

Article 1.0 — Introduction

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

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

- Added flexibility in many circumstances to accommodate changes in market conditions or the realities often encountered on-site so that rational decisions can be made while still enhancing community planning objectives, insuring public safety, and protecting private property owner and taxpayer investments.
- The use of incentives. The development code, in a number of areas, has been intentionally designed to provide choice to individuals rather than just a regulatory mandate without options. Those options that are most desirable in advancing community goals are often encouraged through technical assistance from the City or added design and land use flexibility. Throughout the code, a number of incentive summary boxes highlight for the reader the options available and associated advantages.
- Integration with Baker City economic development strategies. Baker City is a community in economic transition pursuing specific strategies to strengthen the area’s economy for everyone’s benefit. One important component of implementing those strategies is the public face that we present to the outside world and the quality-of-life that we offer all of our current and future residents. Issues of urban design, neighborhood quality and pedestrian access, among others, have a direct impact on the future success of those economic development strategies. As a result, there are components of the development code that are specifically designed to assist in implementing those longer-range economic development objectives and strategies.

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

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

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

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

- The protection and enhancement of public property rights. As individual property owners, we all enjoy certain private property rights. Those private property rights are balanced against public property rights. The community-at-large retains and manages certain public property rights such as clean air, clean water, and attractive and safe neighborhoods that are held in common for the community through its locally controlled government. Zoning regulations are one way that a community defines and manages its public property rights.
- The generation of “public goods” to the extent that the community is willing to pay or regulate itself. Public goods include a wide variety of community-wide benefits such as open space and parklands, pedestrian systems, and attractive and vibrant shopping districts, to name a few. Public goods are those benefits or services that are best produced by collective community action, for instance national defense through an organized military. Public goods are impractical or impossible for us to provide as individuals, instead, they require a community wide effort. The development code is designed over an extended time period to help generate many important public goods at the local level.
- The protection and encouragement of private investments. The development code directly increases property values for private owners. Without land use regulations, your land is worth less, often far less, because there is no predictability for investments or protection against detrimental land uses or poor development practices that may occur next-door driving down your property values. Without self-regulation at the community level, private investment is significantly reduced. With intelligent regulation, investor risk is reduced. The more we work together as a community to create an attractive, efficient, and stimulating environment for people, the more private property values are protected and enhanced.
- To protect public health and safety. Providing for public safety is one of the fundamental obligations of government and one of the important reasons why we have building codes and development codes. Human society has recognized this need well back to the Roman Empire and Greek Society, both of which employed city planning and the equivalent of development codes. Standards related to fence heights, building setbacks, road design, and intersection sight distances (all components of this code) exist specifically for public safety.

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

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

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

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

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

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

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

Article 5. Article 5 provides standards and procedures for variances and non-conforming situations (i.e., existing uses or development that do not comply with the code). This code cannot provide standards to fit every potential development situation. The city’s varied geography, and complexities of land development, require flexibility.