

**Chapter 440**  
**MINERAL EXTRACTION ZONE (ME)**

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**440.01 Purpose.** The purpose of this Chapter is to describe the permitted uses, conditional uses, and minimum lot size for the ME Zone.

**440.02 Permitted Uses.** In the ME Zone, the following uses and their accessory uses shall be permitted outright:

- A. Mining.
- B. Production, harvesting and processing of forest products.
- C. Local distribution utility facilities as defined in Chapter 150.
- D. Farm use, except feedlots, sales yards, hog farms or dairy herd confinement at any time of the year or other concentration of livestock during May through September within one mile of a residential zone.

**440.03 Uses Permitted Through a Type I Procedure.** In the ME Zone, the following uses and their accessory uses may be permitted when authorized in accordance with the provisions of Section 115.05:

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

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

- A. Replacement Dwellings.

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.
2. Replacement dwellings applications may be accepted for up to 1 year after the loss of a dwelling due to fire or natural disasters.
  - a. 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.
  - b. 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:
    - i. The building design and construction are generally consistent with the character of similar buildings used by commercial farmers or ranchers, and
    - ii. The building will be removed or converted to farm use upon dismantling of the Wind Power Generation Facility.

**440.05 Uses Permitted Through a Type III Procedure.** In the ME 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. 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 within one mile of a residential zone.
- B. Single-family dwellings when said dwellings are necessary and accessory to mining and limited to one such dwelling per claim or contiguously held group of claims under single ownership, subject to Chapter 210.
- C. Bunkhouses and other housing customarily provided in conjunction with mining, where the housing will be occupied by persons who will be principally engaged in the mining operation and whose assistance in the mining operation is required by the mine operator.
  1. Application for bunkhouses and other housing shall be accompanied by a written statement from the applicant which contains the following information at a minimum:

- a. A description of the mining operation, including but not limited to type of minerals extracted, size of operation, and amount of mineral extracted per year (or projected amount of mineral to be extracted per year).
  - b. The number of existing dwellings used in conjunction with the mining operation.
  - c. The intended location of the bunkhouse or other housing and the nature of the land at this location.
  - d. A general statement concerning the need for the requested bunkhouse or other housing, and reasons why another house located on the claim or group of claims cannot be utilized.
- D. 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
- E. 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.
- F. A Utility-Scale Solar Power Generation Facility, subject to the provisions of Chapter 760.
- G. A wind measurement device that is greater than 200 feet in height.
- H. A wind measurement device that will be used for a period exceeding 48 months.

**440.06 Minimum Lot Size.** In the ME Zone, the minimum lot size shall be the same as the original patent or 20 acres, whichever is smaller except in an area mapped as elk winter habitat, antelope habitat or deer winter habitat, where the minimum parcel size shall be the same as the original patent or 40 acres, whichever is smaller.