Article 3- Community Design Standards

Chapters:

Chapter 3.0 - Design Standards Administration

Sections:

3.0.100 Purpose. The following provisions describe how the Community Design Standards (Article 3) are intended to be applied, and the relationship between Article 3 and the supplemental design standards for specific land uses and building types contained in Article 2.

3.0.200 Applicability. The standards in Article 3 are applied based on whether a project is classified as a *Major Project* or a *Minor Project*. In addition, each chapter of Article 3 contains "applicability directions." In general, the chapters are applied as follows:

A. **Major Project.** Major projects, including developments that require Type II or Type III Site Design Review (Chapter 4.2), Land Division approval (Chapter 4.3), Conditional Use approval (Chapter 4.4), Master Planned Development (Chapter 4.5), and amendments to the Comprehensive Plan or Zoning Map (Chapter 4.7), must conform to the applicable sections of:

- Access and Circulation (Chapter 3.1)
- Landscaping, Street Trees, Fences and Walls (Chapter 3.2)
- Parking and Loading (Chapter 3.3)
- Public Facilities (Chapter 3.4)
- Signs (Chapter 3.5)
- Radio Frequency Transmission Facilities (Chapter 3.6)

B. **Minor Project.** Minor projects are small developments and land use actions that require only Land Use Review or Type I Site Design Review. The following chapters generally apply; however, individual sections will not apply to some projects.
   - Access and Circulation (Chapter 3.1)
   - Landscaping, Street Trees, Fences and Walls (Chapter 3.2)
   - Parking and Loading (Chapter 3.3)
   - Public Facilities (Chapter 3.4)
   - Signs (Chapter 3.5)

~~B~~C. **Non-Conforming Situations.** See Chapter 5.2 for provisions related to non-conforming uses and developments.

Chapter 3.1 - Access and Circulation

Sections:

3.1.100 Purpose. The purpose of this Chapter is to ensure that developments provide safe and efficient access and circulation for pedestrians and vehicles. Section 3.1.200 provides standards for vehicular access and circulation. Section 3.1.300 provides standards for pedestrian access and circulation. Standards for streets and other transportation system improvements are provided in Section 3.4.~~1~~300.

3.1.200 Vehicular Access and Circulation

A. **Intent and Purpose.** The intent of this Section is to manage access to land uses and on-site circulation, and to preserve the transportation system in terms of safety, capacity, and function. This Section implements the access management policies of the Baker City Comprehensive Plan and Transportation System Plan.

B. **Applicability.** This Chapter applies to all public streets within the City and to all properties that abut these streets. The standards apply when lots are created, consolidated, or modified through a land division, partition, lot line adjustment, lot consolidation, or street vacation; and when properties are subject to Land Use Review or Site Design Review.

C. **Access Permit Required.** Access to a public street (e.g., a new curb cut or driveway approach) requires an Access Permit. An access permit may be in the form of a letter to the applicant, or it may be attached to a land use decision notice as a condition of approval. In either case, approval of an access permit shall follow the procedures and requirements of the Baker City Public Works Department, as determined through the review procedures in Article 4.

D. **Traffic Study Requirements.** The City may require a traffic study prepared by a qualified professional to determine access, circulation, and other transportation requirements in conformance with Section 4.1.900, Traffic Impact Study.

E. **Conditions of Approval.** The City may require the closing or consolidation of existing curb cuts or other vehicle access points, recording of reciprocal access easements (i.e., for shared driveways), development of a frontage street, installation of traffic control devices, and/or other mitigation as a condition of granting an access permit, to ensure the safe and efficient operation of the street and highway system.

F. Corner and Intersection Separation; Access Spacing; Backing onto Public Streets. New and modified accesses shall conform to the following standards:

1. Except as provided under subsection 5 below, the following minimum distances shall be maintained between access points or approaches, where distance is measured from the edge of one approach to the edge of another:

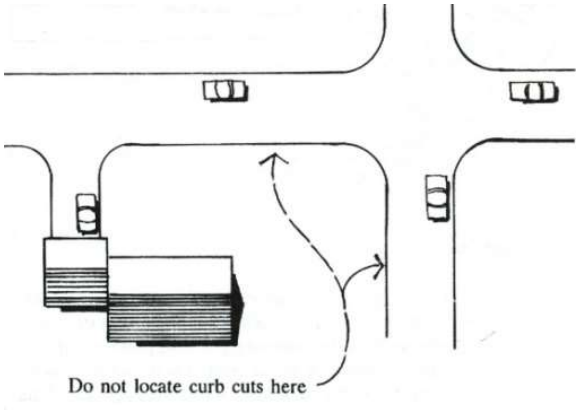
   a. On an arterial street: 300-500 feet based on speed limit or posted speed, as applicable, except as otherwise required by ODOT for a state highway, pursuant to Oregon Administrative Rules (OAR) 734-051; and

   b. On a collector street: 100 feet; and

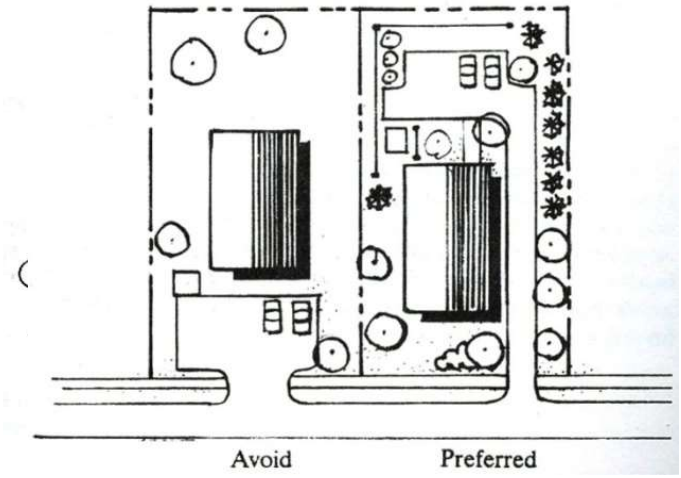
   c. On a local street, see subsection 5 below.

2. New property access on state highways shall conform to the State highway access spacing requirements in OAR 734-051.

3. New property access on streets other than state highways shall not be permitted within fifty (50) feet of an intersection unless no other reasonable access to the property is available or could be developed and a modification in the site design of the property cannot remedy the situation. The measurement shall be taken from the curb edge, or if no curb exists, from the theoretical curb location based on the planned roadway section for the given street. Where no other alternatives exist, the Public Works Director may, at their discretion, allow construction of an access connection at a point less than 50 feet from an intersection, provided the access is as far away from the intersection as possible. In such cases, the Public Works Director may impose turning restrictions and other traffic management techniques (i.e., right in/out, right in-only, or right out-only).



4. Access to and from off-street parking areas shall generally not permit backing onto a public street, except for attached and detached residential developments of four or fewer units~~single-family dwellings and duplexes~~. Where no other alternative exists the Public Works Director, at their discretion, may allow backing onto a public street from perpendicular or angle parking spacing with the employment of a variety of transportation engineering or transportation planning techniques designed to mitigate or reduce to a reasonable level the safety hazard. Required features may include one-way streets with curb bulb-outs, curvilinear design, and modification of sidewalk locations.



5. The Public Works Director may reduce required separation distance of access points as established in the Baker City Transportation System Plan (TSP) where they prove impractical due to lot dimensions, existing development, other physical features, or conflicting code requirements, provided all of the following requirements are met:

   a. Joint-use driveways and cross-access easements are provided, where practical, in accordance with subsection 3.1.200.H;

   b. The site plan incorporates a unified access and circulation system in accordance with this Section; and

   c. The property owner(s) enter into a written agreement with the City that pre-existing connections on the site will be closed and eliminated in conjunction with construction of each side of the joint-use driveway. Said written agreement can take the form of a condition of approval for a subdivision, partition, development review, site plan review, or recorded with the deed.

6. While the Baker City TSP does not restrict private driveway access on urban local streets, residential projects under review will be encouraged to combine driveway access through joint-use driveways or to access parking off of established alleys where conditions are practical.

G. Site Circulation. New developments shall be required to provide a circulation system that accommodates expected traffic on the site and does not conflict with traffic on adjacent roads. Pedestrian and, as applicable, bicycle way connections on the site, including connections through large sites, and connections between sites (as applicable) and adjacent sidewalks must conform to the provisions in Section 3.1.300.

H. Joint and Cross Access – Requirement. The number of driveway and private street intersections with

public streets should be minimized by the use of shared driveways for adjoining lots where feasible. When necessary for traffic safety and access management purposes, or to access flag lots, the City may require joint access and/or shared driveways in the following situations as follows:

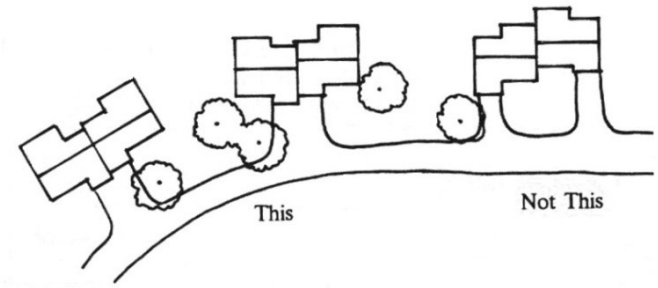
1. For shared parking areas;
2. For adjacent developments, where access onto an arterial is limited;

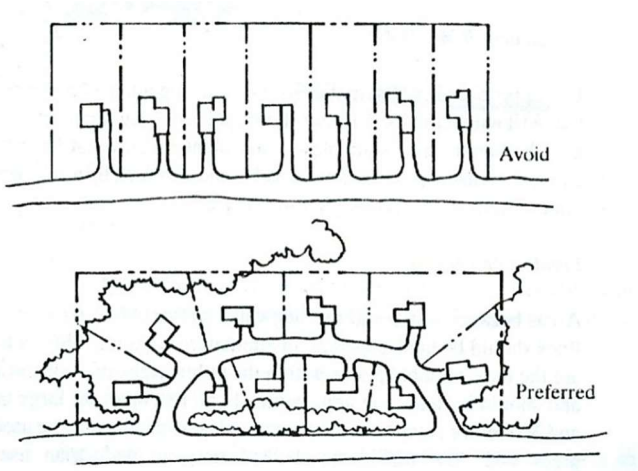
3. For multi-tenant developments, and developments on multiple lots or parcels. Such joint accesses and shared driveways shall incorporate all of the following:

    a. A continuous service drive or cross-access corridor that provides for driveway separation consistent with the applicable transportation authority's access management classification system and standards;

    b. A design speed of 10 miles per hour and a maximum width of 20 feet, in addition to any parking alongside the driveway; additional driveway width or fire lanes may be approved when necessary to accommodate specific types of service vehicles, loading vehicles, or emergency service provider vehicles;

    c. Driveway stubs to property lines (for future extension) and other design features to make it easy to see that the abutting properties may be required with future development to connect to the cross-access driveway;





I. Joint and Cross Access – Reduction in Required Parking Allowed. When a shared driveway is provided or required as a condition of approval, the land uses adjacent to the shared driveway may have their minimum parking standards reduced in accordance with the shared parking provisions of Section 3.3.300.F.

J. Joint and Cross Access – Easement and Use and Maintenance Agreement. Pursuant to this Section, property owners shall:

1. Record an easement with the deed allowing cross-access to and from other properties served by

the joint-use driveways and cross-access or service drive;

2. Record an agreement with the deed that remaining access rights along the roadway for the subject property shall be dedicated to the City and pre-existing driveways will be closed and eliminated after construction of the joint-use driveway;

3. Record a joint maintenance agreement with the deed defining maintenance responsibilities of property owners.

K. Access Connections and Driveway Design. All driveway connections to a public right-of-way (access) and driveways shall conform to all of the following design standards:

1. Driveway Opening Width. Driveways shall meet the following standards:

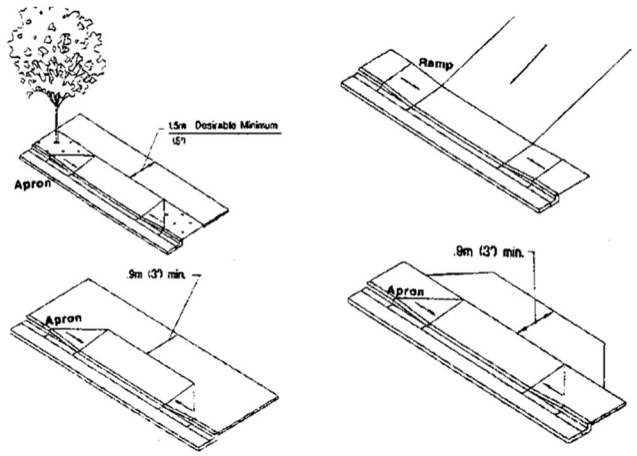
   a. One-way driveways (one way in or out) shall have a minimum driveway opening width of 10 feet, and a maximum width of 12 feet, and shall have appropriate signage designating the driveway as a one-way connection.

   b. For two-way access, each lane shall have a minimum opening width of 9 feet and a maximum opening width of 12 feet.

2. Driveway Approaches. Driveway approaches shall be designed and located to provide exiting vehicles with an unobstructed view of other vehicles and pedestrians, and to prevent vehicles from backing into the flow of traffic on the public street or causing conflicts with on-site circulation. Construction of driveway accesses along acceleration or deceleration lanes or tapers should be avoided due to the potential for vehicular conflicts. Driveways should be located to allow for safe maneuvering in and around loading areas. See also, Section 3.3.500 – Loading Areas.

3. Driveway Construction. Driveway aprons (when required) shall be constructed of concrete and shall be installed between the street right-of-way and the private drive, as shown in Figure 3.1.200.K. Driveway aprons shall conform to ADA requirements for sidewalks and walkways, which generally require a continuous unobstructed route of travel that is not less than 3 feet in width, with a cross slope not exceeding 2 percent, and providing for landing areas and ramps at intersections.

4. Driveway Limit. Driveways are limited to one per residential dwelling unit, with exceptions for existing alleyways and multiple driveways.

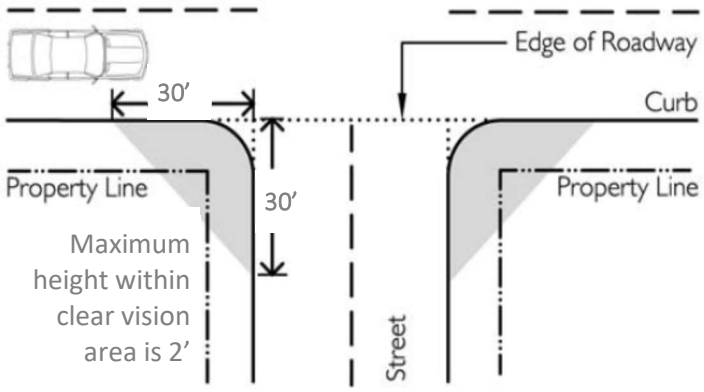


L. Fire Access and Turnarounds. Except as waived by the Fire Chief, a fire equipment access drive shall be provided for any portion of an exterior wall of the first story of a building that is located more than 150 feet from an existing public street or approved fire equipment access drive. The drive shall contain unobstructed adequate aisle width (14 or 20 feet depending on circumstances) and turn-around area for emergency vehicles (cul-de-sac, hammerhead, Y-turnaround or other similar alternative approved by the Fire Chief). The Fire Chief may require that fire lanes be marked as "No Stopping/No Parking." For requirements related to cul-de-sacs or dead-end streets, please refer to Section 3.4.300.O.

M. Vertical Clearances. Driveways, private streets, aisles, turn-around areas and ramps shall have a minimum vertical clearance of 13' 6" for their entire length and width.

N. Vision Clearance. No visual obstruction (e.g., sign, structure, solid fence, or shrub vegetation) between two (2) feet and eight (8) feet in height shall be placed in "vision clearance areas" on streets, driveways, alleys, or mid-block lanes where no traffic control stop sign or signal is provided, as shown in Figure 3.1.200.~~(~~N~~)~~. The minimum vision clearance area may be modified by the City Engineer upon finding that less sight distance is required (i.e., due to traffic speeds, roadway alignment, etc.). This standard does not apply to light standards, utility poles, tree trunks and similar objects.

Figure 3.1.200.N Vision Clearance Areas



O. **Construction.** The following development and maintenance standards shall apply to all driveways and private streets, except that the standards do not apply to driveways serving up to two attached or ~~one single-family~~ detached dwellings:

1. Surface Options. Driveways, parking areas, aisles, and turnarounds may be paved with asphalt, concrete, or comparable surfacing, or a durable non-paving or porous paving material may be used to reduce surface water runoff and protect water quality. Driveway and street materials within the public right-of-way shall be subject to review and approval by the Baker City Public Works Department.

2. Surface Water Management. When non-porous paving is used, all driveways, parking areas, aisles, and turnarounds shall have on-site collection of surface waters to eliminate sheet flow of such waters onto public rights-of-way and abutting property. Surface water facilities shall be constructed in conformance with Chapter 3.4 and applicable engineering standards.

3. Driveway Aprons. When driveway approaches or "aprons" are required to connect driveways to the public right-of-way, they shall be paved with concrete surfacing and conform to the City's engineering design criteria and standard specifications. (See general illustrations in Section 3.1.200.K, above.)

3.1.300 Pedestrian Access and Circulation

A. **Site Layout and Design.** To ensure safe, direct, and convenient pedestrian circulation, all developments shall provide a continuous pedestrian system. Pedestrian circulation will also be evaluated and provided for in industrial developments, as reviewed in the site plan review process. However, industrial developments in industrial zones shall not be required to provide sidewalks along public roads unless a pedestrian project has been identified pursuant to the Transportation System Plan. The pedestrian system shall be based on the standards in subsections 1-4, below:

1. Continuous Walkway System. The pedestrian walkway system shall extend throughout the development site and connect to all future phases of development and to existing or planned off-site adjacent trails, public parks, and open space areas. The Planning Director or other city decision body may require landscape buffering between walkways and adjacent parking lots or driveways to mitigate safety concerns. The developer may also be required to connect or stub walkway(s) to adjacent streets and to private property with a previously reserved public access easement for this purpose, in accordance with the provisions of Section 3.1.200, Vehicular Access and Circulation, and Section 3.4.300, Transportation Standards.

2. Connection to "primary entrance". Walkways and, where applicable, multi-use paths within developments shall provide connections between primary building entrances and all adjacent parking areas, recreational areas/playgrounds, schools, streets, and other public ways based on the following definitions:

a. "Primary entrance" for commercial, industrial, mixed use, public, and institutional buildings. The main public entrance to the building. In the case where no public entrance exists, street connections shall be provided to the main employee entrance.

b. "Primary entrance" for residential buildings is the front door (i.e., facing the street). For multifamily buildings in which each unit does not have its own exterior entrance, the "primary entrance" may be a lobby, courtyard, or breezeway, which serves as a common entrance for more than one dwelling.

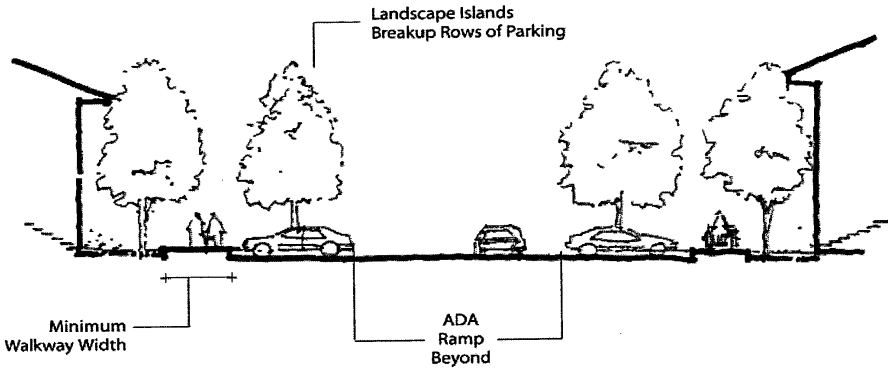
3. Connections within development. Connections within developments shall be provided as required in subsections a-c, below:

a. Walkways shall connect all building entrances to one another, as generally shown in Figure 3.1.300.A(1);

b. Walkways shall connect all on-site parking areas, storage areas, recreational facilities and common areas, and shall connect off-site adjacent uses to the site. Topographic or existing development constraints may be cause for not making certain walkway connections, as generally shown in Figure 3.1.300.A(1); and

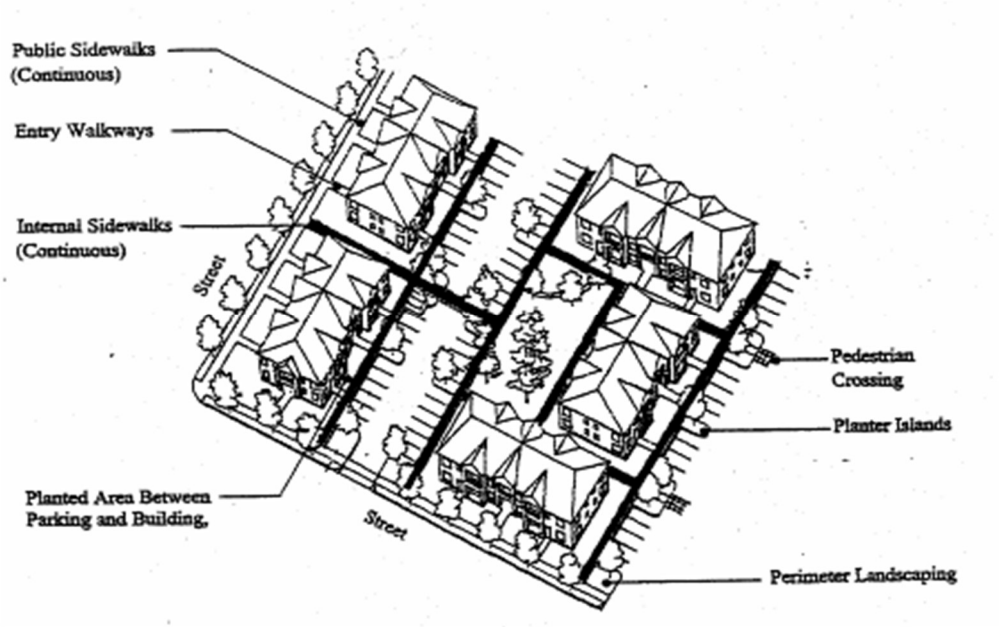
c. Large parking areas shall be broken up so that no contiguous parking area exceeds three (3) acres. Parking areas may be broken up with plazas, large landscape areas with pedestrian access ways (i.e., at least 20 feet total width), streets, or driveways with street-like features. Street-like features, for the purpose of this section, means a raised sidewalk of at least four (4)-feet in width, a six (6)-inch curb, accessible curb ramps, street trees in planter strips or tree wells, and pedestrian-oriented lighting.

Figure 3.1.300.A(1) Pedestrian Pathway System (Typical)



B. **Walkway Design and Construction.** Walkways, including those provided with pedestrian access ways, shall conform to all of the standards in subsections 1-4, as generally illustrated in Figure 3.1.300.B:

1. Vehicle/Walkway Separation. Except for crosswalks (subsection 2), where a walkway abuts a driveway or street, it shall be raised six (6) inches and curbed along the edge of the driveway/street. Alternatively, the Planning Director may approve a walkway abutting a driveway at the same grade as the driveway if the walkway is protected from vehicle maneuvering areas. An example of such protection is a row of decorative metal or concrete bollards designed to withstand a vehicle's impact, with adequate minimum spacing between them to protect pedestrians.



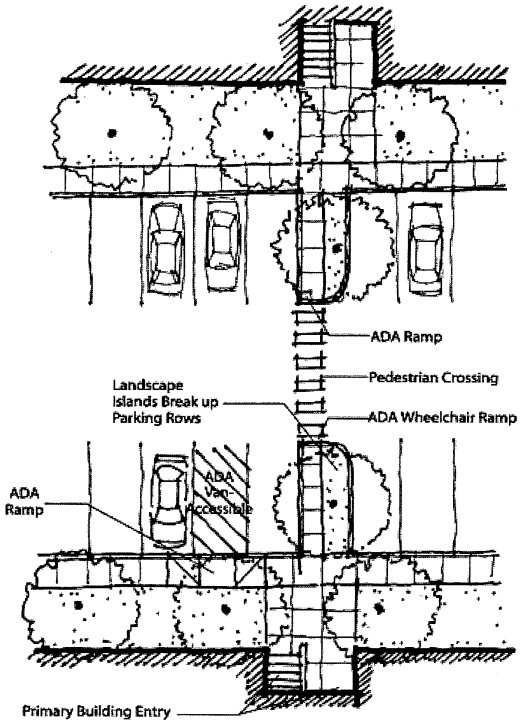
2. Crosswalks. Where walkways cross a parking lot or street ("crosswalk"), they shall be clearly marked with contrasting paving materials as approved by the Public Works Department.

3. Walkway Width and Surface. Within the public right-of-way walkway and access way surfaces shall be concrete, asphalt, brick/masonry pavers, or other durable surface, as approved by the Public Works Department, except that primitive pathway and bridleway systems that may vary in surfacing materials and width may be approved under appropriate conditions and applications. Walkways at least five (5) feet wide in residential applications and six (6) feet wide in commercial applications shall be the minimum required. The Planning Department in coordination with the Public Works Department may require expanded walkway widths if circumstances (i.e. potential usage rates, project type, or location) so dictate. Multi-use paths (i.e., for bicycles and pedestrians) shall be concrete, asphalt, or other durable surface, as approved by the Public Works Department, at least six (6) feet wide. (See also, Section 3.4.300 - Transportation Standards for public, multi-use pathway standard.)

4. Accessible routes. Walkways shall comply with applicable Americans with Disabilities Act (ADA) requirements. The ends of all raised walkways, where the walkway intersects a driveway or street shall provide ramps that are ADA accessible, and walkways shall provide direct routes to primary building entrances.

C. **Multi-use pathways.** Multi-use paths, where provided pursuant to the Transportation System Plan, shall conform to the standards in Table 3.4.300.F and be constructed of asphalt, concrete, or other all-weather surface as approved by the Public Works Director.

Figure 3.1.300B Pedestrian
Walkway Detail



Chapter 3.2 - Landscaping, Street Trees, Fences and Walls

Sections:

3.2.100 Purpose. The purpose of Chapter 3.2 is to promote community health, safety, and welfare by protecting natural vegetation and setting development standards for landscaping, street trees, fences, and walls. Together, these elements of the natural and built environment contribute to the visual quality, environmental health, and character of the community. Trees provide climate control through shading during summer months and wind screening during winter. Trees and other plants can also buffer pedestrians from traffic. Walls, fences, trees, and other landscape materials also provide vital screening and buffering between land uses. Landscaped areas help to control surface water drainage and can improve water quality, as compared to paved or built surfaces. The Chapter is organized into the following sections:

- **Section 3.2.200 - Landscape Conservation** prevents the indiscriminate removal of significant trees and other vegetation.
- **Section 3.2.300 - Landscaping** sets standards for and requires landscaping of all development sites that require Site Design Review. This section also requires buffering for parking and maneuvering areas, and between different land use zones. Note that other relevant standards are provided in Article 2, Land Use Zones, for specific types of development.
- **Section 3.2.400 - Street Trees** sets standards for and requires planting of trees along designated streets for shading, comfort, and aesthetic purposes.
- **Section 3.2.500 - Fences and Walls** sets standards for new fences and walls, including maximum allowable height and materials, to promote security, personal safety, privacy, and aesthetics.

3.2.200 Landscape Conservation

A. **Applicability.** All development sites containing Significant Vegetation, as defined below, shall comply with the standards of this Section. The purpose of this Section is to incorporate significant native vegetation into the landscapes of development.

B. **Significant Vegetation.** "Significant vegetation" means trees and shrubs that have a diameter of six (6) inches or larger at four (4) feet height, except that protection shall not be required for plants listed as non-native, invasive plants by the Oregon State University (OSU) Extension Service in the applicable OSU bulletins for Baker County.

C. **Mapping and Protection Required.** The City also may require an inventory, survey, or assessment prepared by a qualified professional when necessary to determine construction boundaries, building setbacks, and other protection or mitigation requirements.

D. **Protection Standards.** Significant trees and shrubs identified as meeting the criteria in Section B, above, shall be retained to minimize the risk of erosion, landslide, and storm water runoff. Where protection is impracticable because it would prevent reasonable development of public streets, utilities, or land uses permitted by the applicable land use zone, the City shall allow removal of significant vegetation from the building envelope as defined by required yard setbacks. Where other areas must be disturbed to install streets or utilities, the applicant may be required to restore such areas after construction with landscaping or other means to prevent erosion and to protect the public health, safety, and welfare. With the owner's consent, the City may accept a land dedication or become a party to a conservation easement on private property for conservation purposes.

E. **Construction.** All significant vegetation on a site that is not otherwise designated and approved by the City for removal through an approved site plan shall be protected prior to, during, and after construction in accordance with a limit-of-clearing and grading plan approved by the City. The City may limit grading activities and operation of vehicles and heavy equipment in and around significant vegetation areas to prevent erosion, pollution, or landslide hazards.

3.2.300 Landscaping

A. **Applicability.** This Section shall apply to all new developments requiring Site Design Review.

B. **Landscape Plan Required.** A landscape plan is required. All landscape plans shall conform to the requirements in Chapter 4.2.400.C.2.d (Landscape Plan).

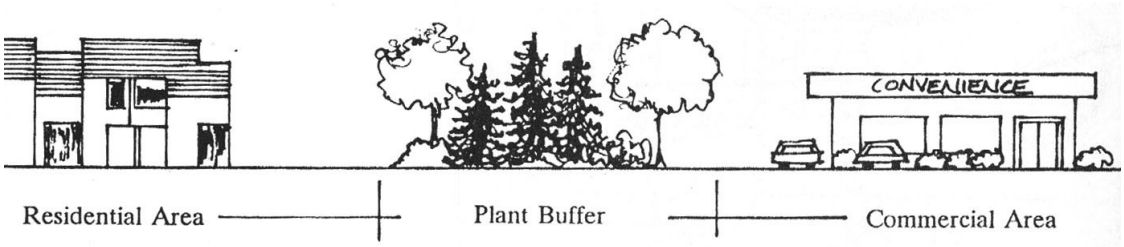
C. **Landscape Area Standards.** The minimum percentage of required landscaping equals:

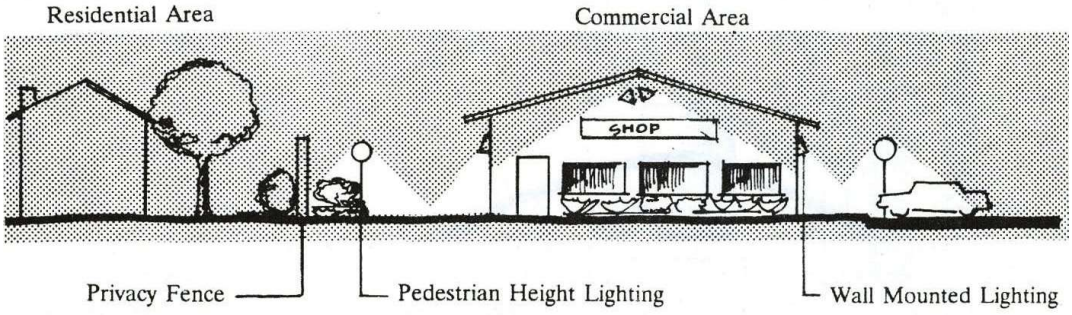
1. Residential Zones (multifamily): R-LD: 10% of site; R-MD and R-HD 7% of site.

2. Central Commercial Zone: 0-5% percent of the site dependent on parcel and site plan.

3. General Commercial Zone: Campbell Street and Freeway Area – 10% of site; all other general commercial areas – 7%

4. General Industrial Zone and Light Industrial Zone: Zero percent of the site except that the approval body may require landscaping, fences, walls or other buffering that exceed the 0% landscaping standards when it finds through Site Design Review (Chapter 4.2), Conditional Use Permit review (Chapter 4.4), and/or Master Planned Development review (Chapter 4.5), as applicable, that more or different buffering is necessary to mitigate adverse noise, light, glare, and/or aesthetic impacts to adjacent properties or public roads.





D. Landscape Materials. Permitted landscape materials include trees, shrubs, grass, ground cover plants, non-plant ground covers, and outdoor hardscape features, as described below. "Coverage" is based on the projected size of the plants at maturity, i.e., typically three (3) or more years after planting.

1. Existing Vegetation. Existing non-invasive vegetation may be used in meeting landscape requirements. When existing mature trees are protected on the site (e.g., within or adjacent to parking areas) the decision-making body may reduce the number of new trees required by a ratio of one (1) inch diameter of new trees at four (4) feet height of new tree(s) for every one (1) inch diameter at four (4) feet height of existing tree(s) protected.

2. Plant Selection. A combination of deciduous and evergreen trees, shrubs, and ground covers shall be used for all planted areas, the selection of which shall be based on local climate, exposure, water availability, and drainage conditions. When new vegetation is planted, soils shall be amended, as necessary, to allow for healthy plant growth.

3. "Non-native, invasive" plants, as per Section 3.2.200.B, shall be removed during site development and the planting of new invasive species is prohibited.

4. Hardscape features, i.e., patios, decks, plazas, etc., may cover up to 30 percent of the required landscape area; except in the Central Commercial Zone where hardscape features may cover up to 100 percent of the landscape area. Swimming pools, sports courts, and similar active recreation facilities may not be counted toward fulfilling the landscape requirement.

5. Ground Cover Standard. All landscaped area, whether or not required, that is not planted with trees and shrubs, or covered with non-plant material (subsection 8, below), shall have ground

cover plants that are sized and spaced as follows: a minimum of one plant per 12 inches on center in triangular spacing, or other planting pattern that is designed to achieve 50 percent coverage at maturity of the area not covered by shrubs and tree canopy.

6. Tree Size. Trees shall have a minimum diameter of two (2) inches or greater at time of planting as measured at four (4) feet above grade.

7. Shrub Size. Shrubs shall be planted from 5-gallon containers or larger.

8. Non-plant Ground Covers. Bark dust, chips, aggregate, or other non-plant ground covers may be used, but shall cover no more than 50 percent of the area to be landscaped and shall be confined to areas underneath plants. Non-plant ground covers cannot be a substitute for ground cover plants.

9. Significant Vegetation. Significant vegetation protected in accordance with Section 3.2.200 may be credited toward meeting the minimum landscape area standards. Credit shall be granted on a per square foot basis. The Street Tree standards of Section 3.2.400 may be waived by the City when existing trees protected within the front yard provide the same or better shading and visual quality as would otherwise be provided by street trees.

10. Storm Water Facilities. Storm water treatment facilities (e.g., detention/retention ponds and swales designed for water quality treatment), when required under Section 3.4.600, shall be landscaped with water tolerant, native plants.

E. Landscape Design Standards. All yards, parking lots, and required street tree planter strips shall be landscaped to provide, as applicable, erosion control, visual interest, buffering, privacy, open space and pathway identification, shading, and wind buffering, based on the following criteria:

1. Yard Setback Landscaping. Landscaping in yards shall:

   a. Provide visual screening and privacy within side and rear yards; while leaving front yards and building entrances mostly visible for security purposes;
   b. Use shrubs and trees as wind breaks;
   c. Retain natural vegetation;
   d. Define pedestrian pathways and open space areas with landscape materials;
   e. Provide focal points within a development, for example, by preserving large or unique trees or groves, hedges, and flowering plants;
   f. Use trees to provide summer shading within common open space areas and within front yards when street trees cannot be provided;
   g. Use a combination of plants for year-long color and interest;
   h. Use landscaping to screen outdoor storage and mechanical equipment areas, and to enhance graded areas such as berms, swales, and detention/retention ponds.

2. Parking areas. All of the following standards shall be met for parking lots. If a development

contains multiple parking lots, then the standards shall be evaluated separately for each parking lot.

a. A minimum of five (5) percent of the total surface area of all parking areas, as measured around the perimeter of all parking spaces and maneuvering areas, shall be landscaped. Such landscaping shall consist of "evenly distributed" shade trees with shrubs and/or ground cover plants that conform to the criteria in Section 3.2.300.E.1.a-h, above. "Evenly distributed" means that the trees and other plants are distributed around the parking lot perimeter and between parking bays to provide a partial canopy. At a minimum, one tree per six (6) parking spaces on average shall be planted to create a partial canopy over and around the parking area.
b. All parking areas with more than 20 spaces shall include landscape islands with trees to break up the parking area into rows of not more than 12 contiguous parking spaces. All parking area landscapes shall have dimensions of not less than 24 ft^2 of area, or not less than 4 feet in width by 6 feet in length, to ensure adequate soil, water, and space for healthy plant growth.
c. Wheel stops, curbs, bollards, or other physical barriers are required along the edges of all vehicle-maneuvering areas to protect landscaping from being damaged by vehicles. Trees shall be planted not less than two feet from any such barrier.
d. Trees planted in tree wells within sidewalks or other paved areas shall be installed with root barriers, consistent with applicable nursery standards.

3. Protecting Landscaping/Buildings. Buffering and screening are required under the following conditions:

a. Parking/Maneuvering Area Adjacent to Streets and Drives. Where a parking or maneuvering area is adjacent and parallel to a street or driveway, an evergreen hedge; decorative wall (masonry or similar quality material) with openings; arcade, trellis, or similar partially opaque structure 3-4 feet in height shall be established between street and driveway. The required screening shall have breaks, where necessary, to allow pedestrian access to the site. The design of the wall or screening shall also provide breaks or openings for visual surveillance of the site and security. Evergreen hedges used to comply with this standard shall be a minimum of 36 inches in height at maturity, and shall be of such species, number, and spacing to provide the required screening within one (1) year after planting. Any areas between the wall/hedge and the street/driveway line shall be landscaped with plants or other vegetative ground cover. Alternatively, an 8-foot-wide planting strip with street trees subject to review by the Tree Board may fulfill the screening requirement.

b. Parking/Maneuvering Area Adjacent to Building. Where a parking or maneuvering area, or driveway, is adjacent to a building, the area shall be separated from the building by a curb and a raised walkway, a plaza, or a landscaped buffer not less than 5 feet in width. Raised curbs, bollards, wheel stops, or other design features shall be used to protect pedestrians, landscaping, and buildings from being damaged by vehicles. Where parking areas are located adjacent to residential ground-floor living space, a 4-foot-wide landscape buffer with a

curbed edge may fulfill this requirement.

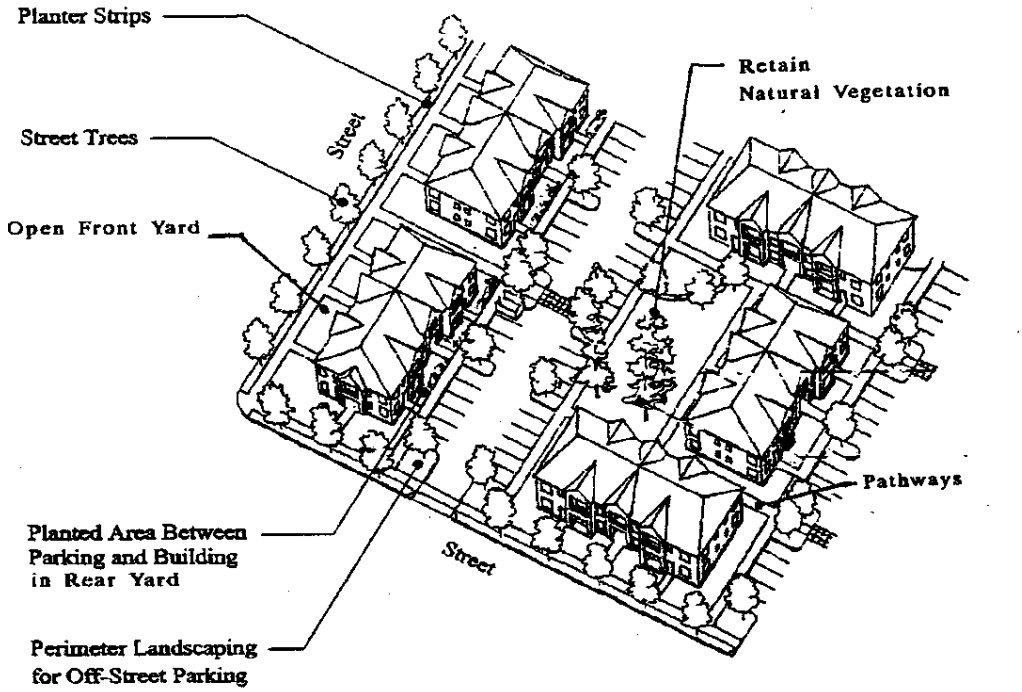
c. Screening of Mechanical Equipment, Trash Receptacles, Outdoor Storage and Manufacturing, Service and Delivery Areas, and Other Screening When Required. All mechanical equipment, trash receptacles, outdoor storage and manufacturing, and service and delivery areas, shall be screened from view from all public streets and adjacent Residential zones. When these or other areas are required to be screened, such screening shall be provided by:

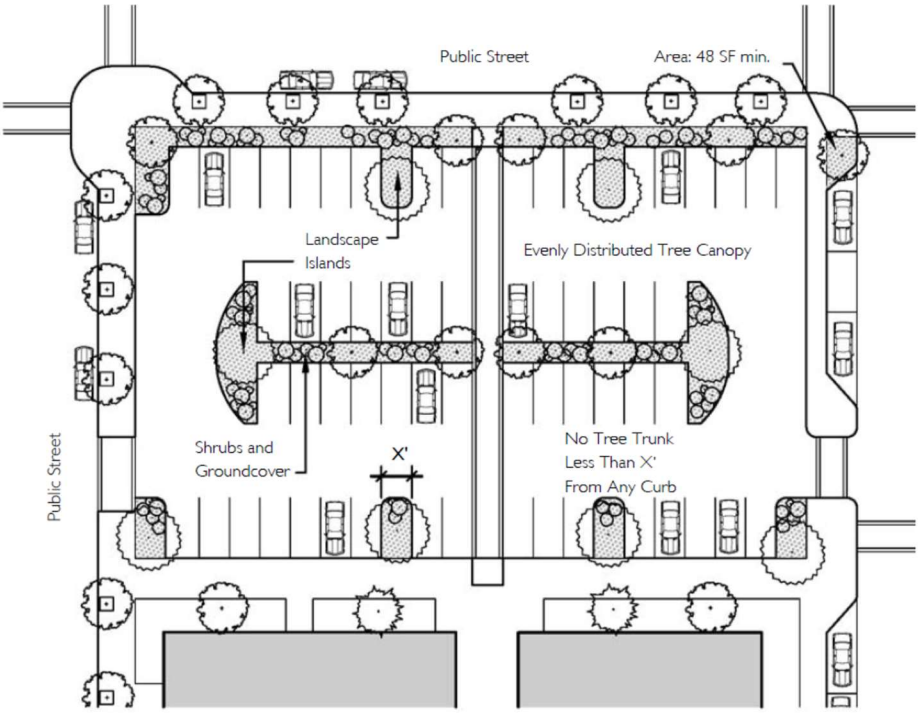
   i. a decorative wall (i.e., masonry or similar quality material),
   ii. evergreen hedge,
   iii. opaque fence complying with Section 3.2.500, or
   iv. a similar feature that provides an opaque barrier.

   Walls, fences, and hedges shall comply with the vision clearance requirements and provide for pedestrian circulation, in accordance with Chapter 3.1 - Access and Circulation. (See Section 3.2.500 for standards specific to fences and walls.)

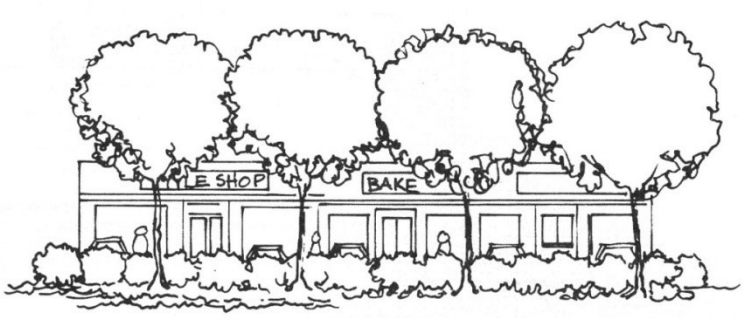
d. Flag Lot Screen. In approving a flag lot, the City may require a landscape screen and/or fence be installed along property line(s) of the flag lot, for privacy of adjoining residents, in accordance with the provisions of Section 4.3.115. A flag lot screen shall not be required if the abutting property owner(s) indicate in writing that they do not want a screen or fence, however, the owner may install one at his or her discretion.

Figure 3.2.300.E General Landscape Areas (Typical)





F. **Maintenance and Irrigation.** The use of drought-tolerant plant species is encouraged and may be required when irrigation is not available. Irrigation shall be provided for plants that are not drought-tolerant. If the plantings fail to survive, the property owner shall replace them with an equivalent specimen (i.e., evergreen shrub replaces evergreen shrub, deciduous tree replaces deciduous tree, etc.). All man-made features required by this Code shall be maintained in good condition, or otherwise replaced by the owner.



3.2.400 Street Trees. Street trees shall be planted for all developments that are subject to Subdivision or Site Design Review. Requirements for street tree planting strips are provided in Section 3.4.300, Transportation Standards. Planting of street trees shall generally follow construction of curbs and sidewalks, however, the City may defer tree planting until final inspection of completed dwellings to avoid damage to trees during construction. The planting and maintenance of street trees shall conform to the following standards and guidelines and applicable requirements of the Baker City Tree Board (Baker City Code Chapter 94):

A. **Baker City Tree Board Authority.** No trees, shrubs, bushes, or other woody vegetation shall be planted in or removed from any public parking strip or other public place in the City without first securing approval from the Baker City Tree Board administered through the Baker City Public Works Department.

B. **Growth Characteristics.** Trees shall be selected based on climate zone, growth characteristics and site conditions, including available space, overhead clearance, soil conditions, exposure, and desired color and appearance. The City Public Works Department maintains a tree guide of tree species approved by the Tree Board acceptable for planting in public planting strips. No species other than those included in the list may be planted as street trees without written permission of the City Tree Board (Contact City Public Works Department). The following should guide tree selection in matching an appropriate species to the site:

1. Provide a broad canopy where shade is desired, except where limited by available space or except as described in subsection 4 below.
2. Use low-growing trees for spaces under low utility wires.
3. Select trees, which can be "limbed-up" to comply with vision clearance requirements.
4. Use narrow or "columnar" trees where awnings or other building features limit growth, or where greater visibility is desired between buildings and the street.
5. Use species with similar growth characteristics on the same block for design continuity.
6. Avoid using trees that are susceptible to insect damage and trees that produce excessive seeds or fruit.
7. Select trees that are well-adapted to the environment, including soil, wind, sun exposure, temperature tolerance, and exhaust. Drought-resistant trees should be chosen where they suit the specific soil type.
8. Select trees for their seasonal color if desired.
9. Use deciduous trees for summer shade and winter sun, unless unsuited to the location due to soil, wind, sun exposure, annual precipitation, or exhaust.
10. The diameter of the tree trunk at maturity shall not exceed the width and size of the planter strip or tree well.

C. **Caliper Size.** The minimum diameter or caliper size at planting, as measured four (4) feet above grade, shall be two (2) inches.

D. **Spacing and Location.** Street trees shall be planted within the street right-of-way within existing and proposed planting strips or in sidewalk tree wells on streets without planting strips, except when utility easements occupy these areas. Street tree spacing shall be based upon the type of tree(s) selected and the canopy size at maturity and, at a minimum, the planting area shall contain 16 ft^2, or typically, four (4) feet by four (4) feet. In general, trees shall be spaced no more than 30 feet apart, except where planting a tree would conflict with existing trees, retaining walls, utilities and similar physical barriers. All street trees shall be placed outside utility easements. Refer to adopted spacing guidelines in Baker City Code Chapter 94.

E. **Soil Preparation, Planting and Care.** The developer shall be responsible for planting street trees,

including soil preparation, ground cover material, staking, and temporary irrigation for two years after planting. The developer or property owner shall also be responsible for tree care (pruning, watering, fertilization, and replacement as necessary) for two years after planting or until such time as the responsibility is passed on to the property owner adjacent to the planting strip.

F. **Street Tree List.** See the City Public Works Department for an official list of permitted street tree species.

3.2.500 Fences and Walls. Construction of fences and walls shall conform to all of the following requirements:

A. General Requirements

1. All fences and walls shall comply with the height limitations of the respective zone (Article 2) and the standards of this Section. The City may require installation of walls and/or fences as a condition of development approval, in accordance with land division approval (e.g., flag lots), approval of a conditional use permit, or site design review approval. New fences and walls require Land Use Review (Type I) approval; if greater than six (6) feet in height, a building permit is also required. (See also, Section 3.2.300 for landscape screening wall requirements.)

2. Fences shall not conflict with the requirements for clear vision areas set forth in section 3.1.200~~(~~N~~)~~.

3. All fences shall be constructed and maintained in a structurally sound manner. Fences, which are structurally unsound, are subject to abatement as set forth in subsection (F).

4. Fences may be constructed of wood, masonry, wire, or similar materials employed by standard building practice. Prohibited fence and wall materials include: straw bales, barbed or razor wire, scrap lumber, metal, tires or other scrap or salvage materials not originally designed as structural components of fences.

5. Any free-standing property perimeter wall, which is not a retaining wall, shall be considered a fence. Retaining walls may be constructed to the height necessary to protect a cut-fill type needed grade but shall be a maximum of nine (9) inches above finished grade along the fill side of the wall.

6. Where an earthen berm is used as a barrier in lieu of a fence, the height restrictions of this resolution shall apply and shall be measured from the highest finished grade of the berm or any fence atop the berm.

7. It shall be the property owner's responsibility and obligation to identify the property line when proposing to construct a fence upon the property line. A property survey may be necessary to accurately determine the property line location. Property line disputes are a civil matter and may

not be resolved by the City.

B. Dangerous Fences. No person shall construct or maintain any fence which contains barbed wire as a part thereof, unless it meets the following conditions:

1. It is located inside the area in which certain large animals are allowed according to Baker City Code Chapter 90, and it is actually used or intended for use for control of such animals; or

2. It is actually used for security of commercial or industrial property regardless of location. In such instances, any barbed wire must be placed above a fence at least otherwise six (6) feet in height.

3. No person shall install, maintain or operate any electric fence unless such fence is first approved by the City Manager or his or her designee. Electric fences must be set back at least five (5) feet from the property line or enclosed by additional fencing or other barriers, which prevent access to the electric fence by persons on the adjacent property.

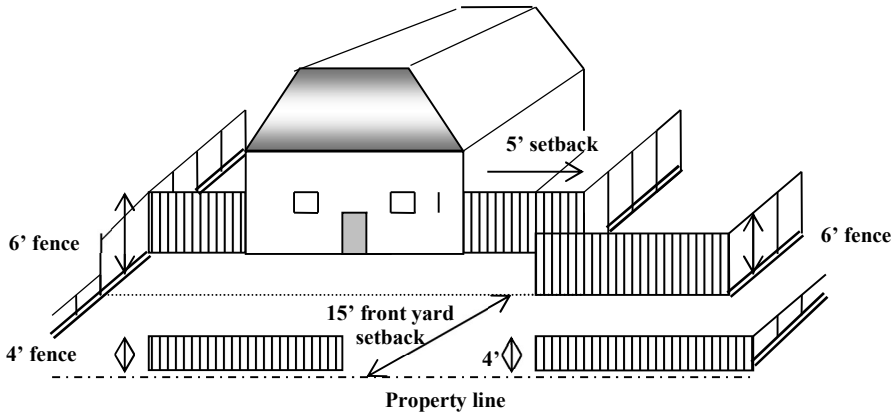
C. Dimensions – Residentially Zoned Fences

1. Front Yard. From the front yard setback line (front plane of the structure) to the front property line, no fence shall exceed four (4) feet in height with the following exceptions. The front yard fence height may be up to six (6) feet in height in accordance with the following illustration. If the property abuts a commercial or industrial zone, fences may be erected and maintained to a height of eight (8) feet along the commercial or industrial zone line.

2. Rear and Side Yards. Fences not to exceed six (6) feet in height are permitted in side and rear yards, but shall not extend into the front yard setback area. If the property abuts a commercial or industrial zone, fences may be erected and maintained to a height of eight (8) feet along the zone line. For residential properties located in a commercial or industrial zone, fences may be up to eight (8) feet tall on side and rear yards.

3. Gates and Arbors. One arbor, gate, or similar garden structures not exceeding eight (8) feet in height and four (4) feet in width is allowed within the front yard, provided that it is not within a clear vision triangle.

4. Swimming Pool. All swimming pools (any structure intended for swimming or recreational bathing that contains water over 24 inches deep-this includes in-ground, above-ground and on-ground swimming pools, hot tubs and spas) shall be enclosed by a fence which shall be at least four (4) feet in height and which shall be the type not readily climbed by children. The gate shall be a self-closing and latching type, the latch on the inside of the gate not readily available for children to open. The Barrier Requirements to be met are identified in the Oregon Specialty Codes. These design controls are intended to provide protection against potential drowning and near drowning by restricting access to swimming pools, spas and hot tubs.



D. Dimensions – Commercially Zoned Fences

1. Front Yard. Fences constructed within the front yard setback area shall not exceed six (6) feet in height. Front yard fences beyond the required front-yard setback line shall not exceed eight (8) feet in height.

2. Side and Rear Yards. The maximum height in the rear yard and in a side yard behind the required front-year setback shall be eight (8) feet.

E. Dimensions – Industrially Zoned Fences

1. Rear, side, and front yards: The maximum fence height in an industrial zone shall be eight (8) feet.

F. Fence Removal. All fences constructed or modified after March 27, 2001, for which the requisite permit has not been issued or which have been constructed or modified in a manner not in accordance with these standards, shall, within 30 days of the notification from the City, be removed by the owner or, upon failure to remove the fence, the City Manager or designee is empowered to cause the removal of the fence, the cost of which shall be billed to the owner of the property. The City Manager or designee may, if they determine that an extension of time is warranted, grant extensions in monthly increments up to six months to obtain compliance with these standards.

Chapter 3.3 - Parking and Loading

Sections:

Background: The minimum parking standards in Chapter 3.3 balance parking demand with community goals for land use efficiency and resource conservation. This chapter provides a basic set of parking standards and encourages reductions in required parking when requested by applicants through individual or case-by-case determinations of parking need for specific uses. The code also encourages shared parking where two or more businesses with different peak customer hours can agree to pool their parking.

3.3.100 Purpose. The purpose of this Chapter is to provide basic and flexible standards for development of vehicle and bicycle parking. The design of parking areas is critically important to the economic viability of some commercial areas, pedestrian and driver safety, the efficient and safe operation of adjoining streets, and community image and livability. Historically, some communities have required more parking than is necessary for some land uses, paving extensive areas of land that could be put to better use. Because vehicle-parking facilities occupy large amounts of land, they must be planned and designed carefully to use the land efficiently, minimize storm water runoff, and maintain the visual character of the community. This Chapter recognizes that each development has unique parking needs and provides a flexible approach for determining parking space requirements (i.e., "minimum" and "performance-based" standards). This Chapter also provides standards for bicycle parking because many people use bicycles for recreation, commuting, and general transportation. Children as well as adults need safe and adequate spaces to park their bicycles throughout the community. In order to encourage the maximum use of Baker City's parking lots and to reduce the amount of urban land that must be dedicated to parking needs, Baker City encourages the application of a variety of flexible parking management tools including the use of shared parking lots and off-site leased parking.

3.3.200 Applicability. All developments subject to development review and site design review (Chapter 4.2), including development of parking facilities, shall comply with the provisions of this Chapter.

3.3.300 Automobile Parking Standards

A. **Vehicle Parking - Minimum Standards by Use.** The number of required off-street vehicle parking spaces shall be determined in accordance with the standards in Table 3.3.300.A, or alternatively, through a separate parking demand analysis pursuant to Section 3.3.300.B.2. Where a use is not

specifically listed in this table, parking requirements are determined by finding that a use is similar to one of those listed in terms of parking needs, or by estimating parking needs individually using the demand analysis option described above. Parking that counts toward the minimum requirement is parking in garages, carports, parking lots, bays along driveways, shared parking, and qualifying on-street parking.

B. Exceptions and Reductions to Off-Street Parking

1. **Central Commercial Zone – Minimum Standards.** There is no minimum number of off-street parking spaces required in the Central Commercial Zone (CC) for commercial uses; however, the "maximum parking" standards of this Chapter apply. Residential uses within the Central Commercial Zone (CC) are subject to the minimum parking standards of this chapter, but residential parking requirements may be met with a variety of long-term lease, shared parking by easement or contract, or off-site parking options.

2. **Parking Analysis.** An applicant may propose a parking standard that is different than the standards under Section 3.3.300.A subject to a Type I Review, Type II Review, or Type III Review dependent upon the classification of the application. The applicant's proposal shall consist of a written request and a parking analysis prepared by a qualified transportation professional. The parking analysis, at a minimum, shall assess the average parking demand per hour and available supply for existing and proposed uses on the site; opportunities for shared parking with other uses in the vicinity; existing public parking in the vicinity; and other relevant factors.

3. **Parking Standards for Re-Use or Conversion of an Existing Building.** The following standards apply when any existing, non-residential building is converted to a residential use, or when residential units are added within the existing building, subject to Sections 2.2.200.O, 2.3.190.H, and 2.4.160.D, respective of the underlying zone.

    a. Existing parking spaces, up to the number required for the new use, must be retained. Additional spaces beyond what is required for the new use may be removed.
    b. The addition of dwelling units added within an existing building that is within an industrial or commercial zone does not require any new or additional parking.
    c. Street parking along any frontage of the property may be counted towards the required parking for dwelling units added within an existing building that is within a residential zone.

4. **Parking Standards for Income-Restricted Housing**

    a. Required parking for Income-Restricted units is reduced to 50 percent of the parking required for the applicable housing type, as listed in Table 3.3.300.A.
    b. The Planning Director has the authority to grant further parking reductions if it would contribute to a public benefit such as the creation of more housing units or affordable housing units.
    c. Required accessible parking spaces will be calculated based on the original number of required spaces, before the reduction.

5. Parking Standards for Housing Benefit Incentives

   a. Required parking for Housing Benefit Incentive units is reduced to 50 percent of the parking required for the applicable housing type, as listed in Table 3.3.300.A.
   b. The Planning Director has the authority to grant further parking reductions if it would contribute to a public benefit such as the creation of more housing units or affordable housing units.
   c. Required accessible parking spaces will be calculated based on the original number of required spaces, before the reduction.

C. **Leased Parking.** Parking requirements may be satisfied by applicants who lease spaces from Baker City or from private parking lot operators if approved by the City. A copy of the active lease agreement shall be kept on file by the Planning Office, and planning approvals may be revoked if an active lease agreement in some acceptable capacity is not maintained.

Table 3.3.300.A – Minimum and Maximum Required Parking by Use	
Use Categories (Examples of uses are in Chapter 1.4; Definitions are in Chapter 1.3.)	**Minimum Parking per Land Use** (fractions rounded down to the closest whole number)
Maximum Allowed Parking	*For parking areas exceeding ~~25~~ 30 spaces, no use shall exceed 125% of the minimum requirement*
RESIDENTIAL CATEGORIES	
Accessory Dwelling Unit	None
~~Single-Family Dwelling (~~1 ~~attached and d~~Detached dwelling~~s and manufactured homes)~~	2 parking spaces
Multiple Detached or Attached Residential, including duplexes, triplexes, cottages, and townhomes ~~Duplex~~	1 space per unit~~ 2 spaces per duplex~~
Multiple Stacked Residential ~~Multifamily~~	1 space/unit per 1 studio unit or 1-bedroom unit 1.5 spaces/unit per 2-bedroom unit 2 spaces/unit per 3 or more-bedroom unit
Group Living, such as nursing or convalescent homes, rest homes, assisted living, congregate care, and similar special needs housing	0.5 space per 4 bedrooms
Other Group Living	1 space per 2 bedroom
COMMERCIAL CATEGORIES	
Bed and Breakfast Inn	1 space per bedroom
Commercial Educational Services, not a school (e.g., tutoring or similar services)	2 spaces per 1,000ft^2 floor area

Table 3.3.300.A – Minimum and Maximum Required Parking by Use	
Use Categories (Examples of uses are in Chapter 1.4; Definitions are in Chapter 1.3.)	**Minimum Parking per Land Use** (fractions rounded down to the closest whole number)
Commercial Outdoor Recreation	per CUP review
Commercial Parking Facility (when not an accessory use)	per CUP review
Drive-Up/Drive-In/Drive-Through *(drive- up windows, kiosks, ATM's, similar uses/facilities), per Section 2.3.190*	No requirement. See Section 2.3.190 for queuing area requirements
Major Event Entertainment	per CUP review
Offices	2 spaces per 1,000ft^2 floor area
Quick Vehicle Servicing or Vehicle Repair. *(See also Drive-Up/Drive-In/Drive-Through Uses, per Section 2.3.190)*	2 spaces, or per CUP review
Retail Sales and Service *(See also Drive-Up Uses)* - Retail - Bulk retail (e.g., auto, boat, trailers, nurseries, lumber and construction materials, furniture, appliances, and similar sales) - Restaurants and Bars - Health Clubs, Gyms, Continuous Entertainment (e.g., bowling alleys) - Lodging (e.g., hotels, motels, inns) - Theaters and Cinemas	 - 2 spaces per 1,000ft^2 - 1 per 1,000ft^2 - 4 spaces per 1,000ft^2 floor area - 3 spaces per 1,000ft^2 - 0.75 per rentable room (for associated uses, such as restaurants, entertainment uses, and bars, see above) - 1 per 6 seats
Self-Service Storage	No standard
INDUSTRIAL CATEGORIES	
Industrial Service (See also Drive-Up Uses)	1 space per 1,000ft^2 of floor area
Manufacturing and Production	1 space per 1,000ft^2 of floor area
Warehouse and Freight Movement	0.5 space per 1,000ft^2 of floor area
Waste-Related	per CUP review
Wholesale Sales - fully enclosed - not enclosed	 1 space per 1,000ft^2. per CUP review
INSTITUTIONAL CATEGORIES	
Basic Utilities Police and Fire Stations	None Per Site Design Review
Colleges	Per CUP review
Community Service	1 space per 200ft^2 of floor area

Table 3.3.300.A – Minimum and Maximum Required Parking by Use	
Use Categories (Examples of uses are in Chapter 1.4; Definitions are in Chapter 1.3.)	**Minimum Parking per Land Use** (fractions rounded down to the closest whole number)
Daycare, adult or child day care (does not include Family Daycare (16 or fewer children) under ORS 657A.250)	1 space per 500ft^2 of floor area
Detention Facilities, Correctional Institutions	Per Site Design Review
Medical Centers	Per Site Design Review
Parks and Open Areas	Determined per CUP review for active recreation areas, or no standard
Religious Institutions and Houses of Worship	1 space per 75ft^2 of main assembly area; or per CUP review, as applicable
Schools - Grade, elementary, middle, junior high - High schools	 1 space per classroom, or per CUP review 7 per classroom, or per CUP review
OTHER CATEGORIES	
Accessory Structures (with a permitted use)	No standard, except some uses may be required to provide parking under the minimum standards for primary uses, as determined by the decision body through development review
Agriculture – Animals	None, or per CUP review
Agriculture – Nurseries and similar horticulture	See Retail Sales and Wholesale, as applicable
Mining	Determined per CUP review
Radio Frequency Transmission Facilities	None
Rail Lines and Utility Corridors	None
Temporary Uses	As determined per Section 4.9.100
Transportation Facilities	None

D. Vehicle Parking - Minimum Accessible Parking

1. Accessible parking shall be provided for all uses in accordance the standards in Table 3.3.300.B; parking spaces used to meet the standards in Table 3.3.300.B shall be counted toward meeting off-street parking requirements in Table 3.3.300.A;
2. Accessible parking requirements do not apply to residential development of up to two units per lot.
~~2~~3. Such parking shall be located in close proximity to building entrances and shall be designed to permit occupants of vehicles to reach the entrance on an unobstructed path or walkway;
~~3~~4. Accessible spaces shall be grouped in pairs where possible;
~~4~~5. Where covered parking is provided, covered accessible spaces shall be provided in the same ratio as covered non-accessible spaces;
~~5~~6. Required accessible parking spaces shall be identified with signs and pavement markings

identifying them as reserved for persons with disabilities; signs shall be posted directly in front of the parking space at a height of no less than 42 inches and no more than 72 inches above pavement level. Van spaces shall be specifically identified as such.

Table 3.3.300.B - Minimum Number of Accessible Parking Spaces
~~Source: ADA Standards for Accessible Design 4.1.2(5)~~

Total Number of Parking Spaces Provided (per lot)	Total Minimum Number of Accessible Parking Spaces *(with 60" access aisle, or 96" aisle for vans*)*	Van Accessible Parking Spaces with min. 96" wide access aisle	Accessible Parking Spaces with min. 60" wide access aisle
1 to 25	*Column A* *1*	1	0
26 to 50	2	1	1
51 to 75	3	1	2
76 to 100	4	1	3
101 to 150	5	1	4
151 to 200	6	1	5
201 to 300	7	1	6
301 to 400	8	1	7
401 to 500	9	2	7
501 to 1000	2% of total parking provided in each lot	1/8 of Column A**	7/8 of Column A***
1001	20 plus 1 for each 100 over 1000	1/8 of Column A**	7/8 of Column A***

**vans and cars may share access aisles*
***one out of every 8 accessible spaces* ****7 out of every 8 accessible parking spaces*

E. **On-Street Parking.** On-street parking shall conform to the following standards:

1. Dimensions. The following constitutes one on-street parking space:

   a. Parallel parking, each 22 feet of uninterrupted curb;

   b. 45-degree diagonal, each with 12 feet of curb;

   c. 90 degree (perpendicular) parking, each with 10 feet of curb.

2. Location. Parking may be counted toward the minimum standards in Table 3.3.300.A when it is on the block face abutting the subject land use. An on-street parking space must not obstruct a required clear vision area and it~~s~~ must not violate any law or street standard.

3. Public Use Required for Credit. On-street parking spaces counted toward meeting the parking requirements of a specific use may not be used exclusively by that use~~,~~ but shall be available for general public use at all times. Signs or other actions that limit general public use of on-street spaces are prohibited.

F. **Shared Parking.** Required parking facilities for two or more uses, structures, or parcels of land may be satisfied by the same parking facilities used jointly, to the extent that the owners or operators show that the need for parking facilities does not materially overlap (e.g., uses primarily of a daytime versus nighttime nature; weekday uses versus weekend uses), and provided that the right of joint use is evidenced by a recorded deed, lease, contract, or similar written instrument establishing the joint use. The City may approve owner requests for shared parking through Land Use Review based on the following general standards:

1. If the applicants combine residential uses with non-residential uses having normal business hours between 8 a.m. and 6 p.m., each space may be counted for both uses.

2. If the applicants can demonstrate to the satisfaction of the City that the peak business hours for each use are substantially different, such as an office having daytime hours combined with a restaurant or church having peak use in the evening or Sunday, each space may be counted for both uses.

G. **Off-site Parking.** Except for single-family detached dwellings, the vehicle parking spaces required by this Chapter may be located on another parcel of land, provided the parcel is within a reasonable walking distance, generally interpreted to be within 500 feet of the use it serves, and the City has approved the off-site parking through Land Use Review. The distance from the parking area to the use shall be measured from the nearest parking space to a building entrance, following a sidewalk or other pedestrian route. The right to use the off-site parking must be evidenced by a recorded deed, lease, easement, or similar written instrument.

H. **General Parking Standards.**

1. Location. Parking is allowed only on streets, within garages, carports, and other structures, or on driveways or parking lots that have been developed in conformance with this code. Article 2, Land Use Zones, prescribes parking location for some land uses (*e.g.,* the requirement that parking for some multiple family and commercial developments be located to side or rear of buildings). Where physically possible, parking lots shall be located behind buildings, such that buildings separate parking areas from the street. In cases where this is not possible, parking may be located to the side of a building, but in no case shall the parking area be wider than 50 percent of the lot frontage in commercial land use zones and industrial land use zones. Parking shall not be placed to the side of a building adjacent to a street unless there is no other feasible alternative. See Figure 3.3.300.F(1) for design guidance. Chapter 3.1, Access and Circulation, provides design standards for driveways. Street parking spaces shall not include space in a vehicle travel lane (including emergency or fire access lanes), public right-of-way, pedestrian

access way, landscape, or other undesignated area.

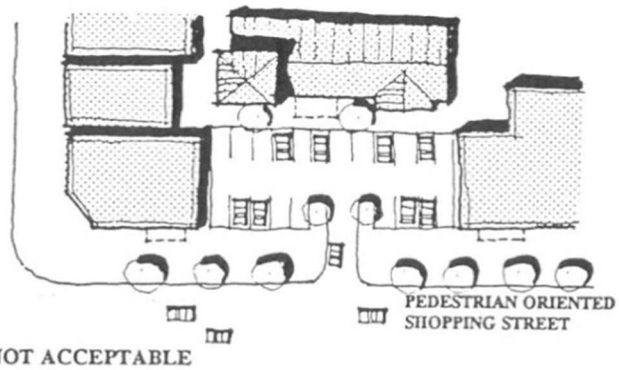
2. Mixed Uses. If more than one type of land use occupies a single structure or parcel of land, the total requirements for off-street automobile parking shall be the sum of the requirements for all uses, unless it can be shown that the peak parking demands are actually less (i.e., the uses operate on different days or at different times of the day). The City may reduce the total parking required accordingly through Land Use Review.

3. Availability of Facilities. Owners of off-street parking facilities may post a sign indicating that all parking on the site is available only for residents, customers, and/or employees. Signs shall conform to the standards of Chapter 3.5.

4. Lighting. All parking areas for more than 10 vehicles serving business uses and collective residential parking shall be illuminated during the hours between sunset and sunrise when the use is in operation. Any light standards associated with parking lots shall be directed downward only and shielded to prevent lighting spillover into any adjacent residential zone or use. Fixtures shall be equipped with or be capable of being back fitted with light directing devices such as shield, visors or hood when necessary to redirect offending light distribution. Lights shall be installed or aimed so that they do not project their output into the window of a neighboring residence, an adjacent use, or directly skyward.

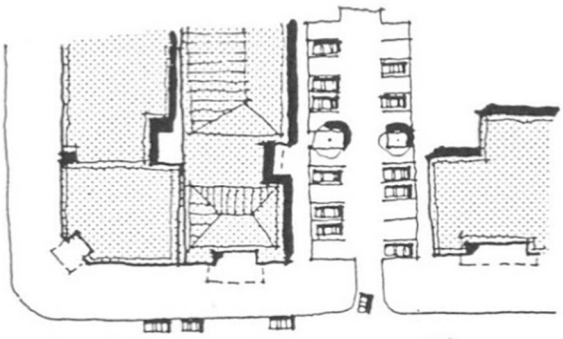
5. Screening of Parking Areas. When parking areas are located adjacent to a street or sidewalk, additional design methods need to be employed to provide an effective screen and deemphasize large expanses of pavement. The use of trees, evergreen shrub hedges, landscaped berms and/or

Figure 3.3.300(F)1



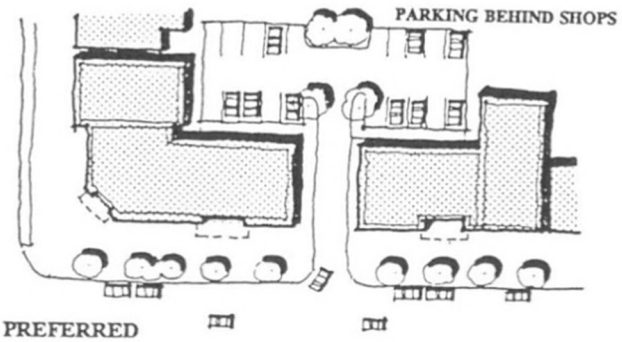
NOT ACCEPTABLE

Parking lots along the full length of the streetfront are generally inappropriate.



ACCEPTABLE

In certain situations, limited streetfront parking lots may be acceptable.



PREFERRED

Parking lots located behind shops and offices are preferred.

screening walls shall be used in such locations. The final screening design shall be approved by the City. Effective options include a four-foot-tall fence constructed of wood, vinyl designed to look like wood, brick, stone, stucco over concrete block, ornamental iron grate with brick or stone blasters, or a hedge that will reach at least four feet at maturity. See Figure 3.3.300.F(2) for design guidance.

Figure 3.3.300.F (2) - Parking Area Screening

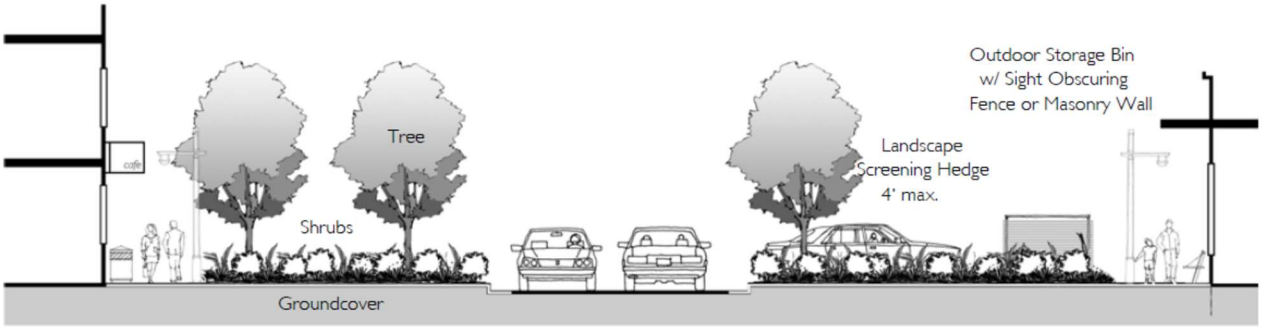
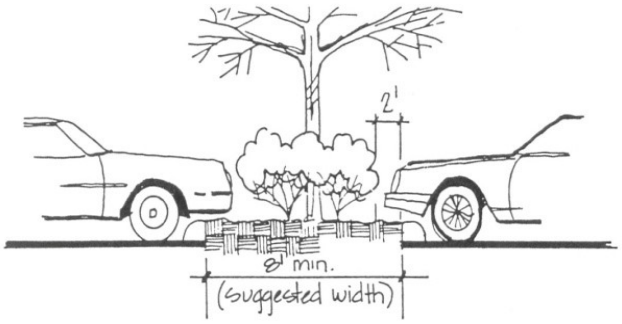
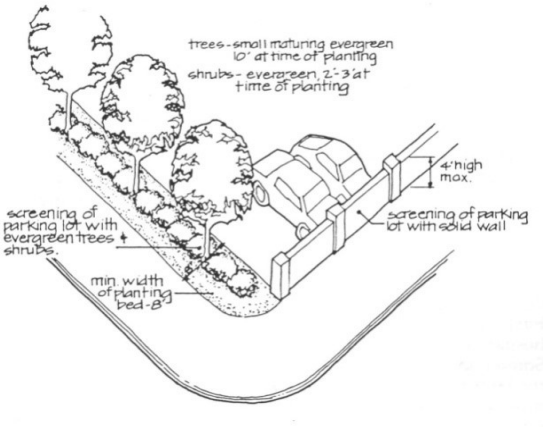


Figure 3.3.300.F (3) and (4) - Parking Area Screening





I. **Parking Stall Design and Minimum Dimensions.** All off-street parking spaces shall be improved to conform to City standards for surfacing, storm water management, and striping. Standard parking spaces shall conform to the following standards and the dimensions in Figures 3.3.300.F.~~(~~5~~)~~. and ~~(~~6.~~)~~, and Table 3.3.300.F:

1. Motor vehicle parking spaces shall measure eight (8) feet six (6) inches wide by eighteen (18) feet long or by sixteen (16) feet long, with not more than a two (2) foot overhang when allowed;

2. All parallel motor vehicle parking spaces shall measure eight (8) feet six (6) inches by twenty-two (22) feet;

3. Parking area layout shall conform to the dimensions in Figure 3.3.300.F.~~(~~5~~)~~ and ~~(~~6~~)~~, and Table 3.3.300.F, below;

4. Parking areas shall conform to Americans with Disabilities Act (ADA) standards for parking spaces (dimensions, van accessible parking spaces, etc.). Parking structure vertical clearance, van accessible parking spaces, should refer to Federal ADA guidelines.

Figure 3.3.300.F.~~(~~5~~)~~ - Parking Area Layouts

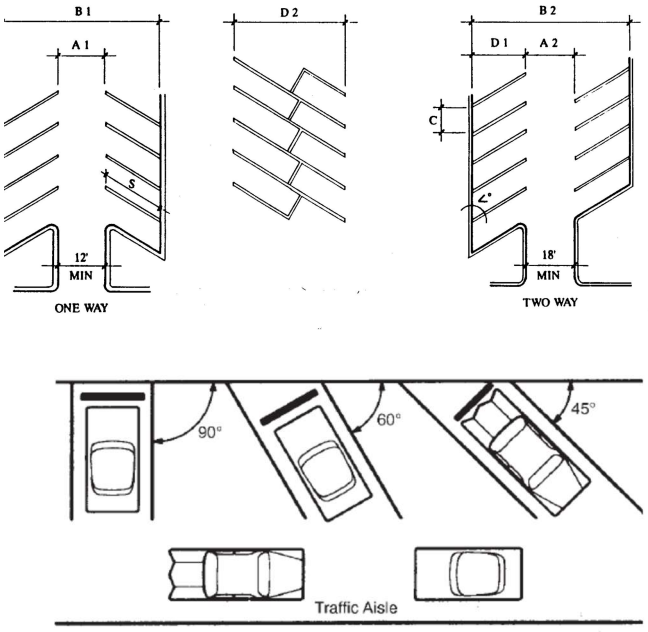


Figure 3.3.300.F.~~(~~6~~)~~ Disabled Person Parking Requirements

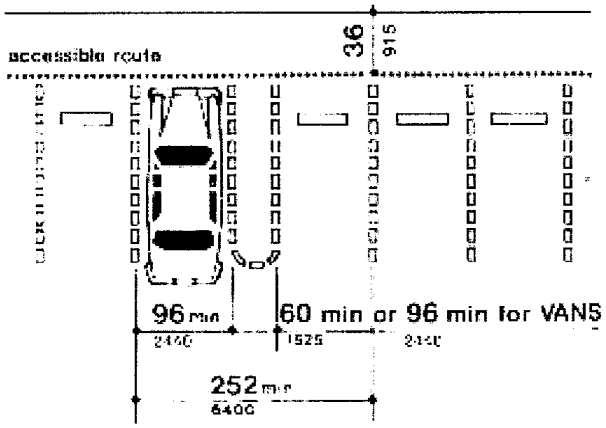


Table 3.3.300.F - Parking Area Layout*									
			STALL DEPTH		AISLE WIDTH		BAY WIDTH		
	PARKING ANGLE < °	CURB LENGTH C	SINGLE D1	DOUBLE D2	ONE WAY A1	TWO WAY A2	ONE WAY B1	TWO WAY B2	STRIPE LENGTH S
Standard Car Stall width = 8'-6"	90°	8'-6"	18'	36'	23'	23'	59'	59'	18'
	60°	10'	20'	40'	17'	18'	57'	58'	23'
	45°	12'	18'-6"	37'	13'	18'	50'	55'	26'-6"
	30°	17'	16'-6"	33'	12'	18'	45'	51'	32'-8"
	0°	22'	8'-6"	17'	12'	18'	29'	35'	8'-6"
Large Car Stall width = 10'	90°	10'	20'	40'	24'	30'	64'	70'	20'
	60°	11'-6"	22'-6"	45'	20'	24'	65'	69'	25'-9"
	45°	14'	21'	42'	16'	20'	58'	62'	30'
	30°	20'	19'	38'	14'	20'	52'	58'	37'-4"
	0°	26'	10'	20'	14'	20'	34'	40'	10'

** See Figure 3.3.300.F.~~(~~6~~)~~ for ADA space requirements.*

Important cross-references: *See also, Article 2 – Land Use Zone standards, for parking location requirements for some multifamily and commercial land uses; Chapter 3.1 – Access and Circulation, for driveway standards; and Chapter 3.2 – Landscaping.*

3.3.400 Bicycle Parking Standards. All uses that are subject to Site Design Review shall provide bicycle parking, in conformance with the standards in Table 3.3.400, and subsections A-H, below.

A. **Minimum Required Bicycle Parking Spaces.** Uses shall provide long- and short-term bicycle parking spaces, as designated in Table 3.3.400. Where two options are provided (*e.g.,* 2 spaces, or 1 per 8 bedrooms), the option resulting in more bicycle parking is used.

Table 3.3.400 – Minimum Required Bicycle Parking by Use		
Use Categories	Specific Uses	Bicycle Parking Spaces
RESIDENTIAL CATEGORIES		
Household Living	Multifamily	2, or 1 per 20 units
	3 story Multifamily or higher	Long-Term Spaces: 1 per 3 units
Group Living		None
	Dormitory	None
COMMERCIAL CATEGORIES		
Commercial Outdoor Recreation		None
Office		2, or 1 per 40,000ft^2 of floor area
Major Event Entertainment		None
Retail Sales and Service	Without Lodging	2, or 1 per 5,000ft^2 of floor area
	With Lodging	2, or 1 per 20 rentable rooms
INDUSTRIAL CATEGORIES		
Manufacturing and Production		None
Warehouse and Freight Movement		None
INSTITUTIONAL CATEGORIES		
Basic Utilities	Bus transit center	None
Community Service		2, or 1 per 10,000ft^2 of floor area
	Park and ride	None
Parks (active recreation areas only)		8, or per CUP review
Schools	Grades 1-8	1 short-term and 1 long-term space per classroom
	Grades 9-12	1 short-term and 1 long-term space per classroom, or per CUP review
Colleges	Excluding dormitories (see Group Living)	2 per classroom
Medical Centers		2, or 1 per 40,000ft^2 of net building area, or per CUP review

Table 3.3.400 – Minimum Required Bicycle Parking by Use		
Use Categories	Specific Uses	Bicycle Parking Spaces
Religious Institutions and Places of Worship		2, or 1 per 10,000ft^2 of net building area
Daycare		2, or 1 per 10,000 ft^2 of net building area
OTHER CATEGORIES		
Other Categories	Determined through LUR, SDR or CUP Review, as applicable	

B. **Exemptions.** This Section does not apply to developments of ~~single-family and two-family housing~~ up to two attached~~,~~ or detached residential dwellings, or manufactured housing, home occupations, agriculture and livestock uses.

C. **Location and Design.** Short-term bicycle parking should, where possible, be no farther from the main building entrance than the distance to the closest vehicle space, or 50 feet, whichever is less. Long-term (*i.e.,* covered) bicycle parking, where required, should be incorporated into a building's design. Short-term bicycle parking, when allowed within a public right-of-way, should be coordinated with the design of street furniture, as applicable.

D. **Visibility and Security.** Bicycle parking for customers and visitors of a use shall, where possible, be visible from street sidewalks or building entrances, so that it provides sufficient security from theft and damage.

E. **Options for Storage.** Long-term bicycle parking requirements for multiple family uses and employee parking can be met by providing a bicycle storage room, bicycle lockers, racks, or other secure storage space inside or outside of the building. Long-term bicycle parking requirements for other uses can be met by locating parking in a covered area, such as under a canopy, eave, or stairway, or within a building or storage locker.

F. **Lighting.** For security, bicycle parking shall be at least as well lit as vehicle parking.

G. **Reserved Areas.** Areas set aside for bicycle parking shall be clearly marked and reserved for bicycle parking only.

H. **Hazards.** Bicycle parking shall not impede or create a hazard to pedestrians. Parking areas shall be located so as to not conflict with vision clearance standards (Chapter 3.1, Access and Circulation).

3.3.500 Loading Areas

A. **Purpose.** The purpose of this section of the Code is to provide standards: (1) for a minimum number of off-street loading spaces that will ensure adequate loading areas for large uses and developments, and (2) to ensure that the appearance of loading areas is consistent with that of

parking areas.

B. **Applicability.** Section 3.3.500 applies to residential projects with 50 or more dwelling units, and non-residential and mixed-use buildings with 20,000 ft^2 or more total floor area.

C. **Number of Loading Spaces.**

1. Residential buildings. Buildings where all of the floor area is in residential use shall meet the following standards:

   a. Fewer than 50 dwelling units on a site that abuts a local street: No loading spaces are required.

   b. All other buildings: One (1) space.

2. Non-residential and mixed-use buildings. Buildings where any floor area is in non-residential uses shall meet the following standards:

   a. Shall be determined during the time of Site Design Review.

D. **Size of Spaces.** Required loading spaces shall be at least 35 feet long and 10 feet wide, and shall have a height clearance of at least 13'-~~1~~6".

E. **Placement, setbacks, and landscaping.** Loading areas shall conform to the setback and perimeter landscaping standards in Articles 2 and 3. Where parking areas are prohibited between a building and the street, loading areas are also prohibited. The decision body may approve a loading area adjacent to or within the street right-of-way through Site Design Review or Conditional Use Permit review, as applicable, where it finds that loading and unloading operations are short in duration (*i.e.,* less than one hour), not obstruct traffic during peak traffic hours, or interfere with emergency response services.

Chapter 3.4 - Public Facilities

Sections:

Background: Chapter 3.4 provides standards for new developments and land divisions, and general procedures for the review of public improvement plans. The code also cross-references the city's public facility master plans (water, sanitary sewer, storm drainage), Transportation System Plan, and engineering design criteria and standards.

Transportation Planning Rule: Section 3.4.~~1~~300 implements parts of OAR 660-012-0045 and 660-012-0060. It provides functional classifications for streets, typical street sections, and improvement standards (i.e., operation, safety, level of service, etc.). The street sections that are provided for local streets, collectors, and arterials address the TPR provisions related to narrow street standards.

Reference: See the Transportation and Growth Management Program's *Neighborhood Street Design Guidelines: an Oregon Guide for Reducing Street Widths.*

3.4.100 Purpose and Applicability

A. **Purpose.** The purpose of this Chapter is to provide planning and design standards for public and private transportation facilities and utilities. Streets are the most common public spaces, touching virtually every parcel of land. Therefore, one of the primary purposes of this Chapter is to provide standards for attractive and safe streets that can accommodate vehicle traffic from planned growth and provide a range of transportation options, including options for driving, walking, and bicycling. This Chapter is also intended to implement the City's Transportation System Plan.

B. **Applicability.** Unless otherwise provided, the standard specifications for construction, reconstruction, or repair of transportation facilities, utilities, and other public improvements within the City shall occur in accordance with the standards of this Chapter. No development may occur unless the public facilities related to development comply with the public facility requirements established in this Chapter.

C. **Engineering Design Criteria, Standard Specifications and Details.** The design criteria, standard

construction specifications and details maintained by the Baker City Public Works Department shall supplement and support the general design standards of this Development Code. The City's specifications, standards, and details are hereby incorporated into this code by reference. Upon proper findings, the Baker City Public Works Director has the discretion to apply different development standards or details when conditions and circumstances warrant to further the public health and safety, or to accommodate unique field circumstances or issues of engineering economy when the public health and safety are not significantly at risk.

3.4.200 Public Improvements

A. **Conditions of Development Approval.** No development may occur unless required public improvements, as specified by construction drawings reviewed by the City Engineer, are in place or guaranteed, in conformance with the provisions of this Code.

B. **Exempt Developments.** The following developments are excluded from these requirements:

- Signs
- Additions to existing developments which do not increase vehicle and/or pedestrian traffic
- Landscaping, or
- Other similar developments which do not increase vehicle and/or pedestrian traffic

C. **Public Improvements and Exaction**. When not voluntarily accepted by the applicant, all new development must adhere to public improvement requirements if required as a condition of developmental approval. Public improvement requirements shall be based on nexus and rough proportionality:

1. Nexus. A reasonable relationship and demonstrated nexus between the required public improvement and the cost of a development's impacts on public infrastructure must exist. Analysis may evaluate the following criteria:

    a. street classification
    b. infrastructure connectivity
    c. public transportation system
    d. accident mitigation
    e. surrounding land use and neighborhood amenities
    f. benefit to development project
    g. Baker City Transportation System Plan
    h. Baker City Comprehensive Plan
    i. adopted street plans
    j. other information demonstrating a nexus between exaction and the proposed development

2. Rough Proportionality. An individualized determination must quantify the impacts of the development compared to the public improvement costs. Rough proportionality costs shall be

verified by a City-designated engineer. The cost of the public improvement shall not exceed the estimated cost of impacts to public infrastructure. An analysis may include:

a. transportation demand based on land use specific trip generation rates or equations from the *Institute of Transportation Engineers (ITE) Trip Generation Manual*
b. proposed intensity of development
c. length of trips associated with the identified land use type(s)
d. cost per vehicle mile traveled on city streets.
e. a time period not to exceed 25 years
f. other information that may assist in determining rough proportionality

3.4.300 Transportation Standards

A. Development Standards. The following standards shall be met for all new uses and developments:

1. All new lots created, consolidated, or modified through a land division, partition, lot line adjustment, lot consolidation, or street vacation must have frontage or approved access to a public street;

2. Streets and sidewalks within or adjacent to a development that will increase vehicle or pedestrian traffic shall be improved, as specified by construction drawings reviewed by the City, Engineer in accordance with the Transportation System Plan, an applicable refinement plan, and the provisions of this Chapter, except where specifically exempt by subsection (B) below, or other provisions of this Code;

3. Development of new streets, street extensions, and modifications to existing streets, shall be improved in accordance with this Section, and public streets shall be dedicated to the applicable road authority;

4. Bike lanes shall be provided pursuant to the Bike Projects Plan and the standards of this Chapter;

5. Where the TSP designates a multi-use path, construction of a multi-use path in lieu of a standard sidewalk improvement is required.

6. When a developer cannot provide the required sidewalk improvements at the time of development or construction, as applicable, the application shall be processed as a Type III procedure. The City decision body may require the installation of said improvements, the dedication of rights-of-way or easements for future improvements, construction of interim improvements, and/or a property owner agreement to not remonstrate against the formation of a local improvement district created to complete such improvements in the future, in accordance with subsection ~~(~~B~~)~~ below.

7. New streets, drives, and shared use paths shall be paved with asphalt, concrete, or other all-

weather surface approved by the Public Works Director, pursuant to this Chapter.

B. Guarantee. The City may accept a future improvement guarantee (*e.g.,* owner agrees not to object to the formation of a local improvement district in the future) in lieu of improvements if one or more of the following conditions exist:

1. A partial improvement may create a potential safety hazard to motorists or pedestrians;

2. Due to the developed condition of adjacent properties it is unlikely that improvements would be extended in the foreseeable future and the improvement associated with the project under review does not, by itself, provide increased street safety or capacity, or improved pedestrian circulation;

3. The improvement would be in conflict with an adopted capital improvement plan; or

4. The improvement is associated with an approved land partition in a residential zone and the proposed land partition does not create any new streets.

C. Waiver or Deferral of Required Street or Sidewalk Improvements. Any applicant for a land use approval may file a written request that the City grant either a deferral of the construction of the required sidewalk improvements, or a waiver exempting the applicant's property from the required sidewalk improvements.

1. Warrant of Deferral. The following items do not normally constitute unusual circumstances which warrant granting of a deferral or waiver of sidewalk improvement requirements:

   a. Financial hardship of the applicant and/or property owner.

   b. Lack of street improvements or sidewalks on adjacent properties.

   c. Cost of the improvement.

   d. The City did not require the street or sidewalk improvement(s) for the property when the City issued a prior building permit or granted a development approval or land division approval.

2. Pedestrian Access Ways. Pedestrian access ways identified in the Transportation System Plan Table 2-1 Planned Pedestrian Network are not eligible for waiver.

3. Deferral Requests. Upon review of a written request for deferral, the Public Works Director may either: (1) deny the request, or (2) grant a deferral of any or all of the required improvements. The Public Works Director may grant deferral of the sidewalk improvement if the Public Works Director finds that:

a. Street widening or street corridor improvements are planned within five (5) years and the exact design or width of the future street has not yet been determined.

b. Physical obstructions make construction of the sidewalk impractical at this time, including steep banks or drainage channels exist on the site, which would require extensive public or private improvements in addition to the sidewalk construction.

c. Public improvement projects are planned in the next five (5) years, which would require the City to remove the sidewalk improvements.

d. The street fronting the sidewalk that would need to be constructed is unpaved, *or* the street fronting the sidewalk that would need to be constructed is paved, but is not developed with curb and gutter, and the location and elevation for the sidewalk cannot be determined with certainty.

e. Unusual circumstances or peculiarities of the site exist, which, in the opinion of the City, warrant deferral of required sidewalk improvements.

4. Execution and Filing of Agreement. If the Public Works Director grants a deferral of street and/or sidewalk improvement, the property owner shall execute and file an agreement with the City which:

a. Describes the street and/or sidewalk improvements that have been deferred; and

b. States the period of time within which the required street and/or sidewalk improvements shall be installed; and

c. States the agreement is terminated upon installation of all required street and/or sidewalk improvements; and

d. States that if the improvements are not installed by the applicant, the property owner shall participate in a Local Improvement District in accordance with this Chapter; and

e. States the property owner waives the right to remonstrate against any Local Improvement District initiated to install the required street and/or sidewalk improvements.

f. Upon execution of the agreement by both parties, the agreement will be recorded by the property owner in the Baker County Deed Records. After recording of the deferral agreement, the building permit may be issued when all other requirements are met. The deferral of any sidewalk improvement applies only to the specific building permit application. The deferral is not applicable to any future building permit, development or land division application.

5. **Waiver Requests.** Upon review of a written request for a waiver of sidewalk improvements, the request shall be processed as a Type III procedure with a hearing before the Planning Commission, which may either: (1) deny the request, or (2) grant a waiver of any or all of the required improvements. The Planning Commission will consider sidewalk improvement waivers on a case-by-case basis utilizing the following information:

    a. The condition and standard of the existing, abutting street;

    b. The likelihood and timing of new improvements given existing development on parcels in the vicinity;

    c. Topographic constraints;

    d. Safety concerns;

    e. Other details specific to the subject property or vicinity.

6. **Planning Commission**. If the Planning Commission grants a waiver of any or all sidewalk improvements, the building permit may be issued when all other requirements are met. The waiver of any sidewalk improvement applies only to the specific building permit application. The waiver is not applicable to any future building permit, development or land division application.

D. Creation of Rights-of-Way and Easements

1. Creation of Rights-of-Way for Streets and Related Purposes. Streets shall be created through the approval and recording of a final subdivision or partition plat; except the City may approve the creation of a street by acceptance of a deed, provided that the street is deemed in the public interest by the City for the purpose of implementing the Transportation System Plan, and the deeded right-of-way conforms to the standards of this Code.

2. Creation of Access Easements. The City may approve an access easement when the easement is necessary to provide for access and circulation in conformance with Chapter 3.1, Access and Circulation. Access easements shall be created and maintained in accordance with the Uniform Fire Code.

E. Variances. Variances to the transportation design standards in this Section may be granted by means of a Class B variance if a required improvement is not feasible due to topographic constraints or constraints posed by sensitive lands.

F. Street Location, Width, and Grade. Except as noted below, the location, width and grade of all streets shall conform to the adopted Transportation System Plan or applicable refinement plan, and an approved street plan or subdivision plat. Street location, width, and grade shall be determined in relation to existing and planned streets, topographic conditions, public convenience and safety, and in appropriate relation to the proposed use of the land to be served by such streets:

a. Street grades shall be approved by the City Engineer in accordance with the design standards in subsection 'O', below; and
b. Where the location of a street is not shown in an existing street plan, the location of streets in a development shall either:

    i. Provide for the continuation and connection of existing streets in the surrounding areas, conforming to the street standards of this Chapter, or
    ii. Conform to a street plan adopted by the City if it is impractical to connect with existing street patterns because of particular topographical or other existing conditions of the land. Such a plan shall be based on the type of land use to be served, the volume of traffic, the capacity of adjoining streets, and the need for public convenience and safety.

G. Minimum Rights-of-Way and Street Sections. Except as provided by subsections (a) and (b) below, street rights-of-way and improvements shall be the widths in Table 3.4.300.F. Example street cross-sections generally meeting the minimum street standards are depicted in Figures 3.4.300.F(1) through (18). These Figures are intended to demonstrate potential street configurations that meet the requirements. The basic public local residential street section shall be 28' with parking on both sides as shown in Table 3.4.300.F for streets with an anticipated traffic demand of 500 ADT or less, and 32' with parking on both sides as shown in Table 3.4.300.F when the anticipated traffic demand will be greater than 500 ADT.

a. The Baker City Public Works Director shall have the discretion to approve alternative sections to those shown in Table 3.4.300.F and Figures 3.4.300.F(1) through (18), based on the factors listed in subsection a-g, below. In addition, with the Public Works Director's concurrence, the Planning Commission shall have the discretion to approve alternative sections to those shown in Table 3.4.300.F and Figures 3.4.300.F(1) through (18), as may be proposed under a Master Planned Development.

    i. Anticipated traffic generation and/or factors of limited access;

    ii. On-street parking needs;

    iii. Requirements for the placement of utilities. Preliminary engineering for utilities on narrow streets or those with significant variance in curve radii may be required;

    iv. Protection of significant environmental resources or reduction of potential impacts;

    v. Advancement of urban or neighborhood design objectives, including but not limited to traffic calming, and general pedestrian safety and comfort;

    vi. Access needs for emergency vehicles; and

    vii. Other engineering or urban design factors as may be relevant.

b. Half-Street Improvements. With the Public Works Director's concurrence, the Planning

Commission shall have the discretion to approve a half-street dedication and street frontage improvement where the developer does not own or control both sides of the subject right-of-way and where the new development will generate less than less than 300 Average Daily Trips (ADT).

Table 3.4.300.F - Street Standards from the Adopted Transportation System Plan											
Street Type	Ave. Daily Trips (ADT)	Right-of-Way Width	Curb-to-Curb Paved Width	Within Curb-to-Curb Area				Curb	Planting Strips, or Swales	Side-walks	Multi-Use Paths
				Motor Vehicle Travel Lanes	Median/ Center Turn Lane	Bike Lanes	On-Street Parking				
URBAN ARTERIALS: 8,000 - 30,000 ADT											
Urban Arterial Street *(With No Parking)*											
10th Street (North of H Street)		80ft	60ft	3-4 at 11-12ft	None	2 at 7ft	None	6in	4.5ft (furnishing zone)	5ft	
Pocahontas Road		60ft	40ft	2 at 11ft	12ft	None	None	None	4ft striped buffer		10ft south side
Hughes Lane		60ft	25ft	2 at 11ft	None	None	None	None	6ft swale south side		10ft south side
All other Streets		80ft	50ft w/ 14ft raised median	2 at 12ft	14ft	2 at 6ft	None	6in	6ft	8ft	
Urban Arterial Street *(with Parking on Both Sides)*											
10th Street (South of H Street)		80ft	64ft	3-4 at 11-12ft	None	None	9ft parallel (both sides)	6in	2.5ft (furnishing zone)	5ft	
All other Streets		80ft	64ft w/14ft raised median	2 at 12ft	12ft-14ft	2 at 5ft-6ft	8ft parallel (both sides)	6in	None	7ft	
Commercial Street *(36ft Paving with No Parking)*		80ft	36ft	2 at 12ft	None	2 at 6ft	None	6in	11ft-15ft	6ft	10ft optional
Commercial Street *(50ft*		80ft	50ft	2 at 12ft	None	2 at 5ft	8ft parallel	6in	8ft w/ 6ft side-walk	6ft or	

Table 3.4.300.F - Street Standards from the Adopted Transportation System Plan											
Street Type	Ave. Daily Trips (ADT)	Right-of-Way Width	Curb-to-Curb Paved Width	Within Curb-to-Curb Area				Curb	Planting Strips, or Swales	Side-walks	Multi-Use Paths
				Motor Vehicle Travel Lanes	Median/ Center Turn Lane	Bike Lanes	On-Street Parking				
Paving with Parking on Both Sides) [1]							(both sides)		or none with 14ft sidewalk	14ft	
COLLECTORS											
Major Collector Street	Greater than 1,500 ADT	80ft	52ft	24ft	None	2 at 5ft	9ft parallel (both sides)	6in	7ft	6ft	
Minor Collector Street	1,000 to 1,500 ADT										
Cedar Street (North of D Street)		58-62ft	24-26ft	2 at 11-12ft	None	None	None	None	6ft swale - both sides	6ft east side	10ft west side
Cedar Street (South of D Street)		58-62ft	24-26ft	2 at 11-12ft	None	None	None	None	6ft swale-west side	None	10ft west side
Other Minor Collector Streets		60ft	36ft	22ft	None	None	7ft parallel (both sides)	6in	5ft	6ft	
Local Industrial [2]		60ft	24ft	24ft	None	None	None	-	None	None	
LOCAL RESIDENTIAL STREETS: Less than 1,000 ADT											
Local Residential Street *(32ft Parking Both Sides)*	500 to 1,000 ADT	60ft	32ft	2 at 9ft	None	None	7ft parallel (both sides)	6in	8ft	5ft	
Local Residential Street *(28ft Parking*	< 500 ADT	54ft	28ft	14ft	None	None	7ft parallel (both sides)	6in	7ft	5ft	

Table 3.4.300.F - Street Standards from the Adopted Transportation System Plan											
Street Type	Ave. Daily Trips (ADT)	Right-of-Way Width	Curb-to-Curb Paved Width	Within Curb-to-Curb Area				Curb	Planting Strips, or Swales	Side-walks	Multi-Use Paths
				Motor Vehicle Travel Lanes	Median/ Center Turn Lane	Bike Lanes	On-Street Parking				
Both Sides)											
Improvement Option for Existing Unpaved Local Residential Street	< 250 [3] ADT	Existing Right-of-Way	-	20ft	None	None	None	-	6ft minimum swale	-	6ft
Multi-Use Path Street Option		Existing Right-of-Way	-	24ft	None	None	None	-	7ft	-	10ft

[1] Design may utilize either setback sidewalks with a landscape strip or a continuous 14’ sidewalk with a 4’-5’ wide strip for amenities (lighting, trees, benches, etc.) adjacent to the curb. The Central Commercial Zone will have 14’ sidewalks with amenities and the General Commercial Zone shall have the landscape strip and sidewalks.

[2] Section to be used only for industrial streets that are not designated as Collectors or Arterials.

[3] Requires Public Works Department discretionary approval. “No Parking” signs required.

Figure 3.4.300.F(1) Urban Arterial Street (50’ Paving with No Parking)

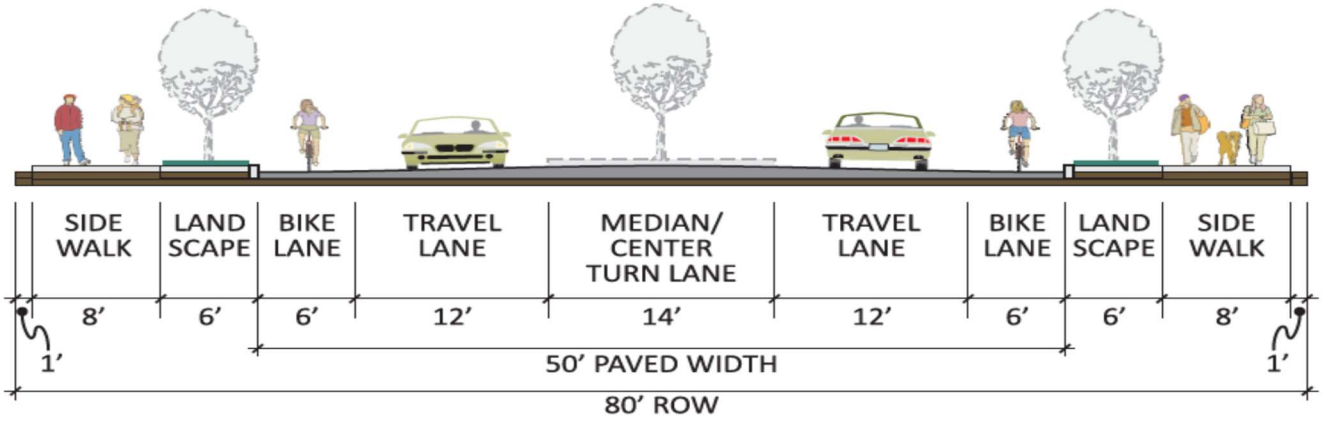


Figure 3.4.300.F(2) Urban Arterial Street (with Parking on Both Sides)

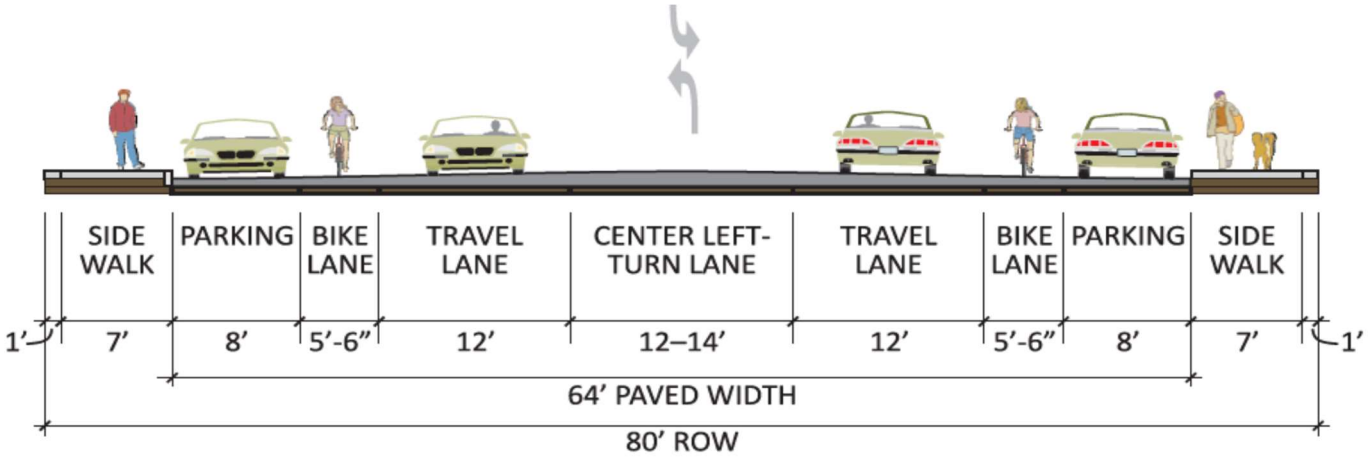
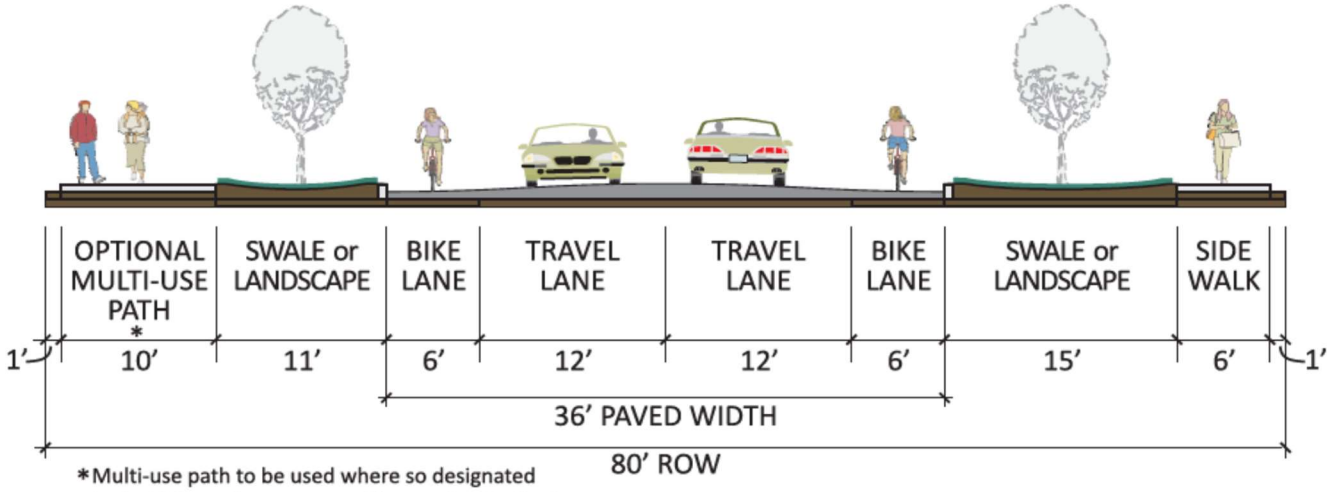
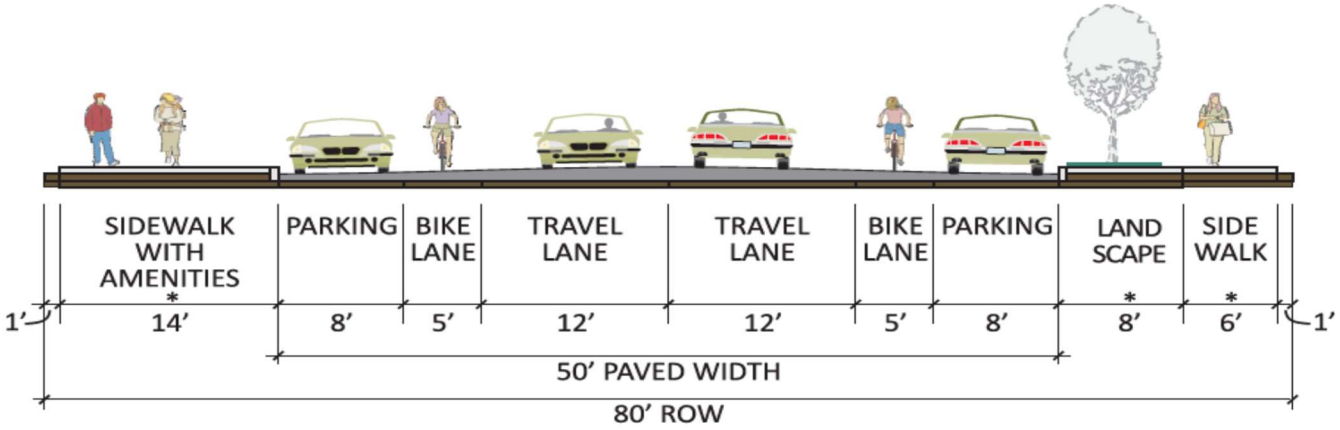


Figure 3.4.300.F(3) Commercial Street (36’ Paving with No Parking)



*Multi-use path to be used where so designated in the TSP or where approved for use by City Engineer. When no multi-use path is used, provide 6’ sidewalk on both sides.

Figure 3.4.300.F(4) Commercial Street (50’ Paving with Parking on Both Sides)



* Design may utilize either setback sidewalks with a landscape strip or a continuous 14’ sidewalk with a 4’ – 5” wide strip for amenities (lighting, trees, benches, etc.) adjacent to curb. The Central Commercial Zone will have 14’ sidewalks with amenities and the General Commercial Zones shall have the landscape strip and sidewalks.

Figure 3.4.300.F(5) Major Collector Street

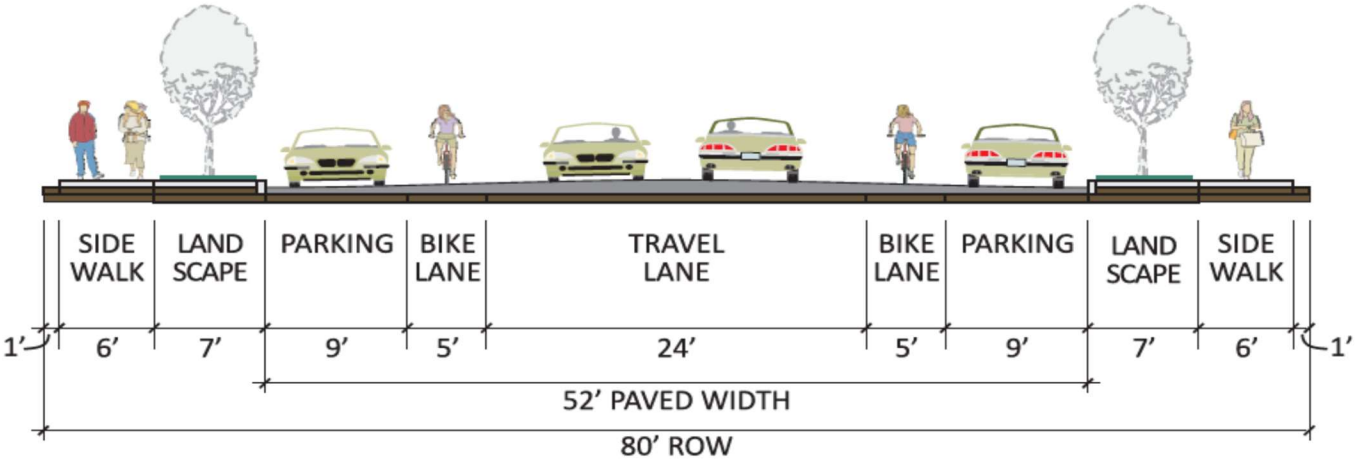


Figure 3.4.300.F(6) Minor Collector Street

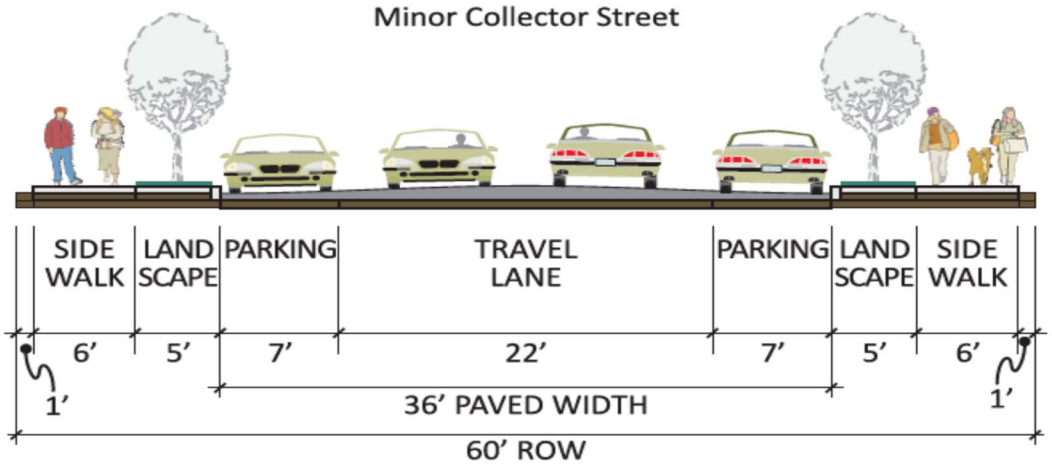


Figure 3.4.300.F(7) Local Industrial Street

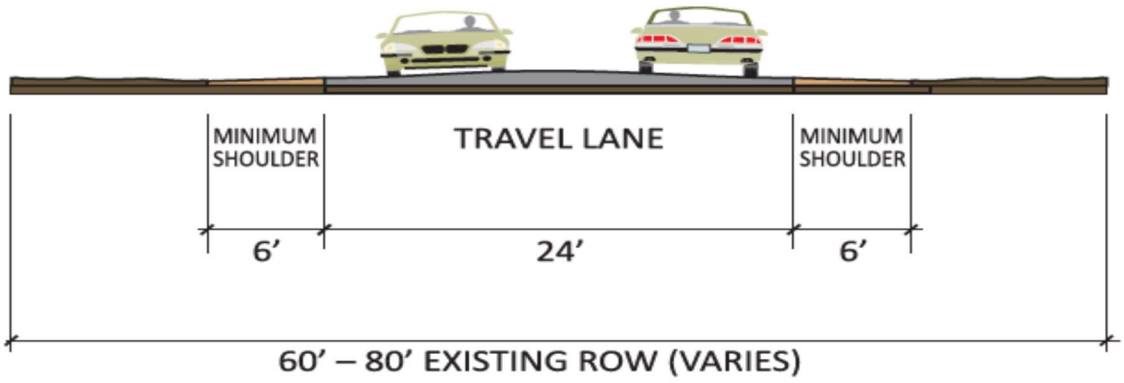


Figure 3.4.300.F(8) Local Residential Street (32' Parking on Both Sides)

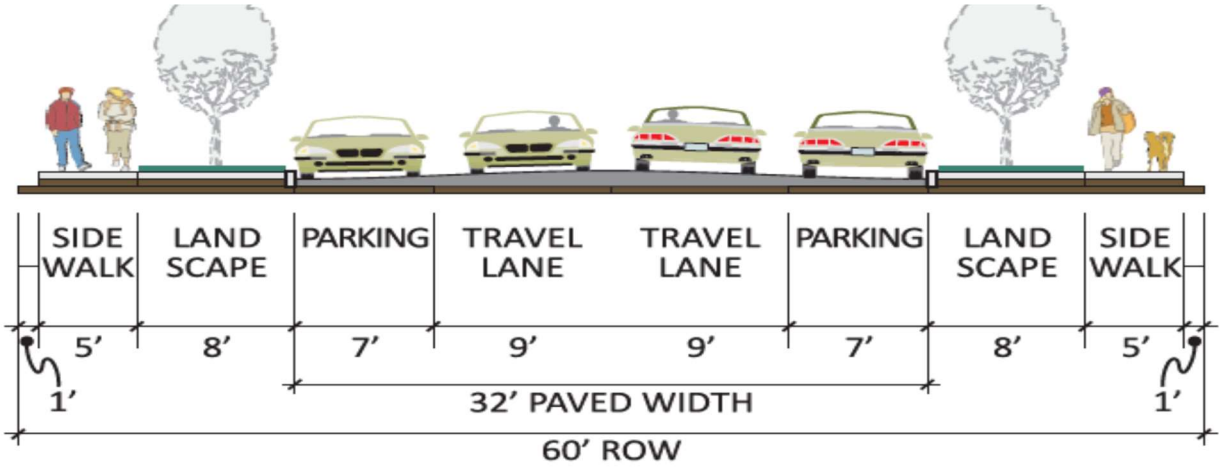


Figure 3.4.300.F(9) Local Residential Street (28' Parking on Both Sides)

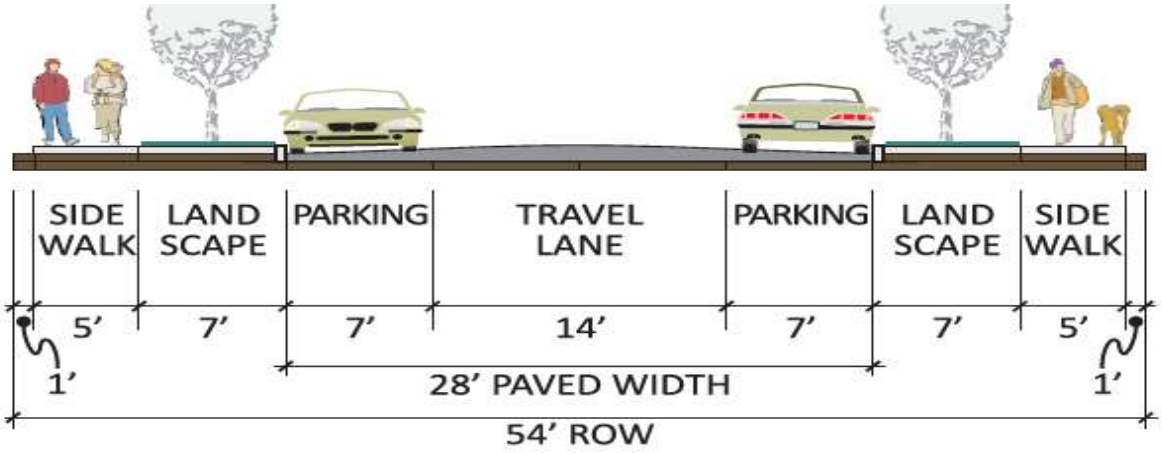


Figure 3.4.300.F(10) Improvement Option for Existing Unpaved Local Residential Street

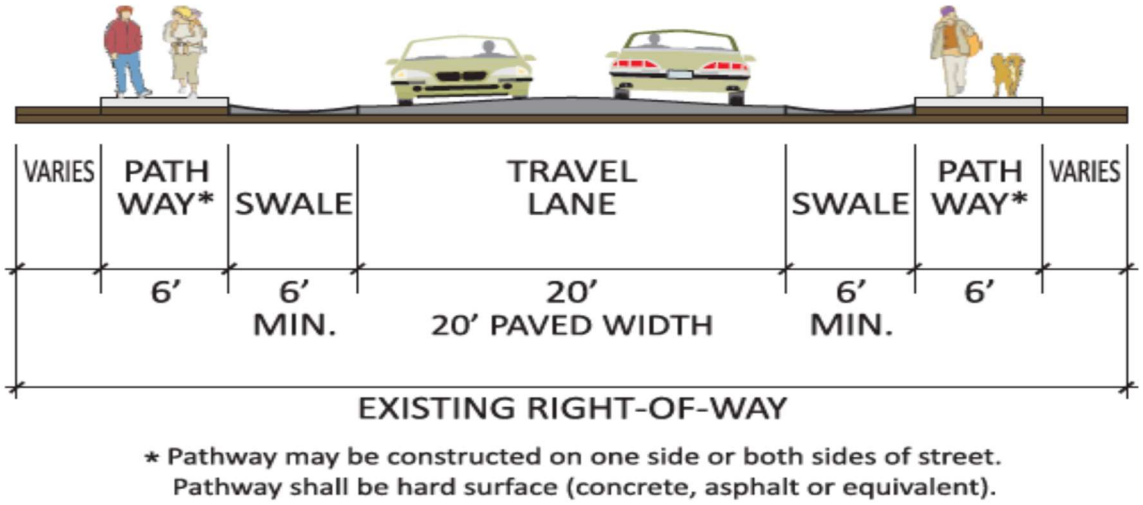


Figure 3.4.300.F(11) Multi-Use Path Street Option

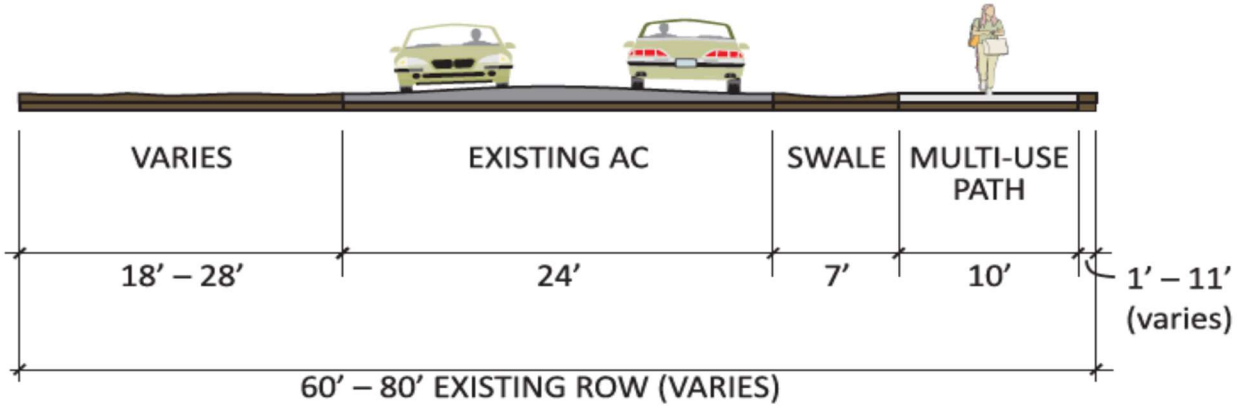
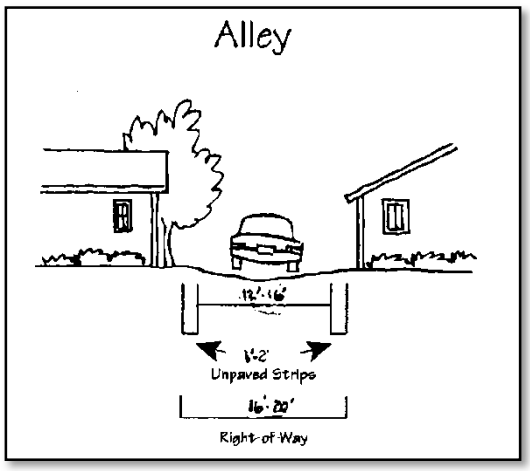


Figure 3.4.300.F(12) Alley and Pathway Sections



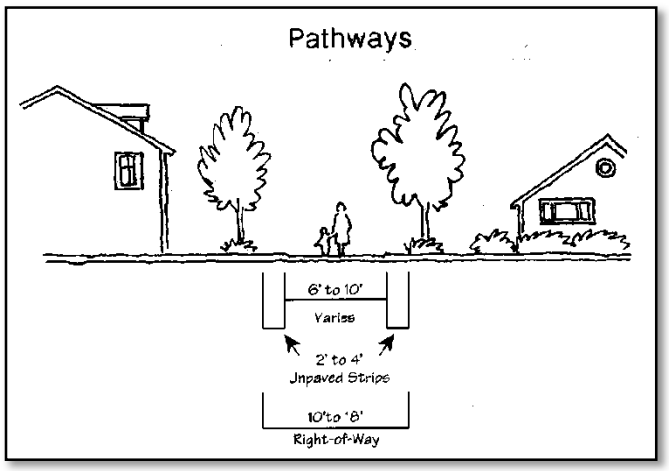


Figure 3.4.300.F(13) 10th Street – North of H Street

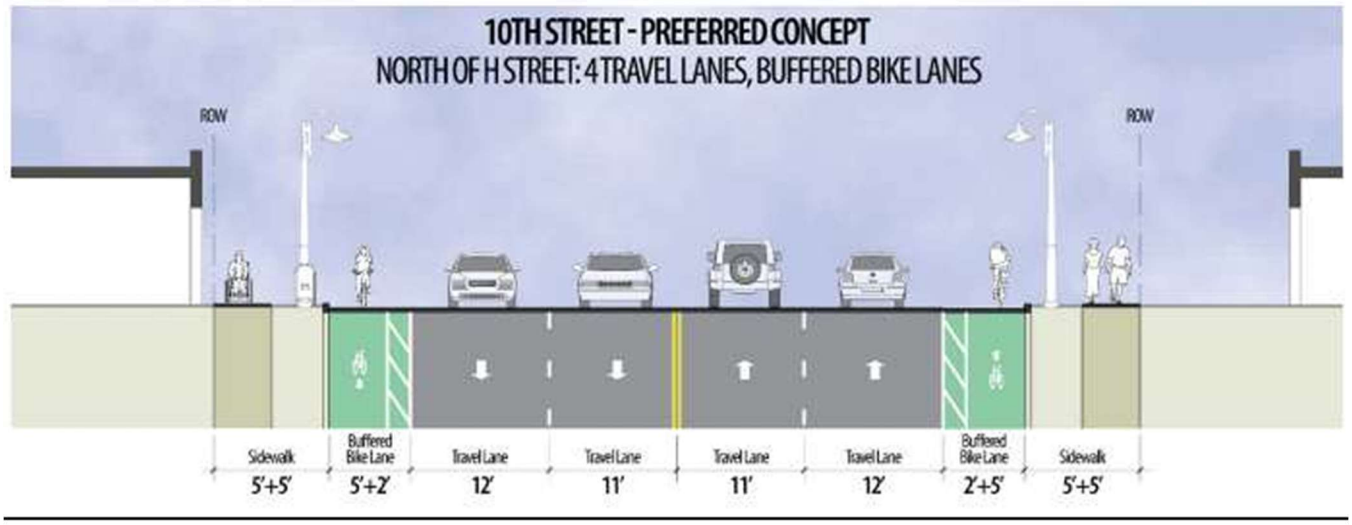


Figure 3.4.300.F(14) 10th Street – South of H Street

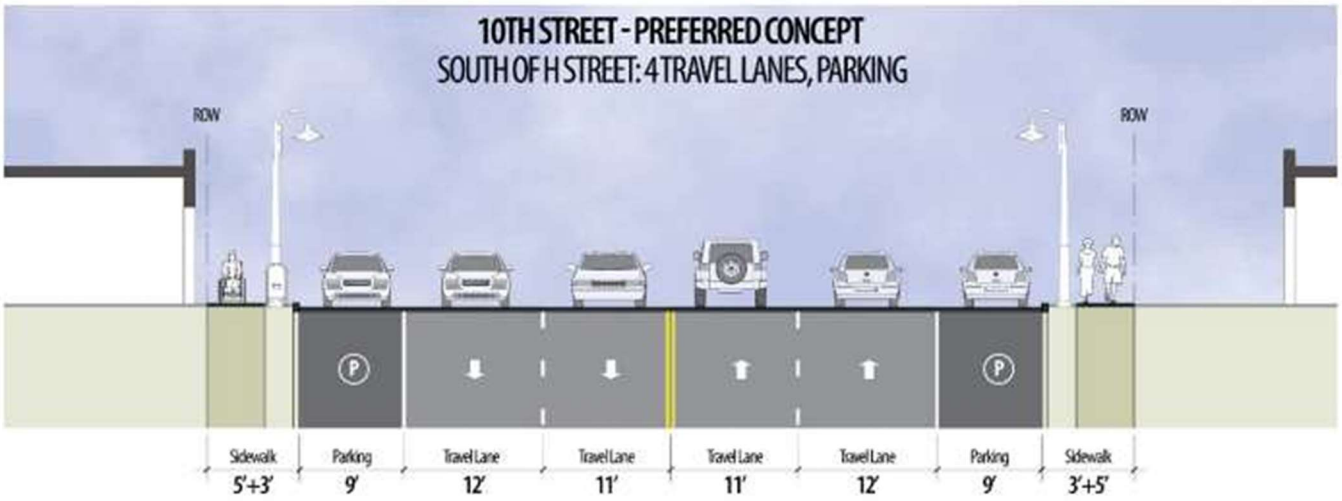


Figure 3.4.300.F(15) Pocahontas Road

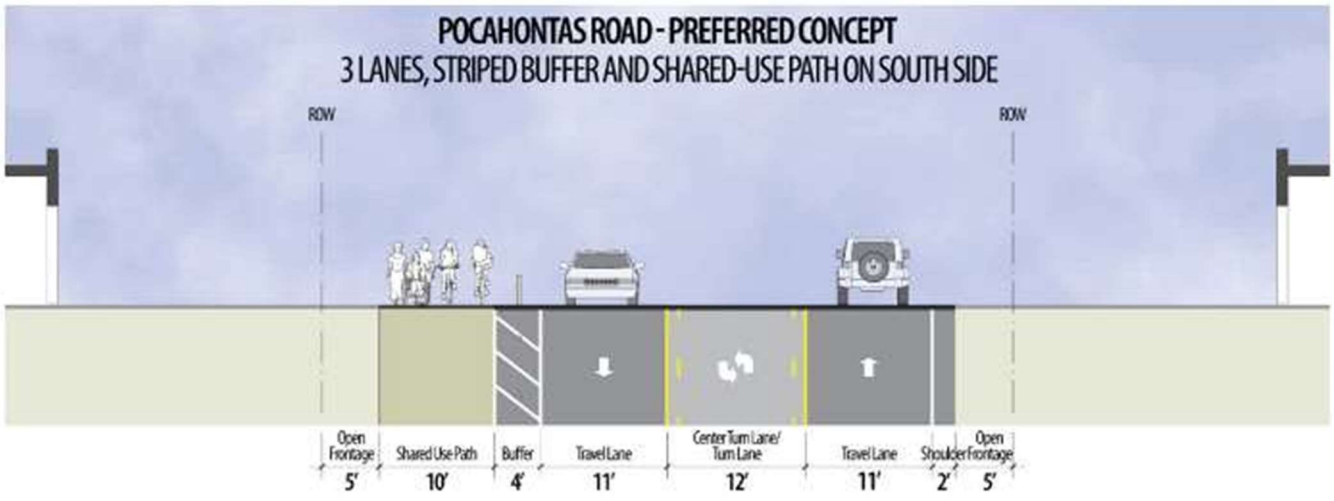


Figure 3.4.300.F(16) Hughes Lane

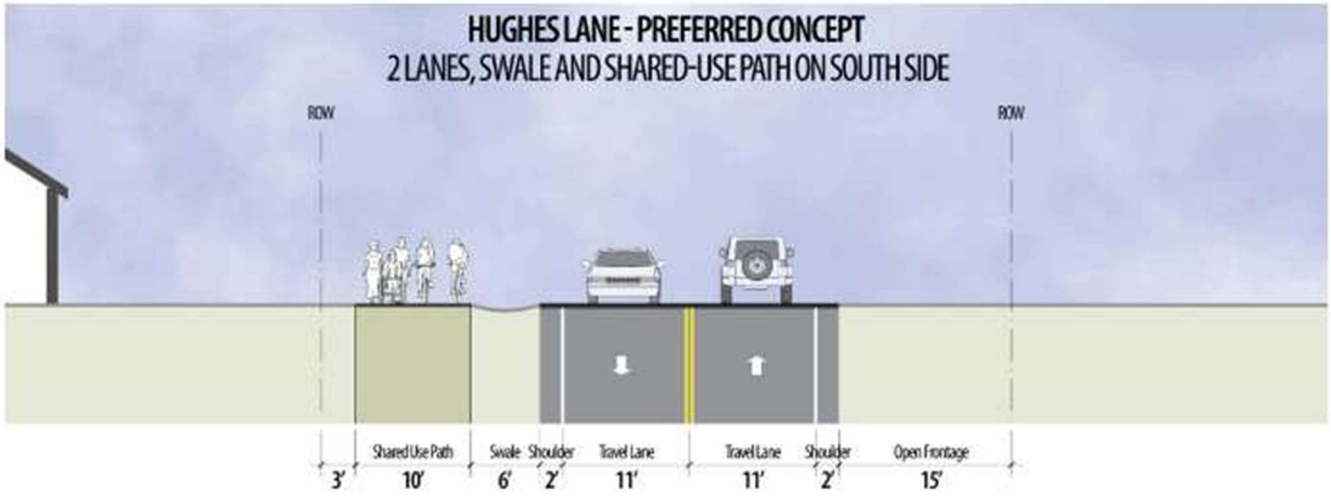


Figure 3.4.300.F(17) Cedar Street – North of D Street

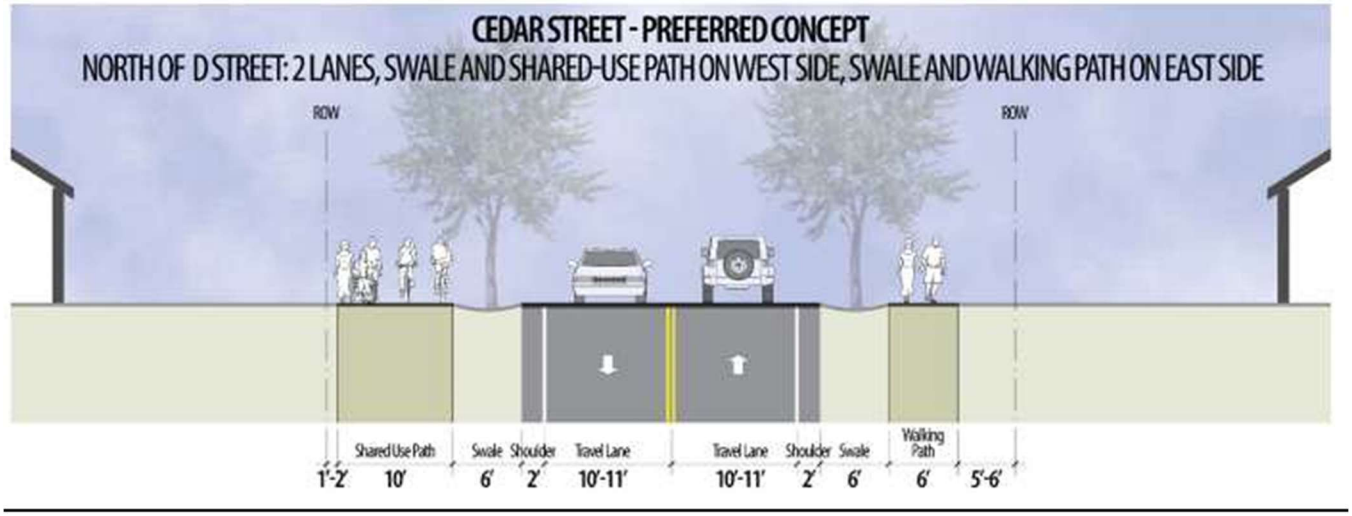
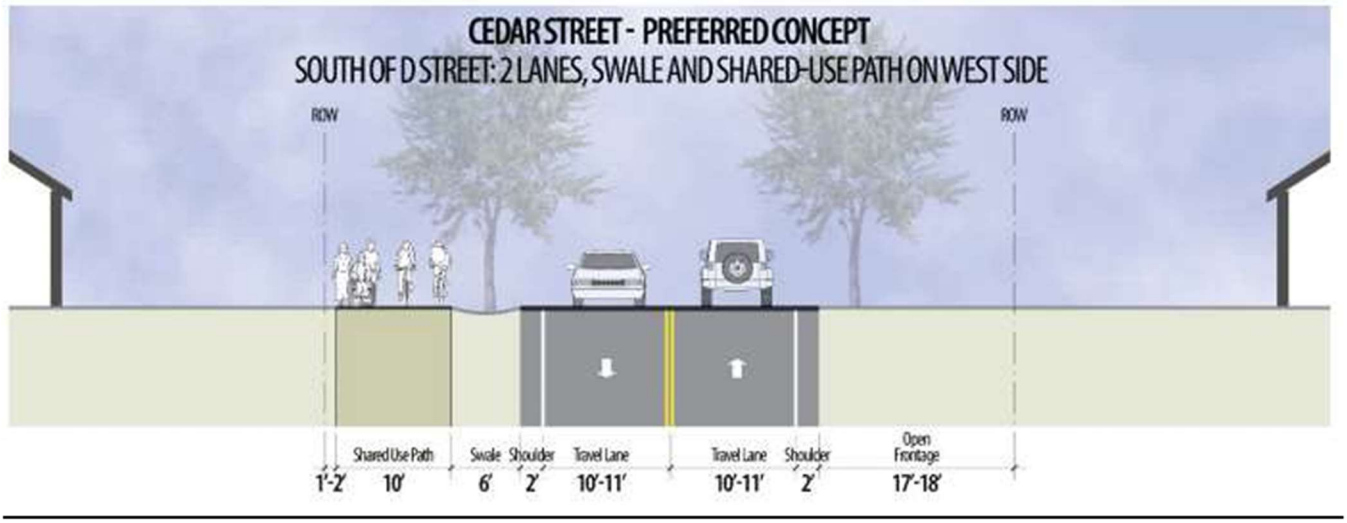


Figure 3.4.300.F(18) Cedar Street – South of D Street



H. Subdivision Street Connectivity. All subdivisions shall conform to all the following access and circulation design standards, as applicable:

1. Connectivity to Abutting Lands. The street system of proposed subdivisions shall be designed to connect with existing, proposed, and planned streets outside of the subdivision as provided in this Section. Wherever a proposed development abuts unplatted land or a future development phase of the same development, street stubs shall be provided to allow access to future abutting subdivisions and to logically extend the street system into the surrounding area. All street stubs that extend 150 feet or more shall be provided with a temporary turn-around unless specifically exempted by the Baker City Fire Chief, and the restoration and extension of the street shall be the responsibility of any future developer of the abutting land.

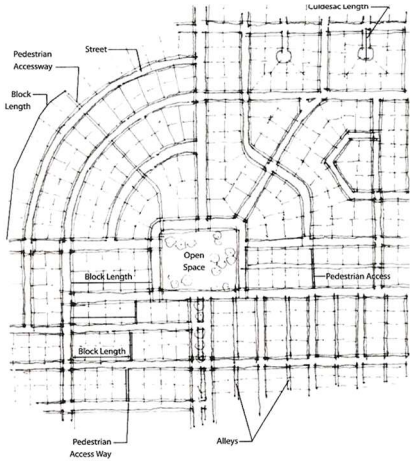
2. When Abutting an Arterial Street. Property access to abutting arterials shall be minimized.

Where such access is necessary, shared driveways may be required in conformance with Section 3.1.200. If vehicle access off a secondary street is possible, then the road authority may prohibit access to the arterial.

3. Continuation of Streets. Planned streets shall connect with surrounding streets to permit the convenient movement of traffic between residential neighborhoods and to facilitate emergency access and evacuation. Connections shall be designed to meet or exceed the standards in subsection 4, below, and to avoid or minimize through traffic on local streets. Appropriate design and traffic control and traffic calming measures, as provided in subsection I, below, are the preferred means of discouraging through traffic.

4. Street Connectivity and Formation of Blocks. In order to promote efficient vehicular and pedestrian circulation throughout the city, subdivisions and site developments of more than two (2) acres shall be designed with a connecting network of public streets and/or access ways in accordance with the following guidance standards. The Planning Commission, in consultation with the Public Works Director, may approve alternatives to the following guidance standards if warranted due to topographic or other design considerations.

Figure 3.4.300.G.(1) Street Connectivity and Formation of Blocks



   a. Residential Zones: A minimum of 100-foot block length and a maximum of 600-foot length; a maximum 1,400 feet block perimeter;

   b. Central Commercial Zone: A minimum of 100-foot length and a maximum of 400-foot length; A maximum 1,200-foot perimeter;

   c. General Commercial Zone: A minimum of 100-foot length and a maximum of 600-foot length; maximum 1,400-foot perimeter;

   d. Not applicable to the Industrial Zones;

5. Access way Standards. Where a street connection in conformance with the maximum block length standards in subsection 4 is impracticable, an access way shall generally be provided at or near the middle of a block in lieu of the street connection, as generally shown in Figure 3.4.300.G.1. The City may also require developers to provide an access way where a cul-de-sac or other street is planned and the access way would connect the streets or provide a connection to other developments. Such access ways shall conform to all of the following standards:

   a. Access ways shall be no less than ten (10) feet wide and located within a right-of-way or easement allowing public access and, as applicable, emergency vehicle access. Where utilities are required for placement in an access way, the right-of-way for the access way shall generally be no less than 20 feet wide unless approved by the Baker City Public Works Department;

b. A right-of-way or public access easement may be allowed to be less than 10 feet wide, if approved by the City, on steep slopes where the decision body finds that stairs, ramps, or switch-back paths are required;

c. All access ways shall conform to applicable ADA requirements;

d. The City may require landscaping as part of the required access way improvement to buffer pedestrians from adjacent vehicles, provided that landscaping or fencing adjacent to the access way does not exceed four (4) feet in height; and

e. These guidelines may be modified by the decision body without a variance when the modification affords greater convenience or comfort for, and does not compromise the safety of, pedestrians or bicyclists.

I. Traffic Signals and Traffic Calming Features

1. Traffic signals shall be required with development when traffic signal warrants are met, in conformance with the Highway Capacity Manual and Manual of Uniform Traffic Control Devices. The location of traffic signals shall be noted on approved street plans. Where a proposed street intersection will result in an immediate need for a traffic signal, a signal meeting approved specifications shall be installed in conformance with the road authority's requirements. The developer's cost and the timing of improvements shall be included as a condition of development approval.

2. When an intersection meets or is projected to meet traffic signal warrants, the City may accept and encourage alternative mitigation, such as a roundabout, in lieu of a traffic signal, if approved by the City Engineer and applicable road authority.

3. The City may require the installation of calming features such as traffic circles, curb extensions, reduced street width (parking on one side), medians with pedestrian crossing refuges, and/or special paving to slow traffic in neighborhoods or commercial areas with high pedestrian traffic.

J. Future Street Plan and Extension of Streets

1. A future street plan shall be filed by the applicant in conjunction with an application for a subdivision in order to facilitate orderly development of the street system, consistent with the road network identified in the Transportation System Plan (TSP). The plan shall show the pattern of existing and proposed future streets from the boundaries of the proposed land division and shall include other divisible parcels within 400 feet surrounding and adjacent to the proposed land division, such that the proposed development will not restrict the future extension of key streets identified by the TSP. The street plan is not binding; rather it is intended to show potential future street extensions with future development.

2. Streets shall be extended to the boundary lines of the parcel or tract to be developed when the

City determines that the extension is necessary to give street access to, or permit a satisfactory future division of, adjoining land, consistent with the TSP and the standards of this Code. The point where the streets temporarily end shall conform to a-c, below:

a. These extended streets or street stubs to adjoining properties are not considered to be cul-de-sacs since they are intended to continue as through streets when the adjoining property is developed.

b. A barricade (e.g., fence, bollards, boulders or similar vehicle barrier) shall be constructed at the end of the street by the subdivider and shall not be removed until authorized by the City or other applicable agency with jurisdiction over the street. The cost of the barricade shall be included in the street construction cost.

c. Temporary street ends shall provide turnarounds constructed to Uniform Fire Code standards for streets over 150 feet in length. See also, Section 3.1.200.

d. A “No Through Street” sign shall be required.

K. Street Alignment, Radii, and Connections

1. Staggering of streets making "T" intersections at collectors and arterials shall not be designed so that offsets of less than 300 feet on such streets are created, as measured from the centerline of the street unless no other reasonable alternative exists.

2. Spacing between local street intersections shall have a minimum separation of 125 feet, except where more closely spaced intersections are designed to provide an open space, pocket park, common area, or similar neighborhood amenity. This standard applies to four-way and three-way (off-set) intersections.

3. All local and collector streets that stub into a development site shall be extended within the site to provide through circulation unless prevented by environmental or topographical constraints, existing development patterns, or compliance with other standards in this code. This exception applies when it is not possible to redesign or reconfigure the street pattern to provide required extensions. Land is considered topographically constrained if the slope is greater than 15% for a distance of 250 feet or more. In the case of environmental or topographical constraints, the mere presence of a constraint is not sufficient to show that a street connection is not possible. The applicant must show why the environmental or topographic constraint precludes some reasonable street connection.

4. Proposed streets or street extensions shall be located to allow continuity in street alignments and to facilitate future development of vacant or re-developable lands.

5. Corner curb radii shall be at least 20 feet, except where smaller radii are approved by the City Engineer.

L. Sidewalks, Planter Strips, Bicycle Lanes. Sidewalks, planter strips, and bicycle lanes shall be installed in conformance with the standards in Table 3.4.300.F, applicable provisions of Transportation System Plan, the Comprehensive Plan, refinement plans, and adopted street plans. Maintenance of sidewalks and planter strips in the right-of-way is the continuing obligation of the adjacent property owner.

M. Intersection Angles. Streets shall be laid out so as to intersect at an angle as near to a right angle as practicable, except where topography requires a lesser angle or where a reduced angle is necessary to provide an open space, pocket park, common area or similar neighborhood amenity. In addition, the following standards shall apply:

1. Streets shall have at least 25 feet of tangent adjacent to the right-of-way intersection unless topography requires a lesser distance;

2. Intersections which are not at right angles shall have a minimum corner radius of 20 feet along the right-of-way lines of the acute angle; and

3. Right-of-way lines at intersection with arterial streets shall have a corner radius of not less than 20 feet.

N. Existing Rights-of-Way. Whenever existing rights-of-way adjacent to a proposed development are less than standard width, the City may require additional rights-of-way at the time of subdivision or development, subject to the provision of Section 3.4.300.

O. Cul-de-sacs. When a public through street is not an option (due to property ownership, topographical constraints, etc.), a cul-de-sac may be permitted. Cul-de-sacs are the only style of turnaround permitted for a public street. When cul-de-sacs are provided, the following guidelines shall be met:

1. The cul-de-sac shall not exceed a length of 800 feet; the length of the cul-de-sac shall be measured along the centerline of the roadway from the near side of the intersecting street to the farthest point of the cul-de-sac;

2. Circular turnaround shall have a minimum radius of 30 feet (i.e. from center to edge of pavement), except that the Baker City Public Works Department in consultation with the Baker City Fire Department may require a larger radius of up to 40 feet in unique or unusual circumstances related to public safety or topography. Turnarounds that contain a landscaped island or parking bay at their center shall exceed the minimum radius of 30 feet as reviewed and approved by the Baker City Public Works Department. When an island or parking bay is provided, there shall be a fire apparatus lane of 20 feet in width except in the case of a one-way travel lane in which case the travel lane shall be no less than 14 feet; and

3. The cul-de-sac shall provide, or not preclude the opportunity to later install, a pedestrian and bicycle access way connection between it and adjacent streets access ways, parks, or other right-

of-way. Such access ways shall conform to Section 3.1.300 and shall generally have a right-of-way of 20 feet to allow for the extension of utilities.

P. Grades and Curves. Grades shall not exceed 6 percent, except that at the discretion of the Baker City Public Works Director, grades may be permitted up to 10 percent based on factors of topography and engineering.

1. Centerline curve radii shall not be less than 700 feet on arterials, 500 feet on major collectors, 350 feet on minor collectors, or 100 feet on other streets; and

2. Streets intersecting with a minor collector or greater functional classification street, or streets intended to be posted with a stop sign or signalization, shall provide a landing averaging five percent or less. Landings are that portion of the street within 20 feet of the edge of the intersecting street at full improvement.

Q. Curbs, Curb Cuts, Ramps, and Driveway Approaches. Concrete curbs, curb cuts, wheelchair ramps, bicycle ramps, and driveway approaches shall be constructed in accordance with standards specified in Chapter 3.1, Access and Circulation.

R. Streets Adjacent to Railroad Right-of-Way. When a transportation improvement is proposed within 100 feet of a public railroad crossing, or a modification is proposed to an existing public crossing, the Oregon Department of Transportation and the rail service provider shall be notified and given an opportunity to comment, in conformance with the provisions of Article 4. Private crossing improvements are subject to review and licensing by the rail service provider.

S. Development Adjoining Arterial Streets. Where a development adjoins or is crossed by an existing or proposed arterial street, the development design shall separate residential access from through traffic and minimize traffic conflicts. (See also, the access requirements under Section 3.1.200.) The development design shall include one or more of the following:

1. A parallel access street (frontage road) along the arterial with a landscape median (raised curbs) of not less than 10 feet in width separating the two streets;

2. Deep lots 120 feet or greater) abutting the arterial or major collector to provide adequate buffering with frontage along another street;

3. Screen planting within a non-access reservation (e.g., public easement or tract) of not less than 10 feet in width at the rear or side property line along the arterial; or

4. Other treatment approved by the City under site plan review that is consistent with the purpose of this Section;

T. Alleys, Public or Private. Alleys shall conform to the standards in Figure 3.4.300.F(12). Alley intersections and sharp changes in alignment shall be avoided. The corners of necessary alley

intersections shall have a radius of not less than 12 feet.

U. Private Streets. Private streets shall conform to City standards of construction and shall provide sidewalks or pathways as approved by the City. Private streets shall not be used to avoid public access connectivity required by this Chapter. Gated communities (i.e., where a gate limits access to a development from a public street onto a private street network) are permitted as approved Master Planned Developments; and

V. Gated Communities. Gated communities (i.e. where a gate limits access to a development from a public street on to a private street network) are permitted if during the planning review by the City as a Master Planned Development a determination is made that:

1. The street network design does not significantly impact in a negative capacity transportation connectivity and public safety; and

2. Emergency and police services access is provided for and approved by the City Police Chief and Fire Chief.

W. Street Names. No new street name shall be used which will duplicate or be confused with the names of existing streets in Baker County. Street names, signs, and numbers shall conform to the established pattern in the surrounding area, except as requested by emergency service providers.

X. Survey Monuments. Upon completion of a street improvement and prior to acceptance by the City, it shall be the responsibility of the developer's registered professional land surveyor to provide certification to the City that all boundary and interior monuments shall be reestablished and protected.

Y. Street Signs. The city, county, or state with jurisdiction shall install all signs for traffic control and street names. The cost of signs required for new development shall be the responsibility of the developer. Street name signs shall be installed at all street intersections. Stop signs and other signs may be required.

Z. Mailboxes. Plans for mailboxes shall be approved by the United States Postal Service.

AA. Streetlight Standards. Streetlights shall be installed in accordance with City standards.

3.4.400 Public Use Areas

A. Dedication of Public Use Areas

1. Where a proposed park, playground, or other public use shown in a plan adopted by the City is ~~located~~ in whole or in part in a subdivision, the City may require the dedication or reservation of this area on the final plat for the subdivision, provided that the impact of the development on

the City park system is roughly proportionate to the dedication or reservation being made.

2. The City may purchase or accept voluntary dedication or reservation of areas within the subdivision that are suitable for the development of parks and other public uses; however, the City is under no obligation to accept such areas offered for dedication or sale.

B. System Development Charge Credit. Dedication of land to the City for public use areas, voluntary or otherwise, shall be eligible as a credit toward any required system development charge for parks.

3.4.500 Sanitary Sewer and Water Service Improvements

A. Sewers and Water Mains Required. Sanitary sewers and water mains shall be installed to serve each new development and to connect developments to existing mains in accordance with the City's Sanitary Sewer Master Plan, Water System Master Plan, and the applicable construction specifications. When streets are required to be stubbed to the edge of the subdivision, sewer and water system improvements shall also be stubbed with the streets, except as may be waived by the City Public Works Director. No new development requiring water and sewer service shall be permitted without extension and connection to City water and sewer facilities.

B. Sewer and Water Plan Approval. Development permits for sewer and water improvements, as specified by drawings reviewed by the City Engineer, shall not be issued until the City Public Works Director or his or her designee has approved all sanitary sewer and water plans in conformance with City standards.

C. Over-Sizing. The City may require as a condition of development approval that sewer, water, and/or storm drainage systems serving new development be sized to accommodate future development within the area as projected by the applicable Water, Sewer, and/or Storm Drainage Master Plan, provided that the city may grant the developer credit toward any required system development charge for the same.

D. Inadequate Facilities. Development permits may be restricted by the City where a deficiency exists in the existing water or sewer system that cannot be rectified by the development and which if not rectified will result in a threat to public health or safety, surcharging of existing mains, or violations of state or federal standards pertaining to operation of domestic water and sewerage treatment systems.

3.4.600 Storm Drainage Improvements

A. General Provisions. The City shall issue a development permit only where adequate provisions for storm water and flood water runoff have been ~~made~~ included in the stormwater management plan, to be reviewed by the City Engineer. Storm water management shall be developed in accordance with the ~~City's Storm Water Management Plan~~ requirements outlined in the City's Public Works

Standards, Section 2 – Storm Drainage.

B. **Accommodation of Upstream Drainage.** Culverts and other drainage facilities shall be large enough to accommodate existing and potential future runoff from the entire upstream drainage area, whether inside or outside the development. Such facilities shall be subject to review and approval by the City Public Works Director.

C. **Effect on Downstream Drainage.** Where it is anticipated by the City Public Works Director that the additional runoff resulting from the development will overload an existing drainage facility, the City shall withhold approval of the development until provisions have been made for improvement of the potential condition or until provisions have been made for storage of additional runoff caused by the development in accordance with City standards.

D. **Over-Sizing.** The City may require as a condition of development approval that sewer, water, and/or storm drainage systems serving new development be sized to accommodate future development within the area as projected by the applicable Water, Sewer, and/or Storm Drainage Master Plan, provided that the city may grant the developer credit toward any required system development charge for the same.

E. **Existing Watercourse.** Where a proposed development is traversed by a watercourse, drainage way, channel, or stream, there shall be provided a storm water easement or drainage right-of-way conforming substantially with the lines of such watercourse and such further width as will be adequate for conveyance and maintenance to protect the public health and safety.

3.4.700 Utilities

A. Underground Utilities

1. General Information. All new utility lines including, but not limited to, those required for electric, communication, lighting, and cable television services and related facilities shall be placed underground, except for surface mounted transformers, surface mounted connection boxes and meter cabinets which may be placed above ground, temporary utility service facilities during construction, and high capacity electric lines operating at 50,000 volts or above.

2. Subdivisions. The following additional standards apply to all new subdivisions, in order to facilitate underground placement of utilities:

   a. The developer shall make all necessary arrangements with the serving utility to provide the underground services. Care shall be taken to ensure that all above ground equipment does not obstruct vision clearance areas for vehicular traffic (Chapter 3.1);

   b. The City reserves the right to approve the location of all surface-mounted facilities;

c. All underground utilities, including sanitary sewers and storm drains installed in streets by the developer, shall be constructed prior to the surfacing of the streets; and

d. Stubs for service connections shall be long enough to avoid disturbing the street improvements including sidewalks when service connections are made.

B. **Exception to Undergrounding Requirement**. The standard applies only to proposed subdivisions. An exception to the undergrounding requirement may be granted due to physical constraints, such as steep topography, sensitive lands (Chapter 3.7), or existing development conditions.

3.4.800 Easements

A. **Provision.** The developer or applicant shall make arrangements with the City, the applicable district, and each utility franchise for the provision and dedication of utility easements necessary to provide full services to the development. The City's standard width for public main line utility easements shall be determined by the City Public Works Director.

B. **Recordation.** As determined by the City Public Works Director, all easements for sewers, storm drainage and water quality facilities, water mains, electric lines, or other public utilities shall be recorded with the final plat. See Chapter 4.2, Site Design Review, and Chapter 4.3, Land Divisions.

3.4.900 Construction Plan Approval and Assurances

A. **Plan Approval and Permit.** No public improvements, including sanitary sewers, storm sewers, streets, sidewalks, curbs, lighting, parks, or other requirements shall be undertaken except after the plans have been reviewed by the City Engineer, approved by the City, permit fee paid, and permit issued. The permit fee and plan review fee is required to defray the cost and expenses incurred by the City for construction and other services in connection with the improvement. The permit and plan review fees shall be set by City Council.

B. **Performance Guarantee.** The City may require the developer or subdivider to provide bonding or other performance guarantees to ensure completion of required public improvements. See Section 4.2.400, Site Design Review, and Section 4.3.180, Land Divisions.

3.4.1000 Installation

A. **Conformance Required.** Improvements installed by the developer either as a requirement of these regulations or at his/her own option, shall conform to the requirements of this Chapter, approved construction plans, and to improvement standards and specifications adopted by the City.

B. **Adopted Installation Standards.** The Standard Specifications for Public Works Construction, Oregon

Chapter A.P.W.A., shall be a part of the City's adopted installation standard(s); other standards may also be required upon recommendation of the City Public Works Director.

C. **Commencement.** Work shall not begin until the City has been notified in advance in writing.

D. **Resumption.** If work is discontinued for more than six months, it shall not be resumed until the City is notified in writing.

E. **City Inspection.** Improvements shall be constructed under the inspection and certification of a licensed engineer to the satisfaction of the City. The City may also complete its own inspection of facilities that are intended to be owned and operated by the City, as outlined in the City's Public Work Standards. The City may require minor changes in typical sections and details if unusual conditions arising during construction warrant such changes in the public interest. Modifications to the approved design requested by the developer may be subject to review under Chapter 4.6, Modifications to Approved Plans and Conditions of Approval. Any monuments that are disturbed before all improvements are completed by the subdivider shall be replaced prior to final acceptance of the improvements.

F. **Engineer's Certification and As-Built Plans.** A registered civil engineer shall provide written certification in a form required by the City that all improvements, workmanship, and materials are in accord with current and standard engineering and construction practices, conform to approved plans and conditions of approval, and are of high grade, prior to City acceptance of the public improvements, or any portion thereof, for operation and maintenance. The developer's engineer shall also provide one (1) set of "as-built" plans, in conformance with the City Engineer's specifications, for permanent filing with the City.

G. **Warranties.** The developer warranties all improvements for one year.

Chapter 3.5 - Signs

Sections:

3.5.010 Applicability, Purpose & Intent

A. Applicability. Any sign erected, altered or maintained after the effective date of this Ordinance shall conform to the following regulations. Existing sign shall be classified as:

1. *Conforming*: a sign that conforms to the requirements of this chapter.
2. *Non-conforming*: any sign that does not conform to the requirements of this chapter, but was legally erected before the effective date of this code.

B. Purpose & Intent. The intent of this chapter is to regulate all signs within Baker City to ensure that they are appropriate for their respective uses, in keeping with the appearance of the affected property and surrounding environment, and protective of the public health, safety and general welfare by:

1. Setting standards and providing uniform controls that permit reasonable use of signs and preserve the character of Baker City.

2. Prohibiting the erection of signs in such numbers, sizes, designs, illuminations, and locations, which may create a hazard to pedestrians and motorists.

3. Avoiding excessive conflicts from large or multiple signs, so that permitted signs provide adequate identification and direction while minimizing clutter, unsightliness, and confusion.
4. Establishing a process for the review and approval of sign permit applications.

5. Ensuring sign design that builds on the traditional town image and visual environment that Baker City seeks to promote.

6. Encouraging public safety and welfare by allowing address sign that can be easily identified by emergency responders.

3.5.020 Permits & Process

A. Permits.

1. A sign permit is required for each of the following instances:

    a. Upon the erection of any new sign, except exempt signs
    b. To make repairs to any existing sign which exceed 60 percent of the replacement cost of the sign

2. A sign permit is not required for the following minor repairs:

    a. Painting
    b. Cleaning
    c. Replacement of defective parts
    d. Replacement of existing sign face with a new sign face which does not alter the size, type or function of the existing sign cabinet or structure
    e. Other similar maintenance to a sign, which will keep said sign at a maintained level and which does not change the total area of the sign
    f. Repairs to any existing sign which do not exceed 60 percent of the replacement cost of the sign

B. Process.

1. For every sign proposal as specified above, a detailed signage plan must be submitted and include a scale drawing clearly showing materials, color, dimensions and physical shape of the sign, structural and electrical details of the proposed sign, and a site plan in which the sign will be located in relation to property lines, buildings and any other structures located on the applicants building or property. If the sign will be attached to a wall or roof, the dimensions of the wall or building façade will be provided.

2. Planning staff will complete applications within 10 working days after filing. Sign permits shall be processed as a Type I Procedure, unless otherwise stated in this ordinance. Appeals shall be processed in accordance with Chapter 4.1 of this ordinance.

3. Every sign permit issued by the City shall become void if erection or construction on site has not begun within one (1) year from the date of permit issuance. If work authorized by such permit is suspended or abandoned for more than 1 year, a new permit shall be obtained.

4. No signs within the Historic District shall be erected or altered until an application has been reviewed and approved by the Historic District Design Review Commission and after the Baker City Planning Department has issued a decision and the appropriate permit. See *Section 3.5.090 – Signs in the Historic District* for further criteria.

3.5.030 Exempt Signs. The following signs shall be allowed without a sign permit and shall not be included in the determination of the type, number, or area of permanent signs allowed within a zone, provided such signs comply with the regulations in this section, if any.

A. Government/Regulatory signs erected or required by the City of Baker City, the State of Oregon, or any other government agency including traffic, utility, safety, railroad crossing and identifications signs for public facilities.

B. Legal notices

C. Temporary signs that do not require a building permit and have a sign area of 12ft^2 or less and are of following forms: banner, freestanding, hanging, portable and window. No other sign forms shall be allowed as temporary signs. Though exempt from sign permits, these temporary signs must comply with vision clearance area restrictions.

D. Address signs, with or without illumination, that do not exceed a sign area of 3ft^2. Address signs exceeding 3ft^2 must obtain a sign permit and shall be evaluated using the form-based (i.e. wall, monument, freestanding, etc.) criteria of the applicable zone.

E. Temporary electronic reader-board signs that do not exceed a sign area of 65ft^2 and are displayed for a period of seven (7) days or less within a six (6) month period, per parcel.

3.5.040 Prohibited Signs. The following signs are unlawful and prohibited in any zone:

A. Based on Location.

1. A banner or sign of any type suspended across a public street without the permission of the affected owners of both the property and the road.

2. Roof signs.

3. Signs attached to parking meters; historical markers; traffic signposts; signals or control devices; power, light, or other utility poles; or other similar official city and government structures except those placed by said government agencies.

4. Signs attached to trees, shrubs, or any living vegetative matter except trail signage designed to direct walkers.

5. Signs erected without the permission of the property owner, with the exception of those authorized or required by local, state, or federal government.

6. Vehicular signs. This regulation does not include the use of business logos, identification or advertising on vehicles primarily and actively used for business purposes and/or personal transportation.

7. Signs placed in such a position as to endanger pedestrians, bicyclists, or traffic on a street by obscuring the view or by interfering with official street signs or signals by virtue of position or color.

8. A sign or portion of a sign, which extends beyond any property line of the premises on which such sign is located, unless specifically allowed.

9. A sign, other than an exempt temporary sign or temporary sign, placed or extending into the public right-of-way, unless specifically allowed by the Baker City Municipal Code or as exempted by this code.

10. A sign that interferes with any surface or underground utility or communication lines and equipment.

B. Based on Safety.

1. Interactive signs or mechanical movement signs, including revolving signs.

2. Signs that because of color, wording, design, size, shape, or illumination resemble, obstruct, or conflict with any traffic-control device or with the safe and efficient flow of traffic. Or private signs which appear to control or direct traffic, parking, or public use or access inconsistent with city regulations.

3. Signs which prevent free ingress or egress from any door, window, fire escape, or that prevent free access from one part of a roof to any other part. No sign other than a safety sign shall be attached to a standpipe or fire escape.

4. Unsafe signs, as determined by the Building Official.

C. Based on Visual Character.

1. Animated or flashing signs, signs which contain beacon or strobe lights, reflective or mirror signs, or signs which flash text or graphics.

2. Signs which emit smoke, visible vapors, particulate matter, sound, odor, or contain open flames.

3.5.050 General Sign Regulations and Design Criteria. The following requirements shall apply to all signs in all zones as applicable by this Ordinance. Signs displayed in the Freeway Overlay District, the Historic District, the 10th Street Business District or the South Highway 30 District are also subject to the applicable district standards set forth in *Sections 3.5.080 to 3.5.110*.

A. Sign Materials, Design & Construction.

1. Every sign shall be constructed of durable materials, using non-corrosive fastenings.

2. Every sign shall be structurally safe and erected or installed in accordance with the Oregon Building Code.

3. Every sign should utilize design and building materials which complement the architectural theme of the building which it identifies.

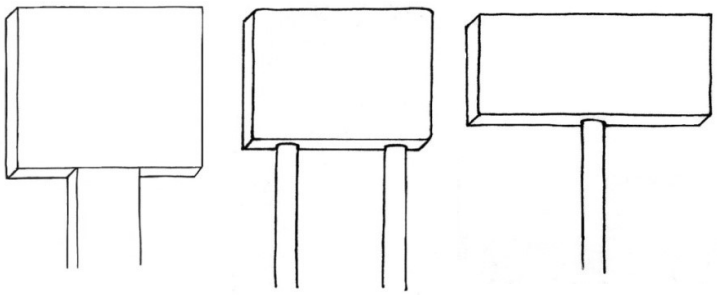
4. Every sign requiring a permit and that is located or installed upon the ground shall be set within a landscaped area equal to the sign area. This is intended to improve the overall appearance of the signs as well as to reduce the risk of automobiles hitting the sign or its supports. Landscaping must include 60% vegetation and must be continuously maintained. In instances where this criterion cannot be met, landscaping requirements may be placed elsewhere on the property. The Historic District shall be exempt from landscape requirements.

5. Signs which are constructed using bare pylons and/or pole supports shall include pole covers and shall meet the following requirements:

   a. Covering shall fully enclose the pole. Wood, brick, vinyl or similar materials that complement the sign shall be allowed as determined by the Planning Director or designee. Paint or wraps shall not be considered types of covering.

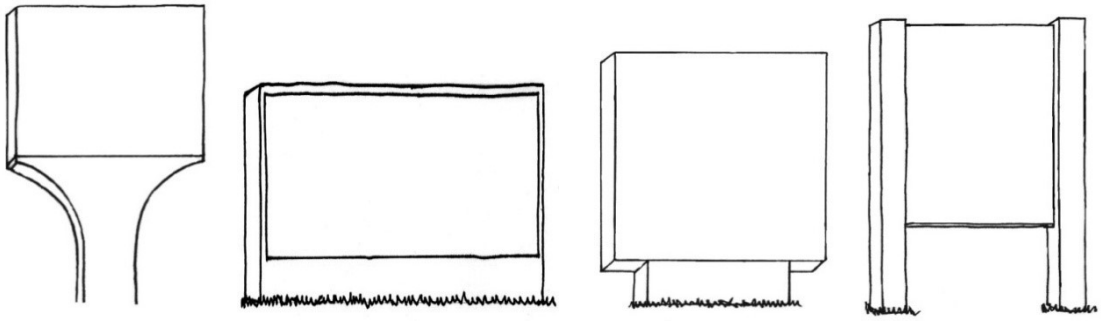
   b. Special decorative elements such as sculpted metal, wrought iron, or other similar materials, which are incorporated into the support structure design and do not fully enclose the poles may be allowed as determined by the Planning Director or designee.

Exposed Pylons *(prohibited)*



The signs depicted here (and above) are not the only acceptable signs. We encourage the applicant to exercise originality and innovation when applying for a sign permit.

Enclosed Pylons (accepted)



6. Any internally illuminated sign cabinets or sign panels that have been damaged shall remain un-illuminated until repaired.

7. Any signage that has been damaged to such an extent that they may pose a hazard to passersby shall be repaired or removed immediately.

B. Sign Safety.

1. Signs shall be located in such a way that they maintain horizontal and vertical clearance of all overhead power lines in accordance with National Electric Safety Code specifications, as reviewed and determined by the local electrical utility company. All applicants are required to contact OTEC before erecting a sign nearer than 25 feet of electric power lines.

2. No sign shall be permitted in “vision clearance areas” as defined by Chapter 1.3 and as set forth by Chapter 3.1.200 (N) of the Baker City Development Code.

3. No sign shall be erected or maintained in such a manner that any portion of its surface or supports will interfere in any way with the free use of any fire escape, exit, or standpipe. No sign shall obstruct any window so that light or ventilation is reduced below minimum standards required by applicable law.

4. Signs (including temporary signs) shall be securely fastened to the ground or permanent structure.

TABLE 3.5.050 - SIGN RESTRICTIONS – SIGN TYPE & ZONE/DISTRICT

Signs displayed in the Freeway Overlay District, the Historic District, the 10th Street Business District or the South Highway 30 District are also subject to the applicable district standards set forth in Sections 3.5.080 to 3.5.110.

Sign Type [2]	Residential Zones	Commercial Zones	Industrial Zones	Freeway Overlay District
Awning/Canopy	N	P	P	P
Banner	N	P	P	P
Billboard*	N[3]	N[3 or 4]	N[3 or 4]	P
Freestanding	P	P	P	P
Hanging	P	P	P	P
Monument	P[1]	P	P	P
Multi-Tenant	N	P	P	P
Portable	N	P	P	P
Projecting	N	P	P	P
Electronic Reader Board*	N	P	P	P
Temporary (non-exempt)	P	P	P	P
Wall	N[1]	P	P	P
Window	P	P	P	P

P = Permitted, subject to restrictions (see applicable Zone)
N = Not permitted
* = Type III Signs

[1] Replacement only, unless otherwise directed by ODOT
[2] Except for exempt signs (see Section 3.5.030)
[3] Replacement not to exceed a sign are of 100ft^2
[4] Allowed only within the Freeway Overlay District

3.5.060 Signs in Residential Zones. In addition to sign types listed in *Section 3.5.030 –Exempt Signs,* the following numbers and types of signs may be erected in Residential Low-Density (R-LD), Residential Medium-Density (R-MD) and Residential High-Density (R-HD) Zones.

Signs displayed in the, Freeway Overlay District, Historic District, 10th Street Business District, South Highway 30 District or Residential-Professional (R-P) District are also subject to the applicable district standards set forth in Sections 3.5.080 to 3.5.110.

	TABLE 3.5.060 – SIGNS IN RESIDENTIAL ZONES (R-LD, R-MD and R-HD)			
	Restrictions & Guidelines	Number & Location	Maximum Area & Height	Permitted Illumination
Free-standing	- May not project into R-O-W	- 1 per street frontage - 1ft setback from property line	- Area: 4ft^2 - Height: 6ft	- Not permitted
Hanging		- 1 per lot - Must hang from building, eave, canopy, awning or marquee	- Area: 4ft^2 - Height: 6ft	- Not permitted
Monument		- 1 per lot - 1ft setback from property line	- Area: 4ft^2 - Height: 6ft	- Not permitted
Wall	- Replacement only - May not project into R-O-W - May not project more than 1ft - May not interrupt architectural details of façade - May not extend beyond eave or roof lines	- 1 per tenant	- Area: 4ft^2 - Height: 6ft	- Not permitted
Window		- 1 per building	- Area: 4ft^2	- Not permitted

3.5.070 Signs in General Commercial (C-G), Central Commercial (C-C) and Industrial (I) Zones: Except as noted below, the following numbers and types of signs may be erected in any General Commercial (C-G), Central Commercial (C-C) or Industrial (I) Zone subject to applicable sign type criteria. Signs displayed in the Freeway Overlay District, Historic District, 10th Street Business District or South Highway 30 District are also subject to the applicable district standards set forth in Sections 3.5.080 to 3.5.110.

	TABLE 3.5.070 – SIGNS IN COMMERCIAL and INDUSTRIAL ZONES			
	Restrictions & Guidelines	**Number & Location[4]**	**Maximum Area & Height**	**Permitted Illumination**
Awning or **Canopy**	- An awning and canopy without lettering or other advertising shall not be regulated as a sign - Lettering or advertising may not project beyond or below the printable material area - No awning or canopy sign shall be wider than the building wall or tenant space it identifies - If the awning or canopy sign is to be mounted on a multi-tenant building, the awning and canopy sign shall be similar in terms of height, projection, and style across all tenants in the building	- No limit - Must attach to building façade and project from it - Awning and canopy signs may not project into the R-O-W, unless specifically permitted by the Baker City Municipal Code - Awning and canopy signs must be centered within or over architectural elements such as windows or doors	- Area: 1.5ft^2 per 1 linear foot of the awning or canopy - Height: Equal to eave line or bottom of second story windowsill, whichever is lower. Bottom of awning must be at least 8ft above grade. Bottom of canopy must be at least 10ft above grade	- Internal or external, except for signs located in the C-C Zone, where only external illumination is permitted
Banner	- Temporary use only	- No limit but aggregate sign areas not to exceed 200ft^2 - 1ft setback from property line	- Area: 200ft^2 - Height: 6ft	- Not permitted
Billboards	- Allowed only within the Freeway Overlay District *(see Section 3.5.080 and Table 3.5.080)*			

Electronic Reader Board[2]	- Conditional Use Permit from Planning Commission required prior to installation - Text messages longer than the display that do not contain any graphics shall scroll in a consistent and predictable manner	- 1 per 50ft of street frontage - 1ft setback from property line	- Area: 24ft^2 - Height: 15ft	- Internal, not to exceed 40 watts or 60 milliamps - Color and brightness of displays shall remain unchanged for a minimum of 5 seconds
Free-standing	- May not project into R-O-W	- 1 per building/tenant façade - 1ft setback from property line**[2]**	- Area: 150ft^2 - Height: 25ft	- Internal, external, backlit, neon or bare bulb
Hanging		- No limit - Must hang from building, eave, canopy, awning or marquee	- Area: 4ft^2 - Height: Bottom of sign must be at least 8ft above grade	- Internal, external, backlit, neon or bare bulb
Monument	- May not project into R-O-W	- 1 per street frontage - 1ft setback from property line**[2]**	- Area: 80ft^2 - Height: 15ft	- Internal or external
Multi-tenant	- May not project into R-O-W - Maximum 1 sign face per tenant	- 1 per building/tenant façade - 1ft setback from property line**[2]**	- Freestanding: Area: 150ft^2 Height: 25ft - Monument: Area: 120ft^2 Height: 15ft	- Internal or external
Portable	- May not impede pedestrian traffic	- 1 per business - May be located within ROW**[3]**	- Area: 24ft^2 - Height: 6ft^2	- As allowed by the Baker City Municipal Code
Projecting	- Projection from wall: no more than 12 inches, no less than 6 inches - May not project more than 4ft or 1/3 width of	- 1 per street frontage per ground floor establishment, plus 1 sign per	- Area: 20ft^2 - Height: Equal to eave line or bottom of second story	- Internal, external, backlit or neon

	sidewalk, whichever is less	building entrance serving one or more commercial tenants without a ground floor entrance	windowsill, whichever is lower. Bottom of sign must be at least 8ft above grade	
Temporary (Non-Exempt)	- May not impede pedestrian traffic - May not be located in R-O-W - Erected for a period longer than 6 months - Building permit required - Has a sign area no greater than 24ft^2	- No limit	- Area: 36ft^2, except banner signs which may be ≤ 200ft^2 - Height: 6ft	- Not permitted
Wall [1] (Except those wall signs within the Freeway Overlay District. See Section and Table 3.5.080)	- May not project into R-O-W - May not project more than 1ft - May not interrupt architectural details of façade. - May not extend beyond eave or roof lines	- One sign per building/tenant façade	- Area: 1.5 ft^2 per 1 linear foot of façade or 10% of primary façade square footage - Height: Equal to eave line or bottom of second story window sill, whichever is lower	- Internal, external, back-lit or neon
Window	- Electronic reader board signs with an area greater than 2ft^2 may not be used as window signs	- No limit	- Area: 1.5ft^2 per 1ft of building frontage or no more than 50% total window coverage, whichever is less	- Internal or neon

[1] Painted Wall signs may increase sign area by 25%.

[2] No sign abutting a residential zone shall be located within 70 feet of said property line

[3] Signs allowed or permitted within the R-O-W must be approved by the Baker City Public Works Department.

3.5.080 Signs in the Freeway Overlay District. There shall be a Freeway Overlay District located on both the east and west sides of Interstate 84 (I-84), as detailed in Figure 3.5.080 – *Freeway Overlay District Map*.

A. In addition to those signs permitted within the underlying zone, and in accordance with all other applicable requirements of this Ordinance, the following signs may be permitted within the Freeway Overlay District, subject to the following regulations:

TABLE 3.5.080 – SIGNS IN FREEWAY OVERLAY DISTRICT				
	Restrictions & Guidelines	**Number & Location**	**Maximum Area &Height**	**Permitted Illumination**
Outdoor Advertising Sign [1, 2, 3]	- Conditional Use Permit from Planning Commission required prior to installation - Stacked signs shall not be permitted - Signs may be double-sided	- Must be sited within 100ft of the freeway R-O-W - Minimum spacing between outdoor advertising signs on the same side of the freeway shall be 1,000ft - Setback from R-O-W a distance equal to sign height or 15ft, whichever is greater - 25ft setback from property line - 50ft setback from any building or structure - 1,000ft from any property line abutting a public park, playground, religious institution, cemetery, school, or residential zone - Not attached to any building - Not located in a utility easement - Not located on a bridge	*Commercial and Industrial Zones*: - Area: 300ft^2 of display area - Height: Overall height 30ft measured from ground level below the sign	- All light sources are designed, shielded, arranged, and installed to confine or direct all illumination to the surface of the off-premises sign and away from adjoining properties - Light sources shall not be visible from any street or adjoining properties
Electronic Reader Board [1, 2, 3]	- Conditional Use Permit from Planning Commission required prior to installation	- 1 per 50ft of street frontage - 1ft setback from property line	- Area: 50ft^2 - Height: 15ft	- Internal, not to exceed 40 watts or 60 milliamps - Color and brightness

	- Text messages longer than the display shall not contain any graphics and shall scroll in a consistent and predictable manner - The appearance of movement is prohibited in signs visible from a state highway			of displays shall remain unchanged for a minimum of 5 seconds

Free-standing[1, 3]	- Stacking of signs is not permitted
	- May be double-sided
	- May not project into R-O-W
		- 1 free-standing sign per parcel, plus also eligible for:
		  - One smaller detached sign meeting the requirements of the underlying land use zone.
		  - Attached signs meeting the requirements of the underlying land use zone.
		- 1ft setback from property line
		- 200ft setback from residential zones
			- Area: 200ft^2
			- Height: 65ft
				- Internal, external, backlit, neon or bare bulb

Wall [1, 2, 3]	- May not project into R-O-W - May not project more than 1ft - May not interrupt architectural details of façade - May not extend beyond eave or roof lines	- 1 per tenant, oriented towards freeway	- Area: 18% of wall area along freeway frontage	- Internal, external, back-lit or neon

[1] If a business has more than one frontage, only the sign oriented to the freeway shall be granted the size and height allowances of the Freeway Overlay District

[2] Painted Wall signs may increase sign area by 25%

[3] All signs must adhere to relevant Oregon Department of Transportation (ODOT) regulations

B. Outdoor Advertising Signs in the Freeway Overlay District are also subject to the following regulations:

1. Construction and Maintenance.

   a. All plans for outdoor advertising signs shall be certified by a licensed engineer registered in Oregon.

   b. All outdoor advertising signs shall be constructed in accordance with industry-wide standards established by the Outdoor Advertising Association of America or their successor organizations. All outdoor advertising signs shall be structurally sound and maintained in good condition and in compliance with Oregon Building Code.

   c. The rear face of a single-face outdoor advertising shall be painted and maintained with a single neutral color as approved by the Baker City Planning Department.

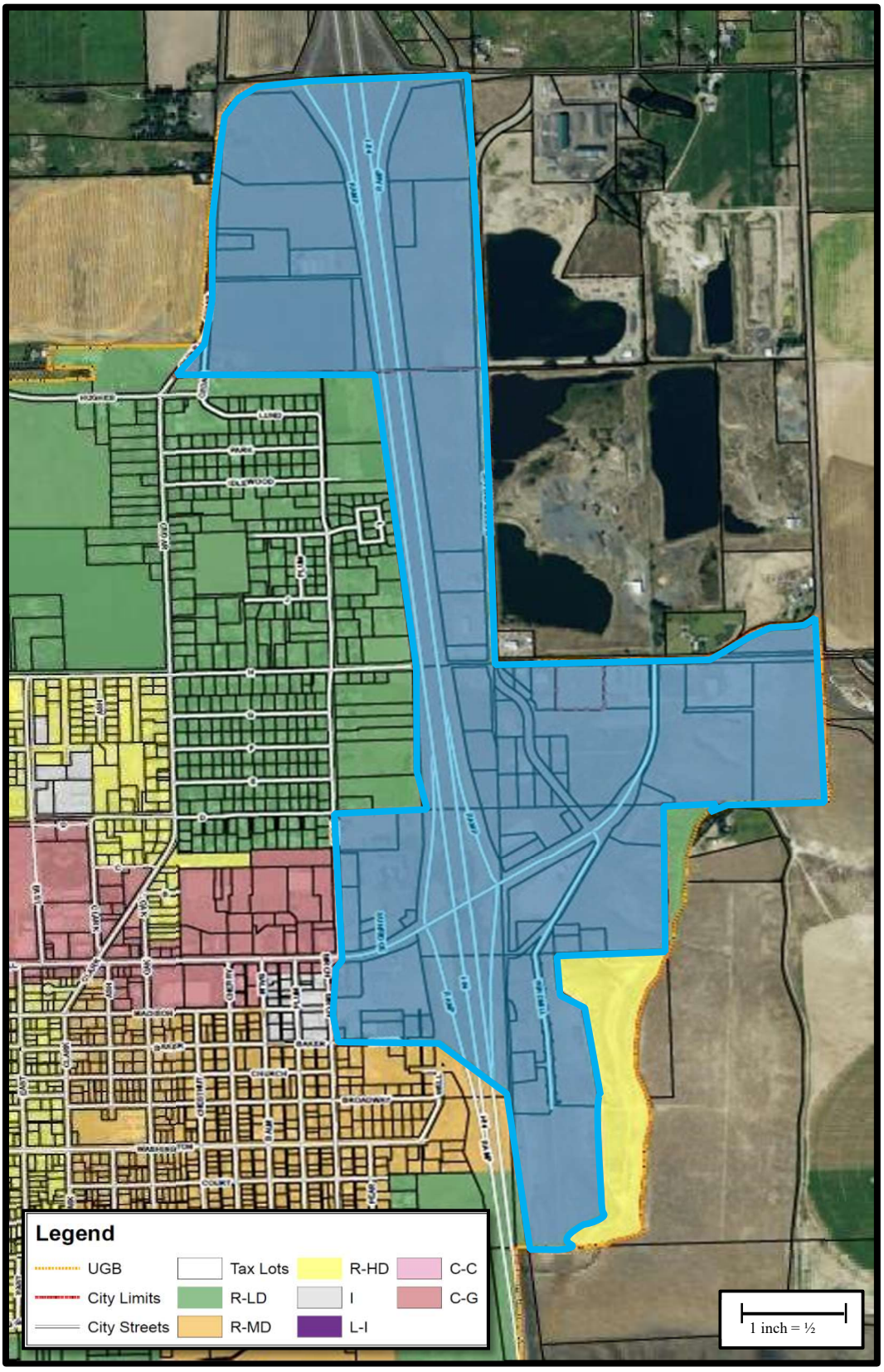
2. Identification of Sign Owner.~~:~~ The owner of an outdoor advertising sign shall be identified on the structure in accordance with standards established by the Oregon Department of Transportation (ODOT).

3. Weed Abatement. All outdoor advertising signs shall be exempt from landscaping requirements, though weed control shall be required within 10 feet of the base of the outdoor advertising sign.

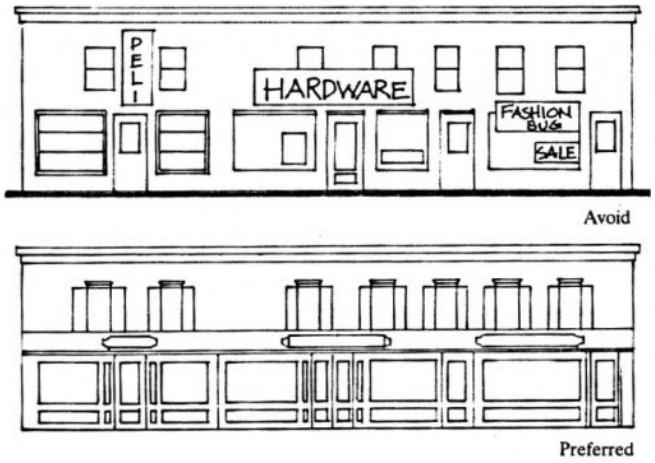
4. Additional Regulations. The Planning Commission shall consider issues of community character, public safety and adjacent businesses and other existing signage, important visual corridors, sign design and base landscaping. All outdoor advertising signs shall comply with any and all applicable zoning regulations of the Baker City Development Code and any and all municipal, state and/or federal regulations. In the event any other applicable regulation is in conflict with the provisions of this Section, the stricter regulation shall apply.

5. Safety. In applying for special exception relief, the applicant bears the burden of proof to establish that the proposed outdoor advertising sign will not create a public health or safety hazard in the matter and location that it is proposed and in the manner by which it is to be operated.

Figure 3.5.080 – Freeway Overlay District Map



3.5.090 Signs in the Historic District. In addition to all other requirements of this Ordinance, the following regulations shall be applicable to any sign placed in a designated Historic District *(Figure 3.5.090)*:



A. No sign shall be erected or altered until an application has been reviewed and approved by the Baker City Planning Department. Approval from the Historic District Design Review Commission (HDDRC) is also required.

B. Installation must not damage or require removal of historic materials and must be done in a manner such that signs can be removed without harm to the masonry or architectural detailing.

C. The Historic District Design Review Commission shall ensure that the proposed sign is appropriate compared:

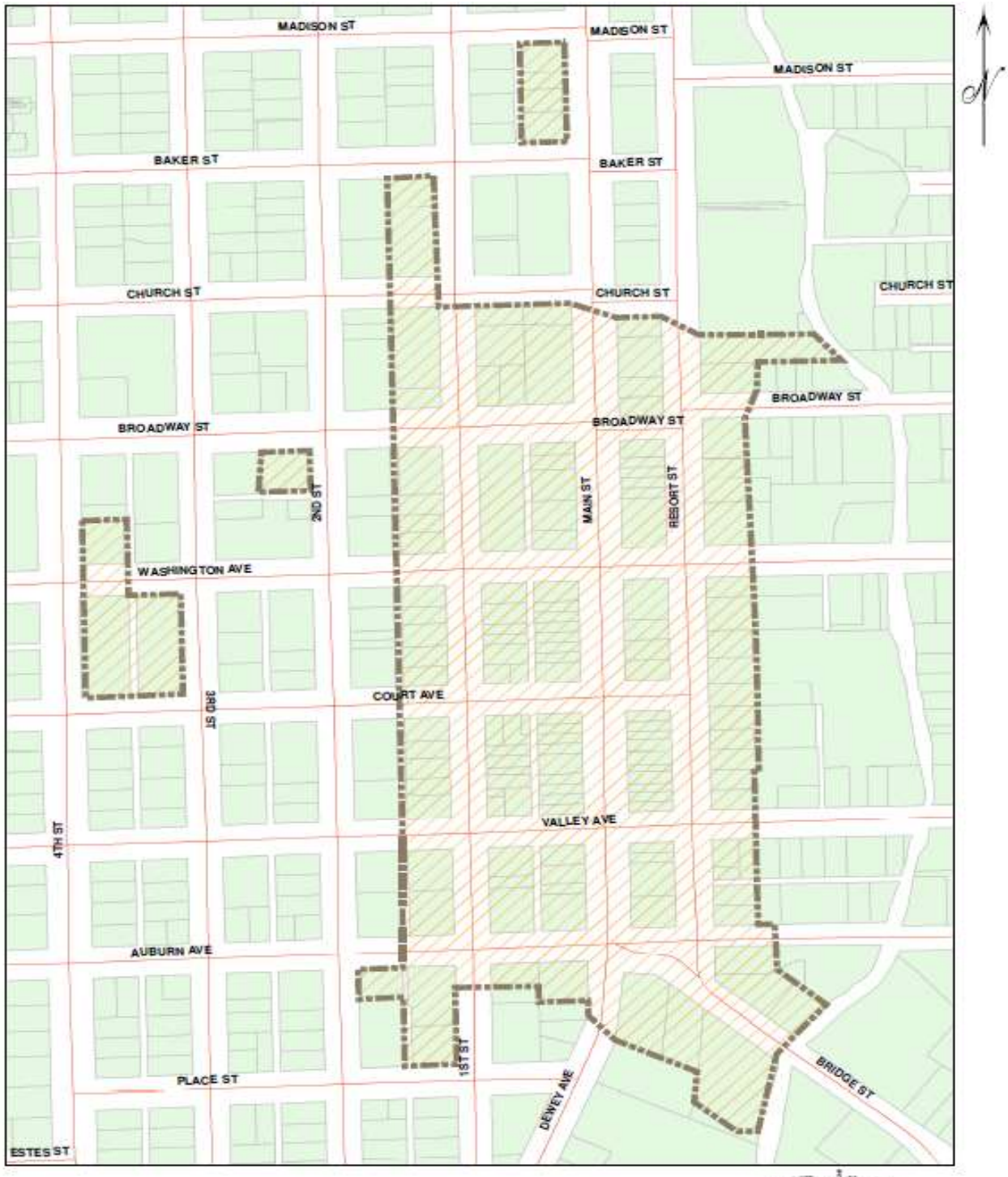
   1. To the style, period, type, size, and scale of the building for which it is proposed; and
   2. With other signs in the Historic District.

D. Due to the unique character of the building facades within the Historic District, signs that are larger than the maximum area allowed or of unique size, shape, or material are permitted if approved by HDDRC.

E. Signs shall not cover architectural details of the building.

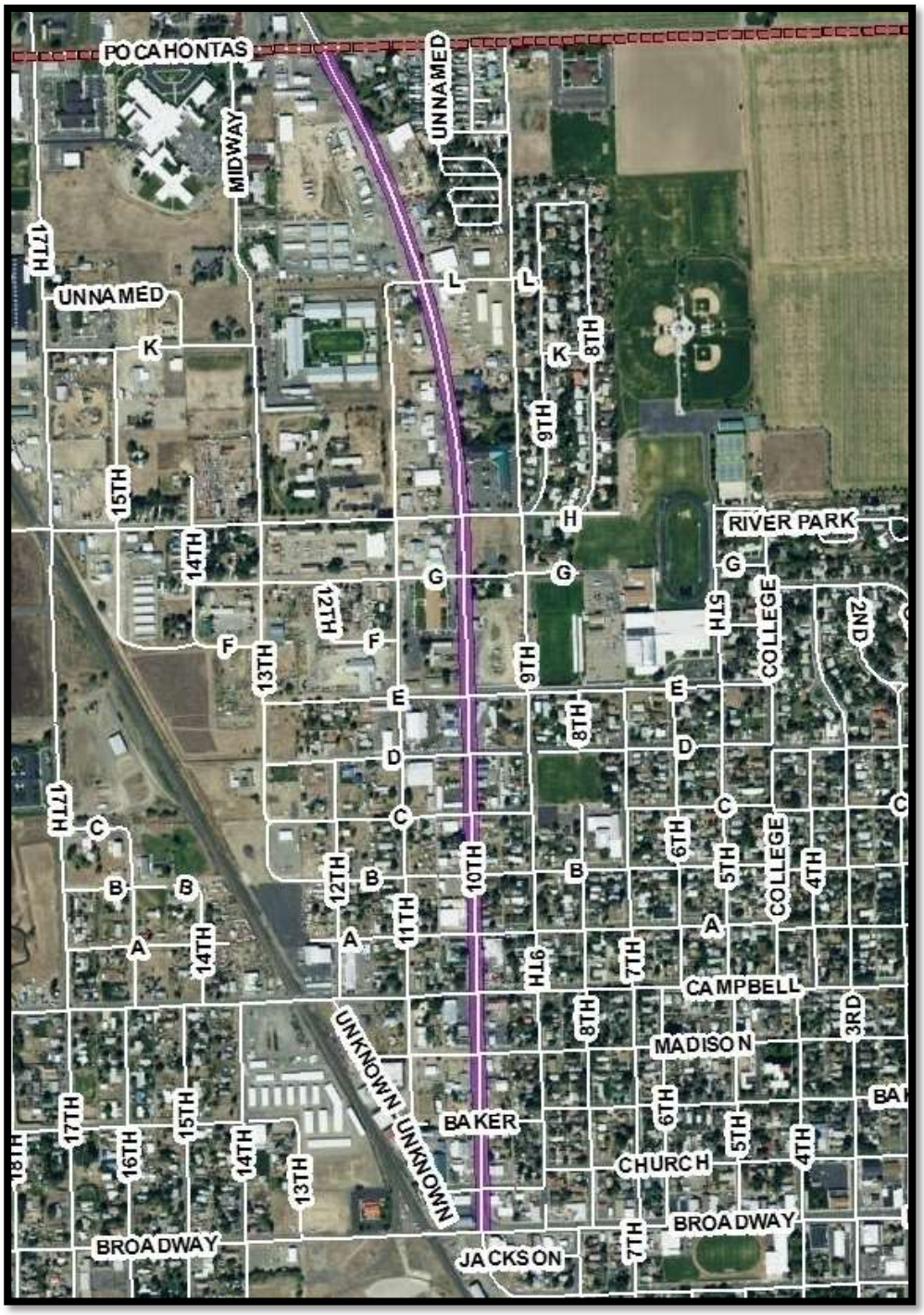
F. External illumination shall be the only lighting option permitted.

Figure 3.5.090 – Historic District Map



3.5.100 Signs in the 10th Street Business District. The 10th Street Business District *(Figure 3.5.100)* is a specially designated sign district where traditional 1950's and 1960's era neon and bare-bulb signs are encouraged as well as more contemporary neon and bare-bulb sign applications. Applicants who chose to pursue this option may increase the maximum sign height of the underlying zone by 33 percent.

Figure 3.5.100 – 10th Street Business District Map



3.5.110 Signs on South US Highway 30. In addition to all other requirements of this Ordinance, the following regulations shall be applicable to any sign placed along South US Highway 30 *(Figure 3.5.110)*:

A. Replacement billboard signs shall be permitted along US Highway 30 from the southern City Limits to Indiana Avenue within 50' of the highway right-of-way subject to the following standards:

1. All new or replacement signs must obtain of a Conditional Use Permit from the Planning Commission prior to construction.

2. Replacement billboard signs within the designated US Highway 30 corridor shall only be permitted if the existing billboard sign is removed. The replacement location needs to be within South US Highway 30 corridor as defined above but not necessarily in the identical location.

3. The Planning Commission shall consider issues of community character, public safety, adjacent businesses and other existing signage, important visual corridors, sign design, and base landscaping, as well as the applicable criteria listed in *Chapter 4.4 – Condition Use Permits* of this Code.

4. All signs must adhere to relevant Oregon Department of Transportation (ODOT) regulations.

5. Minimum spacing between signs on the same side of US Highway 30 shall be 500 feet.

6. Each face of a billboard is restricted in size to 120 ft^2. The overall height of a billboard is restricted to 15' as measured from the ground level below the sign unless conditions related to vehicle safety and circulation are a consideration in which case billboard signs may be approved up to 25' in height.

7. Double-sided billboard signs are allowed.

8. The rear face of a single-face billboard shall be painted and maintained with a single neutral color as approved by the Baker City Planning Department.

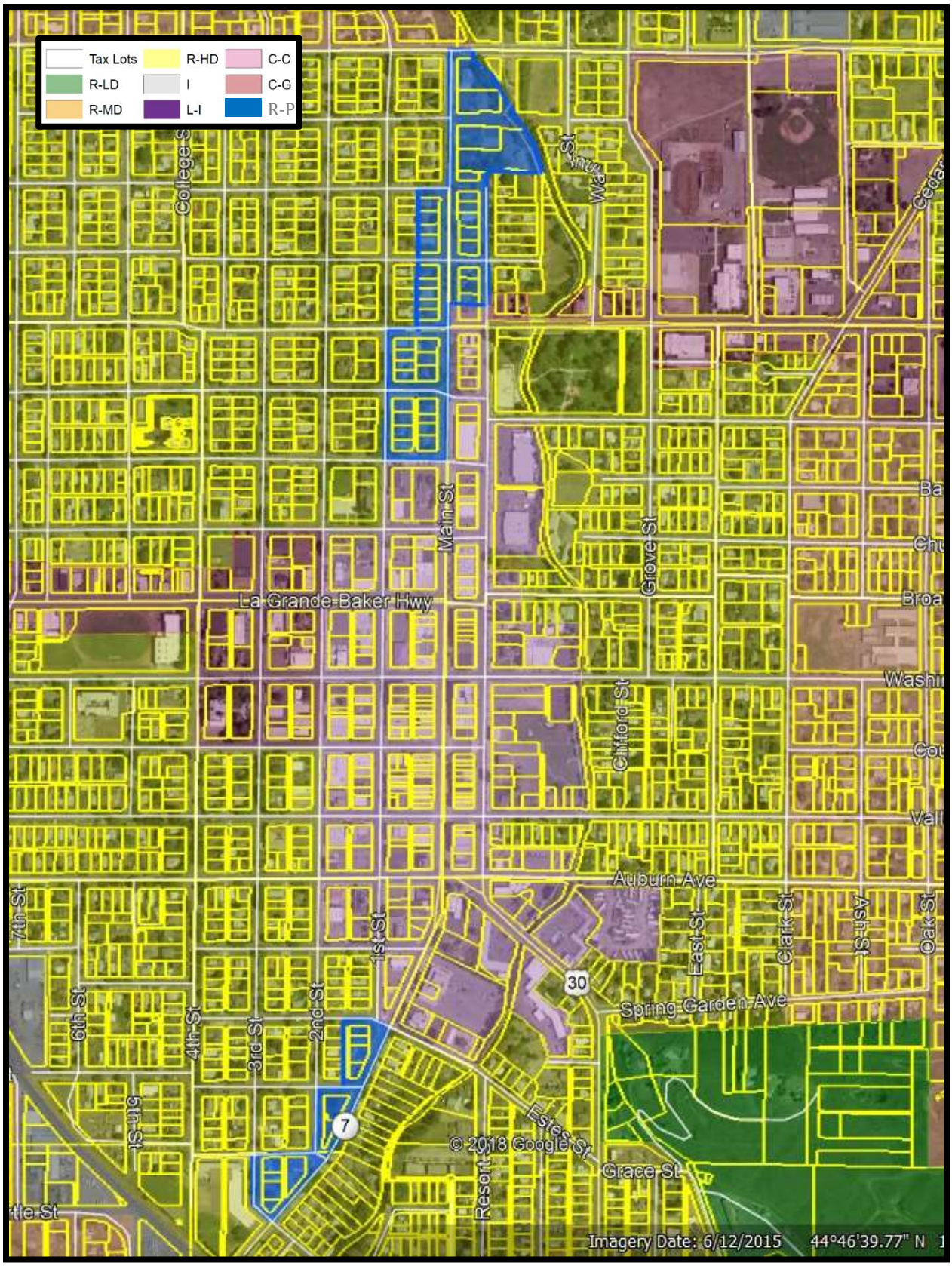
Figure 3.5.110 – South US Highway 30 District Map

3.5.115 Residential Professional District. The Residential-Professional District provides larger sign allowances for light commercial uses in residential zones.

	TABLE 3.5.115 - SIGNS IN THE RESIDENTIAL PROFESSIONAL (R-P) DISTRICT			
	Restrictions & Guidelines	Number & Location	Maximum Area & Height	Permitted Illumination
Free-standing[1]	- May not project into R-O-W	- 1 per lot - 1ft setback from property line	- Area: 16ft^2 - Height: 6ft	- Not permitted
Hanging[1]		- 1 per lot - Must hang from building, eave, canopy, awning or marquee	- Area: 4ft^2 - Height: 6ft	- Not permitted
Monument[1]		- 1 per lot - 1ft setback from property line	- Area: 16ft^2 - Height: 6ft	- Not permitted
Wall[1]	- May not project into R-O-W - May not project more than 1ft - May not interrupt architectural details of façade - May not extend beyond eave or roof lines	- 1 per lot	- Area: 16ft^2 - Height: 6ft	- Not permitted
Window[1]		- 1 per building	- Area: 16ft^2	- Not permitted

[1] Signs exceeding the standards contained in Table 3.5.115 above may be permitted through a Conditional Use Permit

Figure 3.5.115 – Residential-Professional District




Tax Lots
R-LD
R-MD
R-HD
I
L-I
C-C
C-G
R-P
Leo Adler Memorial Pkwy
Walnut St
2nd St
1st St
Resort St
Campbell St
7
Main St
© 2018 Google


Tax Lots
R-LD
R-MD
R-HD
I
L-I
C-C
C-G
R-P
1st St
2nd St
3rd St
Dewey Ave
7
Edgewater S
Riverside Dr
Myrtle Dr
© 2018 Google
Imagery Date: 6/12/2015

3.5.120 Sign Maintenance. All signs shall be continually maintained in a state of good appearance, safety, and repair throughout their life. Nothing in this code shall relieve the owner from maintaining the sign. Maintenance requirements include but are not limited to:

A. Any metal poles, pole covers, and/or sign cabinets shall be kept free from rust and stains.

B. Any awnings, banners, canopies, or similar material which a sign is affixed or printed upon, shall be kept in good appearance and free from tears, tatter, and any other physical damage.

C. Any internally illuminated sign cabinets or sign panels that have been damaged shall remain un-illuminated until repaired.

D. Any signage that has been damaged to such an extent that they may pose a hazard to passersby shall be repaired or removed immediately.

3.5.130 Non-Conforming Signs

A. It is unlawful to make a major repair without a permit any existing non-conforming sign. The sign must be immediately brought into conformance with this ordinance upon any structural alteration, relocation, or replacement.

B. Any non-conforming sign that is damaged or destroyed may be replaced or restored to its original design, so long as the cost of the repair is less than 60 percent of the replacement or restoration cost.

C. Any non-conforming sign that is damaged or destroyed in excess of 60 percent of its replacement or restoration cost shall not be restored except in conformance with the provisions of this chapter.

D. No sign shall be altered or enlarged in such a way that increases or continues its non-conformity.

3.5.140 Removal & Abandonment

A. Improperly maintained signs and/or sign supports which cause them to be unsafe or unsightly must be removed.

B. A conforming, abandoned sign structure may remain, however, the business name panels shall either be reversed or have blank panels installed immediately. Such signs shall be maintained according to the standards set forth in this ordinance.

C. An abandoned non-conforming sign is prohibited and shall be immediately removed upon notice by the City or brought to conforming status by the owner of the sign or property.

D. All temporary signs shall be removed within the applicable timeframe set forth by this chapter.

3.5.150 Enforcement. Any person who erects or otherwise displays a sign for which a sign permit or approval is required under this ordinance without first obtaining a permit has committed an infraction; and upon conviction thereof, shall be fined not more than $500 per day. It shall not be a defense in any prosecution pursuant to Chapter 1.5 – *Enforcement* that such person erected or otherwise displayed the sign for another, whether for gain or otherwise. The City has authority to remove any sign found to be in violation of this Code.

Structural provisions of this code shall be enforced by the City Building Official or designee. If the Building Official finds that any sign is unsafe or insecure, is an immediate peril to persons or property, has been carried out without a valid permit or is in violation of this chapter, the Building Official shall give written notice to the permittee or owner thereof to remove or alter such sign within 30 days. A new sign shall not be re-established until a valid permit has been issued. Failure to remove or alter said sign as directed shall subject the permittee or owner to the penalties prescribed in this ordinance.

All other portions of this code shall be enforced by the Planning Director or designee.

Chapter 3.6 – Radio Frequency Transmission Facilities

Sections:

3.6.100 Purpose. The provisions of this section are intended to ensure that radio frequency transmission facilities are located, installed, maintained and removed in a manner that:

A. Minimizes the number of transmission towers throughout the community;
B. Encourages the collocation of radio frequency transmission facilities;
C. Encourages the use of existing buildings, light or utility poles or water towers as opposed to construction of new radio frequency transmission towers;
D. Recognizes the need of radio frequency transmission providers to build out their systems over time; and
E. Ensures that all radio frequency transmission facilities, including towers, antennas, and ancillary facilities are located and designed to minimize the visual impact on the immediate surroundings and throughout the community, and minimize public inconvenience and disruption. Nothing in this section shall apply to amateur radio antennas, or facilities used exclusively for the transmission of television and radio signals.

3.6.200 Siting Requirements and Procedures

A. Siting Restricted. No radio frequency transmission facility, as defined in this land use code, may be constructed, modified to increase its height, installed or otherwise located within the city except as provided in this section. Depending on the type and location of the radio frequency transmission facility, the radio frequency transmission facility shall be either permitted via a Type I procedure, subject to site review procedures, or require a conditional use permit.

1. Permitted Uses. A land use permit is required for a radio frequency transmission facility, which, pursuant to subsections B through D of this section, is a permitted use. Such a radio frequency transmission facility shall require only a development review using a Type I procedure in accordance with the land use review procedures in Section 4.2.300.

2. Site Design Review. A radio frequency transmission facility which, pursuant to subsections B through D of this section, is subject to site design review shall be processed in accordance with

the Type II site design review procedures in Chapter 4.2. The criteria contained in this section, as well as the criteria contained in Section 4.2.400, shall govern approval or denial of the site review application. In the event of a conflict in criteria, the criteria contained in this section shall govern. No development permit shall be issued prior to completion of the site review process, including any local appeal.

3. Conditional Use Permit. A radio frequency transmission facility which, pursuant to subsections C or D of this section, requires a conditional use permit shall be processed in accordance with the conditional use permit procedures in Chapter 4.4, except that the variance provisions shall not apply. The criteria contained in Section 4.4.400 and Sections 3.6.300 and 3.6.400 of this section shall govern approval or denial of the conditional use permit application. In the event of a conflict in criteria, the criteria contained in Sections 3.6.300 and 3.6.400 ~~of this section~~ shall govern. No development permit shall be issued prior to completion of the conditional use permit process, including any local appeal.

B. Collocation of Additional Antennas on Existing Transmission Tower

1. Permitted Use. Collocation of an additional antenna on an existing transmission tower shall be permitted via a Type I procedure if property is zoned C-G, I or LI, or if the transmission tower is in any other zone and the city specifically approved, as part of a prior land use process authorizing the transmission tower, collocation of additional antennas.

2. Site Design Review. Collocation of an additional antenna on an existing transmission tower shall be subject to site design review approval if property is zoned R-HD, R-MD, R-LD, or C-C and approval for collocation was not granted through a prior land use process.

C. Collocation of Antennas on Existing Buildings, Light or Utility Poles, and Water Towers. In addition to collocation on a transmission tower, an antenna may be collocated on existing buildings, light or utility poles, and water towers.

1. Permitted Use. Such collocation on a building, light or utility pole, or water tower, shall be permitted via a Type I procedure provided that the antennas and ancillary facilities comply with the standards contained in this Chapter, the color of the antennas blends in with the existing structure and surroundings, and one of the following is met:

   a. The property is zoned C-G, I or LI, and the antennas do not exceed the height limitation of the zone; or

   b. The property is zoned R-HD, R-MD, R-LD, or C-C, and the antennas extend no more than 18 feet above, and project no more than 2 feet horizontally away from the existing structure.

2. Site Design Review. Such collocation on a building, light or utility pole, or water tower shall be subject to site design review approval provided that the antennas and ancillary facilities comply with the standards contained in this Chapter, the color of the antennas blend in with the existing

structure and surroundings, and:

a. The property is zoned R-HD, R-MD, R-LD, or C-C, and the antennas extend more than 18 feet above, or project more than 2 feet horizontally away from the existing structure.

3. Conditional Use Permit. In all cases other than those listed in items (1) and (2) above, such collocation shall require a conditional use permit. No exceptions to the standards contained in this Chapter shall be permitted except as authorized by Section 3.6.600. In no event shall a conditional use permit authorize a tower or antennas to exceed the height limitation for a zone except as provided for in this section.

D. Construction of Transmission Tower. Construction of a transmission tower, or a modification of an existing transmission tower to increase its height, shall be allowed as follows:

1. Permitted Use.

a. Such construction or modification shall be permitted via a Type I procedure in the I zone.

b. Modification to increase the height of an existing transmission tower shall be considered a permitted use in all other zones if the city approved an increase in tower height, as part of a prior land use process authorizing the transmission tower. The increase in height allowed under this paragraph shall be limited to the specific height authorized in the prior land use process.

2. Site Design Review. Such construction shall require site design review approval in the LI zone.

3. Conditional Use Permit. Such construction shall require a conditional use permit in the C-G and C-C zones.

4. Prohibited Zones and Locations. No new transmission tower shall be permitted in any zones not included in items (1) through (3) above, including the R-HD, R-MD, and R-LD zones.

3.6.300 Application Requirements

A. Collocation of Antennas. In addition to standard required application material, an applicant for collocation of antennas shall submit the following information; additional application material is required, as specified in subsection C below, for applications requiring a site design review or conditional use process.

1. A description of the location, design and height of the proposed antennas, including detailed dimensions and proposed materials.

2. Photo simulations of the proposed antennas.

3. Documentation demonstrating compliance with non-ionizing electromagnetic radiation (NIER) emissions standards as set forth by the Federal Communications Commission (FCC) particularly with respect to any habitable areas within the structure on which the antennas are co-locating on or in structures directly across from or adjacent to the antennas.

4. A statement documenting that placement of the antenna is designed to allow future collocation of additional antennas if technologically possible.

5. Documentation that the ancillary facilities will not produce sound levels in excess of those standards specified in Section 3.6.400.F, or designs showing how the sound is to be effectively muffled and reduced pursuant to those standards.

6. Plans showing the connection to utilities/right-of-way cuts required, ownership of utilities and easements required.

7. Documents demonstrating that necessary easements have been obtained.

8. Plans showing how vehicle access will be provided.

9. Signature of the property owner(s) on the application form or a statement from the property owner(s) granting authorization to proceed with development permit and land use processes.

10. If ancillary facilities will be located on the ground, a landscape plan drawn to scale showing proposed and existing landscaping, including type, spacing, size and irrigation methods.

11. Documents demonstrating that the FAA has reviewed and approved the proposal, and the Oregon Department of Aviation has reviewed the proposal. Alternatively, when a site design review or conditional use process is required, submit a statement documenting that notice of the proposal has been submitted to the FAA and Oregon Department of Aviation. The site design review or conditional use process may proceed and approval may be granted for the proposal as submitted, subject to FAA approval. If FAA approval requires any changes to the proposal as initially approved, then that initial approval shall be void. A new application will need to be submitted, reviewed and approved through an additional site design review or conditional use process. No development permit application shall be submitted without documents demonstrating FAA review and approval and Oregon Department of Aviation review.

B. Construction of Transmission Tower. In addition to standard required application material, an applicant for a transmission tower shall submit the following information; additional application material is required, as specified in subsection C below, for applications requiring a site design review or conditional use process:

1. A description of the location, design and height of the proposed tower, including detailed dimensions and proposed materials.

2. Photo simulations of the proposed tower.
3. The general capacity of the tower in terms of the number and type of antennas it is designed to accommodate.

4. Documentation demonstrating compliance with non-ionizing electromagnetic radiation (NIER) emissions standards as set forth by the Federal Communications Commission (FCC).

5. A signed agreement, as supplied by the city, stating that the applicant will allow collocation with other users, provided all safety, structural, and technological requirements are met. This agreement shall also state that any future owners or operators will allow collocation on the tower.

6. Documentation that the ancillary facilities will not produce sound levels in excess of those standards specified in Section 3.6.400.F, or designs showing how the sound is to be effectively muffled and reduced pursuant to those standards.

7. A landscape plan drawn to scale showing proposed and existing landscaping, including type, spacing, size and irrigation methods.

8. Plans showing the connection to utilities/right-of-way cuts required, ownership of utilities and easements required.

9. Documents demonstrating that necessary easements have been obtained;

10. Plans showing how vehicle access will be provided;

11. Signature of the property owner(s) on the application form or a statement from the property owner(s) granting authorization to proceed with development permit and land use processes;

12. Documents demonstrating that the FAA has reviewed and approved the proposal and Oregon Department of Aviation has reviewed the proposal. Alternatively, when a site design review or conditional use process is required, submit a statement documenting that notice of the proposal has been submitted to the FAA and Oregon Department of Aviation. The site design review or conditional use process may proceed and approval may be granted for the proposal as submitted, subject to FAA approval. If FAA approval requires any changes to the proposal as initially approved, then that initial approval shall be void. A new application will need to be submitted, reviewed and approved through an additional site review or conditional use process. No development permit application shall be submitted without documents demonstrating FAA review and approval and Oregon Department of Aviation review.

C. Site Design Review and Conditional Use Permit Applications. In addition to the application requirements specified in subsection B above, applications for site design review or conditional use permits also shall include the following information:

1. A visual study containing, at a minimum, a graphic simulation showing the appearance of the proposed tower, antennas, and ancillary facilities from at least 5 points within a 3-mile radius. Such points shall be chosen by the provider with review and approval by the planning director to ensure that various potential views are represented.

2. Documentation that alternative sites within a radius of at least ±1 mile (±5,280 feet) have been considered and have been determined to be technologically unfeasible or unavailable. For site design reviews, alternative sites zoned I or LI must be considered. For conditional use permits, alternative sites zoned I, LI, C-G or C-C must be considered.

3. Evidence demonstrating collocation is impractical on existing tall buildings, light or utility poles, water towers, existing transmission towers, and existing tower facility sites for reasons of structural support capabilities, safety, available space, or failing to meet service coverage area needs.

4. A current overall system plan for the city, showing facilities presently constructed or approved and future expansion plans.

5. A statement providing the reasons for the location, design and height of the proposed tower or antennas.

3.6.400 Standards for Transmission Towers and Antennas. Installation, construction or modification of all transmission towers and antennas shall comply with the following standards, unless a variance is obtained pursuant to the provisions of Section 3.6.600:

A. Separation Between Transmission Towers. No transmission tower may be constructed within 2000 feet of any pre-existing transmission tower. Tower separation shall be measured by following a straight line from the portion of the base of the proposed tower, which is closest to the base of any pre-existing tower. For purposes of this paragraph, a tower shall include any transmission tower for which the city has issued a development permit, or for which an application has been filed and not denied. Transmission towers constructed or approved prior to August 27, 2015 may be modified to accommodate additional providers consistent with provisions for collocation in this section.

B. Height Limitation.~~:~~ Transmission tower heights are subject to structural height standard in the zone. Approval may be obtained for taller structures through a Conditional Use Permit application. No transmission tower shall exceed the maximum heights provided below. In no case shall a variance be granted from the limitations of items (1) and (2) below.

1. If located within an I or LI zone, the maximum height of a transmission tower, including antennas, is 200 feet.

2. If located within a C-G or C-C zone, the maximum height of a transmission tower, including antennas, is 100 feet.

3. If located within an R-HD, R-MD, or R-LD zone, the maximum height of a transmission tower, including antennas, is 75 feet, unless a variance is granted pursuant to the provisions of Section 3.6.600. In no event shall a variance be granted to construct such a tower in excess of 100 feet.

C. Collocation. New transmission towers shall be designed to accommodate collocation of additional providers:

1. New transmission towers of a height of 80 feet or more shall be designed to accommodate collocation of a minimum of 2 additional providers either as proposed or through future modification to the tower.

2. New transmission towers of a height of at least 60 feet and no more than 80 feet shall be designed to accommodate collocation of a minimum of 1 additional provider either as proposed or through future modification to the tower.

D. Setback. The following setbacks from adjacent property lines and adjacent streets shall be required unless a variance is granted pursuant to the provisions of Section 3.6.600:

1. If located within an I zone, no setback from adjacent property lines shall be required beyond that required by this land use code.

2. If located within a LI, C-G or C-C zone, the transmission tower shall be set back from adjacent property lines a minimum number of feet that is equal to the height of the transmission tower.

E. Buffering. In all zones, existing vegetation shall be preserved to the maximum-extent possible. In the I and LI zones, no buffering is required beyond that required by this land use code. In all other zones, landscaping shall be placed completely around the transmission tower and ancillary facilities located at ground level except as required to access the facility. Such landscaping shall consist of evergreen vegetation with a minimum planted height of 6 feet placed densely so as to form a screen. Landscaping shall be compatible with other nearby landscaping and shall be kept healthy and well maintained.

F. Noise Reduction. In R-HD, R-MD, and R-LD, and in all other zones when the adjacent property is zoned for residential use or occupied by a dwelling, hospital, school, library, or nursing home, noise generating equipment shall be sound-buffered by means of baffling, barriers, or other suitable means to reduce sound level measured at the property line to 45dBa.

G. Status of Location. No permit may be issued for the location of a new radio frequency transmission facility within an R-HD, R-MD, or R-LD zone unless the lot on which it is to be placed is developed with a non-residential use at the time the permit application is submitted. This restriction does not apply within other zones.

H. Lighting. No lighting shall be permitted on transmission towers except that required by the Federal Aviation Administration. No high intensity white lights may be located on transmission towers in an

R-HD, R-MD, or R-LD zone.

I. Color. The transmission tower and attached antennas shall be unpainted galvanized steel or painted neutral colors or such shades as are appropriate and compatible with the surrounding environment, as approved by the city.

J. Viewshed. The transmission tower shall be located down slope from the top of a ridgeline so that when viewed from any point along the base of the hill, the tower does not interrupt the profile of the ridgeline. Visual impacts to prominent views of the Elkhorn Mountains and Eagle Cap Mountains shall be minimized to the greatest extent possible. Approval for location of a transmission tower in a prominent view of these Mountains shall be given only if location of the transmission tower on an alternative site is not possible as documented by application materials submitted by the applicant, and the transmission tower is limited in height to the minimum height necessary to provide the approximate coverage the tower is intended to provide.

K. Display. No signs, striping, graphics or other attention getting devices are permitted on the transmission tower or ancillary facilities except for warning and safety signage with a surface area of no more than 3 ft^2. Such signage shall be affixed to a fence or ancillary facility and the number of signs is limited to no more than two (2).

L. Camouflage. All new transmission towers must be designed to visually and operationally blend into the surrounding area in a manner consistent with existing development on adjacent properties. The facility must also be appropriate for the specific site. In other words, it should not "stand out" from its surrounding environment.

M. Compliance with Photo Simulations. As a condition of approval, and prior to final inspection of the facility, the applicant must submit evidence, such as photographs, to the satisfaction of the City sufficient to prove that the facility is in substantial conformance with photo simulations provided with the application. Non-conformance requires modification to compliance within 90 days or the structure must be removed.

3.6.500 Standards for Ancillary Facilities.

All ancillary facilities shall comply with the standards of Sections 3.6.400.E and 3.6.400.F. In addition, all ancillary facilities within an R-HD, R-MD, or R-LD zone must be located underground to the maximum extent technology allows, unless a variance is obtained pursuant to the provisions of Section 3.6.600. This restriction does not apply within other zones.

3.6.600 Variance

A. Any variance to the requirements of this section shall be granted only pursuant to the following provisions. The criteria for granting a variance shall be limited to this section, and shall not include the standard variance criteria of Chapter 5.1.

B. The city may grant a variance from the provisions of Section 3.6.400.A of this section providing the applicant demonstrates that:

1. It is technologically impossible to locate the proposed tower on available sites more than 2,000 feet from a pre-existing transmission tower and still provide the approximate coverage the tower is intended to provide;

2. The pre-existing transmission tower that is within 2,000 feet of the proposed tower cannot be modified to accommodate another provider; and

3. There are no available buildings, light or utility poles, or water towers on which antennas may be located and still provide the approximate coverage the tower is intended to provide.

C. The city may grant a variance to the setback and undergrounding requirements of Sections 3.6.400.D or 3.6.500 upon finding that stealth design, proposed landscaping, configuration of the site, or the presence of mature trees obviates the need for compliance.

D. The city may grant a variance to the 75-foot height limitation in the R-HD, R-MD, or R-LD zone to a maximum of 100 feet providing the applicant demonstrates that modifying a transmission tower taller than 75 feet will not affect the View shed regulations of Section 3.6.400.J.

E. If the proposed transmission tower or ancillary facility requires site design review or a conditional use permit, the request for variance shall be considered as part of the site design review or conditional use permit process. If the proposed transmission tower or ancillary facility can be permitted via a Type I procedure, the request for a variance shall be processed in accordance with the Type II application procedures in Section 4.1.300.

3.6.700 Removal of Facilities

A. All transmission towers and antennas shall be removed by the person who constructed the facility, by the person who operates the facility, or by the property owner, within 6 months of the time that the facilities have ceased being used to transmit, receive or relay voice and data signals to or from wireless communication devices. The city manager may grant a 6-month extension where a written request has been filed, within the initial 6-month period, to reuse the tower or antennas.

B. If a transmission tower is located within an R-HD, R-MD, or R-LD zone, the provisions of subsection A also shall apply to the tower substructure and all above ground ancillary facilities.

C. The city may require the posting of an open-ended bond before development permit issuance to insure removal of the transmission tower, substructure or antennas after the facility no longer is being used.

Chapter 3.7 – Floodplain Development

Sections:

3.7.100 Statutory Authority, Findings of Fact, Purpose, and Methods

A. Statutory Authorization. The ~~s~~State of Oregon has, in ORS 197.175, delegated the responsibility to local governmental units to adopt floodplain management regulations designed to promote the public health, safety, and general welfare of its citizenry. Therefore, the City of Baker City does ordain as follows:

B. Findings of Fact.

1. The flood hazard areas of Baker City are subject to periodic inundation which may result in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety, and general welfare.

2. These flood losses may be caused by the cumulative effect of obstructions in special flood hazard areas which increase flood heights and velocities, and when inadequately anchored, cause damage in other areas. Uses that are inadequately flood-proofed, elevated, or otherwise protected from flood damage also contribute to flood loss.

C. Statement of Purpose. It is the purpose of this ordinance to promote public health, safety, and general welfare, and to minimize public and private losses due to flooding in flood hazard areas by provisions designed to:

1. Protect human life and health;

2. Minimize expenditure of public money for costly flood control projects;

3. Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;

4. Minimize prolonged business interruptions;

5. Minimize damage to public facilities and utilities such as water and gas mains; electric, telephone and sewer lines; and streets and bridges located in special flood hazard areas;

6. Help maintain a stable tax base by providing for the sound use and development of flood hazard areas so as to minimize blight areas caused by flooding;

7. Notify potential buyers that the property is in a special flood hazard area

8. Notify those who occupy special flood hazard areas that they assume responsibility for their actions

9. Participate in and maintain eligibility for flood insurance and disaster relief.

D. Methods of Reducing Flood Losses. In order to accomplish its purposes, this ordinance includes methods and provisions for:

1. Restricting or prohibiting development which is dangerous to health, safety, and property due to water or erosion hazards, or which result in damaging increases in erosion or in flood heights or velocities;

2. Requiring that development vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;

3. Controlling the alteration of natural floodplains, stream channels, and natural protective barriers, which help accommodate or channel flood waters;

4. Controlling filling, grading, dredging, and other development which may increase flood damage;

5. Preventing or regulating the construction of flood barriers which will unnaturally divert flood waters or may increase flood hazards in other areas.

3.7.200 General Provisions

A. Lands to Which This Ordinance Applies. This ordinance shall apply to all special flood hazard areas within the jurisdiction of the City of Baker City.

B. Basis for Establishing the Special Flood Hazard Areas. The special flood hazard areas identified by the federal insurance administrator in a scientific and engineering report entitled "The Flood Insurance Study (FIS) for Baker County, Oregon and Incorporated Areas", dated June 3~~rd~~, 1988, with accompanying flood insurance rate maps (FIRMS) 41001C0385C and 41001C0395C are hereby adopted by reference and declared to be a part of this ordinance. The FIS and FIRM panels are on file at the Baker City-County Planning Department.

C. Coordination with State of Oregon Specialty Codes. Pursuant to the requirement established in ORS 455 that the City of Baker City administers and enforces the State of Oregon Specialty Codes, the City of Baker City does hereby acknowledge that the Oregon Specialty Codes contain certain provisions that apply to the design and construction of buildings and structures located in special flood hazard areas. Therefore, this ordinance is intended to be administered and enforced in conjunction with the Oregon Specialty Codes.

D. Compliance and Penalties for Non-Compliance

1. Compliance. All development within special flood hazard areas is subject to the terms of this ordinance and required to comply with its provisions and all other applicable regulations.

2. Penalties for Non-Compliance. No structure or land shall hereafter be constructed, located, extended, converted, or altered without full compliance with the terms of this ordinance and other applicable regulations. Violations of the provisions of this ordinance by failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with conditions) shall constitute a civil infraction, which shall be processed accordingly in accordance with Chapter 1.5 - Enforcement. Nothing contained herein shall prevent the City of Baker City from taking such other lawful action as is necessary to prevent or remedy any violation.

E. Abrogation and Severability.

1. Abrogation. This ordinance is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this ordinance and another ordinance, easement, covenant, or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

2. Severability. This ordinance and the various parts thereof are hereby declared to be severable. If any section clause, sentence, or phrase of the Ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way effect the validity of the remaining portions of this Ordinance.

F. Interpretation. In the interpretation and application of this ordinance, all provisions shall be:

1. Considered as minimum requirements;

2. Liberally construed in favor of the governing body; and

3. Deemed neither to limit nor repeal any other powers granted under state statutes.

G. Warning and Disclaimer of Liability

1. Warning. The degree of flood protection required by this ordinance is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This ordinance does not imply that land outside the areas of special flood hazards or uses permitted within such areas will be free from flooding or flood damages.

2. Disclaimer of Liability. This ordinance shall not create liability on the part of the City of Baker City, any officer or employee thereof, or the Federal Insurance Administrator for any flood damages that result from reliance on this ordinance or any administrative decision lawfully made hereunder.

3.7.300 Administration

A. **Designation of the Floodplain Administrator.** The Planning Director, and their designee, is hereby appointed to administer, implement, and enforce this ordinance by granting or denying development permits in accordance with its provisions. The Floodplain Administrator may delegate authority to implement these provisions.

B. **Duties and Responsibilities of the Floodplain Administrator**. Duties of the floodplain administrator, or their designee, shall include, but not be limited to:

1. Permit Review. Review all development permits to:

   a. Determine that the permit requirements of this ordinance have been satisfied;
   b. Determine that all other required local, state, and federal permits have been obtained and approved.
   c. Determine if the proposed development is located in a floodway. If located in the floodway assure that the floodway provisions of this ordinance in ~~s~~Section 3.7.400.~~(~~B~~)~~(4) are met; and
   d. Determine if the proposed development is located in an area where Base Flood Elevation (BFE) data is available either through the Flood Insurance Study (FIS) or from another authoritative source. If BFE data is not available, then ensure compliance with the provisions of sections 3.7.400.~~(~~A~~)~~(7); and
   e. Provide to building officials the Base Flood Elevation (BFE) and minimum elevation required for any building requiring a development permit.
   f. Determine if the proposed development qualifies as a substantial improvement as defined in Chapter 1.3 of this code.
   g. Determine if the proposed development activity is a watercourse alteration. If a watercourse alteration is proposed, ensure compliance with the provisions in ~~s~~Section 3.7.400.~~(~~A~~)~~(1).
   h. Determine if the proposed development activity includes the placement of fill or excavation.

2. Information to be Obtained and Maintained. The following information shall be obtained and maintained and shall be made available for public inspection as needed:

a. The actual elevation (in relation to mean sea level) of the lowest floor (including basements) and all attendant utilities of all new or substantially improved structures where Base Flood Elevation (BFE) data is provided through the Flood Insurance Study (FIS), Flood Insurance Rate Map (FIRM), or obtained in accordance with ~~s~~Section 3.7.400.~~(~~A~~)~~(7).

b. The elevation (in relation to mean sea level) of the natural grade of the building site for a structure prior to the start of construction and the placement of any fill and ensure that the requirements of sections 3.7.400.~~(~~B~~)~~ (4) and 3.7.300.~~(~~B~~).~~(1) are adhered to.

c. A mid-construction elevation certificate, prepared and sealed by a professional licensed surveyor or engineer, certifying the elevation (in relation to mean sea level) of the lowest floor (including basement) upon placement of the lowest floor of a structure (including basement) but prior to further vertical construction.

d. Where base flood elevation data are utilized, a post-construction elevation certificate, prepared and sealed by a professional licensed surveyor or engineer, certifying the elevation (in relation to mean sea level) of the lowest floor (including basement), prior to the final inspection.

e. Maintain all Elevation Certificates (EC) submitted to the City of Baker City;

f. The elevation (in relation to mean sea level) to which the structure and all attendant utilities were flood-proofed for all new or substantially improved flood-proofed structures where allowed under this ordinance and where Base Flood Elevation (BFE) data is provided through the FIS, FIRM, or obtained in accordance with ~~s~~Section 3.7.400.~~(~~A~~)~~(7).

g. Flood-proofing certificates required under this ordinance;

h. All variance actions, including justification for their issuance;

i. All hydrologic and hydraulic analyses performed as required under ~~s~~Section 3.7.400.~~(~~B~~)~~(4).

j. All Substantial Improvement and Substantial Damage calculations and determinations as required under ~~s~~Section 3.7.300.~~(~~B~~)~~(3)(d).

k. All records pertaining to the provisions of this ordinance.

3. Requirement to Notify Other Entities and Submit New Technical Data

a. Community Boundary Alterations. The Floodplain Administrator shall notify the Federal Insurance Administrator in writing whenever the boundaries of the community have been modified by annexation or the community has otherwise assumed authority or no longer has authority to adopt and enforce floodplain management regulations for a particular area, to ensure that all Flood Hazard Boundary Maps (FHBM) and Flood Insurance Rate Maps (FIRM)

accurately represent the community's boundaries. Include within such notification a copy of a map of the community suitable for reproduction, clearly delineating the new corporate limits or new area for which the community has assumed or relinquished floodplain management regulatory authority.

b. Watercourse Alterations. Notify adjacent communities, the Department of Land Conservation and Development, and other appropriate state and federal agencies, prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Insurance Administration. This notification shall be provided by the applicant to the Federal Insurance Administration as a Letter of Map Revision (LOMR) along with either:

   i. A proposed maintenance plan to assure the flood carrying capacity within the altered or relocated portion of the watercourse is maintained; or

   ii. Certification by a registered professional engineer that the project has been designed to retain its flood carrying capacity without periodic maintenance.

   The applicant shall be required to submit a Conditional Letter of Map Revision (CLOMR) when required under ~~s~~Section 3.7.300.~~(~~B~~)~~(3)(c). The Floodplain Administrator shall ensure compliance with all applicable requirements in ~~s~~Sections 3.7.300.~~(~~B~~)~~(3)(c) and 3.7.400.~~(~~A~~)~~(1).

c. Requirement to Submit New Technical Data. A community's base flood elevations may increase or decrease resulting from physical changes affecting flooding conditions. As soon as practicable, but not later than six months after the date such information becomes available, a community shall notify the Federal Insurance Administrator of the changes by submitting technical or scientific data in accordance with Section 44 of the Code of Federal Regulations (CFR), Sub-Section 65.3. The community may require the applicant to submit such data and review fees required for compliance with this section through the applicable FEMA Letter of Map Change (LOMC) process.

   The Floodplain Administrator shall require a Conditional Letter of Map Revision prior to the issuance of a floodplain development permit for:

   i. Proposed floodway encroachments that increase the base flood elevation; and

   ii. Proposed development which increases the base flood elevation by more than one foot in areas where FEMA has provided base flood elevations but no floodway.

   An applicant shall Notify FEMA within six (6) months of project completion when an applicant has obtained a Conditional Letter of Map Revision (CLOMR) from FEMA. This notification to FEMA shall be provided as a Letter of Map Revision (LOMR). The Floodplain Administrator shall be under no obligation to sign the Community Acknowledgement Form, which is part of the CLOMR/LOMR application, until the applicant demonstrates that the project will or has met the requirements of this code and all applicable state and federal laws.

d. Substantial Improvement and Substantial Damage Assessments and Determinations. Conduct Substantial Improvement (SI) (as defined in Chapter 1.3) reviews for all structural development proposal applications and maintain a record of SI calculations within permit files in accordance with ~~s~~Section 3.7.300.~~(~~B~~)~~(2). Conduct Substantial Damage (SD) (as defined in Chapter 1.3) assessments when structures are damaged due to a natural hazard event or other causes. Make SD determinations whenever structures within the special flood hazard area (as established in ~~s~~Section 3.7.200.~~(~~B~~)~~ are damaged to the extent that 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.

4. Interpretation of FIRM Boundaries. Make interpretations where needed, as to exact location of the boundaries of the special flood hazard areas (for example, where there appears to be a conflict between a mapped boundary and actual field conditions). The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation. Such appeals shall be granted consistent with the standards of section 60.6 of the Rules and Regulations of the National Flood Insurance Program (44 CFR 59-76).

C. Establishment of Development Permit

1. Floodplain Development Permit Required. A development permit shall be obtained before construction or development begins within any area horizontally within the special flood hazard area established in ~~s~~Section 3.7.200.~~(~~B~~)~~. The development permit shall be required for all structures, including manufactured dwellings, and for all other development, as defined in Chapter 1.3, including fill and other development activities.

2. Application for Development Permit. Application for a development permit may be made on forms furnished by the Floodplain Administrator and may include, but not be limited to, plans in duplicate drawn to scale showing the nature, location, dimensions, and elevations of the area in question; existing or proposed structures, fill, storage of materials, drainage facilities, and the location of the foregoing. Specifically, the following information is required:

   a. In riverine flood zones, the proposed elevation (in relation to mean sea level), of the lowest floor (including basement) and all attendant utilities of all new and substantially improved structures; in accordance with the requirements of ~~s~~Section 3.7.300.~~(~~B~~)~~(2).

   b. Proposed elevation in relation to mean sea level to which any non-residential structure will be flood-proofed.

   c. Certification by a registered professional engineer or architect licensed in the State of Oregon that the flood-proofing methods proposed for any non-residential structure meet the flood-proofing criteria for non-residential structures in ~~s~~Section 3.7.400.~~(~~B~~)~~(3)(c).

   d. Description of the extent to which any watercourse will be altered or relocated.

e. Base Flood Elevation data for subdivision proposals or other development when required per ~~s~~Sections 3.7.300.~~(~~B~~)~~(1) and 3.7.400.~~(~~A~~)~~(6).

f. Substantial improvement calculation for any improvement, addition, reconstruction, renovation, or rehabilitation of an existing structure.

g. The amount and location of any fill or excavation activities proposed.

D. **Variance Procedure.** The issuance of a variance is for floodplain management purposes only. Flood insurance premium rates are determined by federal statute according to actuarial risk and will not be modified by the granting of a variance.

1. Conditions for Variances.

a. Generally, variances may be issued for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, in conformance with the provisions of ~~s~~Sections 3.7.300.~~(~~D~~)~~(1)(c) and (e), and 3.7.300.~~(~~D~~)~~(2). As the lot size increases beyond one-half acre, the technical justification required for issuing a variance increases.

b. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.

c. Variances shall not be issued within any floodway if any increase in flood levels during the base flood discharge would result.

d. Variances shall only be issued upon:

i. A showing of good and sufficient cause;

ii. A determination that failure to grant the variance would result in exceptional hardship to the applicant;

iii. A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing laws or ordinances.

e. Variances may be issued for the repair or rehabilitation of historic structures upon a determination that the proposed repair or rehabilitation of historic structures will not preclude the structure's continued designation as a historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure.

f. Variances may be issued by a community for new construction and substantial improvements and for other development necessary for the conduct of a functionally

dependent use provided that the criteria of ~~s~~Section 3.7.300.~~(~~D~~)~~(1)(b) through (d) are met, and the structure or other development is protected by methods that minimize flood damages during the base flood and create no additional threats to public safety.

2. Variance Notification. Any applicant to whom a variance is granted shall be given written notice that the issuance of a variance to construct a structure below the Base Flood Elevation will result in increased premium rates for flood insurance and that such construction below the base flood elevation increases risks to life and property. Such notification and a record of all variance actions, including justification for their issuance shall be maintained in accordance with ~~s~~Section 3.7.300.~~(~~B~~)~~(2).

3.7.400 Provisions for Flood Hazard Reduction

A. **General Standards.** In all special flood hazard areas, the following standards shall be adhered to:

1. Alteration of Watercourses. Require that the flood carrying capacity within the altered or relocated portion of said watercourse is maintained. Require that maintenance is provided within the altered or relocated portion of said watercourse to ensure that the flood carrying capacity is not diminished. Require compliance with ~~s~~Sections 3.7.300.~~(~~B~~)~~(3)(b) and (c).

2. Anchoring.

   a. All new construction and substantial improvements shall be anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy.

   b. All manufactured dwellings shall be anchored per ~~s~~Section 3.7.400.~~(~~B~~)~~(3)(d).

3. Construction Materials and Methods.

   a. All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.

   b. All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage.

4. Utilities and Equipment.

   a. Water Supply, Sanitary Sewer, And On-Site Waste Disposal Systems.

      i. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system.

ii. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharge from the systems into flood waters.

iii. On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding consistent with the Oregon Department of Environmental Quality.

b. Electrical, Mechanical, Plumbing, And Other Equipment. Electrical, heating, ventilating, air-conditioning, plumbing, duct systems, and other equipment and service facilities shall be elevated at or above the base flood level or shall be designed and installed to prevent water from entering or accumulating within the components and to resist hydrostatic and hydrodynamic loads and stresses, including the effects of buoyancy, during conditions of flooding. In addition, electrical, heating, ventilating, air-conditioning, plumbing, duct systems, and other equipment and service facilities, if replaced as part of a substantial improvement, shall meet all the requirements of this section.

5. Tanks.

a. Underground tanks shall be anchored to prevent flotation, collapse and lateral movement under conditions of the base flood.

b. Above-ground tanks shall be installed at or above the base flood level or shall be anchored to prevent flotation, collapse, and lateral movement under conditions of the base flood.

6. Subdivision Proposals & Other Proposed Developments.

a. All new subdivision proposals and other proposed new developments (including proposals for manufactured dwelling parks and subdivisions) greater than 50 lots or 5 acres, whichever is the lesser, shall include within such proposals, Base Flood Elevation data.

b. All new subdivision proposals and other proposed new developments (including proposals for manufactured dwelling parks and subdivisions) shall:

i. Be consistent with the need to minimize flood damage.

ii. Have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize or eliminate flood damage.

iii. Have adequate drainage provided to reduce exposure to flood hazards.

7. Use of Other Base Flood Data. When Base Flood Elevation data has not been provided in accordance with ~~s~~Section 3.7.200.~~(~~B~~)~~, the local floodplain administrator shall obtain, review, and reasonably utilize any Base Flood Elevation data available from a federal, state, or other source,

in order to administer ~~s~~Section 3.7.400. All new subdivision proposals and other proposed new developments (including proposals for manufactured dwelling parks and subdivisions) must meet the requirements of ~~s~~Section 3.7.400.~~(~~A~~)~~(6).

Base Flood Elevations shall be determined for development proposals that are ±5 acres or more in size or are 50 lots or more, whichever is lesser, in any A zone that does not have an established base flood elevation. Development proposals located within a riverine unnumbered A Zone shall be reasonably safe from flooding; the test of reasonableness includes use of historical data, high water marks, FEMA provided Base Level Engineering data, and photographs of past flooding, etc., where available. Failure to elevate at least two feet above grade in these zones may result in higher insurance rates.

8. Structures Located in Multiple or Partial Flood Zones. In coordination with the State of Oregon Specialty Codes:

   a. When a structure is located in multiple flood zones on the community's Flood Insurance Rate Maps (FIRM) the provisions for the more restrictive flood zone shall apply.

   b. When a structure is partially located in a special flood hazard area, the entire structure shall meet the requirements for new construction and substantial improvements.

9. Critical Facilities. Construction of new critical facilities shall be, to the extent possible, located outside the limits of the special flood hazard area. Construction of new critical facilities shall be permissible within the SFHA only if no feasible alternative site is available. Critical facilities constructed within the SFHA shall have the lowest floor elevated three (3) feet above the Base Flood Elevation (BFE) or to the height of the 500-year flood, whichever is higher. Access to and from the critical facility shall also be protected to the height utilized above. Flood-proofing and sealing measures must be taken to ensure that toxic substances will not be displaced by or released into floodwaters.

B. **Specific Standards for Riverine (Including All Non-Coastal) Flood Zones.** These specific standards shall apply to all new construction and substantial improvements in addition to the General Standards contained in section 3.7.400.~~(~~A~~)~~ of this ordinance.

1. Flood Openings. All new construction and substantial improvements with fully enclosed areas below the lowest floor (excluding basements) are subject to the following requirements. Enclosed areas below the Base Flood Elevation, including crawl spaces shall:

   a. Be designed to automatically equalize hydrostatic flood forces on walls by allowing for the entry and exit of floodwaters;

   b. Be used solely for parking, storage, or building access;

c. Be certified by a registered professional engineer or architect or meet or exceed all of the following minimum criteria:

i. A minimum of two openings.

ii. The total net area of non-engineered openings shall be not less than one (1) square inch for each square foot of enclosed area, where the enclosed area is measured on the exterior of the enclosure walls.

iii. The bottom of all openings shall be no higher than one foot above grade.

iv. Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they shall allow the automatic flow of floodwater into and out of the enclosed areas and shall be accounted for in the determination of the net open area.

v. All additional higher standards for flood openings in the State of Oregon Residential Specialty Codes Section R322.2.2 shall be complied with when applicable.

2. Garages.

a. Attached garages may be constructed with the garage floor slab below the Base Flood Elevation (BFE) in riverine flood zones, if the following requirements are met:

i. If located within a floodway the proposed garage must comply with the requirements of ~~s~~Section 3.7.400.~~(~~B~~)~~(4).

ii. The floors are at or above grade on not less than one side;

iii. The garage is used solely for parking, building access, and/or storage;

iv. The garage is constructed with flood openings in compliance with ~~s~~Section 3.7.400.~~(~~B~~)~~(1) to equalize hydrostatic flood forces on exterior walls by allowing for the automatic entry and exit of floodwater.

v. The portions of the garage constructed below the BFE are constructed with materials resistant to flood damage;

vi. The garage is constructed in compliance with the standards in ~~s~~Section 3.7.400.~~(~~A~~)~~; and

vii. The garage is constructed with electrical, and other service facilities located and installed so as to prevent water from entering or accumulating within the components during conditions of the base flood.

b. Detached garages must be constructed in compliance with the standards for accessory structures in ~~s~~Section 3.7.400.~~(~~B~~)~~(3)(f) or non-residential structures in ~~s~~Section 3.7.400.~~(~~B~~)~~(3)(c) depending on the square footage of the garage.

3. For Riverine (Non-Coastal) Special Flood Hazard Areas with Base Flood Elevations. In addition to the general standards listed in ~~s~~Section 3.7.400.~~(~~A~~)~~ the following specific standards shall apply in Riverine (non-coastal) special flood hazard areas with Base Flood Elevations (BFE): Zones A1-A30, AH, and AE.

   a. Before Regulatory Floodway. In areas where a regulatory floodway has not been designated, no new construction, substantial improvement, or other development (including fill) shall be permitted within Zones A1-30 and AE on the community's Flood Insurance Rate Map (FIRM), unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot at any point within the community.

   b. Residential Construction.

      i. New construction and substantial improvement of any residential structure shall have the lowest floor, including basement, elevated at or above the Base Flood Elevation (BFE) or three feet above highest adjacent grade where no BFE is defined.

      ii. Enclosed areas below the lowest floor shall comply with the flood opening requirements in ~~s~~Section 3.7.400.~~(~~B~~)~~(1).

   c. Non-Residential Construction.

      i. New construction and substantial improvement of any commercial, industrial, or other non-residential structure shall have the lowest floor, including basement elevated at or above the Base Flood Elevation (BFE) or three (3) feet above highest adjacent grade where no BFE is defined; or, together with attendant utility and sanitary facilities:

         A. Be flood-proofed so that below the base flood level the structure is watertight with walls substantially impermeable to the passage of water;

         B. Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy.

         C. Be certified by a registered professional engineer or architect that the design and methods of construction are in accordance with accepted standards of practice for meeting provisions of this section based on their development and/or review of the structural design, specifications and plans. Such certifications shall be provided to the Floodplain Administrator as set forth ~~s~~Section 3.7.300.~~(~~B~~)~~(2).

ii. Non-residential structures that are elevated, not flood-proofed, shall comply with the standards for enclosed areas below the lowest floor in ~~s~~Section 3.7.400.~~(~~B~~)~~(1).

iii. Applicants flood-proofing non-residential buildings shall:

A. Be notified that flood insurance premiums will be based on rates that are one (1) foot below the flood-proofed level (e.g. a building flood-proofed to the base flood level will be rated as one (1) foot below);

B. Supply a maintenance plan for the entire structure, including but not limited to: exterior envelop of structure; all penetrations to the exterior of the structure; all shields, gates, barriers, or components designed to provide flood-proofing protection to the structure; all seals or gaskets for shields, gates, barriers, or components; and, the location of all shields, gates, barriers, and components, as well as all associated hardware, and any materials or specialized tools necessary to seal the structure; and

C. Supply an Emergency Action Plan (EAP) for the installation and sealing of the structure prior to a flooding event that clearly identifies what triggers the EAP and who is responsible for enacting the EAP.

d. Manufactured Dwellings~~.~~

i. New or substantially improved manufactured dwellings supported on solid foundation walls shall be constructed with flood openings that comply with ~~s~~Section 3.7.400.~~(~~B~~)~~(1);

ii. The bottom of the longitudinal chassis frame beam shall be at or above Base Flood Elevation;

iii. New or substantially improved manufactured dwellings shall be anchored to prevent flotation, collapse, and lateral movement during the base flood. Anchoring methods may include, but are not limited to, use of over-the-top or frame ties to ground anchors (Reference FEMA's "Manufactured Home Installation in Flood Hazard Areas" guidebook for additional techniques), and;

iv. Electrical crossover connections shall be a minimum of twelve (12) inches above Base Flood Elevation (BFE).

e. Recreational Vehicles. Recreational vehicles placed on sites are required to:

i. Be on the site for fewer than 180 consecutive days; and

ii. Be fully licensed and ready for highway use, on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no

permanently attached additions; or

iii. Meet the requirements of ~~s~~Section 3.7.400.~~(~~B~~)~~(3)(d), including the anchoring and elevation requirements for manufactured dwellings.

f. Accessory Structures. Relief from elevation or flood-proofing requirements for residential and non-residential structures in Riverine (Non-Coastal) flood zones may be granted for accessory structures that meet the following requirements:

i. Accessory structures located partially or entirely within the floodway must comply with requirements for development within a floodway found in ~~s~~Section 3.7.400.~~(~~B~~)~~(4).

ii. Accessory structures must only be used for parking, access, and/or storage and shall not be used for human habitation;

iii. In compliance with State of Oregon Specialty Codes, accessory structures on properties that are zoned residential are limited to one-story structures less than ~~±~~200 square feet, or ~~±~~400 square feet if the property is greater than two (~~±~~2) acres in area and the proposed accessory structure will be located a minimum of ~~±~~20 feet from all property lines. Accessory structures on properties that are zoned as non-residential are limited in size to ~~±~~120 square feet.

iv. The portions of the accessory structure located below the Base Flood Elevation must be built using flood resistant materials;

v. The accessory structure must be adequately anchored to prevent flotation, collapse, and lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy, during conditions of the base flood.

vi. The accessory structure must be designed and constructed to equalize hydrostatic flood forces on exterior walls and comply with the requirements for flood openings in ~~s~~Section 3.7.400.~~(~~B~~)~~(1);

vii. Accessory structures shall be located and constructed to have low damage potential;

viii. Accessory structures shall not be used to store toxic material, oil, or gasoline, or any priority persistent pollutant identified by the Oregon Department of Environmental Quality unless confined in a tank installed incompliance with ~~s~~Section 3.7.400.~~(~~A~~)~~(5).

ix. Accessory structures shall be constructed with electrical, mechanical, and other service facilities located and installed so as to prevent water from entering or accumulating within the components during conditions of the base flood.

g. Below-Grade Crawlspaces.

i. The building must be designed and adequately anchored to resist flotation, collapse, and lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy. Hydrostatic loads and the effects of buoyancy can usually be addressed through the flood opening requirements contained in Section 3.7.400.~~(~~B~~)~~(1). Because of hydrodynamic loads, crawlspace construction is not allowed in areas with flood velocities greater than five (5) feet per second unless the design is reviewed by a qualified design professional, such as a registered architect or professional engineer. Other types of foundations are recommended for these areas.

ii. The crawlspace is an enclosed area below the Base Flood Elevation (BFE) and, as such, must have openings that equalize hydrostatic pressures by allowing the automatic entry and exit of floodwaters. The bottom of each flood vent opening can be no more than one (1) foot above the lowest adjacent exterior grade.

iii. Portions of the building below the BFE must be constructed with materials resistant to flood damage. This includes not only the foundation walls of the crawlspace used to elevate the building, but also any joists, insulation, or other materials that extend below the BFE. The recommended construction practice is to elevate the bottom of joists and all insulation above BFE.

iv. Any building utility systems within the crawlspace must be elevated above BFE or designed so that floodwaters cannot enter or accumulate within the system components during flood conditions. Ductwork, in particular, must either be placed above the BFE or sealed from floodwaters.

v. The interior grade of a crawlspace below the BFE must not be more than two (2) feet below the lowest adjacent exterior grade.

vi. The height of the below-grade crawlspace, measured from the interior grade of the crawlspace to the top of the crawlspace foundation wall must not exceed four (4) feet at any point. The height limitation is the maximum allowable unsupported wall height according to the engineering analyses and building code requirements for flood hazard areas.

vii. There must be an adequate drainage system that removes floodwaters from the interior area of the crawlspace. The enclosed area should be drained within a reasonable time after a flood event. The type of drainage system will vary because of the site gradient and other drainage characteristics, such as soil types. Possible options include natural drainage through porous, well-drained soils and drainage systems such as perforated pipes, drainage tiles or gravel or crushed stone drainage by gravity or mechanical means.

viii. The velocity of floodwaters at the site shall not exceed five (5) feet per second for any crawlspace. For velocities in excess of five (5) feet per second, other foundation types should be used.

4. Floodways. Located within the special flood hazard areas established in ~~s~~Section 3.7.200.~~(~~B~~)~~ are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of the floodwaters which carry debris, potential projectiles, and erosion potential, the following provisions apply:

   a. Prohibit encroachments, including fill, new construction, substantial improvements, and other development within the adopted regulatory floodway unless:

      i. Certification by a registered professional civil engineer is provided demonstrating, through hydrologic and hydraulic analyses performed in accordance with standard engineering practice, that the proposed encroachment shall not result in any increase in flood levels within the community during the occurrence of the base flood discharge; or,

      ii. A community may permit encroachments within the adopted regulatory floodway that would result in an increase in base flood elevations, provided that a Conditional Letter of Map Revision (CLOMR) is applied for and approved by the Federal Insurance Administrator, and the requirements for such revision as established under Volume 44 of the Code of Federal Regulations, ~~s~~Section 65.12 are fulfilled. If an encroachment proposal resulting in an increase in Base Flood Elevation meets the following criteria, then an approved CLOMR may not be required prior to approval of a floodplain permit, as determined by the Floodplain Administrator:

         A. Is for the purpose of fish enhancement,

         B. Does not involve the placement of any structures (as defined in Chapter 1.3) within the floodway,

         C. Has a feasibility analysis completed documenting that fish enhancement will be achieved through the proposed project,

         D. Has a maintenance plan in place to ensure that the stream carrying capacity is not impacted by the fish enhancement project,

         E. Has approval by the National Marine Fisheries Service, the State of Oregon Department of Fish and Wildlife, or the equivalent federal or state agency, and

         F. Has evidence to support that no existing structures will be negatively impacted by the proposed activity;

b. If the requirements of ~~s~~Section 3.7.400.~~(~~B~~)~~(4)(a) are satisfied, all new construction, substantial improvements, and other development shall comply with all other applicable flood hazard reduction provisions of ~~s~~Section 3.7.400.~~(~~B~~)~~.

5. Standards for Shallow Flooding Areas. Shallow flooding areas appear on FIRMs as AO zones with depth designations or as AH zones with Base Flood Elevations. For AO zones, the base flood depths range from one (1) to three (3) feet above ground where a clearly defined channel does not exist, or where the path of flooding is unpredictable and where velocity flow may be evident. Such flooding is usually characterized as sheet flow. For both AO and AH zones, adequate drainage paths are required around structures on slopes to guide floodwaters around and away from proposed structures.

   a. Standards for AH Zones. Development within AH Zones must comply with the standards in ~~s~~Sections 3.7.400.~~(~~A~~)~~, 3.7.400.~~(~~B~~)~~, and 3.7.400.~~(~~B~~)~~(5)(a).

   b. Standards for AO Zones. In AO zones, the following provisions apply in addition to the requirements in ~~s~~Sections 3.7.400.~~(~~A~~)~~, and 3.7.400.~~(~~B~~)~~(5)(a):

      i. New construction and substantial improvement of residential structures and manufactured dwellings within AO zones shall have the lowest floor, including basement, elevated above the highest grade adjacent to the building, at minimum to or above the depth number specified on the FIRM (at least three (3) feet if no depth number is specified). For manufactured dwellings the lowest floor is considered to be the bottom of the longitudinal chassis frame beam.

      ii. New construction and substantial improvements of non-residential structures within AO zones shall either:

         A. Have the lowest floor, including basement, elevated above the highest adjacent grade of the building site, at minimum to or above the depth number specified on the FIRM (at least three (3) feet if no depth number is specified); or

         B. Together with attendant utility and sanitary facilities, be completely flood-proofed to or above the highest adjacent grade of the building site, minimum to or above the depth number specified on the FIRM (at least three (3) feet if no depth number is specified), so that any space below that level is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. If this method is used, compliance shall be certified by a registered professional engineer or architect as stated in ~~s~~Section 3.7.400.~~(~~B~~)~~(3)(a)(iv).

      iii. Recreational vehicles placed on sites within AO Zones on the community's Flood Insurance Rate Maps (FIRM) shall either:

A. Be on the site for fewer than 180 consecutive days, and

B. Be fully licensed and ready for highway use, on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions; or

C. Meet the elevation requirements of ~~s~~Section 3.7.400.~~(~~B~~)~~(5)(b)(i), and the anchoring and other requirements for manufactured dwellings of ~~s~~Section 3.7.400.~~(~~B~~)~~(5)(b)(ii).

iv. In AO zones, new and substantially improved accessory structures must comply with the standards in ~~s~~Section 3.7.400.~~(~~B~~)~~(3)(f).

v. In AO zones, enclosed areas beneath elevated structures shall comply with the requirements in Section 3.7.400.~~(~~B(1).

Chapter 3.8 – Hillside Development and Design Standards

Sections:

3.8.100 Purpose. The steep hillsides surrounding the Powder River Valley are a defining natural feature for Baker City. Views of the hillsides from public places are a community asset and preserving the hillsides is important for reducing erosion and protecting water quality. As development pressures increase in the city, the hillsides also provide significant opportunities for new development including housing, tourist accommodations, agriculture, and agri-tourism uses. It is in the interest of the City and community to balance these competing interests and support community goals such as the preservation of public views, mitigation of environmental impacts from new development, and providing affordable housing. The hillside development and design standards are intended to further these community goals and implement the City's Comprehensive Plan.

3.8.200 Guiding Principles. The following guiding principles further define the purpose of the hillside development and design standards and are not intended to be regulatory language:

A. Where feasible, locate hillside development in areas that are not visible or have less visual impact from public places while preserving open space.
B. Design streets, sites, and buildings to integrate with the natural topography and minimize the need for re-grading.
C. Hillside development should avoid impacting streams, ravines, wildlife habitats, ridgelines, and other natural features.
D. Design sites and buildings to minimize visual impacts. Consider use of techniques such as:

    1. Cluster buildings;
    2. Incorporate vegetation;
    3. Design building massing and modulation to minimize bulk and scale; and
    4. Use facade materials that blend with the natural environment.

E. Design sites and infrastructure to ensure public safety by minimizing impacts from erosion, dust, fires, floods, landslides, and other natural hazards both during and after construction.
F. Phase land disturbance to the maximum degree practicable. Focus grading in initial phases to construct the infrastructure for the project. Avoid mass grading and defer clearing and grading of individual lots to the building permit stage.

3.8.300 Applicability. The hillside development and design standards of this Chapter are optional standards that can apply to any residential land use ~~development~~ application that involves slopes greater than 20 percent including subdivisions, site plan applications, conditional use permits, critical area permits and building permits. While these standards are not required to build on a hillside in the Urban Growth Boundary of Baker City, these optional standards are designed to provide relief from the development requirements otherwise outlined in Articles 2-4 of this Development Code. These standards do not apply to permits and development agreements approved prior to the effective date of these standards.

3.8.400 Submittal Requirements. Any development site containing significant vegetation, as defined in Section 3.2.200, must comply with the requirements established in that section. Any development involving erosion hazard areas or slopes above the threshold in Section 3.8.300 must comply with the Landscaping standards in Section 3.2.300. The following items must be submitted with the Site Design Review application requirements in Section 4.2.400.C:

A. A map identifying prominent natural features on the site and vicinity including vegetation and trees, streams, ravines, wildlife habitat, and others.
B. A map showing the conceptual street layout, typical street sections, grades, and access to developable properties.
C. A conceptual site plan showing the general layout of streets, parcels, buildings, driveways. The site plan and any supporting information shall show how natural features are protected and incorporated into the design of the subdivision.
D. Conceptual site plans for typical developable parcels including buildings, retaining walls, access, stormwater management, and landscaping.
E. Conceptual architectural renderings of typical buildings and sections from a licensed architect.
F. A written statement describing design measures to minimize erosion (i.e. landslides, etc…), environmental and public view impacts.
G. Slope cross-sections that show the extent of proposed grading where the most grading is proposed, where there is the most intense development, where the site is most visible from public viewing areas, and along major streets.
H. Photographs of the property documenting existing conditions.
I. Geotechnical report describing the stability of the affected slope at the development site, along with risk and mitigation options.

3.8.500 Development and Design Standards.

A. Subdivisions
    1. Streets
        i. The layout of parcels and streets must be designed to minimize the overall length of streets.
        ii. Streets must be located and designed to follow natural contours and minimize the need for re-grading for both streets, parcel access, and buildings.
        iii. Subdivisions must be designed to provide property access on both sides of the street

wherever feasible to minimize the length and number of streets as well as the disruption to the hillside.

2. Clustering
    i. Clustering of parcels and buildings is strongly encouraged to minimize the disruption to steep slopes, to protect natural features, and minimize impacts on public views.
    ii. The Planning Director may reduce minimum lot sizes by up to 15 percent to allow for clustering to minimize disruption to natural features and public views. Building coverage limits in Section 2.2.120 may not be increased.

Exhibit 1. Clusters of buildings preserve open space and minimize impact to steep hillsides.

B. Parcels/Building Lots
    1. Mass re-grading of parcels to create flat building sites and buildings designed for flat sites is prohibited.
    2. Parcels shall be located and configured to minimize the amount of grading needed for site development and access.
    3. Buildings shall be oriented parallel to the slope to minimize cut and fill unless a proposed orientation has greater likelihood of meeting the code requirements.
    4. Retaining walls and rockeries must comply with Section 3.2.500 and are only permitted when necessary to support a structure and/or access road or driveway.

C. Building Location and Design
    1. Buildings shall incorporate the slope into the design of the building (see Exhibit 2). Buildings on steep slopes may step down slopes (see Exhibit 3) to break up the scale and mass of the building.
    2. Stacked residential development is allowed on slopes over 15% in the R-LD zone.
    3. Setbacks from the street shall be the minimum distance needed for parking and access. The City may approve a reduction in the front yard setback to minimize grading and disruption to the hillside.
    4. Where feasible without significant re-grading, the design of low-profile buildings should be utilized to minimize the visual impact downslope (see Exhibit 4).
    5. Avoid use of retaining walls to minimize the visual impact downslope unless necessary for slope

stability.

6. Buildings and retaining wall facades must use natural materials that blend with the surrounding natural environment and hillside.
7. Minimize cut and fill to the amount necessary to support the building and access while protecting native vegetation.

D. Landscaping and Vegetation
   1. The use of native vegetation and drought tolerant landscaping is required. Species shall be those listed as native by the Oregon State University (OSU) Extension Service in the applicable OSU bulletins for Baker County.
   2. To the extent feasible, native vegetation shall be preserved in the design of the site and locations of buildings.
   3. Vegetation that is disturbed during site development shall be replaced with native vegetation.

Exhibit 2. Building design incorporates the slope.

Exhibit 3. Building design steps down the slope.

Exhibit 4. Low-profile building minimizes visual impact.