

Chapter 510 RESIDENTIAL ZONES

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510.01 Purpose. The purpose of this Chapter is to establish the uses permitted in residential areas designated in the Comprehensive Plan.

510.02 Residential Zones. There are two rural residential zones in Baker County:

- A. Recreation Residential Zone (RR-2)
- B. Rural Residential Zone (RR-5)

510.03 Recreation Residential Zone (RR-2)

- A. Uses Permitted Through a Type I Procedure. In the RR-2 Zone, the following uses and their accessory uses shall be permitted when authorized in accordance with the provisions of Section 115.05:
 - 1. Single-Family Dwellings.
 - 2. Docks and other non-commercial water-based recreational facilities.
 - 3. Farm Use, subject to animal concentration restrictions in Section 510.05.
 - 4. Type I Minor Home Occupations, subject to the provisions of Section 225.02.
 - 5. Local distribution utility facilities, as defined in Chapter 150.
 - 6. Replacement Dwellings: Alteration, restoration or replacement of a lawfully established dwelling. For replacement of a lawfully established dwelling, the dwelling to be replaced shall be removed, demolished, or converted to an allowable non-residential use:
 - a. Within one year after the date the replacement dwelling is certified for occupancy, pursuant to ORS 455.055; or
 - b. If the dwelling to be replaced is, in the discretion of Baker County, in such a state of repair that the structure is unsafe for occupancy or constitutes an attractive nuisance, on or before a date set by the permitting authority that is not less than 90 days after the replacement permit is issued; and
 - c. If a dwelling is removed by moving it off the subject parcel to another location, the applicant must obtain approval from the Planning Director for the new location.

- d. The applicant must cause to be recorded in the deed records of the county a statement that the dwelling to be replaced has been removed, demolished or converted.
 7. A Residential Wind Power Generation Facility, subject to the provisions of Chapter 750.
 8. 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.
 9. 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.
 10. Special events permitted through the provisions of Chapter 235 of this ordinance.
- B. Uses Permitted Through a Type II Procedure. In the RR-2 Zone, the following uses and their accessory uses may be permitted when authorized in accordance with the provisions of Section 115.06:
1. Public or Private Parks or Playgrounds, including accessory buildings.
 2. Temporary Hardship Dwellings, subject to the provisions of Section 510.06.
 3. Fire Stations.
- C. Uses Permitted Through a Type III Procedure. In the RR-2 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.
1. These uses may be authorized as a Conditional Use only after consideration of the following factors:
 - a. Provision of a preliminary plan which is in conformance with Department of Environmental Quality regulations for sub-surface sewage disposal.
 - b. A proposed park shall be in appropriate geographic relationship to the area that it is intended to serve.
 - c. Special consideration shall be given to the screening of light and noise to surrounding property.
 - d. Adequate access from collector or arterial streets shall be provided.
 - e. Special consideration shall be given to the adequacy of public facilities and services, including sanitary dumping stations, sewage disposal facilities, and water supply facilities.
 2. Uses
 - a. Major utility facilities as defined in Chapter 150.

- b. Customary Retail and Service establishments necessary to serve the recreational needs of the area.
- c. Planned Unit Developments, subject to the requirements of Chapter 230, provided that the average lot size for all dwellings is at least two acres.
- d. Mining operations conducted for the exploration and mining of aggregate and other mineral resources or other sub-surface resources subject to the restrictions and permits of the Department of Geology and Minerals Industry (DOGAMI). See Chapter 440, Mineral Extraction Zone when dealing with patented mining claims.
- e. Recreational Vehicle Parks, subject to the provisions of Section 210.04.
- f. Type III Major Home Occupations, subject to the provisions of Section 225.03.
- g. A cabin, provided the following requirements are satisfied:
 - 1. One cabin is permitted per parcel, provided the parcel complies with the minimum parcel size or lot of record requirements of Section 510.03(D).
 - 2. If a water system is provided, the source must be permitted or exempted by the Oregon Water Resources Department.
 - 3. Sanitary services shall be approved by the Oregon Department of Environmental Quality or be an exempt alternative, and shall not create hazards to public health. If onsite sewage or wastewater disposal is necessary, it shall be approved by the Oregon Department of Environmental Quality, comply with OAR 340, Divisions 71 and 73 and shall not create hazards to public health.
 - 4. Appropriate permits and approvals from the Building Department shall be obtained, including those for electrical and heat sources, if provided.
 - 5. Property owners shall prevent snow shed from the roof of the cabin from encroaching onto adjacent properties
 - 6. Overnight use is limited to a total of 180 days per calendar year.
 - 7. Approved access to the structure must be provided.
 - 8. If the cabin is located in a forested area, the applicant must meet the Fire Siting Standards as listed in OAR 660-006-0035:
 - a. 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
 - b. The dwelling shall have a fire retardant roof
 - c. If the dwelling has a chimney or chimneys, each chimney shall have a spark arrester
 - d. The owners of the dwellings and structures shall maintain a primary fuel-free break area surrounding all structures and clear and maintain a secondary fuel-free break area

on land surrounding the dwelling that is owned or controlled by the owner in accordance with the provisions in "*Recommended Fire Siting Standards for Dwellings and Structures and Fire Safety Design Standards for Roads*" dated March 1, 1991, and published by the Oregon Department of Forestry.

- h. 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
- i. 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.
- j. Special events permitted through the provisions of Chapter 235 of this ordinance.

D. Minimum Lot Size.

- 1. The minimum lot size in the RR-2 Zone shall be two acres, subject to the approval of the Department of Environmental Quality (DEQ) regarding sub-surface sewage disposal. Local distribution and major utility facilities are exempt from this requirement.
- 2. Legal lots of record with less than two acres created prior to October 4th, 2000 (date of adoption of OAR 660-004-0040) may develop per the requirements and restrictions of this Section, except that the lots will be non-conforming for size.
- 3. Legal lots of record with less than two acres created after October 4th, 2000 (date of adoption of OAR 660-004-0040) may not be developed under the provisions of this Section.

E. Development Standards. The following standards shall apply to all development in the RR-2 Zone:

- 1. All structures shall comply with the setback standards in Section 340.02.
- 2. The highest floor of a permanently or temporarily occupied dwelling shall not exceed 35 feet.
- 3. The minimum lot width shall be 220 feet.
- 4. The minimum lot depth shall be 100 feet.
- 5. Parking spaces shall be in accordance with the provisions of Chapter 330.
- 6. Each residential dwelling in a forested area shall adhere to the Fire Siting Standards for Structures and Dwellings as listed in OAR 660-006-0035.
- 7. Signs shall comply with the provisions of Chapter 730.

510.04 Rural Residential Zone (RR-5)

- A. Uses Permitted Through a Type I Procedure. In the RR-5 Zone, the following uses and their accessory uses shall be permitted when authorized in accordance with the provisions of Section 115.05:
1. Single-Family Dwellings.
 2. Farm use, subject to animal concentration restrictions in Section 510.05.
 3. Type I Minor Home Occupations, subject to the provisions of Section 225.02.
 4. Local distribution utility facilities as defined in Chapter 150.
 6. Replacement Dwellings. Alteration, restoration or replacement of a lawfully established dwelling. For replacement of a lawfully established dwelling, the dwelling to be replaced shall be removed, demolished, or converted to an allowable non-residential use:
 - a. Within one year after the date the replacement dwelling is certified for occupancy, pursuant to ORS 455.055; or
 - b. If the dwelling to be replaced is, in the discretion of Baker County, in such a state of repair that the structure is unsafe for occupancy or constitutes an attractive nuisance, on or before a date set by the permitting authority that is not less than 90 days after the replacement permit is issued; and
 - c. If a dwelling is removed by moving it off the subject parcel to another location, the applicant must obtain approval from the Planning Director for the new location.
 - d. The applicant must cause to be recorded in the deed records of the county a statement that the dwelling to be replaced has been removed, demolished or converted.
 7. A Residential Wind Power Generation Facility, subject to the provisions of Chapter 750.
 8. 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.
 9. 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.
 10. Special events permitted through the provisions of Chapter 235 of this ordinance.
- B. Uses Permitted Through a Type II Procedure. In the RR-5 Zone, the following uses and their accessory uses may be permitted when authorized in accordance with the provisions of Section 115.06:
1. Public or Private Parks or Playgrounds, including accessory buildings.
 2. Temporary Hardship Dwellings, subject to the provisions of Section 510.06.

3. Fire Stations.

C. Uses Permitted Through a Type III Procedure. In the RR-5 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:

1. Churches.

2. Public or Private Schools.

3. Governmental or non-profit organizations, structures or uses including community centers and libraries.

4. Medical and dental clinics, hospitals, rest homes, or nursing homes.

5. Major utility facilities, as defined in Chapter 150.

6. Convenience Stores.

7. Recreational Vehicle Parks, subject to the provisions of Section 210.04.

8. Type III Major Home Occupations, subject to the provisions of Section 225.03.

9. 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.

10. 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.

11. Planned Unit Developments, subject to the requirements of Chapter 230.

12. Special events permitted through the provisions of Chapter 235 of this ordinance.

D. Minimum Lot Size. In the RR-5 Zone, the minimum lot or parcel size shall be five acres, subject to the approval of the Department of Environmental Quality (DEQ) regarding sub-surface sewage disposal. Local distribution and major utility facilities are exempt from this requirement.

1. Legal lots of record with less than two acres created prior to October 4, 2000 (date of adoption of OAR 660-004-0040) may develop per the requirements and restrictions of this Section, except that the lots will be non-conforming for size.

2. Legal lots of record with less than two acres created after October 4, 2000 (date of adoption of OAR 660-004-0040) may not be developed under the provisions of this Section.

E. Development Standards. The following standards shall apply to all development in the RR-5 Zone:

1. All structures shall comply with the setback standards in Section 340.02.

2. The highest floor of a permanently or temporarily occupied dwelling shall not exceed 35 feet.
3. The minimum lot width shall be 220 feet.
4. The minimum lot depth shall be 100 feet.
5. Parking spaces shall be in accordance with the provisions of Chapter 330.
6. Each residential dwelling in a forested area shall adhere to the Fire Siting Standards for Structures and Dwellings as listed in OAR 660-006-0035.
7. Signs shall comply with the provisions of Chapter 730.

F. Surface Mining Buffer Zone.

1. In the RR-5 Zone, residential dwellings shall not be constructed within 100 feet of land zoned Surface Mining (SM).
2. Notwithstanding other provisions of the Baker County Comprehensive Plan and the Baker County Zoning Ordinance, the following uses are not allowed within ¼ mile of an area zoned Surface Mining.
 - a. Public or Private Schools.
 - b. Rest Homes or Nursing Homes.
 - c. Other activities which would be adversely affected by dust or noise originating from surface mining activities.
3. Prior to the issuance of a building permit for a dwelling, the applicant shall plant fast growing vegetation on the property line adjoining land zoned surface mining.
4. Before a permit for development is issued, all proposed developments shall require the property owner(s) to record an Acknowledgement of Adjacent Land Use (AALU) with the Baker County Clerk. This statement shall identify the property and preclude the current and future owner(s) from filing complaints or legal actions against lawful existing or future mining operations on adjacent lands.

G. Sumpter Valley Overlay Zone

1. Lands in the Sumpter Valley Overlay Zone shall be administered in accordance with the RR-5 Zone, with the added feature of being able to conduct mining on all previously mined lands, subject to the Type I Procedure provisions of Section 115.06.
2. Before a permit for development is issued, all proposed developments shall require the property owner(s) to record an Acknowledgement of Adjacent Land Use (AALU) with the Baker County Clerk. This statement shall identify the property and preclude the current and future owner(s) from filing complaints or legal actions against lawful existing or future mining operations on adjacent lands.

510.05 Livestock Concentration Limitation. The keeping of livestock as an incidental use, i.e., as a use other than the primary use designated for the lot or property, shall be subject to the following limitations.

- A. The total number of all such animals allowed on a lot or parcel, other than their young under the age of six months, shall be limited to the following amounts. One acre may accommodate only one of the following uses:
 - 1. Horses: one per acre.
 - 2. Cows: one per acre.
 - 3. Goats and sheep: five per acre.
 - 4. Chickens, fowl, and/or rabbits: no more than 50 mature animals per one acre. Animals shall be confined on not more than 25% of the total lot area.
 - 5. Pigs: two per acre.
- B. Animal runs or barns, and chicken or fowl pens shall be located on the rear half of the property, not closer than 75 feet from the front property line or closer than 50 feet from any residence. See also Chapter 340.
- C. Animals, chicken and/or fowl shall be properly caged or housed. Proper sanitation shall be maintained at all times. All animal or poultry food except hay and similar bulky materials shall be stored in metal or other rodent-proof receptacles.
- D. No provision of this Section shall be construed to condone, permit or allow the keeping, breeding, raising, or other disposition of any animal or fowl of any kind in a manner contrary to State or federal regulations.

510.06 Temporary Hardship Dwelling

- A. Temporary Hardship Dwelling or temporary manufactured home placements.
 - 1. A manufactured dwelling, recreational vehicle (RV), 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 215, subject to the following:
 - 2. The manufactured dwelling shall use the same sub-surface 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.
 - 3. Permits shall be reviewed every year.
 - 4. 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 non-residential use.

5. A temporary residence approved under this Section is not eligible for replacement.
6. 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 215.