



# Oregon

Theodore R. Kulongoski, Governor

Department of Land Conservation and Development

635 Capitol Street, Suite 150

Salem, OR 97301-2540

(503) 373-0050

Fax (503) 378-5518

[www.lcd.state.or.us](http://www.lcd.state.or.us)



## NOTICE OF ADOPTED AMENDMENT

12/15/2008

**TO:** Subscribers to Notice of Adopted Plan  
or Land Use Regulation Amendments

**FROM:** Mara Ulloa, Plan Amendment Program Specialist

**SUBJECT:** Baker County Plan Amendment  
DLCD File Number 001-08

The Department of Land Conservation and Development (DLCD) received the attached notice of adoption. A Copy of the adopted plan amendment is available for review at the DLCD office in Salem and the local government office.

Appeal Procedures\*

**DLCD ACKNOWLEDGMENT or DEADLINE TO APPEAL:** Wednesday, December 31, 2008

This amendment was submitted to DLCD for review prior to adoption. Pursuant to ORS 197.830(2)(b) only persons who participated in the local government proceedings leading to adoption of the amendment are eligible to appeal this decision to the Land Use Board of Appeals (LUBA).

If you wish to appeal, you must file a notice of intent to appeal with the Land Use Board of Appeals (LUBA) no later than 21 days from the date the decision was mailed to you by the local government. If you have questions, check with the local government to determine the appeal deadline. Copies of the notice of intent to appeal must be served upon the local government and others who received written notice of the final decision from the local government. The notice of intent to appeal must be served and filed in the form and manner prescribed by LUBA, (OAR Chapter 661, Division 10). Please call LUBA at 503-373-1265, if you have questions about appeal procedures.

**\*NOTE:** THE APPEAL DEADLINE IS BASED UPON THE DATE THE DECISION WAS MAILED BY LOCAL GOVERNMENT. A DECISION MAY HAVE BEEN MAILED TO YOU ON A DIFFERENT DATE THAT IT WAS MAILED TO DLCD. AS A RESULT, YOUR APPEAL DEADLINE MAY BE EARLIER THAN THE ABOVE DATE SPECIFIED.

**Cc:** Joel Klug, Baker County  
Doug White, DLCD Community Services Specialist  
Jon Jinings, DLCD Regional Representative

<paa> YA

Notice of Adoption

THIS FORM MUST BE MAILED TO DLCD WITHIN 5 WORKING DAYS AFTER THE FINAL DECISION PER ORS 197 610, OAR CHAPTER 660 - DIVISION 18



Jurisdiction: Baker County

Local file number: PA-07-005

Date of Adoption: 12/3/2008

Date Mailed: 12/10/2008

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? Yes Date: 5/27/2008

- Comprehensive Plan Text Amendment, Land Use Regulation Amendment, New Land Use Regulation, Comprehensive Plan Map Amendment, Zoning Map Amendment, Other

Summarize the adopted amendment. Do not use technical terms. Do not write "See Attached". The amendment changes the zoning of 76.18+/- acres of land (located along the Snake River near the abandoned town of Homestead) from Exclusive Farm Use to a zone specifically created to allow the uses justified under a "reasons" Goal 3 exception. The new zone is called the Homestead Recreation Limited Use Combining Zone.

Does the Adoption differ from proposal? Yes, Please explain below:

The applicant originally proposed the zone be changed to Tourist Commercial, but the Planning Commission created the HRLUC Zone to only allow uses that could be justified under the "reasons" Goal 3 exception. The new zone is more specific and restrictive. Additionally, the applicant amended their proposal in Sept. to fewer total camp sites.

Plan Map Changed from: EFU to: HRLUC

Zone Map Changed from: EFU to: HRLUC

Location: 06S48 28A 100 & 21D 900

Acres Involved: 76

Specify Density: Previous: New:

Applicable statewide planning goals:

- Goals 1-19 with checkboxes for selection.

Was an Exception Adopted? YES NO

Did DLCD receive a Notice of Proposed Amendment...

45-days prior to first evidentiary hearing? Yes No

If no, do the statewide planning goals apply? Yes No

If no, did Emergency Circumstances require immediate adoption? Yes No



Please list all affected State or Federal Agencies, Local Governments or Special Districts:

Oregon Department of Fish and Wildlife, Bureau of Land Management, U.S. Forest Service, Oregon State Historic Preservation Office

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Local Contact: **Lauri Hoopes**

Phone: **(541) 523-8219** Extension:

Address: **1995 Third Street**

Fax Number: **541-523-5925**

City: **Baker City**

Zip: **97814-**

E-mail Address: **lhoopes@bakercounty.org**

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## **ADOPTION SUBMITTAL REQUIREMENTS**

This form **must be mailed** to DLCD **within 5 working days after the final decision**  
per ORS 197.610, OAR Chapter 660 - Division 18.

1. Send this Form and **TWO Complete Copies** (documents and maps) of the Adopted Amendment to:  

**ATTENTION: PLAN AMENDMENT SPECIALIST**  
**DEPARTMENT OF LAND CONSERVATION AND DEVELOPMENT**  
**635 CAPITOL STREET NE, SUITE 150**  
**SALEM, OREGON 97301-2540**
2. Electronic Submittals: At least **one** hard copy must be sent by mail or in person, but you may also submit an electronic copy, by either email or FTP. You may connect to this address to FTP proposals and adoptions: [webserver.lcd.state.or.us](http://webserver.lcd.state.or.us). To obtain our Username and password for FTP, call Mara Ulloa at 503-373-0050 extension 238, or by emailing [mara.ulloa@state.or.us](mailto:mara.ulloa@state.or.us).
3. Please Note: Adopted materials must be sent to DLCD not later than **FIVE (5) working days** following the date of the final decision on the amendment.
4. Submittal of this Notice of Adoption must include the text of the amendment plus adopted findings and supplementary information.
5. The deadline to appeal will not be extended if you submit this notice of adoption within five working days of the final decision. Appeals to LUBA may be filed within **TWENTY-ONE (21) days** of the date, the Notice of Adoption is sent to DLCD.
6. In addition to sending the Notice of Adoption to DLCD, you must notify persons who participated in the local hearing and requested notice of the final decision.
7. **Need More Copies?** You can now access these forms online at <http://www.lcd.state.or.us/>. Please print on **8-1/2x11 green paper only**. You may also call the DLCD Office at (503) 373-0050; or Fax your request to: (503) 378-5518; or Email your request to [mara.ulloa@state.or.us](mailto:mara.ulloa@state.or.us) - ATTENTION: PLAN AMENDMENT SPECIALIST.

2

# DLCD

## Notice of Adoption

In person  electronic  mailed

DATE STAMP

**DEPT OF**

**DEC 12 2008**

**LAND CONSERVATION AND DEVELOPMENT**

For DLCD Use Only

**THIS FORM MUST BE MAILED TO DLCD  
WITHIN 5 WORKING DAYS AFTER THE FINAL DECISION  
PER ORS 197.610, OAR CHAPTER 660 - DIVISION 18**

Jurisdiction: **Baker County** Local file number: **PA-07-005**  
 Date of Adoption: **12/3/2008** Date Mailed: **12/10/2008**  
 Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? **Yes** Date: **5/27/2008**

Comprehensive Plan Text Amendment  Comprehensive Plan Map Amendment  
 Land Use Regulation Amendment  Zoning Map Amendment  
 New Land Use Regulation  Other:

Summarize the adopted amendment. Do not use technical terms. Do not write "See Attached".

The amendment changes the zoning of 76.18+/- acres of land (located along the Snake River near the abandoned town of Homestead) from Exclusive Farm Use to a zone specifically created to allow the uses justified under a "reasons" Goal 3 exception. The new zone is called the Homestead Recreation Limited Use Combining Zone.

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Plan Map Changed from: **EFU** to: **HRLUC**  
 Zone Map Changed from: **EFU** to: **HRLUC**  
 Location: **06S48 28A 100 & 21D 900** Acres Involved: **76**  
 Specify Density: Previous: New:

Applicable statewide planning goals:

|                                     |                                     |                                     |                          |                                     |                          |                          |                                     |                                     |                          |                          |                          |                          |                          |                          |                          |                          |                          |                          |
|-------------------------------------|-------------------------------------|-------------------------------------|--------------------------|-------------------------------------|--------------------------|--------------------------|-------------------------------------|-------------------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|
| <b>1</b>                            | <b>2</b>                            | <b>3</b>                            | <b>4</b>                 | <b>5</b>                            | <b>6</b>                 | <b>7</b>                 | <b>8</b>                            | <b>9</b>                            | <b>10</b>                | <b>11</b>                | <b>12</b>                | <b>13</b>                | <b>14</b>                | <b>15</b>                | <b>16</b>                | <b>17</b>                | <b>18</b>                | <b>19</b>                |
| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

Was an Exception Adopted?  YES  NO  
 Did DLCD receive a Notice of Proposed Amendment...

*DLCD # 001-08 (16923)*



45-days prior to first evidentiary hearing?

Yes  No

If no, do the statewide planning goals apply?

Yes  No

If no, did Emergency Circumstances require immediate adoption?

Yes  No

**DLCD file No.** \_\_\_\_\_

Please list all affected State or Federal Agencies, Local Governments or Special Districts:

Oregon Department of Fish and Wildlife, Bureau of Land Management, U.S. Forest Service, Oregon State Historic Preservation Office

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**BEFORE THE BOARD OF COMMISSIONERS  
OF BAKER COUNTY, OREGON**

IN THE MATTER OF PA-07-005 TO AMEND THE BAKER)  
COUNTY COMPREHENSIVE LAND USE PLAN )  
AND THE BAKER COUNTY ZONING MAP TO )  
CHANGE THE ZONING DESIGNATION )  
OF TWO PARCELS CURRENTLY ZONED EXCLUSIVE )  
FARM USE (EFU) TO A ZONING DESIGNATION OF )  
HOMESTEAD RECREATION LIMITED USE COMBINING )  
ZONE (HRLUC) THE PARCELS ARE DESCRIBED AS )  
TAX LOT 100 IN SECTION 28A OF TOWNSHIP 6 SOUTH, )  
RANGE 48 EAST, W.M., BAKER COUNTY, OREGON )  
AND TAX LOT 900 IN SECTION 21D OF TOWNSHIP )  
6 SOUTH, RANGE 48 EAST, W.M., BAKER COUNTY, )  
OREGON. )

**FINDINGS OF FACT,  
CONCLUSIONS,  
AND DECISION**

**ORDER NO. 2008-189**

**APPLICANTS: RLF HOMESTEAD PROPERTIES, LLC**


The above named applicant applied to Baker County requesting approval of an amendment to the Baker County Comprehensive Land Use Plan and the Baker County Zoning Map to allow a change in the zoning designation of two parcels totaling 76.18+/- acres near the abandoned townsite of Homestead, Oregon, located on Homestead Road. The parcels are currently zoned Exclusive Farm Use (EFU). The zoning designation will be amended to HOMESTEAD RECREATION LIMITED USE COMBINING ZONE (HRLUC). The parcels are identified as Tax Lot 100 in Section 28A of Township 6 South, Range 48 East, W.M., Baker County, Oregon (06S4828A TL100 Ref. 12261); and Tax Lot 900 in Section 21D of Township 6 South, Range 48 East, W.M., Baker County, Oregon (06S4821D TL900 Ref. 12256).

A public hearing on the above-entitled matter was held before the Baker County Planning Commission on July 24, 2008, August 28, 2008, September 25, 2008, and November 6, 2008. The Baker County Planning Commission closed the public hearing at the November 6, 2008 meeting, and a decision to recommend approval of the applicant's request to amend the Baker County Comprehensive Land Use Plan Map and the Baker County Zoning Map was made at the November 6, 2008 meeting.

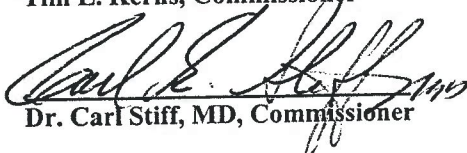
The Baker County Board of Commissioners conducted a public hearing on November 26, 2008 and December 3, 2008 and APPROVED the request to amend the Baker County Comprehensive Land Use Plan and the Baker County Zoning Map to change the zoning designation of the above described parcels from Exclusive Farm Use (EFU) to Homestead Recreation Limited Use Combining Zone (HRLUC) based upon the applicable review criteria, findings of fact and conclusions as contained in the attached 'Exhibit A', and public testimony received.

**DATED this 3<sup>rd</sup> DAY OF DECEMBER, 2008.**

**BAKER COUNTY BOARD OF COMMISSIONERS**

  
Fred Warner, Jr., Chair

  
Tim L. Kerns, Commissioner

  
Dr. Carl Stiff, MD, Commissioner

**Baker County Department of Planning and Community Development**  
**FINAL STAFF REPORT for**  
**PLAN AMENDMENT PA-07-005**  
**STAFF REPORT DATE:** December 10, 2008  
**REPORT SUBMITTED BY:**  
**MARK BENNETT, DIRECTOR; LAURI HOOPES, PLANNER**

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**I. GENERAL INFORMATION AND FACTS**

**Applicant:** Western Land Management LLC  
4325 Scotch Pine Dr., Suite A  
Colorado Springs, CO 80920

**Owner:** RLF Homestead Properties, LLC  
523 S. Cascade Ave. , Suite E  
Colorado Springs, CO 80903

**Land Use Review:** Plan Amendment and Zone Change from Exclusive Farm Use (EFU) to Homestead Recreation Limited Use Combining Zone (HRLUC).

**Property Description:** **Parcel 1:** Tax Lot 100 in Section 28A of Township 6 South, Range 48 East W.M. Baker County, Oregon (06S4828A TL 100 Ref. #12261)  
**Parcel 2:** Tax Lot 900 in Section 21D of Township 6 South, Range 48 East W.M. Baker County, Oregon (06S4821D TL 900 Ref. #12256)

**Location:** The subject property is located on Idaho Power Road / Homestead Road, in the northeast corner of Baker County, Oregon, along the Oregon/Idaho boarder and on the Snake River near the abandoned town of Homestead.

**Existing Development:** Abandoned copper and gold mine, vacant buildings, water well, abandoned mining shacks.

**Proposed Development:** Zone change to Homestead Recreation Limited Use Combining (HRLUC) on Tax Lots 100 and 900.

**Zone:** 76.18+/- acres Exclusive Farm Use (EFU) zone

**Overlay Zone(s):** The parcel is in the Big Game Habitat Overlay for deer.  
  
Portions of TL 100 and TL 900 east of Homestead Road are in Zone A (Special flood hazard area inundated by 100-year flood, flood elevation not determined) according to FIRM map #41001C0150C.  
  
According to the National Wetlands Inventory Homestead map (July 1981) a linear wetland (R4SBA) exists on TL 100 along Holbrock (R4SBA) and Irondyke Creeks (R4SBC).

**Current Land Use:** Vacant/Idle

**Size of Tract:** 76.18+/- acres, includes the two tax lots described above

**Parcel Legally Created:** **Parcel 1:** 29.53+/- acres Tax Lot 100. Yes as shown in Deed 79-18-053, dated June 4, 1979.

**Parcel 2:** 46.65+/- acres Tax Lot 900. Yes as shown in Deed 79-18-053, dated June 4, 1979.

**Water Rights:** According to the Baker County Watermaster's office, there are no water rights on the property for irrigation. A domestic water right exists on Tax Lot 900 that allows for noncommercial use, a total of 15,000 gallons in a 24 hour period and the irrigation of no more than ½ acre noncommercial. See Exhibit 'N'

**Soils:** Aridic Haploxerolls 2 to 12 percent slopes, Copperfield-Rock Outcrop Complex 50 to 80 percent north slopes, Emily Silt Loam 35 to 60 percent north slopes, Gwinly-Immig very cobbly silt loams 12 to 35 percent south slopes, Gwinly-Immig very cobbly silt loams 50 to 70 percent south slopes.

**Summary:**  
NRCS Soil Class: VI 20%, VII 52%, VIII 28%

**Tax Status:** Standard

## II. NATURE OF REQUEST

The applicant is applying for a Post Acknowledgment Plan Amendment and Zone Change under the "reasons" exception (OAR 660 Division 4) to Statewide Planning Goal 3. The purpose of this request is to amend the Baker County Comprehensive Land Use Plan and change the zone of approximately 76.18+/- acres of land that is zoned Exclusive Farm Use (EFU) to the zoning designation of Homestead Recreation Limited Use Combining (HRLUC) in order to build a Recreation Vehicle (RV) Park and Campground.

## III. BASIC FINDINGS OF FACT

- 1) The two parcels total 76.18+/- acres and are currently zoned Exclusive Farm Use (EFU).
- 2) The applicant proposes to change two parcels (Tax Lot 100 and 900) located in the Exclusive Farm Use (EFU) zone to the Homestead Recreation Limited Use Combining (HRLUC) zone. The Baker County Planning Commission determined that the creation of the Homestead Recreation Limited Use Combining zone would allow the County to create a zone and criteria specific to the 76.18+/- acres known as Tax Lots 100 & 900 for the purpose of siting a full service RV park, campground, and cabins. As required within the HRLUC zone, development requests will be subject to the approval of the Planning Commission through the Conditional Use process.
- 3) The applicant has submitted the appropriate application, accompanied by the required fee, to the Baker County Planning Department. The requirements of the application, as outlined in the Baker County Zoning and Subdivision Ordinance 83-3 Section 905, were completed on May 21, 2008.



- 4) Tax Lot 100 is approximately 29.53+/- acres.
- 5) Tax Lot 900 is approximately 46.45+/- acres.
- 6) The parcels have historically been used in conjunction with mining. No mining activity has occurred on the parcels since the 1980's.
- 7) The parcels are located in the Big Game Habitat Overlay for deer.
- 8) Portions of TL 100 and TL 900 east of Homestead Road are in Zone A (Special flood hazard area inundated by 100-year flood, flood elevation not determined) according to FIRM map #41001C0150C, dated June 3, 1988.
- 9) According to the National Wetlands Inventory Homestead map (July 1981) linear wetlands exists on TL 100 along Holbrock (R4SBA) and Irondyke Creeks (R4SBC).

### **WATER RIGHTS and SOILS**

- 10) According to the Baker County Watermaster's office, there are no water rights on the property for irrigation. According to Robert Maynard, Eastern Region Well Inspector for Oregon Water Resources Department, a domestic water right exists on Tax Lot 900 that allows for noncommercial use, a total of 15000 gallons in a 24 hour period and the irrigation of no more than ½ acre noncommercial. See *Exhibit 'N'*
- 11) The soils on the three parcels consist of NRCS Soil Class: VI 20%, VII 52%, VIII 28%

### **PROPOSAL**

- 12) The applicant submitted a site plan to the Planning Department that includes the proposed development on each parcel; 10 RV sites, 25 cabins, 25 tent sites, 3 operational structures (maintenance building, administrative building, welcome center), 1 additional caretaker dwelling, pool, pavilion, 30 space parking lot, 2 restroom facilities, Iron Dyke Mining interpretative center, 1 playground, 1 barbecue pit (charcoal only), and a putting green. The cabins will have internal plumbing. The site plan is included as *Exhibit 'F'*.
- 13) Biking, horseback riding, and hiking trails are proposed for the interior portion of the site, while the main recreation unit area is proposed for a flat area of land along the Snake River just north of the existing residential structure.
- 14) The parcels zoned Mineral Extraction (ME) are not included as part of the zone change request. RLF Homestead Properties does not intend to apply for a change in zoning for the mineral extraction ground but rather leave the ground as open space recreation. See *Exhibit 'C'*

### **ENVIRONMENTAL REVIEW**

- 15) The applicant and Planning Department staff jointly completed an environmental review checklist to survey the environmental consequences of the proposed action. The environmental review checklist is included as *Exhibit 'H'*.
- 16) Copies of the completed environmental review checklist were circulated to other departments and affected agencies on May 9, 2008. See *Exhibit 'H'*

- 17) The initial application was deemed complete on May 21, 2008.
- 18) The first Planning Commission review session was held on July 25, 2008.
- 19) The second Planning Commission review session was held on August 21, 2008.
- 20) The third Planning Commission review session was held on September 25, 2008.
- 21) The fourth Planning Commission review session was held on November 6, 2008.
- 22) The first Board of Commissioners' review session was held on November 26, 2008.
- 23) The second and final Board of Commissioners' review session was held on December 3, 2008.

**ROADS**

- 21) A letter from Ken Helgerson, County Roadmaster, dated August 14, 2008, states that Homestead Road would need to meet Baker County's TSP local and collector gravel road standards. Mr. Helgerson felt the road's base is sufficient to meet the suggested standard and surface gravel would need to be added to meet the 4-inch depth and 28 foot width TSP requirements. Mr. Helgerson also stated that two areas of concern that would need attention would be the tunnel and narrow cliff portion of the road just south of the tunnel and north of Oxbow Park. *See Exhibit 'K'*
- 24) A settlement agreement between Baker County and Idaho Power dated October 3, 2003 states that:  
*"Currently, IPC maintains the first 6.4 miles of the Homestead Road along the Hells Canyon Reservoir in Oregon and the County maintains the remaining 2.7 miles. IPC shall assume the maintenance of the 2.7 miles that is now maintained by the County, beginning in the year following the execution of this Agreement. Maintenance activities will correspond with the regular maintenance of the 6.4 mile section maintained by IPC and conform to the existing IPC standards. Initial maintenance will be limited to surface and shoulder work and culvert approach cleaning, estimated at \$50,000. Crushed gravel will be added to correspond to existing standards and will be timed to begin when IPC next adds crushed gravel to the section it currently maintains. Damage from natural disasters and other requirements for improvements to the 2.7 miles of road related to existing or future laws and regulations and not related to ongoing maintenance shall be the responsibility of the County." See Exhibit 'L'*

**COMPREHENSIVE LAND USE PLAN—Adopted 1983**

**Goal V—Open Spaces, Scenic and Historic Areas and Natural Resources**

- a) Section V. **Historic and Cultural Sites, Structures, Districts (A)(4) Mining Theme**, page V-38, includes the following inventoried sites:

|                                                         |                  |                          |
|---------------------------------------------------------|------------------|--------------------------|
| <i>Homestead / Copper Creek Area Historic Buildings</i> | <i>1897</i>      | <i>Private Ownership</i> |
| <i>Iron Dyke Copper Mine</i>                            | <i>1902-1922</i> | <i>Private</i>           |



|  |  |           |
|--|--|-----------|
|  |  | Ownership |
|--|--|-----------|

**Goal VIII—Recreation Needs**

a) Section I. **Inventory of Recreation Areas** (G) Hells Canyon National Recreation Area: A small portion of this area extends into the northeast portion of Baker County. The size of the Baker County portion is roughly approximated as follows:

- 1) USFS Land: 14,600 acres
- 2) BLM Land: 2,100 acres
- 3) Private Land: 2,900 acres.

The Baker County portion contains no Wild and Scenic Rivers, nor does it contain any new Wilderness Study Areas. The total recreation area has 662,000 acres in Oregon and Idaho. This includes 30,000 acres of Wild and Scenic Rivers and 110,000 acres of Wilderness Area and 22.66 acres of Hells Canyon Wilderness area. **(Please note: this information was written in 1983 prior to the establishment of the BLM’s Homestead Wilderness Study Area.)**

b) **Section III. Goal VIII Recreation Needs Findings and Policies**

(A)(1) "Recreation areas, facilities and opportunities" provide for human development and enrichment, and include but are not limited to: open space and scenic landscapes; recreation lands; historic, archaeological and natural science resources; scenic roads and travel ways; sports and cultural events camping, picnicking and recreation lodging; tourist facilities and accommodations; trails; waterway use facilities; hunting; angling; winter sports; mineral resources; active and passive games and activities. In addition, the State Comprehensive Outdoor Recreation Plan (SCORP) lists the specified facilities that need to be considered: campsites, walking and hiking trails, biking trails, bridle trails, boat launch lanes.

(8) Improved and expanded facilities for overnight parking, camping, picnicking, boat launching/docking, and sewage disposal on the Snake River and other water front areas are needed to accommodate the existing use and future demand.

(9) Appropriate zoning and justification for recreation development upon safe, buildable private lands close to the Snake and Powder Rivers is reflected in the Exception Element found elsewhere in this Plan. Such development is consistent with the expressed needs described in SCORP.

**(B) Goal VIII Recreation Needs Policies** (6) Based on findings regarding the need for planned recreation areas along the Snake River, slack waters of the Powder River, and Unity Lake, the County supports the development of water-based recreation opportunities.

**Goal IX--Economic Development Findings and Policies**

a) Section (A)(4)(a) Other land use in the County, other than farm or forest lands, can be diversified and improved by expansion of tourist and recreation facilities particularly in support of but not limited to the Hells Canyon Recreation Area, Anthony Lakes Ski Area, and the Sumpter Valley Recreation Railroad.

**IV. APPLICABLE STATE; COMPREHENSIVE PLAN; ORDINANCE PROVISIONS**

The applicable statutory criteria for a Goal Exception are from the Oregon Revised Statutes (ORS 197.732) and are further defined by the Oregon Administrative Rules (OAR 660-004, Sections 0010-0022). The applicable statutory criteria for a Plan Amendment are from the Baker County Zoning and Subdivision Ordinance 83-3, Articles 1, 3, and 9. Generally, unless otherwise noted, if a request is found to be consistent with the Zoning and Subdivision Ordinance it is considered to be consistent with the Comprehensive Plan. Portions of the



Comprehensive Plan relevant to the parcel that is the subject of this application have been included for informational purposes.

**A. GOAL EXCEPTION**

**OREGON REVISED STATUTES**

**197.732 Goal exceptions; criteria; rules; review.**

*\*\*Also see Baker County Zoning Ordinance Section 1109.01 Conversion of Agricultural Lands (Exceptions)*

**(1)** As used in this section:

(a) "Compatible" is not intended as an absolute term meaning no interference or adverse impacts of any type with adjacent uses.

(b) "Exception" means a comprehensive plan provision, including an amendment to an acknowledged comprehensive plan, that:

(A) Is applicable to specific properties or situations and does not establish a planning or zoning policy of general applicability;

(B) Does not comply with some or all goal requirements applicable to the subject properties or situations; and

(C) Complies with standards under subsection (2) of this section.

**(2)** A local government may adopt an exception to a goal if:

(c) The following standards are met:

(A) Reasons justify why the state policy embodied in the applicable goals should not apply;

**Findings:**

**(c)(A)** The applicant is requesting an exception to Statewide Planning Goal 3, Agricultural Lands, under the "reasons" justification, to site a full service RV park, campground and cabin facilities on 76.18+/- acres. (See pages 5-9 of the applicant's proposal.) The current zoning of the property is EFU.

The following explanation is a summary of the "reasons for demonstrated need" as outlined by the applicant on page 5 of the revised RLF Homestead Properties proposal. (Please see Exhibit 'F', pages 5-9 of the applicant's proposal for a detailed explanation.)

- *Need for additional tenting facilities.*
- *Need to prevent visitor displacement.*
- *Need to prevent human and sanitary waste.*
- *Need for additional fixed site lodging.*
- *Need for event accommodations.*
- *Need demonstrated by current recreation use of property.*
- *Need demonstrated by anticipated recreation growth.*

- *Need to improve environment.*
- *Need for economic growth.*
- *Need to draw out of county visitors.*
- *Need to enhance existing recreation opportunities outside of water-based activities along the Snake River.*
- *Need to fill fixed site camping niche market.*
- *Need to reduce the current high fire risk/danger due to significant brush and vegetative fuel currently on the property.*
- *Need to utilize unique geography of site.*
- *Need to enhance local historical culture.*

**Planning Commission Findings:**

A determination of “need” for the applicant’s proposal shall be based on one or more of the requirements of Goal 3 to 19:

**Goal II—Land Use Planning:**

During the July 24, 2008 Planning Commission review session, Mr. Jon Jinings, DLCD, stated that due to the type of request (RV sites, tenting sites and cabins) the applicant submitted, this type of use “goes beyond what would ordinarily be available in the EFU zone”. For this reason, Mr. Jinings stated that “his personal and professional feeling is that (the Planning Commission) should look at writing a new zoning district.” On November 6, 2008, the Baker County Planning Commission recommended to the Board of Commissioners that a new zone be created for the 76.18+/- acre parcel currently zoned EFU, to accommodate the applicant’s request for a full service RV Park and campground. The proposed new zone is based on the *Limited Use Combining Zone* and will be called the **Homestead Recreation Limited Use Combining Zone.**

**Goal V—Open Spaces, Scenic and Historic Areas and Natural Resources:**

The Baker County Planning Commission determined that the applicant’s proposal would help preserve the historical, archaeological, and open spaces currently found on the parcel by keeping visitors contained to permitted use areas in a structured atmosphere rather than the trespass camping that currently occurs.

- Goal V concerns addressed by Jon Jinings (Exhibit ‘E’) include the fact the parcel lies within the Big Game Habitat Overlay for Deer. A letter from Brian Ratliff, ODFW, addressed concerns regarding the Big Game Habitat and suggested the following steps to minimize the effects on wintering mule deer populations (Exhibit ‘S’) if the proposal is approved:
  - ✓ Landowner be required to develop a mitigation plan for the loss of big game winter range following ODFW’s habitat mitigation policy.
  - ✓ Development be restricted to within 300 feet of Homestead Road.
  - ✓ Noxious weeds be treated annually on the entire property by the landowner.
  - ✓ Development plan to include wildlife friendly features such as fence designs,



native landscaping, and other features to minimize the impact to wildlife and reduce the potential impacts from wildlife to landscaping.

- A letter submitted by Dennis Griffin, Oregon State Historic Preservation Office, states that “SHPO archaeological data base has revealed that there are several reported sites in the area of the project referenced above or in close proximity.” Mr. Griffin requested that “a cultural resource survey be conducted to identify the location, boundaries and significance of any cultural remains within the project area prior to any land disturbing activities.” (Exhibit ‘S’)
- In addition, a letter from Steven Ellis, Forest Supervisor for the Wallowa Whitman National Forest, proposed the following recommendations (Exhibit ‘S’):
  - ✓ Coordinate a structure protection and wildfire protection discussion with Oregon Department of Forestry and fire protection staff to focus on implementing protection measures and developing protection suppression capability in order to protect the proposed development and reduce fire escape to adjacent properties.
  - ✓ Coordinate with WW to address increased visitation at Hells Canyon Creek Visitor Center to provide on-site information about the visitor facility, as well as regulations pertaining to river use and required permits for the Snake River.
  - ✓ Coordinate a discussion with the Baker County Weed Manager to discuss noxious weed distribution, prevention and mitigation treatment of local noxious weeds and introduction of new species from outside sources.
- Nancy Lull, BLM Baker Field Office, submitted concerns of the BLM regarding the proposed project (Exhibit ‘S’):
  - ✓ Obtain an accurate survey of the property boundaries to ensure that no unauthorized use of or impact to the public land occurs, specifically, the Homestead Wilderness Study Area (WSA).
  - ✓ The proposed development is almost entirely surrounded by the BLM’s Homestead WSA, designated as a Wilderness Study Area in concurrence with the National Wilderness Preservation System in 1989. Designation is in effect until Congress decides whether or not to designate this area as Wilderness. Until this time, the BLM is required to manage this area to preserve its suitability for designation, which includes not allowing any activity that could degrade the potential for inclusion into the Wilderness System. Activities include no motorized use; no staging of, stockpiling, driving or development within the WSA boundaries; no creation of trails by any construction equipment or vehicles; no off-highway vehicles or over-snow vehicles, or development of hiking or horseback trails. The random use of non-motorized types of recreation pursuits is allowed within the WSA.
  - ✓ Prevention efforts to ensure visitors only partake in activities that are consistent with the laws or management requirements of public lands include information and education efforts; signing, fencing, or by site design. Monitoring of the area currently occurs by BLM personnel and will continue to ensure there are no unauthorized or illegal activities.



- ✓ Possible wildlife mitigation to protect bald eagles and mule deer from impact as determined by the U.S. Fish and Wildlife Service and the Oregon Department of Fish and Wildlife.
- Idaho Power addressed concerns regarding Open Spaces, Scenic and Historic Areas, and Natural Resources as follows (Exhibit 'S'):
  - ✓ As a Condition of Approval, IPC believes that the developer should be required to develop a comprehensive litter and sanitation plan that will address both the lands associated with the proposed development and the surrounding area, including along Homestead Road.
  - ✓ IPC requests as a Condition of Approval, in addition to any requisite state, local, and federal requirements, the developer should be required to develop a plan and fund measures that will adequately protect important natural and cultural resources in the vicinity of the proposed development, including adjacent lands.

**Goal VIII—Recreation Needs:**

The Planning Commission determined that the proposed cabins would be a benefit to the overall development of the area by providing safe, permanent structures for tourists to stay in year round, and would provide the ability to extend the tourist season beyond peak use months (May-October). The applicant provided testimony and a video describing the trespass camping that occurs on the property that results in human sanitary waste and excess garbage being left on the property, resulting in degradation or damage to the environment.

The Planning Commission determined that cabins would fill a niche that is currently unavailable in the Hells Canyon area and tenting facilities would provide for a limited resource need. In addition, the cabins would provide accommodations for visitors, including the elderly, who may not otherwise have the opportunity to visit the Hells Canyon area for an extended period of time.

The Planning Commission determined that a majority of the camping facilities are on the Idaho side of the Snake River, and a structured facility of this capacity would help provide recreation opportunities for tourists on the Oregon side of the Snake River. In addition, the Planning Commission determined the proposal would also help to alleviate the current issue of trespass camping that occurs on the property.

- Idaho Power addressed concerns regarding recreational needs and improvements as follows (Exhibit 'S'):
  - ✓ IPC requests that private boat docks must comply with IPC's Policy Guidelines for Private Boat Docks, and any marina, as well as any other development that would impact IPC land, would have to be processed through IPC's land use approval process. Permitting of a marina would also require agency consultation and FERC approval.

**Goal IX—Economic Development :**

The Baker County Planning Commission determined that the applicant's proposal would provide recreation opportunities for tourists by increasing the options for year-round stay (tent camping, RV use, cabin rental) that are currently minimal in the Hells Canyon area.

The Planning Commission determined that a facility of this type would help increase transient tax and tourism dollars to help build the Hells Canyon area and attract and cater to all types of people through the various options for stay (tent camping, RV use, cabin rental) on private land located on the Oregon side of the Snake River.

In addition, the Planning Commission determined that the applicant's proposal would have a positive impact on the existing businesses and tourist services in the area.

- Idaho Power addressed concerns regarding economic development as follows (Exhibit 'S'):
  - ✓ IPC believes the developer should be required to support a portion of the cost of law enforcement in the area as a Condition of Approval. In addition, the developers should be required to assist the affected counties in funding local emergency services.

**Goal XII—Transportation:**

- Idaho Power makes the following requests regarding road maintenance and improvements as follows (Exhibit 'S'):
  - ✓ As a Condition of Approval, Idaho Power requests that any road alterations and ongoing maintenance necessary to accommodate the proposed development must be the sole responsibility of the developer.
  - ✓ Due to the possibility of increased traffic, the agreement that Idaho Power currently has with Baker County for road maintenance for Homestead Road will need to be revised to reflect the reality of the increased use of the road, as a result of the proposed development, and the need to minimize the cost of exposure to IPC and its customers.
  - ✓ The Hells Canyon Resource Management Plan (RMP) requires that road improvements within Hells Canyon be minimized, which is generally interpreted as not widening or paving existing gravel roads (see RMP policies 6.3.7.2 and 6.3.7.4). The overarching principle is that, in order to manage future use in the Hells Canyon area for the continued high recreation experience and enjoyment of visitors, recreation use and infrastructure need to remain consistent with existing priorities and standards. This policy will guide any IPC decisions regarding Homestead Road.

The Planning Commission determined that as a Condition of Approval for the Conditional Use permit, mitigation between Baker County, Idaho Power and the applicant would be necessary to develop a road maintenance agreement for Homestead Road. This agreement shall include the methods for road maintenance, dust abatement, traffic control, signs, and the controlled safe use of the Homestead Road tunnel.

**Conclusions:**

The Baker County Board of Commissioners reviewed and adopted the Findings listed above in a public hearing on December 3, 2008. In addition to the Findings and the above listed "reasons of demonstrated need", the Baker County Board of Commissioners determined the identified "reasons of demonstrated need" were adequate based on:  
Goal II—Land Use Planning (creation of a new zone)



Goal V—Open Spaces, Scenic and Historic Areas and Natural Resources (preservation of Goal V resources by preventing degradation from trespass, litter, and sanitation by providing a safe and structured atmosphere for tourists);

Goal VIII—Recreation Needs (providing year-round accommodations, extending the tourist season beyond peak use months, increasing stay options by providing cabins and increased tenting facilities, expanding tourist options for the Oregon side of the Snake River);

Goal IX—Economic Development (Increase transient and tourism dollars, attract and cater to all types of people through various stay options on private land);

Goal XII—Transportation—(provide road improvements)

The specific concerns listed in the findings and other concerns brought forth in testimony were discussed by the Baker County Planning Commission and The Baker County Board of Commissioners, and it was determined that those concerns could be reasonably addressed or mitigated during a future Conditional Use application.

**Criteria are met.**

(B) Areas that do not require a new exception cannot reasonably accommodate the use;

**Findings:** The applicant's proposal considered several alternative sites within the Hells Canyon area that would not require an exception, but found no areas that would accommodate the use because of the prevalence of "EFU" zoning. Pages 10 and 11 of the applicant's proposal (Exhibit 'F') identify these sites as follows:

*Ninety percent (+90%) of Baker County is in some type of agriculture or forest zoning that does not allow the proposed use. Identified recreation residential and/or committed exceptions areas that would accommodate the use are already occupied by private landowners which render the properties "not for sale" or require a plan amendment. A general map of the Hells Canyon alternative sites explored can be view in Exhibit 13.*

**Oxbow Airport Alternative Site** – Map # 06S48E 2300 Located approximately 0.81 miles south of the subject property, this piece of ground was explored by RLF because of its relatively flat terrain and proximity to the river. Unfortunately, an active airplane strip is located on the property and it is zoned 3 PUC CENTRAL ASSD. The use of the airport would create a significant safety risk to the visitors of the RA and the current zoning does not allow for this type of campground.

**Binford Landing Alternative Site** – Map # 06S48E01 100, 200, 300, 400 Approximately 5 miles northeast of the Homestead property, there is suitable flat ground along the Snake River for a RV Park. This ground is owned by 3 different land owners (tax lot 100 – Idaho Power, tax lot 200 – John Binford, tax lot 300 – John Binford, tax lot 400 – BLM) and is currently under 2 different zonings. The Idaho Power land is under zone 3 PUC CENTRAL ASSD while the Binford land is under the same EFU designation as the subject property. Not only would this potential site require the same plan amendment due to the same EFU zoning but several miles of Homestead Road would need to be significantly widened which would negatively affect the environment due to the reservoir's proximity.

**Oxbow Alternative Site** – Map # 07S48E 100, 200, 300 The flat ground lying approximately 0.68 miles north along the Snake River Reservoir is suitable for an RV Park but tax lots 100 & 200 is zoned PUC while lot 300 is zoned EFU. In addition to the zoning issue, this site is less than 0.5 miles away from the Copperfield Recreation Vehicle Park and adjoins the community of Oxbow.



**Richland Alternative Site** – Map # 09S45E26 1300 Perhaps the best alternative site would be just south and east of the town of Richland, OR. The ground is currently productive agricultural ground and located on the Brownlee reservoir. Like the rest of the alternative sites this ground is zoned for Exclusive Farm Use only and would require the same type of plan amendment as the proposed property.

**Tourist Commercial (TC)**--OAR 660-0040-0020(b) requires RLF to investigate and explain whether the proposed use can be located in “areas which do not require a new exception.” The following are descriptions of recreation zoned exception areas from the Baker County Comprehensive Plan that are not suitable for the proposed use.

**Hewitt Park Marina**--This area is located in Sections 29 and 30 of Township 9 south, Range 46 East, W.M. totaling approximately 88 acres of Class II-VI soils. This area was developed to enjoy water-based recreation opportunities on the slack waters of the Powder River. The north shore is almost fully occupied by cabins, docks, and a County Park. The existing development of this alternative site does not make it as compatible as the proposed site.

**South Brownlee Reservoir**--This area is located in Section 12 of Township 12 South, Range 45 East, W.M. and totals 8 acres. Although this site is a prime location for a campground, this location is too small (8 acres) for the proposed use with integration of cabins, recreation vehicles, tents, and amenities.

**Farewell Bend**--This area is located in Sections 32 and 33 of Township 14 South, Range 45E, W.M. totaling 77.3 acres of Class IV, VI, and VII soils. Although this area is adjacent to the Snake River, most of this ground is owned and operated as a State Park, known as Farewell Bend State Park. The remaining ground outside of the State Park is too steep and hilly for a recreation vehicle park.

Additional recreation areas identified in the Baker County Comprehensive Plan are not suitable for the proposed RA because of their distance from a large body of water. These recreation sites include Main Eagle (R43E), East Eagle (44E), Cornucopia (R45E), Hideaway Hills (R44E), Bourne (R37E), Greenhorn (R35E), Phillips Lake Area (R38E), Black Mountain and Skyline Acres (R39E), Beaver Creek (R40E), Upper and Lower Unity Lake (R37E), Unity Lake State Park (R37E), and Sparta Recreation Lands Subdivision (R43E).

#### **Planning Commission Findings:**

Areas within the county that would not require an exception would not be suitable for the applicant's proposal due to the following:

The Planning Commission determined that the applicant's proposed use would be best suited on the 76.18+/- acres because of the ideal location on the Oregon side of the Snake River where unmet recreational demand has been demonstrated. A majority of the camping facilities are on the Idaho side of the Snake River, and a structured facility of this capacity would help provide an unmet demand on the Oregon side of the Snake River.

#### **Baker County Board of Commissioners Findings:**

Testimony of support submitted in a letter on July 23, 2008 and in person on December 3, 2008 by Andrew Bryan, Baker County Development Corporation Board of Directors, said “the proposed RV Park. . . would offer untapped recreational opportunity in the scenic Hells Canyon.” In addition, the Baker County Development Corporation states that the proposed project “ would provide an opportunity for those that wish to take in the majestic beauty of the Hells Canyon

PA-07-005 RLF Homestead Properties 12

Recreation Area while enjoying the amenities and comfort of a high quality facility.” The Baker County Board of Commissioners requested this information be included as part of the findings for this report.

**Conclusions:**

The Baker County Board of Commissioners concurred that the lack of availability of property zoned for private development of this type and capacity was not readily available in the Hells Canyon area.

The Baker County Board of Commissioners concurred that the applicant’s proposal would correspond with the intent of the Baker County Comprehensive Land Use Plan and the identified need for increased recreational opportunities in the Hells Canyon area.

The Baker County Board of Commissioners agreed that a structured facility of this capacity would help provide the needed recreational opportunities for tourists on the Oregon side of the Snake River in the Hells Canyon (Oxbow) area and help deter trespass camping that currently occurs on the property.

**Criteria are met.**

(C) The long term environmental, economic, social and energy consequences resulting from the use at the proposed site with measures designed to reduce adverse impacts are not significantly more adverse than would typically result from the same proposal being located in areas requiring a goal exception other than the proposed site; and

**Findings:** Please see Exhibit 'F', RLF Homestead Properties' proposal, pages 12 through 17.

The following information in italics is from the RLF Homestead Properties' proposal:

**Rural EFU Zone Alternative Sites**

*Other sites requiring a new exception in the EFU Zone were considered by RLF, but were not as desirable as the proposed site (see Alternative Site discussion under Factor #2). Generally, sites north and south of the Homestead area were not as compatible as the proposed due to public safety considerations and current zoning (Public Utility and EFU).*

*The proposed site is the least agriculturally productive site of the other entire alternative sites observed in Hells Canyon due to its rocky terrain.*

*The proposed site's advantages for the proposed use are its close proximity to the Snake River Reservoir, the need for organized recreation use, waste facility collection, the flat to rolling topography, poor agricultural capability, existing recreation use, surrounding recreation facilities, and compatible access along the existing Homestead Road.*

*The proposed site's disadvantage is the volcanic rock terrain. Minimal site work will be necessary to remove large boulders for cabins and recreation sites.*

*Positive Extensive ESEE consequences were discussed on pages 7-9 but other various ESSE positive attributes will include improved drainage, noxious weed control, maintenance of existing vegetation, and improved road access and safety along Homestead Road. Energy positive consequences derive from the site having power already running through the property while the social positive consequence are increasing the long term tourism goal of Baker County while increasing the economic benefits from the HCNRA.*

*Negative ESEE consequences from the proposed use include increased road traffic on Homestead Road and increased noise levels within the vicinity of the property. No known negative environmental, economic, or energy consequences are anticipated.*

**Water**

*Preliminary analysis of the water resources on the property indicate adequate water supply for the proposed use of up to 15,000 gallons per day with no significant water quality or quantity impacts on water table. Capture of naturally occurring springs that begin and end on the property are exempt from the Dept. of Water Resources permitting process and will be used in the proposed development. A commercial well permit for 15,000 gallons/day will be pursued with the Dept. of Water Resources. RLF proposes that the physical existence of a community water system (Exhibit 15) and an adjacent property well log (refer to Well Log #51213 and well ID #69693) be used as evidence that a potential water system is viable. More important than the physical existence of water delivery infrastructure is the nearby water well. The well is located less than 100 feet away from the subject property and indicated that at a depth of 250 feet, the yield was 100+ gallons per minute for over one hour (well ID #69693).*



After discussions with the Dept. of Water Resources, it was determined in a preliminary investigation that the water table under the EFU zoned ground did not share a hydrologic connection with the Snake River which would affect the approval of a commercial well. The water table to be targeted lies in a bedrock aquifer approximately 300ft deep.

Sewer

Although soil characteristics vary greatly within the Hells Canyon area, RLF thought it might be useful to present the sewage disposal plans and permit for a similar recreation in the general vicinity. The Copperfield RV Park is located approximately 4 miles south on Homestead Rd. at the junction of HWY 86 and the Snake River. Idaho Power's Copperfield Park wastewater system is a pressurized distribution system that was built to handle approximately 3,200 gallons per day (permit # 01-19571). There were numerous calculations used to determine the 3,200 gallon limit but the park consists of one restroom facility and dump station that serves 62 RV sites and 10 tent sites. Please reference the park's permit # 01-19571 and sewage disposal layout dated February 9, 1989.

The second measure taken by RLF to meet the anticipated wastewater flow was the initial design of sewage disposal system capable of handling 10,000 gallons of wastewater per day. The proposed system would use one 10,000 gallon septic tank and two advanced treatment facility AX100 pods (Exhibit 16). In this design, every two cabins would share a 1000 gallon pump tank (Step Design) that would consolidate the waste and pump the effluent into septic tanks. The septic tanks then treat the effluent via settling and nature biological processes. Filtered liquid effluent is then discharged to the AdvanTex Treatment System for secondary treatment. The secondary treatment system, Orenco's AX100 pods, treats the effluent a second time via a patented filtering process that uses an engineered textile treatment medium. The pods eventually discharge effluent of superior quality meeting the most stringent regulatory requirements. The AX100 pods drastically reduce the required drain field land area and makes raw wastewater up to 98% cleaner. As evidenced in the attached AdvanTex Performance Summary (Exhibit 17), the typical waste strength of sewage exiting a septic tank compared to the AX100 is drastically reduced. For cBOD5 levels, the AX100 reduced waste strength from 274 mg/l to 19.1 mg/l, while TSS was reduced from 155 mg/l to 9.8 mg/l. In the table below, RLF designed a system that is system capable of handling 10,000 gallons per day based on the following assumptions:

| <u>Item Description</u> | <u>Quantity</u> | <u>Gals/Day</u> | <u>Total Flow</u> |
|-------------------------|-----------------|-----------------|-------------------|
| RV Sites                | 10              | 100             | 1,000             |
| Cabins                  | 25              | 100             | 2,500             |
| Restrooms (for tents)   | 2               | 2,000           | 4,000             |
| Caretaker Residences    | 2               | 450             | 900               |
| Support Facilities      | 3               | 450             | 1,350             |
| Total                   |                 |                 | 9,750             |

Finally, the resulting effluent from the advanced treatment pods is then dispersed through a drip field that is less than 1 acre (20,000 square feet).

Transportation Infrastructure Improvements & Maintenance Plan

The existing road to the proposed RA is called Homestead Road. This is a well-maintained two-way traffic gravel road that is approximately 24 feet wide. The road is owned by Baker County

and is under an October 2003 agreement with Idaho Power for maintenance. Currently, Idaho Power is required to maintain approximately 6.4 miles of Homestead Road for local residents and tourists.

Initial discussions with Margaret Johnson, Land Management Services Leader at Idaho Power have taken place regarding the maintenance of Homestead Road. Specifically, RLF shares the same concern that Idaho Power should not be responsible for additional maintenance costs associated with the upkeep of Homestead Road as a result of the proposed RA. Ms. Johnson is currently researching the annual costs associated with Homestead Road maintenance program and will be in contact with RLF regarding the estimated increase in the cost of maintenance as a result of potential campers.

RLF would also propose the following improvements to Homestead Road

- 1) Dust abatement controls be applied to Homestead Road
- 2) Speed bumps be placed along the road to prevent dust and reduce speed.
- 3) Traffic signs before the sharp curve at mile 1.1

The majority of traffic accessing the site will use the Idaho Power maintained Homestead Road from paved HWY 86 and HWY 71. Two issues of concern were raised from discussions with the Baker County Road Master. The first concern is a tunnel approximately 2 miles north of Oxbow. A proposed mitigation to this hazard is the use of an existing emergency secondary route that traverses the hill where the tunnel is located. Currently the BLM and Idaho Power own this ground and coordination could be made to use this route in the event of an emergency once the zoning approval has been granted. The second area of concern was the road width approximately 1 mile north of the Oxbow and prior to the tunnel. The suggested mitigation measures for this area were signs before the curve warning drivers of a sharp upcoming curve.

#### Law Enforcement

Law enforcement coordination has begun with Baker County Sheriff Mitch Southwick and if the increase in the tax base does not adequately provide enough funds for additional law enforcement (land and water based) then a proposed solution would be the seasonal funding of a deputy sheriff. In addition, RLF would train onsite staff to deal with emergency security and medical circumstances.

#### Evacuation Plan

In the event of an evacuation, the primary means of exit from the RA would be Homestead Road. Given the flat topography, Homestead Road can be easily reached by crossing the existing topography. The RA's furthest interior boundary is no more than 0.20 miles from Homestead Road at any point. In the event that Homestead Road became blocked or unusable, the developer would organize the shuttling of existing campers and residents across the river to the paved National Forest Road 454 on the Idaho side.

#### Emergency Alert System

To quickly notify authorities in case of an emergency the developer would ensure emergency telephone numbers are posted throughout administrative offices and that all employees know the correct agency to call in case of an emergency. In addition, the developer would coordinate an emergency flood warning system with Idaho Power so RA guests could be quickly notified in the event of a catastrophic flood in Hells Canyon. In the event of a flood, the developer would direct guests to higher elevations of the property via the improved and existing Iron Dyke Creek Road.



### Fire

A catastrophic wildfire burned through the Hells Canyon area during the summer of 2006. To eliminate the danger of fire starting on, or spreading off of, the property, buffer zones would be proposed around all fire pits and property boundaries. In addition, weeds and native vegetation will be maintained in such a manner to mitigate the fire hazard risk.

Homestead, OR is currently outside of any fire district jurisdiction. The closest rural fire district is the Pine Valley Rural Fire District located in Halfway, OR. This all volunteer fire department is approximately 21.1 miles (37 minutes) away from the proposed RA.

After speaking with Gary Timm of the Baker County Fire Department and Tom Morcom of the BLM's fire prevention office, the developer would incorporate the following fire prevention practices and services.

- 1) The developer would be willing to participate proportionally in a new local rural fire district that covers the Oxbow/Hells Canyon area.
- 2) In the event that no fire district was formed, the developer would most likely explore contract services with the Pine Valley RFD for local fire prevention services (RLF proposed such in an August 24 letter to PVRFD Board).
- 3) In the site design of the RA, the developer would ensure that interior roads are large enough for both RV and fire prevention vehicle travel. Other site design initiatives would include RV spacing, charcoal grill placement, surrounding vegetation, and buffer zones.
- 4) In addition, the developer would monitor the surrounding BLM fire restrictions and would most likely enforce the same restrictions during periods of fire danger.

### Medical

The closest medical facility is the Pine Eagle Clinic in Halfway, OR (21.3 miles or 38 minutes). This facility is adequately staffed with 1 physician's assistant and several nurses and can adequately treat most medical emergencies. RLF recently spoke with one of the staff at the clinic and she mentioned that the clinic is not busy and could handle the influx of patients as a result of the potential RA.

Halfway/Oxbow Ambulance Services operates 2 ambulances that often respond to medical emergencies in the Hells Canyon area. The closest hospital is the St. Elizabeth hospital located in Baker City, OR. In addition to these existing services, the developer would propose the following additions.

- 1) An onsite defibrillator and first aid station.
- 2) Emergency medical training for the RA's staff.
- 3) Coordination with Idaho Power and AirLife of Oregon for the use of the Oxbow Airport in the event of a severe medical emergency. This airport is just 0.47 miles south of the proposed RA.

### Planning Commission Findings:

The Baker County Planning Commission determined that the long term environmental, economic, social and energy consequences resulting from the use at the proposed site with measures to mitigate adverse impacts would have a positive impact on the local economy, and have beneficial long-term environmental, economic, social and energy consequences from the use by providing a safe and structured atmosphere for tourists.



In addition, the Planning Commission determined the applicant's proposal would help deter trespass camping on the proposed 76.18+/- acres and on private property in the local area.

The Planning Commission determined that in order to prevent adverse impacts and address concerns brought forward in testimony, a non-use "sunset" would be need to be applied. This non-use provision would be implemented in the event the applicant applies for the Conditional Use and then fails to move forward with the project, or does not finish the project as indicated in the proposal. In the event the applicant does not follow through with the proposed use as specified in any future Conditional Use approval, the Planning Commission determined the applicant would then lose the Conditional Use approval. The sunset time period is subject to extension by the Baker County Planning Commission (see page 44).

### **Conclusions:**

In a public hearing session held on December 3, 2008, the Baker County Board of Commissioners concurred with the findings made by the Planning Commission that stated with appropriate measures to mitigate adverse impacts, the proposed use would have a positive impact on the local economy and have beneficial long-term environmental, economic, social and energy consequences from the use by providing a safe and structured atmosphere for tourists and by helping to deter trespass camping in the area.

The Baker County Board of Commissioners concurred with the Planning Commission's determination that as a Condition of Approval, the approval for the Homestead Recreation Limited Use Combining Zone shall expire **two years from the date of approval by the Baker County Board of Commissioners** if no Conditional Use Permit has been applied for, unless extended by the Baker County Planning Commission. Extensions must be applied for prior to the expiration date of the decision.

### **Criteria are met.**

(D) The proposed uses are compatible with other adjacent uses or will be so rendered through measures designed to reduce adverse impacts.

### **Planning Commission Findings:**

The Baker County Planning Commission determined a new zone should be created for the 76.18+/- acre parcel to accommodate the applicant's request for a full service RV park, campground facility, and extended stay cabins. The new zone will be based on the *Limited Use Combining Zone* and will be called the Homestead Recreation Limited Use Combining Zone. The applicant has submitted a draft proposal for water, septic, transportation improvements and road maintenance, law enforcement and emergency services, fire protection and wildlife habitat mitigation. See *Exhibit 'F' of the applicant's proposal, pages 12-17*.

The Baker County Planning Commission determined that the applicant's proposal complies with the Baker County Comprehensive Land Use Plan by providing structured recreation opportunities for tourists that increases the options for year-round stay (tent camping, RV use, cabin rental) that are currently minimal or nonexistent on private land located on the side of the Snake River near Homestead, Oregon. The need for recreational opportunity is identified in the Baker County Comprehensive Land Use Plan as discussed on page 5 of this report.

The Baker County Planning Commission determined the applicant's proposal would help deter trespass camping on the proposed 76.18+/- acres, and on private adjacent property in the local area.

The Planning Commission determined that a facility of this type would help increase transient tax and tourism dollars to help build the Hells Canyon area and attract and cater to all types of people through the various options for stay (tent camping, RV use, cabin rental) on private land located on the Oregon side of the Snake River.

In addition, the Baker County Planning Commission determined that the applicant's proposal would have a positive impact on the existing businesses and tourist services in the area.

### **Agency Concerns:**

- In addition, Steven Ellis, Forest Supervisor for the Wallowa Whitman National Forest, proposed the following recommendations (Exhibit 'S'):
  - ✓ Coordinate a structure protection and wildfire protection discussion with Oregon Department of Forestry and fire protection staff to focus on implementing protection measures and developing protection suppression capability in order to protect the proposed development and reduce fire escape to adjacent properties.
  - ✓ Coordinate with WW to address increased visitation at Hells Canyon Creek Visitor Center to provide on-site information about the visitor facility, as well as regulations pertaining to river use and required permits for the Snake River.
  - ✓ Coordinate a discussion with the Baker County Weed Manager to discuss noxious weed distribution, prevention and mitigation treatment of local noxious weeds and introduction of new species from outside sources.

### **Additional Idaho Power Corporation concerns:**

- ✓ As a Condition of Approval, IPC believes that the developer should be required to develop a comprehensive litter and sanitation plan that will address both the lands associated with the proposed development and the surrounding area, including along Homestead Road.
- ✓ IPC believes the developer should be required to support a portion of the cost of law enforcement in the area as a Condition of Approval. In addition, the developers should be required to assist the affected counties in funding local emergency services.
- ✓ IPC requests as a Condition of Approval, in addition to any requisite state, local, and federal requirements, the developer should be required to develop a plan and fund measures that will adequately protect important natural and cultural resources in the vicinity of the proposed development, including adjacent lands.
- ✓ IPC requests that private boat docks must comply with IPC's Policy Guidelines for Private Boat Docks, and any marina, as well as any other development that would impact IPC land, would have to be processed through IPC's land use approval process. Permitting of a marina would also require agency consultation and FERC approval.



### **Baker County Board of Commissioners Findings:**

Testimony of support submitted in a letter on July 23, 2008 and in person on December 3, 2008 by Andrew Bryan, Baker County Development Corporation Board of Directors, said that "the proposed RV Park... would offer untapped recreational opportunity in the scenic Hells Canyon." In addition, the Baker County Development Corporation states that the proposed project "would provide an opportunity for those that wish to take in the majestic beauty of the Hells Canyon Recreation Area while enjoying the amenities and comfort of a high quality facility." The Baker County Board of Commissioners requested this information be included as part of the findings for this report.

### **Conclusions:**

In a public hearing session held on December 3, 2008, the Baker County Board of Commissioners concurred with the findings above that stated with appropriate measures to mitigate adverse impact, the proposed use would have a positive impact on the local economy and have beneficial long-term environmental, economic, social and energy consequences from the use by providing a safe and structured atmosphere for tourists and help deter trespass camping in the area. The specific concerns listed in the findings and other concerns brought forth in testimony were discussed by the Baker County Planning Commission and the Baker County Board of Commissioners, and it was determined that those concerns could be reasonably addressed and mitigated during a future Conditional Use application.

The Baker County Board of Commissioners accepted the Baker County Planning Commission recommendation to create the Homestead Recreation Limited Use Combining Zone specific to the 78.18+/- acre parcel.

### **Criteria are met.**

(4) A local government approving or denying a proposed exception shall set forth findings of fact and a statement of reasons that demonstrate that the standards of subsection (2) of this section have or have not been met.

### **Findings:** *Please reference page 6, ORS 197.732 2(c)(A)*

On November 26, 2008 and December 3, 2008, the applicant, RLF Homestead Properties, presented their proposal for a full service RV park, campground and cabin facility to the Baker County Board of Commissioners.

The applicant is requesting an exception to Statewide Planning Goal 3 Agricultural Lands, under the "reasons" justification. The following explanation is a summary of the "reasons for demonstrated need" as outlined by the applicant on page 5 of the revised RLF Homestead Properties proposal. (*Please see Exhibit 'F', pages 5-9 of the applicant's proposal for a detailed explanation.*)



|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <ul style="list-style-type: none"> <li>• <i>Need for additional tenting facilities.</i></li> <li>• <i>Need to prevent visitor displacement.</i></li> <li>• <i>Need to prevent human and sanitary waste.</i></li> <li>• <i>Need for additional fixed site lodging.</i></li> <li>• <i>Need for event accommodations.</i></li> <li>• <i>Need demonstrated by current recreation use of property.</i></li> <li>• <i>Need demonstrated by anticipated recreation growth.</i></li> </ul> | <ul style="list-style-type: none"> <li>• <i>Need to improve environment.</i></li> <li>• <i>Need for economic growth.</i></li> <li>• <i>Need to draw out of county visitors.</i></li> <li>• <i>Need to enhance existing recreation opportunities outside of water-based activities along the Snake River.</i></li> <li>• <i>Need to fill fixed site camping niche market.</i></li> <li>• <i>Need to reduce the current high fire risk/danger due to significant brush and vegetative fuel currently on the property.</i></li> <li>• <i>Need to utilize unique geography of site.</i></li> <li>• <i>Need to enhance local historical culture.</i></li> </ul> |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

In addition, the Baker County Planning Commission provided additional “reasons for demonstrated need” in accordance with the statewide planning goals and the Baker County Comprehensive Land Use Plan:

**1. Goal II—Land Use Planning:**

The Baker County Planning Commission recommended to the Board of Commissioners that a new zone should be created for the 76.18+/- acre parcel currently zoned EFU, to accommodate the applicant’s request for a full service RV park and campground. The proposed new zone is based on the Limited Use Combining Zone and will be called the **Homestead Recreation Limited Use Combining Zone.** Uses within the zone would be those justified by the reasons exception.

**2. Goal V—Open Spaces, Scenic and Historic Areas and Natural Resources:**

The Baker County Planning Commission determined that the applicant’s proposal would help preserve the historical, archaeological, and open spaces currently found on the parcel by keeping visitors contained to permitted use areas in a structured atmosphere rather than the trespass camping that currently occurs.

**3. Goal VIII—Recreation Needs:**

The Planning Commission determined that the proposed cabins would be a benefit to the overall development of the area by providing safe, permanent structures for tourists to stay in year round, and would provide the ability to extend the tourist season beyond peak use months (May-October).

The Planning Commission determined that cabins would fill a niche that is currently unavailable in the Hells Canyon area and tenting facilities that are a limited resource. In addition, the cabins would provide accommodations for visitors, including the elderly, who may not otherwise have the opportunity to visit the Hells Canyon area for an extended period of time.

The Planning Commission determined that a majority of the camping facilities are on the Idaho side of the Snake River, and a structured facility of this capacity would help provide recreation opportunities for tourists on the Oregon side of the Snake River where there is an unmet

demand. In addition, the Planning Commission determined the proposal would also help to alleviate the current issue of trespass camping that occurs on the property.

#### **4. Goal IX—Economic Development:**

The Baker County Planning Commission determined that the applicant's proposal would provide recreation opportunities for tourists by increasing options for year-round stay (tent camping, RV use, cabin rental) that are currently minimal in the Hells Canyon area.

The Planning Commission determined that a facility of this type would help increase transient tax and tourism dollars to help build the Hells Canyon area and attract and cater to all types of people through the various options for stay (tent camping, RV use, cabin rental) on private land located on the Oregon side of the Snake River.

The Planning Commission determined that the applicant's proposal would have a positive impact on the existing businesses and tourist services in the area.

#### **5. Goal XII—Transportation:**

The Baker County Planning Commission determined that the long-term environmental, economic, social and energy consequences resulting from the use at the proposed site with measures to mitigate adverse impact would have a positive impact on the local economy, and would help deter long-term environmental, economic, social and energy consequences from the use by providing a safe and structured atmosphere for tourists.

The Planning Commission determined that in order to prevent adverse impacts a non-use "sunset" would need to be applied. This non-use provision would be implemented in the event the applicant applies for the Conditional Use and then fails to move forward with the project, or does not finish the project as indicated in the proposal. In the event the applicant does not follow through with the proposed use as specified in the Conditional Use approval, the Planning Commission determined the applicant would then lose the Conditional Use approval. The Homestead Recreation Limited Use Combining Zone shall expire **two years from the date of approval by the Baker County Board of Commissioners** if no Conditional Use Permit has been applied for, unless extended by the Baker County Planning Commission. Extensions must be applied for prior to the expiration date of the decision.

#### **Baker County Board of Commissioners Findings:**

Testimony of support submitted in a letter on July 23, 2008 and in person on December 3, 2008 by Andrew Bryan, Baker County Development Corporation Board of Directors, said "the proposed RV Park... would offer untapped recreational opportunity in the scenic Hells Canyon." In addition, the Baker County Development Corporation states that the proposed project " would provide an opportunity for those that wish to take in the majestic beauty of the Hells Canyon Recreation Area while enjoying the amenities and comfort of a high quality facility." The Baker County Board of Commissioners requested this information be included as part of the findings for this report.

#### **Conclusions:**

The Baker County Board of Commissioners concurred with the *Findings of Fact and Statement of Reasons* as set forth in the *Findings* above and in this report. The Baker County Board of  
PA-07-005 RLF Homestead Properties



Commissioners determined that the *Statement of Reasons* and “areas of need” as listed by the applicant correlated with the focus and long-term goals of the Baker County Comprehensive Land Use Plan for the Hells Canyon Area. In addition, the Baker County Board of Commissioners agreed with the testimony submitted by Andrew Bryan, Baker County Development Corporation Board of Directors, who stated that the proposed RV Park and campground would be “an asset to the overall tourism efforts of Baker County.”

**Criteria are met.**

(5) Each notice of a public hearing on a proposed exception shall specifically note that a goal exception is proposed and shall summarize the issues in an understandable manner.

**Findings:** The Baker County Planning Department noticed all adjacent landowners, affected agencies, and interested landowners regarding RLF Homestead Properties’ application for a Post Acknowledgment Plan Amendment and Zone Change as required.

**Conclusions:** The Baker County Planning Department noticed all adjacent landowners, affected agencies, and interested parties as required. **Criteria are met.**

## **OREGON ADMINISTRATIVE RULES**

### **OAR 660-004-0010**

#### **Application of the Goal 2 Exception Process to Certain Goals**

(1) The exceptions process is not applicable to Statewide Goal 1 "Citizen Involvement" and Goal 2 "Land Use Planning." The exceptions process is generally applicable to all or part of those statewide goals which prescribe or restrict certain uses of resource land or limit the provision of certain public facilities and services. These statewide goals include but are not limited to:

(a) Goal 3 "Agricultural Lands"; however, an exception to Goal 3 "Agricultural Lands" is not required for any of the farm or nonfarm uses permitted in an exclusive farm use (EFU) zone under ORS chapter 215 and OAR chapter 660, division 33, "Agricultural Lands";

**Findings:** The applicant submitted a Post Acknowledgement Plan Amendment and Zone Change under the Goal 3 “reasons” exception to site a full service RV park, campground and cabin facilities on 76.18+/- acres. The current zoning for the parcel is Exclusive Farm Use (EFU).

**Conclusions:** An exception will be required in order to approve the applicant’s proposal. **Criterion is met.**

### **OAR 660-004-0015**

#### **Inclusion as Part of the Plan**

(1) A local government approving a proposed exception shall adopt as part of its comprehensive plan findings of fact and a statement of reasons which demonstrate that the standards for an exception have been met. The applicable standards are those in Goal 2, Part II(c), OAR 660-004-0020(2), and 660-004-0022. The reasons and facts shall be supported by substantial evidence that the standard has been met.

**Findings:** If adopted, the exception will be adopted as part of the Baker County Comprehensive Land Use Plan. See page 20 of this report.

**Conclusions:** The Baker County Board of Commissioners adopted the proposed exception for RLF Homestead Properties in a public hearing held December 3, 2008. The exception will be adopted as part of the Baker County Comprehensive Land Use Plan.

**Criteria are met.**

#### **OAR 660-004-0018**

#### **Planning and Zoning for Exception Areas**

(4) "Reasons" Exceptions:

(a) When a local government takes an exception under the "Reasons" section of ORS 197.732(1)(c) and OAR 660-004-0020 through 660-004-0022, plan and zone designations must limit the uses, density, public facilities and services, and activities to only those that are justified in the exception;

**Findings:** The Baker County Planning Commission determined a new zone should be created for the 76.18+/- acre parcel to accommodate the applicant's request for a full service RV park, campground facility, and extended stay cabins. The new zone will be based on the *Limited Use Combining Zone* and will be called the Homestead Recreation Limited Use Combining Zone. The purpose of this zone is to limit uses to those justified by the reasons exception.

#### **Conclusions:**

The Baker County Board of Commissioners accepted the recommendation of the Baker County Planning Commission to create the Homestead Recreation Limited Use Combining Zone specific to the 78.18+/- acre parcel. Uses within the Homestead Recreation Limited Use Combining Zone are subject to a Conditional Use approval by the Planning Commission. Mitigation with the affected agencies will be required as part of the Conditional Use process.

**Criteria are met.**

#### **OAR 660-004-0020**

#### **Goal 2, Part II(c), Exception Requirements**

(1) If a jurisdiction determines there are reasons consistent with OAR 660-004-0022 to use resource lands for uses not allowed by the applicable Goal or to allow public facilities or services not allowed by the applicable Goal, the justification shall be set forth in the comprehensive plan as an exception.

(2) The four factors in Goal 2 Part II(c) required to be addressed when taking an exception to a Goal are:

(a) "Reasons justify why the state policy embodied in the applicable goals should not apply": The exception shall set forth the facts and assumptions used as the basis for determining that a state policy embodied in a goal should not apply to specific properties or situations including the amount of land for the use being planned and why the use requires a location on resource land;



**Findings:** The applicant is requesting an exception to Statewide Planning Goal 3, Agricultural Lands, under the “reasons” justification. (See Exhibit ‘F’, the applicant’s proposal, pages 5-9.) The current zoning of the property is EFU. The reasons justifying the exception will be set forth in the Baker County Comprehensive Land Use Plan.

The following explanation is a summary of the “reasons for demonstrated need” as outlined by the applicant on page 5 of the revised RLF Homestead Properties proposal. (Please see Exhibit ‘F’, the applicant’s proposal, for a detailed explanation.)

**List of demonstrated “needs” as submitted by RLF Homestead Properties (see pages 5-9 of RLF Proposal):**

|                                                                                                                                                                                                                                                                                                                                                                                                                                   |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <ul style="list-style-type: none"> <li>• Need for additional tenting facilities.</li> <li>• Need to prevent visitor displacement.</li> <li>• Need to prevent human and sanitary waste.</li> <li>• Need for additional fixed site lodging.</li> <li>• Need for event accommodations.</li> <li>• Need demonstrated by current recreation use of property.</li> <li>• Need demonstrated by anticipated recreation growth.</li> </ul> | <ul style="list-style-type: none"> <li>• Need to improve environment.</li> <li>• Need for economic growth.</li> <li>• Need to draw out of county visitors.</li> <li>• Need to enhance existing recreation opportunities outside of water-based activities along the Snake River.</li> <li>• Need to fill fixed site camping niche market.</li> <li>• Need to reduce the current high fire risk/danger due to significant brush and vegetative fuel currently on the property.</li> <li>• Need to utilize unique geography of site.</li> <li>• Need to enhance local historical culture.</li> </ul> |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

**RLF Proposal, page 5:** A RA of this caliber is not “specifically provided for in the subsection of this rule or OAR 660, Division 14” therefore subsection (1) (a) and (c) apply here. The demonstrated need for the proposed use or activity is based on the proximity to the Snake River Reservoir. Not every piece of ground in Hells Canyon is adequate (in slope and size) to accommodate the proposed recreation use of the Snake River.

Statewide Planning Goal 8: ‘Recreation Needs’ (1) requires counties to satisfy recreation needs in cooperation with private enterprise, (2) in appropriate proportions, and (3) in such quantity, quality and locations as is consistent with the use.

There is currently only 2 organized camping sites in the Hells Canyon/Oxbow area that offer some sort of monitored camping or recreation vehicle camping. Each of these campgrounds (Hells Canyon Park & Copperfield Park) is run by Idaho Power and include several restrictions that limit the customer base to nearby county residents. The first restriction is the “no-reservation” policy. Idaho Power parks are strictly first come first serve and fill up as much as a week in advance before major holidays.

The proposed RA will accept reservations and will attract visitors from a much broader geographical audience. Furthermore, most campgrounds are located on the Idaho side of the HCNRA and provided significant tax income to Idaho residents and specifically to Adams County. With the proposed RA, Baker County will now be able to share in the revenues generated from the HCNRA.

The second restriction that is placed on the Idaho Power Parks is the 14 consecutive day stay limit. It is the intent of the proposed RA to solve this problem for residents and visitors who want to use and enjoy the Hells Canyon area for longer than 14 days currently allowed. In addition to

these niches, the RA will also offer amenities that Idaho Power parks do not currently offer such as cabin rentals, individual sewer hookups, and shaded tent sites.

On any given weekend during the late spring and early summer, the Hells Canyon and Brownlee Reservoir areas are packed with recreation enthusiasts. In fact, numerous local people already use the subject property for recreation vehicle camping because it is vacant and contains uniquely situated flat ground along the Snake River Reservoir (Exhibit 14 – Trespass Campers & Exhibit 10 – Topo Map).

Statewide Planning Goal 9: 'Economic Development' requires counties to provide adequate opportunities for a variety of economic activities.

RLF's campground will provide numerous economic benefits to the Hells Canyon area businesses, restaurants, and retail outlets. The towns of Oxbow, Halfway, and Baker City will continue to provide the closest services and will receive the most positive economic benefits from the RA. According to the latest survey (2005) of recreation trends and qualities conducted by the National Association of RV Parks & Campground the average RV owner and camper spent \$50/day on expenses other than camping fees. Based on this Exhibit and a 70% occupancy rate during 52 weekends per year translates into approximately \$218,400 additional tourist dollars being spent in Baker County. Furthermore, the Baker County Transient Lodging Tax will apply to this RA that will increase the tax revenue approximately \$25,200 based on the following assumptions:

| Transient Lodging Tax Revenue |             |                |               |               |          |                 |
|-------------------------------|-------------|----------------|---------------|---------------|----------|-----------------|
|                               | Fully Built | Occupancy Rate | Avg \$ /night | Days Occupied | Tax Rate | Total           |
| RV Sites                      | 10          | 70%            | \$25          | 180           | 7%       | \$3,150         |
| Cabins                        | 25          | 70%            | 55            | 180           | 7%       | 17,325          |
| Tent Sites                    | 25          | 70%            | 15            | 180           | 7%       | 4,725           |
|                               |             |                |               |               |          | <u>\$25,200</u> |

Finally, the property tax for the subject property will increase significantly with the improved structures and additional sites providing even more tax revenue for Baker County.

**The Baker County Planning Commission determined the "need" for the applicant's proposal, based on one or more of the requirements of Goal 3 to 19, is as follows:**

**Goal V—Open Spaces, Scenic and Historic Areas and Natural Resources:**

The Baker County Planning Commission determined that the applicant's proposal would help preserve the historical, archaeological, and open spaces currently found on the parcel by keeping visitors contained to permitted use areas in a structured atmosphere rather than the trespass camping that currently occurs.

- Goal V concerns addressed by Jon Jinings (Exhibit 'E') include the fact the parcel lies within the Big Game Habitat Overlay for Deer. A letter from Brian Ratliff, ODFW, addressed the following concerns regarding the Big Game Habitat and suggested the following steps to minimize the effects on wintering mule deer populations (Exhibit 'S') if the proposal is approved:



- ✓ Landowner be required to develop a mitigation plan for the loss of big game winter range following ODFW's habitat mitigation policy.
  - ✓ Development be restricted to within 300 feet of Homestead Road.
  - ✓ Noxious weeds be treated annually on the entire property by the landowner.
  - ✓ Development plan to include wildlife friendly features such as fence designs, native landscaping, and other features to minimize the impact to wildlife and reduce the potential impacts from wildlife to landscaping.
- A letter submitted by Dennis Griffin, Oregon State Historic Preservation Office, states that "SHPO archaeological data base has revealed that there are several reported sites in the area of the project referenced above or in close proximity." Mr. Griffin requested that "a cultural resource survey be conducted to identify the location, boundaries and significance of any cultural remains within the project area prior to any land disturbing activities." (Exhibit 'S')
  - In addition, a letter from Steven Ellis, Forest Supervisor for the Wallowa Whitman National Forest, proposed the following suggestions (Exhibit 'S'):
    - ✓ Coordinate a structure protection and wildfire protection discussion with Oregon Department of Forestry and fire protection staff to focus on implementing protection measures and developing protection suppression capability in order to protect the proposed development and reduce fire escape to adjacent properties.
    - ✓ Coordinate with WW to address increased visitation at Hells Canyon Creek Visitor Center to provide on-site information about the visitor facility, as well as regulations pertaining to river use and required permits for the Snake River.
    - ✓ Coordinate a discussion with the Baker County Weed Manager to discuss noxious weed distribution, prevention and mitigation treatment of local noxious weeds and introduction of new species from outside sources.
  - Nancy Lull, BLM Baker Field Office, submitted the following suggestions regarding the proposed project (Exhibit 'S'):
    - ✓ Obtain an accurate survey of the property boundaries to ensure that no unauthorized use of or impact to the public land occurs, specifically, the Homestead Wilderness Study Area (WSA).
    - ✓ The proposed development is almost entirely surrounded by the BLM's Homestead WSA, designated as a Wilderness Study Area in concurrence with the National Wilderness Preservation System in 1989. Designation is in effect until Congress decides whether or not to designate this area as Wilderness. Until this time, the BLM is required to manage this area to preserve its suitability for designation, which includes not allowing any activity that could degrade the potential for inclusion into the Wilderness System. Activities include no motorized use; no staging of, stockpiling, driving or development within the WSA boundaries; no creation of trails by any construction equipment or vehicles; no off-highway vehicles or over-snow vehicles, or development of hiking or horseback trails. The random use of non-motorized types of recreation pursuits is allowed within the WSA.

- ✓ Prevention efforts to ensure visitors only partake in activities that are consistent with the laws or management requirements of public lands include information and education efforts; signing, fencing, or by site design. Monitoring of the area currently occurs by BLM personnel and will continue to ensure there are no unauthorized or illegal activities.
- ✓ Possible wildlife mitigation to protect bald eagles and mule deer from impact as determined by the U.S. Fish and Wildlife Service and the Oregon Department of Fish and Wildlife.
- Idaho Power submitted the following suggestions regarding Open Spaces, Scenic and Historic Areas, and Natural Resources (Exhibit 'S'):
  - ✓ As a Condition of Approval, IPC believes that the developer should be required to develop a comprehensive litter and sanitation plan that will address both the lands associated with the proposed development and the surrounding area, including along Homestead Road.
  - ✓ IPC suggests as a Condition of Approval, in addition to any requisite state, local, and federal requirements, the developer should be required to develop a plan and fund measures that will adequately protect important natural and cultural resources in the vicinity of the proposed development, including adjacent lands.

#### **Goal VIII—Recreation Needs:**

The Planning Commission determined that the proposed cabins would be a benefit to the overall development of the area by providing safe, permanent structures for tourists to stay in year round, and would provide the ability to extend the tourist season beyond peak use months (May-October).

The Planning Commission determined that cabins would fill a niche that is currently unavailable in the Hells Canyon area and tenting facilities would provide for a limited resource need. In addition, the cabins would provide accommodations for visitors, including the elderly, who may not otherwise have the opportunity to visit the Hells Canyon area for an extended period of time.

The Planning Commission determined that a majority of the camping facilities are on the Idaho side of the Snake River, and a structured facility of this capacity would help provide recreation opportunities for tourists on the Oregon side of the Snake River. In addition, the Planning Commission determined the proposal would also help to alleviate the current issue of trespass camping that occurs on the property.

- Idaho Power suggests the following regarding recreational needs and improvements (Exhibit 'S'):
  - ✓ IPC requests that private boat docks must comply with IPC's Policy Guidelines for Private Boat Docks, and any marina, as well as any other development that would impact IPC land, would have to be processed through IPC's land use approval process. Permitting of a marina would also require agency consultation and FERC approval.



### **Goal IX—Economic Development :**

The Baker County Planning Commission determined that the applicant's proposal would provide recreation opportunities for tourists by increasing the options for year-round stay (tent camping, RV use, cabin rental) that are currently minimal in the Hells Canyon area.

The Planning Commission determined that a facility of this type would help increase transient tax and tourism dollars to help build the Hells Canyon area and attract and cater to all types of people through the various options for stay (tent camping, RV use, cabin rental) on private land located on the Oregon side of the Snake River.

In addition, the Planning Commission determined that the applicant's proposal would have a positive impact on the existing businesses and tourist services in the area.

- Idaho Power addressed concerns regarding economic development as follows (Exhibit 'S'):
  - ✓ IPC believes the developer should be required to support a portion of the cost of law enforcement in the area as a Condition of Approval. In addition, the developers should be required to assist the affected counties in funding local emergency services.

### **Goal XII—Transportation:**

- Idaho Power makes the following requests regarding road maintenance and improvements (Exhibit 'S'):
  - ✓ Idaho Power requests as a Condition of Approval, any road alterations and ongoing maintenance necessary to accommodate the proposed development must be the sole responsibility of the developer.
  - ✓ Due to the possibility of increased traffic, the agreement that Idaho Power currently has with Baker County for road maintenance for Homestead Road will need to be revised to reflect the reality of the increased use of the road, as a result of the proposed development, and the need to minimize the cost of exposure to IPC and its customers.
  - ✓ The Hells Canyon Resource Management Plan (RMP) requires that road improvements within Hells Canyon be minimized, which is generally interpreted as not widening or paving existing gravel roads (see RMP policies 6.3.7.2 and 6.3.7.4). The overarching principle is that, in order to manage future use in the Hells Canyon area for the continued high recreation experience and enjoyment of visitors, recreation use and infrastructure need to remain consistent with existing priorities and standards. This policy will guide any IPC decisions regarding Homestead Road.

### **Conclusions:**

The Baker County Board of Commissioners concurred with the *Findings of Fact and Statement of Reasons* as set forth in the *Findings* above and in this report. The Baker County Board of Commissioners determined that the *Statement of Reasons* and "areas of need" as listed by the applicant correlated with the focus and long-term goals of the Baker County Comprehensive Land Use Plan for the Hells Canyon Area. In addition, the Baker County Board of Commissioners agreed with the testimony submitted by Andrew Bryan, Baker County

Development Corporation Board of Directors, who stated that the proposed RV Park and campground would be "an asset to the overall tourism efforts of Baker County." The specific concerns listed in the findings and other concerns brought forth in testimony were discussed by the Baker County Planning Commission and the Baker County Board of Commissioners, and it was determined that those concerns could be reasonably addressed or mitigated during a future Conditional Use application.

**Criteria are met.**

(b) "Areas which do not require a new exception cannot reasonably accommodate the use":

(A) The exception shall indicate on a map or otherwise describe the location of possible alternative areas considered for the use, which do not require a new exception. The area for which the exception is taken shall be identified;

**Findings:** According to the applicant, Tax Lots 100 and 900 are one of the few vacant properties next to the Snake River available for campground development (Exhibit 'F', figure 2). In addition, the applicant pursued alternative sites (Exhibit 'F', figure 13) within Hells Canyon area that may not require a new exception but found no areas because of the prevalence of the "PUC" and "EFU" zoning. See pages 9-12 of the applicant's proposal (Exhibit 'F').

The Planning Commission determined that the applicant's proposed use would be best suited on the 76.18+/- acres because of the ideal location on the Oregon side of the Snake River. A majority of the camping facilities are on the Idaho side of the Snake River, and a structured facility of this capacity would help provide recreation opportunities for tourists on the Oregon side of the Snake River. The Baker County Board of Commissioners agreed that a structured facility of this capacity would help provide the needed recreational opportunities for the unmet demand on the Oregon side of the Snake River in the Hells Canyon (Oxbow) area.

**Baker County Board of Commissioners Findings:**

Testimony of support submitted in a letter on July 23, 2008 and in person on December 3, 2008 by Andrew Bryan, Baker County Development Corporation Board of Directors, said that "the proposed RV Park... would offer untapped recreational opportunity in the scenic Hells Canyon." In addition, the Baker County Development Corporation states that the proposed project " would provide an opportunity for those that wish to take in the majestic beauty of the Hells Canyon Recreation Area while enjoying the amenities and comfort of a high quality facility." The Baker County Board of Commissioners requested this information be included as part of the findings for this report.

The specific concerns listed in the findings and other concerns brought forth in testimony were discussed by the Baker County Planning Commission and the Baker County Board of Commissioners, and it was determined that those concerns could be reasonably addressed or mitigated during a future Conditional Use application.

**Conclusions:**

The Baker County Board of Commissioners concurred that other areas of the county that would not require an exception would not be suitable for the applicant's proposal due to the proximity of established campgrounds and RV facilities provided by Idaho Power and other State and Federal agencies that are mostly sited on the Idaho side of the Snake River. In addition, the Baker County Board of Commissioners concurred that the lack of availability of property zoned for private development of this type and capacity was not readily available in the Hells Canyon



area. The Baker County Board of Commissioners concurred that the applicant's proposal would correspond with the intent of the Baker County Comprehensive Land Use Plan and the identified need for increased recreational opportunities in the Hells Canyon area. The Baker County Board of Commissioners agreed that a structured facility of this capacity would help provide recreational opportunities for tourists on the Oregon side of the Snake River in the Hells Canyon (Oxbow) area and help deter trespass camping that currently occurs on the property. **Criteria are met.**

(B) To show why the particular site is justified, it is necessary to discuss why other areas which do not require a new exception cannot reasonably accommodate the proposed use. Economic factors can be considered along with other relevant factors in determining that the use cannot reasonably be accommodated in other areas. Under the alternative factor the following questions shall be addressed:

(i) Can the proposed use be reasonably accommodated on nonresource land that would not require an exception, including increasing the density of uses on nonresource land? If not, why not?

**Findings:** According to the applicant, the proposed use cannot be reasonably accommodated on nonresource land for the following reasons: (See pages 10-11 of the applicant's proposal (Exhibit 'F') as listed below.)

Tourist Commercial and/or Committed Exception Areas

Ninety percent (+90%) of Baker County is in some type of agriculture or forest zoning that does not allow the proposed use. Identified recreation residential and/or committed exceptions areas that would accommodate the use are already occupied by private landowners which render the properties "not for sale" or require a plan amendment. A general map of the Hells Canyon alternative sites explored can be view in Exhibit 13.

Oxbow Airport Alternative Site – Map # 06S48E 2300

Located approximately 0.81 miles south of the subject property, this piece of ground was explored by RLF because of its relatively flat terrain and proximity to the river. Unfortunately, an active airplane strip is located on the property and it is zoned 3 PUC CENTRAL ASSD. The use of the airport would create a significant safety risk to the visitors of the RA and the current zoning does not allow for this type of campground.

Binford Landing Alternative Site – Map # 06S48E01 100, 200, 300, 400

Approximately 5 miles northeast of the Homestead property, there is suitable flat ground along the Snake River for a RV Park. This ground is owned by 3 different land owners (tax lot 100 – Idaho Power, tax lot 200 – John Binford, tax lot 300 – John Binford, tax lot 400 – BLM) and is currently under 2 different zonings. The Idaho Power land is under zone 3 PUC CENTRAL ASSD while the Binford land is under the same EFU designation as the subject property. Not only would this potential site require the same plan amendment due to the same EFU zoning but several miles of Homestead Road would need to be significantly widened which would negatively affect the environment due to the reservoir's proximity.

Oxbow Alternative Site – Map # 07S48E 100, 200, 300

The flat ground lying approximately 0.68 miles north along the Snake River Reservoir is suitable for an RV Park but tax lots 100 & 200 is zoned PUC while lot 300 is zoned EFU. In addition to the zoning issue, this site is less than 0.5 miles away from the Copperfield Recreation Vehicle Park and adjoins the community of Oxbow.

Richland Alternative Site – Map # 09S45E26 1300

Perhaps the best alternative site would be just south and east of the town of Richland, OR. The ground is currently productive agricultural ground and located on the Brownlee reservoir. Like the rest of the alternative sites this ground is zoned for Exclusive Farm Use only and would require the same type of plan amendment as the proposed property.



### Tourist Commercial (TC)

OAR 660-0040-0020(b) requires RLF to investigate and explain whether the proposed use can be located in "areas which do not require a new exception." The following are descriptions of recreation zoned exception areas from the Baker County Comprehensive Plan that are not suitable for the proposed use.

### Hewitt Park Marina

This area is located in Sections 29 and 30 of Township 9 south, Range 46 East, W.M. totaling approximately 88 acres of Class II-VI soils. This area was developed to enjoy water-based recreation opportunities on the slack waters of the Powder River. The north shore is almost fully occupied by cabins, docks, and a County Park. The existing development of this alternative site does not make it as compatible as the proposed site.

### South Brownlee Reservoir

This area is located in Section 12 of Township 12 South, Range 45 East, W.M. and totals 8 acres. Although this site is a prime location for a campground, this location is too small (8 acres) for the proposed use with integration of cabins, recreation vehicles, tents, and amenities.

### Farewell Bend

This area is located in Sections 32 and 33 of Township 14 South, Range 45E, W.M. totaling 77.3 acres of Class IV, VI, and VII soils. Although this area is adjacent to the Snake River, most of this ground is owned and operated as a State Park, known as Farewell Bend State Park. The remaining ground outside of the State Park is too steep and hilly for a recreation vehicle park.

Additional recreation areas identified in the Baker County Comprehensive Plan are not suitable for the proposed RA because of their distance from a large body of water. These recreation sites include Main Eagle (R43E), East Eagle (44E), Cornucopia (R45E), Hideaway Hills (R44E), Bourne (R37E), Greenhorn (R35E), Phillips Lake Area (R38E), Black Mountain and Skyline Acres (R39E), Beaver Creek (R40E), Upper and Lower Unity Lake (R37E), Unity Lake State Park (R37E), and Sparta Recreation Lands Subdivision (R43E).

### Planning Commission Findings:

- Areas within the county that would not require an exception would not be suitable for the applicant's proposal due to current zoning of the parcel that would require a zone change and exception.
- The Planning Commission determined that the applicant's proposed use would be best suited on the 76.18+/- acres because of the ideal location on the Oregon side of the Snake River. A majority of the camping facilities are on the Idaho side of the Snake River, and a structured facility of this capacity would help provide for an unmet demand on the Oregon side of the Snake River.
- The proposed recreation improvements for the Hells Canyon Corridor as listed by Idaho Power's FERC application, identified in *Exhibit 'R'* of this report, show areas available for possible development (such as Big Bar) that are identified for expansion or improvement.

### Conclusions:

The Baker County Board of Commissioners concurred that other areas of the county that would not require an exception would not be suitable for the applicant's proposal due to the proximity of established campgrounds and RV facilities provided by Idaho Power and other State and Federal agencies that are mostly sited on the Idaho side of the Snake River. In addition, the

Baker County Board of Commissioners concurred that the lack of availability of property zoned for private development of this type and capacity was not readily available in the Hells Canyon area. The Baker County Board of Commissioners concurred that the applicant's proposal would correspond with the intent of the Baker County Comprehensive Land Use Plan and the identified need for increased recreational opportunities in the Hells Canyon area. The Baker County Board of Commissioners agreed that a structured facility of this capacity would help provide recreational opportunities for tourists on the Oregon side of the Snake River in the Hells Canyon (Oxbow) area and help deter trespass camping that currently occurs on the property.

**Criteria are met.**



(ii) Can the proposed use be reasonably accommodated on resource land that is already irrevocably committed to nonresource uses, not allowed by the applicable Goal, including resource land in existing rural centers, or by increasing the density of uses on committed lands? If not, why not?

**Findings:** On page 11 of the applicant's proposal (Exhibit 'F'), the applicant states the following:

*"Resource land in Baker County is land zoned for farm, forest, surface mining, and mineral extraction. If land in any of these zones is developed to an extent that the uses protected in the zone cannot occur, then that area could be considered irrevocably committed to uses other than the resource use protect by the zone.*

*RLF has previously identified special features and qualities of the proposed use, including the location near the Snake River and the rolling topography necessary to build a suitable RA.*

*As indicated in the previous section of this report, there are no committed lands in the County that contain the amount of land in the physical form necessary for the use due to the indicated special features and qualities of Snake River Reservoir.*

*RLF was not able to identify any resource lands that might be considered irrevocably committed to nonresource use. In addition, increasing the density of uses on committed lands will not accommodate the proposed use due to the special features needed to accommodate the use."*

**Planning Commission:**

The applicant is requesting an exception to Statewide Planning Goal 3 Agricultural Lands, under the "reasons" justification to site a full service RV park, campground facilities, and extended stay cabins on 76.18+/- acres.

**Conclusions:**

The applicant is requesting an exception to Statewide Planning Goal 3, Agricultural Lands, under the "reasons" justification to site a full service RV park, campground facilities, and extended stay cabins on 76.18+/- acres. In addition, the Baker County Board of Commissioners concurred with the applicant whereas "there are no committed lands in the County that contain the amount of land in the physical form necessary for the use due to the indicated special features and qualities of the Snake River Reservoir."

The Baker County Board of Commissioners determined that the proposed use is best suited for the proposed 76.18+/- acre parcel due to the proximity to the Snake River and that a structured facility of this capacity would help provide the needed recreational opportunities for the unmet demand on the Oregon side of the Snake River in the Hells Canyon (Oxbow) area.

The Baker County Board of Commissioners determined that the *Statement of Reasons* and "areas of need" as listed by the applicant correlated wit the focus and long-term goals of the Baker County Comprehensive Land Use Plan for the Hells Canyon Area.

(iii) Can the proposed use be reasonably accommodated inside an urban growth boundary? If not, why not?

**Findings:** On page 12 of the RLF Homestead Properties' proposal (Exhibit 'F'), the applicant states that *"In examining the urban growth boundaries within the County there are no parcels of adequate size along a large body of water that would adequately provide for the proposed use. As a result, it is not possible to locate an existing UGB for which the proposed use could be suitable."*

The townsites of Oxbow, Oregon and Homestead, Oregon are not incorporated cities, and therefore, do not have urban growth boundaries.

**Baker County Board of Commissioners Findings:**

Testimony of support submitted in a letter on July 23, 2008 and in person on December 3, 2008 by Andrew Bryan, Baker County Development Corporation Board of Directors, said that "the proposed RV Park...would offer untapped recreational opportunity in the scenic Hells Canyon." In addition, the Baker County Development Corporation states that the proposed project " would provide an opportunity for those that wish to take in the majestic beauty of the Hells Canyon Recreation Area while enjoying the amenities and comfort of a high quality facility." The Baker County Board of Commissioners requested this information be included as part of the findings for this report.

**Conclusions:**

The Baker County Board of Commissioners concurred that the town sites of Oxbow, Oregon and Homestead, Oregon are not incorporated cities, and therefore, do not have urban growth boundaries accommodate the proposed RV park, campground, and cabin facilities.

**Criterion is met.**

(iv) Can the proposed use be reasonably accommodated without the provision of a proposed public facility or service? If not, why not?

**Findings:** On page 12 of the applicant's proposal (Exhibit 'F'), the applicant states the following: *"The proposed use will be a private recreation facility catering to public recreation users. This private enterprise will be in accordance with the surrounding recreation use of the Hells Canyon area and will not require additional public facilities or services."*

**Conclusions:** The Baker County Board of Commissioners concurred that the applicant's proposal will not require additional public facilities or services.

**Criteria are met.**

(C) This alternative areas standard can be met by a broad review of similar types of areas rather than a review of specific alternative sites. Initially, a local government adopting an exception need assess only whether those similar types of areas in the vicinity could not reasonably accommodate the proposed use. Site specific comparisons are not required of a local government taking an exception, unless another party to the local proceeding can describe why there are specific sites that can more reasonably accommodate the proposed use. A detailed evaluation of specific alternative sites is thus not required unless such sites are specifically



described with facts to support the assertion that the sites are more reasonable by another party during the local exceptions proceeding.

**Findings:** On September 25, 2008, Robert Maynard, an adjacent landowner to the proposed site, stated that alternative sites such as "Big Bar" were more suited to this type of use due to prior development on the property. See *Exhibit 'N'*

According to the USFS "Big Bar" was established as an RV Park in the 1950's to provide housing for the Hells Canyon Dam construction workers. Currently, the "Big Bar" site is scheduled for recreation development by the Forest Service as part of the FERC licensing requirement in the Hells Canyon Complex.

- According to an email (*Exhibit 'S'*) submitted by the USFS, the proposed Big Bar site requirements for the new license is as follows (*the following information is cited from the Idaho Power Company Protection, Mitigation and Enhancement (PM&E) Summary*):

#### **E.5.4.4.2.2. Development of Site Plan for Big Bar Recreation Site**

##### **Justification**

*This measure was recommended by the USFS and ranked high in priority during RARWG (Recreation Aesthetics Resource Work Group) discussions about potential Protection Mitigation & Enhancement (PM&E) measures. This measure provides cultural and other resource protection. See the specific resource issues document pertaining to recreation in section I of the Consultation Appendix to see the linkage between issues, study results, agency consultation, and PM&E development.*

##### **Goal**

*The goal of this measure is to develop a recreation site plan for Big Bar Recreation Site in consultation with the USFS.*

##### **Description**

*The Applicant proposes to develop a site plan for Big Bar in consultation with the USFS to define the extent of future development. The Applicant would fund reasonable and agreed-upon elements associated with this measure. If demand becomes consistently high and is so indicated by the results of monitoring efforts associated with the recreation adaptive management plan, consultation with the appropriate agencies and entities would identify the appropriate level and extent of recreation development that would best accommodate recreation use and demand at this site, while also protecting other resource values. The USFS would be responsible for conducting environmental analyses on its lands in compliance with the National Environmental Policy Act. Implementation of additional phases of this proposed site plan would be identified and addressed through the Applicant's proposed recreation adaptive management plan (section E.5.4.4.1.5.).*

##### **Associated Benefits**

*Recreation, public access, protection of cultural and other resource values*

##### **Implementation or Construction Schedule**

*The Applicant would begin consultation with the USFS to complete this proposed plan within year 2 after a new license is issued.*

##### **Cost Estimate**

*The Applicant would fund all reasonable and agreed-upon elements of this measure. The estimated total capital cost to develop a site plan for the Big Bar Recreation Site for years 1 and 2 of a new license: \$50,000.*

### **Functional Design Drawings**

*The Applicant would develop design drawings in consultation with the USFS. Location Map See Figure E.5-137.*

## **Idaho Power Company Protection, Mitigation and Enhancement (PM&E) Summary Hells Canyon Complex Page 297**

### **E.5.4.4.2.3. Enhancement of Boat Ramp and Associated Facilities at Big Bar Section D**

#### **Recreation Site Justification**

*This measure was recommended by the USFS and ranked high in priority during RARWG discussions about potential PM&E measures. This measure provides cultural and other resource protection and improves boat access to the lower end of Hells Canyon Reservoir. See the specific resource issues document pertaining to recreation in section I of the Consultation Appendix to see the linkage between issues, study results, agency consultation, and PM&E development.*

#### **Goal**

*The goal of this measure is to enhance the boat ramp access to lower Hells Canyon Reservoir and associated facilities at Big Bar Section D Recreation Site.*

#### **Description**

*The Applicant proposes to consult with the USFS to enhance the Big Bar Section D Recreation Site's boat ramp and associated facilities. The Applicant would fund all reasonable and agreed upon construction costs associated with this measure. Enhancements would include relocating and enhancing the boat ramp, designating boat ramp parking, and upgrading toilet facilities. The Applicant would encourage the USFS to apply for any grant monies applicable to this measure; the Applicant would assist in this effort. The USFS would be responsible for conducting environmental analyses on its lands in compliance with the National Environmental Policy Act. O&M of Big Bar Section D Recreation Site would be performed by and become the responsibility of the Applicant as described in section E.5.4.4.1.7.*

#### **Associated Benefits**

*Recreation, public access, protection of cultural and other resource values*

#### **Implementation or Construction Schedule**

*The Applicant would begin to plan and implement this proposed measure by year 1 after a new license is issued and would complete enhancements by year 4.*

#### **Cost Estimate**

*The Applicant would fund all reasonable and agreed-upon construction costs associated with this measure. The Applicant's portion of the estimated total capital cost for years 1 through 4 of a new license: \$250,000. The estimated average annual cost for O&M for the new license period is included in a proposed enhancement measure (section E.5.4.4.1.7.) for O&M of reservoir-related recreation sites managed by the BLM and USFS.*

#### **Functional Design Drawings**

*The Applicant would develop design drawings in consultation with the USFS. Protection, Mitigation and Enhancement (PM&E) Summary Idaho Power Company Page 298 Hells Canyon Complex Location Map See Figure E.5-137.*



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### **Planning Commission:**

- The proposed recreation improvements for the Hells Canyon Corridor as listed by Idaho Power's FERC application, identified in *Exhibit 'R'* of this report, show areas available for possible development that are identified for expansion or improvement by State and Federal agencies.
- A list of alternative sites is provided in the applicant's proposal (Exhibit 'F'), pages 10, 11, and (Exhibit 'G', page 39).
- Areas within the county that would not require an exception would not be suitable for the applicant's proposal due to the following:
  - a) Zoning issues that would require a zone change and exception.
  - b) The Planning Commission determined that the applicant's proposed use would be best suited on the 76.18+/- acres because of the ideal location on the Oregon side of the Snake River. A majority of the camping facilities are on the Idaho side of the Snake River, and a structured facility of this capacity would help provide recreation opportunities for tourists on the Oregon side of the Snake River.

### **Baker County Board of Commissioners Findings:**

Testimony of support submitted in a letter on July 23, 2008 and in person on December 3, 2008 by Andrew Bryan, Baker County Development Corporation Board of Directors, said that "the proposed RV Park... would offer untapped recreational opportunity in the scenic Hells Canyon." In addition, the Baker County Development Corporation states that the proposed project " would provide an opportunity for those that wish to take in the majestic beauty of the Hells Canyon Recreation Area while enjoying the amenities and comfort of a high quality facility." The Baker County Board of Commissioners requested this information be included as part of the findings for this report.

### **Conclusions:**

The Baker County Board of Commissioners concurred that although Idaho Power has proposed site improvements on several existing recreational facilities in the Hells Canyon vicinity, many of the sites are located on the Idaho side of the Snake River. The Board of Commissioners concurred that the applicant's proposal would provide recreational opportunities for tourists that are currently minimal or unavailable on the Oregon side of the Snake River. In addition the Baker County Board of Commissioners concurred that the applicant's proposal would be an asset to the Hells Canyon vicinity and would correspond with the recreational needs policies identified in the Baker County Comprehensive Land Use plan.

### **Criteria are met.**

(c) The long-term environmental, economic, social and energy consequences resulting from the use at the proposed site with measures designed to reduce adverse impacts are not significantly more adverse than would typically result from the same proposal being located in other areas requiring a Goal exception. The exception shall describe the characteristics of each alternative areas considered by the jurisdiction for which an exception might be taken, the typical advantages and disadvantages of using the area for a use not allowed by the Goal, and the typical positive and negative consequences resulting from the use at the proposed site with measures designed to reduce adverse impacts. A detailed evaluation of specific alternative sites is not required unless such sites are specifically described with facts to support the assertion that the sites have significantly fewer adverse impacts during the local exceptions proceeding. The exception shall include the reasons why the consequences of the use at the chosen site are not significantly more adverse than would typically result from the same proposal being located in areas requiring a goal exception other than the proposed site. Such reasons shall include but are not limited to, the facts used to determine which resource land is least productive; the ability to sustain resource uses near the proposed use; and the long-term economic impact on the general area caused by irreversible removal of the land from the resource base. Other possible impacts include the effects of the proposed use on the water table, on the costs of improving roads and on the costs to special service districts;

**Findings:** Please see RLF Homestead Properties' proposal (Exhibit 'F') pages 12 through 17.

#### **Rural EFU Zone Alternative Sites**

*Other sites requiring a new exception in the EFU Zone were considered by RLF, but were not as desirable as the proposed site (see Alternative Site discussion under Factor #2). Generally, sites north and south of the Homestead area were not as compatible as the proposed due to public safety considerations and current zoning.*

*The proposed site is the least agriculturally productive site of the other entire alternative sites observed in Hells Canyon due to its rocky terrain.*

*The proposed site's advantages for the proposed use are its close proximity to the Snake River Reservoir, the need for organized recreation use, waste facility collection, the flat to rolling topography, poor agricultural capability, existing recreation use, surrounding recreation facilities, and compatible access along the existing Homestead Road.*

*The proposed site's disadvantage is the volcanic rock terrain. Minimal site work will be necessary to remove large boulders for cabins and recreation sites.*

*Positive Extensive ESEE consequences were discussed on pages 7-9 but other various ESSE positive attributes will include improved drainage, noxious weed control, maintenance of existing vegetation, and improved road access and safety along Homestead Road. Energy positive consequences derive from the site having power already running through the property while the social positive consequence are increasing the long term tourism goal of Baker County while increasing the economic benefits from the HCNRA.*

*Negative ESEE consequences from the proposed use include increased road traffic on Homestead Road and increased noise levels within the vicinity of the property. No known negative environmental, economic, or energy consequences are anticipated.*

#### **Water**



Preliminary analysis of the water resources on the property indicate adequate water supply for the proposed use of up to 15,000 gallons per day with no significant water quality or quantity impacts on water table. Capture of naturally occurring springs that begin and end on the property are exempt from the Dept. of Water Resources permitting process and will be used in the proposed development. A commercial well permit for 15,000 gallons/day will be pursued with the Dept. of Water Resources. RLF proposes that the physical existence of a community water system (Exhibit 15) and an adjacent property well log (refer to Well Log #51213 and well ID #69693) be used as evidence that a potential water system is viable. More important than the physical existence of water delivery infrastructure is the nearby water well. The well is located less than 100 feet away from the subject property and indicated that at a depth of 250 feet, the yield was 100+ gallons per minute for over one hour (well ID #69693).

After discussions with the Dept. of Water Resources, it was determined in a preliminary investigation that the water table under the EFU zoned ground did not share a hydrologic connection with the Snake River which would affect the approval of a commercial well. The water table to be targeted lies in a bedrock aquifer approximately 300ft deep.

Sewer

Although soil characteristics vary greatly within the Hells Canyon area, RLF thought it might be useful to present the sewage disposal plans and permit for a similar recreation in the general vicinity. The Copperfield RV Park is located approximately 4 miles south on Homestead Rd. at the junction of HWY 86 and the Snake River. Idaho Power's Copperfield Park wastewater system is a pressurized distribution system that was built to handle approximately 3,200 gallons per day (permit # 01-19571). There were numerous calculations used to determine the 3,200 gallon limit but the park consists of one restroom facility and dump station that serves 62 RV sites and 10 tent sites. Please reference the park's permit # 01-19571 and sewage disposal layout dated February 9, 1989.

The second measure taken by RLF to meet the anticipated waste water flow was the initial design of sewage disposal system capable of handling 10,000 gallons of waste water per day. The proposed system would use one 10,000 gallon septic tank and two advanced treatment facility AX100 pods (Exhibit 16). In this design, every two cabins would share a 1000 gallon pump tank (Step Design) that would consolidate the waste and pump the effluent into septic tanks. The septic tanks then treat the effluent via settling and nature biological processes. Filtered liquid effluent is then discharged to the AdvanTex Treatment System for secondary treatment. The secondary treatment system, Orenco's AX100 pods, treats the effluent a second time via a patented filtering process that uses an engineered textile treatment medium. The pods eventually discharge effluent of superior quality meeting the most stringent regulatory requirements. The AX100 pods drastically reduce the required drain field land area and makes raw wastewater up to 98% cleaner. As evidenced in the attached AdvanTex Performance Summary (Exhibit 17), the typical waste strength of sewage exiting a septic tank compared to the AX100 is drastically reduced. For cBOD5 levels, the AX100 reduced waste strength from 274 mg/l to 19.1 mg/l, while TSS was reduced from 155 mg/l to 9.8 mg/l. In the table below, RLF designed a system that is system capable of handling 10,000 gallons per day based on the following assumptions:

| <u>Item Description</u> | <u>Quantity</u> | <u>Gals/Day</u> | <u>Total Flow</u> |
|-------------------------|-----------------|-----------------|-------------------|
| RV Sites                | 10              | 100             | 1,000             |
| Cabins                  | 25              | 100             | 2,500             |
| Restrooms (for tents)   | 2               | 2,000           | 4,000             |
| Caretaker               | 2               | 450             | 900               |

|                    |   |     |       |
|--------------------|---|-----|-------|
| Residences         |   |     |       |
| Support Facilities | 3 | 450 | 1,350 |
| Total              |   |     | 9,750 |

Finally, the resulting effluent from the advanced treatment pods is then dispersed through a drip field that is less than 1 acre (20,000 square feet).

Transportation Infrastructure Improvements & Maintenance Plan

The existing road to the proposed RA is called Homestead Road. This is a well-maintained two-way traffic gravel road that is approximately 24 feet wide. The road is owned by Baker County and is under an October 2003 agreement with Idaho Power for maintenance. Currently, Idaho Power is required to maintain approximately 6.4 miles of Homestead Road for local residents and tourists.

Initial discussions with Margaret Johnson, Land Management Services Leader at Idaho Power have taken place regarding the maintenance of Homestead Road. Specifically, RLF shares the same concern that Idaho Power should not be responsible for additional maintenance costs associated with the upkeep of Homestead Road as a result of the proposed RA. Ms. Johnson is currently researching the annual costs associated with Homestead Road maintenance program and will be in contact with RLF regarding the estimated increase in the cost of maintenance as a result of potential campers.

RLF would also propose the following improvements to Homestead Road

- 4) Dust abatement controls be applied to Homestead Road
- 5) Speed bumps be placed along the road to prevent dust and reduce speed.
- 6) Traffic signs before the sharp curve at mile 1.1

The majority of traffic accessing the site will use the Idaho Power maintained Homestead Road from paved HWY 86 and HWY 71. Two issues of concern were raised from discussions with the Baker County Road Master. The first concern is a tunnel approximately 2 miles north of Oxbow. A proposed mitigation to this hazard is the use of an existing emergency secondary route that traverses the hill where the tunnel is located. Currently the BLM and Idaho Power own this ground and coordination could be made to use this route in the event of an emergency once the zoning approval has been granted. The second area of concern was the road width approximately 1 mile north of the Oxbow and prior to the tunnel. The suggested mitigation measures for this area were signs before the curve warning drivers of a sharp upcoming curve.

Law Enforcement

Law enforcement coordination has begun with Baker County Sheriff Mitch Southwick and if the increase in the tax base does not adequately provide enough funds for additional law enforcement (land and water based) then a proposed solution would be the seasonal funding of a deputy sheriff. In addition, RLF would train onsite staff to deal with emergency security and medical circumstances.

Evacuation Plan

In the event of an evacuation, the primary means of exit from the RA would be Homestead Road. Given the flat topography, Homestead Road can be easily reached by crossing the existing topography. The RA's furthest interior boundary is no more than 0.20 miles from Homestead Road at any point. In the event that Homestead Road became blocked or



unusable, the developer would organize the shuttling of existing campers and residents across the river to the paved National Forest Road 454 on the Idaho side.

### Emergency Alert System

To quickly notify authorities in case of an emergency the developer would ensure emergency telephone numbers are posted throughout administrative offices and that all employees know the correct agency to call in case of an emergency. In addition, the developer would coordinate an emergency flood warning system with Idaho Power so RA guests could be quickly notified in the event of a catastrophic flood in Hells Canyon. In the event of a flood, the developer would direct guests to higher elevations of the property via the improved and existing Iron Dyke Creek Road.

### Fire

A catastrophic wildfire burned through the Hells Canyon area during the summer of 2006. To eliminate the danger of fire starting on, or spreading off of, the property, buffer zones would be proposed around all fire pits and property boundaries. In addition, weeds and native vegetation will be maintained in such a manner to mitigate the fire hazard risk.

Homestead, OR is currently outside of any fire district jurisdiction. The closest rural fire district is the Pine Valley Rural Fire District located in Halfway, OR. This all volunteer fire department is approximately 21.1 miles (37 minutes) away from the proposed RA.

After speaking with Gary Timm of the Baker County Fire Department and Tom Morcom of the BLM's fire prevention office, the developer would incorporate the following fire prevention practices and services.

- 5) The developer would be willing to participate proportionally in a new local rural fire district that covers the Oxbow/Hells Canyon area.
- 6) In the event that no fire district was formed, the developer would most likely explore contract services with the Pine Valley RFD for local fire prevention services (RLF proposed such in an August 24 letter to PVRFD Board).
- 7) In the site design of the RA, the developer would ensure that interior roads are large enough for both RV and fire prevention vehicle travel. Other site design initiatives would include RV spacing, charcoal grill placement, surrounding vegetation, and buffer zones.
- 8) In addition, the developer would monitor the surrounding BLM fire restrictions and would most likely enforce the same restrictions during periods of fire danger.

### Medical

The closest medical facility is the Pine Eagle Clinic in Halfway, OR (21.3 miles or 38 minutes). This facility is adequately staffed with 1 physician's assistant and several nurses and can adequately treat most medical emergencies. RLF recently spoke with one of the staff at the clinic and she mentioned that the clinic is not busy and could handle the influx of patients as a result of the potential RA.

Halfway/Oxbow Ambulance Services operates 2 ambulances that often respond to medical emergencies in the Hells Canyon area. The closest hospital is the St. Elizabeth hospital located in Baker City, OR. In addition to these existing services, the developer would propose the following additions.

- 4) An onsite defibrillator and first aid station.
- 5) Emergency medical training for the RA's staff.

- 6) *Coordination with Idaho Power and AirLife of Oregon for the use of the Oxbow Airport in the event of a severe medical emergency. This airport is just 0.47 miles south of the proposed RA.*

### **Planning Commission:**

The Baker County Planning Commission determined that the long term environmental, economic, social and energy consequences resulting from the use at the proposed site with measures to mitigate adverse impact would have a positive impact on the local economy, and would help deter long-term environmental, economic, social and energy consequences from the use by providing a safe and structured atmosphere for tourists.

In addition the Planning Commission determined the applicant's proposal would help deter trespass camping on the proposed 76.18+/- acres, and on private property in the local area.

The Planning Commission determined that in order to prevent adverse impacts a non-use "sunset" would be need to be applied. This non-use provision would be implemented in the event the applicant applies for the Conditional Use and then fails to move forward with the project, or does not finish the project as indicated in the proposal. In the event the applicant does not follow through with the proposed use as specified in the Conditional Use approval, the Planning Commission determined the applicant would then lose the Conditional Use approval. The Condition of Approval shall read as follows: As a Condition of Approval, the Homestead Recreation Limited Use Combining Zone shall expire **two years from the date of approval by the Baker County Board of Commissioners** if no Conditional Use Permit has been applied for, unless extended by the Baker County Planning Commission. Extensions must be applied for prior to the expiration date of the decision.

### **Conclusions:**

The Baker County Board of Commissioners concurred that with measures to mitigate adverse impacts, the applicant's proposal would not be significantly more adverse than would typically result from the same proposal being located in other areas requiring a Goal exception.

The Baker County Board of Commissioners concurred that the applicant's proposal with appropriate measures to mitigate adverse impacts, would have a positive impact on the local economy, and would help deter long-term environmental, economic, social and energy consequences from the use by providing a safe and structured atmosphere for tourists. In addition, the Baker County Board of Commissioners concurred that the applicant's proposal would alleviate damage associated with trespass camping that currently occurs on the property.

The Baker County Board of Commissioners concurred that a non-use sunset would need to be applied for. As a Condition of Approval, the Homestead Recreation Limited Use Combining Zone shall expire **two years from the date of approval by the Baker County Board of Commissioners** if no Conditional Use Permit has been applied for, unless extended by the Baker County Planning Commission. Extensions must be applied for prior to the expiration date of the decision.

**Criteria are met.**



(d) "The proposed uses are compatible with other adjacent uses or will be so rendered through measures designed to reduce adverse impacts". The exception shall describe how the proposed use will be rendered compatible with adjacent land uses. The exception shall demonstrate that the proposed use is situated in such a manner as to be compatible with surrounding natural resources and resource management or production practices. "Compatible" is not intended as an absolute term meaning no interference or adverse impacts of any type with adjacent uses.

**Findings:** On page 17 of the RLF Homestead Properties' proposal (Exhibit 'F'), the applicant states,

*"The proposed RA is compatible with adjacent land uses. The Hells Canyon recreation area is home to several temporary campgrounds and RV Parks that are run by Idaho Power and the subject property is already used by local residents for recreation purposes.*

*While the proposed site is in the Big Game Habitat Overlay, the proposed development could be mitigated in the manner described below. The nationally protected Wallowa-Whitman National Forest is less than 2 miles away. Moreover, greater than 70% of the property will be kept as open space, especially the parcels lying in the higher elevations of the subject property where wildlife is likely to be observed.*

#### Wildlife Habitat Mitigation

*RLF recently spoke with Nick Myatt and discussed several mitigation options for the loss of Big Game wildlife habitat. As result of these discussions the developer would meet ODFW's habitat mitigation policy by executing the following initiatives.*

- 1) The developer would enhance adjoining ground with bitter brush shrubs (an important winter source for deer in this area). This would meet ODFW's policy that a development of this nature be mitigated by adjacent ground enhancement.*
- 2) Once Mr. Myatt sees the direction of the project, he plans to visit the site to determine exactly which type of shrubs ODFW would like to see planted and at what density per acre."*

#### Homestead Wilderness Study Area

*Although the subject property is located adjacent to the BLM's Homestead Wilderness Study Area, RLF has contacted the BLM and proposed several agreeable mitigation measures to ensure the general public is aware that no motorized vehicle use is allowed in this area. First, RLF has agreed to place a locked gate or boulders across the Iron Dyke Road to prevent illegal motorized activity. Second, RLF has agreed to post signs through the property that no motorized use is allowed on the adjacent property. In cooperation with the BLM, RLF has proposed that it educate the public about the Wilderness Study Area and prevent unauthorized use of the premises.*

- In addition, Steven Ellis, Forest Supervisor for the Wallowa Whitman National Forest, proposed the following recommendations (Exhibit 'S'):
  - ✓ Coordinate a structure protection and wildfire protection discussion with Oregon Department of Forestry and fire protection staff to focus on implementing protection measures and developing protection suppression capability in order to protect the proposed development and reduce fire escape to adjacent properties.
  - ✓ Coordinate with WW to address increased visitation at Hells Canyon Creek Visitor Center to provide on-site information about the visitor facility, as well as regulations pertaining to river use and required permits for the Snake River.

- ✓ Coordinate a discussion with the Baker County Weed Manager to discuss noxious weed distribution, prevention and mitigation treatment of local noxious weeds and introduction of new species from outside sources.

#### **Additional IPC Suggestions:**

- ✓ As a Condition of Approval, IPC believes that the developer should be required to develop a comprehensive litter and sanitation plan that will address both the lands associated with the proposed development and the surrounding area, including along Homestead Road.
- ✓ IPC believes the developer should be required to support a portion of the cost of law enforcement in the area as a Condition of Approval. In addition, the developers should be required to assist the affected counties in funding local emergency services.
- ✓ IPC requests as a Condition of Approval, in addition to any requisite state, local, and federal requirements, the developer should be required to develop a plan and fund measures that will adequately protect important natural and cultural resources in the vicinity of the proposed development, including adjacent lands.
- ✓ IPC requests that private boat docks must comply with IPC's Policy Guidelines for Private Boat Docks, and any marina, as well as any other development that would impact IPC land, would have to be processed through IPC's land use approval process. Permitting of a marina would also require agency consultation and FERC approval.

#### **Planning Commission Findings:**

The Baker County Planning Commission determined a new zone should be created for the 76.18+/- acre parcel to accommodate the applicant's request for a full service RV park, campground facility, and extended stay cabins. The new zone will be based on the *Limited Use Combining Zone* and will be called the Homestead Recreation Limited Use Combining Zone. The applicant has proposed mitigated efforts for water, septic, transportation improvements and road maintenance, law enforcement and emergency services, fire protection and wildlife habitat mitigation. See *Exhibit 'F' of the applicant's proposal, pages 12-17*.

The Baker County Planning Commission determined that the applicant's proposal complies with the Baker County Comprehensive Land Use Plan by providing structured recreation opportunities for tourists that increases the options for year-round stay (tent camping, RV use, cabin rental) that are currently minimal on private land located on the Oregon side of the Snake River near Homestead, Oregon.

The Baker County Planning Commission determined the applicant's proposal would help deter trespass camping on the proposed 76.18+/- acres, and on private adjacent property in the local area.

The Planning Commission determined that a facility of this type would help increase transient tax and tourism dollars to help build the Hells Canyon area and attract and cater to all types of people through the various options for stay (tent camping, RV use, cabin rental) on private land located on the Oregon side of the Snake River.

In addition, the Baker County Planning Commission determined that the applicant's proposal would have a positive impact on the existing businesses and tourist services in the area.



**Conclusions:**

The Baker County Board of Commissioners concurred that the creation of the Homestead Recreation Limited Use Combining Zone should be created to accommodate the applicant's proposal on the 76.18+/- acre parcel. The applicant has proposed mitigated efforts for water, septic, fire protection and wildlife habitat mitigation. The specific concerns listed in the findings and other concerns brought forth in testimony were discussed by the Baker County Planning Commission and the Baker County Board of Commissioners, and it was determined that those concerns could be reasonably addressed or mitigated during a future Conditional Use application.

The Board of Commissioners concurred that the applicant's proposal would provide recreational opportunities for tourists that are currently minimal or unavailable on the Oregon side of the Snake River, increase transient and tourism dollars, and provide a variety of stay options. In addition the Baker County Board of Commissioners concurred that the applicant's proposal is compatible with adjacent uses, would be an asset to the Hells Canyon vicinity, and would correspond with the recreational needs policies identified in the Baker County Comprehensive Land Use plan, as well as have a positive impact on the existing businesses and tourist services in the area.

**Criteria are met.**

**660-004-0022**

**Reasons Necessary to Justify an Exception Under Goal 2, Part II(c)**

An exception Under Goal 2, Part II(c) can be taken for any use not allowed by the applicable goal(s). The types of reasons that may or may not be used to justify certain types of uses not allowed on resource lands are set forth in the following sections of this rule:

(1) For uses not specifically provided for in subsequent sections of this rule or in OAR 660-012-0070 or chapter 660, division 14, the reasons shall justify why the state policy embodied in the applicable goals should not apply. Such reasons include but are not limited to the following:

(a) There is a demonstrated need for the proposed use or activity, based on one or more of the requirements of Goals 3 to 19; and either

**Findings:**

**COMPREHENSIVE LAND USE PLAN—Adopted 1983**

**Goal V—Open Spaces, Scenic and Historic Areas and Natural Resources**

b) Section V. **Historic and Cultural Sites, Structures, Districts (A)(4) Mining Theme**, page V-38, includes the following inventoried sites:

|                                                         |                  |                          |
|---------------------------------------------------------|------------------|--------------------------|
| <i>Homestead / Copper Creek Area Historic Buildings</i> | <i>1897</i>      | <i>Private Ownership</i> |
| <i>Iron Dyke Copper Mine</i>                            | <i>1902-1922</i> | <i>Private Ownership</i> |

**Goal VIII—Recreation Needs**

c) Section I. **Inventory of Recreation Areas (G) Hells Canyon National Recreation Area**: A small portion of this area extends into the northeast portion of Baker County. The size of the Baker County portion is roughly approximated as follows:

PA-07-005 RLF Homestead Properties, LLC.

- 4) USFS Land: 14,600 acres
- 5) BLM Land: 2,100 acres
- 6) Private Land: 2,900 acres.

The Baker County portion contains no Wild and Scenic Rivers, nor does it contain any new Wilderness Study Areas. The total recreation area has 662,000 acres in Oregon and Idaho. This includes 30,000 acres of Wild and Scenic Rivers and 110,000 acres of Wilderness Area and 22.66 acres of Hells Canyon Wilderness area. **(Please note: this information was published in 1983 prior to the establishment of BLM's Homestead Wilderness Study Area.)**

**d) Section III. Goal VIII Recreation Needs Findings and Policies**

(A)(1) "Recreation areas, facilities and opportunities" provide for human development and enrichment, and include but are not limited to: open space and scenic landscapes; recreation lands; historic, archaeological and natural science resources; scenic roads and travel ways; sports and cultural events camping, picnicking and recreation lodging; tourist facilities and accommodations; trails; waterway use facilities; hunting; angling; winter sports; mineral resources; active and passive games and activities. In addition, the State Comprehensive Outdoor Recreation Plan (SCORP) lists the specified facilities that need to be considered: campsites, walking and hiking trails, biking trails, bridle trails, boat launch lanes.

- (10) Improved and expanded facilities for overnight parking, camping, picnicking, boat launching/docking, and sewage disposal on the Snake River and other water front areas are needed to accommodate the existing use and future demand.
- (11) Appropriate zoning and justification for recreation development upon safe, buildable private lands close to the Snake and Powder Rivers is reflected in the Exception Element found elsewhere in this Plan. Such development is consistent with the expressed needs described in SCORP.

**(B) Goal VIII Recreation Needs Policies** (6) Based on findings regarding the need for planned recreation areas along the Snake River, slack waters of the Powder River, and Unity Lake, the County supports the development of water-based recreation opportunities.

**Goal IX--Economic Development Findings and Policies**

b) Section (A)(4)(a) Other land use in the County, other than farm or forest lands, can be diversified and improved by expansion of tourist and recreation facilities particularly in support of but not limited to the Hells Canyon Recreation Area, Anthony Lakes Ski Area, and the Sumpter Valley Recreation Railroad.

**The Baker County Planning Commission determined the "need" for the applicant's proposal, based on one or more of the requirements of Goal 3 to 19, are as follows:**

**Goal II—Land Use Planning:**

During the July 24, 2008 Planning Commission review session, Mr. Jon Jinings, DLCD, stated that due to the type of request (RV sites, tenting sites and cabins) the applicant submitted, this type of use "goes beyond what would ordinarily be available in the EFU zone". For this reason, Mr. Jinings stated that "his personal and professional feeling is that (the Planning Commission) should look at writing a new zoning district." On November 6, 2008, the Baker County Planning Commission determined a new zone should be created for the 76.18+/- acre parcel currently zoned EFU, to accommodate the applicant's request for a full service RV Park and campground. The new zone is based on the *Limited Use Combining Zone* and will be called the **Homestead Recreation Limited Use Combining Zone**. The reasons justifying the exception will be set forth in the Baker County Comprehensive Land Use Plan.



## **Goal V—Open Spaces, Scenic and Historic Areas and Natural Resources:**

The Baker County Planning Commission determined that the applicant's proposal would help preserve the historical, archaeological, and open spaces currently found on the parcel by keeping visitors contained to permitted use areas in a structured atmosphere.

- Goal V concerns addressed by Jon Jinings (Exhibit 'E') include the fact the parcel lies within the Big Game Habitat Overlay for Deer. A letter from Brian Ratliff, ODFW, suggested steps to minimize the effects on wintering mule deer populations are as follows (Exhibit 'S'):
  - ✓ Landowner be required to develop a mitigation plan to mitigate for the loss of big game winter range following ODFW's habitat mitigation policy.
  - ✓ Development be restricted to within 300 feet of Homestead Road.
  - ✓ Noxious weeds be treated annually on the entire property by the landowner.
  - ✓ Development plan to include wildlife friendly features such as fence designs, native landscaping, and other features to minimize the impact to wildlife and reduce the potential impacts from wildlife to landscaping.
- A letter submitted by Dennis Griffin, Oregon State Historic Preservation Office, states that "SHPO archaeological data base has revealed that there are several reported sites in the area of the project referenced above or in close proximity." Mr. Griffin requests that "a cultural resource survey be conducted to identify the location, boundaries and significance of any cultural remains within the project area prior to any land disturbing activities." (Exhibit 'S')
- In addition, a letter from Steven Ellis, Forest Supervisor for the Wallowa Whitman National Forest, proposed the following recommendations (Exhibit 'S'):
  - ✓ Coordinate a structure protection and wildfire protection discussion with Oregon Department of Forestry and fire protection staff to focus on implementing protection measures and developing protection suppression capability in order to protect the proposed development and reduce fire escape to adjacent properties.
  - ✓ Coordinate with WW to address increased visitation at Hells Canyon Creek Visitor Center to provide on-site information about the visitor facility, as well as regulations pertaining to river use and required permits for the Snake River.
  - ✓ Coordinate a discussion with the Baker County Weed Manager to discuss noxious weed distribution, prevention and mitigation treatment of local noxious weeds and introduction of new species from outside sources.
- Nancy Lull, BLM Baker Field Office, submitted the following suggestions regarding the proposed project (Exhibit 'S'):
  - ✓ Obtain an accurate survey of the property boundaries to ensure that no unauthorized use of or impact to the public land occurs, specifically, the Homestead Wilderness Study Area (WSA).

- ✓ The proposed development is almost entirely surrounded by the BLM's Homestead WSA, designated as a Wilderness Study Area in concurrence with the National Wilderness Preservation System in 1989. Designation is in effect until Congress decides whether or not to designate this area as Wilderness. Until this time, the BLM is required to manage this area to preserve its suitability for designation, which includes not allowing any activity that could degrade the potential for inclusion into the Wilderness System. Activities include no motorized use; no staging of, stockpiling, driving or development within the WSA boundaries; no creation of trails by any construction equipment or vehicles; no off-highway vehicles or over-snow vehicles, or development of hiking or horseback trails. The random use of non-motorized types of recreation pursuits is allowed within the WSA.
- ✓ Prevention efforts to ensure visitors only partake in activities that are consistent with the laws or management requirements of public lands include information and education efforts; signing, fencing, or by site design. Monitoring of the area currently occurs by BLM personnel and will continue to ensure there are no unauthorized or illegal activities.
- ✓ Possible wildlife mitigation to protect bald eagles and mule deer from impact as determined by the U.S. Fish and Wildlife Service and the Oregon Department of Fish and Wildlife.

**Goal VIII—Recreation Needs:**

The Planning Commission determined that the proposed cabins would be a benefit to the overall development of the area by providing safe, permanent structures for tourists to stay in year round, and would provide the ability to extend the tourist season beyond peak use months (May-October).

The Planning Commission determined that tenting facilities and cabins would fill a niche that is currently unavailable in the Hells Canyon area. In addition, the cabins would provide accommodations for visitors, including the elderly, who may not own recreation vehicles, and give them an opportunity to visit the Hells Canyon area for an extended period of time.

The Planning Commission determined that a majority of the camping facilities are on the Idaho side of the Snake River, and a structured facility of this capacity would help provide recreation opportunities for tourists on the Oregon side of the Snake River. In addition, the Planning Commission determined the proposal would also help to alleviate the current issue of trespass camping that occurs on the property.

**Goal IX—Economic Development :**

The Baker County Planning Commission determined that the applicant's proposal would provide recreation opportunities for tourists by increasing the options for year-round stay (tent camping, RV use, cabin rental) that are currently minimal in the Hells Canyon area.

The Planning Commission determined that a facility of this type would help increase transient tax and tourism dollars to help build the Hells Canyon area and attract and cater to all types of people through the various options for stay (tent camping, RV use, cabin rental) on private land located on the Oregon side of the Snake River.

In addition, the Baker County Planning Commission determined that the applicant's proposal would have a positive impact on the existing businesses and tourist services in the area.



## **Goal XII—Transportation:**

- Idaho Power makes the following suggestions regarding road maintenance and improvements (Exhibit 'S'):
  - ✓ As a Condition of Approval, Idaho Power requests that any road alterations and ongoing maintenance necessary to accommodate the proposed development must be the sole responsibility of the developer.
  - ✓ Due to the possibility of increased traffic, the agreement that Idaho Power currently has with Baker County for road maintenance for Homestead Road will need to be revised to reflect the reality of the increased use of the road, as a result of the proposed development, and the need to minimize the cost of exposure to IPC and its customers.
  - ✓ The Hells Canyon Resource Management Plan (RMP) requires that road improvements within Hells Canyon be minimized, which is generally interpreted as not widening or paving existing gravel roads (see RMP policies 6.3.7.2 and 6.3.7.4). The overarching principle is that, in order to manage future use in the Hells Canyon area for the continued high recreation experience and enjoyment of visitors, recreation use and infrastructure need to remain consistent with existing priorities and standards. This policy will guide any IPC decisions regarding Homestead Road.

## **Additional IPC Suggestions:**

- ✓ As a Condition of Approval, IPC suggests that the developer should be required to develop a comprehensive litter and sanitation plan that will address both the lands associated with the proposed development and the surrounding area, including along Homestead Road.
- ✓ IPC suggests the developer should be required to support a portion of the cost of law enforcement in the area as a Condition of Approval. In addition, the developers should be required to assist the affected counties in funding local emergency services.
- ✓ IPC suggests as a Condition of Approval, in addition to any requisite state, local, and federal requirements, the developer should be required to develop a plan and fund measures that will adequately protect important natural and cultural resources in the vicinity of the proposed development, including adjacent lands.
- ✓ IPC suggests that private boat docks must comply with IPC's Policy Guidelines for Private Boat Docks, and any marina, as well as any other development that would impact IPC land, would have to be processed through IPC's land use approval process. Permitting of a marina would also require agency consultation and FERC approval.

## **Conclusions:**

The Baker County Board of Commissioners concurred with the *Findings of Fact and Statement of Reasons* as set forth in the *Findings* above and in this report. The Baker County Board of Commissioners determined that the *Statement of Reasons* and "areas of need" as listed by the applicant correlated with the focus and long-term goals of the Baker County Comprehensive Land Use Plan for the Hells Canyon Area. In addition, the Baker County Board of

Commissioners agreed with the testimony submitted by Andrew Bryan, Baker County Development Corporation Board of Directors, who stated that the proposed RV Park and campground would be "an asset to the overall tourism efforts of Baker County."

The specific concerns listed in the findings and other concerns brought forth in testimony were discussed by the Baker County Planning Commission and the Baker County Board of Commissioners, and it was determined that those concerns could be reasonably addressed or mitigated during a future Conditional Use application.

**Criteria are met.**

(c) The proposed use or activity has special features or qualities that necessitate its location on or near the proposed exception site.

**Findings:** On pages 2 through 4 of the RLF Homestead Properties' proposal (*Exhibit 'F'*), the applicant states:

*"The choice to pursue a recreation area (RA) focused towards tent and cabin sites was driven by concerns voiced by the general public, the planning commission, and various agencies on the viability of Homestead Road to handle RV traffic. By targeting visitors with smaller sized vehicles and significantly reducing the number of originally proposed sites, RLF feels that the risks associated with increased traffic on Homestead Road will be minimal. In addition, it should be noted that the historical use of the road included 14 families that used to live on the property in addition to large mining trucks hauling ore from the Iron Dyke mine. Since the late 1980s this traffic has been eliminated and the reduction of traffic since then will help offset the increased number of visitors as a result of the RA. A second reason to pursue tent and cabin users vs. RVs was the documented need by Idaho Power that recreation demand for tenting facilities was exceeding capacity. On table 81 of the Final Environmental Impact Statement (FEIS) compiled by Idaho Power it shows that tent use is at capacity on the weekends at the closest IPC facility called Copperfield Park. The average use on weekends was 9.2 occupied sites out of a total of 10 available tent sites. Furthermore, on page 514 of the FEIS it states, "Demand for tenting facilities during peak-use days exceeds capacity at all eight developed sites, with use often exceeding capacity by several hundred percent." Additionally on page 514 it states, "Average use of tenting facilities on weekends is generally near capacity at most sites."*

*Due to the proximity of the proposed site to the Hells Canyon Project licensed by Idaho Power, close coordination has been initiated and will continue as the plan moves forward. Idaho Power has currently taken a position of neither support nor opposition to the project and RLF understands their primary concern that costs associated with the RA should not be borne by the IPC customers.*

*RLF explored the possibility of submitting an application for an RA under conditional use "G" under the current EFU zoning (BC Zoning and Subdivision Ordinance #83-3 Article 3 Section 301.02 Conditional Uses) but the recreation structures allowed under the campground definition in ORS 215.283 (2) (c) and ORS 215.459 were limited to primitive yurts. "'Yurt" means a round, domed shelter of cloth or canvas on a collapsible frame with no plumbing, sewage disposal hookup or internal cooking appliance." As one can see, these are primitive structures are not the type of recreation area RLF is attempting to build. More specifically, RLF intends to build 25 small cabins with comfortable amenities that include small cooking facilities with internal plumbing.*

*As previously mentioned, part of the parcel owned by RLF Homestead Properties is zoned ME. The ME zoned property is made up of contiguous mining claims to which RLF owns all mineral*



and surface rights. The main claim was previously known as the Iron Dyke Group of Mining Claims that consisted of the Iron Dyke Lode Claim, Sampson Lode Claim, Violet Lode Claim, Madie Lode Claim, Schley Lode Claim, Sley Lode Claim, and Shafner Lode Claims. Other contiguous claims owned by RLF to the Iron Dyke Group include the Copper Giant Lode Claim, the Last Chance Lode Claim, Aspen Lode Claim, APEX Lode Claim, Ruby Fraction Lode Claim, Lookout Lode Claim, Jack Pot Fractional No. 2 Lode Claim, Keystone Fraction Lode Claim, Tillamook Lode Claim, Kentucky Lode Claim, Sailor Jack Lode Claim, Fraction Lode Claim, and the Gray Eagle Consolidated Quartz Claim.

RLF does not intend to apply for a change in zoning for the mineral extraction ground but rather leave the ground as open space recreation to offset the environmental impact of the proposed campground. RLF examined the possibility of reopening the mine but has found it to be economically unfeasible due to three reasons. First, the mine was extensively mined and only minimal reserves exist. The copper and gold mine first began operating in 1897 and then completely shut down in 1981. As a result of extensive mining operations, millions of dollars would need to be spent on exploration to prove up significant reserves and dewater the underground workings. Even at today's record high commodity prices, this unproven exploration risk is one that RLF is not willing to pursue. Another reason why the mineral zoned property will not go back into operation or affect the RA is because of the environmental setting near the mine. After examining the extensive application process and costs involved needed to permit a mine next to the Snake River it became clear that this expenditure is not justified. As a result of the expensive exploration, unproven reserves, and environmental setting, it is the intent of RLF to leave the ME zoned ground as open space recreation for hiking, biking and horseback riding purposes.

See Exhibit 3 for a general layout of the proposed site.

The RA would offer clean and shaded tent sites, comfortable small cabins, and deluxe RV sites. The project would be constructed over 3 phases but a total build out would not exceed the proposed 25 cabins, 25 tent sites, and 10 RV sites. The financial success of Phase I would predicate the construction of Phases II and III.

The proposed use is well suited for this particular property due to its unique recreation setting along the Snake River. The current zoning is incompatible for its current and best use.

This RA will be different than surrounding campgrounds in that it will accept reservations, allow visitors to stay for longer than 14 consecutive days, and provide amenities (putting greens, horseback riding, shelter, pool, and playground) that are otherwise not provided at the surrounding parks. This niche campground accomplishes the tourism goal of Baker County by designing a RA to attract out-of-county visitors in addition to providing additional recreation opportunities for local visitors.

The out-of-county visitors will help expand the area's economy and continue to promote Baker County's goal of increased tourism. In a 2006 Annual Report by the Baker County Economic Development, it stated that the rise in tourism would bring added benefits to the community through the increase of tax receipts and visitor expenditures (more economic benefits detail provided on page 7).

It should be noted that while only 30% of the HCNRA visitors spend the night between September and May, RLF expects capacity during the winter months to be significantly lower and range between 15-20%.

*Finally, the Baker County Comprehensive Goal VIII supports the proposed use in the proposed area. "Based on findings regarding the need for planned recreation areas along the Snake River, slack waters of the Powder River, and Unity Lake, the County supports the development of water-based recreation opportunities"(pg. 21).*

*Further detailed "reasons" and "justifications" are specifically listed on pages 7-9."*

### **Planning Commission Findings:**

The Planning Commission determined that the proposed cabins would be a benefit to the overall development of the area by providing safe, permanent structures for tourists to stay in year round, and would provide the ability to extend the tourist season beyond peak use months (May-October).

The Planning Commission determined that tenting facilities and cabins would fill a niche that is currently unavailable in the Hells Canyon area. In addition, the cabins would provide accommodations for visitors, including the elderly, who may not own recreation vehicles, and give them an opportunity to visit the Hells Canyon area for an extended period of time.

The Planning Commission determined that a majority of the camping facilities are on the Idaho side of the Snake River, and a structured facility of this capacity would help provide recreation opportunities for tourists on the Oregon side of the Snake River. In addition, the Planning Commission determined the proposal would also help to alleviate the current issue of trespass camping that occurs on the property.

### **Baker County Board of Commissioners Findings:**

Testimony of support submitted in a letter on July 23, 2008 and in person on December 3, 2008 by Andrew Bryan, Baker County Development Corporation Board of Directors, said "the proposed RV Park...would offer untapped recreational opportunity in the scenic Hells Canyon." In addition, the Baker County Development Corporation states that the proposed project " would provide an opportunity for those that wish to take in the majestic beauty of the Hells Canyon Recreation Area while enjoying the amenities and comfort of a high quality facility." The Baker County Board of Commissioners requested this information be included as part of the findings for this report.

### **Conclusions:**

The Board of Commissioners concurred that the applicant's proposal would provide recreational opportunities for tourists that are currently minimal or unavailable on the Oregon side of the Snake River, increase transient and tourism dollars, and provide a variety of stay options for tourists. In addition the Baker County Board of Commissioners concurred that the applicant's proposal would be an asset to the Hells Canyon vicinity and would correspond with the recreational needs policies identified in the Baker County Comprehensive Land Use Plan and have a positive impact on the existing businesses and tourist services in the area.

### **Criteria are met.**



**B. PLAN AMENDMENT**

**Baker County Zoning and Subdivision Ordinance (BCZSO)**

The Baker County Zoning and Subdivision Ordinance (BCZSO) establishes the procedure for processing quasi-judicial Comprehensive Plan Amendments and sets forth the criteria which all such applications must address, as follows:

**SECTION 901 AUTHORIZATION TO INITIATE AMENDMENTS**

An Amendment to the text of this Ordinance or the Zoning Map may be initiated by the County Court, the County Planning Commission, or by application of a property owner. The request by a property owner for an Amendment shall be accomplished by filing an application with the Planning Department in a manner described in Section 905 or 907 of this Article at least by the first working day of the month during which the action is to be heard.

**Findings:** This zoning map amendment was initiated by application of the property owner. The request was made by filing an application with the Baker County Planning Department in the manner described in Section 905, the Map Amendment Application Procedure. The criteria of Section 905 were completed May 21, 2008.

**Conclusion: Criteria are met.**

**SECTION 902 AUTHORIZATION TO APPROVE OR DENY PROPOSED AMENDMENTS**

The Planning Commission may approve, deny, or modify proposed Amendments to the Map or text of this Ordinance when such action is taken in accordance with the appropriate portions of Sections 903 through 907 of this Article.

**Findings:** The Planning Commission, in keeping with this authorization, and recommends the County Commissioners approve and adopt this map amendment.

**Conclusion: Criteria are met.**

**SECTION 903 STANDARDS FOR GRANTING AN AMENDMENT**

To determine whether an Amendment shall be approved, denied or modified, the Commission shall find, in addition to the specific requirements in Sections 905, 906, and 907 of this Ordinance, that the proposal conforms with the County's Comprehensive Plan.

**Findings:**

**COMPREHENSIVE LAND USE PLAN--Adopted 1983**

**Goal V—Open Spaces, Scenic and Historic Areas and Natural Resources**

c) Section V. **Historic and Cultural Sites, Structures, Districts (A)(4) Mining Theme**, page V-38, includes the following inventoried sites:

|                                                  |           |                   |
|--------------------------------------------------|-----------|-------------------|
| Homestead / Copper Creek Area Historic Buildings | 1897      | Private Ownership |
| Iron Dyke Copper Mine                            | 1902-1922 | Private           |

|  |  |           |
|--|--|-----------|
|  |  | Ownership |
|--|--|-----------|

**Goal VIII—Recreation Needs**

e) Section I. **Inventory of Recreation Areas** (G) *Hells Canyon National Recreation Area: A small portion of this area extends into the northeast portion of Baker County. The size of the Baker County portion is roughly approximated as follows:*

- 7) USFS Land: 14,600 acres
- 8) BLM Land: 2,100 acres
- 9) Private Land: 2,900 acres.

*The Baker County portion contains no Wild and Scenic Rivers, nor does it contain any new Wilderness Study Areas. The total recreation area has 662,000 acres in Oregon and Idaho. This includes 30,000 acres of Wild and Scenic Rivers and 110,000 acres of Wilderness Area and 22.66 acres of Hells Canyon Wilderness area. (Please note: this information was written in 1983 prior to the BLM’s Homestead National Wilderness Area)*

f) **Section III. Goal VIII Recreation Needs Findings and Policies**

*(A)(1) "Recreation areas, facilities and opportunities" provide for human development and enrichment, and include but are not limited to: open space and scenic landscapes; recreation lands; historic, archaeological and natural science resources; scenic roads and travel ways; sports and cultural events camping, picnicking and recreation lodging; tourist facilities and accommodations; trails; waterway use facilities; hunting; angling; winter sports; mineral resources; active and passive games and activities. In addition, the State Comprehensive Outdoor Recreation Plan (SCORP) lists the specified facilities that need to be considered: campsites, walking and hiking trails, biking trails, bridle trails, boat launch lanes.*

*(8) Improved and expanded facilities for overnight parking, camping, picnicking, boat launching/docking, and sewage disposal on the Snake River and other water front areas are needed to accommodate the existing use and future demand.*

*(9) Appropriate zoning and justification for recreation development upon safe, buildable private lands close to the Snake and Powder Rivers is reflected in the Exception Element found elsewhere in this Plan. Such development is consistent with the expressed needs described in SCORP.*

**(B) Goal VIII Recreation Needs Policies** *(6) Based on findings regarding the need for planned recreation areas along the Snake River, slack waters of the Powder River, and Unity Lake, the County supports the development of water-based recreation opportunities.*

**Goal IX--Economic Development Findings and Policies**

b) Section (A)(4)(a) *Other land use in the County, other than farm or forest lands, can be diversified and improved by expansion of tourist and recreation facilities particularly in support of but not limited to the Hells Canyon Recreation Area, Anthony Lakes Ski Area, and the Sumpter Valley Recreation Railroad.*

**Conclusion:** The Baker County Planning Commission made a recommendation of approval of the exception to State Wide Planning Goal 3 and established on several areas of "need" as listed in OAR 660-004-0022 of this report. The Baker County Planning Commission made a recommendation of approval to the Baker County Board of Commissioners to change the zone of the 76.18+/- acre parcel from EFU to the **Homestead Recreation Limited Use Combining Zone (HRLUC Zone)**. The requirements of the HRLUC zone will be limited to those specified by the Baker County Planning Commission and the Baker County Board of Commissioners. The Planning Commission determined the applicant’s proposal conforms to the Baker County



Comprehensive Land Use Plan as listed under BCZO Sections 905, 906 and 907 of this report.  
**Criteria are met.**

### **SECTION 904 PUBLIC HEARING ON AMENDMENT**

The Planning Commission shall conduct a public hearing on a proposed Amendment within 60 days after the Amendment is proposed and shall, within five working days after the hearing, recommend to the County Court approval, disapproval, or modified approval of the proposed Amendment. This hearing may be continued for just cause. After receiving the recommendation of the Planning Commission, the County Court shall hold a public hearing on the proposed Amendment within 30 days of Planning Commission action on the request. The Court shall announce its decision within 30 days of its public hearing. Amendments shall be subject to review by the State pursuant to ORS 197.610-630.

**Findings:** The application for a Plan Amendment and Zone Change to site a full service RV Park and campground was deemed complete on May 21, 2008. The Baker County Planning Department held the first public hearing July 24, 2008 within 60 days of the application being deemed complete. The Planning Commission requested more information regarding the applicant's proposal during the public hearing held on July 24, 2008.

The Planning Commission reviewed the additional information on August 21, 2008 and the modified proposal, as requested by the Planning Commission, on September 25, 2008. During the September 25, 2008 review session, the Baker County Planning Commission requested the applicant submit a new application that would reflect the revised proposal and additional information. The Baker County Planning Commission reviewed the revised proposal and report in a public hearing on November 6, 2008.

The Baker County Planning Commission made a recommendation of modified approval to the Baker County Board of Commissioners in a public hearing on November 6, 2008. The Baker County Board of Commissioners reviewed the Planning Commission's recommendation of approval in two public hearings on November 26, 2008 and December 3, 2008.

**Conclusion:** The Baker County Planning Commission made a recommendation of approval to the Baker County Board of Commissioners on November 6, 2008. The Baker County Board of Commissioners reviewed the Planning Commissioners' recommendation of modified approval in two public hearings on November 26, 2008 and December 3, 2008, within 30 days of the Planning Commission's action on the request.

**Criteria are met.**

### **SECTION 905 MAP AMENDMENT APPLICATION PROCEDURE**

The following procedure shall be followed when initiating an action for Amendment to the Map of this Ordinance.

**A.** The applicant shall submit a site plan to the Planning Department and discuss the property involved in the action and the development to be placed on the property if the Amendment is approved. This discussion is to assist the applicant in understanding the Amendment process and to review the development proposal for conformance with the physical requirements of the Zoning and Subdivision Ordinance as early in the process as possible.

**Findings:** The applicant submitted a site plan to the Planning Department that details the proposed development on the 76.18+/- acres: 10 RV sites, 25 cabins, 25 tent sites, 3 operational structures (maintenance building, administrative building, welcome center), one additional caretaker's dwelling, pool, pavilion, 30 space parking lot, two restroom facilities, Iron Dyke Mining interpretative center, one playground, one barbecue pit (charcoal only), and a putting green.

The Baker County Planning Department held the first public hearing July 24, 2008 within 60 days of the application being deemed complete. The Planning Commission requested more information regarding the applicant's proposal during the public hearing held on July 24, 2008. The Planning Commission reviewed the additional information on August 21, 2008 and on September 25, 2008.

During the September 25, 2008 review session, the Baker County Planning Commission requested the applicant submit a new application that would reflect the revised proposal and additional information. The Baker County Planning Commission reviewed the revised proposal and report in a public hearing on November 6, 2008. The Baker County Planning Commission made a recommendation of approval to the Baker County Board of Commissioners in a public hearing conducted on November 6, 2008. The Baker County Board of Commissioners will review the Planning Commission's recommendation of approval in the first of two public hearings on November 26, 2008.

**Conclusion: Criteria are met.**

**B.** The applicant and the Planning Department shall jointly complete an environmental review checklist provided by the Planning Department to survey environmental consequences of the proposed action.

Copies of the completed environmental review checklist will be circulated to other departments and affected agencies. Department comments will be attached to the original and will remain in the application file.

**Findings:** The applicant and Planning Department staff jointly completed an environmental review checklist provided by the Planning Department to survey environmental consequences of the proposed action. Copies of the completed environmental review checklist were circulated to other departments and affected agencies on May 9, 2008. A copy of the environmental review checklist, mailing list, and comments are attached to this report as part of *EXHIBIT 'H'*.

**Conclusion: Criteria are met.**

**C.** Impact Report: After response from the other departments and agencies, the Site Plan Review advisory committee will recommend to the Planning Commission whether or not the project has a significant effect on the environment and hence whether an environmental impact report of a negative declaration is appropriate.

**Findings:** The Site Plan Review advisory committee reviewed responses from other departments and agencies and determined that the proposed development has the potential to have a significant effect on the environment. The advisory committee requested that the applicant provide additional information that addressed wildlife mitigation, storm water drainage, transportation infrastructure, and emergency response. The advisory committee recommended that an Environmental Impact Report is not needed upon receipt of the above-mentioned  
PA-07-005 RLF Homestead Properties, LLC.



information. A detailed letter to the applicant requesting more information was sent by the advisory committee on July 10, 2008 and is attached as *Exhibit 'I'* of this report. Applicant's response was received July 22, 2008.

**Conclusion:** The Baker County Planning Commission determined that an Impact Report is not required. **Criteria are met.**

**D.** If it is determined by the Planning Commission that an environmental impact report is required, the applicant shall be informed by mail that the report must be completed before the application can be considered. The applicant has 10 working days to appeal this requirement to the County Court. If the environmental impact report is required, the mandatory time limit for action on the application shall be extended for the period of time necessary to prepare and adopt a satisfactory report.

**Findings:** The Baker County Planning Commission determined an Impact Report was not required.

**Conclusion: Criteria are not applicable.**

## **SECTION 908 RECORD OF AMENDMENTS**

After filing the Amendment(s) with the County Clerk, the County Planning Department shall maintain records of Amendments to the text of the Ordinance and the Zoning Map.

**Findings:** If approved by the Baker County Commissioners, the Planning Department will be responsible for filing the amendment with the County Clerk. The Planning Department will then maintain records of the amendment to the zoning map.

**Conclusion:** If approved by the Baker County Commissioners, the Baker County Zoning and Subdivision Ordinance (BCZO) and the Baker County Zoning Map will identify Tax Lot 100 of Section 28A of Township 6 South, Range 48 East, W.M., Baker County, Oregon (06S4828A TL 100 Ref. 12261), and Tax Lot 900 of Section 21D of Township 6 South, Range 48 East, W.M., Baker County, Oregon (06S4821D TL 900 Ref. 12256), a total of 76.18+/- acres as the **Homestead Recreation Limited Use Combining Zone.** The Homestead Recreation Limited Use Combining Zone will be considered an overlay of the existing zone (EFU), and will read as follows:

## **HOMESTEAD RECREATION LIMITED USE COMBINING ZONE**

### **SPECIAL ZONING DISTRICT:**

*The Homestead Recreation Limited Use Combining Zone will be considered a Special Zoning District created through the Post Acknowledgement Plan Amendment (PAPA) and Goal 3 Exception process. The Homestead Limited Use Combining Zone is exclusive to the location described below.*

### **LOCATION:**

*The Homestead Recreation Limited Use Combining Zone consists of 76.18+/- acres exclusively, known as Tax Lot 100 of Section 28A of Township 6 South, Range 48 East, W.M., Baker County, Oregon (06S4828A TL 100 Ref. 12261), and Tax Lot 900 of Section 21D of Township 6*

South, Range 48 East, W.M., Baker County, Oregon (06S4821D TL 900 Ref. 12256), located on Homestead Road, adjacent to the Snake River, near the abandoned town of Homestead, Oregon.

**PURPOSE:**

*The purpose of the Homestead Recreation Limited Use Combining Zone is to specify the uses and conditions applied to 76.18+/- acres, as described above, for the purpose of siting a full service RV park, campground, tenting facilities and recreation cabins. These uses and conditions shall also require a Conditional Use permit as described in Chapter 210 of the Baker County Zoning and Subdivision Ordinance.*

**USES:**

*Uses permitted through a Type I procedure: In the Homestead Recreation Limited Use Combining (HRLUC) Zone, uses permitted in the EFU Zone under Section 410.02 shall be permitted outright when authorized in accordance with the provisions of Section 205.04.*

*Uses permitted through a Type II procedure: In the Homestead Recreation Limited Use Combining (HRLUC) Zone, uses permitted in the EFU Zone under Section 410.03 may be permitted when authorized in accordance with the provisions of Section 205.05.*

*Uses permitted through a Type III procedure: In the Homestead Recreation Limited Use Combining (HRLUC) Zone, the following uses may be permitted when authorized in accordance with the provisions of Section 205.06. These uses shall also require a Conditional Use Permit as described in Chapter 210:*

- 1) RV Sites—Limit of 10
- 2) Cabins—Limit of 25
- 3) Tent Sites—Limit of 25
- 4) Swimming Pool, Spa and/or Sauna
- 5) Pavilion
- 6) Watchman's Quarters—Limit of two
- 7) Parking Area
- 8) Restroom and Shower Facilities
- 9) Maintenance Building
- 10) Administrative Building
- 11) Interpretive Center
- 12) Playground
- 13) Picnic and/or Barbecue Area
- 14) First Aid Facility
- 15) Signs—on premise, subject to Sign Ordinance Chapter 730
- 16) Replacement Dwellings and/or Structures
- 17) Boat Docks and Marina Structures, including Launch Sites

**MINIMUM PARCEL SIZE:**

*The minimum parcel size for the Homestead Recreation Limited Use Combining Zone is 76.18+/- acres. The site is limited to Tax Lot 100 of Section 28A of Township 6 South, Range 48 East, W.M., Baker County, Oregon (06S4828A TL 100 Ref. 12261), and Tax Lot 900 of Section 21D of Township 6 South, Range 48 East, W.M., Baker County, Oregon (06S4821D TL 900 Ref. 12256), located on Homestead Road, adjacent to the Snake River, near the*

PA-07-005 RLF Homestead Properties, LLC.



abandoned town of Homestead, Oregon. Tax Lot 100 is 29.53+/- acres. Tax Lot 900 is 46.65+/- acres.

### **PROPERTY DEVELOPMENT STANDARDS:**

*In the Homestead Recreation Limited Use Combining Zone, the following standards shall apply:*

- 1) *All setback and frontage requirements must be in conformance Chapter 360.*
- 2) *Signs must be on premise and in conformance with Chapter 730.*
- 3) *Adequate access from principal streets shall be provided.*
- 4) *Special consideration shall be given to the adequacy of public facilities and services, specifically, sanitary dumping stations, sewage disposal facilities, water supply facilities, fire protection and emergency medical services.*
- 5) *Special consideration shall be given to the adequacy of mitigated plans for wildlife habitat preservation, historical and/or cultural preservation, emergency services and fire protection, and road maintenance.*

### **SITE PLAN REQUIREMENTS:**

*A request for development in the Homestead Recreation Limited Use Combining Zone shall be accompanied by a site plan identifying property boundaries and any site improvements such as, but not limited to, access, parking areas, impervious surfaces, landscaping and drainage, signs, dust control, restroom and shower facilities, watchman's quarters, recreation facilities such as miniature golf courses, swimming pool, spa and/or saunas, and hiking trails; operational structures such as a maintenance building, an administrative building and an interpretive center; and playground equipment and a picnic/barbecue area.*

*In accordance with Chapter 335, including Section 335.04—Type II and Type III Site Design Review and Application Submission Requirements, the following information shall apply to site plan design and review in the HRLUC Zone:*

*The following information is required for Type II and Type III Site Design Review application submittal, if applicable to the specific request. Documentation in addition to or in lieu of the following list may be required by other chapters of this ordinance. The Planning Director will have the ultimate authority to determine what information is required, including the request of additional or a waiver of required information.*

- a) *Appropriate application form.*
- b) *Narrative that describes the proposed project and addresses the applicable approval criteria.*
- c) *Site plans drawn to scale describing existing and proposed conditions. The site plans shall depict:*
  - (1) *Date of preparation, true north, scale and gross area of the site.*
  - (2) *Property lines of subject property(ies).*
  - (3) *Existing and proposed building locations, dimensions and height in respect to the subject property.*

- (4) Existing and proposed irrigation canals and ditches, pipelines and railroads, and any natural features, such as rock outcroppings, marshes, wooded areas and natural hazards.
  - (5) Location and direction of watercourses and location of areas subject to flooding and high water tables.
  - (6) Off-street parking spaces and loading areas.
  - (7) Existing and proposed points of ingress and egress—both vehicular and pedestrian ways.
  - (8) All existing and proposed screening and landscaping, including number, size, and species of plantings.
  - (9) Existing topographic and preliminary grading plan.
  - (10) Location, width and use or purpose of any existing easement or right-of-way for utilities, bikeways, trails, access corridors, natural resources, roadway, rail and/or other easements or rights-of-way within and adjacent to the site.
  - (11) Existing sewer lines, septic system drainage fields, water mains, wells, culverts and other underground and overhead utilities within and adjacent to the proposed partition, together with pipe sizes, grades and locations.
  - (12) Contour lines related to some established benchmark or other acceptable datum and having minimum intervals of 2' for slopes of less than 5%, 10' for slopes of 20%, and 20' for slopes greater than 20%.
  - (13) Zoning classification of lands within and adjacent to the proposed partition.
  - (14) Existing and proposed lighting including lights for signage.
- d) Stormwater and erosion control plans.
  - e) Architectural plans and elevations.
  - f) Sign plan depicting location, size, and type of signs and other advertising features.
  - g) Applicable fee.
- A) General Submission Requirements.  
The applicant shall submit an application containing all of the general information required by Section 205.05 (Type II application) or Section 205.06 (Type III application), as applicable, along with the information specified in Section 205.10. The type of application shall be determined in accordance with Section 335.02.
  - B) Site Design Review Information.  
An application for site design review shall include the following information, as deemed applicable by the Director;
    - 1) Site analysis map. At a minimum the site map shall include the following:



- a) *The applicant's entire property and the surrounding property to a distance sufficient to determine the location of the development in the County, and the relationship between the proposed development site and adjacent property and boundaries. The property boundaries, dimensions and gross area shall be identified.*
- b) *Topographic contour lines at intervals determined by the County;*
- c) *Identification of slopes greater than 15 percent.*
- d) *The location and width of all public and private streets, drives, sidewalks, pathways, rights-of-way, and easements on the site and adjoining the site;*
- e) *Potential natural hazard areas, including any areas identified as subject to a 100-year flood, areas subject to high water table, and areas mapped by the County or State as having a potential for geologic hazards;*
- f) *Resource areas, including marsh and wetland areas, streams, wildlife habitat identified by the County or any natural resource regulatory agencies as requiring protection;*
- g) *Site features, including existing structures, pavement, large rock outcroppings, areas having unique views, and drainage ways, canals and ditches;*
- h) *Locally or federally designated historic and cultural resources on the site and adjacent parcels or lots;*
- i) *The location, size and species of trees and other vegetation having a caliper (diameter) of 6 inches or greater at four feet above grade;*
- j) *North arrow, scale, names and addresses of all persons listed as owners on the most recently recorded deed.*
- k) *Name and address of project designer, engineer, surveyor, and/or planner, if applicable.*
  - 1) *Other information, as determined by the Director. The County may require studies or exhibits prepared by qualified professionals to address specific site features.*
  - 2) *Proposed site plan. The site plan shall contain the following information, if applicable:*
    - a) *The proposed development site, including boundaries, dimensions, and gross area;*
    - b) *Features identified on the existing site analysis map which are proposed to remain on the site.*
    - c) *Features identified on the existing site map, if any, which are proposed to be removed or modified by the development;*
    - d) *The location and dimensions of all proposed public and private streets, drives, rights-of-way, and easements;*
    - e) *The location and dimensions of all existing and proposed structures, utilities, pavement and other improvements on the site. Setback dimensions for all existing and proposed buildings shall be provided on the site plan;*
    - f) *The location and dimensions of entrances and exists to the site for vehicular, pedestrian, and bicycle access;*
    - g) *The location and dimensions of all parking and vehicle circulation areas (show striping for parking stalls and wheel stops, as applicable);*
    - h) *Pedestrian and bicycle circulation areas, including sidewalks, internal pathways, pathway connections to adjacent properties, and any bicycle lanes or trails;*
    - i) *Loading and service areas for waste disposal, loading and delivery;*

- j) *Outdoor recreation spaces, common areas, plazas, outdoor seating, street furniture, and similar improvements, as applicable;*
  - k) *Location, type, and height of outdoor lighting;*
  - l) *Location of mail boxes, if known;*
  - m) *Name and address of project designer, if applicable.*
  - n) *Location of bus stops and other public or private transportation facilities.*
  - o) *Locations, sizes, and types of signs.*
  - p) *Other information, determined by the Planning Director. The County may require studies or exhibits prepared by qualified professionals to address specific site features (e.g., traffic, noise, environmental features, natural hazards, etc.), in conformance with the Code.*
1. *Architectural drawings. Architectural drawings shall be submitted showing:*
    - a) *Building elevations with building height and width dimensions;*
    - b) *Building materials, color and type.*
    - c) *The name of the architect or designer.*
  4. *Preliminary grading plan. A preliminary grading plan prepared by a registered engineer shall be required for developments which would result in the grading (cut or fill) of 1,000 cubic yards or greater. The preliminary grading plan shall show the location and extent to which grading will take place, indicating general changes to contour lines, slope ratios, slope stabilization proposals, and location and height of retaining walls, if proposed. Surface water detention and treatment plans may also be required.*
  5. *Landscape plan. A landscape plan is required and shall show the following:*
    - a) *The location and height of existing and proposed fences and other buffering or screening materials;*
    - b) *The location of existing and proposed terraces, retaining walls, decks, patios, shelters, and play areas;*
    - c) *The location, size and species of the existing and proposed plant materials (at time of planting);*
    - d) *Existing and proposed building and pavement outlines;*
    - e) *Specifications for soil at time of planing, irrigation if plantings are not drought-tolerant (may be automatic or other approved method of irrigation) and anticipated planting schedule.*
    - f) *Other information as deemed appropriate by the Director. An arborist's report may be required.*
  6. *Sign drawings shall be required in conformance with Chapter 730.*
  7. *Copies of all existing and proposed restrictions or covenants.*
  8. *Letter or narrative report documenting compliance with the applicable approval criteria contained in Section 335.05.*

**Section 335.05 Site Design Review and Approval**

*The review authority shall make written findings with respect to all of the following criteria when approving, approving with conditions, or denying an application:*



- A) *The application is complete, as determined in accordance with Section 205.10(C) and Section 335.04.*
- B) *The application complies with the all of the applicable provisions of the underlying Land Use District and Overlay Zone, including: building and yard setbacks, lot area and dimensions, density and floor area, lot coverage, building height, building orientation, architecture, and other special standards as may be required for certain land uses;*
- C) *The applicant shall be required to upgrade any existing development that does not comply with the applicable land use district standards, in conformance with Chapter 720, Non-Conforming Uses;*
- D) *The application complies with the Development Standards contained in Articles 3 and 7.*
- E) *Conditions required as part of a Conditional Use Permit (Chapter 210, Lot Line Adjustment (Chapter 310), Partition (Chapter 320), Subdivision (Chapter 330), or other approval shall be met.*
- F) *Exceptions to criteria above may be granted only when approved as a Variance (Chapter 240).*

**335.06 Bonding and Assurances.**

- A) *Performance Bonds for Public Improvements. On all projects where public improvements are required, the County shall require a bond in an amount not greater than 100% or other adequate assurances as a condition of site development approval in order to guarantee the public improvements;*
- B) *Release of Performance Bonds. The bond or assurance shall be released when the Planning Director finds the completed project conforms to the site development approval, including all conditions of approval.*
- C) *Completion of Landscape Installation. Landscaping shall be installed prior to issuance of occupancy permits, unless security equal to the cost of the landscaping as determined by the Planning Director or a qualified landscape architect is filed with the County Clerk assuring such installation within six months after occupancy. If the installation of the landscaping is not completed within the six-month period, the security may be used by the County to complete the installation.*

**335.07 Development in Accordance With Permit Approval.**

*Development shall not commence until the applicant has received all of the appropriate land use and development approvals (i.e., site design review approval) and building permits. Construction of public improvements shall not commence until the County has approved all required public improvement plans (e.g., utilities, streets, public land dedication, etc.). The County may require the applicant to enter into a development agreement (e.g., for phased developments and developments with required off-site public improvements), and may require bonding or other assurances for improvements, in accordance with Section 335.06. Site Design Review approvals shall be subject to all of the following standards and limitations:*

- A) *Modifications to Approved Plans and Developments. Minor modifications of an approved plan or existing development, as defined in Chapter 150, shall be processed as a Type I procedure.*

*Major modifications, as defined in Chapter 150, shall be processed as a Type II or Type III procedure and shall require site design review.*

*B. Approval Period. Site Design Review approvals shall be effective for a period of one year from the date of approval. The approval shall lapse if:*

*A building permit has not been issued within a one-year period; or*

*2. Construction on the site is in violation of the approved plan.*

*C. Extension. The Planning Director shall, upon written request by the applicant, grant an extension of the approval period not to exceed one year; provided that:*

*1. No changes are made on the original approved site design review plan;*

*2. The applicant can show intent of initiating construction on the site within the one year extension period;*

*3. There have been no changes to the applicable Code provisions on which the approval was based. If there have been changes to the applicable Code provisions and the expired plan does not comply with those changes, then the extension shall not be granted; in this case, a new site design review shall be required; and*

*4. The applicant demonstrates that failure to obtain building permits and substantially begin construction within one year of site design approval was beyond the applicant's control.*

*D. Phased Development. Phasing of development may be approved with the Site Design Review application, subject to the following standards and procedures:*

*1. A phasing plan shall be submitted with the Site Design Review application.*

*2. The hearings body shall approve a time schedule for developing a site in phases, but in no case shall the total time period for all phases be greater than 2 years without reapplying for site design review.*

*3. Approval of a phased site design review proposal requires satisfaction of all of the following criteria:*

*a. The public facilities required to serve each phase are constructed in conjunction with or prior to each phase;*

*b. The development and occupancy of any phase dependent on the use of temporary public facilities shall require Board approval. Temporary facilities shall be approved only upon County receipt of bonding or other assurances to cover the cost of required public improvements. A temporary public facility is any facility not constructed to the applicable County or district standard, subject to review by the County Engineer; and*

*c. The phased development shall not result in requiring the County or other property owners to construct public facilities that were required as part of the approved development proposal.*

**TIME LIMITATIONS:**



*In the Homestead Recreation Limited Use Combining Zone, the duration of stay for visitors shall be limited to a maximum of 30 days.*

\*\*\*

## **V. SUMMARY CONCLUSIONS AND PLANNING COMMISSION DECISION**

Therefore, based on the information contained in Sections I, III, IV and VI of this report, the above review criteria, findings of fact and conclusions, and the Baker County Planning Commission recommendation of approval, the Baker County Board of Commissioners **APPROVES** this Plan Amendment request, PA-07-005 to amend the Baker County Comprehensive Plan map and the Baker County Zoning and Subdivision Ordinance map to change the existing zone of Exclusive Farm Use (EFU) of the above described property to the **HOMESTEAD RECREATION LIMITED USE COMBINING ZONE.**

## **VI. CONDITIONS OF APPROVAL**

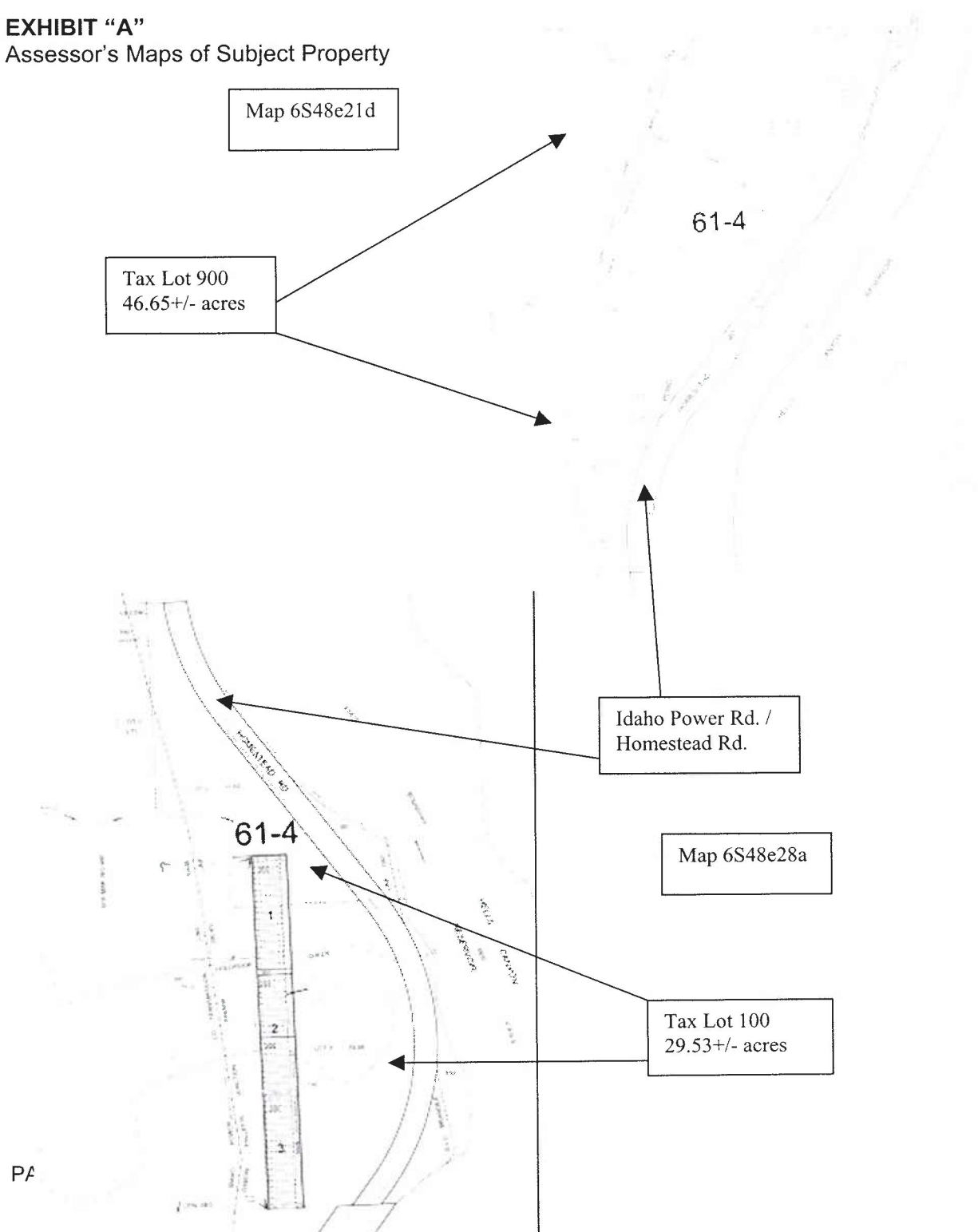
- 1) A record of all amendments must be filed with the Baker County Clerk.
- 2) The Planning Department shall maintain a record of the amendment to the zoning map.
- 3) Approval for the Homestead Recreation Limited Use Combining Zone shall expire **two years from the date of approval by the Baker County Board of Commissioners** if no Conditional Use Permit has been applied for, unless extended by the Baker County Planning Commission. Extensions must be applied for prior to the expiration date of the decision.

## **VII. EXHIBITS**

|                    |                                                                                 |
|--------------------|---------------------------------------------------------------------------------|
| <b>EXHIBIT 'A'</b> | Assessor's Map of Subject Property                                              |
| <b>EXHIBIT 'B'</b> | Aerial Overview of Subject Property                                             |
| <b>EXHIBIT 'C'</b> | Zoning Designation Maps                                                         |
| <b>EXHIBIT 'D'</b> | Homestead Recreation Limited Use Combining Zone Criteria                        |
| <b>EXHIBIT 'E'</b> | Letter from Jon Jinings—DLCD dated July 9, 2008.                                |
| <b>EXHIBIT 'F'</b> | RLF Homestead Properties Modified Proposal dated October 10, 2008.              |
| <b>EXHIBIT 'G'</b> | RLF Homestead Properties Exhibits for Modified Proposal dated October 10, 2008. |
| <b>EXHIBIT 'H'</b> | Environmental Review Checklist with Comments                                    |
| <b>EXHIBIT 'I'</b> | Site Plan Review Committee Comments                                             |
| <b>EXHIBIT 'J'</b> | Real Estate Advertisement for Subject Property                                  |
| <b>EXHIBIT 'K'</b> | Letter from Ken Helgersen—Baker County Road Department dated August 14, 2008.   |
| <b>EXHIBIT 'L'</b> | Settlement Agreement for Homestead Road between Baker County and IPC 10/03/03.  |
| <b>EXHIBIT 'M'</b> | Homestead Road Photos                                                           |

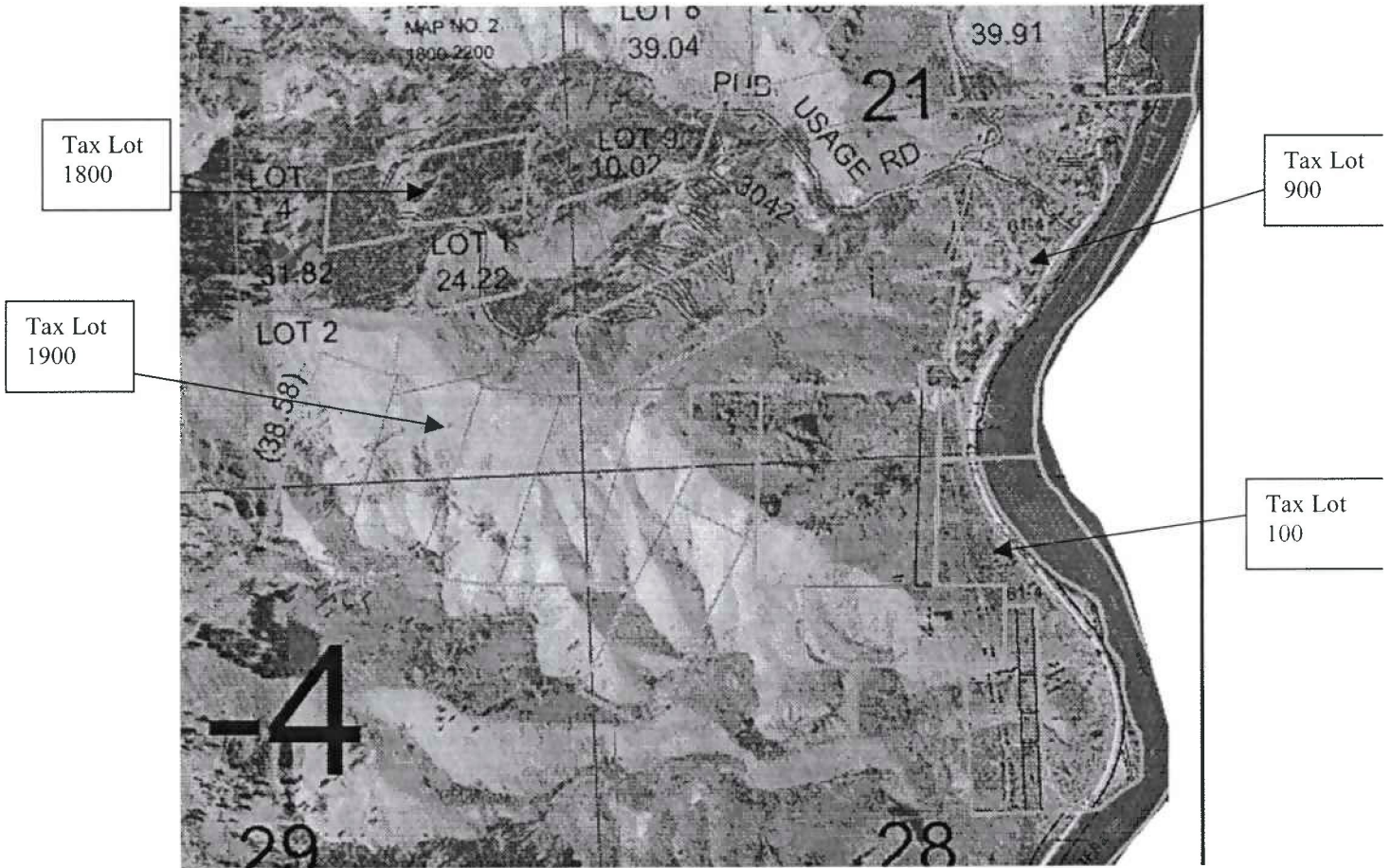
|                    |                                                            |
|--------------------|------------------------------------------------------------|
| <b>EXHIBIT 'N'</b> | Water Resources Department Letter dated October 3, 2008.   |
| <b>EXHIBIT 'O'</b> | Wilderness Study Area Summary                              |
| <b>EXHIBIT 'P'</b> | Hells Canyon Complex Campground Maps                       |
| <b>EXHIBIT 'Q'</b> | Analysis of Idaho Power Recreation Facilities              |
| <b>EXHIBIT 'R'</b> | Proposed Recreation Improvements for Hells Canyon Corridor |
| <b>EXHIBIT 'S'</b> | Affected Agencies and Adjacent Landowner Letters           |

**EXHIBIT "A"**  
Assessor's Maps of Subject Property





**EXHIBIT "B"**  
Aerial Overview of Subject Property



# EXHIBIT G

## Exhibit 1 – Overview Map





Exhibit 2 – Area of Interest

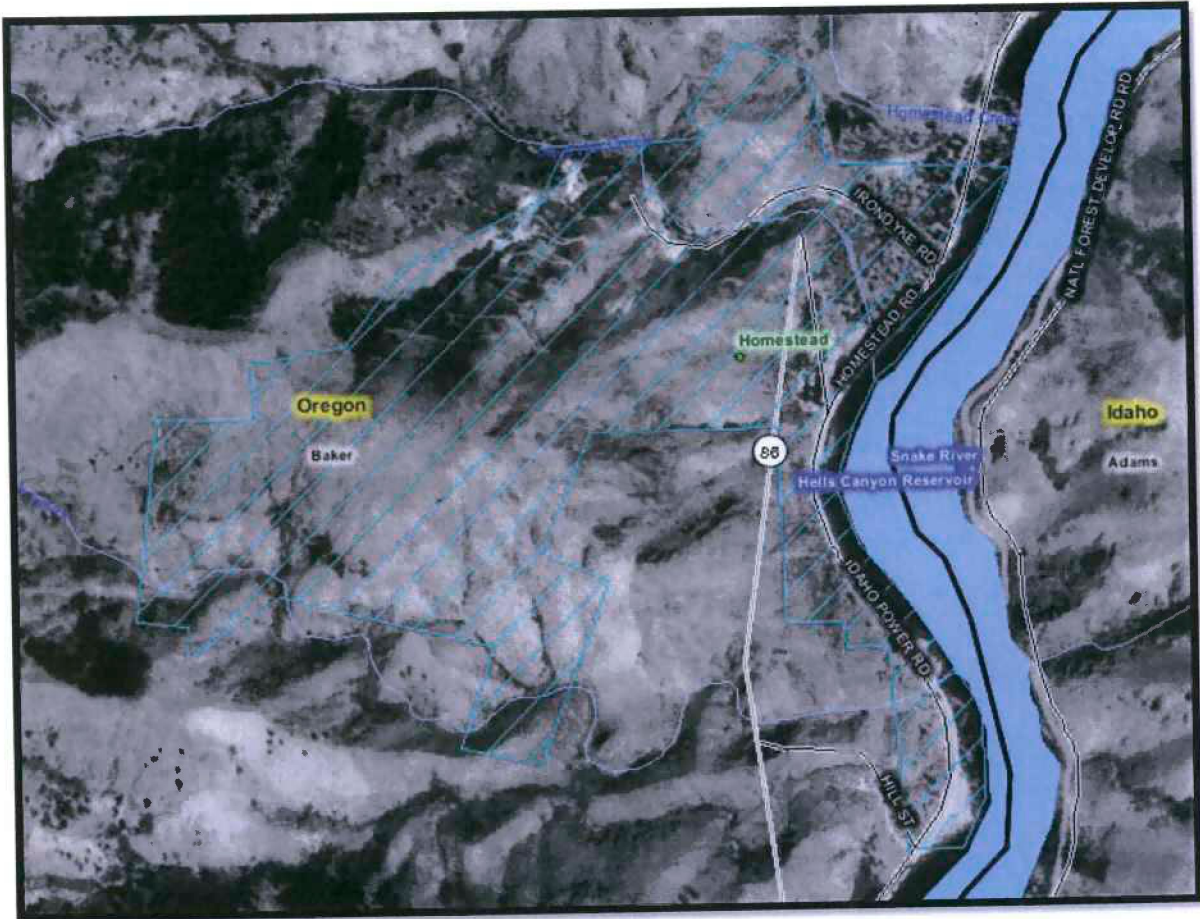


Exhibit 3 – General Site Layout

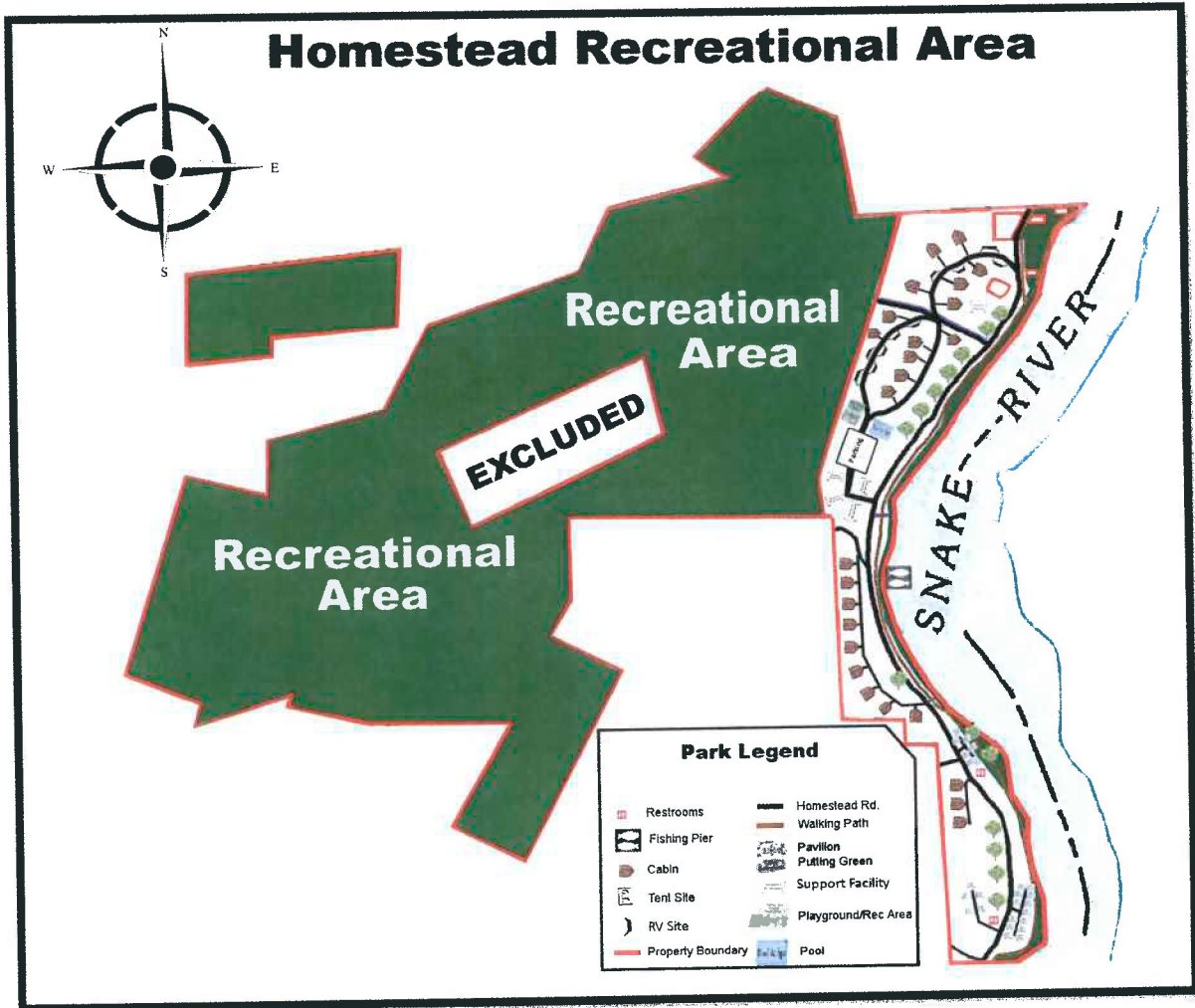
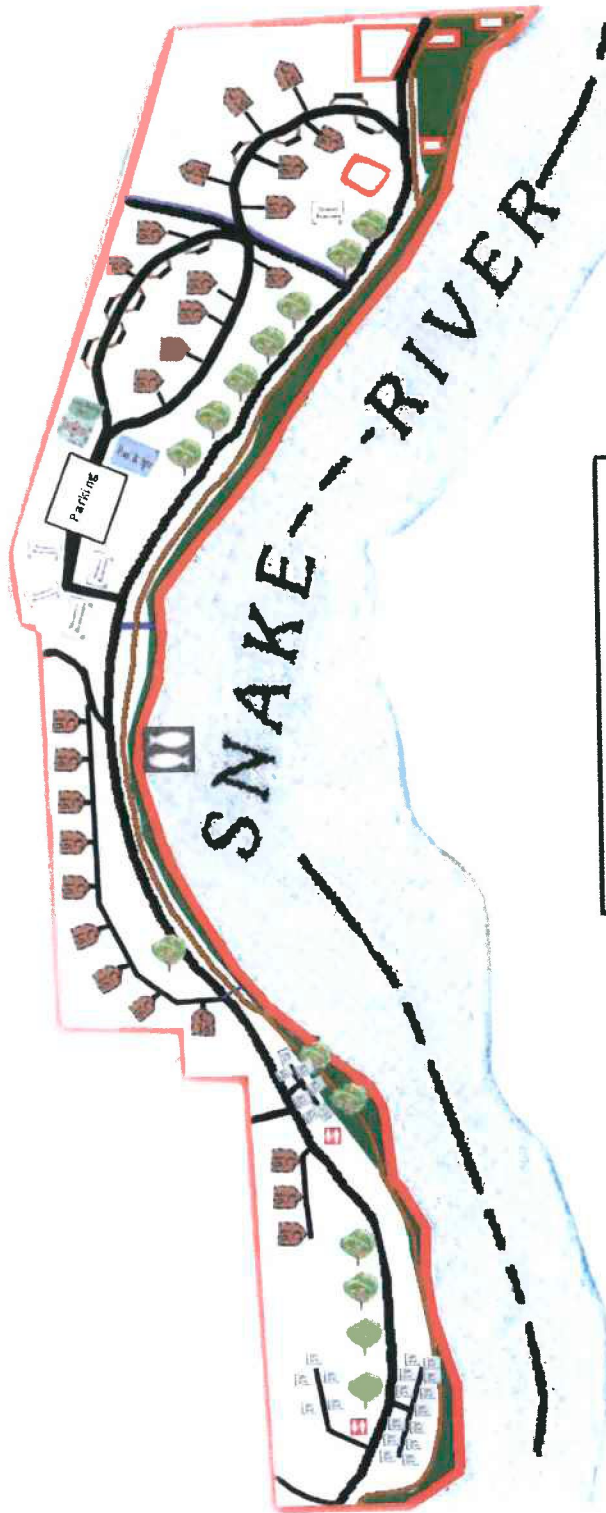




Exhibit 3 (continued)



### Park Legend

- |                                                                                     |                   |                                                                                       |                     |
|-------------------------------------------------------------------------------------|-------------------|---------------------------------------------------------------------------------------|---------------------|
|    | Restrooms         |    | Homestead Rd.       |
|    | Fishing Pier      |    | Walking Path        |
|    | Cabin             |    | Pavilion            |
|  | Tent Site         |   | Putting Green       |
|  | RV Site           |  | Support Facility    |
|  | Property Boundary |  | Playground/Rec Area |
|                                                                                     |                   |  | Pool & Spa          |
|                                                                                     |                   |  | Pool                |

Exhibit 4 - Cabin Photos

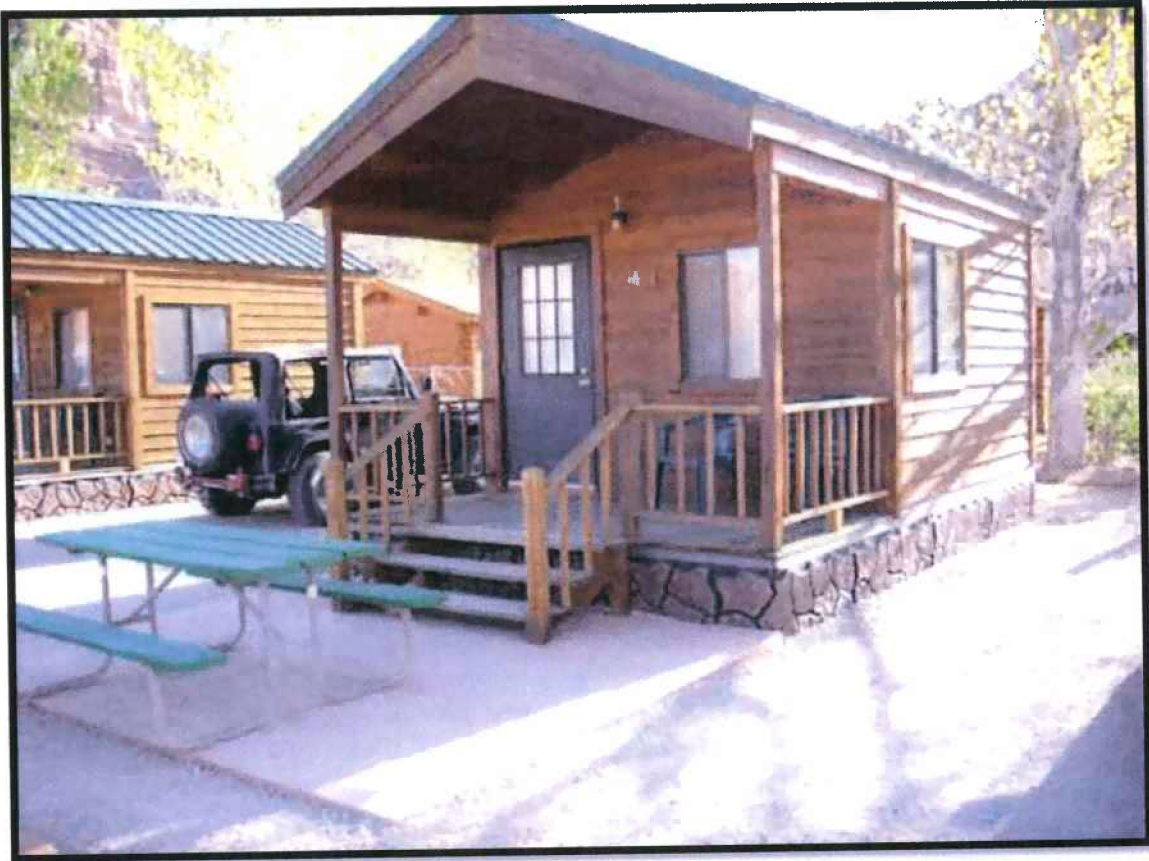




Exhibit 5 - RV Site Photos



Exhibit 6 - Tent Site Photo





Exhibit 7 - Pavilion Area



Exhibit 8 - Interior Roads





Exhibit 9

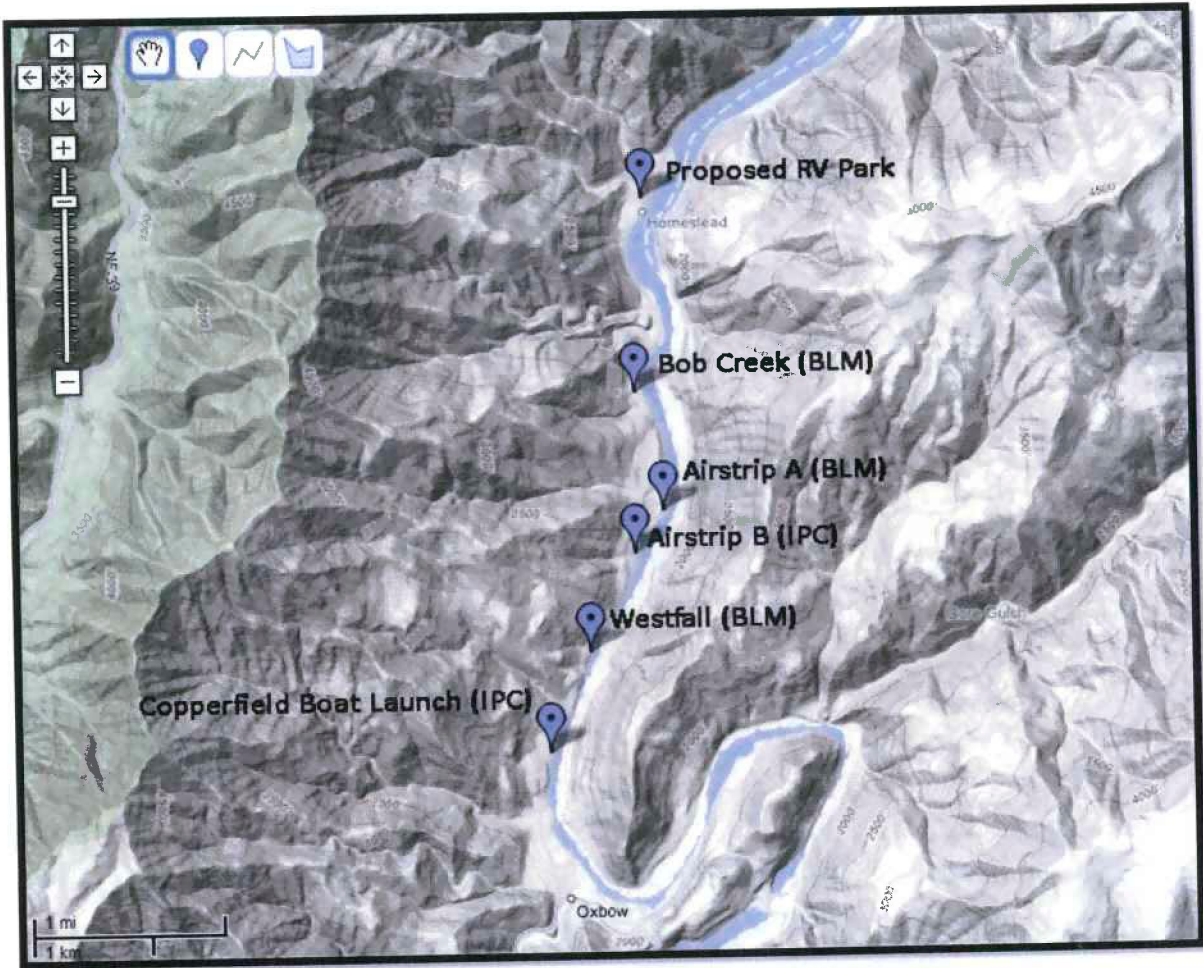


Exhibit 10 – 1:24,000 Topographic Map of Subject Property

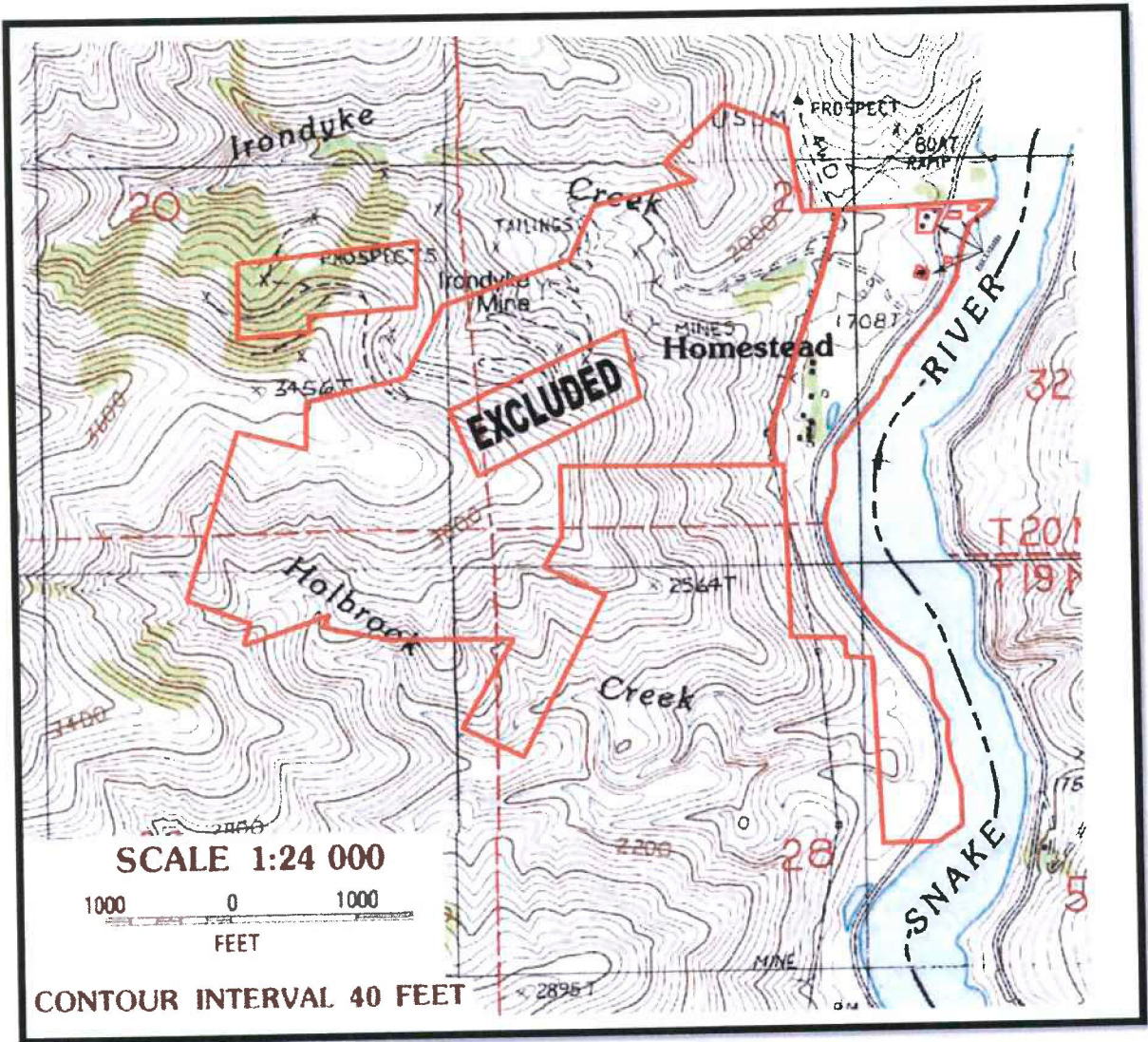




Exhibit 11 – Soil Suitability Analysis

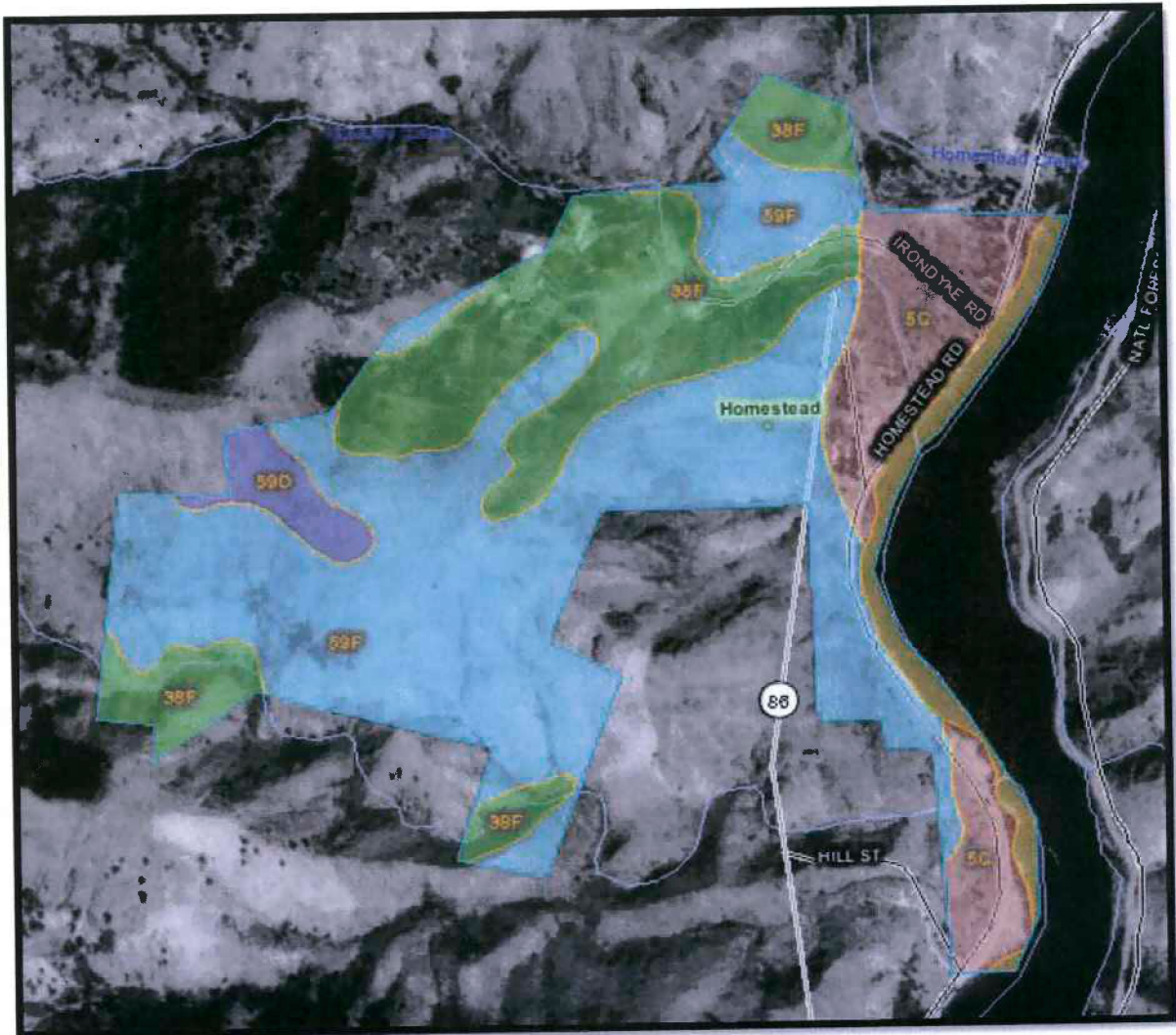


Exhibit 12 – General Storm Drainage Layout

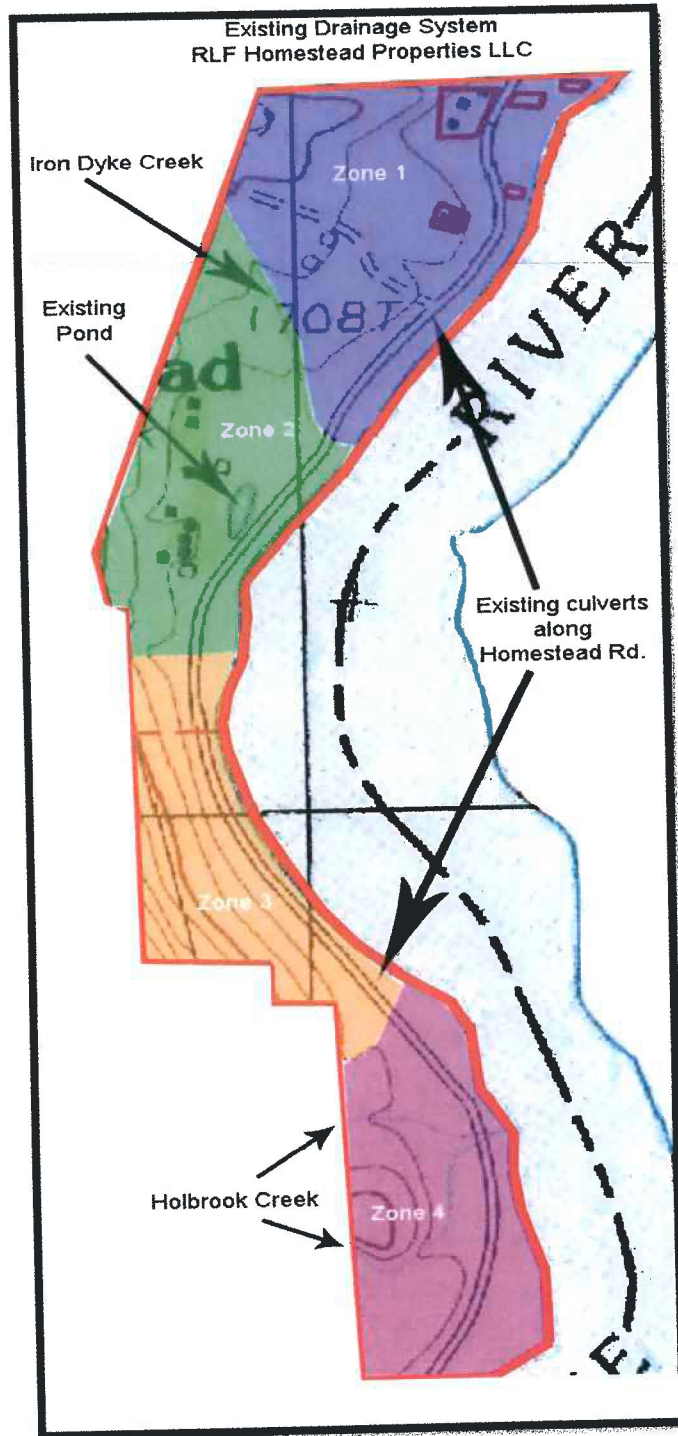




Exhibit 13 – Alternative Sites

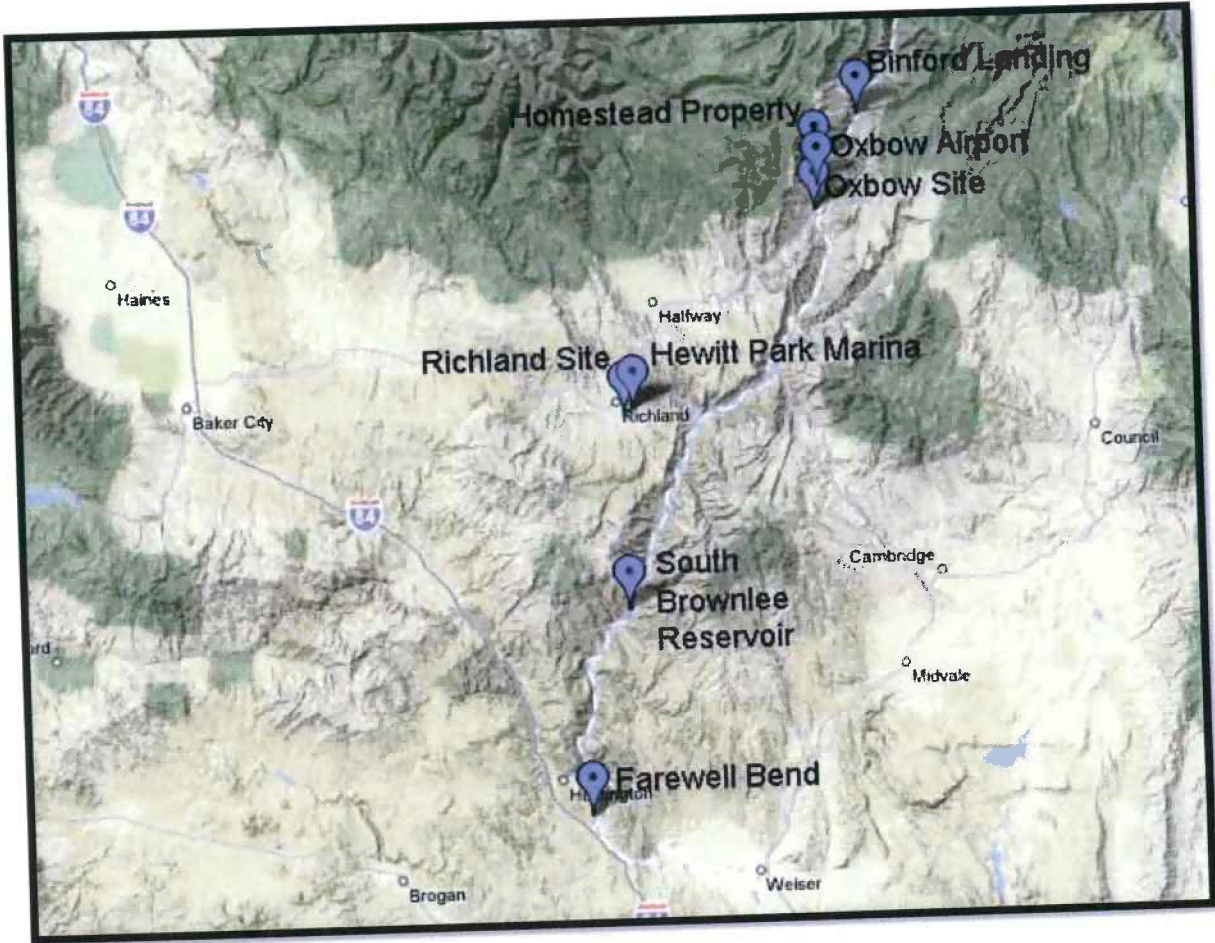


Exhibit 14 – Trespass Recreational Campers





Exhibit 14 continued



Exhibit 15 – Existing Water Infrastructure





Exhibit 16 – Advanced Treatment Sewer System

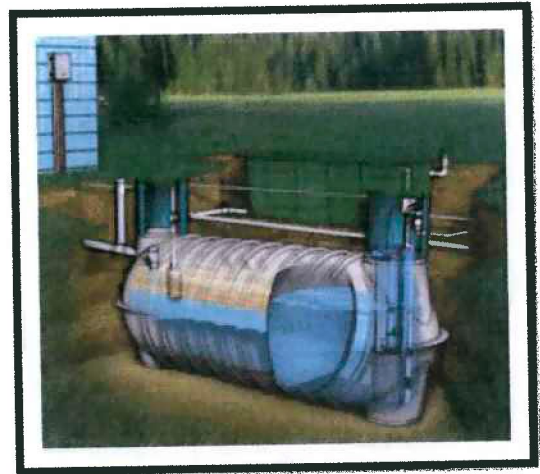
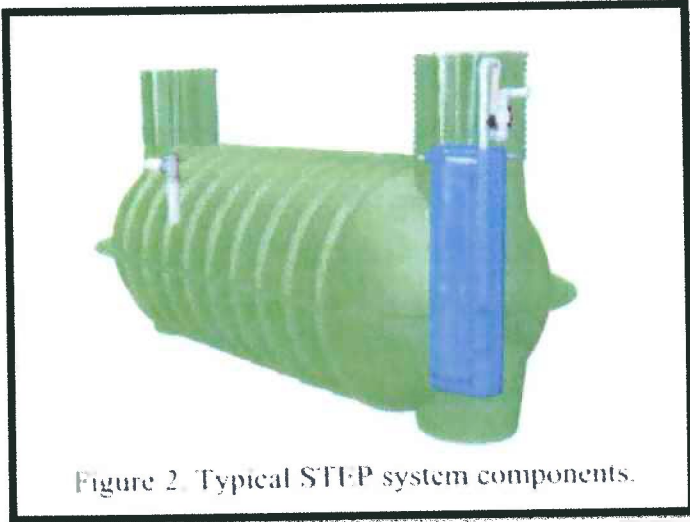


Exhibit 17 – Advantex Performance Summary

| State    | Facility Type    | # of AX100 pods | # of AX20 pods | Other Treatment Devices | Days in Operation | Peak Flow (GPD) | Actual Average Flow (GPD) | Actual Average Hydraulic Loading (GPD/FT) | Actual Average Organic Loading (lb/hr/ft <sup>2</sup> ) | Average Reduction % | Septic Tank Effluent Average |                               |        |       | Advantex Effluent Average |        |        |       |        |        |      |      |     |     |   |   |   |   |
|----------|------------------|-----------------|----------------|-------------------------|-------------------|-----------------|---------------------------|-------------------------------------------|---------------------------------------------------------|---------------------|------------------------------|-------------------------------|--------|-------|---------------------------|--------|--------|-------|--------|--------|------|------|-----|-----|---|---|---|---|
|          |                  |                 |                |                         |                   |                 |                           |                                           |                                                         |                     | Rate (GPD/FT)                | Rate (lb/hr/ft <sup>2</sup> ) | BOD5 # | TSS # | GBOD #                    | GBOD # | BOD5 # | TSS # | GBOD # | GBOD # |      |      |     |     |   |   |   |   |
| OR       | KV Park          | 2               |                |                         | 1,151             | 10,000          | 3,611                     | 26.9                                      | 0.054                                                   | 97.6                | 350                          | 41                            | 7      | 14    | 22                        | 1      | 1      | 1     | 1      |        |      |      |     |     |   |   |   |   |
| OR       | Mobile Home Park | 2               |                |                         | 1,511             | 9,000           | 6,771                     | 33.9                                      |                                                         |                     |                              |                               |        |       |                           |        |        |       |        |        |      |      |     |     |   |   |   |   |
| OR       | Mobile Home Park | 1               |                |                         | 2,095             | 1,300           | 2,702                     | 27.0                                      | 0.049                                                   | 97.1                | 220                          | 41                            | 9      | 5.9   | 6.4                       | 0      | 1.5    | 0     | 1.5    | 0      |      |      |     |     |   |   |   |   |
| CO       | Resort/Camp      | 5               |                |                         | 213               | 9.9             | 13,800                    | 9.5                                       | 1.2                                                     | 99.9                | 302                          | 36.6                          | 9      |       |                           |        |        |       |        |        |      |      |     |     |   |   |   |   |
| WA       | Campground       | 2               |                |                         | 1,040             | 2.9             | 5,700                     | 14.1                                      | 0.017                                                   | 93.5                | 201                          | 11.9                          | 1      |       |                           |        |        |       |        |        |      |      |     |     |   |   |   |   |
| AK       | Mobile Home Park |                 | 10             | 1 Chlorite              |                   | 4,000           | 3,500                     | 26.5                                      | 0.021                                                   | 95.1                | 254                          | 1                             |        |       |                           |        |        |       |        |        |      |      |     |     |   |   |   |   |
| MIN      | Mobile Home Park |                 | 45             |                         |                   | 43,200          | 40,074                    | 15.1                                      | 0.029                                                   | 97.1                | 218                          | 148                           | 14     |       |                           |        |        |       |        |        |      |      |     |     |   |   |   |   |
| OR       | Mobile Home Park | 3               |                |                         | 1,698             | 4.7             | 10,000                    | 30.0                                      |                                                         |                     |                              |                               |        |       |                           |        |        |       |        |        |      |      |     |     |   |   |   |   |
| Average: |                  |                 |                |                         |                   |                 |                           |                                           |                                                         |                     | 1,156                        | 4                             | 22,460 | 501   | 19.9                      | 0.031  | 94.9   | 272   | 145    | 14     | 10.4 | 19.1 | 3.0 | 6.8 | 1 | 1 | 1 | 1 |

Total Number of Samples:

|                     |     |
|---------------------|-----|
| Maximum:            | 354 |
| Minimum:            | 218 |
| Median:             | 320 |
| Standard Deviation: | 52  |

|                     |     |
|---------------------|-----|
| Maximum:            | 442 |
| Minimum:            | 252 |
| Median:             | 352 |
| Standard Deviation: | 160 |

|                     |     |
|---------------------|-----|
| Maximum:            | 152 |
| Minimum:            | 32  |
| Median:             | 52  |
| Standard Deviation: | 29  |



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BAKER COUNTY COURTHOUSE  
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