



Oregon

Theodore R. Kulongoski, Governor

Department of Land Conservation and Development

635 Capitol Street, Suite 150

Salem, OR 97301-2540

(503) 373-0050

Fax (503) 378-5518

www.lcd.state.or.us



## NOTICE OF ADOPTED AMENDMENT

03/22/2012

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

FROM: Plan Amendment Program Specialist

SUBJECT: City of Baker City Plan Amendment  
DLCD File Number 004-03

The Department of Land Conservation and Development (DLCD) received the attached notice of adoption. 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: Thursday, April 05, 2012

This amendment was submitted to DLCD for review prior to adoption with less than the required 45-day notice. 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 Acknowledgment or 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. NO LUBA Notification to the jurisdiction of an appeal by the deadline, this Plan Amendment is acknowledged.

Cc: Jenny Long, City of Baker City  
Angela Lazarean, DLCD Urban Planner

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FORM **2**

**DLCD**

# Notice of Adoption

In person  electronic  mailed

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**DEPT OF**

**MAR 19 2012**

**LAND CONSERVATION  
AND DEVELOPMENT**

For Office Use Only

This Form 2 must be mailed to DLCD within **5-Working Days after the Final Ordinance is signed** by the public Official Designated by the jurisdiction and all other requirements of ORS 197.615 and OAR 660-018-000

Jurisdiction: **City of Baker City**

Local file number: **11-RZ-06 (aka 03-CPM-09)**

Date of Adoption: **3/13/2012**

Date Mailed: **3/15/2012**

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD?  Yes  No Date: 3/30/2011

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".

The Comprehensive Plan "Land Suitability Map" and Baker City "Zone Map" have been amended to change the zone designation of four parcels, approximately 1 acre in size, from high-density residential (R-HD) to general commercial (C-G) located between Cedar Street and Oak Street, north of Campbell Street.

Does the Adoption differ from proposal? No, no explanation is necessary

Plan Map Changed from: **High Density Residential** to: **Commercial**

Zone Map Changed from: **High-Density Residential** to: **General Commercial**

Location: **1304 Campbell St., 2575 & 2601 Oak St., T9SR40ES15** Acres Involved: **1**

Specify Density: Previous: **4-45**

New: **N/A**

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...

35-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**



**DLCD file No.** \_\_\_\_\_

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

None.

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Local Contact: **Jenny Long, City Planner**

Phone: (541) 524-2028 Extension:

Address: **P.O. Box 650**

Fax Number: **541-524-2049**

City: **Baker City**

Zip: **97814-**

E-mail Address: **jlong@bakercity.com**

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## **ADOPTION SUBMITTAL REQUIREMENTS**

**This Form 2 must be received by DLCD no later than 5 working days after the ordinance has been signed by the public official designated by the jurisdiction to sign the approved ordinance(s) per ORS 197.615 and OAR Chapter 660, Division 18**

1. This Form 2 must be submitted by local jurisdictions only (not by applicant).
2. When submitting the adopted amendment, please print a completed copy of Form 2 on **light green paper if available**.
3. Send this Form 2 and one complete paper copy (documents and maps) of the adopted amendment to the address below.
4. Submittal of this Notice of Adoption must include the final signed ordinance(s), all supporting finding(s), exhibit(s) and any other supplementary information (ORS 197.615 ).
5. Deadline to appeals to LUBA is calculated **twenty-one (21) days** from the receipt (postmark date) by DLCD of the adoption (ORS 197.830 to 197.845 ).
6. In addition to sending the Form 2 - Notice of Adoption to DLCD, please also remember to notify persons who participated in the local hearing and requested notice of the final decision. (ORS 197.615 ).
7. Submit **one complete paper copy** via United States Postal Service, Common Carrier or Hand Carried to the DLCD Salem Office and stamped with the incoming date stamp.
8. Please mail the adopted amendment packet to:

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

9. **Need More Copies?** Please print forms on **8½ -1/2x11 green paper only if available**. If you have any questions or would like assistance, please contact your DLCD regional representative or contact the DLCD Salem Office at (503) 373-0050 x238 or e-mail **plan.amendments@state.or.us**.

**ORDINANCE NO. 3311**

**AN ORDINANCE AMENDING BAKER CITY'S ZONE MAP AND COMPREHENSIVE PLAN LAND SUITABILITY MAP; CHANGING PARCELS FROM HIGH-DENSITY RESIDENTIAL (R-HD) TO GENERAL COMMERCIAL (C-G).**

WHEREAS, the City Council of the City of Baker City, after public hearing and recommendation by the City Planning Commission, has considered a request to amend the Zone Map and Land Suitability Map element of the Comprehensive Plan to rezone certain property between Oak and Cedar Streets from High-Density Residential (R-HD) to General Commercial (C-G).

WHEREAS, the City Council has reviewed a summary of the Public Hearing and the findings of fact adopted by the Planning Commission to support their recommendation, and

WHEREAS, the City Council, after further testimony and deliberation, has found those facts and conclusions contained in the attached document entitled Findings of Fact and Conclusions of Law to be true, and to support the requested change;

NOW THEREFORE, BE IT ORDAINED by the City of Baker City, Oregon:

Section 1:

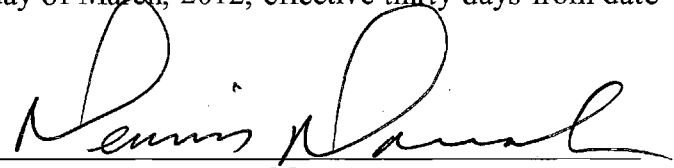
The Zone Map and Land Suitability Map element of the Comprehensive Plan of the City of Baker City is hereby amended as shown on Exhibit 'A' attached hereto and by this reference made a part hereof.

READ for the first time in full this 14<sup>th</sup> day of February, 2012.


READ for the second time by title only this 28th day of February, 2012 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 13th day of March, 2012 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 13th day of March, 2012, effective thirty days from date of adoption.

  
\_\_\_\_\_  
Mayor

ATTEST:

  
\_\_\_\_\_  
City Manager

**Planning Commission Case No. 11-RZ-06**  
**Findings of Fact and Conclusions of Law**

**Findings of Fact:**

1. On March 18, 2011, Jeff & Susan Jackson, 2650 Oak Street, and Mark & Dona Servid, 14138 Hunt Mountain Lane, Baker City, Oregon, filed an application with the City requesting that the zoning designation of Tax Lots 3600, 3800, 3900 & 4000 of Assessor's Map #09s40e16BD, be changed from High-Density Residential (R-HD) to General Commercial (C-G).
2. BCDC Section 4.7.300 states that quasi-judicial district map amendments that involve the application of adopted policy to a specific development, and not the adoption of new policy, shall be reviewed as a Type III procedure. Since the land use district change application also involves a comprehensive plan map amendment application, the Planning Commission shall make a recommendation to the City Council, and the City Council shall decide both applications.
3. Notice of the public hearing on this application was published in the Record Courier, a newspaper of general circulation in Baker County, on April 28, 2011 and December 29, 2011, and further sent to the owners of all property within 100 feet of the subject property and ODOT on April 26, 2011 and December 27, 2011.
4. The DLCD notice for this rezone request was sent out on March 30, 2011, which stated that the application is a revision to the previously submitted rezone request identified as Local File No. 03-CPM-09.
5. The subject property in question is located east of Cedar Street and west of Oak Street. It is a triangularly shaped piece of property and is composed of approximately 0.93 acres. The parcels are currently zoned and designated as High-Density Residential (R-HD). The subject property is relatively small in size, and is in close proximity to Campbell Street. The land surrounding the subject property is composed primarily of General Commercial (C-G) zoned properties except for the eastern side which is zoned High-Density Residential (R-HD).
6. Tax Lot 3600 is the southernmost parcel and has been used as a portion of the existing used car lot on an adjoining lot, but contains no development. Tax Lot 3800 contains an existing rental home; Tax Lot 3900, the north-easternmost parcel is vacant; and Tax Lot 4000, the north-westernmost parcel along Cedar Street, was granted a temporary use permit to operate a retail greenhouse site last summer. The property directly southwest of the subject property includes an existing gas/service station and car wash. The parcels to the east, across Oak Street, include six existing residences, a real estate office, and an access road to the Baker Towne Square Development consisting of large retail stores. The parcels to the west, across Cedar Street, are in a transition period from older residential uses to commercial and include a vehicle repair shop and a new gas station/convenience store.
7. The original zoning of the subject property in 1965 was designated as Commercial. When the Comprehensive Plan was adopted in 1978, the 'Land Suitability' chapter stated "some of the area north of Campbell Street and east of the river now zoned commercial is shown returning to its earlier residential classification". The area referred to, as shown in Exhibit I, encompasses 41.10 acres of land. The subject property accounts for only 2.3% which shows that the above statement refers to a much larger region than the subject property. The proposed rezone is an insignificant portion of that area; therefore, an amendment to the Comprehensive Plan Text is not necessary.
8. The relevant policy from the Economic Element of the Comprehensive Plan (Statewide



Planning Goal 9) states that the City shall provide by zoning for development space suitable to the needs of industrial and commercial development, maximizing especially transportation and convenient locations. The location of these parcels along a minor arterial and demonstrably busy street in Baker City, would meet the policy set forth in the plan. The proposed rezone request also encourages economic development by providing additional opportunities for businesses and other commercial uses.

9. The relevant policy from the Housing Element of the Comprehensive Plan (Statewide Planning Goal 10) states that the City shall encourage residential development within the city limits in areas determined most appropriate. Location of single-family residential dwellings along one of the busier arterials in the city does not seem appropriate. The triangular parcel shape is also abnormal for residential uses, but rather provides extra exposure for a proposed commercial use.
10. The Comprehensive Plan shows that there is far more land available in each classification than will be needed throughout the planning period. For example, the housing analysis shows the need for 15 more acres of High-Density Residential property by the year 2020 with an expected surplus of 54 acres. The re-zoning of approximately 0.93 acres from residential to commercial will have no measurable impact on the available and needed lands in either category.
11. The Comprehensive Plan categorizes Cedar Street as a minor arterial. It is a two-lane, paved road, with bike lanes and gravel shoulders. Oak Street also has a two-lane configuration and is paved with curb and gutter. There are no existing sidewalks along either frontage.
12. Though Oak Street is not shown as anything other than a local street on the City's street classification map, in practice it has become a well known "shortcut" for motorists proceeding south on Cedar Street who wish to turn in an easterly direction onto Campbell Street.
13. Baker City's 1996 Transportation System Plan (TSP) lists the ADT (Average Daily Trips) on Cedar Street at 2,400 vehicles and the PM peak hour volume as 100 northbound and 85 southbound. The ADT on Campbell Street is listed as 9,350 vehicles with PM peak hour volumes of 360 westbound and 410 eastbound. Since the development of the Baker Towne Square retail shopping center in 2001 and completion of the 'D' Street extension in 2009, these figures have increased significantly.
14. By changing the zoning designation from High-Density Residential (R-HD) to General-Commercial (C-G), there is a potential for increased traffic due to commercial activities on the subject property.
15. As no development is proposed at this time, the Transportation Planning Rule provisions do not apply. At the time development is proposed, the applicant/property owner must conform to the Transportation Planning Rule.
16. A potential conflict with rezoning the subject property is the area to the east of the Oak Street will remain R-HD. The properties across Oak Street would be bordered by General-Commercial zoned property on both the east and west sides.
17. According to the Baker City Public Works Department, utilities are available for commercial use as shown on the Utilities Map, attached to this report as Exhibit 'G'. The subject parcels are served by a 10-inch cast-iron water line which runs north and south along Oak and connects with similarly sized lines on Campbell and Cedar Streets. An 8-inch PVC sanitary sewer main serves the subject parcels from Oak Street. It is 8½ feet deep on average and can therefore serve development along the west side of the street. All private utilities including natural gas, telephone, and electricity are present and available in the Oak Street right-of-way. The City of Baker City also installed a 100'+/-

stormwater drainfield on the west side of Oak Street on the north end of the property to be rezoned, which connects to the drain line servicing "B" Street.

18. Tax Lots 3600, 3800, and 3900 have access via Oak Street, which borders the eastern property line of the tax lots. Tax Lot 4000 has access via Cedar Streets, which borders the western property line. Tax Lot 3800 has an existing approach off of Oak Street because there is a single family residence on the property, addressed as 2575 Oak Street.
19. This section along Campbell Street has changed markedly since the freeway was constructed in the early 1970's and Campbell Street became the main access route to it. Though the property was zoned residential after the freeway was constructed, traffic on Campbell Street has grown greatly due to the subsequent commercial development between downtown and the freeway. It is arguable that either it was a mistake in the first place to zone this area residential when it was clear that commercial development would occur, or there has been a change in the character of the neighborhood due to commercial development. In either case, it appears that this criteria is met.
20. There have been four other Residential-to-Commercial rezone cases approved for properties on or near the Campbell Street commercial corridor which were previously designated as Commercial on the 1965 Zone Map (see Exhibit 'J').
21. The Building Official, Fire Chief, and Public Works Director have reviewed the current application and do not object to this application being granted.

#### **Conclusions of Law:**

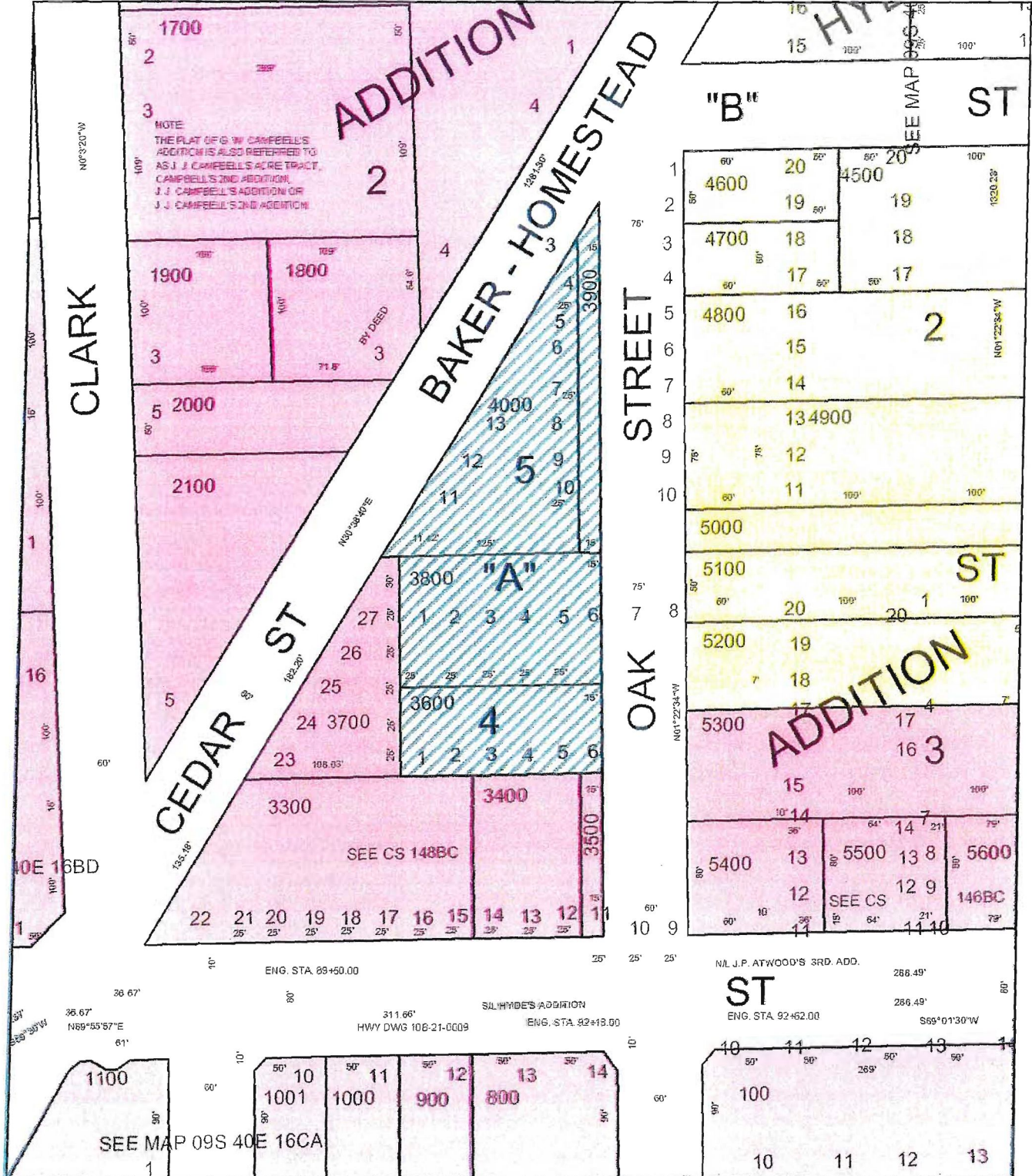
1. There has been a change in the neighborhood since the development of Campbell Street as an access to the freeway and subsequent commercial developments. This change has resulted in a many-fold increase in traffic in the area together with attendant noise and congestion.
2. Re-zoning the property to General Commercial (C-G), subject to the Conditions of Approval set forth herein, will:
  - a. meet the approval criteria contained in Section 4.7 of the Baker City Development Code;
  - b. be consistent with the applicable Comprehensive Plan policies in that designation; and
  - c. be consistent with the Statewide Planning Goals.

#### **Conditions of Approval:**

1. Applicant shall apply for a Site Design Review (SDR) from the Planning Department for all new development.
2. A public sidewalk shall be constructed along the frontages of Oak and Cedar Streets prior to use of the property for new development. The sidewalk shall be six (6) feet wide, located inside the right-of-way, one (1) foot from the property line, and at least six (6) inches above the street centerline elevation. Applicant shall obtain a sidewalk/driveway construction permit from the Public Works Department prior to construction.

# Exhibit 'A'

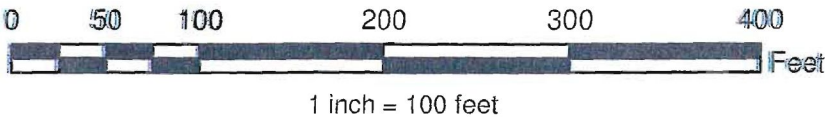
## City of Baker City



### Legend

- Property considered for Amendment
- High-Density Residential (R-HD)
- General-Commercial (C-G)

**THIS MAP WAS PREPARED FOR PLANNING PURPOSES ONLY**







# City of Baker City, Oregon

## Planning Department

P.O. Box 650 • Baker City, OR 97814  
Phone: (541) 524-2028  
Fax: (541) 524-2049

March 15, 2012

ATTN: Plan Amendment Specialist  
Department of Land Conservation & Development  
635 Capitol Street NE, Suite 150  
Salem, OR 97301-2540

DEPT OF  
MAR 19 2012  
LAND CONSERVATION  
AND DEVELOPMENT

**Re: NOTICE OF ADOPTION – Local Case No. 11-RZ-06**

To Whom It May Concern:

During the first evidentiary hearing held on May 18, 2011, it became apparent that a portion of the Comprehensive Plan text may refer to the area in question. However, it was determined that that section of text referred to a much larger region, and the text did not need to be modified. The processing of this case was further delayed to determine if it should be included in a larger scale update to Baker City's Comprehensive Plan. Our Planning Commission decided to proceed with the processing because the full update will need more resources than are currently available.

Please find enclosed with this letter the following documents:

1. Form 2, DLCD Notice of Adoption
2. Ordinance No. 3311

Please contact me at (541) 524-2028 if you have any questions or need additional information.

Sincerely,

Jenny Long  
Baker City Planner

Enclosures

neopost

03/15/2012

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ZIP 97814  
041L11218566



**City of Baker City, Oregon**

**Planning Department**

P.O. Box 650 • 1655 1<sup>st</sup> Street  
Baker City, OR 97814

ATTN: Plan Amendment Specialist  
Dept. of Land Conservation & Dev.  
635 Capitol St. NE, Suite 150  
Salem, OR 97301-2540