

MATERIAL & ORGANIZATIONAL CHANGES

Baker City Development Code - 2020

SECTION	CONCERN	SOLUTION
1.3.300	Definition of <i>accessory dwelling unit (ADU)</i> must be revised to reflect changes in Section 2.2.200 and ORS	Revise definition, " <i>Accessory Dwelling Unit - A detached residential structure that is used in connection with, or that is accessory to, a single-family dwelling.</i> "
1.3.300	Based on revisions to ADU allowances (Section 2.2.200), <i>ADU</i> must be removed from definition of <i>attached structure</i>	Remove " <i>accessory dwelling unit</i> " from definition of attached structure
1.3.300	Based on addition of Chapter 3.7 – Floodplain Development*, definition of <i>appeal</i> must be added to Code from Model Floodplain Ordinance	Add definition, " <i>Appeal: A request for a review of the interpretation of any provision of this ordinance.</i> "
1.3.300	Based on addition of Chapter 3.7 – Floodplain Development*, definition of <i>area of shallow flooding</i> must be added to Code from Model Floodplain Ordinance	Add definition, " <i>Area of shallow flooding: A designated Zone AO, AH, AR/AO or AR/AH on a community's Flood Insurance Rate Map (FIRM) with a one percent or greater annual chance of flooding to an average depth of one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable, and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.</i> "
1.3.300	Based on addition of Chapter 3.7 – Floodplain Development*, definition of <i>area of special flood hazard</i> must be added to Code from Model Floodplain Ordinance	Add definition, " <i>Area of special flood hazard: The land in the floodplain within a community subject to a 1 percent or greater chance of flooding in any given year. It is shown on the Flood Insurance Rate Map (FIRM) as Zone A, AO, AH, A1-30, AE, A99, AR. "Special flood hazard area" is synonymous in meaning and definition with the phrase "area of special flood hazard".</i> "
1.3.300	Based on addition of Chapter 3.7 – Floodplain Development*, definition of <i>base flood</i> must be added to Code from Model Floodplain Ordinance	Add definition, " <i>Base flood: The flood having a one percent chance of being equaled or exceeded in any given year.</i> "
1.3.300	Based on addition of Chapter 3.7 – Floodplain Development*, definition of <i>base flood elevation (BFE)</i> must be added to Code from Model Floodplain Ordinance	Add definition, " <i>Base flood elevation (BFE): The elevation to which floodwater is anticipated to rise during the base flood.</i> "
1.3.300	Based on addition of Chapter 3.7 – Floodplain Development*, definition of <i>basement</i> must be added to Code from Model Floodplain Ordinance	Add definition, " <i>Basement: Any area of the building having its floor subgrade (below ground level) on all sides.</i> "

1.3.300	Based on addition of Chapter 3.7 – Floodplain Development*, definition of <i>below-grade crawlspace</i> must be added to Code from Model Floodplain Ordinance	Add definition, “ <i>Below-grade crawlspace: Means an enclosed area below the base flood elevation in which the interior grade is not more than two feet below the lowest adjacent exterior grade and the height, measured from the interior grade of the crawlspace to the top of the crawlspace foundation, does not exceed 4 feet at any point.</i> ”
1.3.300	Based on addition of Chapter 3.7 – Floodplain Development*, definition of <i>building</i> must be merged with suggested language from Model Floodplain Ordinance	Add definition, “Also see “Structure.” to existing definition
1.3.300	Based on addition of Chapter 3.7 – Floodplain Development*, definition of <i>critical facility</i> must be added to Code from Model Floodplain Ordinance	Add definition, “ <i>Critical facility: Means a facility for which even a slight chance of flooding might be too great. Critical facilities include, but are not limited to schools, nursing homes, hospitals, police, fire and emergency response installations, installations which produce, use, or store hazardous materials or hazardous waste.</i> ”
1.3.300	Based on addition of Chapter 3.7 – Floodplain Development*, definition of <i>development</i> must be merged with suggested language from Model Floodplain Ordinance	Add definition, “ <i>In relation to floodplain development, any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials to existing definition of development.</i> ”
1.3	Definition of “ <i>Double-frontage lot</i> ” is listed by “ <i>Lot, double-frontage</i> ”, which is not efficient for staff or the public when researching definitions	Change to “ <i>Double-frontage lot</i> ” in definitions chapter and alphabetize accordingly
1.3.300	Based on addition of Chapter 3.7 – Floodplain Development*, definition of <i>elevated building</i> must be added to Code from Model Floodplain Ordinance	Add definition, “ <i>Elevated building: Means for insurance purposes, a non-basement building which has its lowest elevated floor raised above ground level by foundation walls, shear walls, post, piers, pilings, or columns.</i> ”
1.3.300	Based on addition of Chapter 3.7 – Floodplain Development*, definition of <i>Flood or Flooding</i> must be added to Code from Model Floodplain Ordinance	Add definition, “ <i>Flood or Flooding: A general and temporary condition of partial or complete inundation of normally dry land areas from: The overflow of inland or tidal waters. The unusual and rapid accumulation or runoff of surface waters from any source. Mudslides (i.e., mudflows) which are proximately caused by flooding as defined in paragraph (a)(2) of this definition and are akin to a river of liquid and flowing mud on the surfaces of normally dry land areas, as when earth is carried by a current of water and deposited along the path of the current. The collapse or subsidence of land along the shore of a lake</i> ”

		<i>or other body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as flash flood or an abnormal tidal surge, or by some similarly unusual and unforeseeable event which results in flooding as defined in paragraph (a)(1) of this definition.”</i>
1.3.300	Based on addition of Chapter 3.7 – Floodplain Development*, definition of <i>flood elevation study</i> must be added to Code from Model Floodplain Ordinance	Add definition, “ <i>Flood elevation study: An examination, evaluation and determination of flood hazards and, if appropriate, corresponding water surface elevations, or an examination, evaluation and determination of mudslide (i.e., mudflow) and/or flood-related erosion hazards.</i> ”
1.3.300	Based on addition of Chapter 3.7 – Floodplain Development*, definition of <i>Flood Insurance Rate Map (FIRM)</i> must be added to Code from Model Floodplain Ordinance	Add definition, “ <i>Flood Insurance Rate Map (FIRM): The official map of a community, on which the Federal Insurance Administrator has delineated both the special hazard areas and the risk premium zones applicable to the community. A FIRM that has been made available digitally is called a Digital Flood Insurance Rate Map (DFIRM).</i> ”
1.3.300	Based on addition of Chapter 3.7 – Floodplain Development*, definition of <i>Flood Insurance Study (FIS)</i> must be added to Code from Model Floodplain Ordinance	Add definition, “ <i>Flood Insurance Study (FIS): See “Flood elevation study”. “</i>
1.3.300	Based on addition of Chapter 3.7 – Floodplain Development*, definition of <i>Flood-proofing</i> must be added to Code from Model Floodplain Ordinance	Add definition, “ <i>Flood-proofing: Any combination of structural and non-structural additions, changes, or adjustments to structures which reduce or eliminate risk of flood damage to real estate or improved real property, water and sanitary facilities, structures, and their contents.</i> ”
1.3.300	Based on addition of Chapter 3.7 – Floodplain Development*, definition of <i>Floodplain or flood prone area</i> must be added to Code from Model Floodplain Ordinance	Add definition, “ <i>Floodplain or flood prone area: Any land area susceptible to being inundated by water from any source. See “Flood or flooding.” “</i>
1.3.300	Based on addition of Chapter 3.7 – Floodplain Development*, definition of <i>Floodplain administrator</i> must be added to Code from Model Floodplain Ordinance	Add definition, “ <i>Floodplain administrator: The community official designated by title to administer and enforce the floodplain management regulations.</i> ”
1.3.300	Based on addition of Chapter 3.7 – Floodplain Development*, definition of <i>floodplain management</i> must be added to Code from Model Floodplain	Add definition, “ <i>Floodplain management: The operation of an overall program of corrective and preventive measures for reducing flood damage, including but not limited to emergency preparedness plans, flood control works, and floodplain management regulations.</i> ”

	Ordinance	
1.3.300	Based on addition of Chapter 3.7 – Floodplain Development*, definition of <i>floodplain management regulations</i> must be added to Code from Model Floodplain Ordinance	Add definition, “ <i>Floodplain management regulations: Zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances (such as floodplain ordinance, grading ordinance and erosion control ordinance) and other application of police power. The term describes such state or local regulations, in any combination thereof, which provide standards for the purpose of flood damage prevention and reduction.</i> ”
1.3.300	Based on addition of Chapter 3.7 – Floodplain Development*, definition of <i>floodway</i> from Model Floodplain Ordinance must replace existing definition in Code	Add replacement definition, “ <i>Floodway: The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height. Also referred to as “Regulatory Floodway.”</i> “
1.3.300	Based on addition of Chapter 3.7 – Floodplain Development*, definition of <i>functionally dependent use</i> must be added to Code from Model Floodplain Ordinance	Add definition, “ <i>Functionally dependent use: A use which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities, and does not include long term storage or related manufacturing facilities.</i> ”
1.3.300	Based on addition of Chapter 3.7 – Floodplain Development*, definition of <i>hazardous material</i> use must be added to Code from Model Floodplain Ordinance	Add definition, “ <i>Hazardous material: The Oregon Department of Environmental Quality defines hazardous materials to include any of the following: Hazardous waste as defined in ORS 466.005; Radioactive waste as defined in ORS 469.300, radioactive material identified by the Energy Facility Siting Council under ORS 469.605 and radioactive substances defined in ORS 453.005 Communicable disease agents as regulated by the Health Division under ORS Chapter 431 and 433.010 to 433.045 and 433.106 to 433.990; Hazardous substances designated by the United States Environmental Protection Agency (EPA) under section 311 of the Federal Water Pollution Control Act, P.L. 92-500, as amended; Substances listed by the United States EPA in section 40 of the Code of Federal Regulations, Part 302 – Table 302.4 (list of Hazardous Substances and Reportable Quantities) and amendments; Material regulated as a Chemical Agent under ORS 465.550; Material used as a weapon of mass destruction, or biological weapon; Pesticide residue; Dry cleaning solvent as defined by ORS 465.200(9).</i> ”

1.3.300	Based on addition of Chapter 3.7 – Floodplain Development*, definition of <i>highest adjacent grade</i> must be added to Code from Model Floodplain Ordinance	Add definition, “ <i>Highest adjacent grade: The highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.</i> ”
1.3.300	Based on addition of Chapter 3.7 – Floodplain Development*, definition of <i>Historic structure</i> must be added to Code from Model Floodplain Ordinance	Add definition, “ <i>Historic structure: Any structure that is: Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register; Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district; Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of Interior; or Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either: By an approved state program as determined by the Secretary of the Interior or Directly by the Secretary of the Interior in states without approved programs.</i> ”
1.3.300	No definition of <i>hostel</i> – necessary based on new code language allowing hostels in residential and commercial zones	Add definition, “ <i>Hostel – an establishment providing communal accommodation where guests can rent a shared bedroom or a bed in a dormitory, while sharing facilities such a bathroom, lounge or kitchen.</i> ”
1.3.300	Based on addition of Chapter 3.7 – Floodplain Development*, definition of <i>Letter of Map Change (LOMC)</i> must be added to Code from Model Floodplain Ordinance	Add definition, “ <i>Letter of Map Change (LOMC): Means an official FEMA determination, by letter, to amend or revise effective Flood Insurance Rate Maps and Flood Insurance Studies. The following are categories of LOMCs: Conditional Letter of Map Amendment (CLOMA): A CLOMA is FEMA’s comment on a proposed structure or group of structures that would, upon construction, be located on existing natural ground above the base (1-percent-cannual-chane) flood elevation on a portion of a legally defined parcel of land that is partially inundated by the base flood. Conditional Letter of Map Revision (CLOMR): A CLOMR is FEMA’s comment on a proposed project that would, upon construction, affect the hydrologic or hydraulic characteristics of a flooding source and thus result in the modification of the existing regulatory floodway, the effective base flood elevations, or the special flood hazard area.</i> ”

		<p><i>Conditional Letter of Map Revision based on Fill (CLOMR-F): A CLOMR-F is FEMA’s comment on a proposed project that would, upon construction, result in a modification of the special flood hazard area through the placement of fill outside the existing regulatory floodway.</i></p> <p><i>Letter of Map Amendment (LOMA): An official amendment, by letter, to the Flood Insurance Rate Maps (FIRMs) based on technical data showing that an existing structure, parcel of land or portion of a parcel of land that is naturally high ground, (i.e., has not been elevated by fill) above the base flood, that was inadvertently included in the special flood hazard area.</i></p> <p><i>Letter of Map Revision (LOMR): A LOMR is FEMA’s modification to an effective Flood Insurance Rate Map (FIRM), or Flood Boundary and Floodway Map (FBFM), or both. LOMRs are generally based on the implementation of physical measures that affect the hydrologic or hydraulic characteristics of a flooding source and thus result in the modification of the existing regulatory floodway, the effective base flood elevations, or the SFHA. The LMOR officially revises the FIRM or FBFM, and sometimes the Flood Insurance Study (FIS) report, and, when appropriate, includes a description of the modifications. The LOMR is generally accompanied by an annotated copy of the affected portions of the FIRM, FBFM, or FIS report.</i></p> <p><i>Letter of Map Revision based on Fill (LOMR-F): A LOMR-F is FEMA’s modification of the special flood hazard area shown on the Flood Insurance Rate Map (FIRM) based on the placement of fill outside the existing regulatory floodway.</i></p> <p><i>PMR: A PMR is FEMA’s physical revision and republication of an effective Flood Insurance Rate Map (FIRM) or Flood Insurance Study (FIS) report. PMRs are generally based on physical measures that affect the hydrologic or hydraulic characteristics of a flooding source and thus result in the modification of the existing regulatory floodway, the effective base flood elevations, or the special flood hazard area.”</i></p>
1.3	Definition of “ <i>Lot, double-frontage</i> ” is not efficient for staff or the public when researching definitions	Change to “ <i>Double-frontage lot</i> ” in definitions chapter and alphabetize accordingly
1.3.300	Based on addition of Chapter 3.7 – Floodplain Development*, definition of <i>Lowest floor</i> must be added to Code from Model Floodplain Ordinance	Add definition, “ <i>Lowest floor: The lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage in an area other than a basement area is not considered a building’s lowest floor, provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this ordinance.</i> ”

1.3.300	Based on addition of Chapter 3.7 – Floodplain Development*, definition of <i>Manufactured dwelling</i> must be added to Code from Model Floodplain Ordinance; must also be merged with current definition of Manufactured home	Add language to existing definition, “ <i>Manufactured dwelling: A structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term "manufactured dwelling" does not include a "recreational vehicle" and is synonymous with “manufactured home”</i> ” and merge with existing definition: “ <i>A manufactured dwelling is a dwelling constructed in accordance with federal manufactured housing construction and safety standards (HUD code) in effect after June 15, 1976.</i> ”
1.3.300	Based on addition of Chapter 3.7 – Floodplain Development*, definition of <i>Manufactured dwelling park</i> must be added to Code from Model Floodplain Ordinance	Add language to existing definition, “ <i>In relation to floodplain development, a parcel (or contiguous parcels) of land divided into two or more manufactured dwelling lots for rent or sale.</i> ”
1.3.300	Based on addition of Chapter 3.7 – Floodplain Development*, definition of <i>Mean sea level</i> must be added to Code from Model Floodplain Ordinance	Add definition, “ <i>Mean sea level: For purposes of the National Flood Insurance Program, the National Geodetic Vertical Datum (NGVD) of 1929 or other datum, to which Base Flood Elevations shown on a community's Flood Insurance Rate Map are referenced.</i> ”
1.3	Definition of “ <i>Mid-Block Lane</i> ” is listed by “ <i>Lane</i> ”, which is not efficient for staff or the public when researching definitions	Change to “ <i>Mid-Block Lane</i> ” in definitions chapter and alphabetize accordingly
1.3.300	No definition of <i>mobile vending unit</i> – necessary based on new code language (Section 4.9)	Add definition, “ <i>Mobile Vending Unit – any vehicle that is self-propelled, or can be pulled or pushed down a sidewalk, street, highway or waterway. Food may be prepared or processed on this vehicle, and the vehicle is used to sell and dispense food to the ultimate consumer.</i> ”
1.3.300	Based on addition of Chapter 3.7 – Floodplain Development*, definition of <i>New construction</i> must be added to Code from Model Floodplain Ordinance	Add definition, “ <i>New construction: For floodplain management purposes, “new construction” means structures for which the “start of construction” commenced on or after the effective date of a floodplain management regulation adopted by the city of Baker City and includes any subsequent improvements to such structures.</i> ”
1.3.300	Definition of <i>projecting sign</i> : ...A projecting sign may not extend more than 4 feet from the wall or 1/3 the width of the sidewalk, whichever is GREATER, and must be at least 8 feet above grade. Should be “whichever is LESS”	Change “ <i>greater</i> ” to “ <i>less</i> ”
1.3.300	Based on addition of Chapter 3.7 – Floodplain Development*, definition of <i>Recreational vehicle</i>	Replace existing language with definition, “ <i>Recreational vehicle: A vehicle which is: Built on a single chassis;</i> ”

	must be updated to reflect language from Model Floodplain Ordinance	<i>±400 square feet or less when measured at the largest horizontal projection; Designed to be self-propelled or permanently towable by a light duty truck; and Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use."</i>
1.3.300	Based on addition of Chapter 3.7 – Floodplain Development*, definition of <i>Regulatory floodway</i> must be added to Code from Model Floodplain Ordinance	Add definition, " <i>Regulatory floodway: See "Floodway" "</i>
1.3.300	Based on addition of Chapter 3.7 – Floodplain Development*, definition of <i>Sheet flow area</i> must be added to Code from Model Floodplain Ordinance	Add definition, " <i>Sheet flow area: See "Area of shallow flooding".</i>
1.3.300	Based on addition of Chapter 3.7 – Floodplain Development*, definition of <i>Special flood hazard area</i> must be added to Code from Model Floodplain Ordinance	Add definition, " <i>Special flood hazard area: See "Area of special flood hazard" for this definition."</i>
1.3.300	Definition of <i>short-term vacation rental</i> must be revised to reflect changes in Section 2.2.200 and ORS	Revise definition, " <i>Short-Term Vacation Rental - The fee-based occupancy of a dwelling for a period less than 28 consecutive days. Month to month rental agreements for long-term purposes is not short-term rental when the renter(s) remains the same each month."</i>
1.3.300	Based on addition of Chapter 3.7 – Floodplain Development*, definition of <i>State of construction</i> must be added to Code from Model Floodplain Ordinance	Add definition, " <i>Start of construction: For floodplain management purposes, includes substantial improvement and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within 180 days from the date of the permit. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured dwelling on a foundation. Permanent construction does not include land preparation, such as clearing, grading, and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction</i>

		<i>means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building."</i>
1.3.300	Based on addition of Chapter 3.7 – Floodplain Development*, existing definition of <i>Structure</i> must be modified to include language required by Model Floodplain Ordinance	Add language to existing definition, <i>"For floodplain management purposes, a walled and roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a manufactured dwelling."</i>
1.3.300	Based on addition of Chapter 3.7 – Floodplain Development*, definition of <i>Substantial damage</i> must be added to Code from Model Floodplain Ordinance	Add definition, <i>"Substantial damage: Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred."</i>
1.3.300	Based on addition of Chapter 3.7 – Floodplain Development*, definition of <i>Substantial improvement</i> must be added to Code from Model Floodplain Ordinance	Add definition, <i>"Substantial improvement: Any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the "start of construction" of the improvement. This term includes structures which have incurred "substantial damage," regardless of the actual repair work performed. The term does not, however, include either: Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions; or Any alteration of a "historic structure," provided that the alteration will not preclude the structure's continued designation as a "historic structure."</i>
1.3.300	Based on addition of Chapter 3.7 – Floodplain Development*, definition of <i>Violation</i> must be added to Code from Model Floodplain Ordinance	Add language, <i>"Violation: In terms of floodplain development, the failure of a structure or other development to be fully compliant with the community's floodplain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in this ordinance is presumed to be in violation until such time as that documentation is provided."</i>
1.3.300	Based on addition of Chapter 3.7 – Floodplain Development*, definition of <i>Water Dependent</i> must be added to Code from Model Floodplain Ordinance	Add definition, <i>"Water dependent: Means a structure for commerce or industry which cannot exist in any other location and is dependent on the water by reason of intrinsic nature of its operations."</i>
1.3.300	Based on addition of Chapter 3.7 – Floodplain Development*, definition of <i>Water surface elevation</i> must be added to Code	Add definition, <i>"Water surface elevation: The height, in relation to the National Geodetic Vertical Datum (NGVD) of 1929, or other datum, of floods of various magnitudes and frequencies in the floodplains of coastal or riverine areas."</i>

	from Model Floodplain Ordinance	
1.4	Bed & breakfast inns and hostels are missing from Chapter 1.4 – Use Categories	Add new use category for bed and breakfast inns and hostels to index for Chapter 1.4
1.4.110	Bed & breakfast inns are currently listed as a household living use; however, with newly-created use category for Bed and Breakfast Inns and Hostels, references need to be changed	Remove language relating to bed and breakfasts in Household Living use category; add language to “Exceptions” section explicitly reclassifying bed and breakfasts and hostels as a separate use category: “Bed and breakfast inns and hostels are classified under Bed and Breakfast Inns and Hostels.”
1.4.250	Newly-created use category for bed and breakfast inns and hostels requires clarification that both uses are not retail sales and service uses	Add language to “Exceptions” section of Retail Sales and Service use category explicitly excepting bed and breakfast inns and hostels as a separate use category, “Bed and breakfast inns and hostels are classified under Bed and Breakfast Inns and Hostels.”
1.4.280*	Bed & breakfast inns and hostels are missing from Chapter 1.4 – Use Categories	Create new use category for bed and breakfast inns and hostels
2.2.110	Differentiation between a duplex and a duplex on a corner is arbitrary, plus no additional standards exist	Remove duplex on a corner
2.2.110	More than one duplex attached (4+ units) is redundant. Also, requirement for CUP in RLD zone is arbitrary. Permitting process should be simplified and consistent in residential zones where permitted	Remove (4+ units) and simplify permitting process by changing ‘CU’ to ‘S’, as standards exist in Section 2.2.200(C)
2.2.110	Requirement for manufactured home park to be processed as CUP in RMD zone is unnecessary. Permitting process should be simplified and consistent in residential zones where permitted	Change ‘CU’ to ‘S’, as standards exist in Section 2.2.200(H)
2.2.110	Requirement for multi-family housing to be processed as CUP in RMD zone is unnecessary. Permitting process should be simplified and consistent in residential zones where permitted	Change ‘CU’ to ‘S’, as standards exist in Section 2.2.200(I); add reference to Section 2.2.200(I) to use table
2.2.110	Requirement for Bed and Breakfast Inns to be processed as CUP in RMD and RLD zones is unnecessary. Permitting process should be simplified and consistent in residential zones	Change ‘CU’ to ‘S’, as standards exist in Section 2.2.200(D)

2.2.110	Standards for hostels were recently created (Section 2.2.200) and must be added to Table 2.2.110	Add "Hostels, per 2.2.200(D)" to Table 2.2.110, list as permitted with standards (S) in all residential zones
2.2.110	<i>Hostels and Bed and Breakfast Inns</i> are listed in the <i>Residential Categories</i> section in use table 2.2.110, though these uses are commercial in nature	Move to <i>Commercial Categories</i> section in use table
2.2.110	Home occupations are listed twice in Table 2.2.110	Remove listing for home occupations in Residential Categories section
2.2.110	Requirement for Group Care Facilities 6-15 individuals to be processed as CUP in RMD zone is unnecessary. Permitting process should be simplified and consistent in residential zones where permitted	Change 'CU' to 'S', as standards exist in Section 2.2.200(E)
2.2.110	Requirement for Other Group Living developments to be processed as CUP in RMD and RHD zones is unnecessary. Permitting process should be simplified and consistent in residential zones where permitted	Change 'CU' to 'S', as standards exist in Section 2.2.200(I)
2.2.110	Commercial Educational Services are not permitted in RLD and RMD zones. Allowance in RHD zone is out of character with other allowed uses and is inconsistent with other residential zones	Change 'CU' to 'N'
2.2.110	Standards for Mobile Vending Units were recently created (Chapter 4.9) and must be added to Table 2.2.110	Add Mobile Vending Units to use Table 2.2.110, list as "N" in all residential zones
2.2.110	Requests for short-term vacation rentals are infrequent in the Planning Department, though they are present all over town. Difficult/impossible to regulate. Requiring permits may hinder economic development	Remove references to Short-Term Vacation Rentals from code
2.2.110	Standards exist for "Agriculture – Non-retail row and field crops...", though currently listed as 'P' in use table	Change 'P' to 'S' for consistency with table and key
2.2.110	Date of adoption missing for Radio Frequency Transmission Facilities	Insert date of adoption "August 27th, 2015"
2.2.110	Key should be applicable to all	Remove "Section 2.2.200" and replace with "and subject to

key	zones – currently lists residential zone reference	site/development review”
2.2.120	Under Building/Structure Height heading: Eave height restrictions on accessory structures have become problematic at the staff level, as many building plans are pre-fabricated. While many of these plans meet the maximum building height allowed by the code, they often cannot meet the eave height restriction based on engineering/building design.	Remove eave height maximum of 12 feet from all zones
2.2.120	In relation to lot coverage, term “foundation plane” is not commonly used in the field	Replace with “footprint”
2.2.120	Lot coverage listed for residential and civic/institutional uses only	Add “All other uses” to use table, with “not permitted” for all residential zones to reflect permitted uses in Table 2.2.110
2.2.200	Requests for short-term vacation rentals are infrequent in the Planning Department, though they are present all over town. Difficult/impossible to regulate. Requiring permits may hinder economic development	Remove references to Short-Term Vacation Rentals from code
2.2.200 (A)	Changes to state statute require restrictions on accessory dwelling units to be objective and non-discretionary. Section needs to be revised	<p>Planning Commission discussed changes and objectives for ADUs in Baker City:</p> <p>Removal of attached and above-detached-garage ADUs, as attached ADUs can be covered by duplex, and above-detached-garage ADUs are covered by detached terminology</p> <p>Addition of language to allow for the conversion of existing structures (even if non-conforming) to ADUs, provided they are no more than 75% of the primary structure</p> <p>Increase to the number of allowed ADUs per single-family dwelling (from 1 to 2)</p> <p>Remove building and eave height maximums which are less than those for primary single-family dwelling</p> <p>Remove subjective language relating to building mass, appropriate scale and requirement to compliment surrounding neighborhood</p> <p>Remove buffering requirement, as buffering is not required elsewhere in Code between two residential uses</p> <p>Add cross-reference to Section 2.2.200 – Short-Term Vacation Rental to standard prohibiting short-term vacation rentals in ADUs</p>

2.2.200 (B)(5)	Eave height restrictions on accessory structures have become problematic at the staff level, as many building plans are pre-fabricated. While many of these plans meet the maximum building height allowed by the code, they often cannot meet the eave height restriction based on engineering/building design.	Remove eave height maximum of 12 feet
2.2.200 (B)(5)	Criteria relating to appropriate scale, looming over adjacent properties, complimenting neighborhood architecture and character of the surrounding neighborhood for “oversized” accessory structures in residential zones is subjective and can be addressed through CUP process instead	Remove subjective criteria: “a. The building mass is an appropriate scale with surrounding residential buildings and with the neighborhood in which the building is to be located; b. The building mass is an appropriate scale for the size of the lot and the building’s location on a lot. Building proposals that loom over adjacent properties or residences may be inappropriate while the same building located on a larger lot away from property boundaries may be appropriate; and c. The building’s architecture and exterior construction materials compliment and do not detract from the character of the surrounding neighborhood;”
2.2.200 (D)	Title heading for newly-created use category “Bed & Breakfast Inns and Hostels” is not reflected in title heading for standards	Add, “& Hostels” to title heading
2.2.200 (D)(2)*	Newly-created standards for hostels must be added to code	Add new standards: “Hostels. Hostels are permitted in residential and commercial zones, and shall comply with all of the following standards. Maximum Size. A maximum of one (1) guest per ±15 square feet of dormitory floor space are permitted per night. Length of Stay. Maximum length of stay is 28 days per guest; anything longer is classified as a hotel or commercial lodging. Employees. Up to two (2) non-resident employees. There is no limit on residential employees. Food Service. May be provided only to overnight guests of the business. Signs. Signs shall adhere to sign standards of the underlying zone. Parking. One (1) parking space shall be provided per two (2) guests.
2.2.200 (G)(3)	Requirement for use of particular building materials on manufactured homes is over-regulating	Remove subsection (3)
2.2.200	Language requiring “Insignia of	Replace with language recommended by the Building

(G)(7)	Compliance issued by Oregon Department of Commerce” is outdated, as is reference to “1976 standards”	Department: “‘Insignia or HUD label’, and shall have been installed per manufacturer installation instructions as outlined in the Oregon Manufactured Dwelling Installation Specialty Code” and “for fire, life and safety standards”, respectively.
2.2.200 (I)(1)	Language requiring the City to determine whether development is ‘appropriate’ based on ‘principles of urban design’ is discretionary and requires background in urban design	Remove sentence: “The City shall determine, on a case-by-case basis, taking into consideration the principles of urban design, the appropriate spacing between structures to maintain a human scale in site development.”
2.2.200 (I)(2)(e)	Language that developers of multi-family housing can be required to develop an off-site park may create a takings issue	Remove/replace with: “...If the park is not developed, or only partially developed, the approval body may require the multiple family housing developer may opt to improve park land off-site (in lieu of development upon the subject property) in an amount comparable to that which he or she would otherwise be required to provide in his or her development, and must be agreed upon by the City.
2.2.200 (J)	Requests for short-term vacation rentals are infrequent in the Planning Department, though they are present all over town. Difficult/impossible to regulate. Requiring permits may hinder economic development	Remove references to Short-Term Vacation Rentals from code
2.3.110	According to state statute, ADUs are only required to be permitted where single-family dwellings are allowed outright; also, standards exist in Section 2.3.190 for expansion of existing home or addition of accessory structure, so CU is not necessary	Remove allowance for ADUs in commercial zones, as new dwellings are not permitted outright; also, change ‘CU’ to ‘S’ for expansion of existing home or addition of accessory structure
2.3.110	Expansion of an existing dwelling in commercial zones contains non-discretionary criteria (Section 2.3.190(D)*. Requiring CUP hinders development	Change ‘CU’ to ‘S’ to reflect non-discretionary criteria in Section 2.3.190(D)* - expansion of existing dwelling will then be processed as Type I SDR
2.3.110	Standards exist for Bed and Breakfast Inns in Section 2.2.200(D)	Change ‘P to ‘S’
2.3.110	Standards for hostels were recently created (Section 2.2.200) and must be added to Table 2.3.110	Add “Hostels, per 2.2.200(D)” to Table 2.2.110, list as permitted with standards (S) in all commercial zones
2.3.110	<i>Hostels and Bed and Breakfast Inns</i> are listed in the <i>Residential Categories</i> section in use table 2.3.110, though these uses are	Move to <i>Commercial Categories</i> section in use table

	commercial in nature	
2.3.110	Requirement for Group Care Facilities 16+ individuals to be processed as CUP in commercial zone is unnecessary, as standards exist in 2.2.200(I). Permitting process should be simplified	Change 'CU' to 'S', as standards exist in Section 2.2.200(I)
2.3.110	Requirement for Banks to be processed as CUP in commercial zone is unnecessary, as standards exist in 2.3.190(A). Permitting process should be simplified	Change 'CU' to 'S', as standards exist in Section 2.3.190(A)
2.3.110	Newly-created standards for mobile food units are missing from table	Add, "Mobile Food Units, per standards in Section 4.9.300" to table, list as 'S' permitted with standards (S)
2.3.110	Newly-created, increased setback requirements for self-service storage facilities [Section 2.3.190(G)*] not listed in table; with creation of standards, CU requirement for Self-Service Storage is unnecessary potentially prohibitive to development	Add "per Section 2.3.190(G)" to Self-Service Storage use category listing; change 'CU' to 'S'
2.3.110	No use category for 'Shopping Center' or 'Multi-story Department Store' exists – these two uses are both captured by Retail Sales and Service uses	Delete 'Shopping Center' and 'Multi-story Department Store' uses
2.3.110	Requests for short-term vacation rentals are infrequent in the Planning Department, though they are present all over town. Difficult/impossible to regulate. Requiring permits may hinder economic development	Remove references to Short-Term Vacation Rentals from code
2.3.110	Requirement for some Wholesale Sales developments (based on size and/or containment) to be processed as CUP in CG zone is unnecessary. Permitting process should be simplified and consistent regardless of size or containment	Change 'CU' to 'P'
2.3.110	Standards exist for "Agriculture – Non-retail row and field crops...", though currently listed as 'P' in use table	Change 'P' to 'S' for consistency with table and key
2.3.110	No use category exists for Building and Structures Exceeding the	Remove use category from table, as it is covered by existing use categories and development standards

	Height Limits in Table 2.3.120	contained in Table 2.3.120
2.3.110	Key should be consistent throughout all zones	Remove “per sections referenced” and replace with “and subject to site/development review” to match keys in residential and industrial zones
2.3.120	Disclaimer statement under Minimum Lot Area is wordy (lists several types of development standards)	Remove/replace: Replace list of development standards with catch-all phrase: “ <i>*Development must conform to lot width, depth, yard setback and coverage all other development standards</i> ”
2.3.120	In relation to lot coverage, term “foundation plane” is not commonly used in the field	Replace: “ <i>foundation plane</i> ” with “ <i>footprint</i> ”
2.3.120	Disclaimer under Minimum Landscape Area wordy and redundant	Replace: “ <i>*except does not apply to Single-Family Dwellings. Landscape area may include plant areas an some non-plant/hardscape areas, as allowed under Section 3.2.300.D</i> ” with “ <i>Does not apply to single-family dwellings</i> ”. Language referencing landscaping options is covered in 3.2.300(D) and is applied to all developments through Site Design Review process
2.3.120	Minimum Landscape Area requirement in CG Zone is wordy and uses term “ <i>Freeway Area</i> ”, which is an incorrect reference – revise	Remove/replace: Replace “10% Campbell Street and Freeway Area; 7% other C-G areas” with “10% on Campbell Street and in Freeway Area Overlay Zone; 7% other C-G areas”
2.3.150 (D)	Term “ <i>building floor area</i> ” is unclear and could be misconstrued – in context, referring to gross floor area	Add “ <i>gross</i> ” before term building floor area
2.3.170 (B)	Standards listed in (B)(1-6) can be used in Type I decisions - clarification needed for when approval body may approve different design for pedestrian orientation.	Add: “ <i>...for an application being processed as a Type III procedure,...</i> ”
2.3.170 (C)	Section about development compatibility, continuity in building sizes, architectural compatibility, roof elevation compatibility, etc. is discretionary – removing discretion will help to streamline review processes for commercial and industrial developments listed as ‘P’ or ‘S’ in use tables	Remove subsection (C) in its entirety
2.3.170 (C)*	Create “Design Standards” heading to relocate criteria contained in Section 2.3.190(C)(2-3) to more appropriate location in the code. Currently, 2.3.190(C) lists	Relocate standards previously identified as 2.3.190(C)(2-3) to newly created subsection 2.3.170(C) and add “carrot” language, to read: Design Standards.

	requirements specific to large format retail stores; however, the standards listed are applicable to all types of development. As certain types of design elements and building type are currently encouraged by this portion of the code, addition of a “carrot” may increase use of these features	The following development features are encouraged and strongly preferred, and result in a decrease of total landscape area requirements by 5%: Developments which use alternative pavements, such as stenciled concrete and porous pavement; and Multistory retail development; and Mixed-use multistory developments Entrances to development sites should be minimized and placed in such a way as to maximize safety, maximize efficient traffic circulation, and minimize the impact on any adjacent residential neighborhood.
2.3.170 (D)	Human scale standards listed in (D) can be used in Type I decisions - clarification needed for when approval body may approve different design satisfying human scale requirements	Add: “...for an application being processed as a Type III procedure,..”
2.3.170 (D)(4-6)	References in subsections 4-6 to appropriate, compatible with surrounding architecture, and consistent with surrounding architecture are discretionary – removing discretion will help to streamline review processes for commercial and industrial developments listed as ‘P’ or ‘S’ in use tables	Remove discretionary language in subsections 4-6
2.3.190	According to state statute, ADUs are only required to be permitted where single-family dwellings are allowed outright; therefore, ADU not required to be permitted in commercial zones	Remove reference to ADU being permitted use in commercial zone
2.3.190	Newly created setback requirements for Self-Service Storage requires new section to be created	Add Self-Service Storage to list of special use standards as (G)
2.3.190 (A)	Reference to “Residential Zoning District” – not standard terminology	Replace with “Residential Zone”
2.3.190 (C)	No use category exists for Large Format Retail Sales – these types of developments are captured under Retail Sales and Service use category	Strike “Large Format” and add “and Service developments” to heading; strike “large format” from following paragraph
2.3.190 (C)	Revise criteria listed in this subsection:	Remove/relocate criteria as described

	<p>1 (a), (d) and (e) are outside of Planning Department/ Commission purview</p> <p>2, 3 and 7 should be relocated to newly-created section 2.3.170(C)* so as to be applied to all types of development, not just large format retail</p> <p>4, 5, 6, 9, 10 and 11 are covered by other sections of the Dev. Code</p> <p>8 and 12 are discretionary and outside of Planning Department/Commission purview</p>	
2.3.190 (D)	Section contains discretionary criteria – removing entire section will help to streamline review processes for commercial and industrial developments listed as ‘P’ or ‘S’ in use tables	Delete entire section (D)
2.3.190 (D)*	According to state statute, ADUs are only required to be permitted where single-family dwellings are allowed outright; therefore, ADU not required to be permitted in commercial zones	Remove reference to ADU being permitted use in commercial zone
2.3.190 (D)*	Expansion of an existing dwelling in commercial zones contains non-discretionary criteria (Section 2.3.190(D)*. Requiring CUP hinders development	Change ‘CU’ to ‘S’ to reflect non-discretionary criteria in Section 2.3.190(D)* - expansion of existing dwelling will then be processed as Type I SDR
2.3.190 (D)(1)*	Section contains discretionary criteria – removing entire subsection will help to streamline review processes for residential expansions in commercial zones, which are listed as ‘S’ in use table	Remove entire subsection (1)
2.3.190 (D)(2)*	Expansion of existing single-family dwellings in commercial zones may create setback issues, as commercial zone setback is generally 0ft. Creation of setback standard for expansions may lessen impacts	Add language: “Any expansion of a single-family dwelling shall comply with the nearest residential zone setback standards under Section 2.2.”
2.3.190 (D)(4)8	State statute prohibits targeted restriction of ADU placement	Remove
2.3.190 (F)*	Newly-created, increased setback requirements for self-service	Add language, “F. Self-Service Storage– The following front/street setbacks apply to all self-service storage units

	storage facilities in C or I Zones	in the General-Commercial (C-G) Zone: 1. Local street: ±25 feet 2. Arterial or collector street: ±150 feet”
2.4.110	Expansion of an existing dwelling in industrial zones contains non-discretionary criteria (Section 2.3.190(D)*. Requiring CUP hinders development	Change ‘CU’ to ‘S’ to reflect non-discretionary criteria in Section 2.3.190(D)* - expansion of existing dwelling will then be processed as Type I SDR
2.4.110	Standards exist for Bed and Breakfast Inns in Section 2.2.200(D)	Change ‘P to ‘S’
2.4.110	Standards for hostels were recently created (Section 2.2.200) and must be added to Table 2.3.110	Add “Hostels, per 2.2.200(D)” to Table 2.2.110, list as permitted with standards (S) in all commercial zones
2.4.110	<i>Hostels and Bed and Breakfast Inns</i> are listed in the <i>Residential Categories</i> section in use table 2.4.110, though these uses are commercial in nature	Move to <i>Commercial Categories</i> section in use table
2.4.110	Drive-up/Drive-in/Drive-through uses in industrial zones contains non-discretionary criteria (Section 2.3.190(A)*. Requiring CUP hinders development	Change ‘CU’ to “S’ to reflect non-discretionary criteria in Section 2.3.190(A)* - these uses will then be processed as Type I, II or III SDR, based on size
2.4.110	Newly-created standards for Mobile Food Units are missing from table	Add, “Mobile Food Units, per standards in Section 4.9.300” to table, list as ‘S’ permitted with standards (S)
2.4.110	No specific standards exist for Quick Vehicle Servicing or Vehicle Repair; also, permitted differently in I vs. LI Zone – why?	Change ‘S’ to ‘P’ in LI Zone for consistency
2.4.110	Newly created standards for Self-Service Storage are contained in Section 2.3.190(G)	Add language “per Section 2.3.190(G)” to use category listing, and permit as ‘S’ in both I and LI zones
2.4.110	Section 2.4.140 applies to all development in the I and LI zones – not just Wholesale Sales	Delete reference (Section 2.4.140 shall be applied to all developments in industrial zones, according to purpose statement)
2.4.110	Standards exist for “Agriculture – Non-retail row and field crops...”, though currently listed as ‘P’ in use table	Change ‘P’ to ‘S’ for consistency with table and key
2.4.110	No use category exists for Buildings and Structures Exceeding the Height of 50ft	Remove listing in use table – buildings exceeding height maximum in zone are regulated through development standards (newly created table 2.4.120*), as well as Section 2.4.150
2.4.110	No reference to Chapter 3.6 – Radio Frequency Transmission Facilities, which contains all	<ul style="list-style-type: none"> • Add language, “, per Chapter 3.6” to category heading • Replace “exceeds zone structure height limit” with language similar to that used above: “exceeding

	standards for such development Language inconsistencies for development descriptions Standards for Radio Frequency Transmission Facilities exist in Chapter 3.6, however Status of Use in Zone for radio frequency transmission facilities within the structure height limit of both I and LI Zones does not reflect this	structure height limit of zone” • Change ‘P’ to ‘S’
2.4.110	Development standards (setbacks, structure height and lot coverage) are listed within Table 2.4.110 - Land Uses Allowed in Industrial Zones, which is inconsistent with Tables 2.2.110 and 2.3.110	Create separate table for development standards in I Zones, titled Table 2.4.120 – Development Standards for Industrial Zones, for consistency
2.4.110	Key should be consistent throughout all zones	Remove “per sections referenced” and replace with “and subject to site/development review” to match keys in residential and commercial zones
2.4.120 (F)	Language in heading for subsection (F) is subjective – in an effort to remove discretion from Type I and Type II processes, the addition of language clarifying that these subjective standards apply only to developments required to be processed through a Type III procedure is necessary	Add language, “For an application being processed as a Type III procedure, the following requirements may be imposed:”
2.4.140 (A)	Current language implies there are different requirements for industrial developments and other types of developments within industrial zones. This doesn’t seem to be the intent. Staff suggests reorganizing section so that it’s clear that development compatibility standards in section (A) applies to all developments in industrial zones.	Consolidate subsections and reorganize requirements. No content changes
2.4.140 (B)	No use category exists for Large-Scale Commercial Developments. The requirements within this section are already captured within Sections 2.3.150(D) and 2.3.170 (as listed); unnecessary to regulate separately	Remove entire subsection
3.0.200	With newly created Type I Site	Add language, “Type II or Type III” to list of Major Projects

(A)	Design Review process, clarification as to which types of Site Design Review are classified as a Major Project is necessary	
3.0.200 (A)	CUPs erroneously listed as a Minor Project - CUPs require us to look at site design review criteria and all sections within Article 3. They're not really a "minor" project as they have to go to PC	Add language, "Conditional Use approval (Chapter 4.4)," to list of Major Projects
3.0.200 (B)	Newly created Type I Site Design Review process is not listed as a Minor Project	Add language, "or Type I Site Design Review" to list of Minor Projects
3.0.200 (B)	CUPs erroneously listed as a Minor Project - CUPs require us to look at site design review criteria and all sections within Article 3. They're not really a "minor" project as they have to go to PC	Remove language, "or Conditional Use approval (no site design review)."
3.1.200 (F)(3)-(5)	Subsections reference the City as having discretion in certain developments/situations – in this context, it's more appropriate to explicitly reference the Public Works Director Based on above change, pronoun must be changed	Replace "City" with "Public Works Director" Replace "its" with "their" (gender neutral)
3.1.200 (L)	UFC requires fire lanes with turnaround for all buildings more than 150 feet from public street or approved access drive. First sentence in this paragraph creates confusion and false-expectation	Remove first sentence, "When required under the Uniform Fire Code, fire access lanes with turnarounds shall be provided."
3.1.200 (L)	Code does provide examples of turnaround designs that are generally permitted for emergency vehicle turnarounds	Add language, " <i>(cul-de-sac, hammerhead, Y-turnaround or other similar alternative approved by the Fire Chief).</i> "
3.1.300 (A)	Section currently exempts all industrial developments from sidewalk requirements – intent was to exempt those developments in industrial zones Planning Director discretion is not necessary in this context, as all pedestrian projects are outlined within the TSP	Add language, "in industrial zones" for clarification Remove language, "a determination is made by the Planning Director that such pedestrian access is justified for connectivity associated with adjacent residential or commercial land uses, or where"
3.2.300	Subsection requires buildings and	Strike "raised" so walkways can be at grade

(E)(3)(b)	parking areas to be separated by a curb and a raised walkway, plaza, or landscaped buffer not less than 5 feet in width. This requirement does not seem to take into account at-grade developments and the added costs of raised walkways	
3.2.300(E)(3)(c)	Inconsistency between subsection heading and list of conditions which require screening	Add, <i>“and Manufacturing,”</i> to subsection heading Add, <i>“trash receptacles,”</i> to list of conditions
3.2.500(A)(2)	This subsection applies to all developments (Type I, Type II, etc.) that include fences/walls – Planning Director discretion is inappropriate in Type I and Type II procedures. Also, fence permits are issued through the Building Department and clear vision safety standards are regulated by Section 3.1.200(N)	Remove language, <i>“The Planning Director may require greater setbacks or height limitations when it is determined that clear vision safety cannot be maintained under standard requirements.”</i>
Table 3.3.300.A	It seems the intent of the maximum parking allowance was to limit expansive parking areas (primarily seen with “big box stores”) for both visual and environmental concerns (i.e. urban heat sink). Currently, it seems we are faced with balancing the vision for our community and removing unnecessary hurdles for development.	Replace current language for maximum parking allowance with, <i>“For retail developments proposing more than 125% of the minimum parking requirement, an increase in parking lot landscaping shall be required. At a minimum, one tree per every ten (10) additional parking spaces over the 125% parking maximum, or portion thereof, shall be required.”</i>
3.4.100(C)	Section implies Public Works Director can apply different development standards without written justification	Add language, <i>“Upon proper findings,”</i>
3.4.100(O)	Code does not specify when a cul-de-sac may be permitted, nor does it state that cul-de-sacs are the only turnaround design permitted for public streets	Add language, <i>“When a public through street is not an option (due to property ownership, topographical constraints, etc.), a cul-de-sac may be permitted. Cul-de-sacs are the only style of turnaround permitted for a public street.”</i>
3.4.200(A)	Exemptions to development of public improvements are currently listed under subsection (A) – Conditions of Approval. Should have separate section for clarity	Create subsection (B), titled <i>“Exempt Developments”</i>
3.4.300(A)	(2) Subsection implies only streets must be improved upon development of certain uses, when sidewalks should be included too	(2) Add language, <i>“and sidewalks”</i> (2) Add language, <i>“that will increase vehicle or pedestrian traffic”</i> (2) Add language, <i>“, except where specifically exempt by</i>

	<p>(2) Clarification required for when public improvements are required for development – based on Section 3.4.200(B)*, developments that do not increase vehicle/pedestrian traffic are exempt from requirement</p> <p>(2) Clarification required regarding developments exempt from public improvements – reference to 3.4.300(B) and other code sections necessary</p> <p>(5) Exempt developments are listed elsewhere in the code – redundant</p> <p>(6) Public improvements listed in the TSP are required upon development of most uses – current language presents this requirement as optional; additionally, TSP lists either multi-use path or sidewalk, not both</p> <p>(7) Current language allows opportunity for developers to skirt public improvement requirements. Language should be revised to list explicit situations where public improvements may be postponed or waived and that such postponement or waiver must be approved by the Planning Commission, as those types of decision can contain high levels of discretion</p>	<p>subsection (B) below, or other provisions of this Code”</p> <p>(5) Remove entire subsection</p> <p>(6) Remove language, “the City may allow” and “this option applies only in locations where providing both a multi-use path and a standard sidewalk would be redundant”.</p> <p>(7) Replace language, “Where it is impractical for a developer or builder to provide the” with “When a developer cannot provide the”</p> <p>(7) Add language, “application shall be processed as a Type III procedure. The..” and “installation of said improvements, the...” and “, in accordance with subsection (B) below.”</p>
3.4.300 (B) and 3.4.300 (B)(2)	Reference to street improvements as the only required public improvement is narrow – sidewalks and other improvements should be included, too	Remove language, “street” to make public improvement reference more inclusive
3.4.300 (C)*	Section should include sidewalk <u>and</u> street improvements	Retitle section by adding “Street or” to heading Add “street and/or” throughout section
3.4.300 (C)*	Waiver/deferral of public improvements is buried in chapter – relocation to front of chapter required for ease of access and improved flow when reading standards	Relocate Section 3.4.900 to Section 3.4.300 and re-label subsection (C)
3.4.300	To remove discretion from	Add language, “the request shall be processed as a Type III

(C)(5)*	developments processed as a Type I or Type II procedure in which the developer wishes to get a waiver for public improvements, waivers should become a Planning Commission decision	procedure with a hearing before”
3.4.900 (G)	Notice of decision language is out of place and redundant	Remove
3.4.300 (D)(2)	As per Deputy State Fire Marshall, this section does not exist UFC	Remove reference to Section 10.207
3.4.300 (H)(4)	Section currently assigns discretion to the Planning Director for subdivision design, specifically street connectivity and formation of blocks. As subdivisions are a Type III procedure, discretion should lie with the Planning Commission	Replace “ <i>Director</i> ” with “ <i>Commission</i> ”
3.4.900	Waiver/deferral of public improvements is buried in chapter – relocation to front of chapter required for ease of access and improved flow when reading standards	Relocate Section 3.4.900 to Section 3.4.300, relabel subsection (C)
3.5.050 (A)(4)	Grammatical error	Replace “ <i>criteria</i> ” with “ <i>criterion</i> ”
Table 3.5.050	Key for table: spelling error	Freeway “ <i>Overland</i> ” should be “ <i>Overlay</i> ”
3.5.060	Newly-created RP District overlay is missing from residential zone section introduction (second paragraph)	Add, “ <i>or Residential-Professional (R-P) District</i> ” to list in introductory paragraph
3.5.060	Third paragraph in introduction is redundant – restriction listed in Table 3.5.060	Remove third paragraph, “ <i>Only one sign shall be permitted per parcel within Residential Low-Density (R-LD), Residential Medium-Density (R-MD) and Residential High-Density (R-HD) Zones.</i> ”
3.5.060	Abbreviations missing from table heading	Add, “(R-LD, R-MD and R-HD)” to heading
3.5.080 (B)(4)	Grammatical error	Replace “ <i>more strict</i> ” with “ <i>stricter</i> ”
3.5.090 (D)	Reference to ‘district’ is vague	Replace with “ <i>Historic District</i> ”
3.5.100	Term district and zone used interchangeably in this section – needs revision for clarity	Remove “ <i>districts</i> ” and add “ <i>of the underlying zone</i> ” to end of sentence
Table 3.5.115*	Newly-created RP District table and maps must be added to code as a	<ul style="list-style-type: none"> • Add language: “<i>Residential Professional District. The Residential-Professional District provides larger sign</i>”

	new overlay	<p><i>allowances for light commercial uses in residential zones.”</i></p> <ul style="list-style-type: none"> • Insert table with standards for the same sign types which are allowed in residential zones, with added allowances for increased sign size (height and area) • Insert three maps depicting RP District (one overview and two detail)
3.6.300 (A)(1) – (2)*	Code does not require applicant to submit detailed designs or dimensions of proposed tower components.	Modify existing standard in subsection (1), <i>“A description of the location, design and height of the proposed antennas, including detailed dimensions and proposed materials.”</i> Add new language, <i>“2. Photo simulations of the proposed antennas.”</i>
3.6.300 (B)(1) – (2)*	Code does not require applicant to submit detailed designs or dimensions of proposed tower components.	Modify existing standard in subsection (1), <i>“A description of the location, design and height of the proposed tower, including detailed dimensions and proposed materials.”</i> Add new language, <i>“2. Photo simulations of the proposed tower.”</i>
3.6.300 (C)(2)	Required radius of 2000ft for reviewing alternative sites for cell towers is narrow	Increase radius to 1 mile (5,280ft)
3.6.400 (A)	Effective date missing	Add, <i>“August 27th, 2015”</i>
3.6.400(D)(3)*	In an effort to protect adjacent developments, specifically residences, “fall zone” buffers are a common standard in tower development. No such standard is in place in Code	Add language, <i>“In order to ensure public safety, all transmission towers located adjacent to any property designed R-HD, R-MD, or R-LD must be set back from all residential property lines by a distance at least equal to 125% of the height of the facility, including any antennas or other appurtenances. The setback is measured from that part of the tower that is closest to the neighboring residentially zoned property.”</i>
3.6.400 (L)*	Camouflaging for cell towers is a common-place requirement in other jurisdictions. No such standard exists in Code. Inclusion of camouflaging requirements may minimize impact to adjacent properties	Add language, <i>“Camouflage. All new transmission towers must be designed to visually and operationally blend into the surrounding area in a manner consistent with existing development on adjacent properties. The facility must also be appropriate for the specific site. In other words, it should not “stand out” from its surrounding environment.”</i>
3.6.400 (M)*	Code does not include language requiring final tower design to conform to photo simulations included with application	Add language, <i>“Compliance with Photo Simulations. As a condition of approval, and prior to final inspection of the facility, the applicant must submit evidence, such as photographs, to the satisfaction of the City sufficient to prove that the facility is in substantial conformance with photo simulations provided with the application. Non-conformance requires modification to compliance within 90 days or the structure must be removed.”</i>
3.6.800	Independent consultant review of application is difficult to implement	Remove standard

	<p>Who's qualified? How does staff keep track of consultants? How do we ensure impartiality? Not a standard code requirement</p>	
3.7	<p>Standards for floodplain development are currently listed in the Baker City Municipal Code, which can be cumbersome at the staff and applicant levels Current floodplain ordinance was found to be out of compliance with FEMA and state guidelines/requirements</p>	<ul style="list-style-type: none"> • Relocate floodplain development standards to Development Code, creating new Chapter 3.7 • Update standards to better align with state and FEMA guidelines/requirements, namely: • Some definitions have been added, removed, or reworded to match the CFR definitions verbatim, as required by FEMA • Required coordination with State of Oregon Specialty Codes and incorporation of relevant requirements (higher standards) from the Specialty Codes to ensure alignment between the model flood ordinance language and building code language • Floodplain development permit and permit review requirements have been expanded to more accurately capture all of the information a community Floodplain Administrator is required to obtain and review to ensure a floodplain development proposal complies with minimum NFIP and state standards • Expansions of the requirements for "Information to be Obtained and Maintained" to reflect the NFIP minimum requirements and Oregon Specialty Code Requirements • New section, "Community Boundary Alterations", that reflects the NFIP minimum requirement for communities to notify FEMA when their boundaries change (i.e. when annexations occur) • Clarification that floodplain managers have a duty to conduct Substantial Improvement (SI) assessments and Substantial Damage (SD) determinations in a new section. This section is designed to help ensure that each floodplain development file includes SI calculations whenever appropriate, as well as the floodplain administrator's determination of whether the proposed development activity qualifies as SI. SD review is required whenever structures have been damaged due to natural or other events (i.e. house fire) • Allowance for variances related to historic structures has been removed • New section for subdivisions and other large development proposals to reflect the requirements minimum NFIP requirements • "Use of Other Base Flood Data" has been moved out of the administration section and the language has been

		<p>updated to reflect the minimum state and NFIP standards</p> <ul style="list-style-type: none"> • New section, “Structures Located in Multiple or Partial Flood Zones”, has been added to reflect how the NFIP and State of Oregon Specialty Codes address structures that fall within multiple flood zones or are partially within one or more flood zones • Specific standards for riverine flood zones has been re-organized and amended to add the following sections: • “Flood Openings,” which covers the NFIP minimum requirements and additional Oregon Specialty Code requirements for residential structures requiring a building permit. • “Garages,” addresses the specific requirements for attached and detached garages under the NFIP minimum standards and Oregon Specialty Code requirements. • “Accessory Structures,” which allows for exemption of certain accessory structures based on size and use • “Tanks,” which outlines anchoring and flood-proofing standards for tanks (fuel, septic, chemical, etc.) to prevent leakage and floating during flooding
4.1.100	Table 4.1.100 lists a Type II sign permit, which does not exist	Remove reference to Type II sign permits
4.1.100	Table 4.1.100 does not list newly-created Type I Site Design Review as a process	Add Type I Site Design Review to table
4.1.100	Table 4.1.100 lists tree removal as a type of permit the Planning Department regulates – no such application	Remove tree removal from table
4.1.300 (G)(2) (b)	Appeal timeline lists 14 days, which is not in keeping with state statute requirement of 12 days – delays development	Change 14 days to 12 days
4.1.400 (C)(1)(c)	Noticing requirements mandated by state statute do not include “business days”, just “days”	Remove “business” from noticing timeline requirements, for consistency
4.1.400 (C)(2)(e) *	Type II notice requirements do not reflect state statute for submission of comments and hearing procedures	Add language, “ <i>State that any person may comment in writing and include a general explanation of the requirements for submission of testimony and the procedures for conduct of testimony, including, but not limited to, a party’s right to request or to have the record held open.</i> ”
4.1.400 (C)(3)*	Type II notice requirements do not reflect state statute for notice list requirements	Add language, “ <i>Notice List. The records of the Baker County Assessor’s Office are the official records for determining ownership. The most current assessment records must be</i>

		<i>used to produce the notice list.”</i>
4.1.400 (D)*	Type II notice requirements do not reflect state statute for submission of testimony requirements	Add language, “A. <i>Submission of testimony. Testimony can be submitted prior to the hearing in writing or verbally at the hearing.</i> 1. <i>Testimony submitted in writing shall include eight (8) copies, for Planning Commission members and staff.</i> a. <i>Testimony submitted digitally or without the requisite eight (8) copies shall be assessed reasonable fees associated with copying. Fees are determined according to the Baker City fee schedule which is approved by City Council.</i> b. <i>Written testimony must be fully contained in the text of the letter, email, memo or report. Submissions that cite URLs or other external sources will be considered incomplete.</i> c. <i>The person providing testimony is responsible for providing a specific nexus between the documents submitted and the criteria the decision-making body must consider. Testimony which fails to do so may not be considered in the decision-making process.</i> d. <i>The person providing testimony is responsible for confirming receipt of said testimony by Planning Department staff prior to the hearing.”</i>
4.1.400 (F)(5)	Noticing requirements mandated by state statute do not include “business days”, just “days”	Remove “ <i>business</i> ” from noticing timeline requirements, for consistency
4.1.400 (G)(2) (b)	Appeal timeline lists 14 days, which is not in keeping with state statute requirement of 12 days – delays development	Change 14 days to 12 days
4.1.500 (G)(1) (b)	Noticing requirements mandated by state statute do not include “business days”, just “days”	Remove “ <i>business</i> ” from noticing timeline requirements, for consistency
4.1.500 (I)	Noticing requirements mandated by state statute do not include “business days”, just “days”	Remove “ <i>business</i> ” from noticing timeline requirements, for consistency
4.1.600 (F)(2)	Noticing requirements mandated by state statute do not include “business days”, just “days”	Remove “ <i>business</i> ” from noticing timeline requirements, for consistency
4.2	Revisions to Sections listings requires updating to reflect current heading language and organizational changes proposed; relocation of land use review information to earlier in chapter	<ul style="list-style-type: none"> • Rename Section 4.2.300, “<i>Land Use Review – Applicability, Procedure and Approval Criteria</i>” and relocate content in existing section to earlier in the chapter • Rename Section 4.2.400, “<i>Site Design Review – Applicability, Procedure and Approval Criteria</i>” • Remove Sections 4.2.500 and 4.2.600 • Create subsection 4.2.300 for Land Use Reviews and

		subsection 4.2.400 for Site Design Reviews, within text of chapter
4.2.300*	Introductory sentence is redundant	Remove language, “... without a public hearing (Type I). (See Chapter 4.1 for review procedure.”
4.2.300 (A)	Add section title based on Section list in Chapter 4.3 introductory page	Add, “Applicability.” as section title
4.2.300 (A)(2)*	Re-use and re-development of existing buildings is important in Baker City, though it’s not prioritized by Code; could be considered “unfriendly” to development; simplify process	Add language, “Re-use or re-development of an existing building with no expansion of the existing footprint”, so that redevelopment of existing structure may be permitted through a Land Use Review (Type I procedure)
4.2.300 (B) and (C)*	Restructuring of Section 4.2.300 necessary to reflect index section headings	<ul style="list-style-type: none"> • Create subsection 4.2.300(B) titled, “Procedure”; copy/paste language from current Section 4.2.300 • Create subsection C titled, “Approval Criteria”; copy/paste language from current Section 4.2.300
4.2.400*	Based on creation of a Type I Site Design Review procedure, redefinition of threshold between Land Use Review and Site Design Review procedure is necessary. Existing language redundant based on description of review procedures contained in Chapter 4.1	<ul style="list-style-type: none"> • Add language, “Land uses and developments exceeding the thresholds in Section 4.2.400(A) require...” • Remove redundant language relating to procedure type, “Site Design Review shall be conducted as a Type II or Type III procedure as specified in Section “C” below (See Chapter 4.1 for review procedures.) It applies to all development in the City, except those specifically listed under “A” above (applications subject to Land Use Review).”
4.2.400*	Restructuring of Section 4.2.400* necessary to reflect index section headings	Create subsections titled, “A. Applicability”, “B. Procedure”, and “C. Application Submission Requirements”.
4.2.400 (A)*	Creation of a Type I Site Design Review process requires new language to describe when Type I, Type II and Type III SDR review is required. Strike existing language	<ul style="list-style-type: none"> • Strike existing heading and subsections 4.2.200(B) and (C) • Add language, “A. All uses and developments requiring Site Design Review shall be processed using a Type I procedure, except those uses or developments specifically described below: <ol style="list-style-type: none"> 1. Uses or developments requiring Type II Site Design Review: <ol style="list-style-type: none"> a. commercial or industrial uses or developments which abut a residential zone 2. Uses or developments requiring Type III Site Design Review: <ol style="list-style-type: none"> a. Large Format Retail Sales developments (see Chapter 1.5 – Definitions). b. Those uses or developments which require a Traffic Impact Analysis, as described in Section 4.1.900 c. A use or development, as deemed by the

		<i>Planning Director, which will generate substantial public interest and/or includes unusual circumstances. The Planning Director has the discretion to re-designate an application qualifying for Type II review as a Type III review. The Planning Director shall notify the applicant in writing of his/her intent to review the application by means of a Type III procedure within 30 days of the submission of a complete application per the requirements of Section 4.1.600.”</i>
4.2.300	Existing section should be relocated to beginning of chapter (new section 4.2.300*) so as to be grouped with other land use review requirements	Relocate section
4.2.400 (B)	<ul style="list-style-type: none"> • Restructuring of Section 4.2.400* necessary to reflect index section headings • Creation of Type I Site Design Review procedure requires listing of process in this section • Update section references 	<ul style="list-style-type: none"> • Create subsections titled, “<i>B. Procedure</i>” • Add, “<i>Type I,</i>” to subsection • Fix subsection references
4.2.400 (C)(1)	<ul style="list-style-type: none"> • Creation of Type I Site Design Review procedure requires listing of process in this section • Update section references 	<ul style="list-style-type: none"> • Add, “<i>Type I review (Section 4.1.200),</i>” language to subsection • Fix subsection references
4.2.400 (C)(2)(c)	Subsection heading does not reflect requirements of section	Add, “ <i>& surface water retention</i> ” to subsection heading
4.2.400 (C)(2)(c)	Use of term surface water “ <i>detention</i> ” does not mirror section heading and intent	Replace with “ <i>retention</i> ”
4.2.400 (C)(2)(d)(iii)*	Language to ensure invasive species are not proposed with developments is needed; also, language in this section should reflect requirements from Section 3.2.400 for regulation of plants within the public ROW	<ul style="list-style-type: none"> • Add language, “<i>..., as well as documentation of the following:</i> <ol style="list-style-type: none"> <i>a. no plants included in the landscape plan are listed as invasive plants by the Oregon State University (OSU) Extension Service in the applicable OSU bulletins for Baker County.</i> <i>b. for trees, shrubs, bushes or other woody vegetation proposed to be planted in or removed from any public parking strip or other public place in the City, approval of said vegetation from the Baker City Tree Board administered through the Baker City Public Works Department, in accordance with Section 3.2.400”</i>
4.2.400(C)(2)(d)(v)*	Two requirements listed within subsection (v) – separate into (v) and (vi)	Separate requirements as follows: v. <i>Other information as deemed appropriate by the City Planning Official; and</i>

		<i>vi. An arborist’s report may be required for sites with mature trees that are protected under Chapter 3.2. Landscape, Street Trees, Fences and Walls of this Code.”</i>
4.2.400(C)(2)(e)*	Not all development proposals include signs – modify language to reflect variation in application needs	Modify language to read, <i>“If signage is proposed, drawings and information for all signs shall be included. Signs shall conform with Chapter 3.5 – Signs.”</i>
4.2.400(C)(2)(f)*	Not all development proposals include deed restrictions – modify language to reflect variation in application needs	Modify language to read, <i>“If deed restrictions are proposed, copies of all existing and proposed restrictions or covenants, including those for access control, shall be provided.”</i>
4.2.400(C)(2)(g)*	<ul style="list-style-type: none"> Terminology is out of step with current practices Reference corrections needed Modify language to reflect these changes 	<ul style="list-style-type: none"> Replace <i>“letter or report”</i> with <i>“written narrative”</i> Update references Modify language to read, <i>“A written narrative shall be included, documenting compliance with the applicable approval criteria contained in Section 4.2.400(D) – Approval Criteria.”</i>
4.2.400(C)(2)(h)*	Not all development proposals require a traffic impact study – modify language to reflect variation in application needs	Modify language to read, <i>“When required, a traffic impact study shall be prepared...”</i>
4.2.400(C)(2)(i)*	Heading is lengthy	Shorten to <i>“Other Information”</i> and include <i>“As determined by the City Planning Official, the City may...”</i> as part of section requirement.
4.2.400(C)(2)(j)*	<ul style="list-style-type: none"> Subsection heading needed Sometimes applicants propose the dedication of real property voluntarily – language should be updated to reflect these situations 	<ul style="list-style-type: none"> Add heading, <i>“Dedication of Real Property.”</i> Add language, <i>“...and where the applicant has not proposed the dedication voluntarily,...”</i>
4.3.100 to 4.3.120	Through discussions with local surveyors, Chapter 4.3 does not seem to reflect industry-standards and state statute descriptions of property line adjustments, lot line adjustments and re-plats. Clean-up and reorganization of chapter needed	<ul style="list-style-type: none"> Add language, <i>“property line adjustments”</i> to subsection (A) for clarification that there is a difference between a lot line adjustment and a property line adjustment Relocate subsections (A)(1) and (2) to newly-created section 4.3.110(A)* Strike (3), as revised section 4.3.200 differentiates between lot line adjustments, property line adjustments, re-plats and vacations, and how each of those types of applications are processed Create new subsection (A) for definitions Subsection 4.3.100(A)(2): Replace <i>“lots”</i> with <i>“parcels”</i> as partitions create parcels, not lots Subsection 4.3.130(B): List of required preliminary plat submission requirements is lengthy and each requirement is not applicable to all developments
4.3.130	List of requirements for preliminary	Add language <i>“Submission requirements may be adjusted</i>

(B)	plat submissions is quite lengthy – not all apply to each development proposal	<i>at the discretion of the Planning Director”</i>
4.3.200	Section heading and introductory paragraph should be updated to reflect reorganization of chapter and inclusion of all types of procedures included within Chapter 4.3	Retitle section heading, <i>“Lot Line Adjustments, Property Line Adjustments, Re-plats and Vacations”</i> and add <i>“adjusted,”</i> to list of actions that can be taken to modify plats or portions of plats
4.3.200 (A)	Addition of definition section needed to clarify differences in application types and procedures	<ul style="list-style-type: none"> • Add language, <i>“A. Definitions.</i> <ul style="list-style-type: none"> a. <i>Lot Line Adjustments. A lot line adjustment serves to reconfigure a boundary line within an existing subdivision plat. All lot line adjustments shall be processed using a Type I procedure, as specified in Section 4.3.210.</i> b. <i>Property Line Adjustments. A Property Line Adjustment is the modification of parcel boundaries, when no parcel is created. A property line adjustment is required to relocate or eliminate all or a portion of a common property line between two abutting parcels of land that were lawfully established, as defined by ORS 92.010(3)(a). Property line adjustments shall not be used to create an additional parcel of land, or to create parcels of land that are non-conforming. No property line shall be relocated or eliminated without property line adjustment approval as set forth in this section.</i> c. <i>Re-Plats. The act of re-platting shall allow the reconfiguration of lots and public easements within a recorded plat. A re-plat is required to reconfigure lots or parcels and public easements in a recorded partition or subdivision plat, to increase or decrease the number of lots in a subdivision, or where multiple property line adjustments require a re-plat. No re-plat shall occur without receiving tentative re-plat approval as set forth in this section. Re-plat applications shall be processed as a Type II or Type III procedure, as specified in Section 4.3.140(A)(8). Once recorded, a re-plat shall operate to eliminate the force and effect of the plat prior to vacation</i> d. <i>Vacations. The same appeal rights provided through the subdivision and partition process shall be afforded to the plat vacation process. (See Chapter 4.1 - Types of Applications and Review Procedures.) The road authority(ies) shall be notified of all applications for re-plats and street vacations. All street vacations shall also conform to the ORS Chapter 271.</i>

		<ul style="list-style-type: none"> i. <i>Once recorded, a vacation shall operate to eliminate the force and effect of the plat prior to vacation; and</i> ii. <i>Vacations shall also divest all public rights in the streets, alleys and public grounds, and all dedications described on the plat."</i> <ul style="list-style-type: none"> • <i>Strike redundant language, "All applications for a re-plat or vacation shall be processed in accordance with the procedures and standards for a subdivision or partition (i.e., the same process used to create the plat shall be used to re-plat or vacate the plat), except that a Property Line Adjustment as specified in the Section 4.3.120 shall be processed as a Type I procedure."</i>
4.5	<p>Several sections within the Master Planned Development chapter are difficult to interpret and apply. Current language in the chapter seems to circumvent land use planning requirements set forth by the state, namely, following a Type II or Type III process for design approval (currently, the language implies that community work shop is all that is necessary for design approval). Later in the chapter, those review processes are addressed in a different way. It seems that language in this chapter may have been brought in from another jurisdiction, presumably one outside of the state of Oregon, which has a different/less restrictive land use planning process.</p>	<p>Replace existing chapter with Oregon Model Development Code language for Master Planned Developments.</p>
4.9.300*	<p>Newly-created Mobile Food Unit standards must be added to code</p>	<p>Add, "A. <i>Purpose. The purpose of this section is to allow for mobile vending units to be sited within Baker City. As with temporary uses, permanent site improvements may not be required; however, the standards and permit processes of this section are intended to ensure that mobile vending units are conducted as lawful uses and in a manner that is not detrimental or disruptive in terms of appearance or operation to neighboring properties and residents.</i></p> <p>B. <i>Exemptions. The following are exempt from provisions of this section. Additional fire/life safety requirements may apply.</i></p> <ol style="list-style-type: none"> 1. <i>Locations where mobile vending units stop for less than two hours in any twenty-four (24) hour period.</i> 2. <i>Locations where mobile vending units are stored when not in operation are exempt from the provisions of this section; however, the storage of</i>

commercial vehicles may be subject to other requirements of the Baker City Development and Municipal Codes.

3. Mobile vending units that are operated as part of an approved farmer's market or event that has received approval from the City.

C. *Types of Mobile Vending Units.*

1. *Temporary Mobile Vending Units.* Mobile vending units which will be sited for less than 60 days are considered temporary.
2. *Permanently-Sited Mobile Vending Units.* Mobile vending units which will be sited for more than 60 days are considered permanent.

D. *Permit Procedures.* Mobile vending unit permits will be processed as follows:

1. Type I. The following uses shall be reviewed as a Type I procedure in accordance with Section 4.1.200:
 - a. A temporary mobile vending unit, including ancillary trashcans and portable accessory items (such as picnic tables).
 - b. A permanently-sited mobile vending unit, including ancillary trashcans and portable accessory items (such as picnic tables).
 - c. Accessory structures ancillary to a permanently-sited mobile vending unit, in accordance with Section 4.9.300(E)(3) below.
2. Type II. The following uses shall be reviewed as a Type II procedure in accordance with Section 4.1.300:
 - a. Three or more permanently-sited mobile vending units on one site, including ancillary trashcans and portable accessory items (such as picnic tables), and any necessary accessory structures.

E. *Mobile Vending Unit Standards.* The following standards apply to all mobile vending units unless stated otherwise:

1. Consent. The applicant has proof of the property-owner's permission to place the mobile vending unit on his/her property;
2. Zoning. Mobile vending units are permitted within commercial and industrial zones as set forth in Table 2.3.110 and Table 2.4.110, respectively.
3. Density. Mobile vending units shall be permitted at a density not to exceed one (1) unit per 1,200 square feet of site area.
4. Accessory Items and Structures. Portable accessory items, such as picnic tables and storage buildings, may be permitted with all mobile vending units.

New accessory structures may be constructed only in conjunction with permanently-sited mobile vending units through a Type I procedure, as follows:

- a. A maximum of two restroom structures, provided that the combined square footage does not exceed two hundred (200) square feet;*
 - b. One storage building that does not exceed two hundred (200) square feet;*
 - c. One trash enclosure sited no more than ten (10) feet from the mobile vending unit; and*
 - d. Covered, outdoor seating areas are permitted, provided that the combined square footage does not exceed ±200 square feet per mobile vending unit, or a maximum of ±2,000 square feet for a grouping of mobile vending units on one site, whichever is less.*
- 5. Signs. Signs attached to the body of the mobile vending unit and which do not extend beyond the roof or wall of the mobile vending unit are permitted. All other signs must receive a permit in accordance with Chapter 3.5 – Signs, unless exempt.*
- 6. Minimum Setbacks and Separation Distance. All mobile vending units on the site shall be located a minimum of:*
- a. Five feet from any structure or other mobile vending unit;*
 - b. Ten feet from any front lot line; and*
 - c. Five feet from any side or rear lot line, except if such lot line abuts a residential zone the minimum setback shall be 20 feet.*
 - d. Within 600 feet of a fire hydrant.*
- 7. Screening. Temporary mobile vending units are exempt from screening requirements. All permanently-sited mobile vending unit sites abutting a residential zone shall be screened from the residential property. This shall include the mobile vending unit and associated seating, as well as queuing or parking areas which abut the residential zone. Screening shall meet standards set forth in Chapter 3.2 – Landscaping, Street Trees, Fences & Walls.*
- 8. Setback from Vehicular and Pedestrian Use Areas. Windows and doors used for service to customers shall be located a minimum of ten (10) feet from loading areas, driveways, on-site circulation drives, and parking lot aisles, and a minimum of five feet from bicycle parking spaces and walkways.*

9. Vision Clearance. Mobile vending units shall provide adequate vision clearance, as required by Section 3.1.200, and shall not obstruct pedestrian access on public streets.
10. Vehicular Access and Circulation. Ingress and egress for the mobile vending unit shall be safe and adequate when combined with the other uses of the property, and conform to standards set forth in Section 3.1.200 - Vehicular Access and Circulation.
11. Surfacing. Permanently-sited mobile vending units shall be placed on a hard-surfaced area, and any associated parking, loading, and maneuvering areas for vehicles shall be on existing hard-surfaced areas, unless a permeable parking, loading, or maneuvering area surface was authorized as part of a previously approved use on the site, or has been reviewed and approved by the Baker City Public Works Department. Temporary mobile vending units are exempt from the above hard-surface requirements but shall provide dust abatement to the site and any associated parking, loading, and maneuvering areas for vehicles. The selected dust abatement method shall be approved by the Baker City Public Works Department prior to application.
12. Driveway Access. All mobile vending units shall utilize driveway access which conforms with the standards of Section 3.1.200 – Access and Circulation and which are permitted by the Baker City Public Works Department.
13. Off-Site Impacts. The mobile vending unit shall not create adverse off-site impacts including vehicle traffic, noise, odors, vibrations, glare or lights that affect an adjoining use in a manner in which is greater than other uses allowed in the zone.
14. Public Facilities. All permanently-sited mobile vending units shall be adequately served by City sewer and water. The applicant shall be responsible for obtaining any related permits. Temporary mobile vending units requiring public facilities shall obtain all required permits.
15. Utilities. To the extent that utilities are desired by the applicant or are required by applicable regulations, mobile vending units shall have self-contained utilities. If on-site utility connections are proposed, such utilities shall be installed underground, except where prohibited by the City or utility company.
16. Parking. A minimum of two parking spaces shall be

provided for customers of any mobile vending unit. Parking spaces shall conform to standards set forth in Chapter 3.3 - Vehicle and Bicycle Parking. No parking shall be utilized by customers and employees of the mobile vending unit which is needed by the property owner to meet minimum parking requirements for previously-permitted uses.

17. Fuel Tanks. Fuels tanks which are permanently attached to the mobile vending unit are permitted, or shall measure less than 10 gallons if sited upon the ground. These fuel tanks shall be setback 5 feet from any public right-of-way and 10 feet from any structure. Permanently-sited mobile vending units may site one (1) fuel tank measuring more than 120 gallons upon the ground if said fuel tank meets the required setback distances of 50 feet from any public right-of-way or structure. All fuel tanks must be secured to prevent tipping and tampering. Skirting of fuel tanks or mobile vending units with fuel tanks is not permitted.

18. Attachments. Temporary attachments to mobile vending units, such as awnings or canopies, are permitted. Building permits may be required. Neither the mobile vending unit nor any item relating to the unit shall lean against or hang from any structure or utility pole. No structures shall be attached to the mobile vending unit.

19. Accessory Storage. Except as specifically allowed by Section 4.9.300(E)(3), items relating to the mobile vending unit shall be stored in, on, or under the unit.

20. Interior Seating or Vending. Customer seating or vending inside any mobile vending unit is prohibited.

21. Other Licenses Required. In addition to the requirements of this section, the operator of a mobile vending unit must obtain all necessary local, state and/or federal permits, including those required by the Oregon Health Authority.

F. Approval Period and Time Extension. An approved mobile vending unit must be established within one year of the date of the final written decision. Extension requests are permitted and must be made to the Planning Director in writing.

G. Grounds for Revocation. The Planning Official or designee may revoke a mobile vending unit permit approval if the standards within this chapter have not been or are not being complied with and the mobile vending unit is otherwise being conducted in a

		<i>manner contrary to this chapter. The Planning Official or designee shall approve the use as it exists, revoke the mobile vending unit permit, or compel measures to be taken to ensure compatibility with the neighborhood and conformance with this section after reviewing a complaint. A fire code official or building official also has the ability to inspect, and temporarily close if necessary, a mobile vending unit for violations of State Fire Code or State Building Code, respectively.”</i>
5.1.300 (A)(5) – (7)*	Currently, applicants who are not able to qualify for a Class A variance must apply for a Class C variance through the Planning Commission, which is more costly and time intensive. Commonly requested variances include minimum lot size, sign height and sign area.	Add language, “5. <i>Minimum lot size. Up to a 10 percent reduction to the minimum lot size standard in the base land use district. Applies to existing lots only.</i> 6. <i>Sign height. Up to a 15 percent increase to the maximum sign height permitted in the base land use district.</i> 7. <i>Sign area. Up to a 15 percent increase to the maximum sign area permitted in the base land use district.”</i>
5.1.500 (A)	Class C variances may be permitted if criteria under subsection (A) are satisfied. Currently language states they must “ <i>meet</i> ” the criteria, while the requirement would be better described as not conflicting with the criteria listed.	Replace “ <i>meet</i> ” with “ <i>do not conflict with</i> ”
5.1.500(A)(1)	Reference to Class B variances in Class C section – remove. Language to be stricken is included in Class B section (5.1.400)	Strike all of (A)(1), “ <i>The Class B variance standards apply to individual platted and recorded lots only.</i> ”

* = newly created chapter/section

NOTE – UPDATE TOC WITH ANY/ALL CHANGES

PROPOSED CLERICAL CHANGES

CONCERN	SOLUTION		
Chapter headings in upper right corner are inconsistent with chapter context in portions of code (formatting issues)	Update as needed		
Terms “zone” and “district” are used interchangeably. “Zone” should be used for underlying zone (RLD, CG, I, etc.) while “district” should be used for overlay areas (Freeway Overlay, Historic, etc.)	Replace “zone” and/or “district” as needed, throughout code		
Several section references throughout code need to be updated or corrected	Section	Current	Revision/Correction
	Definition of turnaround	3.4.1	3.4.100
	Home Occupations - 2.2.200(F)(1)(i)	Subsections (5) and (6)	Subsections (e) and (f)
	3.2.400 – Street Trees	3.4.100	3.4.300
	4.2.400(B) – Site Design Review Procedure	4.2.200(C) and 4.2.500 and 4.2.600	4.2.400(A) and 4.2.400(C) and 4.2.400(D)
	4.2.400(C)(1)	4.1.300 and 4.2.200(C)	4.1.100 and 4.2.400(A)
	4.2.400(C)(2)(g)	4.2.600	4.2.400(D)
	4.2.400(D)	4.2.500	4.2.400(C)
	4.3.140(B)(1)	3.4.100(G)(4)	3.4.100(H)(4)
5.1.400(A)	5.1.400(G)	5.1.400(H)	
Headings for Table 2.2.110 do not match other zones	Change format for consistency		
Formatting for references differs throughout code	Change format for consistency [ex: Section 2.2.200(E)(1)(a)(ii)]		
<i>Indiv.</i> used as abbreviation throughout use tables	Change to <i>individuals</i> for clarity		
Headings for Table 2.3.1220 do not match other zones	Change format for consistency		
Inconsistency with how disclaimers are listed throughout use tables	Change all “ <u>Note:</u> ” sections to “ * ”		
Use of acronyms throughout code is inconsistent	Use abbreviations where appropriate and as often as possible, for brevity		