



Oregon

Kate Brown, Governor

Department of Land Conservation and Development

635 Capitol Street NE, Suite 150

Salem, Oregon 97301-2540

Phone: 503-373-0050

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www.oregon.gov/LCD



NOTICE OF ADOPTED CHANGE TO A COMPREHENSIVE PLAN OR LAND USE REGULATION

Date: August 26, 2015

Jurisdiction: Baker County

Local file no.: PA-15-01

DLCD file no.: 001-15

The Department of Land Conservation and Development (DLCD) received the attached notice of adopted amendment to a comprehensive plan or land use regulation on 08/25/2015. A copy of the adopted amendment is available for review at the DLCD office in Salem and the local government office.

Notice of the proposed amendment was submitted to DLCD 47 days prior to the first evidentiary hearing.

Appeal Procedures

Eligibility to appeal this amendment is governed by ORS 197.612, ORS 197.620, and ORS 197.830. Under ORS 197.830(9), a notice of intent to appeal a land use decision to LUBA must be filed no later than 21 days after the date the decision sought to be reviewed became final. If you have questions about the date the decision became final, please contact the jurisdiction that adopted the amendment.

A notice of intent to appeal must be served upon the local government and others who received written notice of the final decision from the local government. The notice of intent to appeal must be served and filed in the form and manner prescribed by LUBA, (OAR chapter 661, division 10).

If the amendment is not appealed, it will be deemed acknowledged as set forth in ORS 197.625(1)(a). Please call LUBA at 503-373-1265, if you have questions about appeal procedures.

DLCD Contact

If you have questions about this notice, please contact DLCD's Plan Amendment Specialist at 503-934-0017 or plan.amendments@state.or.us



FORM 2

DLCD

Notice of Adoption

This Form 2 must be mailed to DLCD within **5-Working Days after the Final Ordinance is signed** by the public Official Designated by the jurisdiction and all other requirements of ORS 197.615 and OAR 660-018-000

DATE STAMP	<input type="checkbox"/> In person <input type="checkbox"/> electronic <input type="checkbox"/> mailed
	001-15 {23778}
	Received 8/25/2015
For Office Use Only	

Jurisdiction: **Baker County**

Local file number: **PA-15-001**

Date of Adoption: **7/1/2015**

Date Mailed: **7/1/2015**

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? Yes No Date: 5/1/2015

Comprehensive Plan Text Amendment

Comprehensive Plan Map Amendment

Land Use Regulation Amendment

Zoning Map Amendment

New Land Use Regulation

Other:

Summarize the adopted amendment. Do not use technical terms. Do not write "See Attached".

Re-zoning of single parcel from Primary Forest (PF) to Timber-Grazing (TG) Zone.

Does the Adoption differ from proposal? Please select one

No

Plan Map Changed from: **PF**

to: **TG**

Zone Map Changed from: **PF**

to: **TG**

Location: **9 miles east of Sumpter Oregon**

Acres Involved: **20**

Specify Density: Previous:

New:

Applicable statewide planning goals:

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Was an Exception Adopted? YES NO

Did DLCD receive a Notice of Proposed Amendment...

35-days prior to first evidentiary hearing?

Yes No

If no, do the statewide planning goals apply?

Yes No

If no, did Emergency Circumstances require immediate adoption?

Yes No

DLCD file No. _____

Please list all affected State or Federal Agencies, Local Governments or Special Districts:

Baker County

Local Contact: **Eva Ceder**

Phone: **(541) 523-8219** Extension:

Address: **1995 3rd Street**

Fax Number: - -

City: **Baker City, OR**

Zip: **97814-**

E-mail Address: **eceder@bakercounty.org**

ADOPTION SUBMITTAL REQUIREMENTS

This Form 2 must be received by DLCD no later than 5 working days after the ordinance has been signed by the public official designated by the jurisdiction to sign the approved ordinance(s)

per ORS [197.615](#) and [OAR Chapter 660, Division 18](#)

1. This Form 2 must be submitted by local jurisdictions only (not by applicant).
2. When submitting the adopted amendment, please print a completed copy of Form 2 on light **green paper if available**.
3. Send this Form 2 and one complete paper copy (documents and maps) of the adopted amendment to the address below.
4. Submittal of this Notice of Adoption must include the final signed ordinance(s), all supporting finding(s), exhibit(s) and any other supplementary information ([ORS 197.615](#)).
5. Deadline to appeals to LUBA is calculated **twenty-one (21) days** from the receipt (postmark date) by DLCD of the adoption ([ORS 197.830 to 197.845](#)).
6. In addition to sending the Form 2 - Notice of Adoption to DLCD, please also remember to notify persons who participated in the local hearing and requested notice of the final decision. ([ORS 197.615](#)).
7. Submit **one complete paper copy** via United States Postal Service, Common Carrier or Hand Carried to the DLCD Salem Office and stamped with the incoming date stamp.
8. Please mail the adopted amendment packet to:

**ATTENTION: PLAN AMENDMENT SPECIALIST
DEPARTMENT OF LAND CONSERVATION AND DEVELOPMENT
635 CAPITOL STREET NE, SUITE 150
SALEM, OREGON 97301-2540**

9. **Need More Copies?** Please print forms on **8½ -1/2x11 green paper only if available**. If you have any questions or would like assistance, please contact your DLCD regional representative or contact the DLCD Salem Office at (503) 373-0050 x238 or e-mail plan.amendments@state.or.us.

**BEFORE THE BOARD OF COMMISSIONERS
OF BAKER COUNTY, OREGON**

**AN ORDINANCE CHANGING THE ZONE OF)
TAX LOT 100 IN TOWNSHIP 10 SOUTH)
RANGE 39 EAST, SECTION 29, TAX LOT 100)
FROM PRIMARY FOREST TO TIMBER GRAZING)**

**ORDINANCE NO. 2015-03
AMENDING THE
ZONING MAP ADOPTED
BY ORDINANCE 84-1**

WHEREAS, Baker County desires to enact a Zoning Map Amendment in order to re-zone Tax Lot 100 of Township 10 South, Range 39 East, Section 29 W.M., Baker County, Oregon (Ref. 17705, 6534) from Primary Forest (PF) to Timber-Grazing (TG); and

WHEREAS, Baker County recognizes that the parcel referenced above is privately owned, and has been privately owned continuously since prior to the enactment of a Zoning Map and Zoning Ordinance in Baker County; and

WHEREAS, Baker County recognizes that the parcel is currently zoned Primary Forest, a zone in the Baker County Zoning Ordinance reserved for publically-owned parcels; and

WHEREAS, the parcel is surrounded by publically owned parcels and appears to have been inadvertently included in the Primary Forest zone; and

WHEREAS, Baker County desires to correct this zoning mistake and provide this parcel with zoning appropriate for a privately-owned parcel; and

WHEREAS, the staff report prepared for the Board of Commissioners demonstrates that the appropriate zone for this parcel is Timber-Grazing, and that zoning the parcel for Timber-Grazing is consistent with the applicable policies of the Baker County Comprehensive Land Use Plan; and

WHEREAS, approval the Baker County Planning Commission has recommended approval of this re-zoning by a unanimous vote.

NOW THEREFORE, THE BAKER COUNTY BOARD OF COMMISSIONERS ORDAINS AS FOLLOWS:

Section 1: The Baker County Zoning Map shall be amended to show that Tax Lot 100 of Township 10 South, Range 39 East, Section 29 W.M., Baker County, Oregon (Ref. 17705, 6534) is zoned Timber-Grazing.

Section 2: Emergency Clause


This Ordinance being necessary for the health, welfare, and safety of the citizens of Baker County, it shall take effect immediately upon passage.

Read for the first time by title only this 17th day of June, 2015 upon the unanimous vote of the members present.

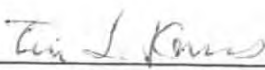
Read for the second time by title only this 1st day of July, 2015 upon the unanimous vote of the members present.

Adopted by the Baker County Board of Commissioners this 1st day of July, 2015.

BAKER COUNTY BOARD OF COMMISSIONERS:



William Harvey, Commission Chair




Tim L. Kerns, Commissioner



Mark E. Bennett, Commissioner

Attest



Heidi Martin, Executive Assistant
Baker County Board of Commissioners

BAKER CITY-COUNTY PLANNING DEPARTMENT



REPORT & RECOMMENDATION to THE BAKER COUNTY BOARD of COMMISSIONERS for PLAN AMENDMENT PA-15-001



STAFF REPORT DATE: June 8th, 2015
REPORT PREPARED BY: Eva Ceder, Planner

I. GENERAL INFORMATION AND FACTS

<u>Applicant:</u>	Baker County 1995 3 rd Street Baker City, OR 97814
<u>Property Owner:</u>	Leona Jones 13-1010 Malama Street Pahoa, HI 96778
<u>Land Use Review:</u>	Plan Amendment
<u>Parcel Description:</u>	±20.0 acres: Tax Lot 100 of Township 10 South, Range 39 East, Section 29 W.M., Baker County, Oregon, Ref. 17705, 6534
<u>Location:</u>	Off of Highway 7, east-southeast of Sumpter, Oregon
<u>Zone:</u>	Primary Forest
<u>Existing Development:</u>	None (cabin lost to fire in March of 2015)
<u>Big Game Habitat Overlay:</u>	The parcel is located in the Big Game Habitat Overlay.
<u>Flood Zone:</u>	This parcel is not located in the flood zone according to FEMA FIRM 41001C0575C, dated June 3, 1988.
<u>Wetlands:</u>	According to the National Wetlands Inventory map, Riverine Wetlands are identified on the parcel.
<u>Fire District:</u>	The parcel is located within the Greater Bowen Valley Fire District.
<u>Tax Status:</u>	None
<u>Water Rights:</u>	N/A
<u>Parcels Legally Created:</u>	Tax Lot 100 was lawfully created as evidenced by Deed 66-13-021, dated September 9 th , 1966.

II. NATURE OF REQUEST

The purpose of this Plan Amendment application is to correct a zoning map error for the subject parcel, currently zoned Primary Forest (PF). The Baker County Zoning Ordinance describes the Primary Forest zone as applying to lands managed by the federal government. This zoning designation does not apply to private property and, as such, does not allow the same land use opportunities that other similarly situated private property owners have. This application has been filed for re-zoning of the property to Timber Grazing (TG).

The subject property, known as Tax Lot 100 in Township 10s, Range 39e, Section 29, was lawfully created as shown by Deed 66-13-021, dated September 9th, 1966. The zoning map was created in the early 1980’s. The applicant and property owner, Ms. Leona Jones, acquired the property on November 23rd, 1976, as shown by Deed 76-44-081, at which time a 513 ft² cabin existed on the property. In March of this year, this cabin was lost to fire. Ms. Jones and her family contacted the Planning Department about replacing the cabin, however, current zoning of the property does not have standards for siting buildings. Ms. Jones is not proposing to change the way the property is used.

The tax lots immediately surrounding Ms. Jones’ property are not privately owned:

Tax Lot	Managing Agency	Zoning
10s39e Tax Lot 700	U.S. Forest Service	PF
10s39e Tax Lot 2700	Oregon Dept. of Fish & Wildlife	PF
10s39e Tax Lot 2900	U.S. Forest Service	PF
10339e Tax Lot 3000	Bureau of Land Management	PF

The nearest privately-owned parcels are Tax Lots 3600 and 3800 on Map 10s39e, located to the southeast of the subject parcel. Both properties are owned by Ralph and Myrna Morgan and are zoned Exclusive Farm Use/Timber Grazing.

III. APPLICABLE ORDINANCE AND COMPREHENSIVE PLAN PROVISIONS; STATE LAW

The proposed Plan Amendment application must comply with Chapters 260 and 430 of the Baker County Zoning Ordinance (BCZO) #2014-01, the Baker County Comprehensive Land Use Plan and ORS Chapter 92. Generally, unless otherwise noted, if a request is found to be consistent with the Zoning Ordinance it is considered to be consistent with the Comprehensive Plan.

IV. ANALYSIS

Baker County Zoning Ordinance 2014-01 - Chapter 260 – Zoning Map and Text Amendments

Chapter 260.04 – Purpose. *The purpose of this chapter is to set forth the standards and process governing legislative and quasi-judicial amendments to this Ordinance, zoning map, Comprehensive Land Use Plan and Comprehensive Land Use Plan Map. These will be referred to as “Zoning Map Amendments”, “Text Amendments”, and “Plan Amendments”. It is recognized that such amendments may be necessary from time to time to reflect changing community conditions, needs and desires; to correct mistakes; and/or to address changes in state statute, case law or other regulations.*

Chapter 260.04 – Quasi-Judicial Amendments.

A. Definition: A quasi-judicial Zoning Map Amendment is one that affects a single property owner and will not have an impact upon other property owners in the same class. By this definition, only Zoning Map Amendments can be quasi-judicial.

B. Process: Quasi-judicial Zoning Map Amendments shall be reviewed in the following manner:

1. A zone map change that does not require a concurrent change of the underlying Comprehensive Plan map designation shall be reviewed by means of a Type IV procedure, as governed by Section 205.06, using standards of approval contained in Section 260.05 (B).

A zone map change that does require a concurrent amendment of the underlying Comprehensive Plan map designation shall be reviewed by means of a Type IV procedure, as governed by Section 205.07, except that the Planning Commission will only make a recommendation to the Board of Commissioners to approve, approve with conditions, or deny the application. The Board of Commissioners will then hold a hearing, as governed by 205.06 (D) to render the final decision on the combined application, using the approval criteria in Section 260.05 (C).

Board of Commissioners Findings: This application qualifies as a quasi-judicial zoning map amendment, as no additional properties within the same class will be impacted and no concurrent change to the Comprehensive Plan map designation is necessary. This report has been prepared to determine whether the application satisfies applicable criteria.

Board of Commissioners Conclusion: The criteria **are** met.

Chapter 260.05 – Approval Criteria

B. *Combined quasi-judicial Comprehensive Plan Map and Zoning Map Amendment.* Upon recommendation of the Planning Commission, the Board of Commissioners shall approve, approve with conditions, or deny a request for a combined quasi-judicial Comprehensive Plan Map and Zoning Map Amendment based on the following approval criteria:

1. *Demonstration of compliance with all applicable policies of the Comprehensive Plan.*

Excerpts from the Baker County Comprehensive Land Use Plan – GOAL IV – Forest Lands:

(Goal IV, page 5), the County governing body has made the following findings:

18. *Small parcels are more affordable to private individuals*

(Goal IV, page 6), the County governing body has made the following conclusions:

3. *Forest uses will be retained and enhanced by requiring all non-farm/non-forest dwellings on inventoried forest land to be on 10 acres of land or more, or on pre-existing parcels of less than 80 acres.*

(Goal IV, pages 6 & 7), the County governing body has implemented the following policies:

1. *A Timber-Grazing Zone and a Primary Forest Zone will be implemented to retain non-primary and primary forest lands in Baker County for forest uses. Definitions for the zones are as follows:*
 - a. *“Primary forest lands” refers to land areas in the County managed for multiple uses, including commercial timber production by an agency of the federal government. Such lands shall be designated with a “Primary Forest” zone as described in the zoning ordinance.*
 - b. *“Timber Grazing” shall refer to the zone wherein non-federally owned forest lands capable of producing 20 cubic feet of commercial wood fiber per acre per year are located. The zone designation denotes the primary uses therein and is more fully described in the zoning ordinance.*
2. *No jurisdiction is assumed by the County for land use decisions within the federally managed Primary Forest Zone.*

2. *Demonstration of compliance with all applicable standards of this code or other applicable implementing Ordinance.*
3. *Assessment of the environmental impacts of the proposed change as demonstrated by completion of an impact report described in Section 260.06.*
- C. *Quasi-judicial Zoning Map Amendment. Upon recommendation of the Planning Commission, the Board of Commissioners shall approve, approve with conditions, or deny a request for a quasi-judicial Zoning Map Amendment using the approval criteria in Section (B) above.*

Board of Commissioner’s Findings: This report has been prepared to determine whether the application satisfies all criteria in the Comprehensive Plan and applicable ordinances.

According to the United States Department of Agriculture – Natural Resources Conservation Service – Web Soil Survey, the primary soil type found on the subject parcel is Analulu-Vogel (Exhibit D). As no forestland productivity data is available for this particular parcel, known forestland productivity data for the same soil type on surrounding lands was extrapolated and applied to the subject parcel by Logan McCrae, Stewardship Forrester with the Oregon Department of Forestry – Northeast Oregon District. From this data, on May 15, 2015, Mr. McCrae concluded that the subject parcel is capable of producing ±40 cubic feet of wood fiber per year (Exhibit E).

Conclusion: The criteria are met.

Chapter 260.06 – Environmental Impact. *An applicant for a quasi-judicial Comprehensive Plan Map/Zoning Map or Zoning Map Amendment shall submit documentation to address the potential impact with the following items:*

- A. *Hydrologic impacts. Documentation shall include a description of the effect upon the watershed where the project is located, the effect upon the immediate area’s storm water drainage pattern, the impact of the proposed development upon downstream areas, and the effect upon the groundwater supply.*

Board of Commissioner's Findings: No change in the use of the property is proposed, therefore no new or increased hydrologic impacts are anticipated.

Conclusion: The criteria are met.

- B. *Geologic impacts.* Documentation shall include a description of the soil erosion potential, stability, bearing qualities of the soil, geologic formation, and soil quality for agricultural consideration. Site evaluation shall also be completed by the Department of Environmental Quality (DEQ) to determine septic suitability for the use(s) proposed, soil permeability and infiltration rates.

Board of Commissioners Findings: No change in the use of the property is proposed, therefore no increased geologic impacts are anticipated. Site evaluation for suitability of a septic system will be completed by DEQ.

Conclusion: The criteria are met.

- C. *Vegetation impacts.* Documentation shall include, but is not limited to, a description of the vegetation on the site, the forest fire potential of the site or in close proximity to the site, areas of low re-vegetative potential on the site, and unique vegetation communities either on site or within close proximity to the site. Documentation shall be done by an Oregon licensed forester.

Board of Commissioners Findings: No change in the use of the property is proposed, therefore no increased impacts to vegetation are anticipated. The aerial photo in Exhibit C shows the property is primarily timbered, and protection of the private forest lands designated under Statewide Planning Goal 4 is implemented through the Timber-Grazing zone. The potential for forest fire will be mitigated through the Fire Siting Safety Standards being applied to any new cabin that may be sited.

Conclusion: The criteria are met.

- D. *Animal life impacts.* Documentation shall include, but is not limited to, a description of any rare or endangered animal species either on or within close proximity of the site, and highly productive habitats for species of sport, commercial or education value either on site or within close proximity to the site.

Board of Commissioners Findings: No change in the use of the property is proposed, therefore no increased impacts to animal life are anticipated. No rare or endangered species have been identified on the site, and the Big Game Habitat Overlay protections will be applied to any new cabin that may be sited.

Conclusion: The criteria are met.

- E. *Air quality impacts.* Documentation shall include a description of the local circulation patterns, prevailing winds, and the condition up or down wind that could be affected by or upon the proposed development.

Board of Commissioners Findings: No change in the use of the property is proposed, therefore no increased impacts to air quality are anticipated.

Conclusion: The criteria are met.

- F. *Economic impacts.* Documentation shall include a description of the economic impact of the proposed development upon the schools, fire districts, law enforcement, water districts, sewer districts, or any other jurisdiction as well as consideration of the proposed project's impact upon the tax rate of the tax code area in which the proposed project is to be located.

Board of Commissioners Findings: No change in the use of the property is proposed, therefore no increased impacts to the economy are anticipated. If the applicants replace the cabin, the tax value of the property will be increased.

Conclusion: The criteria are met.

- G. *Transportation impacts.* Documentation shall include a description of the roads or routes of transportation in reference to right-of-way width, roadway width, access to existing roads, and the ability of the existing roads to accommodate the anticipated amount of travel that will be generated by the proposed development.

Board of Commissioners Findings: No change in the use of the property is proposed, therefore no increased impacts to transportation are anticipated. The property has existing access from Highway 7.

Conclusion: The criteria are met.

- H. *Infrastructure impacts.* Documentation shall include a description of the methods by which basic services, including water, sanitary waste treatment and storm water collection will be provided on the site.

Board of Commissioners Findings: No change in the use of the property is proposed, therefore no increased impacts to infrastructure are anticipated. If the cabin is replaced, water will be provided by a well, and sanitary waste will be provided for through a DEQ approved septic system. No need for a storm water collection system has been identified.

Conclusion: The criteria are met.

- I. *Proximity of other uses and activities.* Documentation shall include a description of the relationship of the proposed development to shopping, recreational, and employment centers.

Board of Commissioners Findings: No change in the use of the property is proposed, therefore no increased impacts to the proximity of other uses and activities are anticipated. The subject property is located ±9.5 linear miles to the southeast of Baker City and ±12 linear miles east of Sumpter.

Conclusion: The criteria are met.

- J. *Public need.* Documentation shall include a description of how the public will benefit from the proposed development and illustrate the demonstrated public need for the proposed project.

Board of Commissioners Findings: No change in the use of the property is proposed, therefore no increased impacts to public need are anticipated. The proposed Plan Amendment is a correction of a mapping error.

Conclusion: The criteria are met.

V. SUMMARY CONCLUSIONS AND DECISION

Based on the above review criteria, findings of fact and conclusions, **PA-15-001** for a quasi-judicial zone map amendment is **APPROVED** subject to the Conditions of Approval contained in Section VI of this report.

VI. CONDITIONS OF APPROVAL

None recommended.

VII. EXHIBITS

- Exhibit A Assessor's Tax Lot Map
- Exhibit B Assessor's Tax Lot Map of Surrounding Properties
- Exhibit C OR Maps Aerial View of Site
- Exhibit D USDA - NCRS - Soils Map & Supporting Table
- Exhibit E UFS Soils Extrapolation Documents
- Exhibit F BCZO Chapter 420 - Timber Grazing Zone
- Exhibit G BCZO Chapter 430 - Primary Forest Zone

EXHIBIT A: Assessor's Tax Lot Map of Area

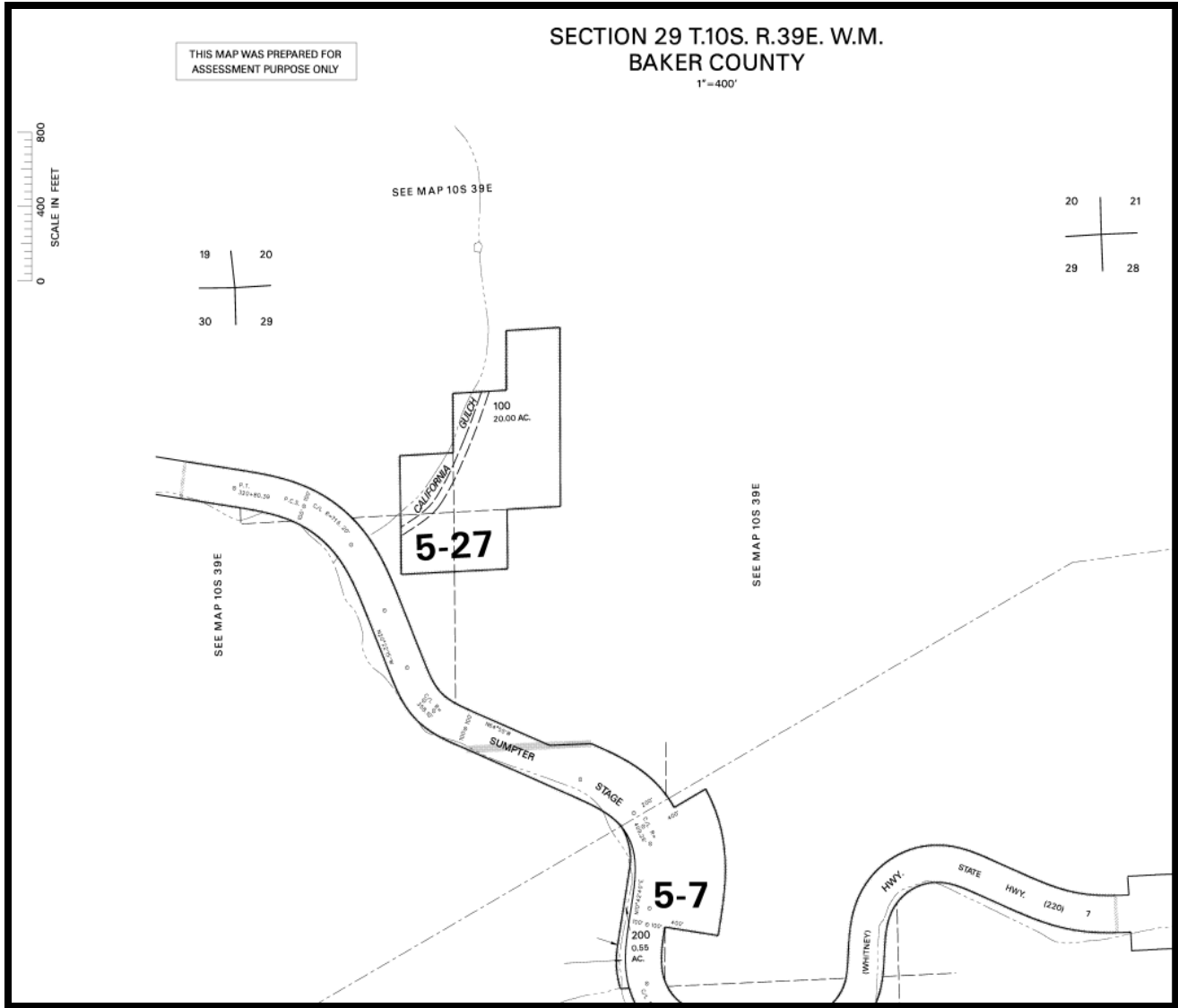


EXHIBIT B: Assessor's Tax Lot Map of Surrounding Properties

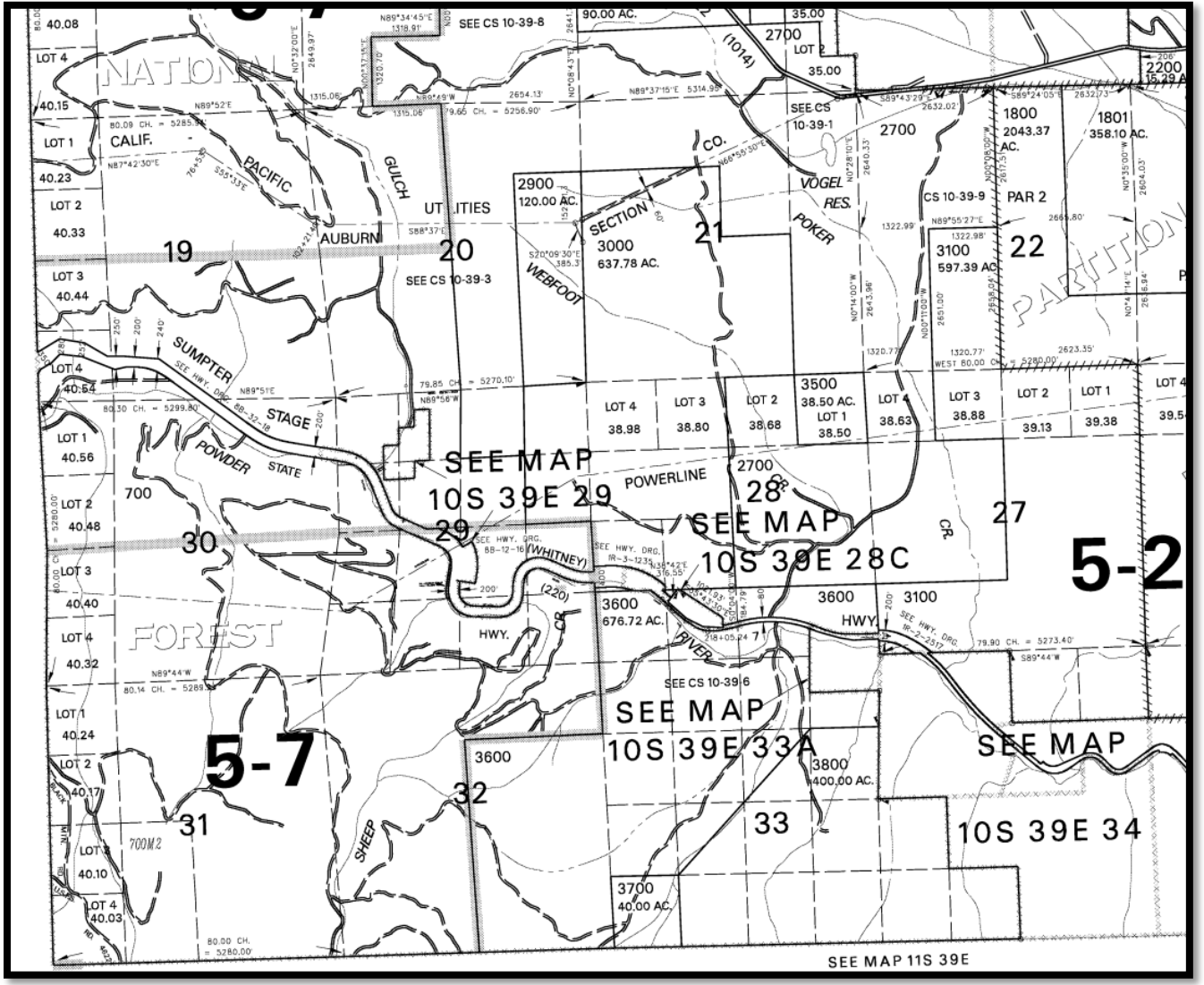
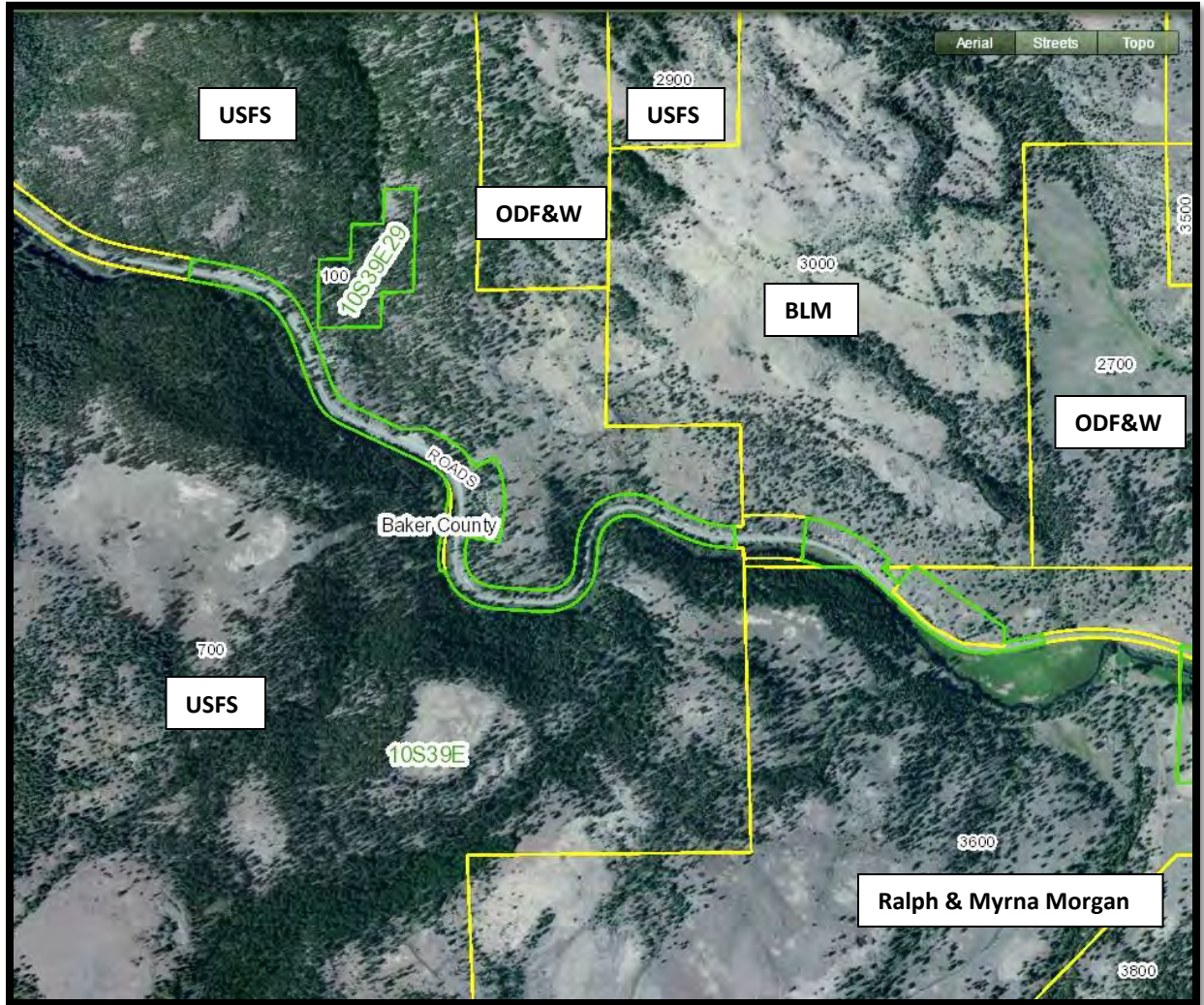
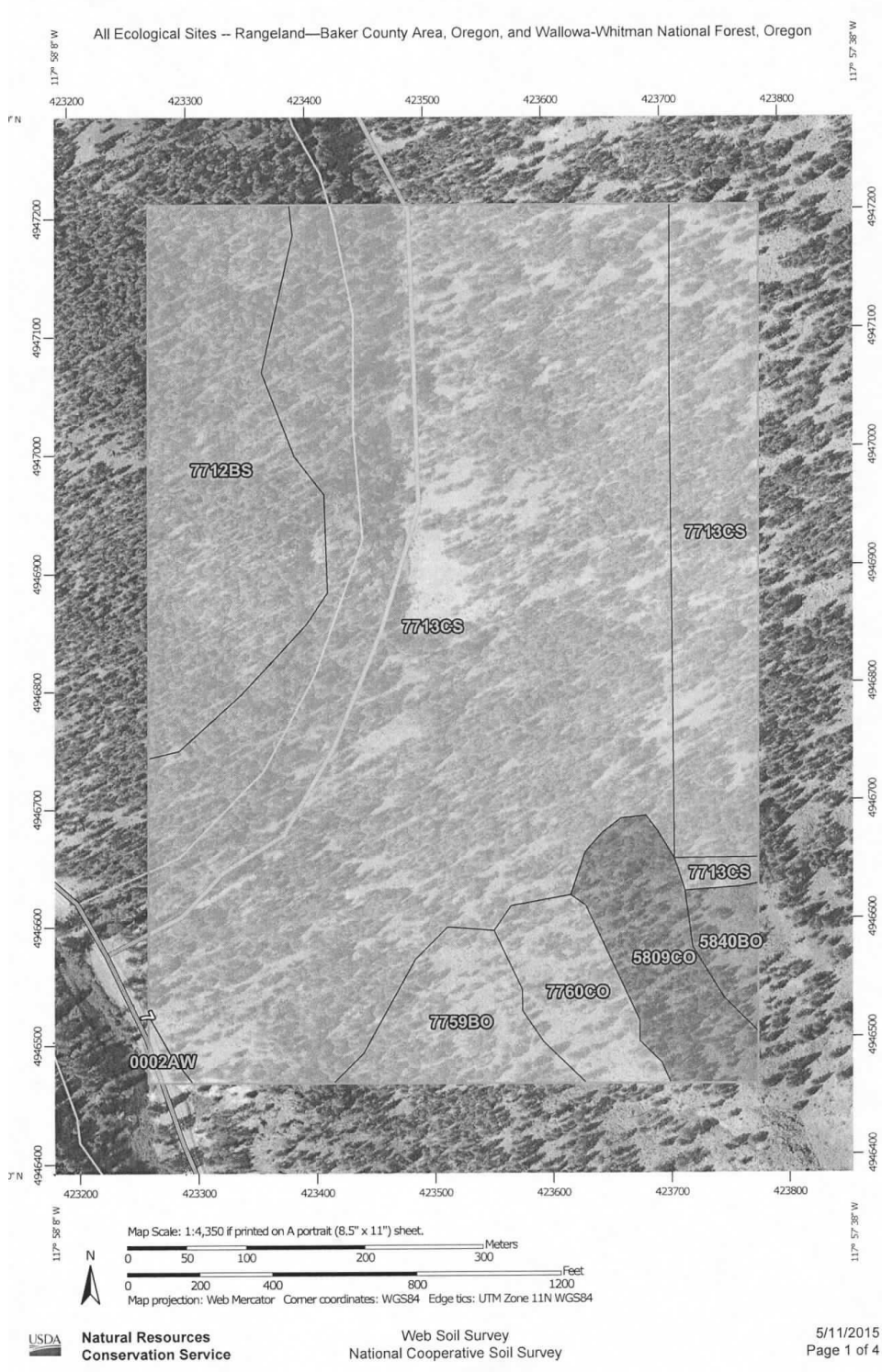


EXHIBIT C: Aerial Map



Tax Lot	Managing Agency	Zoning
10s39e Tax Lot 700	U.S. Forest Service	PF
10s39e Tax Lot 2700	Oregon Dept. of Fish & Wildlife	PF
10s39e Tax Lot 2900	U.S. Forest Service	PF
10s39e Tax Lot 3000	Bureau of Land Management	PF
10s39e Tax Lot 3600	Ralph & Myrna Morgan	TG/EFU
10s39e Tax Lot 3800	Ralph & Myrna Morgan	TG/EFU

EXHIBIT D: USDA – NCRS – Soils Map & Supporting Table



Wallowa-Whitman National Forest, Oregon					
Map unit symbol	Map unit name	Component name (percent)	Ecological site	Acres in AOI	Percent of AOI
0002AW	Snow-Dardry-Tamarack complex, 0 to 10 percent slopes	Snow (40%)		0.2	0.3%
		Dardry (35%)			
		Tamarack (25%)			
5809CO	Anatone-Bocker-Fivebeaver complex, 30 to 60 percent slopes	Anatone (40%)	R009XY036OR — COLD SHALLOW SOUTH 13+ PZ	4.4	4.7%
		Bocker (25%)	R009XY036OR — COLD SHALLOW SOUTH 13+ PZ		
		Fivebeaver (20%)			
5840BO	Anatone-Bocker complex, 15 to 30 percent south slopes	Anatone (55%)	R009XY036OR — COLD SHALLOW SOUTH 13+ PZ	1.3	1.4%
		Bocker (35%)	R009XY036OR — COLD SHALLOW SOUTH 13+ PZ		
7712BS	Analulu-Vogel-Kingbolt complex, 15 to 30 percent south slopes	Analulu (40%)		13.1	13.8%
		Vogel (35%)			
		Kingbolt (25%)			
7713CS	Analulu-Vogel complex, 30 to 60 percent south slopes	Analulu (55%)		58.8	61.8%
		Vogel (45%)			
7759BO	Bluecanyon-Analulu complex, 15 to 30 percent slopes	Bluecanyon (55%)		3.9	4.1%
		Analulu (45%)			
7760CO	Vogel-Ironside-Rock outcrop complex, 30 to 60 percent slopes	Vogel (45%)		3.2	3.4%
		Ironside (40%)			
		Rock outcrop (15%)			

EXHIBIT F: BCZO – Chapter 420 –TIMBER-GRAZING ZONE (TG)

- 420.01 Purpose**
- 420.02 Uses Permitted Through a Type I Procedure**
- 420.03 Uses Permitted Through a Type II Procedure**
- 420.04 Uses Permitted Through a Type III Procedure**
- 420.05 Minimum Lot Size**
- 420.06 Siting Standards for Structures and Dwellings**
- 420.07 Additional Approval Criteria for Type III Uses**

420.01 Purpose. The purpose and intent of the Timber-Grazing zone is to provide areas for the continued practice of grazing for domestic livestock as well as timber production, harvest, and protection of these areas from the hazards of fire, pollution, and the conflicts of urbanization. It is the intent of the Timber-Grazing Zone to preserve and protect watersheds, wildlife habitats and other uses associated with the forest, and to conserve and maintain the aesthetic value of the forest area. Since public and private forest lands in Baker County are managed for multiple uses, the County has designated the forest lands under its jurisdiction as mixed use forest land.

This zone is adopted in conformance with OAR 660-006-0050, which allows the combination of uses allowed in Exclusive Farm Use and agricultural forest zones.

The purpose of this chapter is to describe the applicability, permitted uses, and requirements for the TG Zone.

420.02 Uses Permitted Through a Type I Procedure. In the TG Zone the following uses and their accessory uses shall be permitted outright when authorized in accordance with the provisions of Section 205.04:

A. Farm/Forest Resource:

1. Uses related to and in support of forest operations.
2. Forest operations or forest practices including, but not limited to, reforestation of forest land, road construction and maintenance, harvesting of a forest tree species, application of chemicals, and disposal of slash.
3. Temporary on-site structures which are not enclosed and are auxiliary to and used during the term of a particular forest operation. A forest plan approved by an Oregon licensed forester describing the forest operation must be filed with the Planning Department. A statement describing the structure's use and timeline for removal shall accompany the application.
4. Physical alterations to the land auxiliary to forest practices including, but not limited to, those made for purposes of exploration, mining, commercial gravel extraction and processing, landfills, dams, reservoirs, road construction or recreational facilities.
5. Temporary portable facility for the primary processing of forest products.
6. Private hunting and fishing operations without any lodging accommodations.
7. Towers and fire stations for forest fire protection.
8. Uninhabitable structures accessory to fish and wildlife enhancement.
9. Temporary forest labor camps.
10. Farm use, as defined in ORS 215.203(2), with the exception of livestock feedlots, sales yards, hog farms, or dairy herd confinement at any time of the year, or other concentration of livestock during May through September when such uses are located within one mile of a residential zone.

B. Natural Resource:

1. Uses to conserve soil, air and water quality and to provide for fish and wildlife resources, agriculture and recreational opportunities appropriate in a forest environment.

C. Commercial:

1. Type I Minor Home Occupations, subject to the provisions of Section 760.02.

420.03 Uses Permitted Through a Type II Procedure. In the TG Zone the following uses and their accessory uses may be permitted when authorized in accordance with the provisions of Section 205.05:

A. Farm/Forest Resource:

1. Forest management research and experimentation facilities as defined by ORS 526.215 or where accessory to forest operations.
2. Temporary on-site structures which are enclosed and are auxiliary to and used during the term of a particular forest operation. A forest plan approved by an Oregon licensed forester describing the forest operation must be filed with the Planning Department. A statement describing the structure's use and timeline for removal shall accompany the application.

B. Residential:

1. Lot of Record Dwellings authorized by ORS 215.705 through 215.720 and OAR 660-006-0027 subject to the following:
 - a. The lot or parcel on which the dwelling will be sited was lawfully created and was acquired and owned continuously by the present owner as defined in Chapter 150 of this Ordinance:
 - i. Since prior to January 1, 1985; or
 - ii. By devise or by intestate succession from a person who acquired and had owned continuously the lot or parcel since prior to January 1, 1985.
 - b. The tract on which the dwelling will be sited does not include a dwelling;
 - c. If the lot or parcel on which the dwelling will be sited was part of a tract on November 4, 1993, no dwelling exists on another lot or parcel that was part of that tract.
 - d. The proposed dwelling is not prohibited by, and will comply with, the requirements of the acknowledged comprehensive plan and land use regulations and other provisions of law.
 - e. The lot or parcel on which the dwelling will be sited, if zoned for farm use, is not on that high-value farmland described in ORS 215.710 except as provided in subsections (2) and (3) of this section.
 - f. The lot or parcel on which the dwelling will be sited, if zoned for forest use, is described in ORS 215.720, 215.740 or 215.750.
 - g. In accordance with ORS 215.720, the tract on which the dwelling will be sited is composed of soils not capable of producing 4,000 cubic feet per year of commercial tree species and is located within 1,500 feet of a public road as defined under ORS 368.001 that provides or will provide access to the subject tract. The road shall be maintained and either paved or surfaced with rock and shall not be:
 - i. A United States Bureau of Land Management (BLM) road;
 - ii. A United States Forest Service (USFS) road unless the road is paved to a minimum width of 18 feet, there is at least one defined lane in each direction and a maintenance agreement exists between the USFS and landowners adjacent to the road, a local government or a state agency.
 - h. When the lot or parcel on which the dwelling will be sited lies within an area designated in an acknowledged comprehensive plan as habitat of big game, the siting of the dwelling shall be consistent with the limitations on density upon which the acknowledged comprehensive plan and land use regulations intended to protect the habitat are based.
 - i. When the lot or parcel on which the dwelling will be sited is part of a tract, the remaining portions of the tract shall be consolidated into a single lot or parcel when the dwelling is allowed.
 - j. When approval is granted to an application under the provisions of this Section, the application may be transferred only one time by a person who has qualified under this section to any other person after the effective date of the land use decision.

2. Large Tract Dwellings:

- a. If a dwelling is not allowed pursuant to subsection 1 of this section, a dwelling may be allowed if it complies with other provisions of law and is sited on a tract that does not include a dwelling.
- b. The dwelling shall be sited on a tract in eastern Oregon of at least 240 contiguous acres or 320 acres in one ownership that are not contiguous but are in the same county or adjacent counties and zoned for forest use. A deed restriction shall be filed pursuant to subsection (7) of this section for all tracts that are used to meet the acreage requirements of this paragraph.

3. Temporary Hardship Dwellings authorized by OAR 660-006-0025, which includes a manufactured dwelling or recreational vehicle, or the temporary residential use of an existing building, in conjunction with an existing dwelling as a temporary use for the term of a hardship suffered by the existing resident or a relative of the resident as defined in ORS 215.213 and 215.283, subject to the following:

- a. The manufactured dwelling shall use the same subsurface sewage disposal system used by the existing dwelling, if that disposal system is adequate to accommodate the additional dwelling. If the manufactured dwelling will use a public sanitary sewer system, such condition will not be required.
- b. Within three months of the end of the hardship, the manufactured dwelling or recreational vehicle shall be removed or demolished or, in the case of an existing building, the building shall be removed, demolished or returned to an allowed nonresidential use.
- c. A temporary residence approved under this section is not eligible for replacement under subsection 420.03(B)(4).
- d. When the hardship ends, the governing body or its designate shall require the removal of such mobile homes.
- e. The governing body or its designee shall provide for periodic review of the hardship claimed under this subsection.
- f. As used in this section, "hardship" means a medical hardship or hardship for the care of an aged or infirm person or persons as defined in OAR 660-006-0025(4)(t).

4. Replacement Dwellings: Alteration, restoration or replacement of a lawfully established dwelling that:

- a. Has intact exterior walls and roof structures;
- b. Has indoor plumbing consisting of a kitchen sink, toilet and bathing facilities connected to a sanitary waste disposal system;
- c. Has interior wiring for interior lights;
- d. Has a heating system.
- e. In the case of replacement, is removed, demolished or converted to an allowable nonresidential use within three months of the completion of the replacement dwelling.
- f. The replacement dwelling may be sited on any part of the same lot or parcel.
- g. Replacement dwelling applications may be accepted for up to 1 year after the loss of a dwelling due to fire or natural disasters.

5. Accessory Farm Dwellings may be allowed subject to the criteria in Section 410.03(A)(4) of this ordinance.

6. Secondary Farm Dwellings may be allowed subject to the criteria in Section 410.03(A)(3) of this ordinance.

7. Caretaker residences for public parks and public fish hatcheries.

C. Commercial:

1. Type II Major Home Occupations, subject to the provisions of Section 760.03.

D. Transportation:

1. Widening of roads within existing rights-of-way in conformance with the transportation element of acknowledged comprehensive plans and public road and highway projects as described in ORS 215.213(1)(j) through (m) and 215.283(1)(h) through (k).
2. Reconstruction or modification of public roads and highways involving the removal or displacement of buildings, but not resulting in the creation of new land parcels.
3. Improvements of public road and highway related facilities, such as maintenance yards, weigh stations and rest areas, where additional property or right-of-way is required, but not resulting in the creation of new land parcels.
4. Temporary asphalt and concrete batch plants as accessory uses to specific highway projects.
5. Aids to navigation and aviation.

E. Utility/Solid Waste Disposal Facilities:

1. Utility facilities, and similar minor facilities necessary for public service and repair, replacement and maintenance thereof, except commercial facilities for the purpose of generating power for public use by sale and transmission towers under 200 feet in height.
2. Water intake facilities, related treatment facilities, pumping stations, and distribution lines.
3. A wind measurement device that is less than 200 feet in height if it is for temporary use for a period not to exceed 48 months.
4. Required permanent maintenance/ operations buildings for a wind power generation facility shall be located off-site in one of Baker County's appropriately zoned areas, except that such a building may be constructed on-site if (1) the building design and construction are generally consistent with the character of similar buildings used by commercial farm, ranch or forestry operations, and (2) the building will be removed or converted to farm or forest use upon decommissioning of the Wind Power Generation Facility.
5. Residential Wind Power Generation Facility in accordance with the provisions of Chapter 750 of this ordinance.
6. Water intake facilities, canals and distribution lines for farm irrigation and ponds.

F. Parks/Public/Quasi-Public:

1. Fire service facilities providing rural fire protection services.
2. An outdoor gathering described in ORS 197.015(10)(d), provided that a Temporary Permit has been granted per the requirements of Section 250.02.

420.04 Uses Permitted Through a Type III Procedure. In the TG Zone, the following uses may be permitted when authorized in accordance with the provisions of Section 205.06. These uses shall also require a Conditional Use Permit as described in Chapter 210 and subsection 420.06.

A. Farm/Forest Resource:

1. Permanent facility for the primary processing of forest products.
2. Permanent logging equipment repair and storage.
3. Log scaling and weigh stations.
4. Feeding stations and wildlife management areas subject to the provisions of Section 210.07(A).
5. Livestock feedlot, sales yard, hog farm or dairy herd confinement at any time of the year, or other concentration of livestock during May through September, when such uses are located within one mile of a residential zone.

B. Residential:

1. Template Test Dwellings:

- a. A single family dwelling may be established on a lot or parcel located within a forest zone if the lot or parcel is predominantly composed of soils that are:
 - i. Capable of producing 0 to 20 cubic feet per acre per year of wood fiber if:
 - 1) All or part of at least three other lots or parcels that existed on January 1, 1993, are within a 160 acre square centered on the center of the subject tract; and
 - 2) At least three dwellings existed on January 1, 1993 and continue to exist on the other lots or parcels.
 - ii. Capable of producing 21 to 50 cubic feet per acre per year of wood fiber if:
 - 1) All or a part of at least seven other lots or parcels that existed on January 1, 1993, are within a 160 acre square centered on the center of the subject tract; and
 - 2) At least three dwellings existed on January 1, 1993 and continue to exist on the other lots or parcels.
 - iii. Capable of producing more than 50 cubic feet per acre per year of wood fiber if:
 - 1) All or part of at least 11 other lots or parcels that existed on January 1, 1993, are within a 160 acre square centered on the center of the subject tract; and
 - 2) At least three dwellings existed on January 1, 1993 and continue to exist on the other lots or parcels.
- b. Lots or parcels within urban growth boundaries shall not be used to satisfy the eligibility requirements under this section. A proposed dwelling provided for under this section is not allowed if the tract on which the dwelling will be sited includes a dwelling.
- c. Except as provided by subsection (4) of this section, if the tract under this rule abuts a road that existed on January 1, 1993, the measurement may be made by creating a 160 acre rectangle that is one mile long and $\frac{1}{4}$ mile wide centered on the center of the subject tract and that is to the maximum extent possible, aligned with the road. d. If a tract 60 acres or larger described under this section abuts a road or perennial stream, the measurement shall be made in accordance with subsection (5) of this rule. However, one of the three required dwellings shall be on the same side of the road or stream as the tract, and:
 - i. Be located within a 160-acre rectangle that is one mile long and $\frac{1}{4}$ mile wide centered on the center of the subject tract and that is, to the maximum extent possible aligned with the road or stream; or
 - ii. Be within $\frac{1}{4}$ mile from the edge of the subject tract but not outside the length of the 160 acre rectangle, and on the same side of the road or stream as the tract.
- d. If a road crosses the tract on which the dwelling will be located, at least one of the three required dwellings shall be on the same side of the road as the proposed dwelling.
- e. A proposed dwelling under this rule is not allowed:
 - i. If it is prohibited by or will not comply with the requirements of an acknowledged comprehensive plan and acknowledged land use regulations or other provisions of law;
 - ii. Unless it complies with the requirements of OAR 660-006-0029 and 660-006-0035;
 - iii. Unless no dwellings are allowed on other lots or parcels that make up the tract and deed restrictions are established under subsection (7) of this section for the other lots or parcels that make up the tract are met.

- f. The following definitions shall apply to this rule:
 - i. "Tract" means one or more contiguous lots or parcels in the same ownership. A tract shall not be considered to consist of less than the required acreage because it is crossed by a public road or waterway;
 - ii. "Commercial Tree Species" means trees recognized under rules adopted under ORS 527.715 for commercial production.
- g. The applicant for a dwelling authorized by (1)(a) of this section that requires one or more lots or parcels to meet minimum acreage requirements shall provide evidence that the covenants, conditions and restrictions form adopted as "Exhibit A" in OAR 660-033-0135 has been recorded with the county clerk of the county or counties where the property subject to the covenants, conditions and restrictions is located;
 - i. The covenants, conditions and restrictions are irrevocable, unless a statement of release is signed by an authorized representative of the county or counties where the property subject to the covenants, conditions and restrictions is located;
 - ii. Enforcement of the covenants, conditions and restrictions may be undertaken by the Department of Land Conservation and Development or by the county or counties where the property subject to the covenants, conditions and restrictions is located;
 - iii. The failure to follow the requirements of the section shall not affect the validity of the transfer of property or the legal remedies available to the buyers of property which is subject to the covenants, conditions and restrictions required by this section;
 - iv. The planning director shall maintain a copy of the covenants, conditions and restrictions filed in the county deed records pursuant to this section and a map or other record depicting tracts which do not qualify for the siting of a dwelling under the covenants, conditions and restrictions filed in the county deed records pursuant to this section. The map or other record required by this subsection shall be readily available to the public in the county planning office.
- h. Notwithstanding subsection (5)(a) of this rule, if the acknowledged comprehensive plan and land use regulations of a county require that a dwelling be located in a 160-acre square or rectangle described in subsection (B)(b)(1) or sections (3) or (4) of this rule, a dwelling is in the 160-acre square or rectangle if any part of the dwelling is in the 160-acre square or rectangle.
- i. Farm Management Dwellings may be established subject to the approval of the Baker County Planning Director, subject to the following:
 - i. A dwelling in conjunction with farm use may be established subject to applicable standards and finding that the proposed dwelling can satisfy all of the following criteria:
 - ii. The parcel is devoted to existing farm uses where the day-to-day activities are principally directed to the farm use on the parcel.
 - iii. The dwelling is customarily provided in conjunction with farm use.
 - iv. The parcel is large enough for the appropriate continuation of the existing commercial agricultural enterprise in the area.
 - v. The single-family dwellings and other buildings are customarily provided in conjunction with farm use.
 - vi. Compliance with such other conditions as the governing body or its designate considers necessary.

C. Commercial:

- 1. Private seasonal accommodations for fee hunting operations may be allowed subject to OAR 660-006-0025(5), OAR 660-006-0029, and OAR 660-006-0035 and the following requirements:
 - a. Accommodations are limited to no more than 15 guest rooms as that term is defined in the Oregon Structural Specialty Code;

- b. Only minor incidental and accessory retail sales are permitted;
 - c. Accommodations are occupied temporarily for the purpose of hunting during game bird and big game hunting seasons authorized by the Oregon Fish and Wildlife Commission; and
 - d. A governing body may impose other appropriate conditions.
2. Private accommodations for fishing occupied on a temporary basis may be allowed subject to OAR 660-006-0025(5), OAR 600-060-0029, and OAR 660-006-0035 and the following requirements:
- a. Accommodations limited to no more than 15 guest rooms as that term is defined in the Oregon Structural Specialty Code;
 - b. Only minor incidental and accessory retail sales are permitted;
 - c. Accommodations occupied temporarily for the purpose of fishing during fishing seasons authorized by the Oregon Fish and Wildlife Commission;
 - d. Accommodations must be located within ¼ mile of fish bearing Class I waters; and
 - e. A governing body may impose other appropriate conditions.
3. Type III Major Home Occupations, subject to the provisions of Section 760.04.
4. Destination resorts reviewed and approved pursuant to ORS 197.435 to 197.465 and Goal 8.

D. Mineral, Aggregate, Oil and Gas Use:

- 1. Operations conducted for the exploration, mining and processing of aggregate and other mineral resources or other subsurface resources subject to the restrictions and permits of the Department of Geology and Minerals Industry.
- 2. Operations conducted for mining, crushing, or stockpiling of aggregate and other mineral and other subsurface resources subject to ORS 215.298.
- 3. Processing as defined by ORS 517.750 of aggregate into asphalt or portland cement.
- 4. Processing of other mineral resources and other subsurface resources.
- 5. Mining and processing of oil, gas, or other subsurface resources, as defined in ORS Chapter 520, and not otherwise permitted under subsection 420.02(E)(2) of this section (e.g. compressors, separators and storage serving multiple wells), and mining and processing of aggregate and mineral resources as defined in ORS Chapter 517.
- 6. Exploration for and production of geothermal, gas, oil, and other associated hydrocarbons, including the placement and operation of compressors, separators and other customary production equipment for an individual well adjacent to the well head.
- 7. Operations conducted for mining and processing of geothermal resources as defined by ORS 522.005 and oil and gas as defined by ORS 520.005 not otherwise permitted.

E. Transportation:

- 1. Expansion of existing airports.
- 2. Public road and highway projects as described in ORS 215.213(2)(p) through (r) and (10) and 215.283(2)(q) through (s) and (3).
- 3. Roads, highways and other transportation facilities, and improvements not otherwise allowed.
- 4. Transportation improvements on rural lands allowed by OAR 660-012-0065.

5. Personal-use airports for airplanes and helicopter pads including associated hangar, maintenance and service facilities. A personal-use airport as used in this Section means an airstrip restricted, except for aircraft emergencies, to use by the owner and, on an infrequent and occasional basis, by invited guest(s), and by commercial aviation activities in connection with agricultural operations. No aircraft may be used on a personal-use airport other than those owned or controlled by the owner of the airstrip. Exceptions to the activities permitted under the definition may be granted through waiver action by the Oregon Aeronautics Division in specific instances. A personal-use airport lawfully existing as of September 13, 1975, shall continue to be permitted subject to any applicable regulations of the Aeronautics Division.

F. Utility/Solid Waste Disposal Facilities:

1. Wind Power Generation Facility in accordance with the provisions of Chapter 750 of this Ordinance.
2. Major utility facilities as defined in Chapter 150 of this ordinance.
3. Location dependent uses, such as communication towers, mineral and aggregate resources, etc.
4. Local distribution lines (e.g., electric, telephone, natural gas) and accessory equipment (e.g., electric distribution transformers, poles, meter cabinets, terminal boxes, pedestals), or equipment which provides service hookups, including water service hookups for 2 or more dwellings.
5. A site for the disposal of solid waste that has been ordered to be established by the Oregon Environmental Quality Commission under ORS 459.049, together with the equipment, facilities or buildings necessary for its operation.
6. A site for the disposal of solid waste approved by the governing body of a city or county or both and for which the Oregon Department of Environmental Quality has granted a permit under ORS 459.245, together with equipment, facilities or buildings necessary for its operation.
7. Television, microwave, and radio communication facilities and transmission towers.
8. Utility facilities for the purpose of generating power. A power generation facility shall not preclude more than ten acres from use as a commercial forest operation unless an exception is taken pursuant to OAR chapter 660, division 004.
9. A wind measurement device that is greater than 200 feet in height.
10. A wind measurement device that will be used for a period exceeding 48 months.
11. Reservoirs and water impoundments.
12. New electric transmission lines with right of way widths of up to 100 feet as specified in ORS 772.210. New distribution lines (e.g., gas, oil, geothermal, telephone, fiber optic cable) with rights-of-way 50 feet or less in width.
13. Water intake facilities, related treatment facilities, pumping stations, and distribution lines.

G. Parks/Public/Quasi-Public:

1. Public parks including only those uses specified under OAR 660-034-0035 or 660-034-0040, whichever is applicable.
2. Firearms training facility.
3. Cemeteries.
4. Any gathering subject to review by a County Planning Commission under the provisions of ORS 433.763. These gatherings are those of more than 3,000 persons which continue or can reasonably be expected to continue for more than 120 hours within any three-month period and any part of which is held in open spaces.
5. Private parks and campgrounds. Campgrounds in private parks shall only be those allowed subject to the following:

- a. Except on a lot or parcel contiguous to a lake or reservoir, campgrounds shall not be allowed within three miles of an urban growth boundary unless an exception is approved pursuant to ORS 197.732 and OAR chapter 660, division 004. A campground is an area devoted to overnight temporary use for vacation, recreational or emergency purposes, but not for residential purposes and is established on a site or is contiguous to lands with a park or other outdoor natural amenity that is accessible for recreational use by the occupants of the campground. A campground shall be designed and integrated into the rural agricultural and forest environment in a manner that protects the natural amenities of the site and provides buffers of existing native trees and vegetation or other natural features between campsites.
- b. Campgrounds authorized by this rule shall not include intensively developed recreational uses such as swimming pools, tennis courts, retail stores or gas stations. Overnight temporary use in the same campground by a camper or camper's vehicle shall not exceed a total of 30 days during any consecutive 6-month period.
- c. Campsites may be occupied by a tent, travel trailer, yurt or recreational vehicle. Separate sewer, water or electric service hook-ups shall not be provided to individual camp sites except that electrical service may be provided to yurts allowed for by the following paragraph.
- d. Subject to the approval of the county governing body or its designee, a private campground may provide yurts for overnight camping. No more than one-third or a maximum of 10 campsites, whichever is smaller, may include a yurt. The yurt shall be located on the ground or on a wood floor with no permanent foundation. Upon request of a county governing body, the Commission may provide by rule for an increase in the number of yurts allowed on all or a portion of the campgrounds in a county if the Commission determines that the increase will comply with the standards described in ORS 215.296(1). As used in this rule, "yurt" means a round, domed shelter of cloth or canvas on a collapsible frame with no plumbing, sewage disposal hook-up or internal cooking appliance.

6. Fire stations for rural fire protection.

420.05 Minimum Lot Size. In the Timber-Grazing zone the following minimum parcel sizes shall be required:

- A. For forest/farm use: 80 acres.
- B. The minimum parcel size may be waived to allow a division of forest land involving a dwelling existing prior to January 25, 1990 (the date that LCDC adopted major amendments to Goal 4) provided that:
 - 1. The new parcel containing the dwelling is no larger than 10 acres.
 - 2. The remaining forest parcel, not containing the dwelling, meets the minimum land division standards of this zone or is consolidated with another parcel which together meets the minimum land division standards of this zone.

420.06 Siting Standards for Structures and Dwellings

- A. The following siting standards shall apply to all new dwellings and structures. These standards are designed to make structural development compatible with forest operations and agriculture, to minimize wildfire hazards and risks, and to conserve values found on forest lands:
 - 1. All new dwellings and structures shall be sited on the parcel according to the following standards:
 - a) To ensure that the amount of forest land used to site access roads, service corridors, the dwelling, and structures is minimized, the dwelling shall be located near an existing road.
 - b) To ensure that the risks associated with wildfire are minimized, the dwelling shall be located on a level or near level portion of the parcel.
 - c) To ensure that the dwelling or structure will have the least impact on nearby or adjoining forest or agricultural lands, the dwelling or structure shall, when not in conflict with subsection a. or b. of this section:
 - i. be located near the center of the property to maintain maximum distance between the dwelling or structure and the adjoining properties; or

- ii. be clustered near other structures currently existing on the parcel.
 - d) When not in conflict with subsections 1, 2, or 3, the dwelling shall be sited on that portion of the parcel least suited for growing trees.
2. To ensure that forest operations and accepted farming practices will not be curtailed or impeded, a nonexclusive Acknowledgement of Farm and Forest Practices shall be filed with the County Clerk prior to development authorization for a dwelling or other use where specified. Such Acknowledgement shall specify that owners of farm and forest enterprises have the right to conduct legal farm and forest practices, and the owner of the subject property, as well as subsequent owners, waive all rights to object to legal farm and forest activities.
 3. The applicant shall provide evidence to the Planning Director or the Planning Commission that the domestic water supply is from a source authorized in accordance with rules promulgated by the Oregon Department of Water Resources for the appropriation of ground water or surface water and is not from an intermittent (a Class II) stream as defined in the Forest Practices Rule. If the water supply is unavailable from public sources or sources located entirely on the property, then the applicant shall provide evidence that a legal easement has been obtained permitting domestic water lines to cross the properties of affected owners.
 4. The applicant must meet the Fire Siting Standards as listed in OAR 660-006-0035.
 5. Private roads and driveways shall be constructed to meet the specifications listed under Fire Safety Design Standards for Roads in OAR 660-006-0040, and to the transportation standards listed in chapter 340 of this Ordinance.

420.07 Additional Approval Criteria for Type III Uses

- A. For Type III uses, in addition to the applicable standards in Chapter 210, Conditional Uses, the applicant shall demonstrate that the following criteria have been satisfied. These requirements are designed to make the use compatible with forest operations and agriculture and to conserve values found on forest lands:
 1. The proposed use will not force a significant change in, alter the stability of, or significantly increase the cost of accepted farming or forest practices on agriculture or forest lands.
 2. The proposed use will not significantly increase fire hazard or significantly increase fire suppression costs or significantly increase risks to fire suppression personnel.
 3. The proposed use will not adversely affect important wildlife habitat pursuant to criteria contained within Article 6 of this Ordinance.
 4. The use is compatible with other forest uses in the nearby area, including:
 - a. Maintenance of grazing land for livestock.
 - b. Watershed protection.
 - c. Soil protection from wind and water.
 - d. Maintenance of outdoor recreational activities and related support services.
 - e. Maintenance of values compatible with forest uses.
 - f. Open space, buffers from noise, visual separation of conflicting uses.
 5. A written statement recorded with the deed or written contract with the county or its equivalent is obtained from the land owner which recognizes the rights of adjacent and nearby land owners to conduct forest operations consistent with the Forest Practices Act and Rules for uses authorized in OAR 660-006-0025(4)(e), (m), (s), (t) and (w).
 6. Planned access to interior tracts shall be required when dealing with road-front parcels.
 7. The proposed use must comply with Oregon Administrative Rules 660-006-0025, 660-006-0027, 660-006-0029, 660-006-0035 and 660-006-0040.

EXHIBIT G: BCZO – Chapter 430 – PRIMARY FOREST ZONE (PF)

430.01 Purpose

430.02 Applicability

430.03 Zoning Upon Private Ownership

430.01 Purpose. The purpose of this chapter is to describe the applicability of the Primary Forest Zone.

430.02 Applicability. The Primary Forest Zone only applies to lands within Baker County that are managed by an agency of the federal government and for which Baker County has assumed no jurisdiction.

430.03 Zoning Upon Private Ownership. When and if any of said lands convert to private ownership the applicable County zoning regulations shall be determined by the size class, vegetative cover, soil classes and other characteristics of said lands.