize traffic conflicts. The design shall include one or more of the following:

- 1. A parallel access street along the arterial with a landscape buffer separating the two streets;**
- 2. Deep lots abutting the arterial or major collector to provide adequate buffering with frontage along another street. Double-frontage lots shall conform to the buffering standards in Section 3.1.200.F;**
- 3. Screen planting at the rear or side property line to be contained in a non-access reservation (e.g., public easement or tract) along the arterial; or**
- 4. Other treatment suitable to meet the objectives of this subsection;**
- 5. If a lot has access to two streets with different classifications, primary access shall be from the lower classification street, in conformance with Section 3.1.200.**

R. Alleys, Public or Private. Alleys shall conform to the standards in Table 3.4.1. While 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.

S. Private Streets. Private streets shall not be used to avoid connections with public streets. Gated communities (i.e., where a gate limits access to a development from a public street) are prohibited. Design standards for private streets shall conform to the provisions of Table 3.4.1; and

T. Street Names. No street name shall be used which will duplicate or be confused with the names of existing streets in Baker County, except for extensions of existing streets. Street names, signs and numbers shall conform to the established pattern in the surrounding area, except as requested by emergency service providers.

U. 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.

V. 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.

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

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

Y. Street Cross-Sections. The final lift of asphalt or concrete pavement shall be placed on all new constructed public roadways prior to final City acceptance of the roadway.

3.4.200 Public Use Areas

A. Dedication Requirements.

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.

2. If determined by the Planning Commission to be in the public interest in accordance with adopted comprehensive plan policies, and where an adopted plan of the City does not indicate proposed public use areas, the City may require the dedication or reservation of areas within the subdivision of a character, extent and location suitable for the development of parks and other public uses.

3. All required dedications of public use areas shall conform to Section 3.4.0.D (Conditions of Approval).

B. Acquisition by Public Agency. If the developer is required to reserve land area for a park, playground, or other public use, the land shall be acquired by the appropriate public

agency within 24 months following final plat approval, at a price agreed upon prior to approval of the plat, or the reservation shall be released to the property owner.

C. System Development Charge Credit. Dedication of land to the City for public use areas shall be eligible as a credit toward any required system development charge for parks.

3.4.300 Wastewater and Water Service Improvements

A. Wastewater and Water Mains Required. Wastewater and water mains shall be installed to serve each new development and to connect developments to existing mains in accordance with the City's construction specifications and the applicable Comprehensive Plan policies.

B. Wastewater and Water Plan approval. Development permits for wastewater and water improvements shall not be issued until the City Engineer has approved all wastewater and water plans in conformance with City standards.

C. Over-sizing. Proposed wastewater and water systems shall be sized to accommodate additional development within the area as projected by the Comprehensive Plan. The developer shall be entitled to system development charge credits for the over-sizing.

D. Permits Denied. Development permits may be restricted by the City where a deficiency exists in the existing water or wastewater system which 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 wastewater treatment systems. Building moratoriums shall conform to the criteria and procedures contained in ORS 197.505.

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.

B. Accommodation of Upstream Drainage. Culverts and other drainage facilities shall be large enough to accommodate potential 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 Engineer.

C. Effect on Downstream Drainage. Where it is anticipated by the City Engineer 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. Easements. Where a 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.

3.4.500 Utilities

A. Underground Utilities. All 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. The following additional standards apply to all new subdivisions, in order to facilitate underground placement of utilities:

1. 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);
2. The City reserves the right to approve the location of all surface mounted facilities;
3. All underground utilities, including wastewater and storm drains installed in streets by the developer, shall be constructed prior to the surfacing of the streets; and
4. Stubs for service connections shall be long enough to avoid disturbing the street improvements when service connections are made.

B. Easements. Easements shall be provided for all underground utility facilities.

C. Exception to Under-Grounding Requirement. The standard applies only to proposed subdivisions. An exception to the under-grounding requirement may be granted due to physical constraints, such as steep topography, sensitive lands, or existing development conditions.

3.4.600 Easements

Easements for wastewater mains, storm drainage and water quality facilities, water mains, electric lines or other public utilities shall be dedicated on a final plat, or provided for in the deed restrictions. See also, Chapter 15.2 - Site Design Review, and Chapter 4.3 - Land

Divisions. 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 20 feet unless otherwise specified by the utility company, applicable district, or City Engineer.

3.4.700 Construction Plan Approval and Assurances

No public improvements, including wastewater mains, 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 is required to defray the cost and expenses incurred by the City for construction and other services in connection with the improvement. The permit fee shall be set by City Council. The City may require the developer or subdivider to provide bonding or other performance guarantees to ensure completion of required public improvements. See also, Section 15.2 - 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 Engineer.

C. Commencement. Work shall not begin until the City has been notified in advance.

D. Resumption. If work is discontinued for more than one month, it shall not be resumed until the City is notified.

E. City Inspection. Improvements shall be constructed under the inspection and 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 requested by the developer shall be subject to land use review under * Chapter 15.4 - 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 1 set of "as-built" plans, in conformance with the City Engineer's specifications, for permanent filing with the City.

Chapter 4.3 — Land Divisions and Lot Line Adjustments

Sections:

- 4.3.100 Purpose**
- 4.3.110 General Requirements**
- 4.3.120 Approvals Process**
- 4.3.130 Preliminary Plat Submission Requirements**
- 4.3.140 Approval Criteria: Preliminary Plat**
- 4.3.150 Variances Authorized**
- 4.3.160 Final Plat Submission Requirements and Approval Criteria**
- 4.3.170 Public Improvements**
- 4.3.180 Performance Guarantees**
- 4.3.190 Filing and Recording**
- 4.3.200 Replatting and Vacation of Plats**
- 4.3.210 Lot 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.

1. Subdivisions involve the creation of four or more lots from one parent lot, parcel or tract, within one calendar year.

2. **Partitions involve the creation of three or fewer lots within one calendar year.**
 3. **Lot line adjustments involve modifications to lot lines or parcel boundaries which 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. Lessen or avoid traffic congestion, and secure safety from fire, flood, pollution and other dangers;**
 - F. Provide adequate light and air, prevent overcrowding of land, and facilitate adequate provision for transportation, water supply, sewage and drainage; and**
 - G. 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 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.

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; and

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.

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 greater 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 application 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 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;

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

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).

4.3.150 Variances Authorized

Adjustments to the standards of this Chapter shall be processed in accordance with Article 16 - Variances. Applications for variances shall be submitted at the same time an application for land division or lot line adjustment is submitted

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 one year 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 Technical Services Department.

B. Approval Criteria. By means of a Type I procedure, the Planning Director 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 complies 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. 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 use have been approved by the City as conforming to the preliminary plat;
5. The plat contains a dedication to the public of all public improvements, including but not limited to streets, public pathways and trails, access reserve strips, parks, wastewater disposal, storm drainage, and water supply systems;
6. The applicant has provided copies of all recorded homeowners association Codes, Covenants, 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. Certification by the City or service district, as applicable, that water and sanitary sewer service is available to each and every lot depicted on the plat; or bond, contract or other assurance has been provided by the subdivider 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 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, and 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.

4.3.170 Public Improvements

The following procedures apply to subdivisions and partitions when public improvements are required as a condition of approval:

- A. **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 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 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 that stipulates all of the following:

- 1. Specifies 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. Stipulates the improvement fees and deposits that are required.**
- 4. (Optional) Provides for the construction of the improvements in stages and for the extension of time under specific conditions therein stated in the contract.**

The agreement may be prepared by the City, or in a letter prepared by the applicant. It shall not be valid until it is signed and dated by both the applicant and the City Manager.

When Subdivider 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 2 paper copies 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 County surveyor in the manner provided by ORS Chapter 92.

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 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 replat 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 lots within the platted area consent in writing to the plat vacation.

F. Vacation of streets. All street vacations shall comply with the procedures and standards set forth in City ordinance.

4.3.210 Lot Line Adjustments

Lot Line Adjustments include the consolidation of lots, and the modification of lot boundaries, when no new lots are created. The application submission and approvals process is as follows:

A. Submission Requirements. All applications for Lot 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 15.1.300. The application shall include a preliminary lot line map 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; location of significant vegetation as defined and mapped in Section 3.2.2.B-C; existing fences and walls; and any other information deemed necessary by the Planning Director for ensuring compliance with city codes.

B. Approval Process.

1. **Decision-making process.** Lot line adjustments shall be reviewed by means of a Type I procedure, as governed by Section 15.1.300, using approval criteria contained in subsection C, below.
2. **Time limit on approval.** The lot line adjustment approval shall be effective for a period of 1 year from the date of approval, during which time it must be recorded.

3. Lapsing of approval. The lot line adjustment approval shall lapse if:

- a. The lot line adjustment is not recorded within the time limit in subsection 2;**
- b. The lot 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.**

Approval Criteria. The Planning Director shall approve or deny a request for a lot line adjustment in writing based on findings that all of the following criteria are satisfied:

- 1. No additional parcel or lot is created by the lot line adjustment, however the number of lots or parcels may be reduced;**
- 2. Lot standards. All lots and parcels comply with the applicable lot standards of the land use district (Chapter 2) including lot area and dimensions.**
- 3. Access. All lots and parcels comply with the standards or requirements of Chapter 3.1 – Access and Circulation; and**
- 4. Setbacks. The resulting lots, parcels, tracts, and building locations comply with the standards of the land use district (Chapter 2).**
- 5. Exemptions from Dedications and Improvements. A lot line adjustment is not considered a development action for purposes of determining whether right-of-way dedication or improvement is required.**

D. Recording Lot Line Adjustments.

- 1. Recording. Upon the City's approval of the proposed lot line adjustment, the applicant shall record the lot line adjustment with Baker County within one year of approval.**
- 2. Time limit. The applicant shall submit the copy of the recorded lot 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.**

E. Extension. The City shall, upon written request by the applicant and payment of the required fee, grant an extension of the approval period not to exceed one year provided that:

- 1. No changes are made on the original plan as approved by the City;**

2. The applicant can show intent of recording the approved partition or lot line adjustment 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 lot 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.

ARTICLE 15 - ADMINISTRATION OF LAND USE AND DEVELOPMENT PERMITS

15.0- Introduction

15.1- Types of Applications and Review Procedures

15.2- Development Review and Site Review

15.3- Conditional Use Permits

15.4- Modifications to Approved Plans and Conditions of Approval

15.5- Land Use District Map and Text Amendments

15.6- Code Interpretations

15.7- Miscellaneous Permits

Chapter 15.0- Introduction

Article 15 provides all of the application requirements and procedures for obtaining permits required by this code. Please refer to Table 15.1.2 in Section 15.1 for a key to determining which land use permits and procedures are required, and the decision-making body for a particular type of permit application.

Chapter 15.1 - Types of Applications and Review Procedures

15.1.100 Purpose

The purpose of this Section 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.

15.1.200 Description of Permit/Decision-making Procedures

All land use and development permit applications, except building permits, shall be decided by using the procedures contained in this Section. General procedures for all permits are contained in subsection 15.1.7. Specific procedures for certain types of permits are contained in subsections 15.1.2 through 15.1.6. The procedure “type” assigned to each permit governs the decision-making process for that permit. There are four types of permit/decision-making procedures: Type I, II, III, and IV. These procedures are described in subsections A-D below. In addition, Table 15.1.2 lists all of the City’s land use and development applications and their required permit procedure(s).

A. Type I Procedure (Ministerial). Type I decisions are made by the Planning Director, or someone he or she officially designates, without public notice and without a public hearing. The Type 1 procedure is used when there are clear and objective approval criteria, and applying city standards and criteria requires no use of discretion.

B. Type II Procedure (Administrative). Type II decisions are made by the Planning Director with public notice and an opportunity for a public hearing. The appeal of a Type II decision is heard by the Planning Commission.

C. 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.

D. 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 which apply to entire districts). Type IV matters are considered initially by the Planning Commission with final decisions made by the City Council.

**Table 15.1.2
Summary of Development Decisions/Permit by
Type of Decision-making Procedure***

Building Permit	N/A	Building Code
Code Interpretation	Type II	Section 15.7
Code Amendment	Type IV	Section 15.6
Comprehensive Plan Amendment	Type IV	Comprehensive Plan
Conditional Use Permit	Type III	Section 15.3
Home Occupation Permit	Type I	Section 15.8
Modification to Approval	Type II/III	Section 15.5
Land Use District Map Change		
Quasi-Judicial (no plan amendment required)	Type III	Section 15.6
Legislative (plan amendment required)	Type IV	Section 15.6

Non-Conforming Use or		
Development Confirmation	Type I	Section 16.2
Development Review	Type I	Section 15.2,
Building Code		
Site Design Review		
Type II	Type II	Section 15.2
Type III	Type III	Section 15.2
Temporary Use Permit	Type II/III	Section 15.8
Variance		
Class A	Type I	Section 16.1
Class B	Type II	Section 16.1
Class C	Type III	Section 16.1

***Note: The Sections referenced above in the right-hand column describe the types of land uses and development activity that require permits under each type of decision-making procedure.**

15.1.300 Type I Procedure (Ministerial)

A. Application Requirements.

1. **Application Forms.** Type I applications shall be made on forms provided by the Planning Department.
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.**
 - c. **Be filed with the required fee.**

Administrative Decision Requirements. The Planning Director's decision shall address all of the approval criteria. Based on the criteria and the facts contained within the record, the Planning Director shall approve, approve with conditions, 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.

Final Decision. The decision shall be final on the date it is mailed or otherwise provided to the applicant, whichever occurs first. The decision is the final decision of the City. It cannot be appealed to City officials.

Effective Date. The decision is effective the day after it is final.

15.1.400 Type II Procedure (Administrative)

A. Pre-application conference. A pre-application conference is recommended for Type II applications. Pre-application conference requirements and procedures are in subsection 15.1.7.

B. Application requirements.

1. **Application Forms.** Type II applications shall be made on forms provided by the Planning Director.
2. **Submittal Information.** The application shall:
 - a. **Include the information requested on the application form.**

- b. **Include 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.**
- c. **Be accompanied by the required fee.**
- d. **Include an impact study for all land division applications in excess of four parcels if requested by city staff. The impact study shall quantify/assess the effect of the development on public facilities and services. The study shall address, at a minimum, the transportation system, including pedestrian ways and bikeways, the drainage system, the parks system, the water system, the sewer system, and the noise impacts of the development. The extent of the impact study will necessarily vary with the size of the project. Each application will be reviewed for completeness pursuant to the process set forth in section 15.1.7 (d) (3) (b). The applicant shall have the right, under said section, to refuse to provide more detailed information and to have the application considered as submitted.**

For each public facility system and type of impact, the study shall propose improvements necessary to meet City standards and to minimize the impact of the development on the public at large, public facilities systems, and affected private property users. In situations where this Code requires the dedication of real property to the City, the applicant shall either specifically agree to the dedication requirement, or provide evidence that shows that the real property dedication requirement is not roughly proportional to the projected impacts of the development.

C. Notice of Application for Type II Administrative Decision.

- 1. **Before making a Type II administrative decision, the Planning Director shall mail notice to:**
 - a. **All owners of record of real property within 250 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.**
 - d. **Any governmental agency which is entitled to notice under an intergovernmental agreement entered into with the City. The City may**

notify other affected agencies, as appropriate, for review of the application.

- 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 by name and number of code subsections.**
 - 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. 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 Planning Director 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 Planning Director shall issue a Type II Administrative Decision. 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, lienholder, vendor, or seller: The Baker City Development Code requires that if you receive this notice it shall be promptly forwarded to the purchaser."**

D. Administrative Decision Requirements. The Planning Director shall make Type II written decisions addressing all of the relevant approval criteria and standards.

Based upon the criteria and standards, and the facts contained within the record, the Planning Director shall approve, approve with conditions, or deny the requested permit or action.

E. Notice of Decision.

- 1. Within five days after the Planning Director signs the decision, a Notice of Decision shall be sent by mail to:**

The applicant and all owners or contract purchasers of record of the site which is the subject of the application.

Any person who submits a written request to receive notice, or provides comments during the application review period.

Any City-recognized neighborhood group or association whose boundaries include the site.

Any governmental agency which is entitled to notice under an intergovernmental agreement entered into with the City, and other agencies which were notified or provided comments during the application review period.

- 2. The Planning Director shall cause an affidavit of mailing of 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 people 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 or who are otherwise adversely affected or aggrieved by the decision may appeal the decision.**

- f. A statement briefly explaining how an appeal can be filed, the deadline for filing an appeal, and where further information can be obtained concerning the appeal process.
- g. A statement that unless appellant (the person who files the appeal) is the applicant, the hearing on the appeal shall be limited to the specific issues identified in the written comments submitted during the comment period. Additional evidence related to the Notice of Appeal (See subsection G.2.a, below) may be submitted by any person during the appeal hearing, subject to any rules of procedure adopted by the Planning Commission.

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.

- 1. **Who may appeal.** The following people have legal standing to appeal a Type II administrative decision:
 - a. The applicant.
 - b. Any person who was mailed written notice of the Type II administrative decision.
 - c. Any other person who participated in the proceeding by submitting written comments.
- 2. **Appeal 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;
 - (1) **Time for filing.** A Notice of Appeal shall be filed with the Planning Department within 14 days of the date the Notice of Decision was mailed.
 - (2) **Content of notice of appeal.** The Notice of Appeal shall contain:
 - (a) An identification of the decision being appealed, including the date of the decision.

- (b) **A statement demonstrating the person filing the Notice of Appeal has standing to appeal.**
- (c) **A statement explaining the specific issues raised on appeal.**
- (d) **If the appellant is not the applicant, a statement demonstrating that the appeal issues were raised during the comment period.**
- (e) **Filing fee.**
The amount of the filing fee shall be established by the City. The maximum fee for an initial hearing shall be the City's cost for preparing and for conducting the hearing, or the statutory maximum, whichever is less.

- b. **Scope of appeal. The appeal of a Type II Administrative Decision by a person with standing shall be limited to the specific issues raised during the written comment period, as provided under subsection 15.1.4.C, unless the Planning Commission allows additional evidence or testimony concerning any other relevant issue. The Planning Commission may allow such additional evidence if it determines that such evidence is necessary to resolve the case. The purpose of this requirement is to limit the scope of Type II Administrative Appeals by encouraging persons with standing to submit their specific concerns in writing during the comment period. The written comments received during the comment period will usually limit the scope of issues on appeal. Only in extraordinary circumstances should new issues be considered by the hearings body on appeal of a Type II Administrative Decision.**
- c. **Appeal procedures. Type III notice and hearing procedures shall be used for all Type II Administrative Appeals, as provided in subsections 15.1.5.C - G.**

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 appeal.

15.1.500 Type III Procedure (Quasi-Judicial)

A. Pre-application conference. A pre-application conference is recommended for all Type III applications. The requirements and procedures for a pre-application conference are described in subsection 15.1.7.C.

B. Application requirements.

1. Application forms. Type III applications shall be made on forms provided by the Planning Department.

2. Content. Type III applications shall:

a. Include the information requested on the application form.

b. Be filed with a narrative statement that explains how the application satisfies each and all of the relevant criteria in sufficient detail for review and action.

c. Be accompanied by the required fee.

d. Include an impact study for *all* Type III applications if requested by City Staff. The impact study shall quantify/assess the effect of the development on public facilities and services. The study shall address, at a minimum, the transportation system, including pedestrian ways and bikeways, the drainage system, the parks system, the water system, the sewer system, and the noise impacts of the development. The extent of the impact study will necessarily vary with the size of the project. Each application will be reviewed for completeness pursuant to the process set forth in section 15.1.7 (d) (3) (b). The applicant shall have the right, under said section, to refuse to provide more detailed information and to have the application considered as submitted.

For each public facility system and type of impact, the study shall propose improvements necessary to meet City standards and to minimize the impact of the development on the public at large, public facilities systems, and affected private property users. In situations where this Code requires the dedication of real property to the City, the applicant shall either specifically agree to the dedication requirement, or provide evidence that shows that the real property dedication requirement is not roughly proportional to the projected impacts of the development.

C. Notice of Hearing.

1. Mailed notice. Notice of a Type III application hearing or Type II appeal hearing shall be given by the Planning Department in the following manner:

a. At least 20 days before the hearing date, notice shall be mailed to:

- (1) The applicant and all owners or contract purchasers of record of the property which is the subject of the application.**
- (2) All property owners of record within 250 feet of the site.**
- (3) Any governmental agency which has entered into an intergovernmental agreement with the City which includes provision for such notice, or who is otherwise entitled to such notice.**
- (4) Any neighborhood or community organization recognized by the City Council and whose boundaries include the property proposed for development.**
- (5) Any person who submits a written request to receive notice.**
- (6) For appeals, the appellant and all persons who provided testimony.**
- (7) 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 Planning Director shall have an affidavit of notice 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 10 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.**

2. Content of Notice. Notice of appeal of a Type II Administrative decision or 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 which 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 City Hall, 1655 First Street, Baker City, Oregon, 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.**
- j. The following notice: "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."**

D. Conduct of the Public Hearing.

- 1. At the commencement of the hearing, the Planning Commission 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 which the person testifying believes to apply to the decision.**

c. **A statement that failure to raise an issue with sufficient detail to give the Planning Commission 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 Planning Commission 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 the record was left open. If such a request is filed, the Planning Commission shall reopen the record per subsection E of this subsection.**

a. **When the Planning Commission re-opens the record to admit new evidence or testimony, any person may raise new issues which relates to that new evidence or testimony.**

b. **An extension of the hearing or record granted pursuant to subsection 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.**

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.

4. **The record.**

- a. **The record shall contain all testimony and evidence that is submitted to the City and the Planning Commission and not rejected.**
 - b. **The Planning Commission may take official notice of judicially cognizable facts under the applicable law. If the review authority takes official notice, it must announce its intention and allow persons participating in the hearing to present evidence concerning the noticed facts.**
 - c. **The review authority shall retain custody of the record until the City issues a final decision.**
5. **Participants in the appeal of a Type II administrative decision or 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 subsection 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, Planning Commission members shall disclose the substance of any pre-hearing ex parte contacts (as defined in subsection 6 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 Planning Commission 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 Planning Commission 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 all members abstain or are disqualified, those members present who declare their reasons for abstention or disqualification shall be re-qualified to make a decision.**

e. **Any member of the public may raise conflict of interest issues prior to or during the hearing, to which the member of the Planning Commission shall reply in accordance with this subsection.**

6. Ex parte communications.

a. **Members of the Planning Commission shall not:**

(1) **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, except upon giving notice, per subsection 5 above.**

(2) **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 Planning Commission shall be invalid due to ex parte contacts or bias resulting from ex parte contacts, if the person receiving contact:**

(1) **Places in the record the substance of any written or oral ex parte communications concerning the decision or action; and**

(2) **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 Planning Commission is not considered an ex parte contact.**

7. Presenting and receiving evidence:

a. **The Planning Commission 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 subsection D.**

- c. **Members of the Planning Commission 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 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 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 Planning Department within ten business days after the close of the deliberation.**

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 five 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.

Final Decision and Effective Date. The decision of the Planning Commission 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.

15.1.600 Type IV Procedure (Legislative)

A. Pre-Application conference. A pre-application conference is required for all Type IV applications. The requirements and procedures for a pre-application conference are described in subsection 15.1.7.C.

B. Application requirements.

- 1. Application forms.** Type IV applications shall be made on forms provided by the Planning Department.
- 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.**
 - d. 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 Planning Director 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:
 - (1) Each owner whose property would be rezoned in order to implement the ordinance (i.e., 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.)****

- (2) Any affected governmental agency.
 - (3) Recognized neighborhood groups or associations affected by the ordinance.
 - (4) Any person who requests notice in writing.
 - (5) For a zone change affecting a manufactured home or mobile home park, all mailing addresses within the park, in accordance with ORS 227.175.
 - b. At least 10 days before the scheduled Planning Commission public hearing date, and 10 days before the City Council hearing date, notice shall be published in a newspaper of general circulation in the City.
 - c. The Planning Director shall:
 - (1) For each mailing of notice, file an affidavit of mailing in the record as provided by subsection a.
 - (2) For each published notice, file in the record the affidavit of publication in a newspaper that is required in subsection b.
 - d. With the exception of work tasks as a part of periodic review, the Department of Land Conservation and Development (DLCD) shall be notified in writing of proposed comprehensive plan and development code amendments at least 45 days before the first public hearing at which public testimony or new evidence will be received.
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 Planning Director office where additional information about the application can be obtained.
 - b. A description of the location of the proposal reasonably calculated to give notice of the location of the geographic area.
 - c. A description of the proposal in enough detail for people to determine that a 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 subsection E below); and

- e. each mailed notice required by subsection C shall contain the following statement: "Notice to mortgagee, lienholder, vendor, or seller: The 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:

- (1) Regulate the course, sequence, and decorum of the hearing.
- (2) Direct procedural requirements or similar matters.
- (3) Impose reasonable time limits for oral presentations.

- b. No person shall address the Commission or the Council without:

- (1) Receiving recognition from the presiding officer.
- (2) Stating their full name and residence 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 Planning Director'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.**
 - 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 Considerations. The recommendation by the Planning Commission and the decision by the City Council shall be based on consideration of the following factors:

1. **The Statewide Planning Goals and Guidelines adopted under Oregon Revised Statutes Chapter 197 (for Comprehensive Plan amendments only).**
2. **Comments from any applicable federal or state agencies regarding applicable statutes or regulations.**
3. **Any applicable intergovernmental agreements.**
4. **Any applicable comprehensive plan policies and provisions of this Code that implement the comprehensive plan. Compliance with Subsection 15.5 shall be required for Comprehensive Plan Amendments, and Land Use District Map and Text Amendments.**

G. Approval Process and Authority.

1. **The Planning Commission shall:**

- a. **After notice and 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.**
 - b. **Within 10 business days of determining a recommendation, the presiding officer shall sign the written recommendation, and it shall be filed with the Planning Director.**
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 Planning Director before the Council public hearing on the proposal. The Planning Director 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 10 days of its first public hearing on the proposed change, the Planning Director shall:**
 - a. **Report the failure together with the proposed change to the City Council.**
 - b. **Provide notice and put the matter on the City Council's agenda, a public hearing to be held, and a decision to be made by the Council. 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, it is not bound by the Commission's recommendation.**
 - 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 Planning Director. 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.

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 Planning Commission.
 - b. All materials submitted by the Planning Director to the Planning Commission 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.
 - f. A copy of the notices which were given as required by this Chapter.

15.1.700 General Provisions

- A. **120-day Rule.** The City shall take final action on permit applications which are subject to this Chapter, including resolution of all appeals, within 120 days from the date the application is deemed as complete. 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 required, the applicant shall meet with the Planning Director;
 2. **Information provided.** At such conference, the Planning Director shall:
 - 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 which will aid the applicant.
 - d. Identify other governmental policies and regulations that relate to the application.
 - e. Reasonably identify other opportunities or constraints concerning the application.
 3. **Disclaimer.** Failure of the Planning Director or his/her designee to provide any of the information required by this Subsection 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. Applications.

1. Initiation of applications:

a. Applications for approval under this chapter may be initiated by:

(1) Order of City Council.

(2) Resolution of the Planning Commission.

(3) The Planning Director.

(4) 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 Planning Commission, or the Planning Director.

b. When proceedings are consolidated:

(1) The notice shall identify each application to be decided.

(2) 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.

(3) 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 Planning Director 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:**
 - (1) The required form.**
 - (2) The required fee.**
 - (3) 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.**
 - (1) Review and notification. After the application is accepted, the Planning Director shall review the application for completeness. If the application is incomplete, the Planning Director 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.**
 - (2) When 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 Planning Director of all required information. The applicant shall have the option of withdrawing the application, or refusing to submit information requested by the Planning Director in (1), above. For the refusal to be valid, the refusal shall be made in writing and received by the Planning Director no later than 14 days after the date on the Planning Director'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 Planning Director first accepted the application.**
 - (3) 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 the application was first accepted.**

- 4. Changes or additions to the application during the review period. Once an application is deemed complete:**
- a. All documents and other evidence relied upon by the applicant shall be submitted to the Planning Director 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 the Planning Director 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:**
 - (1) 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.**
 - (2) 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 (Subsection A., above) on the existing application. If the applicant does not consent, the City shall not select this option.**
 - (3) 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. The Planning Director's Duties. The Planning Director 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 which comply with Subsection 15.1.7.**
- 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 should 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 Planning Director 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 Planning Director 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 subsections 15.1.4.C (Type II), 15.1.5.C (Type III), or 15.1.6.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.

8. Administer the appeals and review process.

F. Amended Decision Process.

1. The purpose of an amended decision process is to allow the Planning Director to correct typographical errors, rectify inadvertent omissions and/or make other minor changes which do not materially alter the decision.
2. The Planning Director 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 10 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 contained in Section 15.5. All other requested changes to decisions that do not qualify as minor or major modifications shall follow the appeal process.

Re-submittal of Application Following Denial. An application which has been denied, or an application which was denied and which 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 which would change the outcome, as determined by the Planning Director.

15.1.800 Special Procedures

A. Expedited Land Divisions. An Expedited Land Division (“ELD”) shall be defined and may be used as in ORS 197.360 which is expressly adopted and incorporated by reference here.

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.** An ELD shall be reviewed in accordance with the procedures in ORS 197.365.
3. **Appeal procedure.** An appeal of an ELD shall be in accordance with the procedures in ORS 197.375.

Chapter 15.2 - Development Review and Site Design Review

15.2.100 Purpose

The purpose of this Section is to:

- A. Provide rules, regulations and standards for efficient and effective administration of 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. Lessen or avoid congestion in the streets, and secure safety from fire, flood, pollution and other dangers.
- E. Provide adequate light and air, prevent overcrowding of land, and facilitate adequate provision for transportation, water supply, sewage and drainage.
- F. Encourage the conservation of energy resources.
- G. Encourage efficient use of land resources, full utilization of urban services, mixed uses, transportation options, and detailed, human-scaled design.

15.2.200 Applicability

Development Review or Site Design Review shall be required for all new developments and modifications of existing developments, except that regular maintenance, repair and replacement of materials (e.g., roof, siding, awnings, etc.), parking resurfacing, and similar maintenance and repair shall be exempt. The criteria for each type of review are as follows:

- A. **Site Design Review.** Site Design Review is a discretionary review conducted by the City Official/Planning Commission without a public hearing. (See Section 15.1 for review procedure.) It applies to all developments in the City, except those specifically listed under "B" (Development Review). Site Design Review ensures compliance with the basic development standards of the land use district (e.g., building setbacks, lot coverage, maximum building height), as well as the more detailed design standards and public improvement requirements provided elsewhere in this ordinance.

B. Development Review. Development Review is a non-discretionary or “ministerial” review conducted by the Planning Director without a public hearing. (See Section 15.1 for review procedure.) It is for less complex developments and land uses that do not require site design review approval. Development Review is based on clear and objective standards and ensures compliance with the basic development standards of the land use district, such as building setbacks, lot coverage, maximum building height, and similar provisions of this ordinance. Development Review is required for all of the types of development listed below, except that all developments in the historic district shall also use the development review procedures for that district.

- 1. Single-family detached dwelling (including manufactured homes), when required by a condition of land division approval.**
- 2. A single duplex, up to two single family attached (townhome) units, or a single triplex which is not being reviewed as part of any other development, and accessory parking on the same lot.**
- 3. Building additions of not more than 500 square feet, and Minor Modifications to development approvals as defined by Section 15.5.**
- 4. Any proposed development which has a valid conditional use permit. Major modifications to a development with a conditional use permit shall require review and approval in accordance with Section 15.3 - Conditional Use Permits.**
- 5. Home occupation, subject to review under Section 15.7.**
- 6. Temporary use, except that temporary uses shall comply with the procedures and standards for temporary uses as contained in Section 15.7.**
- 7. Accessory structures with less than 800 square feet of floor area, including accessory dwellings.**
- 8. Other developments, when required by a condition of approval.**

15.2.300 Development Review Approval Criteria

Development Review shall be conducted only for the developments listed in subsection 15.2.2.B, above, and it shall be conducted as a Type I procedure, as described in subsection 15.1.3. Prior to issuance of building permits, the following standards shall be met:

- A. The proposed land use is permitted by the underlying land use district.**

- 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 sub-district(s) are met (Chapter 2).**
- C. All applicable building and fire code standards are met.**
- D. The approval shall lapse, and a new application shall be required, if a building permit has not been issued within one year of Site Review approval, or if development of the site is in violation of the approved plan or other applicable codes.**

15.2.400 Site Design Review - Application Review Procedure

Site Design Review shall be conducted as a Type II or Type III procedure as specified in "A" below, using the procedures in Section 15.1, and using the approval criteria contained in subsection 15.2.5.

- A. 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 8 or fewer dwelling units shall be reviewed as a Type II application, except when Development Review is allowed under Subsection 15.2.3. Residential buildings with greater than 8 units shall be reviewed as a Type III application.**
 - 2. Commercial, industrial, public/semi-public, and institutional buildings with 10,000 square feet of gross floor area or smaller shall be reviewed as a Type II application, except when Development Review is allowed under Subsection 15.2.3. Commercial, industrial, public/semi-public, and institutional buildings with greater than 10,000 square feet of gross floor area shall be reviewed as a Type III application.**

15.2.500 Site Design Review - Application Submission Requirements

All of the following information is required for Site Design Review application submittal:

- A. General Submission Requirements. The applicant shall submit an application containing all of the general information required by subsection 15.1.4 (Type II application) or subsection 15.1.5 (Type III application), as applicable. The type of application shall be determined in accordance with subsection A of subsection 15.2.4.**

B. Site Design Review Information. An application for site design review shall include the following information, as deemed applicable by the Planning Director:

1. Site analysis map. At a minimum the site map shall contain the following:

- 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 intervals determined by the City.**
- c. Identification of slopes greater than 8 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, wildlife habitat identified by the City or any natural resource regulatory agencies as requiring protection.**
- g. Site features, including existing structures, pavement, 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, size and species of trees and other vegetation having a caliper (diameter) of four inches or greater at four feet above grade.**
- j. North arrow, scale, names and addresses of all persons listed as owners on the most recently recorded deed.**
- k. Name and address of project designer, engineer, surveyor, and/or planner, if applicable.**

l. Other information, as determined by the Planning Director. The City may require studies or exhibits prepared by qualified professionals to address specific site features.

2. Proposed site plan. The site plan shall contain the following information, if applicable:

- a. The proposed development site, including boundaries, dimensions, and gross area.**
- b. Features identified on the existing site analysis map which are proposed to remain on the site.**
- c. Features identified on the existing site map, if any, which are proposed to be removed or modified by the development.**
- d. The location and dimensions of all proposed public and private streets, drives, rights-of-way, and easements.**
- e. 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.**
- f. The location and dimensions of entrances and exits to the site for vehicular, pedestrian, and bicycle access.**
- g. The location and dimensions of all parking and vehicle circulation areas (show striping for parking stalls and wheel stops, as applicable).**
- h. Pedestrian and bicycle circulation areas, including sidewalks, internal pathways, pathway connections to adjacent properties, and any bicycle lanes or trails.**
- i. Loading and service areas for waste disposal, loading and delivery.**
- j. Outdoor recreation spaces, common areas, plazas, outdoor seating, street furniture, and similar improvements, as applicable.**
- k. Location, type, and height of outdoor lighting.**
- l. Location of mail boxes, if known.**
- m. Name and address of project designer, if applicable.**

- n. **Location of bus stops and other public or private transportation facilities.**
 - o. **Locations, sizes, and types of signs.**
 - p. **Other information, determined by the Planning Director. The City may require studies or exhibits prepared by qualified professionals to address specific site features (e.g., traffic, noise, environmental features, natural hazards, etc.), in conformance with this Code.**
3. **Architectural drawings. Architectural drawings shall be submitted showing:**
- a. **Building elevations (as determined by the Planning Director) with building height and width dimensions.**
 - b. **Building materials, color and type.**
 - c. **The name of the architect or designer.**
4. **Preliminary grading plan. A preliminary grading plan prepared by a registered engineer shall be required for developments which would result in the grading (cut or fill) of 1,000 cubic yards or greater. 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.**
5. **Landscape plan. If landscaping is required a plan shall be submitted and shall show the following:**
- a. **The location and height of existing and proposed fences and other 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. **Other information as deemed appropriate by the Planning Director.**
- 6. **Copies of all existing and proposed restrictions or covenants.**
- 7. **Letter or narrative report documenting compliance with the applicable approval criteria contained in Subsection 4.2.6.**

15.2.600 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 Section 15.1 - Types of Applications and subsection 15.2.5, above.**
- B. **The application complies with the all of the applicable provisions of the underlying Land Use District, 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 shall be required to upgrade any existing development that does not comply with the applicable land use district standards, in conformance with Section 16.2, Non-Conforming Uses and Development.**
- D. **The application complies with the Design Standards contained in this and other ordinances. All of the following standards shall be met:**
 - 1. **Access and Circulation.**
 - 2. **Landscaping, Significant Vegetation, Street Trees, Fences and Walls.**
 - 3. **Automobile and Bicycle Parking.**
 - 4. **Public Facilities and Franchise Utilities.**
 - 5. **Surface Water Management.**
 - 6. **Other Standards (Telecommunications Facilities, Solid Waste Storage, Environmental Performance, Signs), as applicable.**
- E. **Conditions required as part of a Land Division, Conditional Use Permit (Section 15.3), or other approval shall be met.**

- F. **Exceptions to criteria D.1-6, above, may be granted only when approved as a Variance (Section 16.1).**

15.2.700 Bonding and Assurances

- A. **Performance Bonds for Public Improvements. On all projects where public improvements are required, the City may require a bond in an amount not greater than 100% or other adequate assurances as a condition of site development approval in order to guarantee the public improvements.**
- B. **Release of Performance Bonds. The bond or assurance shall be released when the Planning Director 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 Planning Director or a qualified landscape architect is filed with the City Recorder 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.**

15.2.800 Development in Accordance With Permit Approval

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 subsection 15.2.7. 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 Section 15.5, shall be processed as a Type I procedure and require only Site Review. Major modifications, as defined in Section 15.4, 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 Section 15.1. For Modifications approval criteria, please refer to Section 15.4.**

B. Approval Period. Development Review and Site Design Review approvals shall be effective for a period of one year from the date of approval. The approval shall lapse if:

1. A building permit has not been issued within a one-year period, or
2. construction on the site is in violation of the approved plan.

C. Extension. The Planning Director shall, upon written request by the applicant, grant an 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.
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 reviewing authority 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 two 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 subsection 15.2.4. 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.**
- 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 (Section 15.5).**

Chapter 15.3 - Conditional Use Permits

15.3.100 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 the various land use districts. The purpose of Section 15.3 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.

15.3.200 Approvals Process

- A. **Initial Application.** An application for a new conditional use shall be processed as a Type III procedure (subsection 15.1.5). The application shall meet submission requirements in subsection 15.3.3, and the approval criteria contained in subsection 15.3.4.
- B. **Modification of Approved or Existing Conditional Use.** Modifications to approved or existing conditional uses shall be processed in accordance with Section 15.4 - Modifications.

15.3.300 Application Submission Requirements

In addition to the submission requirements required in Section 15.1, an application for conditional use approval must include the following information (A-H), as applicable. For a description of each item, please refer to subsection 15.2.5 - Site Design Review Application Submission Requirements:

- A. Existing site conditions.
- B. Site plan.
- C. Preliminary grading plan.
- D. A landscape plan.
- E. Architectural drawings of all structures.
- F. Drawings of all proposed signs.
- G. A copy of all existing and proposed restrictions or covenants.

- H. **Narrative report or letter documenting compliance with all applicable approval criteria in subsection 15.3.4.**

15.3.400 Criteria, Standards and Conditions of Approval

The City shall approve, approve with conditions, or deny an application for a conditional use or to enlarge or alter a conditional use based on findings of fact with respect to each of the following standards and criteria:

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.**
3. **All required public facilities have adequate capacity to serve the proposal.**

B. **Site Design Standards. The criteria for Site Design Review approval (subsection 15.2.6) 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 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.**
13. **Requiring the dedication of sufficient land to the public, and/or construction of pedestrian/bicycle pathways in accordance with the adopted plans.**

15.3.500 Additional Development Standards for Conditional Use Types

- 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 the provisions of this ordinance dealing with the various land use districts.**

Chapter 15.4- Modifications to Approved Plans and Conditions of Approval

15.4.100 Purpose

The purpose of this Section 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.

15.4.200 Applicability

- A. This Section applies to all development applications approved through the provisions of Article 15, including:
1. Site Design Review approvals.
 2. Conditional Use Permits.
 3. Conditions of approval on any of the above application types.
- B. This Section does not apply to land use district changes, text amendments, temporary use permits, or other permits.

15.4.300 Major Modifications

- A. **Major Modification Defined.** The Planning Director shall determine that a major modification(s) is required if one or more of the changes listed below are proposed:
1. A change in land use.
 2. An increase in the number of dwelling units.
 3. A change in the type and/or location of access ways, drives or parking areas that affect off-site traffic.
 4. An increase in the floor area proposed for non-residential use by more than ten percent where previously specified.

5. A reduction of more than ten percent of the area reserved for common open space and/or usable open space.
6. A reduction to specified setback requirements by more than ten percent, or to a degree that the minimum setback standards of the land use district cannot be met; or
7. changes similar to those listed in 1-6, which are likely to have an adverse impact on adjoining properties.

B. Major Modification Request. An applicant may request a major modification as follows:

1. Upon the Planning Director determining that the proposed modification is a major modification, the applicant shall submit an application for the major modification.
2. The modification request shall be subject to the same review procedure (Type I, II, or III) and approval criteria used for the initial project approval, however, the review shall be limited in scope 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 pathways, lighting and landscaping. Notice shall be provided in accordance with the applicable review procedure.

15.4.400 Minor Modifications

Minor modification defined. Any modification to a land use decision or approved development plan which is not within the description of a major modification as provided in subsection 15.4.3, above, shall be considered a minor modification.

A. Minor Modification Request. An application for approval of a minor modification is reviewed using Type II procedure in subsection 15.1.4. A minor modification shall be approved, approved with conditions, or denied by the Planning Director based on written findings on the following criteria:

1. The proposed development is in compliance with all applicable requirements of the City ordinance.
2. The modification is not a major modification as defined in subsection 15.4.3, above.

Chapter 15.5 - Land Use District Map and Text Amendments

15.5.100 Purpose

The purpose of this Section 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.

15.5.200 Legislative Amendments

Legislative amendments are policy decisions made by City Council. They are reviewed using the Type IV procedure in subsection 15.1.5, subsection 5 and shall conform to subsection 15.5.6, as applicable.

15.5.300 Quasi-Judicial Amendments

- A. **Quasi-Judicial Amendments.** Quasi-judicial amendments are those that involve the application of adopted policy to a specific development application or Code revision. Quasi-judicial map amendments shall follow the Type III procedure, as governed by subsection 15.1.5, using standards of approval in (D) therein. The approval authority shall be as follows:
1. The Planning Commission shall review and recommend land use district map changes which 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.
 3. The Planning Commission shall make a recommendation to the City Council on a land use district change application which 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. Demonstration of compliance with all applicable comprehensive plan policies and map designations. Where this criterion cannot be met, a comprehensive plan amendment shall be a prerequisite to approval.**
- 2. Demonstration of compliance with all applicable standards and criteria of this Code, and other applicable implementing ordinances.**
- 3. Evidence of change in the neighborhood or community or a mistake or inconsistency in the comprehensive plan or land use district map regarding the property which is the subject of the application; and the provisions of subsection 15.5.6, as applicable.**

C. Limitation on Reapplications

No application of a property owner for an amendment to the text of this ordinance or to a zone boundary shall be considered by the Planning Commission within the six month period immediately following a previous denial of such request, however the Planning Commission may permit a new application if in its opinion new evidence or a change of circumstances.

15.5.400 Conditions of Approval

A quasi-judicial decision may be for denial, approval, or approval with conditions. A legislative decision may be approved or denied.

15.5.500 Record of Amendments

The Planning Director 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.

15.5.600 Transportation Planning Rule Compliance

A. 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. Significant means the proposal would:

1. **change the functional classification of an existing or planned transportation facility. This would occur, for example, when a proposal causes future traffic to exceed the capacity of “collector” street classification, requiring a change in the classification to an “arterial” street, as identified by the Comprehensive Plan/Transportation System Plan, or**
2. **change the standards implementing a functional classification system; or**
3. **allow types or levels of land use that would result in levels of travel or access what are inconsistent with the functional classification of a transportation facility; or**
4. **reduce the level of service of the facility below the minimum acceptable level identified in the Comprehensive Plan / Transportation System Plan.**

B. Amendments to the Comprehensive Plan and land use standards 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 Transportation System Plan. This shall be accomplished by one of the following:

1. **Limiting allowed land uses to be consistent with the planned function of the transportation facility; or**
2. **amending the Transportation System Plan to ensure that existing, improved, or new transportation facilities are adequate to support the proposed land uses consistent with the requirement of the Transportation Planning Rule; 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.**

Chapter 15.6 -Code Interpretations

15.6.100 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.

15.6.200 Code Interpretation Procedure

- A. Requests. A request for a code interpretation (“interpretation”) shall be made in writing to the Planning Director. The Planning Director may develop written guidelines for the application process.**
- B. Decision to Issue Interpretation. The Planning Director shall have the authority to review a request for an interpretation. The Planning Director shall advise the requester in writing within 14 days after the request is made, on whether or not the City will issue the requested interpretation.**
- C. Declining Requests for Interpretations. The Planning Director is authorized to issue or decline to issue a requested interpretation. Basis for declining may include, but is not limited to, a finding that the subject Code section affords only one reasonable interpretation and the interpretation does not support the request. If the Planning Director declines to issue an interpretation for any reason, the applicant may appeal that decision to the Planning Commission within 14 days after notice of that Decision was mailed to the party requesting the interpretation. The Planning Commission shall hear the matter at its next meeting and may either issue an interpretation as requested or decline to do so. Any decision declining to issue an interpretation is final and the decision is not subject to any further local action.**
- D. Written Interpretation. If the Planning Director or, upon appeal, the Planning Commission, 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 of the interpretation. The written interpretation shall be issued within 14 days after the City advises the requester that an interpretation shall be issued. The decision shall become effective 14 days later, unless an appeal is filed in accordance with E-G below.**

- E. Appeals. The applicant and any party who received such notice or who participated in the proceedings through the submission of written or verbal evidence of an interpretation may appeal the interpretation to the City Council within 14 days after the interpretation was mailed or delivered to the applicant. The appeal may be initiated by filing a notice of appeal with the Planning Director pursuant to subsection 15.1.4.G.**
- F. Appeal Procedure. City Council shall hear all appeals of a Planning Director or Planning Commission interpretation as a Type III action pursuant to Chapter 15.1.5, except that written notice of the hearing shall be provided to the applicant, any other party who has filed a notice of appeal, and any other person who requested notice.**
- G. Final Decision/Effective Date. The decision of the City Council on an appeal of an interpretation shall be final and effective when it is mailed to the applicant. If an appeal of the City Council's decision is filed, the decision remains effective unless or until it is modified by the Land Use Board of Appeals or a court of competent jurisdiction.**
- H. Interpretations On File. The Planning Director shall keep on file a record of all code interpretations.**

Chapter 15.7 -Miscellaneous Permits

15.7.100 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. Three types of temporary uses require permit approval (See A, B and C):

- 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 II procedure under subsection 15.1.4, 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 this ordinance - Vehicle and Bicycle Parking.**
 - 4. The use provides adequate vision clearance, as required by this ordinance, 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 this ordinance and the Transportation System Plan.**
 - 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 different from other uses allowed outright in the district.**
 - 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 II procedure under subsection 15.1.4, 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; and**
- b. the property to be used for a temporary sales office shall not be permanently improved for that purpose.**

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.**

C. Temporary Building. Using a Type II procedure, as governed by subsection 15.1.4, the City may approve, approve with conditions or deny an application for a temporary trailer or prefabricated building for use on any real commercial or industrial property within the City as a temporary commercial or industrial office or space associated with the primary use on the property, but for no other purpose, based on following criteria:

- 1. The temporary trailer or building shall be located within the boundaries of the parcel of land on which it is located.**
- 2. The primary use on the property to be used for a temporary trailer is already developed.**
- 3. Ingress and egress are safe and adequate when combined with the other uses of the property, as required by this ordinance and the Transportation System Plan.**
- 4. There is adequate parking for the customers or users of the temporary use as required by this ordinance.**
- 5. The use will not result in vehicular congestion on streets.**

6. The use will pose no hazard to pedestrians in the area of the use.
7. 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 different from other uses allowed outright in the district.
8. The building complies with applicable building codes.
9. 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).
10. The length of time that the temporary building will be used does not exceed four months. When a temporary building exceeds this time frame, the applicant shall be required to remove the building, or renew the temporary use permit.

**D. Temporary Storage and Siting of Mobile Homes,
Motor Homes and Travel Trailers in Residential Zone**

Using a Type II procedure, as governed by subsection 15.1.4, the City may approve, approve with conditions, or deny an application for the temporary storage or siting of mobile homes, motor homes and travel trailers in residential zones.

The following procedures and conditions shall be complied with in the temporary storage or siting of mobile homes, motor homes and travel trailers:

1. Motor homes, travel trailers and manufactured homes, regardless of location or other standards imposed by this ordinance, may be allowed temporary siting for some specified period of time of not more than one year.
 - a. This may be for reasons of providing shelter while a building is under construction for temporary housing subsequent to disaster, for short-term occupancy where a more permanent facility would be inappropriate or for other good cause as determined by the Planning Director.
 - b. Specific siting requirements may be imposed at the discretion of the Planning Director.
 - c. This provision does not waive any permit requirement of the City or State of Oregon.
 - d. The Planning Director 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 mobile homes, travel trailers and motor homes. Nothing in this subsection is intended to limit the number of extensions which a citizen may receive.

2. Mobile homes, travel trailers and motor homes on sales lots, not set up for occupancy, are exempt from any requirements of this subsection. However, one mobile home unit on a sales lot may be occupied provided that it meets state minimum standards.
3. Travel trailers and motor homes occupied as an interim dwelling may be allowed temporary siting for some specified period of time not to exceed 30 days within any calendar year upon written consent of the City Building Department.
 - a. The unit shall not be parked in or in any way obstruct any public right-of-way;
 - b. The unit shall maintain a minimum of five feet between it and any structure.

15.7.200 Home Occupation Permits

The purpose of this subsection is to encourage those who are engaged in small commercial ventures which 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. They are permitted by right in all residential units (dwellings), subject to the following standards:

A. Appearance of Residence:

1. 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.
2. 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.
3. The home occupation shall not violate any conditions of development approval (i.e., prior development permit approval).

4. **No products and or equipment produced or used by the home occupation may be displayed to be visible from outside any structure.**

B. Storage:

1. **Outside storage, visible from the public right-of-way or adjacent properties, is prohibited.**
2. **On-site storage of hazardous materials (including toxic, explosive, noxious, combustible or flammable) beyond those normally incidental to residential use is prohibited.**
3. **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:

1. **Other than family members residing within the dwelling located on the home occupation site, there shall be no more than one 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 lot on which the home occupation is conducted.**
2. **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.**
3. **The home occupation site shall not be used as a headquarters for the assembly of employees for instruction or other purposes, including dispatch to other locations.**

- D. Advertising and Signs: Signs shall not exceed the Residential District standard of one and one half square feet (e.g., 1 foot by 1½ foot) unless a Conditional Use Permit is first obtained. In that event, signs may be as large as six square feet.**

E. Vehicles, Parking and Traffic:

1. **One 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.**

2. **There shall be no more than three 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.**

3. **There shall be no more than two client's or customer's vehicles at any one time and no more than eight 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 site from 6:00 a.m. to 8:00 p.m. only, subject to Sections A and E above.**

G. **Prohibited Home Occupation Uses:**

1. **Any activity that produces radio or TV interference, noise, glare, vibration, dust, 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.**

2. **Any activity involving on-site retail sales 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 are allowed subject to A-F, above.**

H. **Enforcement: The Planning Director or designee may visit and inspect the site of home occupations in accordance with this chapter periodically to insure compliance with all applicable regulations, during normal business hours.**

ARTICLE 16.0 VARIANCES AND NON-CONFORMING USES

Chapter 16.1 - Variances

Chapter 16.2 - Non-Conforming Uses and Developments

This article provides standards and procedures for variances and non-conforming situations (i.e., existing uses and development that do not comply with the Code). This code cannot provide standards to fit every potential development situation. 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 standards for non-conforming uses and development are intended to provide some relief from code requirements for older developments that do not comply.

Chapter 16.1 -Variances

16.1.100 Purpose

The purpose of this article is to provide flexibility in development standards, in recognition of the complexity and wide variation of site development opportunities and constraints. The variance procedures are intended to provide flexibility while ensuring that the purpose of each development standard is met. 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.

16.1.200 Class A Variances

- A. The following variances are reviewed using a Type II procedure, as governed by Section 15.1, using the approval criteria in subsection B, below:**

1. **Front yard setbacks. Up to a 15 percent change of the front yard setback standard in the base 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 15 percent reduction in landscape area (overall area or interior parking lot landscape area).**

B. Class A Variance 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 violations of any design standards.**

16.1.300 Class B Variances

A. Class B Variances. Due to their discretionary nature, the following types of variances shall be reviewed using a Type II procedure, in accordance with Section 15.1:

1. **Variance to Vehicular Access and Circulation Standards. 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:**
 - a. **There is not adequate physical space for shared access, or the owners of abutting properties do not agree to execute a joint access easement.**
 - b. **There are no other alternative access points on the street in question or from another street.**

- c. **The access separation requirements cannot be met.**
- d. **The request is the minimum adjustment required to provide adequate access.**
- e. **The approved access or access approved with conditions will result in a safe access.**
- f. **The visual clearance requirements of this ordinance will be met.**

2. **Variations to Street Tree Requirements. The City may approve, approve with conditions, or deny a request for a variance to the street tree requirements in Ordinance No. 2917, after finding any of the following:**

- a. **Installation of the tree would interfere with existing utility lines.**
- b. **The tree would cause visual clearance problems.**
- c. **There is not adequate space in which to plant a street tree.**

If a variance is approved, replacement landscaping must be provided elsewhere on the site.

3. **Variance to Parking Standards**

- a. **The City may approve variances to the minimum or maximum standards for off-street parking upon finding all of the following:**
 - (1) **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.**
 - (2) **The need for additional parking cannot reasonably be met through provision of on-street parking or shared parking with adjacent or nearby uses.**
 - (3) **All other parking design and building orientation standards are met.**
- b. **The City may approve a reduction of required bicycle parking per this ordinance, if the applicant can demonstrate that the proposed use by its nature would be reasonably anticipated to generate a lesser need for bicycle parking.**

- c. **The City may allow a reduction in the amount of vehicle stacking area required 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.**

B. Variances to Transportation Improvement Requirements. The City may approve, approve with conditions, or deny a variance to the transportation improvement standards of this ordinance, based on the criteria for granting variances provided in Article 6.A. When a variance request cannot be supported by the provisions of that article, then the request shall be reviewed as a Class C Variance.

16.1.400 Class C Variance

A. Purpose. The purpose of this section is to provide standards for variances which exceed the Class A and Class B variance criteria in subsections 16.1.2 and 16.1.3. Class C Variances may be granted if the applicant shows that, owing to special and unusual circumstances related to a specific property, the literal application of the standards of the applicable land use district would create a hardship to development 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 (i.e., the same land use district); except that no variances to “permitted uses” shall be granted.

B. Applicability.

1. **The variance standards are intended to apply to the individual platted and recorded lots only.**
2. **An applicant who proposes to vary a specification standard for lots yet to be created through a subdivision process may not utilize the Class C Variance procedure.**
3. **A variance shall not be approved which would vary the “permitted uses” of a land use district.**

C. Approvals Process and Criteria.

1. **Class C Variances shall be processed using a Type III procedure, as governed by subsection 15.1.5, using the approval criteria in subsection 2, below. In addition to the application requirements contained in subsection 15.1.5, the applicant shall provide a written narrative or letter describing his/her**

Chapter 16.2 Non-Conforming Uses and Developments

16.2.100 Nonconforming Uses

When 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 nonconforming 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, provided, however, a non-conforming use or structure involving an industrial or commercial use may be altered or extended if a Conditional Use Permit is first obtained. In such event, no additional structure, building or sign shall be constructed on the lot in connection with such nonconforming use of land.
- B. **Location.** No such nonconforming 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.** If a non-conforming use has been changed to a conforming use for a period of one year or more, or if the non-conforming use of a building, structure, or premises ceases for a period of one year or more, said use shall be considered "abandoned" and said building, structure, or premises shall thereafter be used only for those uses permitted as a matter of right or as a conditional use in the zone in which it is located. Mere vacancy of a structure shall not be deemed to be a change in use. (As amended by Ord. No. 3250 10/25/05)
- D. **Application of Code Criteria and Standards.** If the use is discontinued or abandoned for any reason for a period of more than 12 months, 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.

16.2.200 Non-conforming Development

Where a structure 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

reasoning for the variance, why it is required, alternatives considered, and compliance with the criteria in subsection 2.

2. The City shall approve, approve with conditions, or deny an application for a variance based on finding that all of the following criteria are satisfied:
 - 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 (i.e., the same land use district).
 - c. The use proposed will be the one 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.
 - f. The variance requested is the minimum variance which would alleviate the hardship.

16.1.500 Variance Application and Appeals

The variance application shall conform to the requirements for Type I, II, or III applications, as applicable. In addition, the applicant shall provide a written explanation of the reason for his/her request, alternatives considered, and why the subject standard cannot be met without the variance. Appeals to variance decisions shall be processed in accordance with the provisions of Section 15.1.

coverage, height, yard, equipment, its location on the lot or other requirements concerning the structure, and the structure was lawful when constructed, the structure may remain on the site so long as it remains otherwise lawful, subject to all of the following provisions:

- A. No such nonconforming structure may be enlarged or altered in a way which either increases or continues its nonconformity, but any structure or portion thereof may be enlarged or altered in a way that satisfies the current requirements of the Zoning Ordinance or will decrease its nonconformity. However, a non-conforming structure involving an industrial or commercial use may be altered or extended provided a Conditional Use Permit is first obtained.**
- B. Should such nonconforming structure or nonconforming portion of a structure be destroyed by any means to an extent more than 60 percent of its current value as assessed by the Baker County Assessor, it shall be reconstructed only in conformity with the Zoning Ordinance.**
- C. Should such structure be moved for any reason and by any distance, it shall thereafter conform to the regulations of the Zoning Ordinance.**