

**Chapter 640**  
**SENSITIVE BIRD HABITAT**  
**CONSULTATION OVERLAY ZONE**  
**[SBHCOZ]**

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**640.01 Purpose.** The purpose of the Sensitive Bird Habitat Consultation Overlay Zone is to insure that all Conditional Uses and new buildings requiring a building permit or agricultural exemption in this overlay zone are reviewed by the Oregon Department of Fish and Wildlife (ODF&W). The review is to allow ODF&W to consult with the applicant relating to the effects of development on bird habitat prior to establishing the use. The recommendations of ODFW are for consultation purposes, and will not be considered binding to the applicant or to the Planning Director.

**640.02 Definition of Sensitive Habitat Sites.** For purposes of this Chapter, a sensitive bird habitat is defined as critical habitat necessary to the continuation of sensitive bird populations, including nesting, courtship, brood rearing and winter habitat. The areas included within the Sensitive Bird Habitat Consultation Overlay Zone shall be defined on the sensitive bird habitat map provided by the ODF&W to the Baker County Planning Department. Habitat may include grouse leks, bald and golden eagle nests, great blue heron rookeries, or bald eagle communal roosts.

**640.03 Requirements.** The Baker County Planning Department shall provide ODF&W opportunity to consult with applicants on Conditional Uses and new buildings requiring a building permit or an agricultural exemption occurring within the Sensitive Bird Habitat Consultation Overlay Zone by providing the applicant a Sensitive Bird

Habitat Comment form to be completed by ODF&W. The Sensitive Bird Habitat Comment form shall include the property location, description of the proposed development, and space for ODF&W to provide comments. A map shall be attached to the comment form. The applicant shall be responsible for providing ODF&W the form, then returning the form complete with ODF&W acknowledgement, to the Planning Department. All applications for Conditional Uses and new buildings requiring a building permit or agricultural exemption will be considered incomplete until the comment form is submitted.

**640.04 Notice.** When notice is required for any Conditional Uses or new buildings requiring a building permit or agricultural exemption as required by Chapter 205 of this Ordinance, and the proposed development occurs within the Sensitive Bird Habitat Consultation Overlay Zone, ODF&W shall also be provided notice and opportunity to comment.