

# COMPREHENSIVE LAND USE PLAN

## HAINES, OREGON

Approved this 7th day of December, 1979

*Richard H. Camp, Mayor*

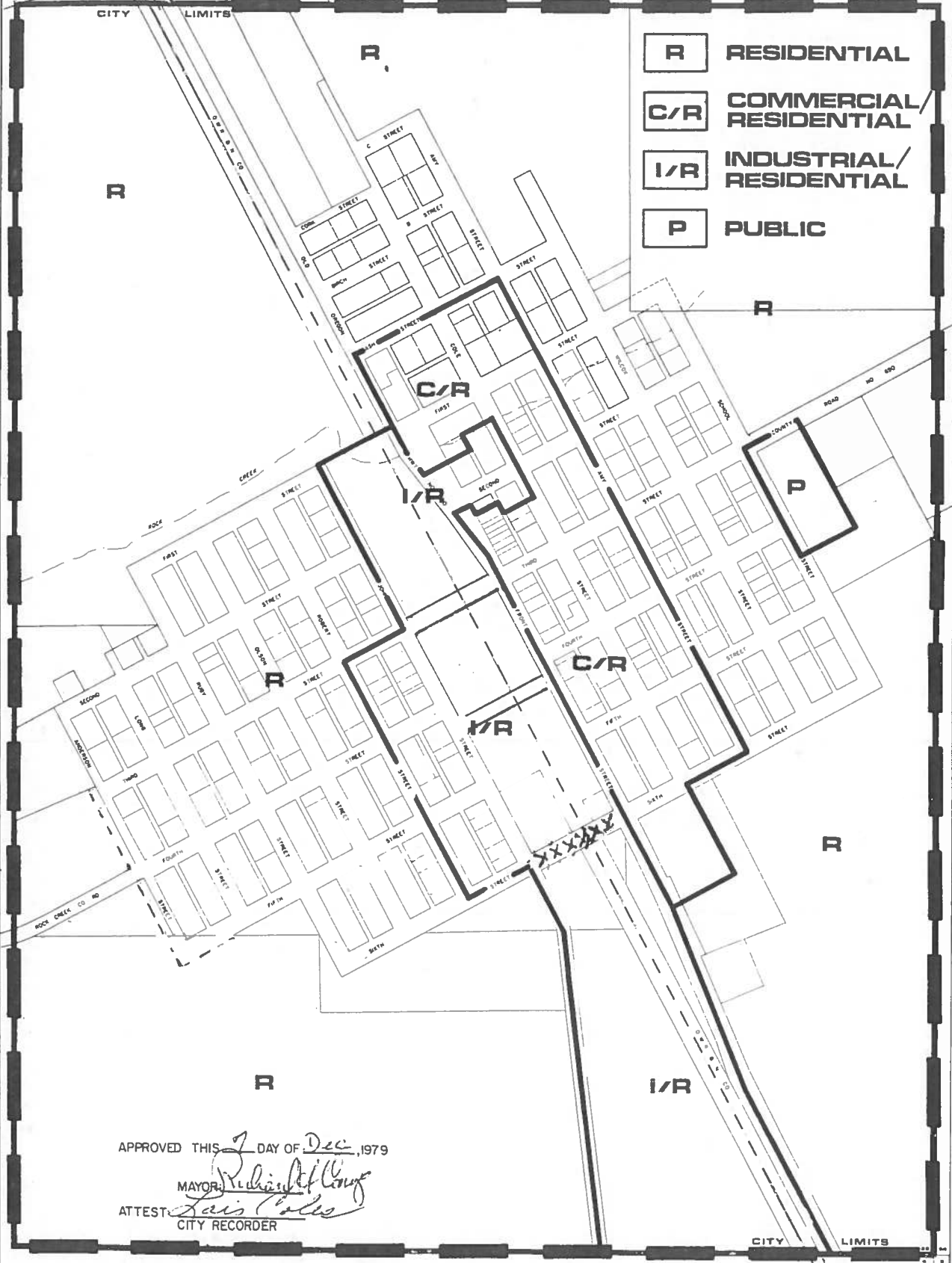
Attest: *Lois Coles, City Recorder*

Preparation of this plan was financed in part by grants from the Oregon Department of Land Conservation and Development and by the U.S. Department of Housing and Urban Development. The U.S. funds were sponsored by the Blue Mountain Intergovernmental Council by contract.

Urban Growth Boundary →

CITY LIMITS

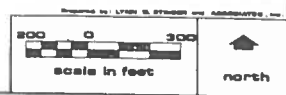
- R** RESIDENTIAL
- C/R** COMMERCIAL/RESIDENTIAL
- I/R** INDUSTRIAL/RESIDENTIAL
- P** PUBLIC



APPROVED THIS 7 DAY OF Dec, 1979  
 MAYOR: *[Signature]*  
 ATTEST: *[Signature]*  
 CITY RECORDER

CITY LIMITS

**LAND USE PLAN  
 CITY OF HAINES**



Technical Information and Inventory Data  
for Land Use Planning  
Haines, Oregon

Compiled by  
Baker County Planning Staff  
in cooperation with  
Officials and Residents of  
Haines, Oregon

## PART 1

### LAND USE PLAN INCLUSIONS; SUPPORTING MAPS

- I. A. The document entitled "Technical Information and Inventory Data, Haines, Oregon", as dated and approved by the City, is included in this land use plan.
- B. Such information and data should be updated and revised periodically as necessary as provided for this land use plan.
- II. A. The map entitled "Land Use Map, City of Haines", as dated and approved by the City is included in this land use plan.
- B. Such land use map should be updated and revised as provided for this land use plan.
- III. A. Supporting maps: The following base maps were prepared for informational purposes in support of this land use plan:
  - 1. Area soils capability.
  - 2. Area existing land use.
  - 3. Ownership pattern.
  - 4. Area zoning.
- B. Such supporting maps may be inspected at the City Hall.

## PART 2

### LAND USE GOALS; POLICIES; RECOMMENDATIONS

#### I. Citizen Involvement

- A. Goal: To provide an opportunity for citizens to be involved in all planning issues and to involve them in all planning decisions.
- B. Policies:
  - 1. That maps, charts and other planning data will be available for citizen review and consideration in making planning decisions.
  - 2. That citizens will be encouraged to attend public planning meetings and assist in determining problem solutions and in making other City planning decisions.
  - 3. That notification of planning activities will be made by a variety of means to make residents aware of upcoming decisions which may affect them.
- C. Recommendation:
  - 1. That Plan summaries be distributed to all residents after adoption.

## II. Land Use Planning Process

- A. Goal: To adopt a land use plan and implementation ordinances needed to provide factual bases for planning decisions.
- B. Policies:
1. That development will be encouraged providing it does not unduly diminish agriculture of the area.
  2. That private investments will be protected from incompatible development which might likely diminish their value or unduly increase their taxes.
  3. That public investments for services and facilities will be protected from development which might likely exhaust or exceed their capacity and require additional capital improvements, unless such development pays the cost for the service demands that it is creating.
  4. That as a condition of making plan changes, it will be determined that community attitudes and/or physical, social, economic, or environmental changes have occurred in the area or related areas since plan adoption and that a public need supports the change, or that the original plan was incorrect.
  5. That planning decisions will be coordinated with other local, State or Federal agencies having an interest in such decisions.
  6. That minor plan changes such as corrections or boundary adjustments and realignments will be made by the governing body at a public hearing.
  7. That a public meeting will be held every 2 years to consider whether plan revisions are warranted, and that the public may petition for plan review and revision at more frequent intervals.
- C. Recommendations:
1. That findings made in the course of land use planning decisions be related to specific planning policies or background information and that such finding be documented.
  2. That an official copy of the plan be kept on file by the Recorder and a second copy be available for review.

## III. Agriculture Land Preservation

- A. Goal: To preserve and maintain productive agricultural lands.
- B. Policies: Although it is recognized that the City is not bound to Goal III, since the Urban Growth Boundary is basically the same as the city limits, it was desired that the following policies be recorded and applied as guidelines to any agricultural land being converted to urban uses.
1. That agricultural lands will be developed only if less productive alternative sites are unavailable and needed levels of access and services exist or can be planned to accommodate such development.

2. That conversion of agricultural land to residential or other uses will be approved only after the following have been determined:
  - a. There is a need consistent with related plan objectives and policies.
  - b. The resulting uses will not likely create undue interference with accepted farming practices in the area.
  - c. Such agriculture land is anticipated to be needed primarily for residential and possibly industrial uses, but before it is developed, all affected citizens would have the opportunity to express their opinions on the matter.
3. That development in these areas would be required to take place in an orderly fashion.

#### IV. Forest Lands

- A. Goal: To conserve forest lands for forest uses.  
This goal does not apply since there is no commercial timber within the City limits.

#### V. Open Space, Scenic and Historic Areas and Natural Resources

- A. Goal: To conserve open space and protect natural, cultural, historical and scenic resources.
- B. Policy: That the significance of historical sites and structures will be recognized and protected.
- C. Recommendation: That zoning ordinance provisions be established to insure continuation of the town character and visual attractiveness.

#### VI. Air, Water and Land Resource Quality

- A. Goal: To preserve or improve the quality of our land, air, and water.
- B. Policy: That all future growth will comply with local, State and Federal air, water and land quality laws.

#### VII. Areas Subject to Natural Hazards and Disasters

- A. Goal: To protect life and property from natural disasters and hazards.
- B. Policies:
  1. That existing irrigation ditches will be maintained so as to minimize danger.
  2. That new development will not increase flood hazards nor restrict or divert floodwaters into areas not previously subject to flooding.
- C. Recommendations:
  1. That all new development meet desired levels of fire safety requirements.

2. That high groundwater areas be mapped and development limitations recognized.

#### VIII. Recreation Needs

A. Goal: To satisfy the recreation needs of the community.

B. Policies:

1. That surrounding area recreation facilities will be encouraged and promoted.
2. That future development will provide adequate open space to maintain the character of the community.
3. That private park and recreation improvements will be encouraged.

#### IX. Economic Development

A. Goal: To aid in the economy of the City.

B. Policies:

1. That an effort will be made to preserve the small town integrity and local control of the city.
2. That a moderate, orderly population growth will be encouraged within the limits of water and sewerage systems and other utility capacities and availability of land.
3. That uses with undersirable noise, smoke, odor, visual and other objectionable characteristics, may be prohibited from locating in areas where such conditions are incompatible with surrounding area development.

#### X. Housing

A. Goal: To make provision for all citizens to have adequate housing.

B. Policy: That an effort will be made to accommodate a range of homes, mobile homes and other residential development and in a variety of locations and price levels.

#### XI. Public Services and Facilities

A. Goal: To provide an orderly and economic arrangement of public services and facilities.

B. Policies:

1. That City facilities and services will be used to their fullest extent within the urban boundary.
2. That all future growth will take into consideration the limitations of City facilities and services.
3. That public facilities will be used for multiple-purpose whenever possible.
4. That the City of Haines will work with the county and other units of local and State government in establishing and implementing a solid waste removal program that addresses

the needs of the people in the area and meets State requirements.

XII. Transportation

- A. Goal: To encourage safe, convenient and economic transportation systems.
- B. Policy: That street projections and connections will be planned to maintain or improve access and other circulation needs.
- C. Recommendation: That a street network plan be developed to show needed street projections and connections.

XIII. Energy

- A. Goal: To conserve energy
- B. Policy: That all practical energy conservation measures will be used in orderly, planned growth of the community.

XIV. Urbanization

- A. Goal: To provide an efficient transition from rural to urban land use.
- B. Policy: The urban growth boundary for the city shall be the incorporated boundary.

PART 3

LAND USE ZONES; PURPOSE; RATIONALE

- I. A. Residential zone (R): The purpose of the R zone shall be to provide for the allocation and regulation of buildable lands primarily for medium density single and two family dwellings.
- B. All other uses should be evaluated on an individual basis in order to determine the impact:
  - 1. On the municipal water system capacity;
  - 2. On the municipal sewerage system capacity;
  - 3. On the municipal solid waste disposal facilities;
  - 4. On the traffic flow patterns in the city; and
  - 5. On the environmental stability of neighboring property.
- C. Rationale: The development and use of buildable lands in the City will be limited by: (i) The municipal water system capacity; (ii) The municipal sewerage system capacity; (iii) The limitations on municipal fire fighting equipment; (iv) The limitations on municipal solid waste collection and disposal; (v) The lack of improved all weather streets; and (vi) The generally prevailing high ground water table.



- II. A. Commercial Residential zone (CR): The purpose of the CR zone shall be to provide for the allocation and regulation of buildable lands primarily for the customary and ordinary sales and services establishments that are compatible with high density single and two family dwellings.
- B. All other uses should be evaluated on an individual basis as provided in I.B. of this Part.
- C. The rationale is essentially the same as provided in I.C. of this Part.
- III. A. Industrial Residential zone (IR): The purpose of the industrial residential zone shall be to provide for the allocation and regulation of buildable lands primarily for those industrial uses that are reasonably compatible with high density single and two family dwellings.
- B. All other uses should be evaluated on an individual basis as provided in I.B. of this Part.
- C. The rationale is essentially the same as provided in I.C. of this Part.

#### PART 4

##### INTERIM SUPPLEMENTAL PROVISIONS

- I. Purpose: The purpose of this Part shall be to provide interim land use policies until an approved municipal sewerage system is operating.
- II. A. Policy: Notwithstanding any other provision of this plan:
  - 1. All uses of land requiring any alternative sewerage disposal system, other than an approved municipal sewerage system, will be subject to all applicable state regulations applying to such alternative sewage disposal systems.
  - 2. In addition to any other zoning or subdivision requirements, all land uses will be required to have adequate land area approved for such alternative sewage disposal system, other than an approved municipal sewerage system.
- B. Expiration of Policy: The policy in A. of this Part expires when the City's proposed sewerage system is completed and is operating.

Technical Information and Inventory Data  
for Land Use Planning  
Haines, Oregon

Compiled by  
Baker County Planning Staff  
in cooperation with  
Officials and Residents of  
Haines, Oregon

City of Haines Government

Mayor:

Dick Camp

City Council:

Dwight Perkins

George McMillan

Tom Hacker

Bertha Barnes

Ruth Bahler

Ray Rowan

City Recorder and Treasurer:

Lois Coles

Maintenance Staff

Wallace Bogart

David Alford, CETA assistant

City Dump Attendant:

Roger Barnes

City Fire Chief:

Clifford Cole

City Librarian:

Toby Hacker

City Council Meetings:

2nd Tuesday of each month at 7:30 p.m. in City Hall

Haines Emergency Medical Technicians referred to in text:

Clifford Cole - EMT I

Tom Hacker - EMT I

Toby Hacker - EMT I

Nina Miller - EMT I

Les Pointer - EMT I

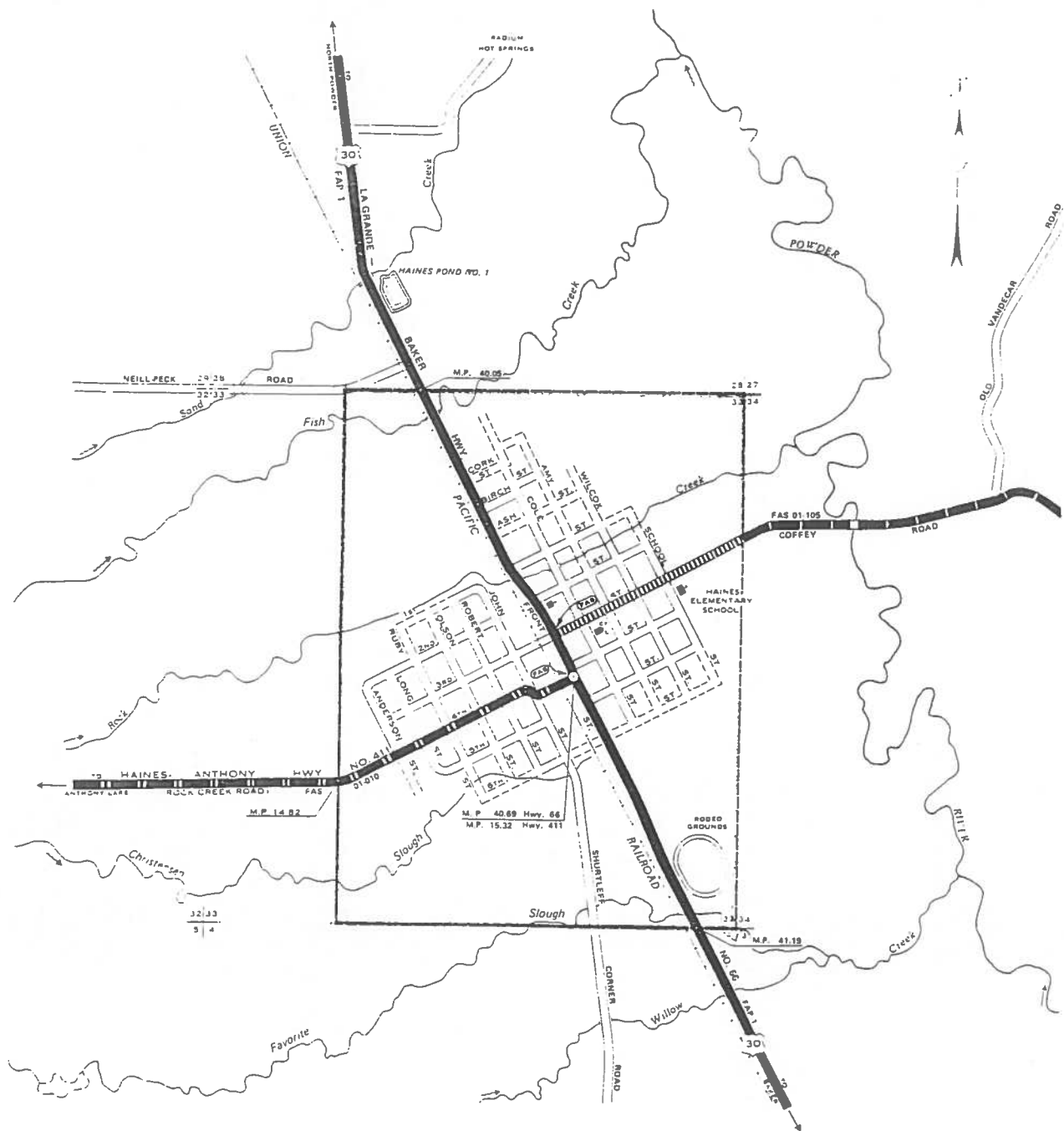
Lloyd Ensminger - EMT I

Steve Proebstel - EMT I

Approved this 11 day of December, 1979

*Dick Camp*  
Mayor

Attest: *Lois Coles*  
Recorder



T7S R39E W.M.

# HAINES

BAKER COUNTY, OREGON

## LEGEND

- |  |  |  |                                 |
|--|--|--|---------------------------------|
|  | FEDERAL AID INTERSTATE SYSTEM            |  | INTERSTATE NUMBERED ROUTE (FAS) |
|  | FEDERAL AID PRIMARY SYSTEM               |  | U.S. NUMBERED ROUTE             |
|  | FEDERAL AID SECONDARY SYSTEM STATE       |  | STATE NUMBERED ROUTE            |
|  | FEDERAL AID SECONDARY SYSTEM COUNTY      |  | POST OFFICE                     |
|  | OTHER FEDERAL AID SECONDARY SYSTEM LOCAL |  | SCHOOL                          |
|  | TERMINATION OF FA SYSTEM                 |  | CITY CENTER                     |
|  | TERMINATION OF ROUTE                     |  | R.R. DEPOT                      |
|  | DIVIDED HIGHWAY                          |  | P.B. BLDG                       |
|  | UNDIVIDED HIGHWAY NO OF LANES            |  | CITY HALL                       |
|  | STREET OPEN FOR TRAVEL                   |  | COURT HOUSE                     |
|  | STREET DEDICATED BUT NOT OPEN            |  | APRORY                          |
|  |  |  | LIBRARY                         |

PREPARED BY THE  
OREGON STATE HIGHWAY DIVISION  
IN COOPERATION WITH  
THE U.S. DEPARTMENT OF TRANSPORTATION  
FEDERAL HIGHWAY ADMINISTRATION  
Population 330  
Scale in Feet

Revised June 1975

CHAPTER 1

A. Political Subdivision: Haines is a political subdivision of the State of Oregon and is a part of Baker County. Its charter of incorporation was signed in 1908. The original charter was revised December 31, 1975.

B. Area: 444 acres

C. Assessed Evaluation (True Cash Value): \$2,462,881  
$$\frac{21.12/\text{thousand}}{52,016.06 \text{ tax levied}}$$

D. Tax Code 5-2 (Haines) 1978-1979 includes:

Baker County	3.57
Baker E.S.D.	1.24
School District 5J	12.11
City of Haines	3.28
Vector Control	.53
Haines Cemetery Dist.	.39
	<u>21.12</u>

E. Haines Operating Budget: \$1,073,997  
$$\frac{1,003,593}{9,331}$$
 for Sewer Project  
for City Budget  
Property Tax Levy: 8,072  
Levy Outside of 6% limit 0  
Proposed Bonded Debt: 320,000 (Sewer Project)

F. Location: Haines, located 9 miles northwest of Baker, straddles State Highway 30 from Milepost 40.05 on the northern edge to Milepost 41.19 on the southern edge. The City of Haines lies within Section 33 of Township 7 South; Range 39 E.W.M.

G. Topography: Haines is slightly north of the center of Baker Valley and occupies ground of 0-12% slope. The town is drained by 2 creeks and 2 sloughs, only one of which, Rock Creek, has year round water. All 4 of these channels flow easterly through Haines, joining the Powder River at various points, all east of the City.

H. Elevation: 3333' measured at the former location of the U.P. Depot.

I. Transportation: See Plates 3 and 5.

1. State Highway 30 (FAP 1) enters Haines from the north and exists to the south 1.14 miles later.
2. State Highway 411 (FAS) also called Anthony Lakes Highway enters Haines from the west at Milepost 14.82 and ends .5 miles later when it joins Highway 30.
3. Coffey Road (FAS 01-105) is part of the County Road System feeding into Haines as are Shurtleff Corner Road and Neill-Peck Road.
4. City Streets - The City of Haines is approximately 6 x 9 city blocks in area. The only surfaced streets inside Haines are those portions of the above state highways and Coffey Road

that lie within the city limits. Maintenance equipment includes a 1956 International Pickup, a used Ford Dump truck with plow, a Road Grader and Backhoe, and misc. hand tools.

J. Climate: No data is available for Haines from the National Climate Center, Ashville, North Carolina.

K. School District Enrollment:

Grades 1 - 6	1972	1975	1976	1977	1978	Current
	82	85	92	94	99	110

Jr. High and High School Students are bussed into Baker.

L. Haines Volunteer Fire Department:

Rating:	8
Last Rated Date:	1976
Area (Sq. miles):	80
Dwellings:	275
Alarms:	
Fire	16
Other	0
Personnel:	
Paid	0
Volunteer	18
Equipment:	
Pumpers	1 1940 GMC
Tankers:	1
Reserve:	0
Aerial Platform:	0
Rescue:	0
Other:	1

This information includes manpower and equipment of the Haines Rural Fire Protection Association. Equipment is housed in an annex to the City Hall. A written reciprocal agreement exists between Haines, Baker, and North Powder Fire Departments. Haines has 29 fireplugs of 4", 6", and 8" diameter. The sizes are color coded: the mainline 8" hydrants are green, the 6" hydrants are yellow, and the 4" lines are red.

M. Municipal Water System:

The water system was built approximately 70 years ago and is in the process of being modernized. There are 2 municipal wells, both approximately 250' - 300' deep. The main well is near 3rd Street and Olson. The auxiliary well is one block north of the first and is used only in case of need. The water is pumped from the well into an elevated storage tank from where it is distributed by gravity flow to approximately 150 users. Each well is served by an electric pump. About  $\frac{1}{2}$  of the original wooden lines have already been replaced with updated water lines. The remainder will be updated as money is available. No chlorination facility exists in Haines. Testing of water is done regularly pursuant to law.

N. Municipal Sewage System:

The proposed system awaits funding from governmental agencies

to initiate phase III - actual construction. The system will use gravity feed to a collection point east of town. A pump will then lift effluent to lagoon site which is behind some hills east of Haines. The capacity for the system is 500 people.

C. Solid Waste Disposal System:

The city owns and operates a 15 acre landfill northeast of town. The disposal area, located on Old Vandecar Road, is completely fenced. It is open for dumping on Saturday with an attendant on duty. The residents of Haines are also served by Baker Valley Sanitary Service on a weekly schedule. This City has applied for a D.E.Q. permit which hinges upon the drafting of an operational plan.

P. Municipal Police Protection: None

The City of Haines has police protection from the County Sheriff's Office and the State Police Department both headquartered in Baker.

Q. Medical Services:

1. 7 Emergency Medical Technicians (EMT's)
2. Ambulance - available from Baker
3. No resident dentist or physician

R. Communication Facilities:

1. Telephone System: Cascade Utilities of Estacada
2. Post Office: housed in privately owned building leased to U.S. Post Office.
3. Newspaper:  
Democrat Herald, Baker daily  
Record-Courier, Baker weekly  
Portland Oregonian and Journal
4. Radio:  
KBKR, Baker
5. Television: 3 Spokane channels by antenna  
1 Boise channel by Blue Mountain Translator  
No Cable Television available
6. Library: Branch Library of Baker County Library is open 3 afternoons a week in City Hall.

S. Public Carriers:

1. Senior Citizens' Van - one trip per week to Baker and back.
2. United Parcel Service (UPS) delivery
3. General Commodities Carriers, Heavy Haul, Personal and Household Furnishings: 7 companies operate in Baker County and serve Haines when contracted by residents. The services provided vary as do truck load lots, according to the individual company's license and permit requirements.
4. Air Service: closest public facility is in Baker. One registered personal/private airstrip is 1 mile west of Haines and a second is in the Muddy Creek area.
5. Rail Service: Union Pacific Railroad passes through Haines with a freight siding at the local feed and seed mill. Passenger service on Amtrak is available in Baker.

6. Bus Service: Haines is served by one westbound bus and one eastbound bus each day. The bus stops at a store at the northern side of Haines when advance arrangements have been made with the Greyhound Depot in Baker.

T. Energy Supplier:

Electrical energy for Haines is supplied by California Pacific National.

Sources of Information

Oregon Blue Book, 1977-1978, compiled & published by the Secretary of State.  
Baker County Atlas, Sept. 1973, O.S.U. Extension Service  
Baker County Sheriff's Department  
Haines Grade School Secretary  
Oregon Department of Transportation, Aeronautics Division  
Public Utility Commission, Salem, Oregon  
County Assessor's Records, Baker County Courthouse  
State Highway Division, Department of Transportation, map of Haines, 1963  
City Recorder of Haines  
Mayor of Haines  
Fire Chief of Haines



## CHAPTER 2

### OWNERSHIP OF PROPERTY

- A. Federal lands within Haines: none
- B. State Lands within Haines: 1 acre plus 11.93 acres of State Highway Right of Way.
- C. School District 5J lands within Haines: 2.73 acres
- D. Other non-assessable or exempt lands within Haines:
  - City of Haines: .69 acres
  - Churches: .5 acres
  - Grange: .34 acres
  - Museum: .46 acres
  - Baker County: negligible
- E. Total exempt or non-assessable lands with Haines: 17.65 acres
- F. Total acres within City of Haines: 444 acres

#### Source of Information

Baker County Tax Assessor's Records, Baker County Courthouse, Baker, Oregon.

## CHAPTER 3

### POPULATION

Haines:

1940	377
1950	321
1960	331
1970	314
1974	330
1975	325
1976	340
1977	340
1978	360

Using 1970 as the base year for figuring population growth, Haines has an average annual growth rate of .02%. The actual rate of growth is intermittent. By the year 2000, at this rate, Haines' population is projected to be 587.

#### Source of Information

Portland State University Center for Population Research and Census:  
Portland, Oregon.

## CHAPTER 4

### Historical, Recreational, Cultural, Scenic or Forest Areas

- A. The following are inventoried historic sites, buildings, areas, objects or structures listed in the Statewide Inventory of Historic Sites and Buildings within Haines.
1. Bristow Odd Fellows Hall, U.S. Highway 30, c. 1908.
  2. Masonry Commercial Building, Highway 30, 1905.
  3. Baptist Church, East side of Cole Street between 4th & 5th, c. 1891.
  4. Aaron Barker Barn, N.W. corner of 5th & Cole, c. 1890's.
  5. City Hall and Jail, east side of Cole between 3rd and 4th, c. 1908.
  6. Methodist Church, west side of Robert Street between 4th and 5th. 1893.
  7. Oregon Railway & Navigation Company Depot, 3rd Street, 1884.
  8. Opera House, northwest corner of 4th & Johns, c. 1913.
  9. Elkhorn Grange Hall, 1920's.
- B. In addition to the above, the present Eastern Oregon Museum Building is recognized and preserved for its historic value. Originally, the building was the high school gymnasium. After school district reorganization in the 1940's, the building was given to the City of Haines which in turn leased it to the Museum.
- C. The City of Haines leased approximately  $\frac{1}{2}$  acre of land from the Union Pacific Railroad for use as a city park. The only facilities in the park are 2 picnic tables and a telephone booth. There are no other inventoried recreation lands within the town.
- D. Cultural areas refer to areas characterized by evidence of an ethnic, religious or social group with distinctive traits, beliefs and social forms. There are no inventoried cultural areas for Haines.
- E. There are no wild or scenic waterways inventoried for Haines.
- F. There are no designated Scenic Areas either within the City of Haines or along Highway 30 or Anthony Lakes Highway nearby but outside the town. See Plate 10.
- G. There are no inventoried commercial forest lands within the City of Haines.

### Sources of Information

State Historic Preservation Office, Oregon State Highway Division.  
State Parks and Recreation Branch, Department of Transportation.  
Oregon Natural Heritage Programs, April 1978.  
U.S. Department of the Interior; Bureau of Outdoor Recreation.

## CHAPTER 5

### AREAS SUBJECT TO NATURAL DISASTERS & HAZARDS

- A. Earthquakes: Haines, like all of Baker County, is within Zone 2 as defined by the Seismic Risk Map of the U.S., 1931. Historically, Zone 2 areas have experienced moderate earthquake activity. See Plate 7.
- B. Surface Flooding: Haines has successfully petitioned the National Insurance Administrator of the Department of Housing and Urban Development to be removed from the Federal Insurance Flood Plain Map.
- C. There are no inventoried earthslide areas, unstable soils, or areas with high winds constituting a hazard in Haines.

#### Source of Information

Housing and Urban Development, Federal Insurance Administration.  
City Recorder, Haines.  
Uniform Building Code Earthquake Map.

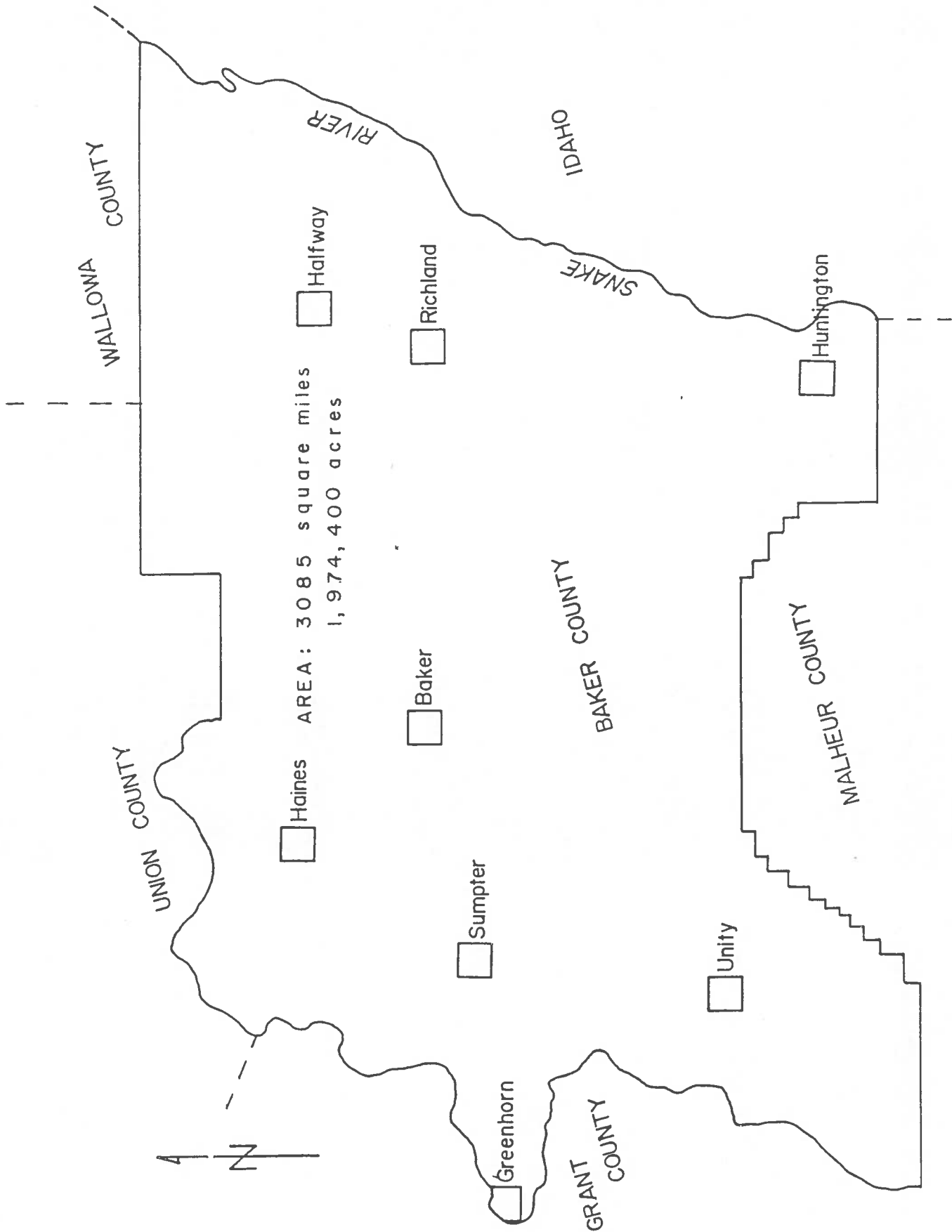
## CHAPTER 6

### HOUSING

A housing survey done by Eastern Oregon Community Development Council (EOCDC) in 1975 is summarized below. More complete results are available from the County Planning Office or EOCDC in La Grande.

#### Haines:

Median Income	\$7,000
Owners	7,000
Renters	7,000
Median Housing Cost:	110/month
Owners	110
Renters	142
% paying excessive housing cost (over 25%)	18%
% overcrowded (1.01 persons/room plus)	5%
Total population (1975)	325
Total housing units (1970)	127
Total households (1973)	73
Sample size %	100%
Total surveyed	140
Total interviewed	88



WALLOWA COUNTY

UNION COUNTY

AREA: 3085 square miles  
1,974,400 acres

Haines

Baker

Richland

Sumpter

Greenhorn

BAKER COUNTY

SNAKE RIVER  
IDAHO

Unity

MALHEUR COUNTY

Huntington

GRANT COUNTY

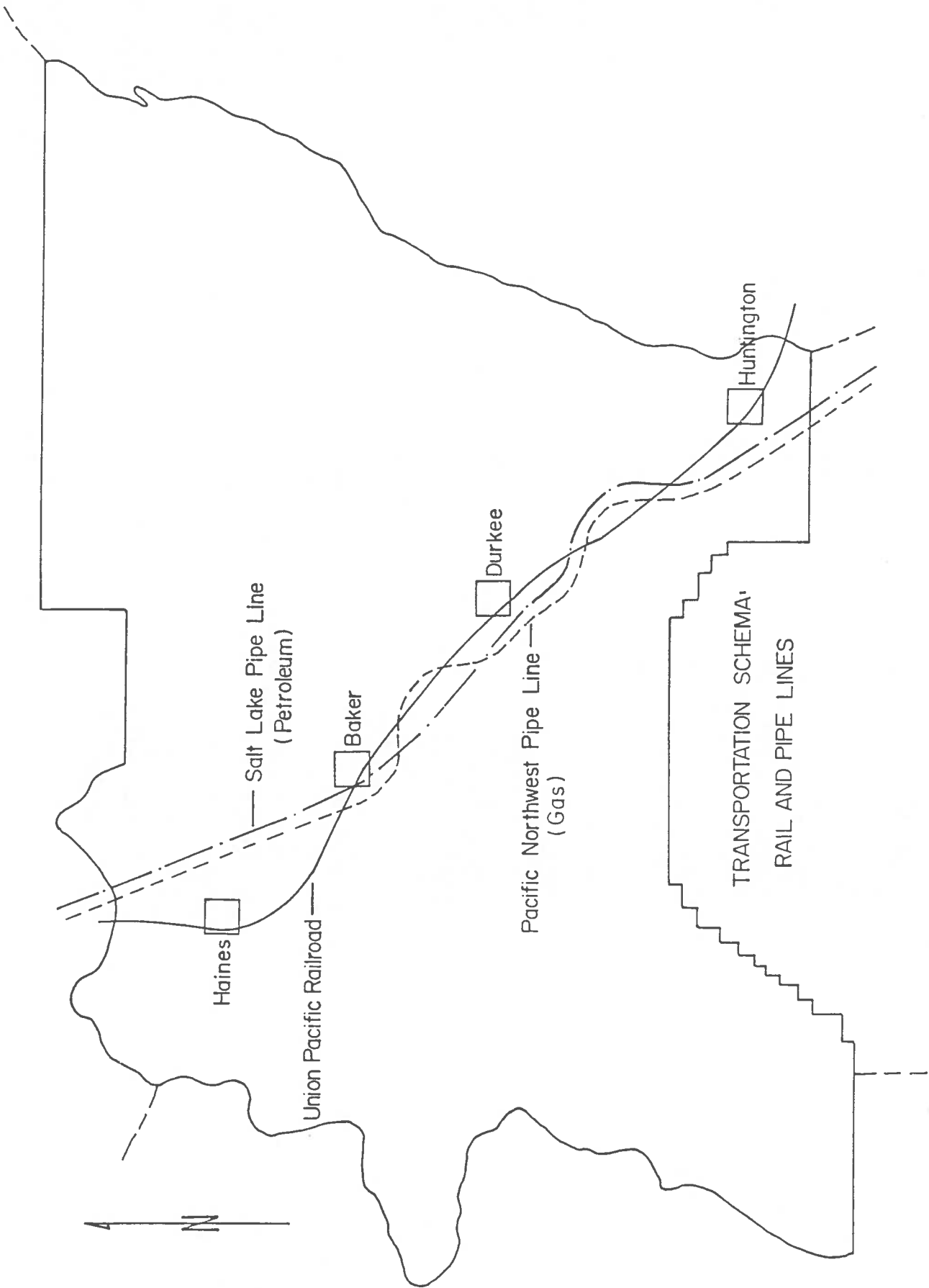


Plate 3

- === Interstate Route
- U.S. Route
- - - Oregon Route
- ..... Local Route
- ↑ Airport

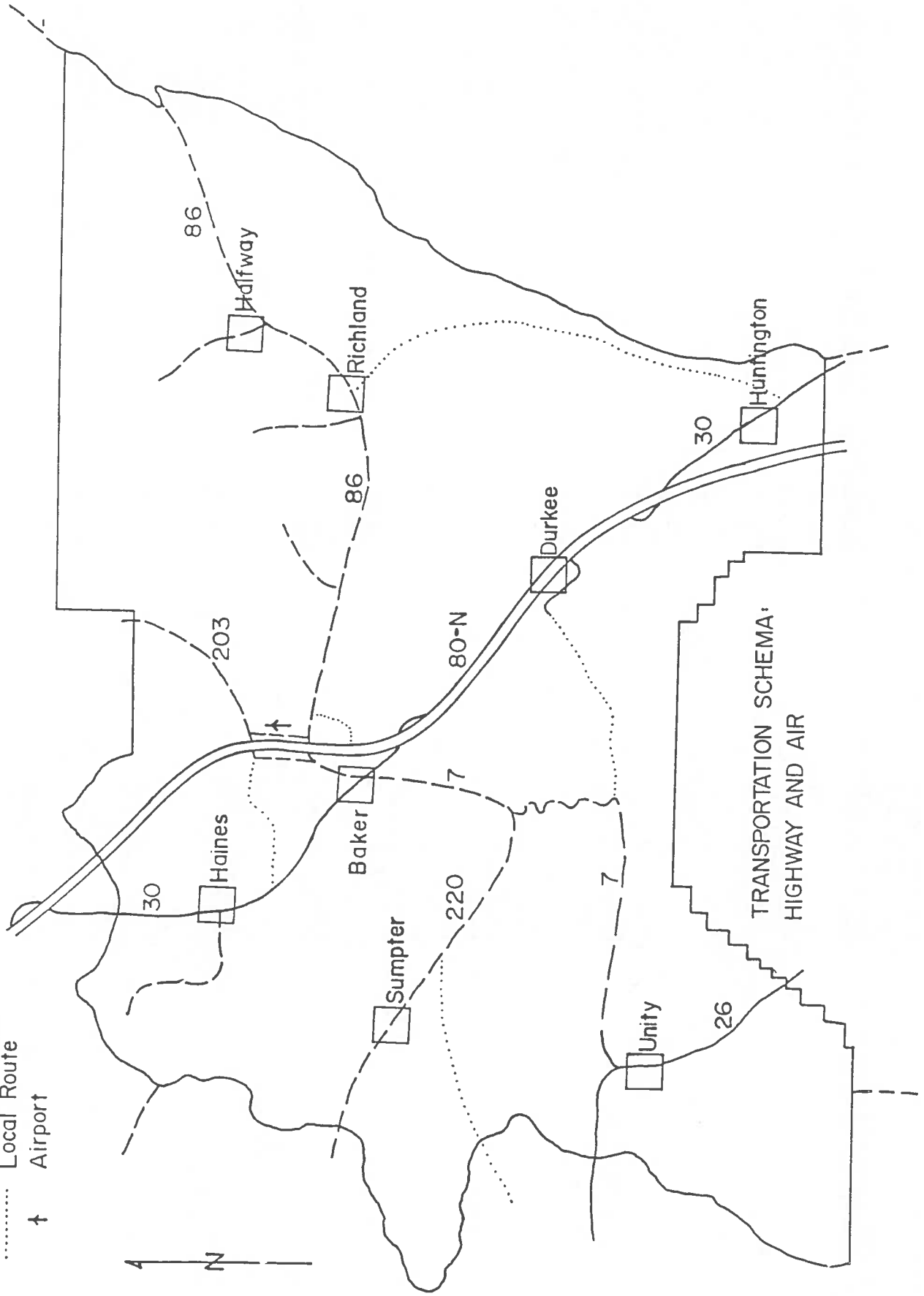
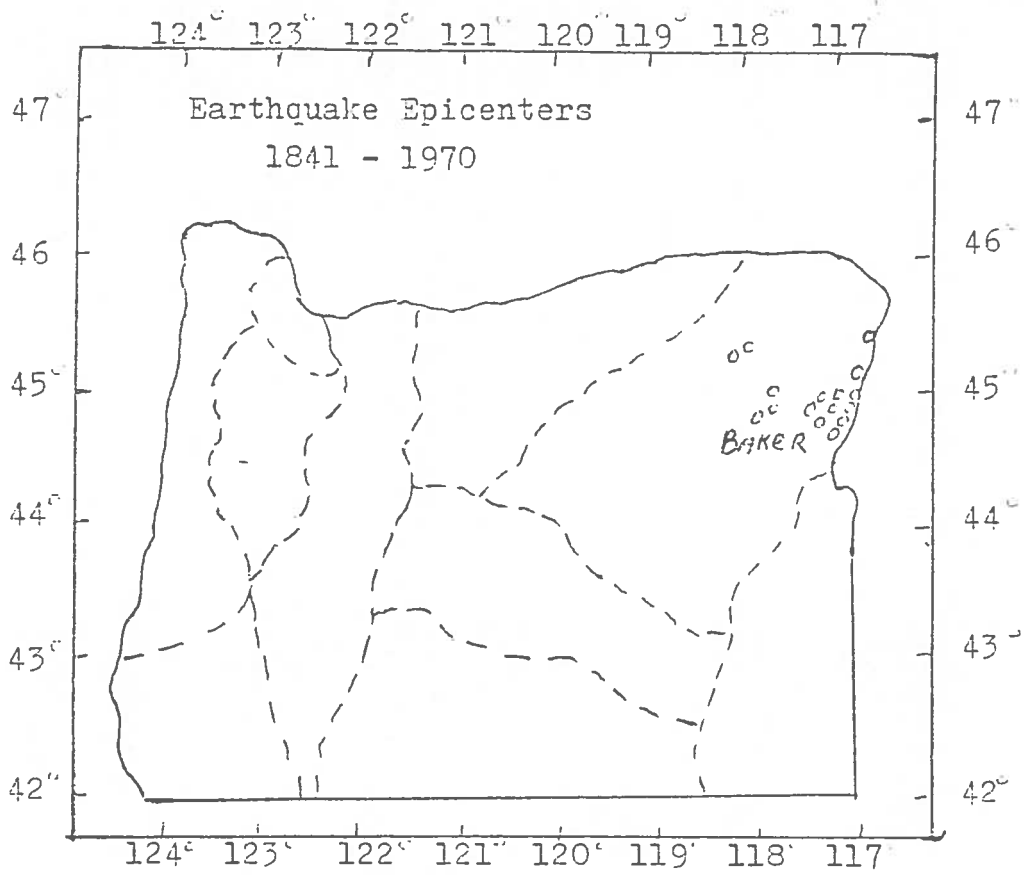
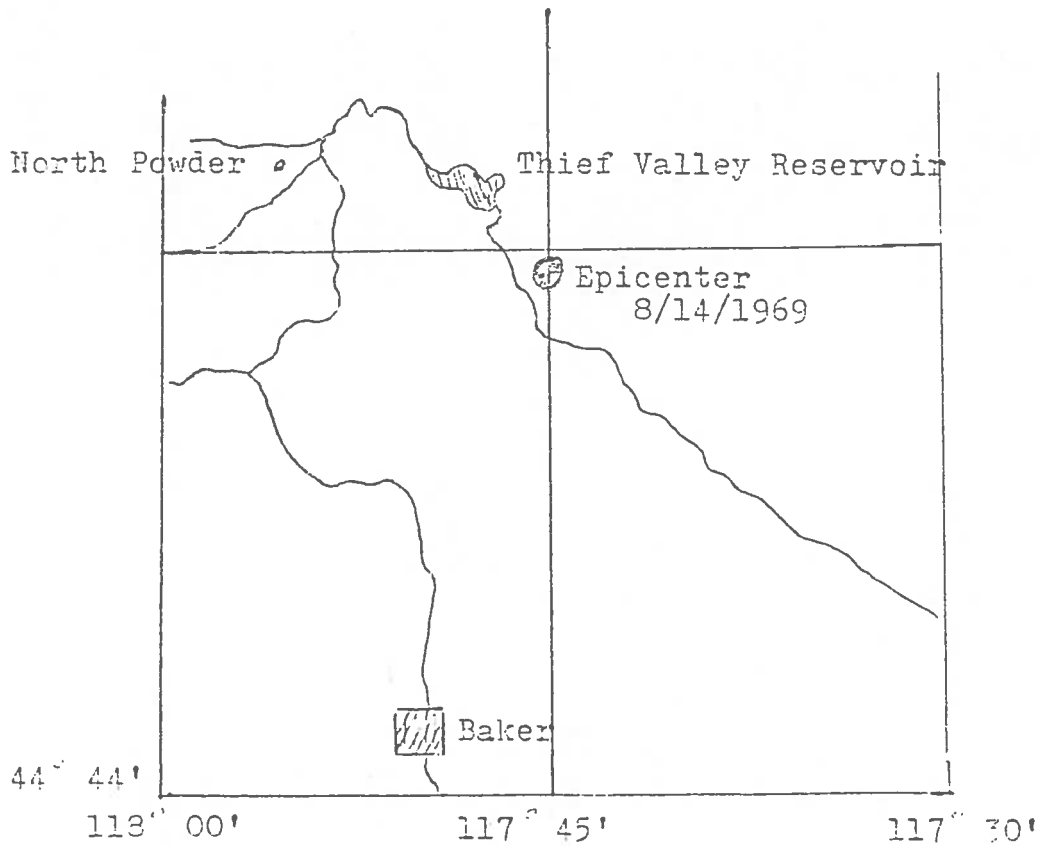


Plate 5



-- Physiographic Areas  
o Epicenter



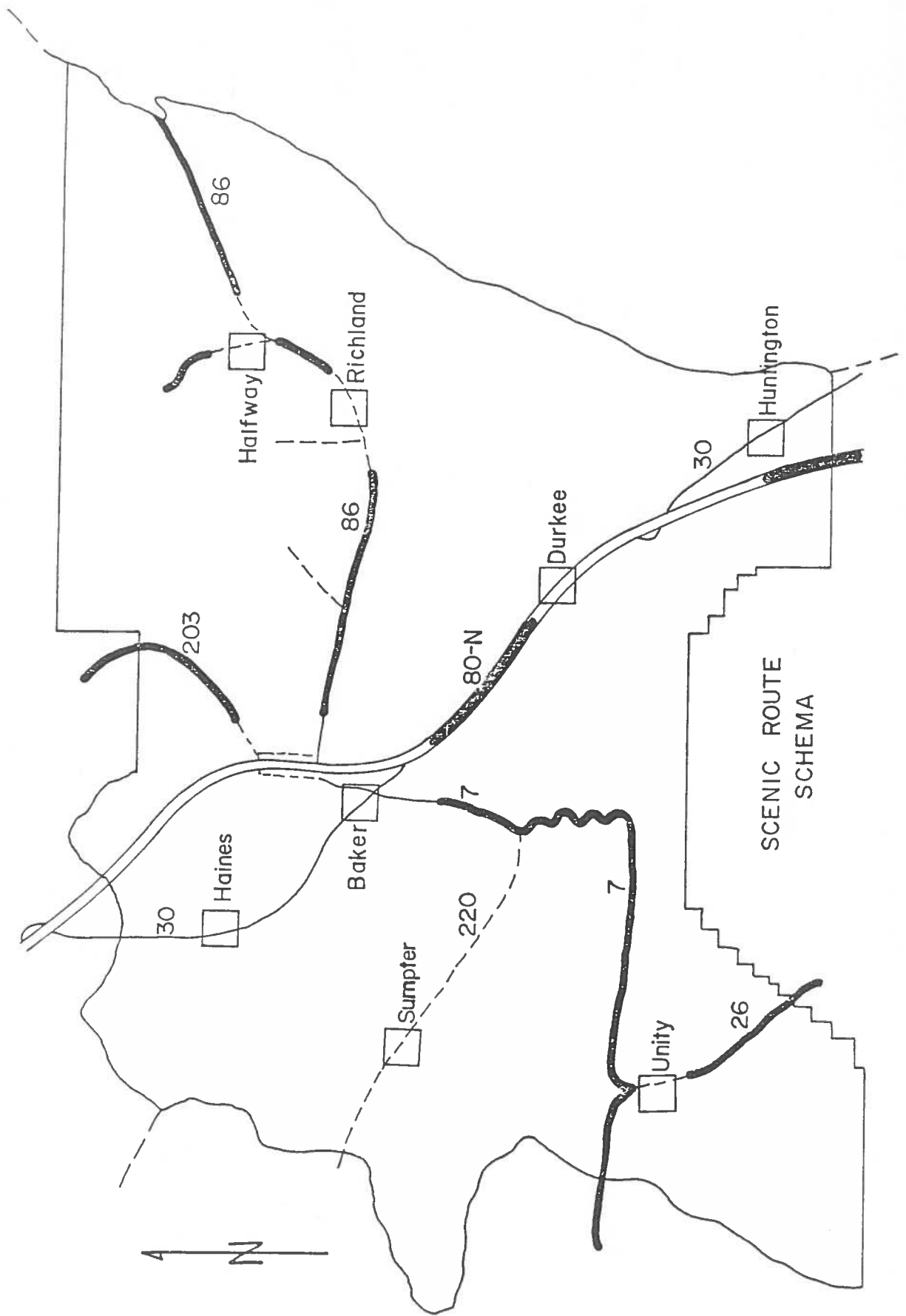


Plate 10



SERIES 1979

AN ORDINANCE PROVIDING FOR THE ADOPTION OF THE COMPREHENSIVE LAND USE PLAN AND PROVIDING ZONING REGULATIONS.

The CITY of HAINES ordains as follows:

Article 1. Introductory Provisions

SECTION 1.010. Purpose. The purposes of this ordinance are several:

- (1) To promote the public interest, health, morals, safety, comfort, convenience and welfare;
- (2) To provide for the adoption of the City's Comprehensive Land Use Plan; and
- (3) To carry out such land use plan.

SECTION 1.020. Plan adoption. The Comprehensive Land Use Plan as dated and approved by the City Council is by this reference made a part of this ordinance. Such plan may be referred to as the "Land Use Plan".

SECTION 1.030. Plan revision. (a) The land use plan shall be reviewed and may be revised as necessary every two years.

(b) Any revision of the land use plan shall be carried out in a manner consistent with applicable state land use planning laws and goals. Revision includes any amendment.

Article 2. Zoning Regulations

SECTION 2.010. Title. The provisions of Article 2 through Article 15 of this ordinance may be cited as the "Zoning Ordinance" of the City.

SECTION 2.020. Application. The provisions of this ordinance shall apply to all land areas inside the incorporated boundary of the City.

SECTION 2.030. Violation; permits. (a) No person shall locate, construct, maintain, repair, alter, or use or transfer land in violation of any of the provisions of this ordinance.

(b) Where a permit or approval is required by any provision of this ordinance, no person shall take any action or do any of the things mentioned in (a) of this section without such a permit or approval.

SECTION 2.040. Definitions. As used in this ordinance unless the context requires otherwise:

(a) "Building" means any structure used or intended for supporting or sheltering any use or occupancy.

(b) "Dwelling" means any building or any portion thereof which contains a "dwelling unit", used, intended, or designed to be built,

used, rented, or leased, let or hired out to be occupied, or which is occupied for living purposes.

(1) Single family dwelling: A detached building containing one dwelling unit.

(2) Two-family dwelling: A detached building containing two dwelling units.

(3) Multiple family dwelling: A detached building containing three or more dwelling units.

(c) "Dwelling Unit" means a single unit providing complete, independent living facilities for one or more persons including permanent provisions for living, sleeping, eating, cooking and sanitation.

(d) "Family" means an individual, or two or more persons related by blood, marriage, legal adoption, or guardianship living together in a dwelling unit in which board and lodging may also be provided for not more than four additional persons, excluding servants, or a group of not more than five persons who need not be related by blood, marriage, legal adoption, or guardianship living together in a dwelling unit.

(e) "Grade" means the average of the finished ground level at the center of all walls of the building. If a wall is parallel to and within five feet of a sidewalk, the ground level shall be measured at the sidewalk.

(f) "Height of building" means the vertical distance from the grade to the highest point of the coping of a flat roof, to the deck line of a mansard roof, or the average height of the highest gable of a pitch or hip roof.

(g) "Home Occupation" means a lawful occupation carried on within a dwelling or a customary accessory building thereto, by members of the family occupying the dwelling with no employees or other persons being engaged: provided, however, that the residential character of the dwelling is maintained and the occupation is conducted in such a manner as not to give an outward appearance nor manifest any characteristics of a business. The occupation shall not infringe upon the right of neighboring residents to enjoy the peaceful occupancy of their homes.

(h) "Hotel" or "motel" means any building containing six or more guest rooms intended or designed to be used, or which is used, rented or hired out to be occupied, or which are occupied for sleeping purposes by guests.

(i) "Mobile home" means a structure or vehicle, containing one dwelling unit, that is constructed, in whole or in parts, for non-selfpropelled movement on the public highways. A "mobile home" shall be no less than 500 square feet as measured by its external dimensions exclusive of any hitching or towing device. A "mobile home" shall bear the insignia of compliance with ORS Chapter 446 as administered by the Oregon Department of Commerce.

(j) "Mobile home park" means any place where four or more mobile homes are located within 500 feet of one another on a lot, tract or parcel of land under the same ownership, the primary purposes of which is to rent space or keep space for rent to any person for a charge or fee paid or to be paid for the rental or use of facilities or to offer space free in connection with securing the trade or patronage of such person.

(k) "Motor home" means a structure or vehicle, containing some or all of the provisions of a dwelling unit, that is constructed for self-propelled movement on the public highway. A "motor home" is or may be subject to the motor vehicle licensing requirements of

the Oregon Department of Commerce.

(l) "Owner" means a person, his authorized agent or representative, having legal authority to use, transfer of lease land.

(m) "Person" means a natural person, a domestic or foreign corporation, a partnership, an association, a joint stock company, a trust and any unincorporated organization.

(n) "Property line" refers to any boundary line of a lot, parcel, area or tract of land under one ownership.

(1) "Front property line": That property line separating a lot, parcel, area or tract of land from a road, street or highway. A corner lot or parcel may have two such property lines.

(2) "Rear property line": That property line opposite, or most nearly opposite the front property line.

(3) "Side property line": A property line that is not a front or rear property line.

(o) "Rooming house" or "lodging house" means any building or portion thereof, containing not more than five guest rooms which are used by not more than five guests where rent is paid in money, goods, labor or otherwise. Board may or may not be included.

(p) "Structure" means that which is built or constructed, an edifice or building of any kind, or any piece of work artificially built up or composed of parts joined together in some definite manner.

(q) "Trailer home" or "travel trailer" means a structure or vehicle, containing some or all of the provisions of a dwelling unit, that is constructed for non-selfpropelled movement on the public highways.

(r) "Utility facilities" means the customary water lines, sewer line, electrical distribution lines, telephone line, television lines and the support structures such as poles, transformers and the like.

### Article 3. Land Use Zones; Zoning Map

SECTION 3.010. Land Use Zones. The following land use zones are established and designated as follows:

- (a) Residential or R zone.
- (b) Commercial Residential or CR zone.
- (c) Industrial Residential or IR zone.

SECTION 3.020. Zoning Map; zone boundaries. (a) A zoning map entitled "City of Haines Zoning Map" showing the boundaries of the various land use zones shall be dated and adopted by the City Council; such map by this reference is made a part of this ordinance and may be referred to as the zoning map.

(b) The land use zone boundaries shall be streets, railroads and lot or parcel lines, where practical, or such lines extended.

### Article 4. Residential Zone: R

SECTION 4.010. Uses permitted outright. In the R zone the following uses are permitted outright:

- (1) Single family dwelling.
- (2) Two family dwelling.
- (3) Mobile home dwelling.
- (4) Home Occupation.
- (5) Utility facilities necessary for public service.

SECTION 4.020. Uses subject to approval. In the R zone the following uses are subject to the approval of the City Council:

- (1) Church.
- (2) Day care center.
- (3) Hospital.
- (4) Mobile home park.
- (5) Multiple family dwelling.
- (6) Nursing or convalescent home.
- (7) Parks, playgrounds or community centers owned and operated by a public agency or nonprofit community organization.
- (8) Private school.
- (9) Professional office.
- (10) Public building.
- (11) Public school.
- (12) Rooming house.
- (13) Expansion, extension or reestablishment of a nonconforming use or structure.

SECTION 4.030. Minimum lot size. In the R zone the minimum lot or parcel size shall be as follows:

- (1) Single, two family and mobile home dwellings: 5000 square feet.
- (2) Multiple family dwellings: 5000 square feet for two dwelling units plus:
  - (i) 1000 square feet for each additional 1-bedroom dwelling unit;
  - (ii) 1350 square feet for each additional 2-bedroom dwelling unit;
  - (iii) 1600 square feet for each additional 3-bedroom dwelling unit; and
  - (iv) 1800 square feet for each additional 4-bedroom dwelling unit.
- (3) Rooming house: 5000 square feet.
- (4) Mobile home park: See Article 7.
- (5) All uses shall have adequate area to meet the property line setback requirements and the off street parking space requirements of this ordinance.

SECTION 4.040. Property line setback; exception. In the R zone all dwellings and attached structures and the buildings and attached structures of all other uses shall maintain a minimum setback distance from property lines as follows:

- (1) Front property line: 15 feet.
- (2) Side and rear property lines: 10 feet.
- (3) Exception: An unattached accessory building to a use permitted according to this article may have a setback distance of 5 feet from the rear property line.

SECTION 4.050. Height of Buildings. In the R zone the maximum height of buildings shall be two stories or 28 feet above grade which ever is the lesser height.

Article 5. Commercial Residential Zone: CR

SECTION 5.010. Uses permitted outright. (a) In the CR zone the following uses are permitted outright:

(1) Any use permitted outright in the R zone.

(2) Commercial: Limited to the customary and ordinary sales and/or services establishments conforming to subsections (b) and (c) of this section.

(b) Any commercial use according to this section, except for parking and loading activity, shall be conducted entirely within buildings and shall require no outside storage of materials, supplies or products.

(c) Any commercial use according to this section shall be reasonably free of objectionable odor, noise, smoke, glare, heat, vibration or other adverse affect on neighboring property.

SECTION 5.020. Uses subject to approval. (a) In the CR zone the following uses are subject to the approval of the City Council:

(1) Any use that is subject to such approval in the R zone.

(2) Any commercial use that reasonably cannot meet the standards of subsection (b) and (c) of Section 5.010.

(b) In approving a use according to this section the City Council shall have authority and may require the use of sight obscuring fencing, screening or appropriate shrubbery or trees to reduce any unreasonable visual impact a use may have on neighboring property.

SECTION 5.030. Minimum lot size. (a) In the CR zone the minimum lot or parcel size for dwellings shall be as follows:

(1) Single, two family and mobile dwellings: 4000 square feet.

(2) Multiple family dwellings and rooming houses: 4000 square feet plus the additional areas according to Section 4.030 (2) (i) (ii) (iii) and (iv).

(3) Mobile home parks: See Article 7.

(b) In the CR zone the minimum lot or parcel size for commercial use shall be 4000 square feet.

(c) All uses shall have adequate area to meet the property line setback requirements and off street parking requirements of this ordinance.

SECTION 5.040. Property line setback. (a) In the CR zone all dwellings, including attached structures and accessory buildings, and any other building, including attached structures and accessory buildings, providing dwelling units, boarding or rooming facilities, shall maintain a setback distance from property lines as follows:

(1) Front property line: 15 feet.

(2) Side and rear property lines: 10 feet.

(b) In the CR zone commercial buildings and structures shall not be required to maintain a setback distance from property lines, except where a property line abuts or faces the R zone, in which case a setback distance of 15 feet from the abutting or facing property line or lines shall be maintained.

SECTION 5.050. Height of Buildings. In the CR zone the maximum height of buildings used for any dwelling or rooming house purpose shall be two stories or 28 feet above grade which ever is the lesser height.

Article 6. Industrial Residential Zone: IR

SECTION 6.010. Uses permitted outright. (a) In the IR zone the

following uses are permitted outright:

- (1) Any use permitted outright in the R zone.
  - (2) Any use permitted outright in the CR zone.
  - (3) Industrial: Manufacturing, compounding, fabricating, processing, repairing, packing or storage.
- (b) Any industrial or commercial use according to this section shall meet the requirements of subsection (b) and (c) of Section 5.010.

SECTION 6.020. Uses subject to approval. (a) In the IR zone the following uses are subject to the approval of the City Council:

- (1) Any use that is subject to such approval in the R zone.
  - (2) Any industrial or commercial use that reasonably cannot meet the standards of subsection (b) and (c) of Section 5.010.
- (b) In approving a use according to this section the City Council shall have authority and may require the use of sight obscuring fencing, screening or appropriate shrubbery or trees to reduce any unreasonable visual impact a use may have on neighboring property.

SECTION 6.030. Minimum lot size. In the IR zone the minimum lot size shall be the same as provided in the CR zone.

SECTION 6.040. Property line setback. In the IR zone the property line setback distance shall be the same as provided in the CR zone.

#### Article 7. Mobile Home Parks

SECTION 7.010. Residential zone. (a) Mobile home parks in the R zone, in addition to other requirements of law, shall be subject to the minimum lot size of 5000 square feet and other requirements for such zone.

(b) Mobile home parks in the R zone shall be used only for the placement of mobile homes.

SECTION 7.020. Other zones. (a) Mobile home parks in the CR and IR zones, in addition to other requirements of law, shall be subject to the minimum lot size of 4000 square feet and other requirements for such zones.

(b) Mobile home parks in the CR and IR zones may be used for the placement of mobile homes, travel trailers and motor homes.

#### Article 8. Off Street Parking

SECTION 8.010. General requirements. (a) In all zones, at the time of new construction of a building or structure, off street parking space shall be provided in accordance with this Article.

(b) Expansion, extension or reestablishment of any nonconforming use, where reasonably practical, shall provide off street parking in accordance with the Article.

(c) The required off street parking space shall be used for parking of vehicles only and shall not be used in a manner to limit the availability of off street parking.

(d) A parking space shall be an area of the lot or parcel of no less than nine feet by twenty feet (9'x20') designated for vehicular

parking.

(e) The number of off street parking spaces shall be determined for the various uses by the City Council.

## Article 9. Nonconforming Use

SECTION 9.010. Definitions. As used in this ordinance:

(a) "Nonconforming use" means a use of land, a building or structure in a manner that does not conform to the provisions of this ordinance: (i) as to use or (ii) as to other requirements such as height, setback, parking, screening and the like.

(b) "Use" means the purpose for which land, a building or other structure is designed or intended, or for which purpose land, a building or other structure is occupied or maintained.

SECTION 9.020. Continuation. A lawful use of land, a building or other structure existing on the effective date of this ordinance may be continued and kept in a state of repair: Provided, however, that the use of land, a building or other structure shall not be extended, expanded or otherwise made further nonconforming without the approval of the City Council.

SECTION 9.030. Reestablishment. The reestablishment of a nonconforming building or other structure that is destroyed by fire or other casualty shall be subject to the approval of the City Council.

SECTION 9.040. Change in use. A new use replacing a nonconforming use shall conform to the provisions of this ordinance.

## Article 10. Uses Subject To Approval

SECTION 10.010. Application for approval. (a) (1) No new use of land, a building or other structure, which use is subject to approval, shall be approved when such approval would be contrary to any purpose of this ordinance in Section 1.010.

(2) No reestablishment of a nonconforming use shall be approved when such approval would be contrary to any purpose of this ordinance in Section 1.010.

(b) Any person proposing to establish or reestablish a use that is subject to approval, or his authorized agent or representative, shall make application to the City Council for such approval. Each such application shall be on forms provided for such purpose and shall be accompanied by the required fee.

(c) The City Council shall consider the application at a public hearing held within 45 days of the date of the completed application and either approve it or deny it, or set date, time and place for further hearing. In any event, a continuation of a hearing shall not exceed a period of time of 6 months from the date of the completed application.

SECTION 10.020. Public Notice. A notice of public hearing on an application for any use subject to approval shall be posted at the City Hall and two other conspicuous places in the City at least 10 days prior to the date of public hearing. In addition, an individual notice of such hearing shall be mailed to owners of record of land

abutting the land involved in the application. The failure of an owner of land to receive an individual notice shall not invalidate any action taken on an application.

## Article 11. Amendments

SECTION 11.010. When prohibited; how initiated. (a) "Amendment" includes any change or revision to this zoning ordinance, including the zoning map.

(b) No amendment to this zoning ordinance shall be approved that would be contrary to any purpose in Section 1.010.

(c) An amendment may be initiated by the City Council or by a property owner.

(d) A property owner or his authorized agent or representative may initiate a request for an amendment by making application to the City Council. Each such application shall be on forms provided for that purpose and shall be accompanied by the required fee.

SECTION 11.020. Public hearing. Before the City Council may take any action on an amendment, it shall hold at least one public hearing on it after giving notice of such hearing as required.

SECTION 11.030. Public Notice. (a) A notice of public hearing on a proposed amendment to this ordinance shall be published in a newspaper of general circulation in the County at least ten days prior to the date of such hearing. In addition, a copy of such notice shall be posted at the City Hall and two other conspicuous places in the City.

(b) A notice of public hearing shall include therein the date, place and time of the hearing and a brief description of the proposed amendment.

SECTION 11.040. Individual notice of zone change. (a) In the event a proposed amendment involves a zone change, all land owners of record owning land directly affected by such change shall be individually notified by First Class Mail of the proposed change. Such individual notice shall be essentially the same as the public notice in Section 11.030: Provided, however, that such individual notice shall be mailed at least 30 days prior to any hearing on the proposed zone change.

(b) The assessment role of the County may be used to determine the owner's of record of land.

(c) The failure of a property owner to receive an individual notice of a proposed zone change shall not invalidate any action taken by the City Council on such change.

## Article 12. Administrative Fees

SECTION 12.010. Fees. (a) The administrative fees for the various applications as provided for in this ordinance shall be as follows:

(1) For a use subject to approval: \$25

(2) For an amendment: \$50

(b) The City Recorder shall have authority to collect the fees as provided for in this ordinance.

SECTION 12.020. Adjustment in fees. The City Council shall



have authority and may adjust the fees, as provided for in this ordinance, from time to time as it considers to be advisable. Such adjustment in fees shall be in the form of an order or resolution.

Article 13. Prosecution; Penalty; Severability

SECTION 13.010. Prosecution of violation. (a) The violation of any provision of this zoning ordinance shall be deemed a misdemeanor and may be prosecuted by the City Council in the name of the people of the City, or may be redressed by civil action, suit or proceeding, at the option of such council.

(b) Every act or thing done in violation of any provision of this ordinance is hereby declared to be a nuisance and shall be treated as such in all actions, suits and proceedings.

SECTION 13.020. Penalty. Violators of any provision of this zoning ordinance shall be subject to a fine not to exceed \$50 or imprisonment not to exceed 20 days, or both.

SECTION 13.030. Severability. The provisions of this ordinance are severable; should any one portion hereof be adjudged by a court of competent jurisdiction to be invalid, such adjudication shall not invalidate the remaining portions.

Article 14. Adoption; Repeal

SECTION 14.010. Adoption. Articles 1 through Article 15 of this ordinance shall become effective and operative on the 30th day following the date of adoption by the City in accordance with the applicable provision of its Charter.

SECTION 14.020. Repeal. On the effective and operative date of Articles 1 through Article 15 of this ordinance all ordinances or resolutions in conflict with any provision of this ordinance and zoning ordinance are repealed.

PASSED and ADOPTED this 7 day of December, 1979

Richard H. Camp  
Mayor

Attest: Luis Cole  
City Recorder

## AN ORDINANCE PROVIDING REGULATIONS FOR THE SUBDIVIDING AND PARTITIONING OF LAND IN THE INCORPORATED AREAS OF THE CITY.

The CITY of HAINES ordains as follows:

SECTION 1.010. Short Title. This ordinance may be cited as the "City of Haines Subdivision Ordinance" or as Ordinance Number                     .

SECTION 1.020. Purpose. The purpose of this ordinance shall be to promote the public health, safety and general welfare and to regulate the subdividing and partitioning of land in the City.

SECTION 1.030. Application. The provisions of this ordinance shall apply to all land area in the city inside the incorporated boundaries of the city.

SECTION 1.040. Violation. No land may be subdivided or partitioned except in accordance with the provisions of this ordinance.

SECTION 1.050. Roads or streets; approval required. (1) No person shall create a road or street for the purpose of partitioning an area or tract of land without the approval of the city council.

(2) No instrument dedicating land to public use shall be accepted for recording in the county unless such instrument bears the approval of the city council.

SECTION 1.060. Sale of lots or parcels; when prohibited; exception. (1) No person shall sell any lot in any subdivision with respect to which approval is required by this ordinance until such approval is obtained. No person shall negotiate to sell any lot in a subdivision until a tentative plan thereof has been approved.

(2) A person may negotiate to sell any parcel in a major partition or in a minor partition before a tentative plan thereof has been approved; but no person may sell any parcel in a major partition or in a minor partition until the tentative plan thereof has been approved.

SECTION 1.070. Sale of lots prohibited prior to recordation of plats. (1) No person shall sell any lot in any subdivision until the plat of subdivision has been approved by the county governing body and recorded with the county recording officer.

(2) No person shall sell any lot in any subdivision by reference to or exhibition or other use of a plat of such subdivision before the plat of such subdivision has been approved and recorded. In negotiating to sell a lot in a subdivision a person may use the approved tentative plan for such subdivision.

SECTION 2.010. Definition. As used in this ordinance unless the context requires otherwise:

(1) "Contiguous land" or "contiguous units of land" refers to areas, tracts or units of land under single ownership having one or more boundary lines wholly or partially in common, except that such areas, tracts or units are not contiguous: (i) when joined by point contact only; (ii) when separated into portions by a city street, county road, state highway or transcounty railroad; (iii) when separated into portions by a lawfully dedicated public

road; or (iv) when separated into portions by a private road as shown on a lawfully recorded plat of subdivision or map of major partition.

(2) "Land area" refers to a definitive area of the earth's surface. "Land" includes all components of the earth on or below the earth's surface and the atmospheric space above it. The geometric configuration of a "land area" is pyramidal in nature with the point of convergence at or near the earth's center.

(3) "Lot" means a unit of land that is created by a subdivision of land.

(4) "Major partition" means a partition of land which includes the creation of a road or street.

(5) "Map" means a final diagram, drawing or other writing concerning a major partition.

(6) "Minor partition" means a partition that is subject to the provisions of this ordinance that does not include the creation of a road or street.

(7) "Negotiate" means any activity preliminary to the execution of a binding agreement for the sale of land in a subdivision or partition, including but not limited to advertising, solicitation and promotion of the sale of such land.

(8) "Owner" refers to a person, his authorized agent or representative, having legal authority to use, transfer, partition, subdivide or lease land. Lease shall include rent.

(9) "Parcel" means a unit of land that is created by a partitioning of land.

(10) "Partition" means either an act of partitioning land or an area or tract of land partitioned as defined in this section.

(11) "Partition land" means to divide an area or tract of land into two or three parcels within a calendar year when such area or tract of land exists as a unit or contiguous units of land under single ownership at the beginning of such year. "Partition land" does not include divisions of land resulting from the creation of cemetery lots; and "partition land" does not include any adjustment of a lot line by the relocation of a common boundary where an additional parcel is not created and where the existing parcel reduced in size by the adjustment is not reduced below the minimum lot size established by any applicable zoning ordinance. "Partition land" does not include the sale of a lot in a recorded subdivision, even though the lot may have been acquired prior to the sale with other contiguous lots or property by a single owner.

(12) "Person" includes a natural person, a domestic or foreign corporation, a partnership, an association, a joint stock company, a trust and any unincorporated organization.

(13) "Plat" includes a final map, diagram, drawing, replat or other writing containing all the descriptions, locations, specifications, dedications, provisions and information concerning a subdivision.

(14) "Road" or "street" means a public or private way that is created to provide ingress or egress for persons to one or more lots, parcels, areas or tracts of land, excluding a private way that is created to provide ingress or egress to such land in conjunction with the use of such land for forestry, mining or agricultural purposes:

(a) "City street" means a public way right-of-way or traveled

way, in whole or in part, that is subject to the control of an incorporated city or town.

(b) "County road" means a public way right-of-way or traveled way, in whole or in part, that is subject to the control of the county, which road has been designated by the county as a part of the county road system for maintenance and repair.

(c) "Private road" means a private way right-of-way or traveled way, in whole or in part, that is subject to the control of one or more private persons.

(d) "Public road (public use road)" means a public way right-of-way or traveled way, in whole or in part, that is subject to the control of the county and that is not a part of the county road system for maintenance and repair.

(e) "Right-of-way" and "traveled way" shall include all bridges, tunnels, fills and other structures or improvements designed or intended to provide continuity of such ways.

(f) "State highway" means a public way right-of-way or traveled way, in whole or in part, that is subject to the control of the state.

(15) "Sale" or "sell" includes every disposition or transfer of land in a subdivision or partition or an interest or estate therein.

(16) "Subdivide land" means to divide an area or tract of land into four or more lots within a calendar year when such area or tract of land exists as a unit or contiguous units of land under a single ownership at the beginning of such year.

(17) "Subdivision" means either an act of subdividing land or an area or tract of land subdivided as defined by this section.

SECTION 2.020. Application for approval of tentative plans: Subdivisions; Major partitions. (1) Before a plat of any subdivision or the map of any major partition may be made and recorded the city council shall approve a tentative plan of the proposed subdivision or proposed major partition.

(2) No plat for any proposed subdivision and no map for any proposed major partition may be considered for approval by the city council until the tentative plan for such subdivision or such major partition has been approved by the city council.

(3) Any person proposing to create a subdivision or major partition or his authorized agent or representative shall make application to the city council for approval of such subdivision or such major partition. Each such application shall be on forms provided for that purpose and shall be accompanied by the required fee and 8 copies of the tentative plan of the proposed subdivision or proposed major partition. The tentative plans required by this section shall meet the standards for such plans as required by this ordinance.

SECTION 2.030. Coordination and review of tentative plans of subdivision and major partition. Copies of all tentative plans of any proposed subdivision or any proposed major partition shall be made available, for review and comment in writing within 45 days, to all affected city, county, state and federal agencies and all affected special districts in the city.

SECTION 2.040. Requisites for approval of tentative plan, plat or map. (1) No tentative plan or plat of a subdivision or tentative plan or map of major partition shall be approved which bears a name using a word which is the same as, similar to or pronounced the same as a word in the name of any other subdivision in

the county, except for the words "town", "city", "place", "court", "addition" or similar words, unless the land platted is contiguous to and platted by the same party that platted the subdivision or major partition bearing that name or unless the party files and records the consent of the party that platted the subdivision or major partition bearing that name. All plats and maps must continue the block numbers of the plat or map of the same name last filed.

(2) No tentative plan for a proposed subdivision and no tentative plan for a proposed major partition shall be approved unless:

(a) The streets and roads are laid out so as to conform to plats of subdivisions and maps of major partitions already approved for adjoining property as to width, general direction and in all other respects unless the city determines it is in the public interest to modify the road or street pattern.

(b) Roads or streets held for private use are clearly indicated on the tentative plan and all reservations or restrictions relating to such private roads and streets are set forth thereon.

(c) The tentative plan complies with the applicable zoning ordinance and other applicable regulations of the city that are in effect.

(3) No plat of a proposed subdivision and no map of a proposed major partition shall be approved unless:

(a) Roads or streets for public use are dedicated without any reservation or restriction other than reversionary rights upon vacation of any such street or road and easements for public utilities.

(b) Roads or streets held for private use and indicated on the tentative plan of such subdivision or major partition have been approved by the city.

(c) The plat or map complies with any applicable zoning and other applicable regulations of the city that are in effect.

(d) The plat or map is in substantial conformity with the provisions of the tentative plan for the subdivision or the major partition, as approved.

(e) The plat or map contains a donation to the public of all common improvements, including but not limited to streets, roads, parks, sewage disposal and water supply system, the donation of which was made a condition of the approval of the tentative plan for the subdivision or the major partition.

(f) Explanations of all common improvements required as conditions of approval of the tentative plan of the subdivision or the major partition have been recorded and referenced on the plat or map.

(4) (a) No plat of subdivision and no map of major partition shall be approved unless the city has received and accepted:

(i) Assurance by agreement in writing that the subdivider or partitioner will execute the full and faithful completion of all common improvements in the subdivision or partition; and (ii) a surety bond, executed by a surety company authorized to do business in the state, or a personal bond cosigned by at least one other person together with evidence of financial responsibility and resources of those signing the bond sufficient to provide reasonable assurance of the ability to attain such completion, or a sum of cash.

(b) The agreement in writing and the bond, in subsection (4) of this section, shall be in a form, respectively, as approved by the city attorney.

(c) Such agreement of full and faithful completion shall be for a sum determined by the city council sufficient to cover the cost of improvements, including city expense incident thereto.

(d) Should the subdivider or partitioner fail to carry out the terms of such agreement within a period of two years from the date of approval of the tentative plan and the city has unreimbursed expenses resulting from failure, the city governing body shall call on the bond or cash for reimbursement, but only to the extent of such expenses and the remainder, if any, shall be released.

(e) The common improvements as mentioned in this section shall be determined by the standards in Section 4.020 or as such standards are modified by an approved exception thereto.

SECTION 3.010. Contents of tentative plans of Subdivisions and Major Partitions. The tentative plan of any proposed subdivision or any proposed major partition shall contain the following:

(1) Vicinity drawing of a scale sufficient clearly to show the relationship of the proposal to the nearest existing road or street and to the surrounding property.

(2) Location of the proposal by section, township and range.

(3) Date, northpoint and scale of the drawing.

(4) Boundary lines, distances and acreage or square feet inclosed.

(5) Names, addresses and telephone number of: the owner of the land; the subdivider or partitioner and the engineer or surveyor.

(6) Proposed name of the subdivision or partition.

(7) Roads or streets: (a) Proposed names; width and location of easement of way; width of traveled way and surface condition; and

(b) Statement of all reservations or restrictions relating to such roads or streets held for private use.

(8) Lots; blocks; parcels: approximate dimensions of all lots, blocks or parcels in square feet or acreage, which ever is applicable.

(9) Easements of way: width, location and purpose of all easements of way on or abutting the tract.

(10) Donations: statement of donations to public use, if any, of all common improvements, including but not limited to streets, roads, parks, sewage disposal and water systems and the like.

(11) Ground elevations: contour lines at 5 foot intervals for slopes from 5% to and including 10%; and at 10 foot intervals for slopes greater than 10%.

(12) Intended use of lots or parcels; source of domestic water supply and method of sewage disposal.

(13) Water courses on or abutting the proposal including the width and direction thereof; and areas subject to flooding or being covered with water.

(14) Outline of proposed deed restrictions, if any.

(15) Written statement: such of the foregoing information that reasonably could not be shown on the tentative plan may be shown on a written statement submitted with the plan.

SECTION 3.020. Minor Partitions; tentative plans. (1) No tentative plan of a minor partition shall be approved unless such plan complies with the applicable zoning ordinance or other regulations of the city that are in effect.

(2) Any person proposing to create a minor partition or his authorized agent or representative shall make application to the city council for approval of such minor partition. Each such applica-

tion shall be on forms provided for that purpose and shall be accompanied by the required fee and 2 copies of the proposed tentative plan of minor partition. The tentative plan required by this section shall meet the standards for such plans as required by this ordinance.

(3) A tentative plan of minor partition shall contain the following:

(a) A drawing, reasonably to scale, showing the dimensions and size of the parcel and its relationship to the existing road or street. Such drawing shall be on plain white paper of no less than 8 by 11 inches in size and shall be suitable for folding and filing; or a copy of the assessment roll of the county may be used in lieu of such drawing provided such copy shows the required information.

(b) Location of the parcel by section, township and range.

(c) Date, northpoint and scale of the drawing.

(d) Names, addresses and telephone numbers of the owner of record of the land involved in the partition and the partitioner.

(e) Intended use of the parcel and the proposed source of domestic water supply and method of sewage disposal.

(f) Water courses on or abutting the parcel.

SECTION 4.010. Standards for roads or streets. The city council shall adopt and may from time to time revise minimum standards for roads or streets created in the city. Such adoption may be in the form of a council order or resolution. Such order or resolution adopted by the city shall be one of the operative provisions of this ordinance.

SECTION 4.020. Standards for land divisions. The following standards shall apply to any subdividing or any partitioning of land in the city:

(1) (i) Each lot or parcel created shall have direct access to an existing road or street or (ii) indirect access to such road or street by a road or street created according to Section 4.010 of this ordinance. The access provided herein shall have a minimum width of 25 feet.

(2) The necessary drainage structures and fill shall be provided to prevent flooding.

(3) City water supply and sewage disposal facilities shall be available to the property line of each lot or parcel, meeting the standards of construction and quality of materials according to applicable state regulations.

(4) Electric energy supply facilities shall be available to the property line of each lot or parcel.

(5) Easement for utility facilities shall be provided along an appropriate property line. Such easement shall be a minimum of 12 feet wide, which width may be equally divided along common property lines.

(6) The minimum length of a block shall be 380 feet and the maximum length shall be 1320 feet.

SECTION 4.030. Exceptions to standards for land divisions; application for approval; fees. (1) No exception to the standards in Section 4.020 shall be approved when such approval:

(a) Would be contrary to any applicable provision of the city's land use plan; or

(b) Would be contrary to the purpose of this ordinance.

(2) Any action taken to approve or disapprove an application

for an exception to one or more of the standards in Section 4.020 shall be based upon the following criteria:

(a) The use, location and topography of the land involved.  
(b) The physical practicality of the standards as imposed.  
(c) The economic practicality of the standards as imposed.  
(3) (a) Any person proposing to create a subdivision, major partition or minor partition or his authorized agent or representative may make application to the city council for approval of one or more exceptions to the standards for land divisions as required by this ordinance. Each such application shall be on forms provided for such purpose and shall be accompanied by the required fee.

(b) The city council shall consider the application at a public hearing held within 45 days of the date of the completed application and either approve or disapprove it or set date, time and place for further hearing. In any event, a continuation of a hearing shall not exceed a period of time of 6 months from the date of the completed application.

(c) A notice of public hearing on an application for any exception to the standards for land divisions shall be posted at the City Hall and two other conspicuous places in the city at least 10 days prior to the date of public hearing. In addition, an individual notice of such hearing shall be mailed to owners of record of land abutting the land involved in the application for exception. The failure of an owner of land to receive an individual notice shall not invalidate any action taken on an application.

SECTION 5.010. Plats and maps; County Surveyor. (1) All plats and maps subdividing or major partitioning any areas or tracts of land in the city, and dedications of streets or roads or public parks and squares and other writings made a part of such plats or maps offered for recording in the county shall be prepared in a manner as provided by state law for plats of subdivisions.

(2) The County Surveyor shall have authority to approve all plats and maps subdividing or partitioning land under the jurisdiction of the city for planning and zoning.

SECTION 5.020. Review of undeveloped subdivisions; revisions; vacations; fees. (1) Pursuant to ORS 92.205 to ORS 92.245 the city council may review and vacate, or caused to be revised, any existing plat of subdivision:

(a) Approved on or after October 5, 1973, after the expiration of 10 years after the date of approval;

(b) Approved more than 10 years prior to October 5, 1973.

(2) Any review of an undeveloped subdivision initiated at the request of a property owner shall be subject to an administrative fee as provided in Section 6.010 of this ordinance.

SECTION 5.030. Relationship of this ordinance to certain statutes. (1) The provisions of this ordinance shall operate in addition to the provisions of ORS 92.010 to ORS 92.285 and not in lieu of such statutes. Where a provision of this ordinance is more restrictive than a provision of the statutes, the more restrictive provision shall apply.

(2) The provisions of ORS 92.050; ORS 92.060; ORS 92.065; ORS 92.070; ORS 92.080; ORS 92.100; ORS 92.110; ORS 92.120; ORS 92.130; ORS 92.140; and ORS 92.150 as applied to subdivisions and the plats thereof shall also apply to major partitions and the maps thereof, except for the following:



(a) A map of major partition may be recorded without the approval of the county assessor.

(b) The county surveyor's fee for his approval of a map of major partition shall be no greater than the minimum fee provided by law for such approval of a subdivision.

(c) The maps of major partition shall be preserved in a book designated as "Record of Major Partition".

SECTION 5.040. Maintenance of tentative plans. A copy of all tentative plans approved in accordance with the provisions of this ordinance shall be maintained in the City Recorder's office.

SECTION 6.010. Administrative fee. (1) The City Recorder shall have authority to collect nonrefundable, administrative fees as follows:

(a) Application for approval of a tentative plan of subdivision or major partition: \$50

(b) Application for approval of tentative plan of minor partition: \$10

(c) Application for approval of an exception to land division standards: \$25

(d) Application for review or vacation of existing plat of subdivision: \$100

(2) The city council shall have authority to make adjustments in the fees provided by this Section, from time to time, as it deems advisable. Such adjustment may be in the form of an order or resolution.

SECTION 6.020. Enforcement. The city council shall have authority to administer and enforce the provisions of this ordinance.

SECTION 6.030. Severability. The provisions of this ordinance are severable. Should any one paragraph, subsection or section be adjudged invalid by a court of competent jurisdiction, such adjudication shall not affect the validity of the remaining provisions.

SECTION 6.040. Adoption; amendment; effective date. (1) This ordinance is adopted, and may be amended, pursuant to the provisions of ORS 92.048.

(2) The provisions of this ordinance shall become operative on the date it is filed with the county recording officer pursuant to ORS 92.048.

SECTION 6.050. Repeal of existing ordinance. Any Subdivision ordinance now in effect in the city is repealed on the operative date of this ordinance.

SECTION 6.060. Penalties. Violations of any provisions of this ordinance, is punishable, upon conviction, by a fine of not less than \$50 nor more than \$500 or imprisonment in the county jail for not less than 25 days nor more than 50 days, or both,

PASSED) and ADOPTED this 7 day of December, 1970.

Richard H. King  
Mayor

Attest: Lisa Cole  
City Recorder

RESOLUTION NUMBER 130

SERIES 1979

Pursuant to Section 4.010 of the City of Haines Subdivision Ordinance the city council RESOLVES as follows:

SECTION 1. Definitions. As used in this resolution:

- (1) "Arterial" means a road or street used or intended to be used as a part of the principal network of through traffic within the city.
- (2) "Alley" means a road or street providing only secondary access to a lot or parcel of land.
- (3) "Collector" means a road or street used or intended to be used primarily for movement of traffic between arterials and local streets.
- (4) "Cul-de-sac" means a road or street having only one outlet for traffic with a turn-around at the opposite end. Such a road or street is not intended to be extended or continued onto adjacent land.
- (5) "Dead end" means a road or street having only one outlet for traffic, abruptly ended at the opposite end. Such a road or street is intended to be subsequently extended onto adjacent land.
- (6) "Half street" means a road or street containing a portion of the width of a road or street, usually along the boundaries of a subdivision or major partition, and the remaining width shall be provided in another or subsequent subdivision or major partition.
- (7) "Local" means a road or street used or intended to be used to provide access to the abutting lots or parcels.
- (8) "Right-of-way" shall include all bridges, fills and other structures or improvements designed or intended to provide continuity of such way.
- (9) "Road or street" means a public or private way that is created to provide ingress or egress for persons to one or more lots or parcels of land.
- (10) "Sidewalk" means a designated access way within a road or street right-of-way that is designed or intended to be used only for pedestrian traffic.

SECTION 2. Cul-de-sacs; half streets; dead ends. (1) Cul-de-sacs shall not be used except in those situations where no practical alternative reasonably is available.

(2) Half streets shall not be used except in those situations where the abutting land reasonably may be expected to be subsequently subdivided or partitioned.

(3) Dead end streets shall not be used except in those situations as mentioned in (2) of this Section.

SECTION 3. Sidewalks. (1) Sidewalks may be required in subdivisions and major partitions of land where reasonably they are required to continue existing patterns of development.

(2) Sidewalks, when required, shall:

- (a) Be at least 4 feet in width or the width of the existing pattern of development, whichever is the greater width;
- (b) Have at least 3 inches of washed 3/4 inch gravel base;
- (c) Be constructed of 4 inches of Portland Cement concrete (6 bag mix) with transverse expansion joints at no greater intervals than 20 feet and transverse contraction joints at no greater intervals than 5 feet.

(3) The finished sidewalk elevation shall conform to existing sidewalks, driveways or curbs and shall have a lightly broomed surface.

SECTION 4. Roads or streets; minimum standards. (1) The following minimum standards shall apply to all roads or streets created in subdivisions or major partitions of land.

(a) Geometric design standards:

1. Right-of-way: 60 feet for all roads or streets, except that a cul-de-sac shall have a turn-around radius of 50 feet; and an alley shall be 20 feet.

2. Angle of intersection: All roads or streets shall intersect at right angles where reasonably practical; in any event the smallest angle of any intersection shall be no less than 60 degrees;

3. Radius of curvature: The radius of curvature for the centerlines of arterials shall be 300 feet; 200 feet for collectors and 100 feet for all other roads or streets.

4. Tangents: Where topographic conditions will allow, tangents between curves shall be 100 feet in length; tangents for arterials and collectors shall have a length of 100 feet prior to the point of intersection of the right-of-way line of another street.

5. Grade: Maximum of 6% for arterials and 10% for all other roads or streets.

6. Paving or surfacing width: 40 feet for arterials; 20 feet for alleys and 30 feet for all others, except that turn-arounds for cul-de-sacs shall have a paving radius of 40 feet.

(b) Structural design standards:

1. Base: 10 inches of compacted pit run gravels for all roads or streets.

2. Paving or surfacing: 2 inches of compacted asphaltic concrete; 2½ inches of oil-crushed rock mat (Macadam); or 4 inches of ¾"-0 crushed rock according to subsection (2) of this section.

3. Signs: Appropriate traffic control signs shall be provided at 4-way and T intersections of roads or streets.

(2) (a) The paving or other surfacing of roads or streets shall be determined by the existing street surfaces to be extended into a subdivision or major partition. In any event, however, all roads or streets created shall have at least a ¾"-0 crushed rock surface.

(b) The specifications for asphaltic concrete and macadam road surfacing shall be determined by reference to such specifications established by the Oregon State Highway Division.

SECTION 5. Drainage. The subdivider or major partitioner shall provide such drainage structures and fill as may be necessary to prevent the ponding of water within the rights-of-way of roads or streets and to insure the unimpeded flow of water within the natural drainage courses traversed by a road or street.

SECTION 6. Effective Date. The provisions of this resolution will become operative on the effective date of the city's subdivision ordinance.

SECTION 7. Revision. This resolution may be amended or revised in accordance with the provisions of the city's charter.

PASSED and ADOPTED this 7 day of December, 1977.

Richard H. King  
Mayor

Attest: Janis Cole  
City Recorder

SERIES 1979

AN ORDINANCE ESTABLISHING THE URBAN GROWTH BOUNDARY OF THE CITY OF HAINES.

The COUNTY of BAKER ordains as follows:

SECTION 1. City of Haines: Urban growth boundary: The urban growth boundary of the City of Haines shall be the existing incorporated boundary of the city.

SECTION 2. Amendments. Any change or amendments to the land use plans or zoning maps of the City of Haines, which change or amendments affects the urban growth boundary herein established, shall not become operative without the appropriate change or amendments to this ordinance.

SECTION 3. Component of County Plan. This ordinance shall be one of the implementing ordinances of the county land use plan.

SECTION 4. Emergency. This ordinance being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist, and this ordinance takes effect upon adoption by the county governing body.

PASSED and ADOPTED this 2 day of January 1980, ~~1979~~.

*William L. Fuller*  
*Frank W. Ringen*  
*Stewart Sullivan*  
 County Court

ORDINANCE NO. 200

SERIES 2010

**AN ORDINANCE AMENDING ORDINANCE NO. 107, SERIES 1979, AS AMENDED BY ORDINANCE NUMBER 139 SERIES 1997, ORDINANCE #146 SERIES 1998. AN ORDINANCE PROVIDING FOR AN AMENDMENT TO THE SET BACK DISTANCE FROM THE ALLEY IN A RESIDENTIAL ZONE.**

**WHEREAS**, Ordinance No. 107, Series 1979, as amended by ordinance number 139 Series 1997, Ordinance #146 series 1998 was adopted providing for the adoption of the comprehensive Land Use Plan and Providing Zoning Regulations

**WHEREAS**, Ordinance # 146 Series 1998, article 2 section 4.040 provides for a ten (10) foot setback from the alley in a residential zone,

**WHEREAS**, Ordinance # 146 Series 1998, article 11 section 11.010, provides that a citizen may request an amendment by proposing said amendment, and paying a fee for filing such request,

**WHEREAS**, the amendment will allow for a five (5) foot setback from the alley for any building in a residential zone,

**WHEREAS**, the Haines City Council provided an opportunity to the community through public hearings to solicit public input,

**WHEREAS**, it is hereby determined and found that it is in the best interest and welfare of the citizens of Haines that a new standard of a five (5) feet setback from the alley be adopted.

**NOW, THEREFORE**, be it ordained by the Haines City Council to amend the City of Haines Comprehensive Land Use Plan of 1979, article 2 section 4.040 Property line setback (2) rear property lines: shall maintain a minimum setback distance of five (5) feet from the alley.

**EFFECTIVE DATE:** This ordinance will become effective thirty (30) days after its approval.

**PASSED AND APPROVED** by the City Council of the City of Haines  
on 13<sup>th</sup> day of July, 2010 AYES: 4 NAYS: 0

**APPROVED BY THE MAYOR OF THE CITY OF HAINES, OREGON,**  
THIS 13<sup>th</sup> DAY OF July, 2010.

Connie Pound Lewis, Mayor  
Connie Pound Lewis, Mayor

**ATTEST BY THE CITY RECORDER THIS** 13<sup>th</sup> DAY OF July, 2010

Valerie Russell  
Valerie Russell, City Recorder