

The City of Baker City
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City of Baker City Development Code

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Article 1.0 — Introduction

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- 1.1 *Read Me First* - An Incentive Based Code
- 1.2 General Administration
- 1.3 Definitions
- 1.4 Use Categories
- 1.5 Enforcement

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~~ ensuring 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~~ taking 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~~ Department 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.

Chapter 1.2 — General Administration

Sections:

- 1.2.100 Severability
- 1.2.200 Compliance and Scope
- 1.2.300 Consistency with Plan and Laws
- 1.2.400 Use of a Development
- 1.2.500 Pre-Existing Approvals
- 1.2.600 Building Permit and Certificate of Occupancy
- 1.2.700 Official Action

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

1.2.200 Compliance and Scope

- A. Compliance with the provisions in the Development Code.** Land and structures may be used or developed only as this Development Code (“Code”) or any amendment thereto permits. No plat shall be recorded or no building permit shall be issued without compliance with the provisions of this Code.
- B. Obligation by successor.** The requirements of this Code apply to the owner(s) of record, persons undertaking the development or the use of land, and to those persons’ successors in interest.
- C. Most recent regulations apply.** Where this Code imposes restrictions that are different than those imposed or required by other rules or regulations, the most recently adopted standard shall govern.
- D. Variances.** Variances shall be governed by the provisions of Chapter 5.1.
- E. Transfer of development standards prohibited.** No lot area, yard, landscaping, or open space that is required by this Code for one use shall be a required lot area, yard, landscaping, or open space for another use, except as otherwise specifically allowed by this Code.
- F. Violations.** No permits or approvals shall be granted through the provisions of this Code for a property where a notice of violation or stop work order has been issued for a violation of either this Code or Building Codes, unless the permit or approval requested is part of remedying the violation.

1.2.300 Consistency with Plan and Laws. This Development Code is designed to implement the Baker City Comprehensive Plan. All provisions of this Code shall be construed in conformity with the adopted comprehensive plan and applicable State and Federal laws.

1.2.400 Use of a Development. A development shall be used only for a lawful use. A lawful use of a development is one that is permitted by this Code (including non-conforming uses, subject to Chapter 5.2), and is not prohibited by law.

1.2.500 Pre-Existing Approvals

- A. Legality of pre-existing approvals.** Developments and uses for which approvals were granted prior to the effective date of this Code may occur pursuant to such approvals; except that modifications to those approvals shall comply with Chapter 4.6 – Modifications to Approved Plans and Conditions of Approval.
- B. Subsequent development applications.** All developments and uses begun on or after October 21, 2009, shall conform to the provisions of this Code.

1.2.600 Building Permit and Certificate of Occupancy

- A. Building permit.** A building permit shall not be issued until the Planning Director or his or her designee has issued a Land Use Review or Site Design Review approval in accordance with the provisions of Chapter 4.2, or has otherwise found that such review is not required.
- B. Certificate of occupancy required.** To ensure completion of a development or use in the manner approved, a building shall not be occupied and a use shall not begin until the Baker City Building Official has issued a certificate of occupancy following completion of the work in substantial conformance to the applicable approvals and permits.
- C. Prior to final completion.** Prior to the final completion of all work, the Building Official, at his or her discretion, may issue a certificate of occupancy for a portion of the structure conditioned upon further work being completed by a date certain.

1.2.700 Official Action

- A. Official Action.** All officials, departments, employees (including contractor-officials) of the City are vested with authority to issue permits or grant approvals in conformance with this Code, and shall issue no permit or grant approval for any development or use, which violates or fails to comply with conditions or standards imposed to carry out this Code.
- B. Severability.** Any permit or approval issued or granted in conflict with the provisions of this Code shall be void, unless it is modified to conform to the Code. The City Manager shall determine when an approval is void and he or she may modify the approval, or refer it back to the original decision making body for modification, to make it conform to the Code.
- C. Notice.** The failure of any person to receive mailed notice or failure to post a notice shall not invalidate any actions pursuant to this Code, provided a good faith effort was made to notify all parties entitled to notice.

Chapter 1.3 — Definitions

Sections:

- 1.3.100 Purpose
- 1.3.200 Applicability
- 1.3.300 Definitions

1.3.100 Purpose. The purpose of this chapter is to define terms that are used frequently in the Baker City Development Code and to assist decision makers in interpreting and applying the Code. Some of the terms that are defined here may have different meanings in other communities.

1.3.200 Applicability

- A. Definitions.** The definitions in Chapter 1.3 apply to all actions and interpretations under the Baker City Development Code. The meanings given terms in this chapter may, in certain contexts in which they are used, be clearly inapplicable. In such cases, the context in which a term is used will indicate its intended meaning, and that intent shall control. Where a term used in this Code is already defined in another part of the Baker City Code (e.g., the Uniform Building Code, etc.) the term is not redefined herein for purposes of that other code. Terms not defined in this Code shall have their ordinary accepted meanings within the context in which they are used. Webster’s Third New International Dictionary of the English Language, Unabridged, shall be considered a standard reference.
- B. Land Use Categories.** Chapter 1.4 provides descriptions of the land use categories used in Article 2.

1.3.300 Definitions. The following definitions are organized alphabetically. Unless specifically defined below, words or phrases used in this ordinance shall be interpreted so as to give them meaning they have in common usage. See also, Chapter 1.4 for descriptions of the land use categories used in Article 2.

A

Abandoned. Any sign, which no longer applies to the property on which it is located or to the property involved to which it refers, provided the property involved has been vacant at least six months.

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

Access. A way or means of approach to provide pedestrian, bicycle, and/or motor vehicular entrances or exits to a property.

Access easement. An easement recorded for the purpose of providing vehicle, bicycle, and/or pedestrian access from a public street to a parcel across intervening property under separate ownership from the parcel being provided access. See “Cross access.” ~~Cross access is a service drive providing vehicular access between two or more separate sites, so that the driver need not enter the public street system between sites.~~

Access way. A walkway or multi-use pathway providing a through connection for pedestrians between two streets, between two lots, or between a development and adjoining public right-of-way. It may be an access way for pedestrians and bicyclists (with no vehicle access), or a walk way on public or private property (*i.e.*, with a public access easement). See also, Walkway.

Accessible. Two meanings are possible depending on the specific code provision: In general, accessible means approachable by pedestrians, vehicles or other transportation mode, as applicable. Accessible may also mean, approachable and useable by people with disabilities, in conformance with the Federal Americans with Disabilities Act. Either or both definitions may apply in a particular situation.

Accessible route. A route that can be used by a disabled person using a wheelchair and that is also usable by people with other disabilities.

Access management. The systematic control of the location, spacing, design, and operation of driveways, median openings interchanges, and street connections to a roadway to minimize conflicts between turning and through vehicles, bicyclists and pedestrians. The purpose of access management is to provide vehicular access to land development in a manner that preserves the safety and efficiency of the transportation system. Public facility measures to support access management include roadway design applications, such as median treatments and auxiliary lanes, and the appropriate spacing of traffic signals. Measures that may be included as conditions of approval for development decisions include but are not limited to 1) standards such as minimum spacing of driveways and onsite vehicle storage requirements, 2) mitigations related to site conditions such as right-in-right-out only approaches, medians, dedicated turn lanes, and shared access approaches, and 3) provision for future opportunities for mitigation by land dedication or easement.

Access spacing/intersection spacing. The minimum required distance from an intersection of a public or private street to the nearest driveway or other access connection, measured from the closest edge of the pavement of the intersecting street to the closest edge of the pavement of the connection along the traveled way.

Accessory. Secondary or incidental to a primary use or structure.

Accessory Dwelling Unit. A ~~detached smaller~~ residential structure that is used in connection with, or that is accessory to, a ~~single-family primary~~ dwelling, including the conversion of existing structures.

Accessory parking facility. A parking facility that provides parking for a specific use or uses. The facility may be located on or off the site of the use or uses to which it is accessory. A fee may or may not be charged. An accessory parking facility need not be in the same ownership as the specific uses to which it

is accessory. See also Commercial Parking in Chapter 1.4, Descriptions of Use Categories.

Accessory recreational vehicle. Accessory recreational vehicle includes non-motorized vehicles designed for human occupancy on an intermittent basis such as travel trailers and fifth-wheel trailers. A camper is considered an accessory recreational vehicle when it is standing alone. Accessory recreational vehicle also includes vehicles designed for off-road use, such as all-terrain vehicles, dune buggies, and recreational boats.

Accessory structure. A structure of secondary importance or function on a site. In general, the primary use of the site is not carried on in an accessory structure. Accessory structures are detached from the primary structure. Examples of accessory structures include but are not limited to: garages, decks, fences, arbors, gazebos, heat pumps, and other structures. See also Primary Structure.

Accessory use. A use or activity that is a subordinate part of a primary use and that is clearly incidental to a primary use on a site. See also Primary Structure.

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

Administrative. A discretionary action or permit decision made without a public hearing.

Address Sign. Any sign showing only the address or the name and the address of the owner or occupant of the premises on which it is erected.

Adult foster care. A family home or facility in which residential care is provided for five or fewer adults who are not related to the provider by blood or marriage. "Provider" means any person operating an adult foster care home.

Adverse impact or adverse effect. Negative effect that can be measured (e.g., noise, air pollution, vibration, dust, property values, etc.).

Affordable housing. Housing affordable to a certain percentage of the population earning a specified level of income and spending no more than 30 percent of their income on housing expenses. For more information, contact the federal Department of Housing and Urban Development and the Oregon Department of Housing and Community Services.

Affordable housing covenant. A nonpossessory interest in real property imposing limitations, restrictions or affirmative obligations that encourage development or that ensure continued availability of affordable rental and owner-occupied housing for low- or moderate-income households.

Agriculture. See use category under Chapter 1.4, and ORS 215.203(2)(a).

Airport-related definitions. [Refer to the *Oregon Department of Aviation Land Use Compatibility Handbook* for relevant definitions and model code language.]

Alley. A right-of-way that provides vehicle access to a lot or common parking area. Generally, alleys provide secondary vehicle access; however, where vehicle access from the street is not allowed, not possible, or not desirable the alley may provide primary vehicle access.

Alteration. A physical change to a structure or site. Alteration does not include normal maintenance and repair or total demolition. Alteration does include the following:

- Changes to the exterior of a building;
- Changes to the interior of a building;
- Increases or decreases in floor area of a building;
- Changes to other structures on the site, or the development of new structures;
- Changes to exterior improvements;
- Changes to landscaping; and
- Changes in the topography of the site.

Ambient. Normal or background environmental condition, as in the level of light, dust or noise.

Appeal: In relation to floodplain development, a request for a review of the interpretation of any provision of this ordinance or a request for a variance.

Applicant. A person who applies for a land use review or building permit. An applicant can be the owner of the property or someone who is representing the owner, such as a builder, developer, optional purchaser, consultant, or architect.

Arborist. A professional listed as a certified arborist or a registered consulting arborist.

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

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.

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”.

Area median income. The median income for Baker County, as determined by Oregon’s Housing and Community Services Department, adjusted for household size.

Arterial. The highest order classification of streets; includes highways and other major streets with limited or no direct access from adjoining properties.

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

~~**Attached Duplex.** A duplex located on its own lot that shares one or more common or abutting walls with one other duplex (for a total of 4 dwelling units). The common or abutting wall must be shared for at least 50 percent of the length of the side of the dwelling.~~

~~**Attached House (Townhome or Row House).** A dwelling unit located on its own lot, which shares one or more common or abutting walls with one or more dwelling units. The common or abutting wall must be shared for at least 50 percent of the length of the side of the dwelling. An attached house does not share common floor/ceilings with other dwelling units. An attached house is also called a row house or a common wall house.~~

~~**Attached Residential:** Any residential structure containing multiple units sharing common walls on at least one side but not including structures containing vertically stacked units. The common wall must be shared for at least 50 percent of the length of the side of the dwelling. Attached Residential includes attached homes, duplexes, triplexes, fourplexes, fiveplexes, townhomes, and row homes.~~

Attached structure. Any structure that is attached to another structure by a common wall that is a functional element of the combined structures or by an integrated roof that is common to the combined structures. For a structure to be considered attached, at the determination of the planning director, it must architecturally complement and be integrated with the primary structure through the use of similar or complimentary building materials and design, and its common wall and/or integrated roof must be more than an incidental attempt at connection. The common or abutting wall must be shared for at least 50 percent of the length of either structure. Garages, shops or other structures connected by a breezeway or other minimal connecting element shall be considered detached structures.

Automobile-dependent development. Primary or accessory uses servicing motor vehicles, or patrons in motor vehicles, such as motor vehicle repair, gas station, car wash, auto and truck sales, drive-up windows, kiosks, and similar uses.

Automobile-oriented development. Development in which the site layout and design gives preference to automobiles as the primary mode of transportation; generally discouraged in all residential areas and most commercial and light industrial areas.

Awning Sign. Any sign painted, sewn or applied to an awning made of cloth, canvas, metal or similar material, which is affixed to a building or projects from it.

B

Banner Sign. A sign consisting of lightweight, flexible material, which is supported by frame, rope, wires, or other anchoring device and is displayed as a temporary sign.

Base flood. The flood having a one percent chance of being equaled or exceeded in any given year.

Base flood elevation (BFE). The elevation to which floodwater is anticipated to rise during the base flood.

Basement. Any area of the building having its floor subgrade (below ground level) on all sides.

Beacon Light. Any source of electric light, whether portable or fixed, which may strobe, flash, or revolve and the primary purpose is to cast a concentrated beam of light generally skyward as a means of attracting attention to its location rather than to illuminate any particular sign, structure, or other object.

Bed and breakfast inn. Any establishment located in a structure designed for a single-family residence and structures appurtenant thereto, providing limited overnight lodging and meals for guests pursuant with the special use requirements for bed and breakfast inns.

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

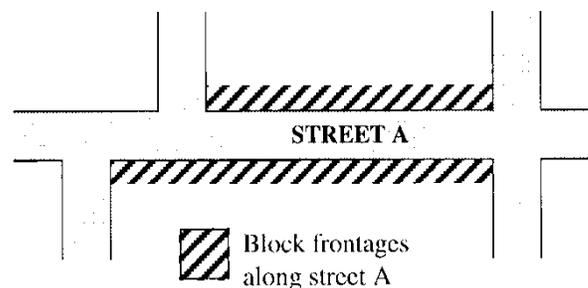
Below-grade crawl space. Means an enclosed area below the base flood elevation in which the interior grade is not more than two feet below the lowest adjacent exterior grade and the height, measured from the interior grade of the crawlspace to the top of the crawlspace foundation, does not exceed 4 feet at any point.

Bicycle facility/Bikeway. There are different types of bicycle facilities: In general, a bicycle facility a public or private way designed for and dedicated to bicycle use. It may consist of a road, a lane within or on the shoulder of a road, a path, multi-use path, or other way that is specifically designated for bicycle travel or shared bicycle/pedestrian travel.

Billboard. A large, freestanding off-premise sign (usually greater than 100ft²)

Block. All of the property bounded by streets, rights-of-way, and water features, but is not divided or separated in any way by streets or water features.

Block frontage. All of the property fronting on one side of a street that is between intersecting or intercepting streets, or that is between a street and a water feature, or end of a dead end street. An intercepting street determines the boundary of the block frontage only on the side of the street that it intercepts. See figure below.



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

Boulevard. A street with broad open space areas; typically, with planted medians. See standards under

Section 3.4.1.

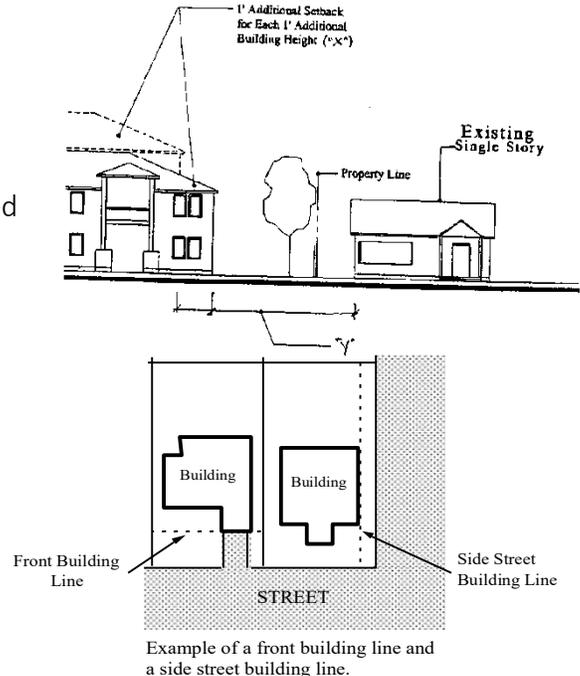
Building. A structure that has a roof and is enclosed on at least 50 percent of the area of its sides. Also see “Structure”.

Building area. The total area of a building, both above and below ground, measured from the exterior faces of a building or structure. Gross building area does not include the following:

- Roof area;
- Roof top mechanical equipment; and
- Roofed porches, exterior balconies, or other similar areas, unless they are enclosed by walls that are more than 42 inches in height, for 50 percent or more of their perimeter.

Building coverage. The area that is covered by buildings, as well as decks, stairways and entry bridges that are more than 30 inches above grade. Eaves are not included in building coverage.

Building height. On level topography, building height is measured as the vertical distance from the adjoining grade at the front entrance of the building or structure to the highest point of the building or structure. On sloping or variable topography, building height means the average maximum vertical height of a building or structure measured at three equal distance points along the finished grade for each building elevation. Architectural elements that do not add floor area to a building or structure such as chimneys, vents, and bell towers are not considered part of the height of a building or structure.



Building height step-down. A development standard that requires a transition in allowable building height, whereby the buildings in a specific land use zone must “step-down” in elevation where they abut a lower-intensity land use zone. See Figure.

Building line. A line running parallel to a lot line that is the same distance from the lot line as the closest portion of a building on the site. See figure.

Building mass. The aggregate size of a building, or the total height, width, and depth of all its parts.

Building Official. The person who enforces the building ordinances and regulations for the City, and other ordinances and regulations as assigned.

Building pad. A vacant building site on a lot with other building sites.

Building scale. The dimensional relationship of a building and its component parts to other buildings.

Build-to Line. A maximum front or street yard setback, which is typically required along commercial street frontages to promote a storefront character and pedestrian-oriented design.

Bus stop. A location where bus service stops to load and unload passengers. For purposes of measuring, the bus stop is the location of a sign denoting the bus stop.

C

Canopy. A permanent, roofed structure that may be free-standing or be partially attached to a building, for the purpose of providing shelter to patrons on foot and/or in motor vehicles; does not include a completely enclosed structure. See also, Tree Canopy.

Canopy (freestanding, sign). A rigid multi-sided structure covered with fabric, metal, or other material and supported by columns or posts embedded in the ground. Sign may be externally or internally illuminated.

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

Carport. A stationary structure consisting of a roof, its supports, and not more than one wall or storage cabinets substituting for a wall, used to shelter motor vehicles, recreational vehicles, or boats. See also, Garage.

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

Certificate of Occupancy or Certificate of Inspection. A certificate issued by Baker City at the completion of a building permit or change of occupancy, prior to occupancy.

Change of Use. Change in the primary type of use on a site.

Child Care Center or Family Child Care. Facilities that provide care and supervision of minor children for periods of less than 24 hours. “Family child care providers” provide care for not more than 16 children in a home. See ORS 657A for certification requirements.

City. The City of Baker City, Oregon.

Clear and objective. Decision criteria and standards that do not involve substantial discretion or individual judgment in their application.

Clearing. Any activity that removes existing vegetation or strips surface material from any portion of the site.

Collector (minor/major). Type of street that serves traffic within commercial, industrial, and residential neighborhood areas. Connects local neighborhood or zone streets to the arterial network. Part of the

street grid system. See standards under Section ~~3.4.1~~ 3.4.300.

Commercial. Land use involving buying/selling of goods or services as the primary activity.

Common area. Land commonly owned to include open space, landscaping or recreation facilities (e.g. typically owned by a homeowners' association).

Common green. A courtyard that provides for pedestrian and bicycle access, but not vehicle access, to abutting property and generally provides a common area for use by residents. A common green may function as a community yard. Hard and soft landscape features may be included in a common green, such as groundcover, trees, shrubs, surfaced paths, patios, benches, or gazebos.

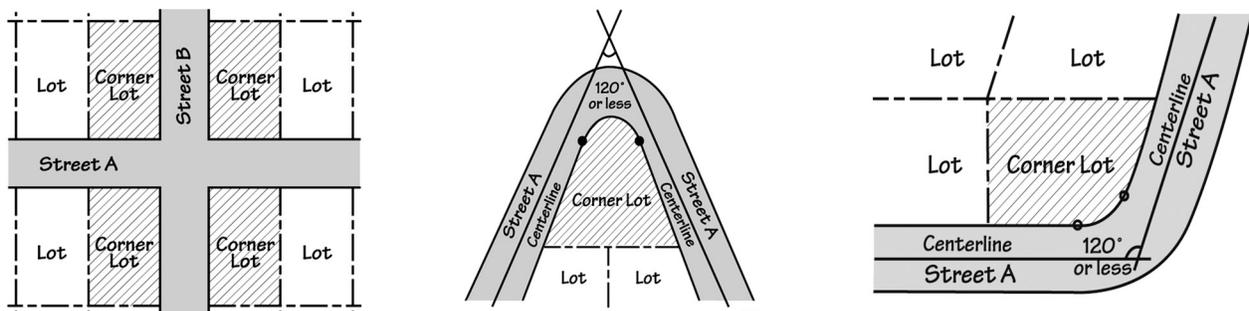
Comprehensive Plan. The current adopted Comprehensive Plan of Baker City.

Conditional use. A use that requires a Conditional Use Permit. See Chapter 4.4.

Condominium. A single unit in a multi-dwelling that includes common areas and facilities.

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

Conservation landmark. A Conservation Landmark may include buildings, a portion of a building, sites, trees, statues, signs, or other objects or spaces that the City has designated or listed for their special historic, cultural, archaeological, or architectural merit. They are primarily of local or neighborhood importance.



Corner lot. A lot that has frontage on more than one intersecting street. A street that curves with angles that are 120 degrees or less, measured from the centerline of the street, is considered two intersecting streets for the purpose of evaluating whether a lot is a corner lot. See Figures below.

Corner radius. The radius of a street corner, as measured around the curb or edge of pavement.

Cornice. The projecting horizontal element that tops a wall or flat roof.

Cottage. A small house of no more than 1,000 square feet of habitable floor area. Cottages may be

~~attached as duplexes. See Section 2.2.200.M for standards and requirements. , generally containing not more than 700ft² of floor area that may be used as an accessory dwelling if the floor area is 700ft² or less.~~

Cottage cluster. A group of two or more cottages on one lot or within one development.

Council. The City Council of Baker City, Oregon.

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

Coved Neighborhood Developments. Coving is an efficient method of land planning that utilizes a unique meandering road pattern, combined with an independently meandering home setback line, designed to vary the streetscape, thus adding visual interest. Coving also creates additional areas of open spaces along the street, referred to as “Coves”. Coving reduces length of infrastructure (roads, sidewalks) by ± 20 percent, which reduces environmental impact, while average lot sizes and park areas increase ± 15 percent. Density generally remains the same as conventionally planned neighborhoods.

Cross access. Cross access is a service drive providing vehicular access between two or more separate sites, so that the driver need not enter the public street system between sites.

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.

Crown cover/Tree canopy. The area directly beneath the crown and within the drip line of a tree or shrub. The crown consists of the above ground branches, stems, and leaves.

Curb cut. A driveway opening delineated by a concrete apron along a street.

D

Days. Calendar days, unless specifically stated as working days. Working days include Monday through Friday, and do not include holidays.

Dead-end street. A street that connects to another street at only one end. A pedestrian connection may extend from the end of a dead-end street to connect with another street of any type, or with another pedestrian connection.

Dedication. The designation of land by its owner for any public use as shown on a subdivision plat or deed. The term may also be used for dedications to a private homeowners' association.

Density(ies). A measurement of the number of dwelling units in relationship to a specified amount of

land. As used in this Code, density is determined based on the *gross* parcel or lot area, which includes land that will be dedicated as right-of-way through the development process. It does not include land previously dedicated as right-of-way. Density is a measurement used generally for residential uses.

Designated Sensitive Lands. Natural resources areas and landforms protected under the provisions of Chapter 3.2.

Detached Residential. Any residential structure containing a single primary living unit that does not share any common walls with another residential structure or primary living unit. Detached Residential structures may include Accessory Dwelling Units. Detached Residential includes single-family homes, multiple detached homes, and manufactured homes. Cottages may be detached residential units but are subject to their own specific development standards and will be considered a distinct use within this code.

Develop. To construct or alter a structure or to make a physical change to the land including excavations and fills.

Development. All improvements on a site, including buildings, other structures, parking and loading areas, landscaping, paved or graveled areas, and areas devoted to exterior display, storage, or activities. Development includes improved open areas such as plazas and walkways, but does not include natural geologic forms or unimproved land. See also Exterior Improvements. 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.

Disabled Person. For the purposes of this Code, a disabled person is a person who has a condition of physical or mental disability, which substantially limits one or more major life activities as stated in Section 504 of the Federal Rehabilitation Act of 1973 and state law.

Discontinued use. A use that physically left the land it was on, a permitted use that ceased, or a use terminated at the end of a lease or contract. See Chapter 5.2, Non-Conforming Uses and Developments. A use is considered temporarily discontinued during the first two (2) years after it ceases, after which it is considered permanently discontinued.

Discretionary. A permit action or decision that involves substantial judgment or discretion.

Disturbance area. An area that contains all temporary and permanent development, exterior improvements, and staging and storage areas on the site, both existing and proposed. Vegetation planted for resource enhancement and agricultural and pastureland is not included.

Double-frontage lot. See Lot, Through Lot.

Drainage way. An open linear depression, whether constructed or natural, that functions for the collection and drainage of surface water. It may be permanently or temporarily inundated.

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

Drive-through/Drive-up facility. A facility or structure that is designed to allow drivers to remain in their vehicles before and during an activity on the site. Drive-through facilities are a type of site development that is usually found in conjunction with a Quick Vehicle Servicing use or a Retail Sales and Service use. Drive-through/drive-up facilities also include facilities designed for the rapid servicing of vehicles, where the drivers may or may not remain in their vehicles, but where the drivers usually either perform the service for themselves, or wait on the site for the service to be rendered. Drive-through facilities may serve the primary use of the site or may serve accessory uses. Examples are drive-up windows; automatic teller machines; coffee kiosks and similar vendors; menu boards; order boards or boxes; gas pump islands; car wash facilities; auto service facilities, such as air compressor, water, and windshield washing stations; quick-lube or quick-oil change facilities; and drive-in theaters.

Driveway. There are two types of driveways:

- The area that provides vehicular access to a site from a street. A driveway is the same width as the curb cut excluding any aprons or extensions of the curb cut. This type of driveway begins at the street and extends into the site. A driveway does not include parking, maneuvering, or circulation areas in parking areas, such as aisles; and
- The area that provides vehicular circulation between two or more non-contiguous parking areas. A driveway does not include maneuvering or circulation areas within the interior of a parking area. Where required by Code for fire safety, a driveway must be used exclusively for circulation, with no abutting parking spaces.

Driveway apron/approach. The edge of a driveway where it abuts a public way; usually constructed of concrete.

Drought-tolerant/drought-resistant plants or xeriscaping. As listed and described in the Sunset Western Garden Book for the area in which the development site is located (latest edition).

Duplex. A building that contains two primary dwelling units on one lot. The units must share a common wall or common floor/ceiling. **For attached units on separate lots, see “Townhouse.”**

Dwelling Unit. A building, or a portion of a building, that has independent living facilities including provisions for sleeping, cooking, and sanitation, and that is designed for residential occupancy ~~by a group of people~~. Buildings with more than one set of cooking facilities are considered to contain multiple dwelling units or accessory dwelling units, unless the additional cooking facilities are clearly accessory to the primary use, such as an outdoor grill.

E

Easement. A grant of rights by a property owner that allows others to use the owner’s land for a specific purpose, such as access, or to locate utilities. Recorded and on record at Baker County.

Eave. Projecting overhang at the lower border of a roof and extending from a primary wall or support. See Figure.

Eave Height. Eave height is measured as the vertical distance from the adjoining grade at the front entrance of the building or structure to the highest point of the building's eave. See Figure.



Electronic Reader Board Sign. An electronic or electronically controlled message board, where scrolling or moving copy changes are shown on the same message board, or any sign, or portion of sign, that changes its text, copy, display, and/or light intensity electronically or by electronic means.

Elevated building. In relation to floodplain development, a non-basement building which has its lowest elevated floor raised above ground level by foundation walls, shear walls, post, piers, pilings, or columns.

Elevation. Scaled drawing of the outside wall of a building or structure, from grade to roof ridgeline, typically specifying materials, color, and dimensions.

Envelope, building. All the components that separate the indoors from the outdoors in a building, including the walls, roof, doors, windows, and foundation.

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

Exactions. Requirements a local government places on a developer or property owners to dedicate land or construct or pay for all or a portion of the costs of public improvements needed for public facilities as a condition of development approval.

Excavating or filling. The removal, placement, or replacement of earth, concrete, asphalt, and similar non-decomposable materials whether permanent or temporary in nature. Excavating or filling does not include the movement of earth or placement of gravel, asphalt, or other paving materials that is done in conjunction with road improvements. It does not include the excavation of mineral or aggregate resources. Excavating or filling includes the terms grading, preloading, surcharging, and stockpiling.

Exterior display. Exterior display includes the outdoor display of products, vehicles, equipment, and machinery for sale or lease. Exterior display is an outdoor showroom for customers to examine and compare products. There is variety or a distinction among the goods on display, through different products, brands, or models. The display area does not have to be visible to the street. Exterior display does not include goods that are being stored or parked outside, if there is no variety or distinction among the goods, and the goods are not examined and compared by customers. It does not include damaged or inoperable vehicles, vehicles or equipment being serviced, bulk goods and materials, and other similar products. Exterior display does not include car and boat sales and leasing when such

vehicles are not accessible to customers to inspect and compare; this situation is considered exterior storage. Examples of uses that often have exterior display are car and boat sales and leasing, and plant nurseries. See also, Exterior Work Activities and Exterior Storage.

Exterior Improvements. All improvements except buildings or other roofed structures. Exterior improvements include surface parking and loading areas, paved and graveled areas, and areas devoted to exterior display, storage, or activities. It includes improved open areas such as plazas and walkways, but does not include vegetative landscaping, natural geologic forms, or unimproved land. See also Development.

Exterior Storage. Exterior storage includes the outdoor storage of goods that generally have little or no differentiation by type or model. The goods may be for sale or lease, but if so, they are the type that customers generally do not inspect and compare. Exterior storage also includes the outdoor storage of goods for sale, lease or rent that may be differentiated by type or model, but that are not accessible for customers to inspect or compare. Exterior storage includes the storage of raw or finished goods (packaged or bulk), including gases, oil, chemicals, gravel; building materials, packing materials; salvage goods; machinery, tools, and equipment; vehicles that are for sale, lease or rent, which are not accessible to the customer to inspect or compare; vehicles that have been unloaded at port facilities and are waiting transport to off-site locations; vehicles that have been towed and are being kept in an impound lot; and other similar items. The storage of recreational vehicles outdoors is also considered exterior storage. Damaged or inoperable vehicles, or vehicles that have missing parts, which are kept outside are also included as exterior storage. Examples of uses that often have exterior storage are lumber yards, wrecking yards, tool and equipment rental, bark chip and gravel sales, car dealerships or car rental establishments, and port facilities. See also, Exterior Display and Exterior Work Activities.

Exterior work activities. Exterior work activities include the outdoor processing, assembly, or fabrication of goods; the maintenance, repair, and salvage of vehicles and equipment; and other similar activities that generally have an industrial orientation. Exterior work activities do not include normal pick-up and deliveries to a site, parking, excavation and fills, exterior eating areas, outdoor recreation, or outdoor markets. See Exterior Display and Exterior Storage.

External Lighting. Illumination of a sign that is affected by an artificial source of light not contained within the sign itself.

F

Façade (building). The front or street-facing exterior of a building.

Façade (sign). Any separate face of a building, including parapet walls and omitted wall lines, or any part of a building which encloses or covers usable space.

Family day care. See Child Care Center, Family Child Care.

Farming or farm use. As used in this Code, “agriculture” is the same as “farm use”. [See ORS

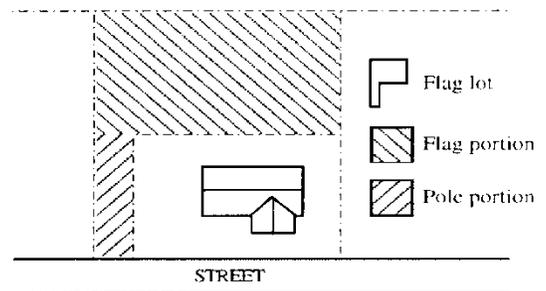
215.203(2)(a).] Includes utilization of land to raise, harvest, or sell crops; feed, breed, manage, and sell livestock, poultry, fur-bearing animals, honeybees, or their produce; dairy and sell dairy products; or any other agricultural or horticultural use, animal husbandry, timber agricultural use, or combination thereof. Farm uses include preparation or processing and storage of products raised on such land, but do not include construction or use of dwellings and other buildings customarily provided in conjunction with farm uses.

Final plat. The diagrams, drawings, and other writing containing all the descriptions, locations, dedications, provisions and information concerning a land division.

Fire apparatus lane or fire lane. Unobstructed area or driveway meeting Uniform Fire Code requirements; typically, may not be used for parking or loading area.

Flag lot. A lot with two distinct parts (See figure):

- The flag, which is the only building site; and is located behind another lot; and
- The pole, which connects the flag to the street; provides the only street frontage for the lot; and at any point is less than the minimum lot width for the zone.



Flood or Flooding.

1. A general and temporary condition of partial or complete inundation of normally dry land areas from:
 - a. The overflow of inland or tidal waters.
 - b. The unusual and rapid accumulation or runoff of surface waters from any source.
 - c. Mudslides (i.e., mudflows) which are proximately caused by flooding as defined in paragraph (1)(b) 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.
2. The collapse or subsidence of land along the shore of a lake 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 (1)(a) of this definition.

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.

Flood hazard area. Land that is in the 100-year floodplain as currently defined by the Federal Emergency Management Agency (FEMA).

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).

Flood Insurance Study (FIS). See "Flood elevation study".

Floodproofing. 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.

Floodplain or flood prone area. Any land area susceptible to being inundated by water from any source. See "Flood or flooding."

Floodplain administrator. The community official designated by title to administer and enforce the floodplain management regulations.

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.

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.

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."

Floor area. The total floor area of a building, both above and below ground with a clear ceiling height of at least seven (7) feet. Floor area is measured from the interior walls of a building or structure and does not include the following:

- Roof area;
- Roof top mechanical equipment; and
- Roofed porches, exterior balconies, or other similar areas, unless they are enclosed by walls that are more than 42 inches in height, for 50 percent or more of their perimeter.

Formula business. Formula Business means an eating and drinking establishment or other retail or service business that maintains any of the following features in common with more than four other establishments in the state of Oregon: standardized array of services and/or merchandise, trademark, logo, service mark, symbol, sign, uniform, or other similar standardized feature.

Freestanding Sign. A sign and supporting structure that is secured in the ground and independent from any building, fence, or other structures.

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

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

Front lot line. A lot line, or segment of a lot line, that abuts a street. On a corner lot, the front lot line is the shortest of the lot lines that abut a street. If two or more street lot lines are of equal length, then the applicant or property owner can choose which lot line is to be the front lot line. However, a through lot has two front lot lines regardless of whether the street lot lines are of equal or unequal length.

Functional classification. The classification given to streets by the road authority (e.g., “local/collector/arterial”). See Section 3.4.1300 for street standards.

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.

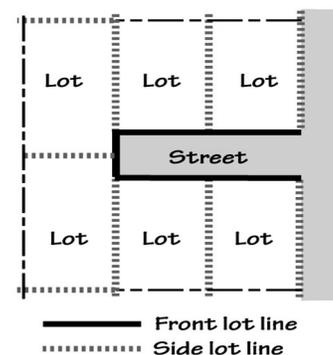
Future division plan or future development plan. A document that shows lot, tract and right-of-way boundaries for all potential future phases of a land division. The plan is not binding on the City or the applicant. The purpose of the plan is to document that the design of the first phase of the plan does not preclude future phases from meeting City standards.

G

Garage. A covered structure designed to provide shelter for vehicles, and which is accessory to a use in these structure types: houses, attached houses, duplexes, mobile homes, or houseboats. Carports are considered garages. Floor area adjacent to the space designed to provide shelter for vehicles, if not entirely separated from the garage area by floor-to-ceiling walls, is considered part of the garage. A garage may be attached to or detached from another structure.

Garage Sale (Yard Sale). Any residential sale of tangible personal property that lasts no longer than three (3) consecutive days with no more than two (2) such sales from the same premises within a calendar year. Personal property means property which is owned, utilized, and maintained by an individual or members of his or her residence and acquired in the normal course of living in or maintaining a residence. It does not include merchandise which was purchased for resale or obtained on consignment.

Government/Regulatory Sign. Any sign to control traffic or for



identification, including street signs, warning signs, railroad crossings and signs of public service companies indicating danger or construction, which are erected by or at the order of a public officer, employee or agent conducting their official duties.

Grade. The lowest point of elevation of the finished surface of the ground, paving, or sidewalk within the area between the building and the property line or, when the property line is more than 5 feet from the building, between the building and a line 5 feet from the building. This is the definition used in Oregon Specialty Codes.

Grading. All cuts, fills, embankments, stockpile areas, and equipment maneuvering areas associated with development.

Ground cover. Living or processed plant material (e.g., mulch, bark chips) that is used to cover bare ground. See Chapter 3.2, Landscaping.

Group Living Structure. A structure that contains sleeping areas and at least one set of cooking and sanitary facilities that is used as a residence for Group Living uses such as adult foster care, dormitories, fraternities and sororities, monasteries, nursing and convalescent homes and residential facilities, group care facilities, residential homes or group care homes. The definition does not include youth or adult correctional or detention facilities under the supervision of sworn officers.

H

Hanging Sign. A sign that is attached beneath an awning or canopy of a building, or is hung on a door, fence or other supporting structure.

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

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).

Hazardous Substances. Any substance, material, or waste listed below:

- Nuclear or radioactive materials or waste;
- Chemicals Subject to Reporting under *Title III of the Superfund Amendments and Reauthorization Act (SARA) of 1986*, published July, 1987, U. S. Environmental Protection Agency; and
- Hazardous Materials Table, in the Code of Federal Regulations (CFR), Title 49, Part 172.101.

Highest adjacent grade. The highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

Historic context. The significant historic environment and background related to a historic resource that describes or explains the role played by that resource in the development of the city, region, state or nation. This includes physical development, notable events, and other human activity.

Historic ensemble. A geographic grouping of historic resources that collectively have historic significance that is greater than the individual significance of any one resource in the group.

Historic landmark. Historic Landmark designations may include buildings, a portion of a building, sites, trees, statues, signs, or other objects or spaces that the City or the Keeper of the National Register of Historic Places has designated or listed for their special historic, cultural, archaeological, or architectural merit.

Historic resource. A structure or object that has historic significance. Historic Resources include:

- Historic Landmarks, including those that are listed in the National Register of Historic Places;
- Conservation Landmarks;
- Conservation Districts;
- Historic Districts, including those listed in the National Register of Historic Places;
- Structures or objects that are identified as contributing to the historic significance of a Historic District or a Conservation District; and
- Structures or objects that are included in the Historic Resources Inventory.

Historic resources inventory. The Historic Resources Inventory is a documentation and preliminary evaluation of historic resources. Information for each resource includes a photograph, the year the resource was constructed, the builder or architect, original owner, significant features, architectural style, and, in most cases, a ranking for significance.

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.

Historic value. A physical, aesthetic, scenic, educational, or other characteristic that is a reminder of important events or developments in the community’s past.

Home occupation, home occupation site. A business activity that is carried out on the same site as a dwelling unit, and which is accessory to the Household Living use on the site, subject to the provisions of Chapter 2.2.200.F (Residential Zones), Chapter 2.3.190 (Commercial Zones), Chapter 2.4.160 (Industrial Zones) and Section 4.9.200 (Home Occupation Permits).

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.

Hotel/Motel. A building or portion thereof designed and used for occupancy of transient individuals lodged with or without meals. (See ORS 446.310.)

House. See Residential Structure Types.

Household. One or more persons related by blood, marriage, civil union, legal adoption or guardianship, plus not more than 5 additional persons, who live together in one dwelling unit; or one or more disabled persons as defined in the Fair Housing Amendments Act of 1988, plus not more than 5 additional persons, who live together in one dwelling unit.

Human-scale design/development. Site and building design elements that are dimensionally related to pedestrians, such as: small building spaces with individual entrances (e.g., as is typical of downtowns and main street developments); larger buildings that have articulation and detailing to break up large masses; narrower streets with tree canopies; smaller parking areas or parking areas broken up into small components with landscaping; and pedestrian amenities, such as sidewalks, plazas, outdoor seating, lighting, weather protection (e.g., awnings or canopies), and similar features. These features are all generally smaller in scale than those that are primarily intended to accommodate automobile traffic. (See also, Pedestrian-Oriented Development)

I

Illuminated Sign. A non-flashing sign which has letters, figures, designs or outlines illuminated by an internal or external lighting source.

Impervious surface. Surface area that does not allow for water infiltration, or has a runoff coefficient of 0.90 or more (*e.g.*, non-permeable pavement, solid rock roofs, foundations, underground tanks and vaults, and similar areas).

Incidental and subordinate to. Secondary to, and less apparent, than the primary use or other portion of the development.

Income Restricted Housing. Residential property whose affordability outlined in ORS 197A.445 and ORS 456.270 - 456.295 is enforceable for a duration of no less than 30 years.

Industrial. Raw materials processing; and manufacturing, assembly, packaging or distribution of heavy or large goods. See Chapter 1.4, Industrial Use Categories.

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

Internal Illumination. A source of light that is contained or concealed within the sign itself and becomes visible through a transparent or opaque surface.

J

Junkyard. (1) Any property or establishment on which one or more persons are engaged in breaking up, dismantling, sorting, storing, distributing, buying, or selling scrap or waste materials. (2) Any establishment or place of business on which three or more inoperable motor vehicles or three or more motor vehicles that are not currently licensed and registered, or an equivalent volume of waste or refuse are maintained, stored, bought, or sold. Includes wrecking yards, automobile graveyards, garbage dumps, and scrap metal processing facilities.

K

Kennel (Commercial). Any location where **five (5)** or more dogs or cats aged **six (6)** months or older are boarded or bred for compensation. The sale of these animals may be a part of the kennel use. Establishments where animals are offered for sale as the primary use, such as pet stores, are not classified as kennels. Commercial kennels are subject to land use regulations and to the special kennel permit rules and regulations established in the Baker City Municipal Code Chapter 90.34.

Kennel (Private). Any location (address or premise) where more than **four (4)** dogs or **four (4)** cats, **six (6)** months of age or older, are owned, kept, harbored, boarded, and/or otherwise housed primarily for personal or private use. Private kennels are subject to the special kennel permit rules and regulations

established in the Baker City Municipal Code Chapter 90.34.

L

Land division. The process of dividing land to create parcels or lots. See Chapter 4.3.

Landmark. See Historic Resource-Related Definitions.

Landscaping. Any combination of living plants such as trees, shrubs, plants, vegetative ground cover or turf grasses, and may include structural features such as walkways, fences, benches, plazas, works of art, reflective pools, fountains or the like. Also includes irrigation systems, mulches, topsoil, and re-vegetation or the preservation, protection and replacement of trees.

Land use. The activity or activities that occur on a piece of land. Activities may be individually identified as primary or accessory uses. See also, Chapter 1.4. Use Categories.

Land use approval. A land use decision for approval or approval with conditions. It includes any time limits or other restrictions that may apply to the land use decision.

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

Land Use Review. An application for land use approval under Section 4.2.200.A, or the review of such application.

Large Format Retail Sales. Retail sales uses located in one structure in excess of 80,000ft² gross floor area, whether on a single or contiguous lots owned or operated as associated, integrated or co-operative business enterprises.

Level of service ("LOS"). A quantitative standard for transportation facilities describing operational conditions. Level of Service may be described for intersections (signalized or unsignalized) or street segments (between signalized intersections).

Living area. The habitable floor area of a residential structure conforming to applicable building codes; typically, does not include garage area, and attic and basement areas with substandard ceiling height or substandard egress.

Legislative. A legislative action or decision is the making of law, as opposed to the application of existing law to a particular use (e.g., adoption of, or amendment to, a comprehensive plan or development regulation). See also, Chapter 4.1.500 – Type IV Review.

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-annual-chance) 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.
- **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.
- **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.
- **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 LOMR 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.
- **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.
- **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.

Livestock. Horse, mule, sheep, pig, or other animal of similar size or larger.

Loading area. The area available for the maneuvering and standing of vehicles engaged in delivering and loading goods, freight, or other articles. See also, Chapter 3.3 – Parking and Loading.

Local Improvement District ("LID"). A small public district formed for the purpose of carrying out local improvements (paving of streets, construction of storm sewers, development of a park, etc.). Property owners within the LID are assessed for the cost of the improvements in accordance with ORS 223.387-223.485.

~~**Longest street facing wall.** The longest wall that faces a street. If two or more street-facing walls are of equal length, then the applicant chooses which is to be the longest street-facing wall for purposes of applying regulations of the Development Code. See also, Facade, and Chapter 2.3.150 – Building Orientation in Commercial Zones.~~

Lot. A lot is a legally defined piece of land other than a tract that is the result of a subdivision. The following definitions for “lot” apply to the State definition of both lot, (result of subdividing), and parcel (result of partitioning). See also, Ownership and Site.

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

Lot, child. A resulting, subsequent sub-lot, created through the Middle Housing Land Division process in Section 4.3.118.

Lot coverage. The total area of a lot covered by building(s) or impervious surfaces, as allowed by the applicable land use zone development standards.

Lot lines/property lines. The property lines along the edge of a lot or site.

Lot line adjustment. See Property Line Adjustment.

Lot of record. A lot of record is a plot of land:

- that was created and recorded before April 9, 1956; and
- for which the deed, or other instrument dividing the land, is recorded with the appropriate county recorder.

Lot, parent. See Section 4.3.118.

Low-income household. A household with income less than or equal to 80 percent of the area median income.

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.

M

Main/Primary building entrance. A main entrance is the entrance to a building that most pedestrians are expected to use. Generally, each building has one main entrance. Main entrances are the widest entrance of those provided for use by pedestrians. In multi-tenant buildings, main entrances open directly into the building’s lobby or principal interior ground level circulation space. When a multi-tenant building does not have a lobby or common interior circulation space, each tenant’s outside entrance is a

main entrance. In single-tenant buildings, main entrances open directly into lobby, reception, or sales areas.

Major remodeling. Projects where the floor area is being increased by 50 percent or more, or where the cost of the remodeling is greater than the assessed value of the existing improvements on the site. Assessed value is the value shown on the applicable county assessment and taxation records for the current year.

Major Repair. Any repair, other than minor repair as defined below, that exceeds 60 percent of replacement cost.

Maneuvering area/aisle. The driving area in a parking lot where motor vehicles are able to turn around and access parking or loading spaces.

Manufactured dwelling. A residential trailer, mobile home or manufactured home. A manufactured dwelling does not include any building or structure constructed to conform to the State of Oregon Structural Specialty Code, the Low-Rise Residential Dwelling Code adopted pursuant to ORS 455.100 to 455.450 and 455.610 to 455.630 or the Small Home Specialty Code adopted under section 2, chapter 401, Oregon Laws 2019.

Manufactured home. A structure constructed for movement on the public highways that has sleeping, cooking and plumbing facilities, that is intended for human occupancy, that is being used for residential purposes and that was constructed in accordance with federal manufactured housing construction and safety standards and regulations in effect at the time of construction.

Manufactured dwelling park. Any place where four or more manufactured dwellings are located within 500 feet of one another on a lot, tract or parcel of land under the same ownership, the primary purpose of which is to rent or lease space or keep space for rent or lease to any person for a charge or fee paid or to be paid for the rental or lease or use of facilities or to offer space free in connection with securing the trade or patronage of such person. Manufactured dwelling park does not include a lot or lots located within an approved subdivision being rented or leased for occupancy by no more than one manufactured dwelling per lot if the subdivision was approved by the local government unit having jurisdiction under an ordinance adopted pursuant to ORS 92.010 to 92.192. In relation to floodplain development, a parcel (or contiguous parcels) of land divided into two or more manufactured dwelling lots for rent or sale.

Manufacturing. See Chapter 1.4, Use Categories.

~~**Mid-block Lane.** A narrow, limited use roadway facility, similar to an alley in design, usually used to access a limited number of dwelling units.~~

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.

Mid-block Lane. A narrow, limited use roadway facility, similar to an alley in design, usually used to access a limited number of dwelling units.

Middle Housing. Housing types at a scale between single-family detached homes and large apartment buildings, including duplexes, triplexes, quadplexes, cottage clusters, and townhomes, as described in ORS 197A.420.

Ministerial. A routine administrative action or decision that involves limited discretion. The issuance of a building permit is generally such an action. See Chapter 4.1.200 (Type I Review).

Minor Repair. Any repair that is limited to painting, replacement of defective parts, cleaning or other similar maintenance to a sign, which will keep said sign at an acceptable level and which does not change the total area of the sign, and which repair is less than 60 percent of the replacement cost of the sign.

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

Mixed-use. The combination on a site of residential uses with commercial (e.g., office, retail, or services), civic, or industrial uses.

Mobile Vending Unit. Any vehicle that is self-propelled, or can be pulled or pushed down a sidewalk, street, highway or waterway that sells products and services. Products and services may be prepared or processed in this vehicle and sold, dispensed or rendered from the vehicle.

Mobile Home. A structure constructed for movement on the public highways that has sleeping, cooking and plumbing facilities, that is intended for human occupancy, that is being used for residential purposes and that was constructed between January 1, 1962, and June 15, 1976, and met the construction requirements of Oregon mobile home law in effect at the time of construction.

Mobile home park. Any place where four or more manufactured dwellings, recreational vehicles as defined in ORS 174.101, or a combination thereof, are located within 500 feet of one another on a lot, tract or parcel of land under the same ownership, the primary purpose of which is to rent space or keep space for rent to any person for a charge or fee paid or to be paid for the rental or use of facilities or to offer space free in connection with securing the trade or patronage of such person. A mobile home park does not include a lot or lots located within a subdivision being rented or leased for occupancy by no more than one manufactured dwelling per lot if the subdivision was approved by the municipality unit having jurisdiction under an ordinance adopted pursuant to ORS 92.010 to 92.192.

Mobile home space. The area occupied by a mobile home and its accessory uses and structures in a mobile home park.

Mobile Modular Unit. A prefabricated structure that is more than eight and one-half feet wide, is used

for commercial or business purposes and is capable of being moved on the highway.

Moderate income household. A household with income less than or equal to 120 percent and greater than 80 percent of the area median income.

Monument Sign. A type of freestanding sign whose supporting base is at least 51% the width of the sign face and is no more than 24 inches in height from property grade.

Motor home. Motor home includes motorized vehicles designed for human occupancy on an intermittent basis. A camper is considered a motor home when it is on the back of a pick-up or truck. Motor homes are regulated as trucks unless the regulations specifically indicate otherwise. See also Truck.

Motor vehicle. Vehicles that have their own motive power and that are used for the transportation of people or goods on streets. Motor vehicle includes motorcycles, passenger vehicles, trucks, and recreational vehicles, except all-terrain vehicles, off-road vehicles, snow mobiles, and similar vehicles are not allowed on streets.

Movement Sign. A sign with physical motion or action.

Multi-dwelling development. A grouping of individual structures where each structure contains 1 or more dwelling units. The land underneath the structures is not divided into separate lots. A multi-dwelling development project may include an existing single-dwelling detached building with 1 or more new detached structures located to the rear or the side of the existing house. It might also include a duplex in front with either 1 or more single-dwelling houses behind or 1 or more duplex units or multi-dwelling structures behind. There is no requirement for the structures on the sites to be attached.

Multi-dwelling structure/Multi-family housing. A structure that contains three or more dwelling units that share common walls or floor/ceilings with one or more units. The land underneath the structure is not divided into separate lots. Multi-dwelling includes structures commonly called garden apartments, apartments, and condominiums.

Multi-tenant Sign. A freestanding sign designed for a building or shopping center with **four (4)** or more tenants or businesses.

Multi-use pathway. See Walkway and Bikeway.

N

Natural hazard. Natural areas that can cause dangerous or difficult development situations. For example, natural hazard areas include steep slopes, unstable soils, and areas prone to landslides, floodways and flood plains.

Neon Sign. Any sign composed of glass tubing containing neon gas that is illuminated when electrically

charged. A neon sign may be a wall, projecting, window, or freestanding sign.

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.

New development. Development of a site that was previously unimproved or that has had previously existing buildings demolished; *e.g.*, not a remodel of an existing building.

Non-conforming development. An element of a development, such as a setback, height, or parking area, that was created in conformance with development regulations but which subsequently, due to a change in the zone or zoning regulations, is no longer in conformance with the current applicable development standards. Non-conforming development includes development that is over a maximum allowed amount of floor area, as long as the development does not include an amount of floor area that is specifically prohibited by the current development standards. See Chapter 5.2.

Non-conforming residential density. A residential use that is an allowed use in the zone and that was constructed at a lawful density, but which subsequently, due to a change in the zone or zoning regulations, now has greater density than is allowed in the zone. See Chapter 5.2.

Non-conforming situation. A Non-Conforming Residential Density, Non-Conforming Development, or Non-Conforming Use. A situation may be non-conforming in more than one aspect. For example, a site may contain a non-conforming use and also have some non-conforming development. See also Non-Conforming Residential Density, Non-conforming Development, and Non-Conforming Use. See Chapter 5.2.

Non-conforming use. A use that was allowed by right when established or a use that obtained a required land use approval when established, but that subsequently, due to a change in the zone or zoning regulations, the use or the amount of floor area of the use is now prohibited in the zone. See Chapter 5.2.

Non-native invasive plants. Plants listed under current Oregon State University Extension Service Bulletin as non-native invasive plants in Oregon.

O

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

On-street parking. Parking in the street right-of-way, typically in parking lanes or bays. Parking may be “parallel” or “angled” in relation to the edge of the right-of-way or curb. See Chapter 3.3 for parking standards.

Open space (public/common/private/active/passive). Land within a development that has been dedicated in common to the ownership within the development or to the public specifically for the purpose of providing places for recreation, conservation or other open space uses. See also, Common Area.

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

Outdoor commercial use. A use supporting a commercial activity that provides goods or services, either wholesale or retail, where the amount of site area used for outdoor storage of materials or display of merchandise exceeds the total floor area of all buildings on the site. Examples of outdoor commercial uses include automobile sales or services, nurseries, lumber yards and equipment rental businesses.

Overlay district. Overlay districts impose and/or relax requirements of an underlying land use zone where characteristics of the land or neighborhood, or the types of development planned for an area, require special regulations.

Owner. The owner of the title to real property or the contract purchaser of real property of record, as shown on the latest assessment records in the Office of the County Assessor. Owner also includes a deed holder or contract purchaser whose name does not appear in the latest assessment records, but who presents to the City a copy of a deed or contract of sale showing date, book, and page of recording.

Ownership. An ownership is one or more contiguous lots that are owned by the same person, partnership, association, or corporation. Ownership also includes lots that are in common ownership but are separated by a right-of-way. See also, Lot and Site.

P

Parcel. A legally defined area of land created through a partition.

Parking area. A parking area is all the area devoted to the standing, maneuvering, and circulation of motor vehicles. Parking areas do not include driveways or areas devoted exclusively to non-passenger loading. See also, Driveway, Garage, and Vehicle Areas.

Parking Court. A private or semi-private parking area intended for use by residents of the surrounding development.

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

Parking space. A space designed to provide standing area for a motor vehicle. See Chapter 3.3 for parking space standards.

Parking versus storage. Parking is to leave a motor vehicle for a temporary time, no longer than 72 hours. Storage is to place or leave in a location for maintenance, repair, sale, rental, or future use more

than 72 hours in the future. See also, Exterior Display.

Partition. To divide an area or tract of land into two (2) or three (3) parcels within a calendar year when such area or tract of land exists as a unit or contiguous units of land under single ownership at the beginning of such year. (See ORS 92.010(8))

Passenger vehicle. A motor vehicle designed to carry ten persons or less including the driver. Passenger vehicles are passenger cars and multipurpose passenger vehicles as defined by the National Highway Traffic Safety Administration in Title 49 of the Code of Federal Regulations, Chapter V, Section 571.3. See also Recreational Vehicle, and Truck.

Pathway. A walkway conforming to Chapter 3.1 that is not within a street right-of-way.

Paved area. An uncovered, hard-surfaced area or an area covered with a perforated hard surface (such as porous concrete or pavers) that is able to withstand vehicular traffic or other heavy-impact uses.

Pedestrian amenity(ies). Areas and objects that serve as places for public socializing and enjoyment and are usually closed to motorized vehicles. Examples include plazas, building frontage areas (extra-wide sidewalks), street furnishings (e.g., benches, drinking fountains, bus waiting shelters), and pocket parks adjacent to a street, and similar areas and objects. Sidewalks designed to meet the minimum sidewalk width standards under Section 3.1.300.B.3 are not “amenities” for the purpose of this Code.

Pedestrian-oriented development. Development that is designed with an emphasis primarily on the street sidewalk and on pedestrian access to the site and building, rather than on auto access and parking areas. The building is generally placed close to the street and the main entrance is oriented to the street sidewalk. There are generally windows or display cases along building facades, which face the street. Typically, buildings cover a large portion of the site. Although parking areas may be provided, they are generally limited in size and they are not emphasized by the design of the site.

Planter strip. A landscape area for street trees and other plantings within the public right-of-way, usually a continuous planter area between the street and a sidewalk. See also, Tree Well.

Plat. Diagrams, drawings and other writing containing all the descriptions, locations, dedications, provisions, and information concerning a land division. This term includes the State law definitions of “partition plat” and “subdivision plat”. See also, Chapter 4.3 - Land Divisions.

Plaza. An area generally open to the public on a controlled basis and used for passive recreational activities and relaxation. Plazas are paved areas typically provided with amenities, such as seating, drinking and ornamental fountains, art, trees, and landscaping for use by pedestrians. See also, Pedestrian Amenities.

Pocket park. A small park, usually less than one-half acre typically accessed by foot or wheelchair, or bicycle. See also, Pedestrian Amenities.

Pole Cover. A material made out of metal, vinyl, brick, stucco, or other similar material used to fully enclose bare pylons.

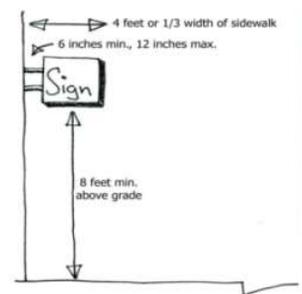
Portable Sign. A sign that is not permanently attached to the ground or other permanent structure, or is designed to be transported, including but not limited to those on wheels. Sandwich boards are included in this definition.

Practicable. Capable of being done after taking into consideration cost, existing technology, and logistics in light of overall project purposes.

Prefabricated structure. A prefabricated structure, as defined in ORS 455.010, that is relocatable, more than eight and one-half feet wide and designed for use as a single-unit dwelling.

Primary Dwelling. The main, original, or principal residential structure located on a single parcel of land. See also, Primary Structure.

Primary structure. A structure or combination of structures of chief importance or function on a site. In general, the primary use of the site is carried out in a primary structure. The difference between a primary and accessory structure is determined by comparing the size, placement, similarity of design, use of common building materials, and the orientation of the structures on a site.



Primary use. An activity or combination of activities of chief importance on the site. One of the main purposes for which the land or structures are intended, designed, or ordinarily used. A site may have more than one primary use.

Project. An existing or proposed use or development.

Project, major. A project that requires Site Design Review (Sections 4.2.400-600), Subdivision or Partition review (Chapter 4.3), Conditional Use Permit review (Chapter 4.4), or Master Planned Development review (Chapter 4.5).

Project, minor. A project that requires Land Use Review (Section 4.2.300), but does not require Site Design Review (Sections 4.2.400-600), Subdivision or Partition review (Chapter 4.3), Conditional Use Permit review (Chapter 4.4), or Master Planned Development review (Chapter 4.5).

Projecting Sign. A sign which is attached directly to any building wall and extends perpendicular from the face of the wall. A projecting sign may not extend more than **four (4)** feet from the wall or 1/3 the width of the sidewalk, whichever is less, and must be at least **eight (8)** feet above grade.

Property line adjustment. The relocation of a single common property line between two abutting properties, in conformance with ORS 92.010(11). See Figure.

Property line/lot line: front, rear, interior side, street side. The property lines along the edge of a lot or site.

Public access easement. A public access easement is an easement granted to the public for all the purposes for which a public sidewalk may be used, including but not limited to, pedestrian and bicycle travel.

Public improvements. Development of public infrastructure, as required by the City, County, Special District, or Road Authority, as applicable. See Chapter 3.4.

Public safety facility. A facility necessary to respond to an immediate hazard to the public health and safety, and that is owned, leased, or operated by Baker City, Baker County, the State of Oregon, or a Federal agency. Public safety facilities include fire and police stations, flood control facilities, water towers and pump stations needed for emergency service, and emergency communication broadcast facilities.

Q

Quasi-judicial. An action or decision that requires substantial discretion or judgment in applying the standards or criteria of this Code to the facts of a development proposal, and usually involves a public hearing. See Chapter 4.1.400 (Type III Review).

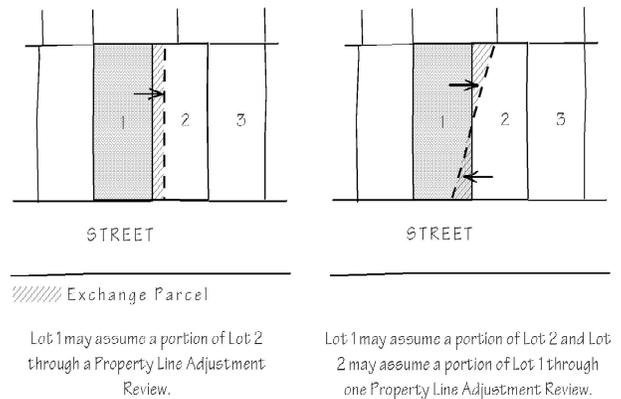
Quasi-public use. A use of land, which is utilized by both the private land owner as well as being made available to organizations or to the general public.

R

Rail right-of-way. A public or private right-of-way, for the purpose of allowing rail travel.

Rear lot line. A lot line that is opposite a front lot line. A triangular lot has two side lot lines but no rear lot line. For other irregularly shaped lots, the rear lot line is all lot lines that are most nearly opposite the front lot line. See Figures below.

Recreation camp. (1) An area devoted to facilities and equipment for recreation purposes, including swimming pools, tennis courts, playgrounds, and similar uses, either open to the public upon payment of a fee, or limited to private membership. (2) An area designated by the landowner for picnicking or overnight camping and offered to the general public, with or without a fee or charge. (See ORS Chapter 446)



Recreational vehicle. A vehicle with or without motive power that is designed for use as temporary living quarters and as further defined by rule by the Director of Transportation as defined in ORS 174.101.

Recreational vehicle park. A commercial use providing space and facilities for motor homes or other recreational vehicles for recreational use or transient lodging. There is no minimum required stay in a recreational vehicle park. Uses where unoccupied recreational vehicles are offered for sale or lease, or are stored, are not included as Recreational Vehicle Parks. See also Mobile Home Park.

Regulatory floodway. See “Floodway”.

Religious institution, corporation, or organization. Any organized church or group organized for the purpose of divine worship, religious teaching, or other directly ancillary purposes.

Renovation plan. A written proposal to restore the distinctive and historically authentic architectural, historical, or cultural character of a historic resource while retaining or establishing the possibility for efficient, contemporary use.

Residence. Same as Dwelling. See Residential Structure Types.

Residential facility/group care facility. A residence for six (6) to 15 physically or mentally disabled persons, and for staff persons as those terms are defined in ORS 443.400.

Residential home/group care home. A residence for five or fewer physically or mentally disabled persons, and for staff persons as those terms are defined in ORS 443.400.

Residential Trailer. A structure constructed for movement on the public highways that has sleeping, cooking and plumbing facilities, that is intended for human occupancy, that is being used for residential purposes and that was constructed before January 1, 1962.

Review Body. The person or group who is assigned to make decisions on land use reviews, whether initially or on appeal. Review body includes the Planning Official, Planning Commission, and the City Council.

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

Right-of-way. An area that allows for the passage of people, vehicles, or utilities. Right-of-way includes passageways such as streets, freeways, pedestrian connections, alleys, utilities, other forms of public infrastructure, planting strips, and parking areas. A right-of-way may be dedicated or deeded to the public for public use and under the control of a public agency, or it may be privately owned. A right-of-way that is not dedicated or deeded to the public will be in a tract. In some instances, the right-of-way may extend beyond the sidewalk toward a residence or building.

Riparian areas. Lands adjacent to rivers, streams, lakes, ponds, and other water bodies. They are transitional between aquatic and upland zones, and as such, contain elements of both aquatic and

terrestrial ecosystems. They have high water tables because of their close proximity to aquatic systems, soils which are usually made up largely of water-carried sediments, and some vegetation that requires free (unbound) water or conditions that are more moist than normal.

Road authority. The City or other agency (e.g., Oregon Department of Transportation, Baker County, a special purpose district, or other agency) with jurisdiction over a road or street.

Roadway. The portion of a right-of-way that is improved for motor vehicle travel. Roadway includes vehicle travel lanes and on-street parking areas. Roadway does not include area devoted to curbs, parking strips, or sidewalks.

Roof pitch. The slope of a roof, usually described as ratio (e.g., 5" of rise in 12" of horizontal distance).

Roof sign. Any sign erected and constructed wholly on or over the roof of a building, supported by the roof structure, or extending vertically above the highest portion of the roof. A mansard-style roof shall be considered a part of the façade for purposes of an attached sign.

S

Senior housing. Housing designated and/or managed for persons over a specified age. Specific age restrictions vary.

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

Setback/Setback yard. The minimum distance required between a specified object, such as a building, and another point, measured from lot lines or public right-of-way to a specified object. Typically, a setback refers to the minimum distance (yard dimension) from a building to a specified property line or the public right-of-way.

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

Shared parking. Required parking facilities for two or more uses, structures, or lots or parcels, which are satisfied jointly with the same facilities. See Chapter 3.3.

Sheet flow area. See "Area of shallow flooding".

Shopping street. A driveway in a commercial development that is designed to mimic a public street with sidewalks, tree wells, pedestrian lighting, and street furnishings. A shopping street may also have on-street parking.

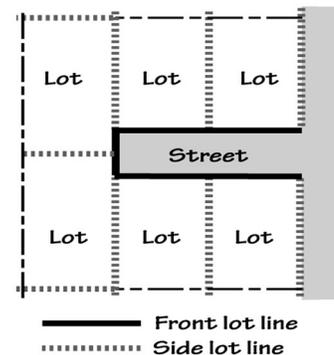
Short-Term Vacation Rental. The fee-based occupancy of a dwelling for a period less than 28 consecutive days. Month to month rental agreements for long-term purposes ~~is~~ **are** not short-term

rentals when the renter(s) remains the same each month.

Side lot line. A lot line that connects front and rear lot lines. On a corner lot, the longer lot line that abuts a street is a side lot line. See Figures below.

Side street lot line. A lot line that is both a side lot line and a street lot line. See Figures below.

Sidewalk. A paved or concrete walkway within a public street right-of-way that is generally located adjacent to and separated from the roadway by a curb or curb and planter strip.



Sight distance. The unobstructed viewing distance measured from one object or location to another object or location, usually required for the purpose of traffic safety.

Sign. A name, identification, image, description, display, message or illustration that is attached to, painted on, or represented directly or indirectly upon a building, structure, or piece of land.

Sign Area. The computed rectangular measurement of the outer limits of the sign including all lettering, wording, and accompanying designs, logos, and symbols. The area of a sign shall not include any supporting framework, bracing or trim, which is incidental to the display, provided that it does not contain any lettering, wording, or symbols.

- In the case of three-dimensional signs (cubes, cylinders, cones, etc.) the entire display surface shall be calculated as the sign area.
- Where the sign consists of a double face, only one side shall be considered for the purposes of calculating total sign area. Where both sides are not identical, or the interior angle formed by the faces of a sign is greater than 45 degrees, all faces shall be considered in calculating total sign area.
- Any spacing between signs designating different or separate occupants or uses of a building shall not be counted as sign area.
- Where the sign consists of individual letters, designs, or symbols attached to a building, awning, wall, or window, the area shall be that of the smallest rectangle which encompasses all of the letters, designs, and symbols.
- Signs that consist of, or have attached to them, one or more three-dimensional or irregularly shaped objects, shall have a sign area of the sum of two adjacent vertical sign faces of the smallest cube encompassing the sign or object.
- If elements of a sign are movable or flexible, such as a flag or banner, the measurement is taken when the elements are fully extended and parallel to the plane of view.
- In the case of electronic reader board signs, only that portion of the sign containing the electronic reader board display shall be considered for the purposes of calculating total sign area.

Sign Cabinet. The outside casing of a sign, which supports the content portion and contains electrical

and/or other equipment pertinent to the function of the sign.

Sign Face. The primary part of the sign that is or can be used to communicate information for visual representation. This definition shall include any background material, panel, trim, and color used that differentiate the sign from the building or structure on which it is placed.

Sign Height. The distance from the highest portion of the sign, including all structural elements, to mean grade.

Sign Structure. A supporting structure used for the purpose of physically supporting a sign, situated on any premises where a sign may be located. The structure shall not be included in the calculation of the sign area provided that no copy, display, or symbol is designed and included as part of the structure (except addressing). This definition shall not include a building, fence, wall, or earth.

Single-family house. A detached dwelling unit located on its own lot.

Single room occupancy housing (SRO). A structure that provides living units that have separate sleeping areas and some combination of shared bath or toilet facilities. The structure may or may not have separate or shared cooking facilities for the residents. SRO includes structures commonly called residential hotels and rooming houses.

Site. For land divisions, property line adjustments, and lot consolidations, the site is the lots, lots of record, parcels, or tracts proposed to be divided or reconfigured. For all other purposes, the site is an ownership except as follows:

- If a proposed development includes multiple ownerships, then the site is the combined area of all the ownerships.
- If a proposed development includes only a portion of an ownership, and the balance of the ownership is vacant, then the applicant may choose to define the site as the portion of the ownership that is proposed for development.
- If a proposed development includes only a portion of an ownership, and there is other development on the ownership, then the applicant may choose to define the site as the portion of the ownership that is currently developed plus the portion proposed for development.

Site design review. A discretionary review that applies to all developments except those specifically designated for Land Use Review or specifically exempted. A development proposal is reviewed in light of the basic Chapter 2 land use zone development standards and more detailed design standards and public improvement requirements in Chapter 3. See Chapter 4.2.

Site frontage. The part of a site that abuts a street. See also, Block Frontage.

Special flood hazard area. See “Area of special flood hazard” for this definition.

Specific area plan. An adopted plan for a sub area of the City and/or Urban Growth Area providing a

framework and standards for future land uses, densities, blocks, typical lot patterns, public improvements and streets, and site design; may also include architectural design guidelines or standards.

Stacked Residential. Any residential structure containing two or more dwelling units in which at least one of the units is stacked vertically above another dwelling unit so that they share a common ceiling and floor structure at some point. Stacked Residential includes multi-family buildings such as apartments or condominiums, as well as stacked duplexes, triplexes, and fourplexes.

Staff. Persons employed by the City of Baker City.

Standards and criteria. Both are code requirements for how to develop uses and structures on land. A standard is a quantitative requirement, or a qualitative requirement that is used in interpreting a subjective criterion. (*Example.* Criterion: All developments subject to site design review shall comply with the Chapter 3 parking standards. Standard: Medical and dental office uses must provide one vehicle parking space for each x square feet of gross floor area.)

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 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.

Steep slopes. Slopes of greater than 30 percent.

Step-down. See Building Height in Development-Related definitions.

Storefront character. The character expressed by buildings placed close to the street with ground-floor display windows, weather protection (e.g., awnings or canopies), corner building entrances or recessed entries, and similar features.

Storm water facility. A facility designed to improve the quality and manage the quantity of storm water runoff. Storm water facilities include vegetated swales and sand filters, wet or dry ponds, marshes, infiltration facilities, and structural storm sewer devices. Storm water facilities do not include conveyance systems that are meant only for conveying the storm water from one place to another and do not affect the quality or quantity of the storm water.

Storm water management system. A storm water facility (e.g., conveyance, detention/ retention, treatment system or outfall).

Stream. An area where enough natural surface water flows to produce a stream channel, such as a river or creek that carries flowing surface water during most of the year. This includes:

- The water itself, including any vegetation, aquatic life, or habitat;
- Beds and banks below the high water level which may contain water, whether or not water is actually present;
- The floodplain between the high water levels of connected side channels; and
- Stream-associated wetlands.

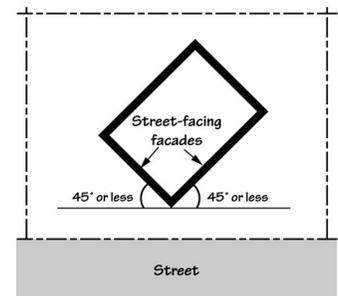
Stream channel. An area with evidence of perennial or seasonal water passage. The depression between the banks worn by the regular and usual flow of the water. The channel need not contain water year-round. This definition does not include irrigation ditches, canals, storm or surface water runoff devices, or other entirely artificial watercourses.

Street. A right-of-way that is intended for motor vehicle, pedestrian or bicycle travel or for motor vehicle, bicycle or pedestrian access to abutting property. For the purposes of this Code, street does not include alleys, rail rights-of-way that do not also allow for motor vehicle access, or freeways and their onramps.

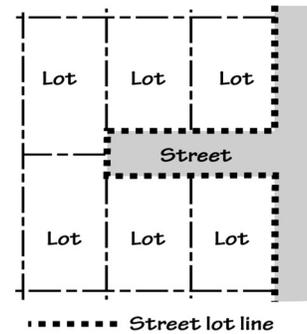
Street connectivity. Expressed as the number of street and/or access way connections within a specific geographic area. Higher levels of connectivity provide for more direct transportation routes and better dispersion of traffic, resulting in less traffic on individual streets and potentially slower speeds through neighborhoods.

Street-facing façade/wall. All the wall planes of a structure as seen from one side or view that are at an angle of 45 degrees or less from a street lot line. See Figure below.

Street furniture/furnishings. Benches, lighting, bicycle racks, drinking fountains, mailboxes, kiosks, and similar pedestrian amenities; may be located within a street furnishings zone or building front zone of a sidewalk or in a plaza. See also, Pedestrian Amenities.



Street lot line. A lot line, or segment of a lot line, that abuts a street. Street lot line does not include lot lines that abut an alley. On a corner lot, there are two (or more) street lot lines. Street lot line can include front lot lines and side lot lines. See Figures [s below](#).



Street stub. A temporary street ending where the street will be extended through adjacent property in the future, as those properties develop. Not a permanent street-end or dead-end street.

Street tree. A tree planted in a planter strip or tree well between the street and sidewalk.

Strobe Light. A flash lamp that produces high-intensity, short-duration pulses of light.

Structure. Any object constructed in or on the ground. Structure includes buildings, decks, fences, towers, flag poles, signs, and other similar objects. Structure does not include paved areas or vegetative landscaping materials. 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.

Structure height. The height of a structure and the cumulative height of a building with any appurtenant structures.

Subdivision. To divide land into four or more lots within a single calendar year. See also, Chapter 4.3 - Land Divisions, and ORS 92.010(17).

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.

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:

- 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."

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

T

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

Temporary Sign. A sign, which is erected for 2 months or less within a contiguous 12-month period. Temporary signs displayed for a portion of a day count as one full day. Temporary signs may only be of the following forms: banner, freestanding, hanging, portable and window.

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

Through lot. A lot that has frontage on two parallel or approximately parallel streets.

Through street. A street that connects to other streets at both ends.

Topographical constraint. Where existing slopes, landforms (e.g., streams, canals, rock outcropping, etc.) or manmade feature (e.g., embankment or berm) make conformance with a Code standard impracticable.

Townhouse. A type of attached residential structure where each primary unit is on its own lot. A townhouse may also be called a row house or a common-wall house. See also “Attached residential.”

Tract. A piece of land within a platted subdivision reserved for open space, utility corridor, recreation facilities, sensitive lands, or other purpose; may be dedicated to a homeowner’s association or other entity for maintenance. Also means one or more contiguous lots or parcels under the same ownership.

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

Travel trailer. A vacation structure equipped with wheels for street or highway use; intended for human occupancy; equipped with plumbing, sink or toilets; used for vacation and recreational purposes; and not used as a residence. (See ORS 446.003(5) and ORS 446.003(24).)

Travel trailer/recreational vehicle park/campground. A lot or parcel on which two or more travel trailers, recreational vehicles, motor homes, tent trailers, tent sites, campers, and/or similar vehicles or devices are permitted via a Type I procedure, with or without a charge or fee.

Tree well. A planter area cut out of a sidewalk within the street furnishing zone, planted with a street tree and including ground cover or a grate cover; typically used in commercial zones where on-street parking or pedestrian traffic makes the use of a planter strip impracticable.

Truck. A motor vehicle that is designed primarily for the movement of property or special purpose equipment, or a motor vehicle that is designed to carry more than ten persons. Truck includes vehicles commonly called trucks, pick-ups, delivery vans, buses, motor homes and other similar vehicles. See

also, National Highway Traffic Safety Administration in Title 49 of the Code of Federal Regulations, Chapter V, Section 571.3.

Truck Stop. A large refueling station specifically designed for servicing large commercial trucks and providing related personal facilities associated with commercial transport.

Turnaround. A vehicle maneuvering area at the end of a dead-end street (*e.g.*, hammerhead, cul-de-sac, or other configuration) that allows for vehicles to turn around. See Section 3.4.1300 for related standards.

Typographical error. Narrowly defined as inaccuracies in page, section number, references, spelling, grammar, punctuation or syntax.

U

Use. The purpose for which land or a structure is designed, arranged, intended, occupied, or maintained. See also, Chapter 1.4 – Use Categories.

Utilities. For the purposes of this Code, utilities are telephone, cable, natural gas, electric, and telecommunication facilities, storm sewers, water systems, and sanitary sewers. See also, Chapter 3.6.100 – Radio Frequency Transmission Facilities.

Utility Trailer. A vehicle designed to be pulled by a motor vehicle which is used to carry property, trash, or special equipment and that is 16 feet or less in length. Boat trailers are included as utility trailers. Utility trailers that are longer than 16 feet are considered industrial vehicles and are regulated as heavy trucks.

V

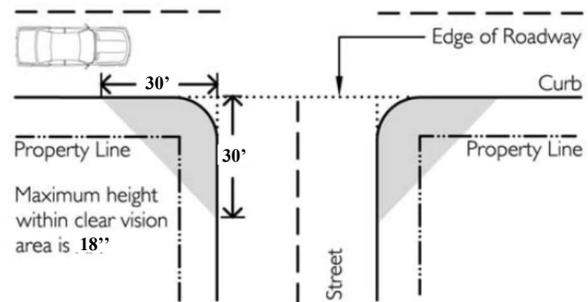
Vacate plat/street. To abandon a subdivision or street right-of-way. For example, vacation of a public right-of-way that is not needed or cannot be used for a street or other public purpose. Vacation of a plat typically returns the property to the adjoining owners and restores it to an undivided condition and ownership.

Variance. An administrative or quasi-judicial decision to lessen or otherwise modify the requirements of this Code. See Chapter 5.1 – Variances. In relation to floodplain development, a grant of relief by the city of Baker City from the terms of floodplain management regulation.

Vehicle areas. All of the areas on a site where vehicles may circulate or park including parking areas, driveways, drive-through lanes, and loading areas. See also, Driveway and Parking Area.

Vehicular Sign. Any vehicle used as a sign, or vehicle to which a sign is affixed, used primarily as a stationary sign display.

Vision Clearance Area. The 30' triangular area on a lot at the intersection of two streets or a street and a railway, alley, or driveway where a clear field of vision is necessary for traffic safety and to maintain adequate sight distance, as defined and measured in Section 3.1.200.(N) of the Baker City Development Code. No signs, structures or vegetation in excess of 18 inches in height shall be placed in vision clearance areas, as shown. The minimum vision clearance may be increased by the Planning Director upon finding more sight distance is required (i.e., due to traffic speeds, roadway alignment, etc.).



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.

W

Walkway. A sidewalk or pathway, including access ways, providing a pedestrian connection that is improved to City standards, or to other roadway authority standards, as applicable. See also, Access way, Pathway, and Sidewalk.

Wall Sign. Any sign erected against a wall of a building that does not protrude more than 12 inches from the wall. A wall sign may not extend beyond the eave line or parapet of the roofline.

Waste collection areas. Waste collection areas include areas set aside or designed to be used for garbage collection and collection of materials for recycling. Waste collection areas include areas occupied by dumpsters and other solid waste receptacles.

Water dependent. 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.

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.

Wetland. An area that is inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances does support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands include swamps, marshes, bogs, and similar areas.

Window Sign. Any sign type which is not prohibited by this code and is placed upon the outside or inside of a window, not extending beyond 6 inches of the surface of the window, facing the outside.

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

Wholesale sales. On-premises storage, distribution and sales of goods primarily to customers engaged in the retail business of reselling the goods.

Y

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

Yard Sale. See definition of Garage Sale.

Z

Zero-lot line house. A single-family detached dwelling with one "0" side yard setback.

Chapter 1.4 — Use Categories

Background: Chapter 1.4 is intended to be used in conjunction with the land use standards in Article 2. For example, the tables in Article 2 summarizing permitted uses for each zone contain only general land use categories. Chapter 1.4 provides specific examples of uses that fall under each general category. By providing examples of specific uses, and not an exhaustive list, the city has flexibility in determining similar uses, which should be helpful as community values, technology, and consumer needs change.

Sections:

Introduction to the Use Categories

1.4.010 Purpose

Residential Use Categories

1.4.100 Group Living

1.4.110 Household Living

Commercial Use Categories

1.4.200 Commercial Outdoor Recreation

1.4.210 Commercial Parking Facility

1.4.215 Drive-Through/Drive-Up Facility

1.4.220 Quick Vehicle Servicing

1.4.230 Major Event Entertainment

1.4.235 Commercial Educational Services

1.4.240 Office

1.4.250 Retail Sales and Service

1.4.260 Self-Service Storage

1.4.270 Vehicle Repair

1.4.280 Bed and Breakfast Inns & Hostels

Industrial Use Categories

1.4.300 Industrial Service

1.4.310 Manufacturing and Production

1.4.320 Warehouse, Freight Movement, and Distribution

1.4.330 Waste-Related

1.4.340 Wholesale Sales

Institutional and Civic Use Categories

1.4.400 Basic Utilities

1.4.410 Colleges

1.4.420 Community Service

1.4.430 Daycare

1.4.450 Medical Centers

1.4.460 Parks and Open Areas

- 1.4.470 Religious Institutions and Places of Worship
- 1.4.480 Schools
- 1.4.490 Detention Facilities and Correctional Institutions

Other Use Categories

- 1.4.500 Agriculture
- 1.4.510 Mining
- 1.4.520 Radio Frequency Transmission Facilities
- 1.4.530 Utility Corridors

Introduction to the Use Categories

1.4.010 Purpose. This Chapter classifies land uses and activities into use categories on the basis of common functional, product, or physical characteristics, as follows:

- A. Categorization.** Uses are assigned to the category whose description most closely describes the nature of the primary use. The "Characteristics" subsection of each use category describes the characteristics of each use category. Developments may have more than one primary use. Developments may also have one or more accessory uses.

- B. Interpretation.** When a use's category is not clearly identifiable, the Planning Official, through a Type I procedure, determines the applicable use category. The following is considered to determine what use category the use is in, and whether the activities constitute primary uses or accessory uses:
 - The description of the activity(ies) in relationship to the characteristics of each use category;
 - The relative amount of site or floor space and equipment devoted to the activity;
 - Relative amounts of sales from each activity;
 - The customer type for each activity;
 - The relative number of employees in each activity;
 - Hours of operation;
 - Building and site arrangement;
 - Vehicles used with the activity;
 - The relative number of vehicle trips generated by the activity;
 - Signs;
 - How the use advertises itself; and
 - Whether the activity would function independently of the other activities on the site.

- C. Developments with multiple primary uses.** When all the primary uses of a development fall within one use category, then the development is assigned to that use category. For example, a development that contains a retail bakery and a cafe would be classified in the Retail Sales and Service category because all the primary uses are in that category. When the primary uses of a

development fall within different use categories, each primary use is classified in the applicable category and is subject to the regulations for that category.

- D. **Accessory uses.** Accessory uses are allowed by right in conjunction with the use unless stated otherwise in the regulations. Also, unless otherwise stated, they are subject to the same regulations as the primary use. Typical accessory uses are listed as examples with the categories.
- E. **Use of examples.** The "Examples" subsection of each use category provides a list of examples of uses that are included in the use category. The names of uses on the lists are generic. They are based on the common meaning of the terms and not on what a specific use may call itself. For example, a use whose business name is "Wholesale Liquidation" but that sells mostly to consumers would be included in the Retail Sales and Service category rather than the Wholesale Sales category. This is because the actual activity on the site matches the description of the Retail Sales and Service category.
- F. **Exceptions.** The "Exceptions" subsection of each use category provides a list of examples of uses that are specifically excluded (not permitted) under that particular use category.

Residential Use Categories

1.4.100 Group Living

- A. **Characteristics.** Group Living is characterized by the residential occupancy of a structure by a group of people who do not meet the definition of Household Living. The size of the group will be larger than the average size of a household. Tenancy is arranged on a month-to-month basis, or for a longer period. Uses where tenancy may be arranged for a shorter period are not considered residential. They are considered to be a form of transient lodging (see the Retail Sales and Service and Community Service categories). Generally, Group Living structures have a common eating area for residents. The residents may or may not receive any combination of care, training, or treatment, as long as they also reside at the site. Group Living may include the State definition of residential facility or home (see Chapter 1.3.300, Definitions).
- B. **Accessory Uses.** Accessory uses commonly found are recreational facilities, parking of autos for the occupants and staff, and parking of vehicles for the facility.
- C. **Examples.** Examples include dormitories; fraternities and sororities; monasteries and convents; nursing and convalescent homes; some group homes for the physically disabled, mentally retarded, or emotionally disturbed as defined under ORS 443.400.
- D. **Exceptions.**
 - 1. Lodging where tenancy may be arranged for periods less than one month is considered a hotel or motel use and is classified in the Retail Sales and Service category. However, in certain

situations, lodging where tenancy may be arranged for periods less than one month may be classified as a Community Service use such as short term housing.

2. Lodging where the residents meet the definition of Household, and where tenancy is arranged on a month-to-month basis, or for a longer period is classified as Household Living.
3. Facilities for people who are under judicial detainment and are under the supervision of sworn officers are included in the Detention Facilities category.

1.4.110 Household Living

- A. **Characteristics.** Household Living is characterized by the residential occupancy of a dwelling unit by a household. Where units are rented, tenancy is arranged on a month-to-month basis, or for a longer period. Uses where tenancy may be arranged for a shorter period are not considered residential. They are considered to be a form of transient lodging (see the Retail Sales and Service and Community Service categories). Apartment complexes that have accessory services such as food service, dining rooms, and housekeeping are included as Household Living. Single Room Occupancy (SRO) housing, that do not have totally self-contained dwelling units are also included if at least two thirds of the units are rented on a monthly basis. SROs may have a common food preparation area, but meals are prepared individually by the residents.
- B. **Accessory Uses.** Accessory uses commonly found are recreational activities, raising of pets, hobbies, and parking of the occupants' vehicles. Home occupations and accessory dwelling units are accessory uses that are subject to additional regulations.
- C. **Examples.** Uses include living in houses, duplexes, apartments, ~~or~~ condominiums ~~in detached, attached, or stacked configurations.~~ Retirement center apartments, manufactured housing, houseboats, and other structures with self-contained dwelling units ~~are also considered household living.~~ Examples also include living in SROs if the provisions are met regarding length of stay and separate meal preparation.
- D. **Exceptions.**
 1. Lodging in a dwelling unit or SRO where less than two thirds of the units are rented on a monthly basis is considered a hotel or motel use and is classified in the Retail Sales and Service category.
 2. SROs that contain programs, which include common dining, are classified as Group Living.
 3. Guest houses that contain kitchen facilities are prohibited as accessory to Household Living uses.
 4. In certain situations, lodging where tenancy may be arranged for periods less than one month may be classified as a Community Service use, such as short term housing or mass shelter.

5. Bed and breakfast inns and hostels are classified under Bed and Breakfast Inns and Hostels.

Commercial Use Categories

1.4.200 Commercial Outdoor Recreation

- A. **Characteristics.** Commercial Outdoor Recreation uses are large, generally commercial uses that provide continuous recreation or entertainment oriented activities. They generally take place outdoors. They may take place in a number of structures, which are arranged together in an outdoor setting.
- B. **Accessory Uses.** Accessory uses may include concessions, restaurants, parking, caretaker's quarters, and maintenance facilities.
- C. **Examples.** Examples include recreation camps, amusement parks, theme parks, golf driving ranges, miniature golf facilities, and marinas.
- D. **Exceptions.**
 1. Golf courses are classified as Parks and Open Space.
 2. Uses that draw large numbers of people to periodic events, rather than on a continuous basis, are classified as Major Event Entertainment.
 3. Quasi-public recreational uses within residential zones. However, one sports court is permitted per household.

1.4.210 Commercial Parking Facility

- A. **Characteristics.** Commercial Parking facilities provide parking that is not accessory to a specific use. A fee may or may not be charged. A facility that provides both accessory parking for a specific use and regular fee parking for people not connected to the use is also classified as a Commercial Parking facility.
- B. **Accessory Uses.** In a parking structure only, accessory uses may include car washing, car rental, and vehicle repair activities.
- C. **Examples.** Examples include short- and long-term fee parking facilities, commercial zone shared parking lots, commercial shuttle parking, and mixed parking lots (partially for a specific use, partly for rent to others).
- D. **Exceptions.**

1. Parking facilities that are accessory to a use, but which charge the public to park for occasional events nearby, are not considered Commercial Parking facilities.
2. Parking facilities that are accessory to a primary use are not considered Commercial Parking uses, even if the operator leases the facility to the primary use or charges a fee to the individuals who park in the facility. See Accessory Parking Facilities in Chapter 1.3.300, Definitions.
3. Public transit park-and-ride facilities are classified as Basic Utilities.
4. Publicly owned parking facilities are not considered Commercial Parking Facilities.

1.4.215 Drive-Through/Drive-Up Facility

- A. **Characteristics.** A facility or structure that is designed to allow drivers to remain in their vehicles before and during an activity on the site. Drive-through facilities are a type of site development that is usually found in conjunction with a Quick Vehicle Servicing use or a Retail Sales and Service use. Drive-through/drive-up facilities also include facilities designed for the rapid servicing of vehicles, where the drivers may or may not remain in their vehicles, but where the drivers usually either perform the service for themselves, or wait on the site for the service to be rendered.
- B. **Accessory Uses.** Drive-through facilities may serve the primary use of the site or may serve accessory uses.
- C. **Examples.** Examples are drive-up windows; automatic teller machines; coffee kiosks and similar vendors; menu boards; order boards or boxes; gas pump islands; car wash facilities; auto service facilities, such as air compressor, water, and windshield washing stations; quick-lube or quick-oil change facilities; and drive-in theaters.

1.4.220 Quick Vehicle Servicing

- A. **Characteristics.** Quick Vehicle Servicing uses provide direct services for motor vehicles where the driver generally waits in the car before and while the service is performed. The development will include a drive-through facility, the area where the service is performed (See Chapter 1. 300, Definitions). Full-serve and mini-serve gas stations are always classified as a primary use (Quick Vehicle Servicing), rather than an accessory use, even when they are in conjunction with other uses.
- B. **Accessory Uses.** Accessory uses may include auto repair and tire sales.
- C. **Examples.** Examples include full-serve and mini-serve gas stations, unattended card key stations, car washes, and quick lubrication services.
- D. **Exceptions.**

1. Truck stops are classified as Industrial Service.
2. Refueling facilities for the vehicles that belong to a specific use (fleet vehicles) which are on the site where the vehicles are kept are accessory to the use.

1.4.230 Major Event Entertainment

- A. Characteristics.** Major Event Entertainment uses are characterized by activities and structures that draw large numbers of people in the hundreds or thousands to specific events or shows. Activities are generally of a spectator nature.
- B. Accessory Uses.** Accessory uses may include restaurants, bars, concessions, parking, and maintenance facilities.
- C. Examples.** Examples include sports arenas, racetracks (auto, horse, dog, etc.), auditoriums, exhibition and meeting areas, outdoor amphitheaters, and fairgrounds.
- D. Exceptions.**
1. Exhibition and meeting areas with less than 10,000ft² of total event area are classified as Retail Sales and Service.
 2. Banquet halls that are part of hotels or restaurants are accessory to those uses, which are included in the Retail Sales and Service category.
 3. Theaters, including drive-in theaters, are classified as Retail Sales and Service.

1.4.235 Commercial Educational Services

- A. Characteristics.** Commercial Educational Service uses are characterized by activities conducted in an office setting and generally focusing on serving students with supplemental education, enrichment, and/or tutoring.
- B. Accessory uses.** Accessory uses may include incidental retail (*e.g.*, sale of instructional materials), parking, or other amenities primarily for the use of employees and customers.
- C. Examples.** Examples include tutoring centers, computer classes, after school math and reading centers, and arts and crafts classes.
- D. Exceptions.**
1. In-home tutoring or classes of **four (4)** or less students (to be treated as a home occupation).

1.4.240 Office

- A. **Characteristics.** Office uses are characterized by activities conducted in an office setting and generally focusing on business, professional, medical, or financial services, except that government offices are classified under Community Services.
- B. **Accessory uses.** Accessory uses may include cafeterias, health facilities, parking, or other amenities primarily for the use of employees in the firm or building.
- C. **Examples.** Examples include professional services such as lawyers, accountants, engineers, or architects; financial businesses such as lenders, brokerage houses, bank headquarters, or real estate agents; data processing; sales offices; and public utility offices; TV and radio studios; medical and dental clinics, and medical and dental labs.
- D. **Exceptions.**
 - 1. Offices that are part of and are located with a firm in another category are considered accessory to the firm's primary activity. Headquarters offices, when in conjunction with or adjacent to a primary use in another category, are considered part of the other category.
 - 2. Contractors and others who perform construction or similar services off-site are included in the Office category if equipment and materials are not stored on the site and fabrication, services, or similar work is not carried on at the site.
 - 3. Government offices are considered under the Community Services classification.

1.4.250 Retail Sales and Service

- A. **Characteristics.** Retail Sales and Service firms are involved in the sale, lease or rent of new or used products to the general public. They may also provide personal services or entertainment, provide product repair or services for consumer and business goods, or include transient lodging-oriented businesses
- B. **Accessory uses.** Accessory uses may include offices, storage of goods, manufacture or repackaging of goods for on-site sale, and parking.
- C. **Examples.** Examples include uses from the subgroups listed below:
 - 1. Sales-oriented: Stores selling, leasing, or renting consumer, home, and business goods including art, art supplies, bicycles, clothing, dry goods, electronic equipment, fabric, furniture, garden supplies, gifts, groceries, hardware, home improvements, household products, jewelry, pets, pet food, pharmaceuticals, plants, printed material, stationery, and videos; food sales, and sales or

leasing of consumer vehicles including passenger vehicles, motorcycles, light and medium trucks, and other recreational vehicles.

2. Personal service-oriented: Branch banks; urgency medical care; laundromats; photographic studios; photocopy and blueprint services; hair, tanning, and personal care services; tax preparers, accountants, real estate, legal, financial services; business, martial arts, and other trade schools; dance or music classes; taxidermists; mortuaries; veterinarians; kennels; and animal grooming.
3. Entertainment-oriented: Restaurants, cafes, delicatessens, taverns, and bars; indoor or outdoor continuous entertainment activities such as bowling alleys, ice rinks, and game arcades; pool halls; indoor firing ranges; theaters, health clubs, gyms, membership clubs, and lodges.
4. Transient lodging-oriented: Hotels, motels, recreational vehicle parks, short-term vacation rentals, and other temporary lodging with an average length of stay of less than 30 days.
5. Repair-oriented: Repair of TVs, bicycles, clocks, watches, shoes, guns, appliances and office equipment; photo or laundry drop off; quick printing; recycling drop-off; tailor; locksmith; and upholsterer.

D. Exceptions.

1. Lumber yards and other building material sales that sell primarily to contractors and do not have a retail orientation are classified as Wholesale Sales.
2. The sale of landscape materials, including bark chips and compost not in conjunction with a primary retail use, is classified as Industrial Service.
3. Repair and service of consumer motor vehicles, motorcycles, and light and medium trucks is classified as Vehicle Repair. Repair and service of industrial vehicles and equipment, and heavy trucks is classified as Industrial Service.
4. Sales, rental, or leasing of heavy trucks and equipment is classified as Wholesale Sales.
5. Hotels, restaurants, and other services that are part of a truck stop are considered accessory to the truck stop, which is classified as Industrial Service.
6. In certain situations, hotels and motels may be classified as a Community Service use, such as short-term housing or mass shelter. See Community Services.
7. Bed and breakfast inns and hostels are classified under Bed and Breakfast Inns and Hostels.

1.4.260 Self-Service Storage

- A. **Characteristics.** Self-Service Storage uses provide separate storage areas for individual or business uses. The storage areas are designed to allow private access by the tenant for storing personal property.
- B. **Accessory uses.** Accessory uses may include security and leasing offices. Living quarters for one resident manager per site are allowed. Other living quarters are subject to the regulations for Residential Uses. Use of the storage areas for sales, service and repair operations, or manufacturing is not considered accessory to the Self-Service Storage use. The rental of trucks or equipment is also not considered accessory to a Self-Service Storage use.
- C. **Examples.** Examples include single story and multistory facilities that provide individual storage areas for rent. These uses are also called mini warehouses.
- D. **Exceptions.** A transfer and storage business where there are no individual storage areas or where employees are the primary movers of the goods to be stored or transferred is in the Warehouse and Freight Movement category.

1.4.270 Vehicle Repair

- A. **Characteristics.** Firms servicing passenger vehicles, light and medium trucks and other consumer motor vehicles such as motorcycles, boats and recreational vehicles. Generally, the customer does not wait at the site while the service or repair is being performed. (Different than Quick Vehicle Services category.)
- B. **Accessory Uses.** Accessory uses may include offices, sales of parts, and vehicle storage.
- C. **Examples.** Examples include vehicle repair, transmission or muffler shop, auto body shop, alignment shop, auto upholstery shop, auto detailing, and tire sales and mounting.
- D. **Exceptions.** Repair and service of industrial vehicles and equipment, and of heavy trucks; towing and vehicle storage; and vehicle wrecking and salvage are classified as Industrial Service.

1.4.280 Bed and Breakfast Inns & Hostels

- A. **Characteristics.** Temporary housing establishments offering transient lodging for a period of less than 28 days.
- B. **Accessory Uses.** Accessory uses may include parking and storage.
- C. **Examples.** Examples include bed and breakfast inns and hostels.

Industrial Use Categories

1.4.300 Industrial Service

- A. Characteristics.** Industrial Service firms are engaged in the repair or servicing of industrial, business or consumer machinery, equipment, products or by-products. Firms that service consumer goods do so by mainly providing centralized services for separate retail outlets. Contractors and building maintenance services and similar uses perform services off-site. Few customers, especially the general public, come to the site.
- B. Accessory uses.** Accessory uses may include offices, parking, storage, rail spur or lead lines, and docks.
- C. Examples.** Examples include welding shops; machine shops; tool repair; electric motor repair; repair of scientific or professional instruments; sales, repair, storage, salvage or wrecking of heavy machinery, metal, and building materials; towing and vehicle storage; auto and truck salvage and wrecking; heavy truck servicing and repair; tire re-treading or recapping; truck stops; building, heating, plumbing or electrical contractors; printing, publishing and lithography; exterminators; recycling operations; janitorial and building maintenance services; fuel oil distributors; solid fuel yards; research and development laboratories; dry-docks and the repair or dismantling of ships and barges; laundry, dry-cleaning, and carpet cleaning plants; and photofinishing laboratories.
- D. Exceptions.**
1. Contractors and others who perform Industrial Services off-site are included in the Office category, if equipment and materials are not stored at the site, and fabrication or similar work is not carried on at the site.
 2. Hotels, restaurants, and other services that are part of a truck stop are considered accessory to the truck stop.

1.4.310 Manufacturing and Production

- A. Characteristics.** Manufacturing and Production firms are involved in the manufacturing, processing, fabrication, packaging, or assembly of goods. Natural, man-made, raw, secondary, or partially completed materials may be used. Products may be finished or semi-finished and are generally made for the wholesale market, for transfer to other plants, or to order for firms or consumers. Goods are generally not displayed or sold on site, but if so, they are a subordinate part of sales. Relatively few customers come to the manufacturing site.
- B. Accessory uses.** Accessory uses may include offices, cafeterias, parking, employee recreational facilities, warehouses, storage yards, rail spur or lead lines, docks, repair facilities, or truck fleets.

Living quarters for one caretaker per site are allowed. Other living quarters are subject to the regulations for Residential Uses.

C. Examples. Examples include processing of food and related products; catering establishments; breweries, distilleries, and wineries; slaughter houses, and meat packing; feed lots and animal dipping; weaving or production of textiles or apparel; lumber mills, pulp and paper mills, and other wood products manufacturing; woodworking, including cabinet makers; production of chemical, rubber, leather, clay, bone, plastic, stone, or glass materials or products; movie production facilities; ship and barge building; concrete batching and asphalt mixing; production or fabrication of metals or metal products including enameling and galvanizing; manufacture or assembly of machinery, equipment, instruments, including musical instruments, vehicles, appliances, precision items, and other electrical items; production of artwork and toys; sign making; production of prefabricated structures, including mobile homes; and the production of energy.

D. Exceptions.

1. Manufacturing of goods to be sold primarily on-site and to the general public is classified as Retail Sales and Service.
2. Manufacture and production of goods from composting organic material is classified as Waste-Related uses.

1.4.320 Warehouse, Freight Movement, and Distribution

A. Characteristics. Warehouse, Freight Movement, and Distribution involves the storage, or movement of goods for themselves or other firms. Goods are generally delivered to other firms or the final consumer, except for some will-call pickups. There is little on-site sales activity with the customer present.

B. Accessory uses. Accessory uses may include offices, truck fleet parking and maintenance areas, rail spur or lead lines, docks, and repackaging of goods.

C. Examples. Examples include separate warehouses used by retail stores such as furniture and appliance stores; household moving and general freight storage; cold storage plants, including frozen food lockers; storage of weapons and ammunition; major wholesale distribution centers; truck, marine, or air freight terminals; bus barns; parcel services; major post offices; grain terminals; and the stockpiling of sand, gravel, or other aggregate materials.

D. Exceptions.

1. Uses that involve the transfer or storage of solid or liquid wastes are classified as Waste-Related uses.

2. Mini-warehouses are classified as Self-Service Storage uses.

1.4.330 Waste-Related

- A. Characteristics.** Waste-Related uses are characterized by uses that receive solid or liquid wastes from others for disposal on the site or for transfer to another location, uses that collect sanitary wastes, or uses that manufacture or produce goods or energy from the biological decomposition of organic material. Waste-Related uses also include uses that receive hazardous wastes from others and are subject to the regulations of OAR 340-100-110, Hazardous Waste Management.
- B. Accessory Uses.** Accessory uses may include recycling of materials, offices, and repackaging and transshipment of by-products.
- C. Examples.** Examples include sanitary landfills, limited use landfills, waste composting, energy recovery plants, sewer treatment plants, portable sanitary collection equipment storage and pumping, and hazardous-waste-collection sites.
- D. Exceptions.**
 1. Disposal of clean fill, as defined in OAR 340-093-0030, is considered a fill, not a Waste-Related use.
 2. Sewer pipes that serve a development are considered a Basic Utility.

1.4.340 Wholesale Sales

- A. Characteristics.** Wholesale Sales firms are involved in the sale, lease, or rent of products primarily intended for industrial, institutional, or commercial businesses. The uses emphasize on-site sales or order taking and often include display areas. Businesses may or may not be open to the general public, but sales to the general public are limited as a result of the way in which the firm operates. Products may be picked up on site or delivered to the customer.
- B. Accessory uses.** Accessory uses may include offices, product repair, warehouses, parking, minor fabrication services, and repackaging of goods.
- C. Examples.** Examples include sale or rental of machinery, equipment, heavy trucks, building materials, special trade tools, welding supplies, machine parts, electrical supplies, janitorial supplies, restaurant equipment, and store fixtures; mail order houses; and wholesalers of food, clothing, auto parts, building hardware, and office supplies.
- D. Exceptions.**

1. Firms that engage primarily in sales to the general public are classified as Retail Sales and Service.
2. Firms that engage in sales on a membership basis are classified as either Retail Sales and Service or Wholesale Sales, based on a consideration of characteristics of the use.
3. Firms that are primarily storing goods with little on-site business activity are classified as Warehouse, Freight Movement, and Distribution.

Institutional and Civic Use Categories

1.4.400 Basic Utilities

- A. Characteristics.** Basic Utilities are infrastructure services, which need to be located in or near the area where the service is provided. Basic Utility uses generally do not have regular employees at the site. Services may be public or privately provided. All public safety facilities are Basic Utilities.
- B. Accessory uses.** Accessory uses may include parking; control, monitoring, data or transmission equipment; and holding cells within a police station.
- C. Examples.** Examples include water and sewer pump stations; sewage disposal and conveyance systems; electrical substations; water towers and reservoirs; water quality and flow control facilities; water conveyance systems; storm water facilities and conveyance systems; telephone exchanges; bus stops or turnarounds, suspended cable transportation systems, transit centers; and public safety facilities, including fire and police stations, and emergency communication broadcast facilities.
- D. Exceptions.**
 1. Services where people are generally present, other than bus stops or turnarounds, transit centers, and public safety facilities, are classified as Community Services or Offices.
 2. Utility offices where employees or customers are generally present are classified as Offices.
 3. Bus barns are classified as Warehouse and Freight Movement.
 4. Public or private passageways, including easements, for the express purpose of transmitting or transporting electricity, gas, oil, water, sewage, communication signals, or other similar services on a regional level are classified as Rail Lines and Utility Corridors.

1.4.410 Colleges

- A. **Characteristics.** This category includes colleges and other institutions of higher learning, which offer courses of general or specialized study leading to a degree. They are certified by the State Board of Higher Education or by a recognized accrediting agency. Colleges tend to be in campus-like settings or on multiple blocks, though they may be contained in a single building.
- B. **Accessory Uses.** Accessory uses include offices, housing for students, food service, laboratories, health and sports facilities, theaters, meeting areas, parking, maintenance facilities, and support commercial.
- C. **Examples.** Examples include universities, liberal arts colleges, community colleges, nursing and medical schools not accessory to a hospital, computer schools, higher education religious schools, and seminaries.
- D. **Exceptions.** Business and trade schools are classified as Retail Sales and Service.

1.4.420 Community Services

- A. **Characteristics.** Community Services are uses of a public, quasi-public, non-profit, or charitable nature generally providing a local service to people of the community, or government services at the local, state, regional, or national level. Generally, they provide the service on the site or have employees at the site on a regular basis. The service is ongoing, not just for special events. Community centers or facilities that have membership provisions are open to the general public to join at any time, (for instance, any senior citizen could join a senior center).
- B. **Accessory uses.** Accessory uses may include offices; meeting areas; food preparation areas; parking, equipment storage, health and therapy areas; daycare uses; community gardens or community green houses, and athletic facilities.
- C. **Examples.** Examples include libraries, museums, senior centers, community centers, government offices, community swimming pools, public or commercial athletic or health clubs, youth club facilities, hospices, emergency shelter care, and social service facilities.
- D. **Exceptions.**
 - 1. Private lodges and clubs are classified as Retail Sales and Service. Commercial museums (such as a wax museum) are in Retail Sales and Service.
 - 2. Parks are in Parks and Open Areas.
 - 3. Uses where tenancy is arranged on a month-to-month basis, or for a longer period, are residential, and are classified as Household or Group Living.

4. Public safety facilities are classified as Basic Utilities.
5. Uses that provide treatment for alcohol or drug problems, where patients are residents of the program, are classified in the Group Living category. Non-resident drug and alcohol treatment clinics are classified under Medical Centers.

1.4.430 Daycare

- A. **Characteristics.** Daycare use includes day or evening care of two or more children outside of the children's homes, for a fee. Daycare uses also include the daytime care of teenagers or adults who need assistance or supervision.
- B. **Accessory Uses.** Accessory uses include offices, play areas, and parking.
- C. **Examples.** Examples include preschools, nursery schools, latch key programs, and adult daycare programs.
- D. **Exceptions.** Daycare use does not include care given by the parents, guardians, or relatives of the children, or by babysitters. Daycare use also does not include care given by a "family child care home" as defined by ORS 657A.250 and ORS 657A.440(4) where child care is offered in the home of the provider to not more than 16 children, including the children of the provider, regardless of full-time or part-time status. Family daycare is care regularly given in the family living quarters of the provider's home, and is regulated as a home occupation.

1.4.450 Medical Centers

- A. **Characteristics.** Medical Centers includes uses providing medical or surgical care to patients and offering overnight care. Medical centers tend to be on multiple blocks or in campus settings.
- B. **Accessory uses.** Accessory uses include out-patient clinics, offices, laboratories, teaching facilities, meeting areas, cafeterias, parking, maintenance facilities, and housing facilities for staff or trainees.
- C. **Examples.** Examples include hospitals and medical complexes that include hospitals.
- D. **Exceptions.**
 1. Uses that provide exclusive care and planned treatment or training for psychiatric, alcohol, or drug problems, where patients are residents of the program, are classified in the Group Living category.
 2. Medical clinics that provide care where patients are generally not kept overnight are classified as Office.

3. Urgency medical care clinics are classified as Retail Sales and Service.

1.4.460 Parks and Open Areas

- A. **Characteristics.** Parks and Open Areas are uses of land focusing on natural areas, large areas consisting mostly of vegetative landscaping or outdoor recreation, community gardens, or public squares. Lands tend to have few structures.
- B. **Accessory uses.** Accessory uses may include club houses, maintenance facilities, concessions, caretaker's quarters, and parking.
- C. **Examples.** Examples include parks, golf courses, cemeteries, public squares, plazas, recreational trails, botanical gardens, boat launching areas, nature preserves, and land used for grazing that is not part of a farm or ranch.

1.4.470 Religious Institutions and Places of Worship

- A. **Characteristics.** Religious Institutions are intended to primarily provide meeting areas for religious activities.
- B. **Accessory uses.** Accessory uses include Sunday school facilities, parking, caretaker's housing, one transitional housing unit, and group living facilities such as convents. A transitional housing unit is a housing unit for one household where the average length of stay is less than 60 days. Religious schools, when accessory to a religious institution, are different than a school as a primary use.
- C. **Examples.** Examples include churches, temples, synagogues, and mosques. See also, Religious Schools included in Section 1.4.480 – Schools.

1.4.480 Schools

- A. **Characteristics.** This category includes public and private schools, secular or parochial, at the primary, elementary, middle, junior high, or high school level that provide state mandated basic education.
- B. **Accessory uses.** Accessory uses include play areas, cafeterias, recreational and sport facilities, auditoriums, and before- or after-school daycare.
- C. **Examples.** Examples include public and private daytime schools, boarding schools and military academies.
- D. **Exceptions.**

1. Preschools are classified as Daycare uses.
2. Business and trade schools are classified as Retail Sales and Service.

1.4.490 Detention Facilities and Correctional Institutions

- A. Characteristics.** This category includes correctional institutions for both youths and adults. It includes facilities housing people who are under judicial detainment and are under the supervision of sworn officers of the law. No facilities under this category may be established in Baker City except as a conditional use in designated land-use zones.

Other Use Categories

1.4.500 Agriculture

- A. Characteristics.** Agriculture includes activities that raise, produce or keep plants or animals.
- B. Accessory uses.** Accessory uses include dwellings for proprietors and employees of the use, and animal training.
- C. Examples.** Examples include breeding or raising of fowl or other animals; dairy farms; stables; riding academies; animal boarding places; farming, truck gardening, forestry, tree farming; and wholesale plant nurseries.
- D. Exceptions.**
1. Processing of animal or plant products, including milk, and feed lots, are classified as Manufacturing and Production.
 2. Livestock auctions are classified as Wholesale Sales.
 3. Plant nurseries that are oriented to retail sales are classified as Retail Sales and Service.

1.4.510 Mining

- A. Characteristics.** Mining includes mining or extraction of mineral or aggregate resources from the ground for off-site use.
- B. Accessory uses.** Accessory uses include storage, sorting, stockpiling, or transfer off-site of the mined material.

- C. **Examples.** Examples include quarrying or dredging for sand, gravel or other aggregate materials; mining; and oil, gas, or geothermal drilling.

1.4.520 Radio Frequency Transmission Facilities

- A. **Characteristics.** Radio Frequency Transmission Facilities includes all devices, equipment, machinery, structures or supporting elements necessary to produce non-ionizing electromagnetic radiation within the range of frequencies from 100 KHz to 300 GHz and operating as a discrete unit to produce a signal or message. Towers may be self-supporting, guyed, or mounted on poles or buildings.
- B. **Accessory Uses.** Accessory use may include transmitter facility buildings.
- C. **Examples.** Examples include broadcast towers, communication/cell towers, and point to point microwave towers.
- D. **Exceptions.**
1. Receive-only antennae are not included in this category.
 2. Radio and television studios are classified in the Office category.
 3. Radio Frequency Transmission Facilities that are public safety facilities are classified as Basic Utilities.

1.4.530 Utility Corridors

- A. **Characteristics.** The category includes public or private passageways, including easements, for the express purpose of transmitting or transporting electricity, gas, oil, water, sewage, communication signals, or other similar services on a regional level.
- B. **Examples.** Examples include regional electrical transmission lines; and regional gas and oil pipelines.
- C. **Exceptions.**
1. Railroad lead and spur lines for delivery of rail cars to sites or for unloading of rail cars on specific sites are classified as accessory to the primary use of the site.
 2. Utility corridors that are located within motor vehicle rights-of-way are not included.

Chapter 1.5 — Enforcement

Sections:

- 1.5.100 Provisions of this Code Declared to be Minimum Requirements
- 1.5.200 Violation of Code Prohibited
- 1.5.300 Penalty
- 1.5.400 Complaints Regarding Violations
- 1.5.500 Abatement of Violations

1.5.100 Provisions of this Code Declared to be Minimum Requirements

- A. **Minimum requirements intended.** In their interpretation and application, the provisions of this Code shall be held to be minimum requirements, adopted for the protection of the public health, safety, and general welfare.
- B. **Most restrictive requirements apply.** When the requirements of this Code vary from other provisions of this Code the most restrictive or that imposing the highest standard shall govern.

1.5.200 Violation of Code Prohibited. No person shall erect, construct, alter, maintain or use any building or structure or shall use, divide or transfer any land in violation of this Code or any amendment thereto.

1.5.300 Penalty

- A. **Class 1 penalty.** A violation of this Code shall constitute a civil infraction, which shall be processed accordingly. A person violating a provision of this Code shall, upon conviction, be punished by a fine of not more than \$500.00 for each separate infraction.
- B. **Each violation a separate infraction.** Each violation of a separate provision of this Code shall constitute a separate infraction, and each day that a violation of this Code is committed or permitted to continue shall constitute a separate infraction.
- C. **Abatement of violation required.** A finding of a violation of this Code shall not relieve the responsible party of the duty to abate the violation. The penalties imposed by this section are in addition to and not in lieu of any other remedies available to the City. The City as part of the abatement of a violation may require the physical removal of the violation or engage in the removal of the violation directly and record a lien against the property in the Baker County records for the associated costs of removal.
- D. **Public record of violations.** The Planning Department shall keep a log of existing violations and

enforcement actions. Said log shall be available to the general public for review and publication.

- E. **Responsible party.** If a provision of this Code is violated by a firm or corporation, the officer or officers, or person or persons responsible for the violation shall be subject to the penalties imposed by this section.

1.5.400 Complaints Regarding Violations

- A. **Filing written complaint.** Whenever a violation of this Code occurs, or is alleged to have occurred, any person may file a signed, written complaint.
- B. **File complaint with the Planning Director.** Such complaints, stating fully the causes and basis thereof, shall be filed with the Planning Director. The Planning Director or his or her designee shall properly record such complaints, investigate and take action thereon as provided by this Code.

1.5.500 Abatement of Violations. Any development or use that occurs contrary to the provisions of this Code or contrary to any permit or approval issued or granted under this Code is unlawful, and may be abated by appropriate proceedings.