DRAFT

Chapter 540
SPECIAL ZONING DISTRICTS

540.01 Purpose
540.02 Special Zoning Districts
540.03 Airport Development Zone (AD)
540.04 Sumpter Valley Management Area Zone (SVMA)
540.05 Sumpter Valley Management Area Buffer Zone (Buffer Zone)
540.06 Motor Sports Limited Use Combining Zone (MSLUC)

540.01 Purpose.
The purpose of this Chapter is to establish the uses permitted in Special Districts.

540.02 Special Zoning Districts.
There are four Special Zoning Districts in the County:

A. Airport Development Zone (AD).

B. Sumpter Valley Management Area Zone (SVMA).

C. Sumpter Valley Management Area Buffer Zone (Buffer Zone).

D. Motor Sports Limited Use Combining Zone (MSLUC).

540.03 Airport Development Zone (AD).

A. Uses Permitted Through a Type I Procedure. In the AD Zone, the following uses and their accessory uses may be permitted when authorized in accordance with the provisions of Section 205.04:

1. Flight and flying services, passenger services, surveying and engineering.

2. Aviation fuel sales, air frame and engine repair and maintenance.

3. Hangars and warehouses.

4. Farming, except for feedlots and except for those agricultural uses that foster an increase of wildfowl.

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

1. Local distribution utility facilities as defined in Chapter 150, Definitions.

C. Uses Permitted Through a Type III Procedure. In the AD 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. Retail sales of aircraft and related equipment, agricultural, irrigation, and chemicals.

2. Motel/Restaurant, gasoline sales, convenience sales.

3. Parking lots, residences for security, fire crew and night service.

4. Manufacturing, compounding, fabricating, processing, repairing, packing or storage if other than allowed by above as an outright use. Such use must conduct all operations and store materials entirely within enclosed buildings with the exception of parking and loading activities. Operations must be free of objectionable odor, noise, smoke, dust, glare, heat or other adverse effects on neighboring property.

DRAFT

C. Limitations on Uses. All uses listed in subsections A, B and C of the Airport Development Zone are subject to the provisions of the County's Airport Ordinance, adopted July 29, 1975, as amended, of this Ordinance. All uses occurring upon land owned by the City of Baker may also be subject to city regulation.

540.04 Sumpter Valley Management Area Zone (SVMA).

540.04.01 Purpose.
The purpose of the Sumpter Valley Management Area Zone (SVMA) is to protect the aggregate and wildlife habitat values of the dredged area by implementing the Sumpter Valley Dredge Tailing Management Plan.

540.04.02 Other regulations not circumvented.
A use or action allowed by this ordinance, or permit issued pursuant hereto, may not be construed to circumvent or supersede other State or Federal regulations applicable to the land area involved.

540.04.03 Definitions.
As used in this ordinance:

A. "Buffer zone" refers to the area of land in the county adjoining the geographic area and bounded as follows:
(1) North boundary: Sumpter Valley Highway (Oregon 220);
(2) West boundary: The junction formed between Highway 220 and an extension of Dredge Lane Road Northwesterly of its intersection with the Whitney-Tipton Road. Such junction is in Section 4, Township 10 South, Range 37 East, W.M., Baker County Oregon.
(3) East boundary: Clear Creek Road (Hudspeth Lane;

~~A.~~B. "Dredge line" refers to that line of demarcation between soils affected by dredge mining operations and soils unaffected by such operations.

C. "Dredge mining" refers to the excavation, screening and washing of soils in a matter designed to recover particulate gold or other minerals.

D. "Geographic area" refers to the area of land in the count bounded as follows:
(1) West boundary: The Whitney-Tipton Road (Highway) in Sections 3 and 10, Township 10 South, Range 37 East, W.M., Baker County, Oregon;
(2) East boundary: Clear Creek Road (Hudspeth Lane) along the common section line of Sections 17 and 18, Township 10 South, Range 38 East, W.M., Baker County, Oregon;
(3) North boundary: The North Dredge Line;
~~B.~~ (4) South boundary: The South Dredge Line.

~~C.~~E. "Gravel operations" refer to the use of land for the recovery of small stones or rocks and cobbles, or a mixture of such with sand. The term shall include the crushing, sorting, screening and asphaltic compounding normally associated with such operations, whether for immediate removal or stockpiling, provided, however, that "gravel operations" do not include the storing or stockpiling of asphaltic compounds or compounded materials or any wastes or residues thereof on a continuing basis.

~~D.~~F. "Right-of-way of the Sumpter Valley Railway" refers to the existing railroad bed; including land within 34 feet of and parallel to the center line thereof.

540.04.04 Uses Permitted Through a Type I Procedure.
In the SVMA Zone, the following uses and their accessory uses may be permitted when

Formatted: Indent: Left: 0.25", No bullets or numbering, Tab stops: Not at 0.26"

Formatted: No bullets or numbering, Tab stops: Not at 0.26"

Formatted: Indent: Left: 0.25", No bullets or numbering, Tab stops: Not at 0.26"

authorized in accordance with the provisions of Section 205.04:

A. Livestock grazing.

B. Utility facilities necessary for public service, providing that such facilities are limited to the customary electrical and telecommunication distribution services.

1. Alteration, restoration, or replacement of a lawfully established dwelling that:

a. Has intact exterior walls and roof structure;

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 lights; and

d. Has a heating system.

e. In the case of replacement, the dwelling to be replaced shall be removed, demolished, or converted to an allowable 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 2 years after the loss of a dwelling due to fire or natural disasters.

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

A. Wildlife Management.

1. The Oregon Department of Fish and Wildlife, if permitted by an agreement with the County governing body, shall have authority to take those actions and do those things reasonably necessary to establish, maintain, and perpetuate the various kinds of wildlife associated with the SVMA or that may be introduced by such department into that area.

2. Such department shall have authority to cause one or more of the tailing ponds to be deepened to an extent calculated to provide an adequate depth of water for fish survival, provided that one or more of such ponds deepened shall have structures designed to accommodate the elderly or physically handicapped person as to his access for fishing therein.

3. Such department shall have authority to establish structures or make fills designed to stabilize the depth of water in those tailings ponds intended to be stocked and maintained with fish or other forms of aquatic wildlife.

4. In order to reduce or alleviate the conflicts between the wildlife management of lands and the gravel resource management of lands in the SVMA, such department shall give due consideration to those land areas designated for gravel removal; such consideration shall include the utilization of setback distances from gravel resource areas.

5. Nothing in this section may be construed to deny vehicular access to the Powder River Gauging Station, which access is reasonably required for inspection and maintenance of such station.

B. Recreational Development.

DRAFT

1. The County governing body shall have authority to establish and maintain a County Park and automobile parking areas in the SVMA as follows:

a. County Park and parking area. On the West Side of the Dredge Lane Road within the boundaries of a triangle of land described by commencing at the intersection of the Dredge Lane Road and the Sumpter Valley Railroad Bed; thence Northwesterly along said railroad bed a distance of 1360 feet; thence southerly to the intersection of the Powder River; thence Southeasterly along the river to the Dredge Lane Road; thence Northerly along said road to the point of beginning;

b. Other parking area: On the East Side of the Dredge Lane Road, within 300 feet of the center line thereof between the Powder River and Highway 220; and on the East side of the Whitney-Tipton Highway, within 300 feet of the center line thereof, between the Powder River and the Sumpter Valley Railroad Bed.

2. The County governing body may cause to be constructed pedestrian trails in the SVMA, provided that:
~~2.~~

a. The Oregon Department of Fish and Wildlife concurs in the location of such trails; and one or more of such trails shall be designed to accommodate the elderly or the physically handicapped person.

3. The Sumpter Valley Railroad Restoration, Inc. shall have authority to establish and maintain a recreational railroad operation, including a depot building and other buildings and spaces reasonably necessary for maintenance and storage of railroad steam engines, parts thereof and trackage: provided, however, such buildings and spaces shall be confined to that triangle of land described in subsection (1)(a) of this section.

4. Such railroad corporation shall have authority to use the existing road bed and right-of-way of the Sumpter Valley Railroad, throughout its course in the SVMA, for trackage necessary to support steam locomotive travel.

540.04.06 Uses Permitted Through a Type III Procedure.
In the SVMA 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.

A. Gravel operations may be allowed in the SVMA, providing that such operations conform to the standards and criteria of this section and providing further that such operations shall be subject to a zoning permit in writing issued by the County governing body.

B. Gravel operations in the SVMA may be allowed:

1. On County owned land within 2000 feet of the center line of the Whitney Tipton Road on the east side thereof.

2. On state owned land in the E½ NE¼ SE¼ Section 18, Township 10 South, Range 38 East W.M.; and

3. On privately owned land.

C. All gravel removal operations allowed by this section shall be conducted and reclaimed in a manner:

1. To maintain a setback distance of no less than 20 feet from any portion of the banks of the Powder River;

Formatted: *Indent: Left: 0.25", No bullets or numbering*

DRAFT

a. To maintain a setback distance of no less than 34 feet from the centerline of the Sumpter Valley Railway Bed;

b. To leave no cutbanks with slopes greater than a ratio of three feet horizontal distance to one foot vertical distance (3:1);

c. To protect the naturally growing, riparian vegetation along the banks of the Powder River on and around the Tailing Ponds; and

d. To prevent adverse siltation or other pollution or filling of the Powder River or Tailing Ponds or adverse pollution of the ground water.

D. Gravel operations permitted according to this section may also be subject to a permit pursuant to the State Surface Mining Laws.

540.04.07 Variance; Revision.

A. A variance from the provisions of this ordinance may be granted when approved in accordance with the provisions of Section 240 of this Ordinance.

B. This ordinance, including the zoning map hereto, may be reviewed and revised periodically, as necessary, provided that any revision of this ordinance and zoning map shall not be in conflict with any provision of the Dredge Tailing Plan. "Revision" includes any amendment.

540.05 Sumpter Valley Management Area Buffer Zone (Buffer Zone).

540.05.01 Purpose.
The purpose of the Sumpter Valley Management Area Buffer Zone (Buffer Zone) is to provide a transitional area from the Sumpter Valley Management Area (SVMA) to adjoining lands. The Buffer Zone refers to the area of land in the County adjoining the SVMA zone, as shown on the Zoning Map.

540.05.02 Uses Permitted Through a Type I Procedure.
In the SVMA Buffer Zone, the following uses and their accessory uses may be permitted when authorized in accordance with the provisions of Section 205.04:

A. Farm use.

B. Propagation and harvesting of forest products.

C. Utility facilities necessary for public service, providing such facilities are limited to the customary electrical and telecommunication distribution services.

D. The outbuildings customarily used in conjunction with farm use.

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

1. Alteration, restoration, or replacement of a lawfully established dwelling that:

a. Has intact exterior walls and roof structure;

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 lights; and

d. Has a heating system.

e. In the case of replacement, the dwelling to be replaced shall be removed, demolished, or converted to an

allowable 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 2 years after the loss of a dwelling due to fire or natural disasters.

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

A. Single family dwellings and accessory buildings customarily used in conjunction with such dwellings, provided that:

1. The dwelling must be established on a parcel 5 acres or greater in size.

2. The dwellings and accessory buildings allowed by this section shall be located upon naturally elevated or terraced land above the meadowland grasslands and wetlands and shall not be located upon land that has been dredge mined.

3. Acknowledgement of mining and gravel operations in the area shall be provided in the form of a notarized statement, recorded with the County Clerk. The property owner(s) will waive the right to object to activities permitted by this ordinance by way of said statement. In the event that the property is sold or transferred, a statement will be included with the deed acknowledging that the property is in and near zones permitting the uses described in this ordinance, and is subject to the activities associated with those zones.

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

540.05.04 Uses Permitted Through a Type III Procedure.
In the SVMA Buffer Zone, the following uses and their accessory 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.

A. Gravel operations, limited to dredge mined land within the confines of the dredge lines on that triangular area of land formed by the Whitney-Tipton Road, Highway 220 and the Dredge Lane Road in portions of Sections 3, 4, 9 and 10, Township 10 South, Range 37 East W.M. The gravel operations shall be conducted and reclaimed in accordance with Section 540.04.06 (C).

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

~~B.~~C. Public Service Facilities

DRAFT

540.05.05 Variance; Revision.

A. A variance from the provisions of this ordinance may be granted when approved in accordance with the provisions of Section 240 of this Ordinance.

B. This ordinance, including the zoning map hereto, may be reviewed and revised periodically, as necessary, provided that any revision of this ordinance and zoning map shall not be in conflict with any provision of the Dredge Tailing Plan. "Revision" includes any amendment.

540.06 Motor Sports Limited Use Combining Zone (MSLUC).

A. The purpose of the Motor Sports Limited Use Combining Zone is to allow motor sports and associated uses in combination with permitted uses and conditional uses allowed in the underlying zone (EFU).

B. Uses Permitted Through a Type I Procedure. In the MSLUC Zone, uses permitted in the EFU Zone under Section 410.02 shall be permitted outright when authorized in accordance with the provisions of Section 205.04.

C. Uses Permitted Through a Type II Procedure. In the MSLUC Zone, uses permitted in the EFU Zone under Section 410.03 may be permitted when authorized in accordance with the provisions of Section 205.05.

D. Uses Permitted Through a Type III Procedure. In the MSLUC 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. Motor sports events including:

a. Cars and trucks.

b. Snowmobiles.

c. Motorcycles and four wheelers.

d. Model airplanes.

2. Accessory uses including, but not limited to:

a. Concession stands.

b. Parking areas to include participant overnight self-contained camping.

c. Watchman's quarters (maximum one residence).

d. Restrooms.

e. First aid facilities.

f. Maintenance and repair facilities.

g. Spectator areas.

h. Participant fueling facilities.

i. Training clinics and schooling shows.

j. On-premise advertising sign.

E. Minimum Parcel Sizes.

1. New parcels in the MSLUC zone shall comply with the following minimum parcel size requirements:

a. 80 acres for motor sports events.

b. All other uses shall comply with Section 410.05.

DRAFT

F. Site Plan Requirements.

1. A request for motor sports events shall be accompanied by a site plan identifying property boundaries and any site improvements such as, but not limited to, access, parking areas, buildings, impervious surfaces, landscaping drainage, signs and dust control.

G. Property Development Standards.

1. In the MSLUC zone, the following standards shall apply:

a. All lighting shall be shielded and directed away for public roadways.

b. A drainage plan shall include provisions for no increased impacts to adjacent property from development.

c. All setback and frontage requirements in Chapter 360 must be complied with.

d. Dust control must be provided for, and must be addresses by the site plan.