

**Chapter 695**  
**TOURIST COMMERCIAL LIMITED USE OVERLAY ZONE (TCLUOZ)**

- 695.01 Purpose**
- 695.02 Applicability**
- 695.03 Permits Required**

**695.01 Purpose.** The purpose of the Tourist Commercial Limited Use Overlay Zone is to define the uses allowed on a property zoned TCLUO for which an exception to Goal IV has been taken. The uses included in the zone are only those justified by a reasons exception to Goal IV.

**695.02 Applicability.** The requirements and standards of this Section shall apply to any property within the Tourist Commercial Limited Use Overlay Zone, in addition to those standards specified in the underlying zone(s). In the event of a conflict between the requirements and standards of this Section and those of the underlying zones, the provisions of this Section shall govern.

**695.03 Permits Required.**

A. **Uses Permitted Through a Type II Procedure.** In the Tourist Commercial Limited Use Overlay Zone, the following uses and their accessory uses shall be permitted when authorized in accordance with the provisions of Section 115.06:

1. Alteration, restoration, or replacement of a lawfully established dwelling subject to the replacement standards in the Timber Grazing (TG) zone:
  - a. The dwelling has:
    - i. intact exterior walls and roof structure;
    - ii. indoor plumbing consisting of a kitchen sink, toilet and bathing facilities connected to a sanitary waste disposal system;
    - iii. interior wiring for lights; and
    - iv. a heating system.
  - b. 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.
  - c. The replacement dwelling may be sited on any part of the same lot or parcel.
  - d. Replacement dwellings applications may be accepted for up to 1 year after the loss of a dwelling due to fire or natural disasters.

B. **Uses Permitted Through a Type III Procedure.** In the Tourist Commercial Limited Use Overlay Zone, the following uses and their accessory uses shall be permitted when authorized in accordance with the provisions of Section 115.07:

1. Travel Trailer Parks and RV Parks, as defined by the Baker County Zoning Ordinance, limited to a maximum of 16 sites providing water, septic, and/or electrical connection (referred to a full service).
2. Commercial Dwelling, including space for retail sale of items incidental to overnight stays at the park. Retail sales are exclusively limited to overnight guests of the park.

- C. Limitations on Uses. In the TCLUO Zone, a site plan which describes the proposed use for the property shall be submitted to the Planning Department. Particular attention shall be given to providing septic service, parking and access.
1. RV sites shall be sited north of Antone Creek.
  2. The maximum time for any guest to occupy the campground is 30 days per six-month period.
  3. One commercial dwelling is allowed on the parcel.
- D. Minimum Parcel size. The minimum parcel size is subject to the requirements of Chapter 420.05 Timber Grazing – Minimum Parcel Size.
- E. Development Review. Type III Site Design Review is required prior to receiving a Zoning Clearance subject to Section 310.03.
1. Each RV site, dwelling or commercial dwelling shall be served by a driveway meeting the standards of Section 320.05.008.
  2. A sewer or septic system and water shall adequately serve the use, or provisions have been made to meet these requirements according to Department of Environmental Quality, Health Service Standards, and the standards of any other applicable state agency.
  3. Pedestrian crossing and congestion signs, as determined necessary by the Baker County Road Department, shall be in place prior to development commencing north Anthony Lakes Highway.
  4. To ensure that forest operations and accepted farming practices will not be curtailed or impeded, a nonexclusive Acknowledgement of Farm and Forest Practices shall be filed with the County Clerk prior to development authorization for a use specified in the TCLUO Zone. Such Acknowledgement shall specify that owners of farm and forest enterprises have the right to conduct legal farm and forest practices, and the owner of the subject property, as well as subsequent owners, waive all rights to object to legal farm and forest activities.
  5. Prior to development, property boundary signs shall be located on the perimeter of the property, clearly identifying property lines to discourage trespass. The signs shall be posted at all times the park is in use.
  6. Prior to development of an RV park, the applicant shall work with ODFW to develop a plan for siting the RV park in a way that minimizes impacts to big game, and mitigates for the loss of big game winter range. The plan shall be signed by the property owners, or authorized representative, and ODFW. The plan shall be submitted to the Planning Department and adhered to. If the property owner and ODFW cannot reach agreement, the matter can be brought before the Planning Commission for a final decision on requirements.
- F. Fire Safety Measures.
1. All development must meet the Oregon Department of Forestry Recommended Fire Siting Standards for Dwellings and Structures and Fire Safety Design Standards for Roads, 1991.
    - a. All structures must be constructed with metal roofing.
    - b. Each development site or RV site is required to have a gravel pad and an additional 30 feet free of combustibles. All trees within 50 feet shall be limbed.

- c. All RVs must be equipped with smoke alarms and fire extinguishers (2.5 lbs. A, B, C) meeting all federal, state, and local requirements for lodging facilities. Heating sources will be propane or electric and will meet all local code and UL related standards.
  - d. A frost-free style hydrant is required at each full-service RV site.
  - e. A 1,000-gallon water storage tank, refillable by the on-site well, is required to be sited on the north side of Anthony Lakes Highway and shall be located at a higher contour than the RV sites to facilitate a gravity-fed system.
  - f. A 300 gallon (or greater) mobile water system is required, with a minimum of 40 psi pressure pump, hose of  $\frac{3}{4}$  inch – 1-inch diameter no less than 200 feet in length. The hose must provide 20 gallons per minute when pumping through 50 feet of hose. The mobile water system must be operational on site between March 1<sup>st</sup> and October 1<sup>st</sup>.
  - g. The mobile water system vehicle must include the following fire hand tools: a shovel, a Pulaski, and a hazel hoe.
  - h. All fire pits must be located 15 feet from structures (RVs and buildings), and only located in graveled areas. All fires must follow Oregon Department of Forestry requirements.
  - i. Two on-site ponds, south of Antone Creek, shall be constructed and shall be required for water retention. Access to these ponds must remain available during fire season and vehicles must be able to draft from Anthony Lakes Highway.
  - j. Each RV site and the commercial dwelling must be identified on a site map which shall be posted at all ingress and egress points on the property. Additional directional signage must be provided at splits in internal roadways.
  - k. A fire season use restriction sign must be displayed at the commercial dwelling.
  - l. Fuel reduction measures must be in place as determined by the Baker County Fire Coordinator.
- G. If the use is not established within four years, the zone shall become void and revert from the Limited Use Tourist Commercial Overlay back to Timber-Grazing. Establishment will be evaluated based on whether the development has been started and significant construction has occurred. Two-year extensions may be granted by the Planning Commission for good cause.