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Chapter 420 TIMBER-GRAZING ZONE (TG)

- 420.01 Purpose
- 420.02 Uses Permitted Through a Type I Procedure
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1-420.01 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 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 multiples 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.

2-420.02 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.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.

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10. Farm use, as defined in ORS 215.203(2), 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.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.

e.C. Residential:

1. Caretaker residences for public parks and public fish hatcheries.
2. Alteration, restoration or replacement of a lawfully established dwelling that:

1.a. Has intact exterior walls and roof structures;

2.b. Has indoor plumbing consisting of a kitchen sink, toilet and bathing facilities connected to a sanitary waste disposal system;

3.c. Has interior wiring for interior lights;

4.d. Has a heating system.

5.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.

6.f. The replacement dwelling may be sited on any part of the same lot or parcel.

7.g. Replacement dwellings applications may be accepted for up to 12 years after the

loss of a dwelling due to fire or natural disasters.

d.D. Commercial:

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

e.E. Mineral, Aggregate, Oil and Gas Uses:

1. Operations for the exploration of mineral and aggregate resources as defined in ORS Chapter 517.
2. 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.

f.F. 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)(m) through (p) and 215.283(1)(k) through (n).

g.G. Utility/Solid Waste Disposal Facilities:

1. Water intake facilities, canals and distribution lines for farm irrigation and ponds.
2. 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,

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including water service hookups to one dwelling.

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:

1.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.

3.B. Residential:

1. Lot of Record Dwellings authorized by OAR 660-006-0027 subject to the following:

1.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:

1.i. Since prior to January 1, 1985; or

2.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.

1.b. The tract on which the dwelling will be sited does not include a dwelling;

2.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.

3.d. The dwelling must be located on a tract 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:

1.i. A Bureau of Land Management (BLM) road;

2.ii. A 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.

3.c. 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.

4.f. When the lot or parcel on which the dwelling will be located 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.

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~~5.g.~~ 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.

~~6.2.~~ Temporary Hardship Dwelling or temporary manufactured home placements: A manufactured dwelling, or the temporary use of a dwelling may be allowed for the term of the hardship suffered by the existing resident or relative as defined in ORS Chapter 215, subject to the following:

~~1.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 home will use a public sanitary sewer system, such condition will not be required.

~~2.b.~~ Permits shall be reviewed every year.

~~3.c.~~ Within three months of the end of the hardship, the manufactured dwelling 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.

~~4.d.~~ A temporary residence approved under this section is not eligible for replacement under ORS 215.213(t) or 215.283(s).

~~5.e.~~ As used in this section, "hardship" means a medical hardship or hardship for the care of an aged or infirm relative as defined in ORS Chapter 215.

~~6.C.~~ Commercial:

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

2. Destination resorts reviewed and approved pursuant to ORS 197.435 to 197.465 and Goal 8.

~~3.D.~~ Transportation:

1. 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.

2. Improvement 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.

3. Temporary asphalt and concrete batch plants as accessory uses to specific highway projects.

~~4.E.~~ Utility/Solid Waste Disposal Facilities:

1. Aids to navigation and aviation.

2. Water intake facilities, related treatment facilities, pumping stations, and distribution lines.

~~3.F.~~ Parks/Public/Quasi-Public:

1. Fire service facilities providing rural fire protection services.

2. An outdoor gathering described in ORS 197.015(11)(d), provided that a Temporary Permit has been granted per the requirements of Section 250.02.

~~1.420.04~~ Uses Permitted Through a Type III Procedure.

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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.

1.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.

6.B. Residential:

1. Dwellings authorized by ORS 215.720 to 215.750, subject to OAR 660-06-0025.

2.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 660-006-0035 and the following requirements:

1.a. Accommodations are limited to no more than 15 guest rooms as that term is defined in the Oregon Structural Specialty Code;

2.b. Only minor incidental and accessory retail sales are permitted;

3.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

4.d. A governing body may impose other appropriate conditions.

1.2. Private accommodations for fishing occupied on a temporary basis may be allowed subject to section (5) of this rule, OAR 600-060-0029, and 660-006-0035 and the following requirements:

1.a. Accommodations limited to no more than 15 guest rooms as that term is defined in the Oregon Structural Specialty Code;

2.b. Only minor incidental and accessory retail sales are permitted;

3.c. Accommodations occupied temporarily for the purpose of fishing during fishing seasons authorized by the Oregon Fish and Wildlife Commission;

4.d. Accommodations must be located within ¼ mile of fish bearing Class I waters; and

5.e. A governing body may impose other appropriate conditions.

1.3. Type III Major Home Occupations, subject to the provisions of Section 760.04.

2.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

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Department of Geology and Minerals Industry. See Chapter 440, Mineral Extraction Zone when dealing with patented mining claims.

2. Mining and processing of subsurface resources, as defined in ORS Chapter 520, and not otherwise permitted under subsection (3)(m) of this rule (e.g. compressors, separators and storage serving multiple wells), and mining and processing of aggregate and mineral resources as defined in ORS Chapter 517.

3.E. Transportation:

1. Expansion of existing airports.
2. Public road and highway projects as described in ORS 215.213(2)(q) through (s) and (10) and 215.283(2)(p) through (r) 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.

6.F. Utility/Solid Waste Disposal Facilities:

1. Commercial Wind Power Generation Facility.
2. Location dependent uses, such as communication towers, mineral and aggregate resources, etc.
3. 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.
4. Disposal site for solid waste that has been ordered established by the Oregon Environmental Quality Commission under ORS 459.049, together with the equipment, facilities or buildings necessary for its operation.
5. Disposal site for 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.
6. Television, microwave, and radio communication facilities and transmission towers.
7. Utility facilities for the purpose of generating power. A power generation facility shall not preclude more than ten

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acres from use as a commercial forest operation unless an exception is taken pursuant to OAR chapter 660, division 004.

- 8. Reservoirs and water impoundments.
- 9. New electric transmission lines with right of way widths of up to 100 feet as specified in ORS 772.210.

~~10.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:

~~1.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.

~~2.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.

~~3.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.

~~4.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,

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sewage disposal hook-up or internal cooking appliance.

increase fire suppression costs or significantly increase risks to fire suppression personnel.

1.420.05 Minimum Lot Size.

In the Timber-Grazing zone the following minimum parcel sizes shall be required:

1.A. For commercial forest/farm use: 80 acres.

2.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 meet the minimum land division standards of this zone.

1.420.06 Approval Criteria.

A. For Type II and 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

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.

B. Farm or Forest Management Dwellings may be established subject to the approval of the Baker County Planning Director, subject to the following:

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1. 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:
 - a. The parcel is devoted to existing farm uses; where the day-to-day activities are principally directed to the farm use on the parcel.
 - b. The dwelling is customarily provided in conjunction with farm use.
 - c. The parcel is large enough for the appropriate continuation of the existing commercial agricultural enterprise in the area.
 - d. The single-family dwellings and other buildings are customarily provided in conjunction with farm use.
 - e. Compliance with such other conditions as the governing body or its designate considers necessary.

1.2. Accessory Farm Dwelling: Dwellings which satisfy the following requirements:

- a. The accessory farm dwelling will be occupied by an employee who will be principally engaged in the farm use of the land and whose assistance in the management of the farm use is or will be required by the farm operator; and
- b. The dwelling will be located:
 - i. On the same lot or parcel as the dwelling of the principal farm dwelling; or
 - ii. On the same tract as the principal farm dwelling when the lot or parcel on which the accessory farm dwelling will be sited is consolidated into a single parcel with

all contiguous lots and parcels in the tract; or

- iii. On a lot or parcel on which the principal farm dwelling is not located when the accessory farm dwelling is a manufactured dwelling and a deed restriction is filed with the county clerk. The deed restriction shall require the manufactured dwelling to be removed when the lot or parcel is conveyed to another party. An accessory farm dwelling approved pursuant to this section may not be occupied by a person or persons who will not be principally engaged in the farm use of the land and whose assistance in the management of the farm use is not or will not be required by the farm operator. The manufactured dwelling may remain if it is re-approved under these rules for an accessory farm dwelling. An accessory farm dwelling may only be replaced by a manufactured dwelling.

- c. There is no other dwelling on lands designated for exclusive farm use owned by the operator that is vacant or currently occupied by persons not working on the subject farm or ranch and that could reasonably be used as an accessory farm dwelling.

2.3. Secondary Dwelling: Dwellings on real property used for farm use if the dwelling is located on the same lot or parcel as the dwelling of the farm operator and is occupied by a relative of the farm operator or the farm operator's spouse, whose assistance in the management of the farm use is or will be required by the farm operator. "Relative" is defined in Chapter 150, Definitions, of this ordinance.

3.4. A Forest Management dwelling may be established subject to Chapter 210,

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Conditional Uses and upon a finding that each proposed dwelling:

- a. Is necessary for and accessory to forest operations, including cultured Christmas trees as defined in ORS 215.203(3). That determination shall be based on review of a forest management plan, which shall, at a minimum, provide information necessary to complete a forest management form regarding the condition and productivity of the lands to be managed, a chronological description of commercial forest management activities to be undertaken by the resident(s) or under contract, and estimates of yield, labor and expenses.
- b. There are no other dwellings suitable for forest management activities on the property which are vacant or currently occupied by persons not engaged in forestry, which could be used as the principal forest management dwelling on the forest operation.
- c. Does not seriously interfere with, increase the cost of or otherwise impede forest management practices on adjacent lands devoted to forest use (as regulated by the Oregon Forest Practices Act, ORS 527.610 through 527.730).
- d. Does not seriously interfere with, increase the cost of, or otherwise impede farming practices on adjacent lands (as defined in ORS 215.203).
- e. Is sited on a parcel which qualifies for and is receiving one of the Oregon farm or forest tax deferral programs.

~~4.5~~ If road access to the dwelling is by a road owned and maintained by a private party or by the Oregon Department of Forestry, the Bureau of Land Management, or the United States Forest Service, then the Applicant shall provide

proof of a long-term road access use permit or agreement. The road use agreement may require the Applicant to agree to accept responsibility for road maintenance.

~~2.6~~ The forest lands to be managed by the resident of the proposed dwelling must meet the stocking and survival requirements of the Forest Practices Rules for Eastern Oregon.

~~3.7~~ The Applicant for a Forest Management dwelling must also:

- a. Comply with siting standards of Subsection 420.06(d).
- b. Comply with fire safety design standards for roads and driveways as defined in Subsection 420.06(e).
- c. Provide information regarding the condition and productivity of the lands to be managed. The plan will include a chronological description of commercial forest management activities to be undertaken by the resident(s) and estimates of yield, labor and expenses.
- d. Submit a plot plan showing the site for the proposed dwelling.
- e. Pursuant to OAR 660-06-027(2), provide documentation to the Planning Department showing that the Oregon Department of Forestry has had the opportunity to review and evaluate the condition and productivity of the lands to be managed, the plans for management of the lands, estimates of yield, labor and expenses and the siting of the dwelling and related fire safety measures. The information must be sufficient to enable the Oregon Department of Forestry within 45 days to determine that:

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i. The information describing the productivity and current condition of the forest land to be managed is complete and accurate.

ii. Fulfillment of the forest management plan will result in use of the parcel for the required management purpose in terms of stocking, stand density and harvest.

4.8. For application for a forest related dwelling on pre-existing parcels of less than 240 acres, the Applicant must document:

a. That the parcel is of sufficient size to demonstrate that forest crops of a commercial variety and quantity can be produced on the parcel including, but not limited to: Christmas trees, posts, poles, and/or saw timber.

b. That the parcel has been managed for commercial forestry as demonstrated by:

i. The parcel is under Timber tax deferral; and

ii. The parcel has a management plan approved by the State Service Forester.

c. Meet standards of Section 420.06(B)(3).

C. Single Family Dwelling Not Related to Forest Management may be established subject to the approval of the Baker County Planning Commission, upon:

1. The receipt of information showing where the proposed dwelling is to be located within a rural fire protection district, or by showing that the Applicant has contracted for residential fire protection.

2. Finding that the dwelling would not force a significant change in,

significantly increase the costs of, or impede accepted farming or forest practices on agriculture or forest lands.

3. Compliance with siting standards of Section 420.06(D & E).

4. Compliance with the fire safety design standards for roads and driveways of Section 420.06(F).

5. The receipt of information showing the parcel on which the dwelling would be located is not qualified for a farm or forest tax deferral. If the property does have farm/forest deferral, it shall be removed from the deferral program.

6. A written statement recorded with the deed, or its equivalent is obtained from the landowner which recognizes the rights of forest operators to conduct forest operations consistent with the Forest Practices Act.

7. A finding that the parcel satisfies one of the following:

a. The parcel is composed primarily of soils which are:

i. Capable of 0 to 50 cubic foot/acre/year of timber growth, and where this parcel and at least all or part of seven (7) other parcels are contained within a 160-acre square when centered on the center of the subject parcel; or

ii. Capable of above 50 cubic foot/acre/year of timber, and where this parcel and at least all or part of eleven (11) other parcels exist within a 160-acre square when centered on the center of the subject parcel.

8. A finding that if road access to the dwelling is by a road owned and maintained by a private party or by the

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Oregon Department of Forestry, the Bureau of Land Management, or the U.S. Forest Service, then the Applicant shall provide proof of a long-term road access use permit or agreement. The road use permit may require the applicant to agree to accept responsibility for road maintenance.

9. The Goal 5 elk winter habitat protection maps, as adopted by Baker County, are inventoried as to median ownership size of parcels within the areas to be protected. Where the overall median ownership (expressed in acres) of any Elk Winter Habitat Protection Plan quadrangle map is reduced by ten percent (10%) or more from the median size (calculated in the Spring of 1986 and to be calculated May 1, 1987, and every three years thereafter), the following criteria shall be applied to nonresource dwelling applications within the quadrangle map:
 - a. A review of ownership sizes surrounding an area proposed for a nonresource permit within protected elk winter habitat areas shall be conducted.
 - b. The proposed parcel shall not alter the overall land use pattern found in the area by requiring that the proposed residential parcel be as large or larger than the median ownership within at least a one-mile radius review area.
 10. A finding that the parcel upon which the dwelling would be located was lawfully created before February 5, 1990 (the date Goal IV rules were established by the Land Conservation and Development Commission).
- D. Siting Standards for Structures and Dwellings in The Timber-Grazing Zone: These standards are designed to make such uses compatible with forest

operations and agriculture, to minimize wildfire hazards and risks and to conserve values found on forest lands. The Baker County Planning Commission shall weigh the standards to identify whether the building site has the following characteristics:

1. Dwellings and structures shall be sited on the parcel so that:
 - a. They have the least impact on nearby or adjoining forest or agricultural lands.
 - b. The siting ensures that forest operations and accepted farming practices will not be curtailed or impeded.
 - c. The amount of forest lands used to site access roads, service corridors, the dwelling and structures is minimized.
 - d. The risks associated with wildfire are minimized.
2. The approving authority may require setbacks from adjoining properties, siting near or among existing structures, siting close to existing roads and siting on that portion of the parcel least suited for growing trees.
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

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permitting domestic water lines to cross the properties of affected owners.

- E. Fire Siting Standards for Structures and Dwellings in the Timber-Grazing Zone: The applicant must meet the Fire Siting Standards as listed in OAR 660-006-0035.
- F. Fire Safety Design Standards for Private Roads and Driveways: 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.

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