

Chapter 4.2 - Land Use Review and Site Design Review

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4.2.100 Purpose. The purpose of this Chapter is to:

- A. Provide rules, regulations and standards for efficient and effective administration of land use and site development review;
- B. Carry out the development pattern and plan of the City and its comprehensive plan policies;
- C. Promote the public health, safety and general welfare;
- D. Provide adequate light and air, prevent overcrowding of land, and provide for adequate transportation, water supply, sewage, fire protection, pollution control, surface water management, and protection against natural hazards;
- E. Encourage the conservation of energy resources; and
- F. Encourage efficient use of land resources, full utilization of urban services, mixed uses, transportation options, and detailed, human-scaled design.

4.2.200 Applicability. Land Use Review or Site Design Review shall be required for all new developments and modifications of existing developments described below. Regular maintenance, repair and replacement of materials (e.g., roof, siding, awnings, etc.), parking resurfacing and similar maintenance and repair shall be exempt from review.

4.2.300 Land Use Review. Land Use Review is a review conducted by the City Planning Official or designee for changes in land use and developments that do not require a conditional use permit or site design review approval. Land Use Review ensures compliance with the basic land use and development standards of the land use zone, such as lot area, building setbacks and orientation, lot coverage, maximum building height, and other provisions of Article 2.

A. Applicability. Land Use Review is required for all of the types of land uses and development listed

below. Land uses and developments exceeding the thresholds below require Site Design Review.

1. Any change in land use deemed to not be significant defined as one that would not result in a change of “Use Categories” as recognized in Chapter 1.4 or as may be determined by the City Planning Official;
 2. Re-use or re-development of an existing building with no expansion of the existing footprint;
 3. Single-family detached dwelling (including manufactured home on its own lot);
 4. Duplex dwellings
 5. Up to two single-family attached (town home) units not requiring a land division, and accessory parking on the same lot;
 6. Non-residential building additions up to 1,000 ft² or 20% of an existing structure, whichever is greater;
 7. Minor Modifications to development approvals as defined by Chapter 4.6;
 8. Any proposed development that has a valid conditional use permit. Major modifications to a development with a conditional use permit shall require review and approval in accordance with Chapter 4.4 - Conditional Use Permits;
 9. Home occupations requiring a permit under Chapter 4.9;
 10. Temporary uses requiring a permit under Chapter 4.9;
 11. Accessory structures and accessory or commercial parking lots of 50 spaces or less;
 12. Development and land uses that are part of a previously approved Site Design Review or Conditional Use Permit application;
 13. Public improvements required by a condition of approval (e.g., transportation facilities and improvements, parks, trails, and similar improvements, as determined by the City Planning Official).
- B. Procedure.** When Land Use Review is required, it shall be conducted prior to issuance of building permits, occupancy permit, or public improvement permits, as determined by the City Planning Official. The City shall conduct Land Use Reviews as a Type I procedure.
- C. Approval Criteria.** The City Planning Official shall be responsible for determining the required review procedure. An application for Land Use Review shall be approved only upon meeting all of the following criteria:

1. The proposed land use or development is permitted by the underlying land use zone (Article 2);
2. The land use, building/yard setback, lot area, lot dimension, density, lot coverage, building height and other applicable standards of the underlying land use zone and any applicable overlay district(s) are met (Article 2); and
3. When development is proposed, the applicable sections of Article 3, Design Standards apply.
4. Land Use Reviews do not address a project's compliance with applicable building, fire and life safety regulations.

4.2.400 Site Design Review. Land uses and developments exceeding the thresholds in Section 4.2.200(A) require Site Design Review to ensure compliance with the land use and development standards in Article 2 (e.g., lot area, building setbacks and orientation, lot coverage, maximum building height), and the design standards and public improvement requirements in Article 3.

A. Applicability. All uses and developments requiring Site Design Review shall be processed using a Type I procedure, except those uses or developments specifically described below:

1. Uses or developments requiring Type II Site Design Review:
 - a. Commercial or industrial uses or developments which abut a residential zone
2. Uses or developments requiring Type III Site Design Review:
 - 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 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.

B. Procedure. Where Site Design Review is required, it shall be conducted using a Type I, Type II or Type III procedure, consistent with Section 4.2.400(A), and using the application requirements and approval criteria contained in Sections 4.2.400(C) through 4.2.400(D), below.

C. Application Submission Requirements. All of the following information is required for Site Design Review application submittal:

1. **General Submission Requirements.** An application for Site Design Review shall contain all of the information required for a Type I review (Section 4.1.200), Type II review (Section 4.1.300) or Type III review (Section 4.1.400), consistent with project designations under Section 4.2.400(A).
2. **Site Design Review Information.** In addition to the general submission requirements, an applicant for Site Design Review shall provide the following additional information, as deemed applicable by the City Planning Official. The Planning Official may deem applicable any information that he or she needs to review the request and prepare a complete staff report and recommendation to the approval body:
 - a. Proposed Site Plan. The site plan shall generally contain the following information:
 - i. The applicant’s entire property and the surrounding property to a distance sufficient to determine the location of the development in the City, and the relationship between the proposed development site and adjacent property and development. The property boundaries, dimensions and gross area shall be identified;
 - ii. Topographic contour lines at 2-foot intervals for slopes of 6 to 10 percent, and 5-foot intervals for steeper slopes. Contour lines are not required for slopes of less than 6 percent;
 - iii. Identification of slopes greater than 25 percent;
 - iv. The location and width of all public and private streets, drives, sidewalks, pathways, rights-of-way, and easements on the site and adjoining the site;
 - v. Potential natural hazard areas, including any areas identified as subject to a 100-year flood, areas subject to high water table, and areas mapped by the City, County, or State as having a potential for geologic hazards;
 - vi. Resource areas, including marsh and wetland areas, streams, and wildlife habitat identified by the City or any natural resource regulatory agencies as requiring protection;
 - vii. Site features, including existing structures, pavement, large rock outcroppings, and drainage ways, canals and ditches;
 - viii. Locally or federally designated historic and cultural resources on the site and adjacent parcels or lots;
 - ix. The location and size of existing and proposed trees and other vegetation;
 - x. North arrow, scale, names and addresses of all persons listed as owners of the subject property on the most recently recorded deed;

- xi. Name and address of project designer, engineer, surveyor, architect, and/or planner, if applicable.
 - xii. The proposed development site, including boundaries, dimensions, and gross area;
 - xiii. Features identified on the existing site analysis maps that are proposed to remain on the site;
 - xiv. Features identified on the existing site map, if any, which are proposed to be removed or modified by the development;
 - xv. The location and dimensions of all proposed public and private streets, drives, rights-of-way, and easements;
 - xvi. The location and dimensions of all existing and proposed structures, utilities, pavement and other improvements on the site. Setback dimensions for all existing and proposed buildings shall be provided on the site plan;
 - xvii. The location and dimensions of entrances and exits to the site for vehicular, pedestrian, and bicycle access;
 - xviii. The location and dimensions of all parking and vehicle circulation areas (show striping for parking stalls and wheel stops);
 - xix. Pedestrian and bicycle circulation areas, including sidewalks, internal pathways, pathway connections to adjacent properties, and any bicycle lanes or trails;
 - xx. Loading and service areas for waste disposal, loading and delivery;
 - xxi. Outdoor recreation spaces, common areas, plazas, outdoor seating, street furniture, and similar improvements;
 - xxii. Location, type, and height of outdoor lighting;
 - xxiii. Location of mail boxes, if known;
 - xxiv. Name and address of project designer, if applicable;
 - xxv. Locations of bus stops and other public or private transportation facilities; and
 - xxvi. Locations, sizes, and types of signs.
- b. Architectural drawings. Architectural drawings showing one or all of the following shall be required for new buildings and major remodels:

- i. Building elevations (as determined by the City Planning Official) with building height and width dimensions;
- ii. Building materials, colors and type;
- c. Preliminary grading & surface water retention plan. A preliminary grading plan prepared by a registered engineer shall be required for development sites 1 acre or larger. The preliminary grading plan shall show the location and extent to which grading will take place, indicating general changes to contour lines, slope ratios, slope stabilization proposals, and location and height of retaining walls, if proposed. Surface water retention and treatment plans may also be required, in accordance with Section 3.4.400.
- d. Landscape plan. A landscape plan may be required and at the direction of the City Planning Official shall show the following:
 - i. The location and height of existing and proposed fences, buffering or screening materials;
 - ii. The location of existing and proposed terraces, retaining walls, decks, patios, shelters, and play areas;
 - iii. The location, size, and species of existing and proposed plant materials (at time of planting), as well as documentation of the following;
 - 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; and
 - 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;
 - iv. Existing and proposed building and pavement outlines;
 - v. Other information as deemed appropriate by the City Planning Official; and
 - 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.
- e. Sign drawings. If signage is proposed, drawings and information for all signs shall be included. Signs shall conform with Chapter 3.5 – Signs.
- f. Deed restrictions. If deed restrictions are proposed, copies of all existing and proposed restrictions or covenants, including those for access control, shall be provided.

- g. Narrative. A written narrative shall be included, documenting compliance with the applicable approval criteria contained in Section 4.2.400(D) – Approval Criteria.
- h. Traffic Impact Study. When required, a traffic impact study shall be prepared in accordance with the road authority’s requirements. See Section 4.1.900 and Section 3.4.100 for relevant standards.
- i. Other Information. As determined by the City Planning Official, the City may require studies or exhibits prepared by qualified professionals to address specific site features or project impacts (e.g., traffic, noise, environmental features, natural hazards, etc.), in conformance with this Code. Supplemental analysis may include Public Facilities and Service Impact Studies. Said studies may be required to quantify and assess the effect of the development on public facilities and services. The City shall advise as to the scope of the study during the required pre-application conference (Section 4.1.600C).
- j. Dedication of Real Property. In situations where this Code requires the dedication of real property to the City, and where the applicant has not proposed the dedication voluntarily, the City shall either (1) include in the written decision evidence that shows that the required property dedication is directly related to and roughly proportional to the projected impacts of the development on public facilities and services, or (2) delete the dedication as a condition of approval.

D. Approval Criteria. The review authority shall make written findings with respect to all of the following criteria when approving, approving with conditions, or denying an application:

- 1. The application is complete, as determined in accordance with Chapter 4.1 - Types of Applications and Section 4.2.400(C), above.
- 2. The application complies with all of the applicable provisions of the underlying Land Use Zone (Article 2), including: building and yard setbacks, lot area and dimensions, density and floor area, lot coverage, building height, building orientation, architecture, and other special standards as may be required for certain land uses;
- 3. The applicant may be required to upgrade existing development that does not comply with the applicable land use zone standards, in conformance with Chapter 5.2, Non-Conforming Uses and Development;
- 4. The application complies with all of the Design Standards in Article 3 and other City Ordinances:
 - a. Chapter 3.1 - Access and Circulation;
 - b. Chapter 3.2 - Landscaping, Street Trees, Fences and Walls;
 - c. Chapter 3.3 - Parking and Loading

- d. Chapter 3.4 - Public Facilities
 - e. Chapter 3.5 - Signs;
 - f. Chapter 3.6 –Radio Frequency Transmission Facilities;
 - g. Baker City Design Review Guidelines for Historic District Properties.
5. Existing conditions of approval required as part of a prior Land Division (Chapter 4.3), Conditional Use Permit (Chapter 4.4), Master Planned Development (Chapter 4.5) or other approval shall be met.

4.2.500 Bonding and Assurances

- A. Performance Bonds for Public Improvements.** On all projects where public improvements are required, the City shall require a bond or cash in an amount not greater than 100%.
- B. Release of Performance Bonds.** The bond or assurance shall be released when the City Planning Official finds the completed project conforms to the site development approval, including all conditions of approval.
- C. Completion of Landscape Installation.** Landscaping shall be installed prior to issuance of occupancy permits, unless security equal to the cost of the landscaping as determined by the City Planning Official or a qualified landscape architect is filed with the City Planning Official assuring such installation within six months after occupancy. If the installation of the landscaping is not completed within the six-month period, the security may be used by the City to complete the installation.

4.2.600 Development in Accordance with Permit Approval; Modifications; Permit Expiration.

Development shall not commence until the applicant has received all of the appropriate land use and development approvals (i.e., site design review approval) and building permits. Construction of public improvements shall not commence until the City has approved all required public improvement plans (e.g., utilities, streets, public land dedication, etc.). The City may require the applicant to enter into a development agreement (e.g., for phased developments and developments with required off-site public improvements), and may require bonding or other assurances for improvements, in accordance with Section 4.2.700. Development Review and Site Design Review approvals shall be subject to all of the following standards and limitations:

- A. Modifications to Approved Plans and Developments.** Minor modifications of an approved plan or existing development, as defined in Chapter 4.6, shall be processed as a Type I procedure and require only Land Use Review. Major modifications, as defined in Chapter 4.6, shall be processed as a Type II or Type III procedure and shall require Site Design Review. For information on Type I, Type II and Type III procedures, please refer to Chapter 4.1. For Modifications approval criteria, please

refer to Chapter 4.6.

- B. Approval Period.** Development Review and Site Design Review approvals shall be effective for a period of two years from the date of approval. The approval shall lapse if:
1. A public improvement plan or building permit application for the project has not been submitted within two years of approval; or
 2. Construction on the site is in violation of the approved plan.
- C. Extension.** The Planning Director may, upon written request by the applicant, grant a written extension of the approval period not to exceed one year; provided that:
1. No changes are made on the original approved site design review plan;
 2. The applicant can show intent of initiating construction on the site within the one-year extension period;
 3. There have been no changes to the applicable Code provisions on which the approval was based. If there have been changes to the applicable Code provisions and the expired plan does not comply with those changes, then the extension shall not be granted; in this case, a new site design review shall be required; and
 4. The applicant demonstrates that failure to obtain building permits and substantially begin construction within one year of site design approval was beyond the applicant's control.
- D. Phased Development.** Phasing of development may be approved with the Site Design Review application, subject to the following standards and procedures:
1. A phasing plan shall be submitted with the Site Design Review application.
 2. The Planning Commission shall approve a time schedule for developing a site in phases, but in no case shall the total time period for all phases be greater than 5 years without reapplying for site design review.
 3. Approval of a phased site design review proposal requires satisfaction of all of the following criteria:
 - a. The public facilities required to serve each phase are constructed in conjunction with or prior to each phase;
 - b. The development and occupancy of any phase dependent on the use of temporary public facilities shall require City Council approval. Temporary facilities shall be approved only upon City receipt of bonding or other assurances to cover the cost of required public

improvements, in accordance with Section 4.3.180. A temporary public facility is any facility not constructed to the applicable City or zone standard, subject to review by the City Engineer;

- c. The phased development shall not result in requiring the City or other property owners to construct public facilities that were required as part of the approved development proposal; and
- d. An application for phasing may be approved after Site Design Review approval as a modification to the approved plan, in accordance with the procedures for minor modifications (Chapter 4.6).