

Chapter 450
SURFACE MINING ZONE (SM)

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450.01 Purpose. The purpose of this Chapter is to describe the applicability, permitted uses, minimum lot size, and limitations for the SM Zone.

450.02 Applicability. The SM Zone applies only to lands within Baker County that have been inventoried as existing gravel resources needing protection from conflicts in residential zones as opposed to other mining operations and gravel recovery operations occurring in more compatible zones. Such sites are inventoried in the Goal V element of the County's Comprehensive Plan.

450.03 Uses Permitted Through a Type I Procedure. In the SM Zone, the following uses and their accessory uses shall be permitted outright when authorized in accordance with the provisions of Section 115.05:

- A. Gravel extraction, crushing, screening and storage.
- B. Asphaltic compounding.
- C. Local distribution utility facilities as defined in Chapter 150.
- D. A Residential Wind Power Generation Facility, subject to the provisions of Chapter 750.
- E. A Small-Scale Solar Power Generation Facility, if measuring less than 3 acres and with net-metering not exceeding 50% of the average expected annual energy production, subject to the provisions of Chapter 760
- F. A Commercial-Scale Solar Power Generation Facility, if measuring less than 3 acres and with net-metering not exceeding 50% of the average expected annual energy production, subject to the provisions of Chapter 760.

450.04 Uses Permitted Through a Type II Procedure. In the SM Zone, the following uses and their accessory uses may be permitted when authorized in accordance with the provisions of Section 115.06.

- A. Non-residential structures accessory to mining operations.
- B. 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.

- C. Required permanent maintenance/operations buildings for a wind power 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 farmers or ranchers, and
 - 2. The building will be removed or converted to farm use upon dismantling of the Wind Power Generation Facility.

450.05 Uses Permitted Through a Type III Procedure. In the SM Zone, the following uses may be permitted when authorized in accordance with the provisions of Section 115.07. These uses shall also require a Conditional Use Permit as described in Chapter 210.

- A. Watchman's quarters.
- B. Extraction and processing of metallic resources.
- C. A Small-Scale Solar Power Generation Facility, if measuring more than 3 acres and with net-metering not exceeding 50% of the average expected annual energy production, subject to the provisions of Chapter 760
- D. A Commercial-Scale Solar Power Generation Facility, if measuring more than 3 acres and with net-metering not exceeding 50% of the average expected annual energy production, subject to the provisions of Chapter 760.
- E. A Utility-Scale Solar Power Generation Facility, subject to the provisions of Chapter 760.
- F. A wind measurement device that is greater than 200 feet in height.
- G. A wind measurement device that will be used for a period exceeding 48 months.

450.06 Minimum Lot Size

- A. Minimum lot size for uses listed in Section 450.03(A) and Section 450.03(B) and Section 450.04(A) shall be a minimum of five acres.
- B. Minimum lot size for uses listed in Section 450.05(A) and Section 450.05(B) shall be determined by the Planning Commission considering DEQ requirements and the area needed to satisfy conditions of Chapter 210.

450.07 Limitation on Uses

- A. Notwithstanding any other provision of the Baker County Comprehensive Plan and the Baker County Zoning Ordinance, after January 1, 1994, no new Surface Mining Zones shall be established within a ¼ mile radius of the following:
 - 1. Public or private school.

2. Hospital, rest home or nursing home

- B. After January 1, 1994, if a new quarry site is initiated or expanded on land zoned surface mining, where the site is adjacent to land zoned rural residential, the applicant for the quarry activity shall construct a berm to screen the quarry activity from adjacent residential activities. Owners and operators of existing pits are encouraged to construct berms or plant vegetation to screen the mining activities from adjacent uses.