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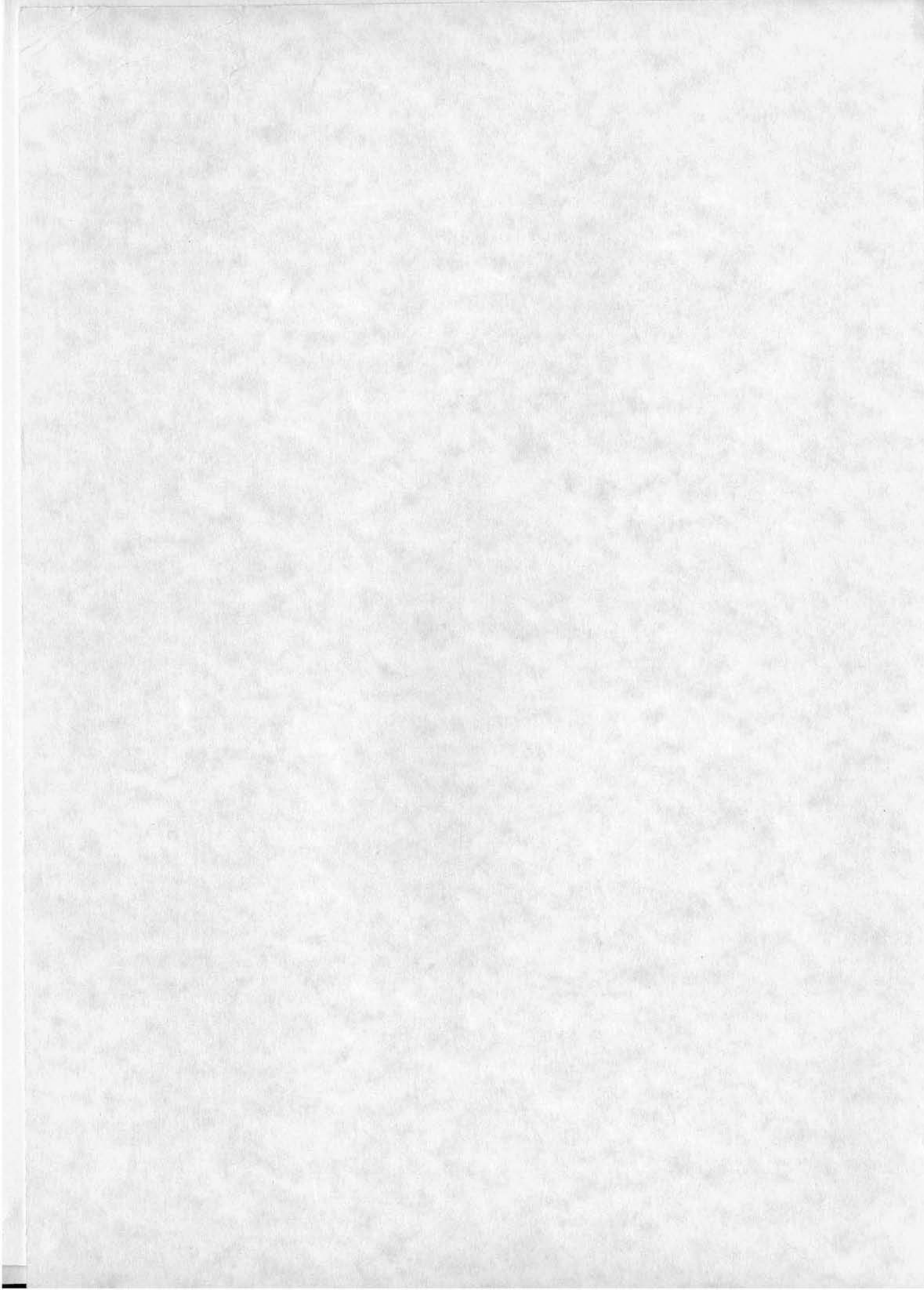
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BAKER COUNTY

COMPREHENSIVE PLAN

1993



BAKER COUNTY
COMPREHENSIVE LAND USE PLAN

ORDINANCE 83-2

Originally Adopted
March 9, 1983

Amended by Ordinances:

84-1, 85-1, 85-2, 85-7
85-8, 85-10, 86-1, 86-2
88-1, 89-1 and 89-2

Acknowledged: April 24, 1986

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PART 1

GENERAL POLICIES

The County governing body finds and declares that:

- I. The uncoordinated use of lands within this County threaten the orderly development, the environment of this County and the health, safety, order, convenience, prosperity and welfare of the people of this County.
- II. Except as otherwise provided by law, the County shall remain as the agency to promote and manage the local aspects of land conservation and development for the best interests of the people within its jurisdiction.
- III. "Comprehensive Plan" shall mean as provided by law and may be referred to herein as "Land Use Plan" or "Plan".
- IV. "Coordinated Plan" means a Plan that considers and accommodates, as much as possible, the needs of all levels of governments, semi-public and private agencies and the citizens of the County.
- V. "Goals" mean the mandatory state-wide planning standards as provided by law and may be referred to herein as "Land Use Goal" or "Goal."
- VI. "Land use policy" refers to the several generalized policy statements of the County as provided for by law, either as written in this Land Use Plan or as referenced or appended hereto:
 - A. When documents adopted by the County governing body in support of the Comprehensive Plan contain policies in conflict with those found in the Plan, the Comprehensive Plan policies shall prevail;
 - B. Such policies shall be the basis for more specific rules, regulations and ordinances designed to implement this land use Plan;
 - C. Such policies shall be the basis for coordinating the land use planning activities of the various government agencies and districts in the County having land use planning functions; and
 - D. Such policies, to the extent that they are consistent with applicable state or federal law and regulations, shall apply to all public and private land use plans and the land use actions in the County.

- VII. Any ordinances, or other rules or regulations, adopted by the County governing body to implement this land use Plan shall be consistent with the County's statutory authority and powers.
- VIII. The County does not accept liability for any loss in land values, or other property values, which result from the application of land use plans and regulations adopted pursuant to mandatory state standards. Any compensation for such loss properly belongs to the state.

PART 2

LAND USE GOALS; LAND USE POLICIES

- I. CITIZEN INVOLVEMENT GOAL: To develop a citizen involvement program that insures the opportunity for citizens to be involved in all phases of the Planning process.
- A. Citizen Involvement Policies: The County governing body finds and declares that:
1. The County governing body shall assign to the Planning Commission which is broadly representative of the various geographic areas and land use interests in the County the responsibility for implementation and evaluation of the adopted Citizen Involvement Program.
 2. The County Planning Commission shall have authority to make recommendations to the County governing body as to the Citizen Involvement Program and its implementation.
 3. The "Baker County Citizen Involvement Program, 1978" as adopted by the County governing body, shall be annually reviewed and revised as necessary.
 4. The County governing body may appoint Area Advisory Committees to contribute input to the planning process. Pine Valley Land Use Advisory Committee has been appointed and is recognized hereby as one of those Area Advisory Committees.
- B. Public Meeting Policies. The County governing body finds and declares that:
1. All meetings or hearings in the County involving land use planning and zoning actions or decisions shall be open, public meetings.
 2. The Planning Commission, hearings officer, or any other commission or committee having land use planning and zoning functions, advisory or otherwise, shall take necessary action calculated to notify the public of the time, place and purpose of its meetings. Such action shall include making the required information available to a newspaper of general circulation in the County.

II. LAND USE PLANNING GOAL: To establish a land use planning process and policy framework as a basis for all decisions and actions related to use of land and to insure an adequate factual base for such decisions.

A. Technical Information and Inventory Data Policies. The County governing body finds and declares that:

1. The County governing body shall provide for the accumulation and publication of relevant technical information and inventory data for land use planning in the County.
2. The Technical Information and Inventory Data for Land Use Planning in Baker County, as originally adopted by County government, shall be annually reviewed and revised as necessary.
3. The Planning Director of the County shall have primary responsibility for reviewing and revising such data and information: Provided, however, that any updated or revised draft thereof shall be subject to the approval of the County governing body.

B. Comprehensive Plan Policies. The County governing body finds and declares that:

1. This land use Plan, including any changes or revisions, and implementing ordinances, shall be made available to the public at the County Library.
2. Copies of all significant supporting maps and other documents relating to this land use Plan shall be made available for public inspection at the County Planning Office.
3. The manner of use of supporting maps and in land use decisions shall be set forth under appropriate goals.
4. Lot sizes in Sparta Recreation Lands Subdivision (Site 36), Skyline Acres Subdivision (Site 66) and Lower Unity Lake (Site 72) shall be frozen as originally platted to minimize development impact on surrounding resource uses.

C. In addition to this land use Plan, the following land use regulations, among others, shall be enacted to carry out this Plan:

1. Land use zoning: pursuant to ORS Chapters 213 and 215.

2. Subdivision and other land partitioning: pursuant to ORS Chapter 92.
3. Airport zoning: pursuant to ORS Chapter 492.
4. Ordinances adopting urban growth boundaries.
5. Sumpter Valley Management Plan and Ordinances.
6. A Plan map.
7. A zoning map.
8. Exceptions areas.
9. Flood Plain Ordinance.

Consideration will be given to adopting a solid waste management ordinance at a future update. Current practices and facilities are described under Goal 11.

D. Coordination Policies. The County governing body finds and declares that:

1. This Land Use Plan, including any changes or revisions, and implementing ordinances shall be coordinated with the land use plans of affected governmental units in the County.
2. Coordination of land use planning shall include the sending of copies of proposed plans and ordinances to affected governmental units and allowing a reasonable period of time for response before adoption. However, a "Coordinated Plan" shall be a Plan as provided in Part 1, IV of this Plan.
3. "Affected governmental units" are those local governments, state and federal agencies and special districts which have problems, land ownerships, or responsibilities within the area included in this Land Use Plan.
4. The County objects to the language of the Oregon Fish and Wildlife Commission's current State Agency Coordination Program, wherein only fee simple acquisition of lands valued at \$50,000 or more to be used as wildlife management areas is subject to a public hearing and Oregon Fish and Wildlife Commission approval. We insist that easement or long-term lease acquisition, regardless of value, for the purpose of management areas or feeding sites be added to the language because of the likelihood of these alternative methods being used by the

Oregon Department of Fish and Wildlife to seek additional management areas/feeding sites. We further seek to remove the dollar value as a qualifier so that change of land use, not the value of the transaction, will be the trigger for a public hearing and approval process.

- E. This Land Use Plan shall be reviewed and revised as necessary at least every five years after the date of compliance with applicable state law and land use planning goals: Provided, however, that revisions in this Plan and these ordinances may be made at any time at the discretion of the County governing body.

III. AGRICULTURAL LAND GOAL: To preserve and maintain agricultural lands.

A. Findings: Based upon the referenced documents, the County governing body finds that:

1. Twenty-three percent (217,798 acres) of the County is inventoried as soil capability classes II, III, and IV. Seventy-seven percent (699,672 acres) is soil classes VI through VIII. Baker County has no SCS class I or V soil. Of class VI and VII, 272,746 acres are steep, mountainous uplands with slopes exceeding 60% and/or with soil depths of less than 10 inches. (Greater Soil Map with Interpretations for Land Use Planning, Baker County, Oregon, May, 1973, S.C.S., Soil Capabilities for Baker County, Oregon, Dec. 1978. Lynn D. Steiger and Associates; Technical Information and Inventory Data for Land Use Planning in Baker County, Chapter 6.)
2. Agricultural lands are interspersed with forest lands in Baker County. A portion of the former are inventoried with the latter and protected by the Timber/Grazing Zone.
3. Inventoried Timber/Grazing lands occupy approximately 16% (145,000 acres) of the total private resource land area of the County, predominantly, upon S.C.S. soil classes VI and VII. (Statewide Goal 4 - Forest Lands; Generalized Maps of Land Use, Forest Types, and Forest Productivity, 1979, Lynn D. Steiger and Associates; Technical Information and Inventory Data for Land Use Planning in Baker County, Chapters 6 and 7; S.C.S. information for Land Capability System in Baker County).
4. The timber harvest cycle, from seedling to commercial tree, averages 100 years with a variable of from 80 to 140 years. A minimum commercial tree will produce one 16 foot saw log that is 6 inches in diameter at the smaller end. (Personal communication with professional foresters, Oregon Department of Forestry, Ellingson Timber Co., BLM and USFS.)
5. Thirty-six undeveloped, potential reservoir sites have been identified in Baker County; 24 on inventoried forest land and 12 on inventoried agricultural, non-forested land. (Powder River Basin Report, State Water Resources Board, June 1967, Plate 4, Map No. 9.6; Technical Information and Inventory Data for Land Use Planning in Baker County, Chapter 1.)

6. Existing and potential mineral and aggregate resources are found on agricultural and forested land, many being on public domain. A detailed analysis of these resources, both in regard to location and to other descriptors, is found under Goal 5. (Key to Oregon Minerals, Deposits Map, Ralph S. Mason, 1964; Map of State of Oregon, Mineral Deposits, 1973, DOGAMI; Baker Quadrangle, Bates Quadrangle, McCall Quadrangle, Surface Mineral Management Status, 1978 USDA and BLM; other references cited in the Goal 5 analysis.)
7. Such lands as might otherwise be considered as resource lands but which the County has determined to be built upon or otherwise committed to non-resource use are analyzed, summarized, and mapped beginning on page 18-1 of the Plan.
8. Federally managed lands comprise 51% (1,016,101 acres) of the total land area of Baker County. The County does not assume zoning or planning jurisdiction over these lands but planning for private lands is influenced by the fact that of the 965,748 acres managed by the USFS and BLM within Baker County, over 94% is managed for timber/forage production. (Personal communication, BLM, Larry Taylor, July 1982; letter from Dorothy Terry, Natural Resources Data Base Manager, USFS, Wallowa-Whitman N.F., July 14, 1982.)
9. The total value of output from Baker County in 1979 from timber harvesting, hauling and lumber/wood products processing was \$41.1 million. Since 1979, timber-related revenues have been atypical; when revenues have resumed normalcy and meaningful comparisons can again be made, the Plan update will reflect that new information.
10. Preliminary reports of the 1982 Census of Agriculture show the numbers of Baker County farms increased from 627 to 678 since the 1978 Census. All land in farms totaled 944,439 acres in 1982, an average of 1,292 acres per farm, down from 1,501 acres in 1978.

The Census Bureau defines a farm as any place from which \$1,000 or more of agricultural products were sold or normally would have been sold.

Land from which crops were harvested decreased to 83,719 acres.

The County's farmers sold \$33.9 million in agricultural products according to preliminary reports from the 1982 Census. The 1982 sales figure represents an average of \$49,937 for each of the County's farms.

The Census reports that \$5.3 million or 16% of total sales were for crops, and \$28.5 million or 84% of the total came from the sale of livestock, poultry and their products.

Preliminary data indicate that expenses for feed for livestock and poultry were \$2.8 million; total farm energy costs, \$2.4 million; fertilizer costs, \$1.3 million; and seed costs, \$360,000.

Of the total farms in the County, 206 had gross sales of \$40,000 or more; 307 reported sales of less than \$10,000. Farms operated as sole proprietorships represented 86% of the total.

In 1982 the average age of farm operators was 50.5 years. The proportion of operators reporting farming as their principal occupation remained unchanged at 66% since 1978.

Data in the report for 1978 and 1982 are directly comparable for acreages and inventories. Dollar values have not been adjusted for changes in price levels.

11. Markets for locally grown agricultural commodities and lumber are primarily located out of Baker County. Hay production finds local markets as well as exports markets. (Personal communication with area farmers, ranchers, and agricultural production bankers, July, 1982.)
12. During the period of time from 1974 to 1982, the acres of farmland in Baker County increased from 799,921 to 944,439, an 18% increase. It was at the beginning of this period, on February 2, 1974, that the Baker County adopted its E.F.U. zone with its 40 acre minimum parcel size. It was also during this period, on August 12, 1975, that the federal definition of "farm" became more restrictive. Instead of \$250. worth of agricultural products per year on any parcel or \$50. worth of products on ten acres or larger, the productivity was increased to equal \$1,000 worth of agricultural products. Take all together, then, in the face of these two changes, farmland in the County, nonetheless, increased over 18%.

The average farm size has remained virtually unchanged during the 1974-1982 study period. It has risen from 1,390 acres in 1974 to 1,393 acres in 1982.

The number of farms of 1,000 acres or more increased 12% during the years 1969 to 1978, from 165 to 185 for a total of 851,087 acres at an average ownership of 4,600 acres. It should be emphasized that these large ownerships constituted 87% of the total private lands within Baker County at the last calculation.

It should also be emphasized that except for railroad grants, state grants, and mineral patents, all private ownerships that currently exist in Baker County originated from a homestead of not more than generally 320 acres per individual.

Most of these homestead withdrawals stemmed from the Enlarged Homestead Act of 1910 and the Stockraising Homestead Act of 1916. In all there were at least eight federal homestead acts spanning nearly a century. All but one, the Desert Land Act, have now been rescinded in the lower 48 state of the United States. The current ownerships are a matter of record. (Personal communication, BLM, regional and state staff, September 9, 1982.)

13. Because of the great disparity in farm sizes in Baker County, median and mode are perhaps more meaningful measures than average by which to judge ownership size patterns. Median refers to the dividing point between two equal parts, in this case, the numbers of farms. In Baker County the median farm size in 1969 was 255 acres; in 1978, the median was 238. For purposes of comparison, other counties in Eastern Oregon are shown below with the same information and minimum parcel sizes in effect during the period of analysis:

COUNTY	1969	1978	EFU MINIMUM PARCEL SIZES
Grant County	1,694	874	F-1 (40-irrigated) R-3 (5 acres)
Malheur County	139	151	F-1 (40); F-2 (5)
Umatilla County	112	99	19 acres
Union County	235	184	4,10 and 40 acres minimum
Wallowa County	499	354	2 and 160

Mode is another useful statistic for determining relationships. In this case, mode describes the size of farm occurring at the greatest frequency in Baker County discounting those farms larger than 2,000 acres, which is not considered a functional figure for determining minimum parcel size for the EFU zone. In 1978, the mode was 10-49 acre farm parcel. When all of the information for 1978-1982 becomes available from the Agriculture Census, and updated calculation of mode will be made and reported at Plan update.

14. Other comparisons of agricultural information can become helpful in making decisions. Included below in chart form is information gained about farming in other Northeastern Oregon counties:

County	Farm Numbers		Acres in Farms		Av. Size		%Land Area	
	1974	1978	1974	1978	1974	1978	1974	1978
Baker	551	627	799921	941241	1452	1501	40.7	47.9
Grant	272	310	1087736	1007895	3999	3251	37.5	34.8
Malheur	1317	1276	1477029	1484353	1122	1163	23.4	23.5
Umatilla	1212	1250	1386605	1422191	1144	1138	67.1	68.9
Union	642	655	466571	467534	727	714	35.9	36.0
Wallowa	423	444	773353	781410	1828	1760	38.0	38.4

15. The presence or absence of irrigation water is a critical factor in the productivity of Baker County lands. One acre of irrigated land equals the productivity of 4 acres of dry land. (Personal communication, local farmers and ranchers, 1984).

B. Conclusions. Baker County concludes that existing, commercial agricultural enterprises can be continued on forty acre and one hundred sixty acre minimum parcel sizes under certain conditions. In support of this conclusion and to clarify the conditions, we offer the following:

1. Average farm size in Baker County is not a meaningful standard by which to measure future divisions of agricultural lands because ownerships far smaller than 1393 acres contribute to the local 34 million dollar annual agricultural economy in a substantial way and help maintain agricultural processors and farm markets.
2. The forty acre standard had been in use for over eight years. During this time frame there has been

an increase of 18% in productive farmland in spite of a more restrictive farm definition by the federal government. Furthermore, the average farm size has remained virtually unchanged. Wherever justified, the continued use of this proven standard offers consistency to our people and promotes the increase of productivity and wise use of our resources.

3. The overwhelming majority of farms in our County are family farms (85%). The smallest justifiable lot sizes for division of agricultural land will allow future generations of young people the chance to own and operate a family farm. Larger minimums escalate the purchase price and decrease the purchasing ability of young farmers and ranchers.
4. The smallest justifiable lot sizes for the division of agricultural land accommodate multiple heirs in estate planning and settlements.
5. A land division system based primarily upon forty acres and one hundred sixty acres retains land in production because the parcels are too large and too expensive to affordably remain idle.
6. Besides land costs, increasing rural fire insurance costs and commuting costs force those not committed to farming back into urban housing.
7. Forty acre and one hundred sixty acre parcels are frequently leased or rented to others who operate them as a part of their holding.
8. Forty acres and one hundred sixty acres are commonly used in land exchanges to block up ownerships, both private and public.
9. The forty and one hundred sixty acre minimum parcel sizes are supported by the Baker County Livestock Association whose membership totals 300 members of the agricultural community.
10. With over one-half of the County committed to resource use by virtue of multiple-use public ownership, Baker County supports a feasible and workable attitude toward regulations of the remaining, private land under its planning jurisdiction.
11. The forty acre parcel size has been documented to be commercially productive primarily on irrigated land used for hay, livestock or grain production. To remain commercially productive, lands with fewer

- than forty irrigated acres must include more dry acres. The ratio of increase is four acres of dry land for each one acre of irrigated land.
12. On sprinkler irrigated land, quarter-mile wheel lines are standard and are designed for 1320 feet of line, corresponding to the dimensions of a typical forty acre field.
 13. The land owner, without hired help, can set the wheel lines or flood irrigation ditches before and after work on a forty acre parcel.
 14. The large ownerships in some eastern Oregon counties brought under production in recent years utilizing deep wells have contributed to depleted ground water resources. They are also increasingly susceptible to rising energy costs for large pumps. Smaller parcel sizes will reduce both problems.
 15. Due to the economies of scale, larger operations are proving to be increasingly more vulnerable to rising costs of debt load, equipment, labor and energy than smaller, self-contained or wage-subsidized agricultural enterprises.
 16. Custom farming and/or harvesting is utilized by some forty acre ownerships keeping land in production and adding income to equipment owners/operators.
 17. Baker County is actively seeking to exercise its municipal preference in the establishment of hydroelectric projects(s). If successful, Baker County would pass the potential for cheaper hydroelectric power on to the County's farmers.
 18. Baker County has been approved in 1983 for a minimum parcel size of 40 acres of irrigated land. "Irrigated" was narrowly defined as including only adjudicated water rights. We now recognize that divisions of agricultural land into commercial units must take into account all sources of irrigation water as well as combinations of more land with less water which may qualify as commercial farm units.
 19. The choice to change from a standard based strictly on adjudicated water rights to a more flexible standard was made because of the number of 40 acre parcels not fully covered by adjudicated rights which are still commercial in nature.

20. The change to a one hundred sixty acre standard for range lands is made in order to avoid the exceedingly complex and confusing case-by-case review process approved in 1983, which was difficult for both landowners and The County.
21. For nonfarm uses allowed in the EFU zone, Baker County's past policy was to limit densities of nonfarm uses to a five acre minimum parcel size for the most part. This has had the effect of including some productive land into partitions of generally unproductive lands. Being contrary to the intent of the land use planning laws and no longer necessary because of current agreements with D.E.Q., this policy is being modified toward allowing smaller minimums for nonfarm use.

C. Agricultural Lands Policies. The County governing body declares that:

1. Inventoried agricultural lands in the County shall be administered in accordance with the EFU provisions of ORS 215, and shall be planned, zoned and administered in a manner consistent with the requirements of Goals 3 and 9.
2. In addition to these goals and laws that require the protection and preservation of agricultural lands, Baker County sees the necessity of adding the more stringent requirement of actually promoting increased productivity throughout our agricultural lands.
3. Recognizing that current Goal 3 language deals with "existing commercial agricultural practices," Baker County is determined to allow for changing technology in agricultural enterprises of the future. Toward that objective, the County shall provide for a minimum parcel size that affordably allows for innovative, smaller-scale, commercial agricultural operations. For the purposes of agricultural land policies, "commercial agriculture" shall be defined as consisting of farm or ranch operations which will:
 - a. contribute in a substantial way to the area's existing agricultural economy; and
 - b. help maintain agricultural processors and established farm markets; and
 - c. when determining whether a farm is part of the commercial agricultural enterprise, not only

what is produced but how much and how it is marketed shall be considered.

4. Pre-existing, substandard sized parcels will be reviewed against criteria within the zoning ordinance in a public hearing to determine whether they are commercial farm units or non-farm units.
5. Farm use shall be understood to mean grazing as well as tillage of land as defined by ORS 215.203.
6. All divisions of agricultural lands in Baker County shall be appropriate for the promotion of increased production of our agricultural resource base pursuant to Goals 3 and 9. See pages 9-2++ of this Plan.
7. Based upon previous findings, the County contends that forty acres, with sufficient irrigation water, or more land if less water is available, is a commercial unit.
8. Agricultural lands or forest lands containing an existing or potential multiple use reservoir site may be rezoned for such a reservoir. Rezoning for reservoirs greater than 1000 acre-feet shall be required and shall be based upon the application of the Goal 2 Rule (OAR 660-04-000), and shall require a Plan amendment.
9. Agricultural lands or forest lands that are partitioned and built upon to such an extent that, for practical purposes, the statutory agricultural land use policy cannot be applied may be rezoned for other rural uses compatible with farm or forest use. Such rezoning shall require a Goal 3 Exception demonstrating that said lands are physically built upon or irrevocably committed to or needed for non-resource use. Lands so justified are found in the Exceptions Areas portion of this document.
10. Agricultural lands or forest lands that are subject to a superseding federal law or regulation may be zoned in a manner consistent with such law or regulations. Please see the Mineral Extraction Zone portion of this document.
11. Agricultural land or forest lands that are essentially recreational lands may be rezoned for such recreational uses and other uses compatible with recreational uses. Such rezoning shall require a Goal 2 exception demonstrating that said lands are

physically built upon, or needed for non-resource use.

12. There shall be no subdivisions of irrigated farmland in the EFU zone of Baker County.
13. When contiguous farms are consolidated under one ownership, dwellings and outbuildings can be partitioned by either the buyer or the seller, providing:
 - a. The house is not needed and will not be needed in the foreseeable future as a farm related dwelling.
 - b. The partitioned lot shall be only as large as necessary to accommodate the non-farm residential use and shall, insofar as is practicable, remove no productive land from active farming.
 - c. The remainder of the property shall remain in farm use and shall not be eligible for a new dwelling for a period of at least 10 years.
 - d. The remainder of the property shall not be partitioned except in accordance with the criteria set forth in the Zoning Ordinance.
 - e. The partition is consistent with ORS 215.283 (3).
14. Retirement farmsteads shall be permitted only when all of the following criteria are met.
 - a. Complies with the criteria of ORS 215.283 (3).
 - b. The proposed use complies with the purpose and intent of the Baker County Comprehensive Plan.
 - c. A maximum two-acre parcel may be partitioned which includes the original farmstead parcel. The farmstead parcel shall be only as large as necessary to accommodate the residential use, including consideration for replacement area for the drainfield.
 - d. The person making the request has resided on the property 10 years or more.
 - e. The first right of refusal for repurchase of the farmstead parcel is given to the parent parcel.

- f. The remainder of the parcel shall not be partitioned for a similar purpose.
 - g. The purpose of the farmstead partition shall be for retirement thereon. Retirement, for purposes of this section, shall mean the farmstead applicant has reached the age of 55 years.
15. Temporary Mobile Home Placements: One mobile home may be permitted in conjunction with an existing dwelling as a temporary use for the term of a hardship suffered by the existing resident or a relative of the resident (ORS 215.283(2)(L)).

Nothing in this section shall be construed to require the granting of such a temporary mobile home placement.

Circumstances for granting a temporary mobile home placement: A mobile home may be temporarily located on a building site or lot where there exists a personal, but not necessarily financial, hardship on the part of the applicant, whereby it is necessary to have someone living on the same premises as the applicant's dwelling or mobile home. The installation of a separate subsurface sewage disposal system for a temporary mobile home shall be allowed but shall not become justification for converting a temporary mobile home to a permanent status.

Conditions: The following conditions shall be applied applied by the Hearing Officer in evaluating an application for Temporary Mobile Home Placement:

- a. Approval shall clearly set forth the conditions under which the temporary mobile home placement is allowed.
- b. Approval shall be for a period of one year, which may be renewed, or for a temporary but undefined duration. However, the mobile home shall be removed thirty (30) days after the original need has ceased.
- c. The Hearings Officer may require doctor's certification for an application based upon dependency due to medical reasons.
- d. The location of a temporary mobile home on a parcel of land shall not be considered a separate dwelling site and the lot area,

frontage and access requirements of the applicable zone shall not apply.

- e. In granting a Temporary Mobile Home Placement, the Hearings Officer may impose additional reasonable conditions to meet the purposes of this section and the goals and policies of the Comprehensive Plan. Guarantees and evidence of compliance with conditions may be required.
16. The County shall allow "mortgage" or "financial segregations" to facilitate loans secured by a substandard sized tax lot, providing both the parent lot and the lot segregated for mortgage purposes otherwise remain in the same name. The rationale for this policy is derived from ORS 92.010(8).
 17. The County will examine the Marginal Lands Bill (S.B. 237) within the next planning update period to determine its usefulness to Baker County.

IV. FOREST LANDS GOAL: To conserve forest lands for forest uses.

A. Findings. Based upon the referenced documents and/or the testimony of professional foresters, the County governing body finds that:

1. Forest lands in the County have been inventoried. The inventory includes lands having an annual productive capacity of 20 cubic feet or more of commercial wood fiber per acre of land. (Forest Lands Productivity Mapping for Baker County, 1982; USFS, BLM, ODF, Private Timber Companies' foresters; Orthophotographs of Baker County; ownership records from County tax assessor's office; Technical Information and Inventory Data for Land Use Planning in Baker County.)
2. Inventoried forest lands are upon S.C.S. Soil Associations 17 through 21 which comprise 44% of Baker County (867,000 acres). Of the total, 52% (454,300 acres) are S.C.S. Classes VII and VIII. (Statewide Planning Goal 4: Forest Lands Productivity, 1979, Lynn D. Steiger and Associates; Technical Information and Inventory Data in Baker County, Chapters 6 and 7; S.C.S. General Soil Map with Interpretations for Land Use Planning, Baker County, 1973.)
3. The timber harvest cycle, from seedling to commercial tree, averages 100 years in Baker County. The full range is from 80 to 140 years. By commercial tree, we mean one that will produce at least one 16 foot log that is 6 inches in diameter at the smaller end. The slow growth of timber in Baker County increases the economic need of private landowners to manage their timberland for multiple uses. (Personal communication with professional foresters, O.D.F., U.S.F.S., B.L.M., and private timber companies' foresters.)
4. A major portion of the inventoried forest lands are under federal management or are in industrial ownerships. Technical Information and Inventory Data for Land Use Planning in Baker County, page 17.
5. A portion of the commercial and non-commercial forest lands in Baker County are so interspersed with agricultural lands that they are included in the agricultural lands inventory and are protected by the Exclusive Farm Use Zoning.

6. "Primary forest lands" refers to land areas in the County managed for multiple uses, among them commercial timber production, by an agency of the federal government. Such lands shall be designated with a "Primary Forest" zone as described in the zoning ordinance.
7. Private forest lands including those owned by industrial forest corporations are also used for grazing of domestic livestock.
8. "Timber Grazing" shall refer to the zone wherein non-federally owned forest lands that are capable of producing 20 cubic feet of commercial wood fiber per acre per year are located. The zone designation denotes the primary uses therein and is more fully described in the zoning ordinance.
9. "Forest uses" are as those uses are defined by Goal 4 and Goal 4 Administrative Rule.
10. "Tree farming," as referred to in this document and in the zoning ordinance, shall mean timber stand improvements according to standards of the Agricultural Stabilization and Conservation Service (A.S.C.S.) performed for the twin objectives of fuel reduction to minimize the threat of wildfire and growth promotion of commercial species. These objectives are achieved by disposal of dead and down forest fuels, pruning and thinning. Reforestation as a tree farming practice may be regulated by the Oregon Forest Practices Act.
11. Minimum lot size alone does not determine whether or not forest land will be conserved for forest uses. (Testimony of private landowners and professional foresters during public hearing in Baker County; observation of forest conditions on various sized ownerships within the County by Planning Commissioners.)
12. Tree farming yields greater productivity of marketable wood fiber from forest lands. (Professional forester, O.D.F.)
13. Tree farming promotes forage production for the grazing of domestic livestock and wildlife. (Ibid.)
14. Tree farming enhances watershed storage capacities of the affected ground areas. (Ibid.)
15. Tree farming releases oxygen for the environment

because of the resultant health and vigor of the remaining, improved stand. (Ibid.)

16. Aesthetic values are positively affected by the open spaces and park-like environment produced by tree farming. (Ibid.)
 17. Fire prevention is promoted and fire suppression is assisted by tree farming and practices outlined in Fire Safety Considerations for Developments in Forested Areas, 1978, available from the State Department of Forestry. (Ibid.)
 18. Small parcels are more affordable to private individuals. (Public testimony at Planning Commission Hearing, August 26, 1982.)
 19. Ten acres may qualify for A.S.C.S. cost sharing for tree farming. (Professional forester, O.D.F.)
 20. Eighty acres is a feasible management unit for the continuing work involved in tree farming. (Assessor's Records of Accounts Under Forest Assessment.)
 21. Insect and disease control on forest lands are enhanced significantly by tree farming. (Testimony of landowners at Public Hearing, August 26, 1982.)
 22. Fire retardant roofing materials used in the construction of buildings in forested areas greatly reduce the spread of fire (Ibid.)
 23. Equipment and harvesting techniques make small tract logging possible. Obviously, the profitability of such an operation is relative to the size of the tract, the obstacles to logging from improvements and the numbers of merchantable trees at current market value.
 24. Certain areas of forest land are physically built upon or otherwise committed to development for non-forest uses to a degree warranting continued development within mapped boundaries. Such areas will be described in the Comprehensive Plan under "Exception Areas."
- B. Conclusions. Baker County concludes from the above findings of fact that:
1. Eighty-acre ownerships allow forest management practices that will promote betterment of Baker County's forest lands.

2. The initial forest improvements required to receive a building permit will promote fire protection as well as timber growth.
3. Forest uses will be retained and enhanced by requiring all non-forest dwellings on inventoried forest land to be on 10 acres of land or more, or on pre-existing parcels of less than 80 acres, and subject to a public hearing to assure that the parcel is generally unsuitable for forest use, that the dwelling would not significantly and negatively affect existing forest uses in the area such as preservation of watershed values and other considerations as defined by Goal 4; that adjacent forest lands are protected from fire hazards through an adequate program of fire proofing and fuel breaks; and that the dwelling will not have an undue adverse impact on timber production and other forest practices on adjacent lands.

C. Forest Lands Policies. The County Governing body declares that:

1. A Timber Grazing Zone and a Primary Forest Zone will be implemented to retain non-primary and primary forest lands in Baker County for forest uses.
2. No jurisdiction is assumed by the County for land use decisions within the federally managed Primary Forest Zone.
3. Except as authorized by the County Zoning Ordinance, divisions of inventoried forest land of less than 80 acres shall be subject to a public hearing and ordinance criteria.
4. Non-forest dwellings on forest land will be allowed but will require a public hearing to assure that the criteria of the ordinance are satisfied.
5. Forest related dwellings will be limited to those necessary for and accessory to commercial forest use and to those parcels of an adequate size to support commercial forest use. Consequences to forest uses other than the production and processing of timber shall be considered in the siting of such dwellings.
6. A forest management Plan for commercial development of the parcel will be required for partitions of forest land for the establishment of a forest related dwelling. Planned access to interior tracts

of timberland shall be encouraged when dealing with road-front parcels.

7. In addition to other criteria, before a building permit for any dwelling on inventoried forest land will be given zoning approval, each owner shall fully tree farm the land in a 265' radius from the proposed dwelling except when the ownership boundary is nearer to the dwelling than 265'. In the latter instance, a greater radius will be required so that in all cases a minimum of 5 acres is tree farmed. For pre-existing, non-conforming sized forest parcels of less than 5 acres, the entire ownership shall be fully tree farmed before zoning approval will be given for a building permit.
8. All dwellings on inventoried forest lands shall be required to be roofed with fire retardant materials.
9. All development on inventoried forest land shall be encouraged to use the protective guidelines of Fire Safety Considerations for Developments in Forested Areas, available from the Oregon State Department of Forestry.
10. Home occupations shall be reviewed as a conditional use using the criteria described in B (3) above to assure that they are compatible with forest uses.
11. Before the County grants zoning approval for a land use incompatible with defined forest uses, a Goal 2 exception and Plan amendment will be required.
12. As a result of mixed agriculture and forest uses that exist within the Timber Grazing Zone, the County designates the forest land under its jurisdiction as a mixed use forest zone.
13. It is the intent of Baker County that the Timber/Grazing Zone shall be constructed and administered in a manner qualifying it for tax assessment under ORS 321 or 308.

V. OPEN SPACE, SCENIC AND HISTORIC AREAS, AND NATURAL RESOURCES

GOAL: To conserve open space and protect natural and scenic resources.

A. Findings: Based upon the referenced documents and/or knowledgeable resource people, the County governing body finds that:

1. Some of the resources identified by this goal have been inventoried and analyzed according to the Goal 5 Administrative Rule (ORS 660-16-000). However it is recognized by the County that in some instances a more detailed and conclusive inventory must be done. Such an inventory shall be provided at periodic updates to this Plan.
2. Conflicting or potentially conflicting uses of land exist in the County, sometimes involving the resources of this goal one with another; sometimes involving Goal 5 resources with land uses addressed by other goals.
3. Economic diversification and improvement in the County will require the development and utilization of all natural resources.
4. Coordination, cooperation, and development of natural resources, properly executed, will have acceptable environmental consequences.
5. "Land needed or desirable for open space" includes agricultural and forest lands (public and private); public parks and campgrounds; lakes, streams and reservoirs; and other special purpose lands such as wilderness areas, recreation areas and wildlife areas.

Open space, as such, is not a significant issue or problem in Baker County. By staff computation, Baker County residents have in excess of 100 acres of open space per capita. Open space shall be addressed and accommodated by the application of the related aspects of other land use goals: agricultural and forest lands; air, land and water resources quality; and recreational needs.

6. "MINERAL AND AGGREGATE RESOURCES" include any naturally occurring inorganic mineral of economic quality and quantity, including such minerals of organic derivation.
 - a. Maps prepared by the Bureau of Land Management (BLM) displayed public/private ownership patterns including mineral resource ownership are used in the Baker County Planning Office to

identify public or private ownership of surface and subsurface rights. Further information regarding private ownership of mineral rights is secured from County records in the assessor's and clerk's office or from other BLM records.

- b. Those lands deeded as patented mining claims are inventoried and mapped. Such lands will be recognized by the County for continued, outright use for mining and will be zoned in a Mineral Extraction (ME) Zone. These sites are 3A sites pursuant to OAR 660-16-000.
- c. Mining is subject to the public hearing process in the other resource zones of Baker County to determine its compatibility with the primary uses. This is true of the Timber/grazing (TG) zone, Farm (EFU) zone, and The Sumpter Valley Management Area (SVMA) zone. These sites then would all be considered 3C sites pursuant to OAR 660-16-000.
- d. Mining of aggregate in residential areas has been inventoried mapped and evaluated. Three sites have been given 3C status, pursuant to OAR 660-16-000, and a protective zone designation, known as Surface Mining (SM) Zone, will be implemented for these sites.
- e. The historical use of land in a portion of Sumpter Valley and the resulting disturbance of the mined area still unreclaimed have prompted the creation of an overlay zone in a residentially zoned exception area. Within this overlay zone, further mining of previously mined land shall be allowed as an outright use.
- f. Because of the relationship between mineral extraction and the industries located within certain industrial zones, the County finds that the Industrial (I) Zone is adequate protection for certain mineral resources. These are sites of a 3B nature pursuant to OAR 660-16-000.
- g. Preceding findings (6,b-e) are derived from the following analysis of mineral and aggregate resources of Baker County:

ANALYSIS OF MINERAL AND AGGREGATE RESOURCES

(1) Introduction

The geological history of the Eastern Blue Mountain region resulted in extensive mineral and aggregate deposits in Baker County. The area's geological formations are described by Ross (1938), Wilkinson (1959), Baldwin (1959), and the USGS (1969). Baldwin describes rock deposits found in the major formations. These include volcanic flows and limestone in the Clover Creek greenstone formation, argillite in the Elkhorn Ridge and schists, limestone, slate and quartzite in the Burnt River schist formation. He also notes gypsum and limestone deposits around Huntington. Granite deposits are found in the Blue Mountains and the Wallowas and frequently coincide with areas having a history of gold mining. Baldwin identifies basalt flows in the Powder River and Unity Basins and alluvial deposits of sand and gravel covering many other valley floors. (Edward M. Baldwin, Geology of Oregon, University of Oregon Cooperative Bookstore, Eugene, 1959).

Numerous mineral deposits "of demonstrated or potential economic importance" which occur in Baker County are described by the USGS. These include metals, such as gold, silver, copper, manganese oxides, and mercury. Their survey also mentions the presence of semiprecious gemstones such as agate, opalite, crypto-crystalline quartz and petrified wood in the Blue Mountain region. (USGS in collaboration with Oregon Department of Geology and Mineral Industries and others. Mineral and Water Resources of Oregon, Senate Committee on Interior and Insular Affairs, Washington, D.C.: GPO, 1969).

Historically, mining has played an influential role in the growth and development of Baker County. A brief discussion of the history of the County's major mining districts is provided by Gerry Steele:

"Two parties prospected in Eastern Oregon in the summer and fall of 1861. Both were in search of the stream where the so called Blue Bucket strike had been found. One group, according to an 1874 story in the Bedrock Democrat, was the men who discovered gold in Griffin Gulch.

The rush for these placer diggings commenced in the spring of 1862. The newspaper said

the discovery led to the discovery of other sites such as Auburn, Mormon Basin and Rye Valley...."

The following is a breakdown of some of the mining districts and their major towns and mines.

Mormon Basin- This district straddled the Baker-Malheur County Line. Mine and prospect workings were abundant, but scattered throughout the district. Numerous veins had been exposed.

Baker - This district embraced the southeastern end of the Elkhorn Ridge, southwest of Baker. A few lode prospects were located in the drainage area of Salmon and Marble creeks.

Cornucopia - This district is near the head of Pine Creek in northeastern Baker County.....

Eagle Creek - This district included the upper drainage of Eagle Creek and the adjoining area on the Powder River slope, northeast of Keating. Elevation of the mines ranged from 3,500 feet to 7,000 feet.

The Sanger Mine, the principal lode mine, was on a branch of Goose Creek near the top of the Powder River - Eagle Creek Divide.

The Sumpter Lode, the principal vein, was discovered in 1870. In 1874 the production was \$60,000 form ore containing \$16 to the ton.

Homestead - The Iron Dyke copper mine at Homestead on the Snake River produced a considerable amount of gold and silver in addition to copper. The deposit was discovered in 1897, but little production was made before 1915.

Medical Springs - This district lies about 18 miles northeast of Baker. Old workings were scattered among the hills around the town, but production records area scarce.

Sparta - This district encompasses a small

area between Eagle Creek and the Powder River in the vicinity of Sparta, about 40 miles east of Baker.

Sparta is noted mainly for its placer mining, although no production records exist. The main mines in the area were Macy, Gem and Crystal Palace.....

Greenhorn - The district embraced the eastern part of the Greenhorn Mountains. The deposits were grouped around the town of Greenhorn, 50 miles from Baker by way of Whitney.

The largest mine in the district was the Bonanza, with an estimated output of \$1.8 million. The mine was discovered in 1877 and was active until 1904.....

Sumpter - For many years Sumpter flourished, feeding on the new lode mines and the returns from the dredges. As these sources died so did the town....Dredging continued until the valley was in ruins. Tailings occupied the creek beds and both banks (excerpted from "Mining History," in Mining: Baker County's Brightest Prospect, a supplement to the Democrat Herald, Baker: July 20, 1982, pp 5-8).

The history of the mineral industry in Baker includes more than the precious metals. Lead, copper and cement are also important and have been exported from the County. Dean Brickey discusses these materials and their relative importance:

Cement - "Cement production in Baker County long ago far exceeded all the gold and silver that was ever produced," said Howard Brooks, resident geologist with the State Department of Geology and Mineral Industries.

Cement is produced at Nelson Point, south of Durkee, by the Oregon Portland Cement Co. Its principal ingredient is limestone, which OPC obtains from a quarry near the Nelson Point plant.

Gold - "The total output of gold from Baker County probably is close to two-and-a-half

to three million ounces since 1861," Brooks said. "The total recorded production of the state is 5.8 million ounces...."

Silver - Silver production in Oregon through 1968 was recorded at 5.5 million ounces. "That probably hasn't changed materially since then," Brooks said.

Through 1965, according to his research, more than 2.2 million ounces of silver had been mined in Baker County. Little more has been extracted since.....

Copper - Through 1965, more than 16 million pounds of copper had been taken from Baker County's soil. There has been substantial copper production at the Iron Dyke Mine, north of Oxbow, and at the Mother Lode Mine, north of Keating, he (Brooks) said ...

Lead - Lead is another by-product of gold and silver mining. Through 1965, according to Brooks, nearly 300,000 pounds of lead were extracted from Baker County. Little has been taken out since, however. (Excerpted from "Mineral Wealth" in Mining: Baker County's Brightest Prospect, a supplement to the Democrat Herald, Baker: July 20, 1982, pp. 30-32.)

Mining continues to play an important role in the County's economy. The level of activity fluctuates but it is fair to assume that mining will continue to be significant in the future. Demand for mineral and aggregate materials is difficult to predict; even the State Highway Department and the County Roadmaster make no projections of future needs.

The Inventory of Mineral and Aggregate Resources in Baker County includes all commercial sites which have been or are currently active and in which material remains. Surface mining sites are indicated on the map of Baker County (Plate 12) in the Technical Information and Inventory Data for Land Use Planning in Baker County and are described in Chapter 10 of that same reference. The first section of the inventory includes only significant metallic resources; the second section includes all significant nonmetallic resources.

The Inventory of Patented Mining Claims, arranged numerically, is included in Chapter 10 of the Technical Information and Inventory Data for Land Use Planning in Baker County. It includes all sites which have been granted a patent by the federal government. The granting of patents transfers sub-surface and surface rights of the public land to private ownership and also brings these lands under County jurisdiction. These are also mapped in small scale on Plate 16 of the same reference document with numbers corresponding to the printed inventory. Supplementing the inventory and map is an alphabetical index of individual and group patented mining claims and large scale map of same in the County Planning Office.

(2) Surface Mining:

Though mining is an important element of the County's economy, few public records documenting the activity are kept. The primary source of information concerning sites is the Department of Geology and Mineral Industries (DOGAMI) which issues surface mining permits or certificates of exception to parties involved in the extraction of mineral and aggregate resources. Baker County conditional use permit files supplement DOGAMI records by providing more extensive information about some DOGAMI sites and additional sites. Geologists from DOGAMI, the State Highway Department and the industry, as well as the Baker County Roadmaster are another important data source because of their knowledge of the area's geological history, and familiarity with specific resource sites. Where these data sources remain inadequate to determine the quantity, quality and location of a site, resource owners and landowners may be contacted and/or on-site inspections made.

Data was collected from all the above sources and used to compile the Mineral and Aggregate Inventory. Locations of sites are described to the quarter section. Quantity is described in terms of site acreage and cubic yardage (or tonnage in some cases). Estimates of cubic yardage are not always available, and where available are sometimes not disclosable (ORS 517.900 restricts disclosure of some information contained in a surface mining permit application). The types of resources and probable uses address the of matter quality.

Factors other than its intrinsic "quality" influence the relative value of some resources. In particular, market demand and proximity to demand are important and non-static factors.

The inventory also indicates the resource owner, land owner and the DOGAMI identification number for each site. Sites located on federal land are included in order to provide a more accurate picture of the relative importance of each site as a supplier to an area, but the County presumes no jurisdiction over such sites.

Resource sites included on the inventory are considered to be significant. They represent sources of mineral and aggregate materials currently being used, and known sites for which a future need may arise. Though some sites are currently closed or inactive, they contain, nonetheless, significant reserves. "Closed" and "inactive" are administrative classifications, and do not necessarily mean that the resource has been depleted.

The inventory includes 29 metallic sites and 90 nonmetallic sites. The primary metallic resource is gold. Surface mining includes large and small placer operations and chemical leaching processes. In addition to new excavations, considerable reworking of old wastes occurs. Fifty-six percent of the 90 nonmetallic resource sites belong to the State Highway Division or the County, and are used almost exclusively for road construction and maintenance. Most of the remaining sites belong to private individuals or firms with the exceptions of a few that belong to federal or municipal agencies. These private sites supply materials such as limestone and bentonite, which have been marketed outside of the County, as well as sand, gravel and rock for local construction. They tend to be located closer to urbanized areas than are the state and County road maintenance pits. A number of small sites are used to maintain private access roads.

Mining on Patented Claims: see page 109
of Technical Information.

Patenting has been going on since the Mining Act of 1872, and is currently handled by the Bureau of Land Management. There are 241 patented mining claims in Baker County. Prior to

patenting a claim, an individual must demonstrate a valid discovery and have such validated by a representative of the BLM, and invest in site improvements. Placer claims are generally twenty to 160 acres in size, and lode claims may be up to 600 feet by 1500 feet, with a 20.64 acre maximum.

Because patented claims are scattered throughout the farm and forest zones of Baker County as well as within inventoried important wildlife habitats, the potential for conflict between mining and other resources exists. Reducing the threat of conflict, however, are such factors as remoteness of the mines, existing surface disturbances from historic use, visual barriers due to terrain and vegetation that offer acceptable separation of uses, and existing regulation dealing with surface activity, reclamation, and degradation of other resources, i.e., air, land, and water quality laws. Additionally, it should be noted that the majority of patented mining claims in Baker are underground mines known as lode claims. As such, their impact on surface uses is minimal. These claims have co-existed for upwards of a hundred years, mostly in harmony with the environment. Finally, in light of a recent court decision (Eastern Oregon Mining Assn. vs Grant Co.) wherein County and state government is reminded of the supremacy of federal law, Baker County has no wish to attempt to interfere with federally granted patented mining rights.

Therefore, patented mining claims are found to be a 3A resource (pursuant to OAR 660-16-000) whose importance relative to other uses is significant to the point of warranting protection from all conflicting uses.

Mining and Land Use Regulation:

The majority of mining sites occur in the resource zones. All patented claims fall into the Mineral Extraction Zone, where mining is an outright use. Most non-patented sites included in the Inventory of Mineral and Aggregate Resources fall into the Sumpter Valley Dredge Tailing Management Area or the Forest and EFU zones, where mining is a conditional use. These operations are regulated by DOGAMI, which issues permits pursuant to an acceptable reclamation

Plan and bonding. The purpose of the reclamation program is "to provide that the usefulness, productivity, and scenic value of all lands and water resources affected by surface mining operations within this state shall receive the greatest practical degree of protection and reclamation necessary for their subsequent use" (ORS 517.760 (2) (a)). The policies and statutory provisions under which DOGAMI regulates mining minimize the detrimental impact such activity might have on subsequent uses of sites in resource zones. Therefore, mining is compatible with other land uses in the Sumpter Valley Dredge Tailing Management Area and the Mineral Extraction, Forest and EFU zone.

In several instances, however, mining occurs in other zones, some of which represent potential land use conflicts. Such sites are starred on the inventory and listed separately in Chapter 10. Sites which are in such zones but are officially closed are not included on this list. Closure implies that the site is in the process of being reclaimed. Reclamation enhances the land's capacity to support the uses allowed by the Zoning Ordinance. Conflicts between mining and other land uses are analyzed on a site by site basis below. The purpose of such analysis is to compare the economic, social, environmental, and energy consequences of mining use with the same consequences of other uses allowed in the zone. From such comparisons, the County has reached conclusions and policies about which uses are preemptive or compatible.

(3) Surface Mining and the Rural Residential Zone (RR-1)

#56 FarWest Concrete's gravel pit at SE 1/4 Sec. 29, Twp. 8S., R39E

A portion of this gravel site is being used by FarWest Concrete. One six-acre pit is not currently active, but it is being used as a pond. The firm sells pit run from an eight-acre pit, in which about 150,000 cubic yards of material remain. Also, 3/4 - 1 1/2 inch crushed rock is stockpiled here.

FarWest Concrete is an important supplier of aggregate material to the construction industry in Baker County. This site is strategically located to serve building

needs in the City of Baker, Haines, and the Wingville area. Although presently zoned RR-1, mining is not in conflict with adjacent land uses at this time; but rural residential development in the future could become a conflict.

At this point in time, absent actual conflicts, it is useful to compare the consequences of protecting the resource site with the consequences of giving priority to the speculative value of land which is zoned for rural residential use.

The resource site can be protected by designating it as a surface mining zone (SMZ). Such a designation decreases uncertainty which otherwise might inhibit investment and a long-range planning for the site. Protection of this existing site is more energy efficient and environmentally sound than the proliferation of other sites which would be required to meet local gravel needs. Such designation will contribute to the efficient utilization of the County's gravel resources.

On the other hand, giving priority to the speculative value of such land for residential development would impose economic hardship on the gravel pit owner. Such a policy would have the effect of requiring him to mitigate potential conflicts between the noise, dust and appearance of gravel extraction and residential development. Since, however, residential development has yet to occur on the adjacent property, such a policy might or might not enhance its value for residential use, and would surely add a degree of uncertainty to plans for the development of the gravel resource.

FarWest's gravel pit is an important resource and should be protected. Conflicts with adjacent properties do not currently exist, and may be avoided by giving priority to the resource site over speculative values of adjacent residentially zoned land. If such properties are eventually developed, it will be the responsibility of these developers to provide appropriate buffers

and screen. Such requirements would be described in the RR-1, Zoning Ordinance.

#55 The County's pit at SE1/4 Sec. 29, T8S., R39E.

This pit is currently inactive, but the County Roadmaster indicates that it may contain material which will be needed in the future. It is adjacent to the pit discussed above (#56) and should be included with the FarWest pit and protected by this SMZ for the same reasons.

#53 Baker County's pit at SE1/4 Sec. 19, T8S., R39E (The Butler Pit)

This site is on an eighty acre parcel about half of which has been developed as a gravel pit. It is one of the County Roadmaster's primary sources of road maintenance materials. Its location provides good access to many of the heavily used roads radiating from the City of Baker. The quality and quantity of material make the Butler Pit a valuable resource to County residents and development of the site represents a substantial investment of local revenue.

The Butler Pit is surrounded by land which is zoned for rural residential land use, which allows for parcel sizes as small as five acres. If a density of one house per five acres actually existed, residential and gravel extraction could be conflicting land uses. However, the mean size of the thirteen parcels which are contiguous with the Butler Pit is 19 acres, and the residential density is one house per 44 acres. Gravel extraction and residential land use are compatible at current densities, and through the creation of appropriate buffers and screens can remain compatible as residential density increases.

The southeast portion of the site has been reclaimed, and ponds on the eastern side are used for irrigation and fishing. The western part of the site is managed for wildlife. Thus, some buffers already exist between County and private land. Future reclamation may provide more screens, but it

SECTION 29 T 8 S R 39 E
Far West & County Pits

5-25

1" = 400'

502
10.00Ac

600
67.56Ac

501
5.00Ac

500
15.00Ac

800
15.50Ac

700
41.38Ac

1000
10.00Ac

1100
4.84Ac

402
15.06Ac

400
9.78Ac
PINE

CREEK

900

HIGHWAY

NO. 1124

1800
9.77Ac

1900
4.89Ac

2000
4.88Ac

2100
19.55Ac

2200
31.34Ac

NO. 669

NO. 1124

ROAD

NO. 1124

1/4 CC

2.64 x .23

1/4 CUR

COUNTY ROAD

NO. 700

(HUNT MTN. RD.)

SECTION 19 T8S R39E

Pit No. 53

1" = 200'

BUTLER PIT (COUNTY)

(POCAHONTAS RD.)

201
77.28 ac.

300
4.94 ac.

53

501
5.18 ac.

501
5.18 ac.

501
5.18 ac.

SEE MAP R 29 21

should be incumbent upon those who eventually develop rural residential properties to screen their houses from the gravel pit, which has been in existence for many years.

The Butler Pit should be protected as a resource site. This can be accomplished with the SMZ designation. Gravel excavation will not conflict with adjacent land uses if proper safeguards are taken by the developers of the surrounding rural residential land. These safeguards would be described in the RR-1 Zoning Ordinance.

(4) Surface Mining in the Industrial Zone

#97 & 105 Oregon Portland Cement Sites at Sec. 10, 11, 14, 15, 16, T12S, R43E & Sec. 25, 26, 27, 34, 35, T13S., R44E.

These quarry sites belong to OPC. Site 97 is 736 acres, currently an active source of limestone and shale, whereas site 105, 1053 acres, is an inactive limestone source. The area is zoned for heavy industrial use, and the sole industrial occupant and owner is OPC. Baker County believes the industrial designation is appropriate for these sites.

These sites are unique because the consequence of protecting the resource are the same as protecting the adjacent industrial uses. Raw materials extraction does not conflict with industrial land use here because the only existing industry is one which process is those very materials. Proximity to the material source is vital to OPC's operation, and such materials should remain as accessible as possible.

#69 & 71 Redi-Mix Sites at SW 1/4 Sec. 10, T9S., R40E.

These contiguous sites and the adjacent land to the north and east are zoned for heavy industrial use. The boundaries of the City of Baker and its Urban Growth Boundary lie to the west and the south.

These sites represent important and accessible sources of gravel for Redi-Mix, a primary supplier of gravel, asphalt and

cement to the Baker area. These sites contain significant quantities of material and are valuable resources. Currently, gravel extraction and industrial land use are compatible because the only existing industry in the zone is the Redi-Mix, which primarily serves local needs.

By giving priority to industry on these sites, the pressure on agricultural land for industrial sites may be lessened. In addition, such designation allows Redi-Mix, which owns 50 acres adjacent to site 71, more flexibility in the expansion of its cement and related products manufacture. Industrial designation does not preclude continued gravel pit activity. Rather it protects alternative industrial land uses in the future.

7. "ENERGY SOURCES" includes geothermal heat, water power, transportation pipelines of natural gas and petroleum distillates and solar radiation.

- a. Geothermal Heat:

- (1) As indicated on page 24 of The Technical Information and Inventory Data for Land Use Planning in Baker County, three sites have been identified in the Northeast Oregon Geothermal Project Report, E.O.C.D.C., 1978 as most promising for geothermal developments. They are:

- (a) Fisher Hot Springs - This spring is noted on the Rock Creek 7.5 quadrangle in the NE 1/4 of the NW 1/4 of Section 10. Township 7 S., Range 38 E.W.M. The site may be reached via the Anthony Lakes Road. Follow the road west from North Powder approximately eight miles to the Foothill Road, thence two miles south to the Fisher residence.
- (b) Radium Hot Springs - This well-known spring is located on the Haines 7.5 minute quadrangle in the SW 1/4 of the NE 1/4 of Section 28, Township 7 S., Range 39 E.W.M. The commercial development centering around the spring is reached via Highway 30 approximately seven miles south of the North Powder interchange on I-84. The property is owned in

partnership with Jack Stevens as the resident owner.

- (c) Sam-O-Springs - This spring is located 820 feet southwest of the Baker I-84 Campbell Street interchange inside a small bath house. The spring is shown on a Baker 7.5 minute quadrangle in the NE 1/4 of the SE1/4 of Section 16, Township 9 S., Range 40 E.W.M. The property is owned by the City of Baker and is being developed as the source of water for a municipal swimming pool under construction.

b. Water Power:

Potential hydroelectric power dam sites have been identified on page 29 of The Technical Information and Inventory Data for Land Use Planning in Baker County. Because of the site-specific nature of such a resource and the probability of such impoundments being multi-purpose, i.e., flood control, irrigation storage and recreational as well, the County finds this resource warrants protection under the 3A category pursuant to OAR 660-16-000.

- c. Transportation Pipelines: As mapped on plate number 3 and described in the text on page 28, of the Technical Information and Inventory Data for Land Use Planning in Baker County, three pipelines presently exist. The construction of the last followed, for the most part, an easement secured for a previous line.

The resolution of any conflicts that exist, and the County recognizes that conflicts do occur, is through negotiations between the land owners and the pipeline company. In the final analysis, the circuit court arbitrates the conflict.

d. Solar Power:

The low density of development in Baker County does not justify immediate concern for protecting solar access. The County notes an increasing interest in the utilization of solar power but identifies no conflicts with this resource.

8. FISH AND WILDLIFE AREAS AND HABITATS include but are not limited to particularly defined land areas containing management areas, refuges, or preserves that are owned and/or managed by agreement by the State of Oregon primarily for wildlife purposes.

Wildlife habitat other than that owned and/or managed by the State as identified in The Technical and Inventory Data for Land Use Planning in Baker County, specifically deer, antelope and elk winter habitat, is shown on inventory maps prepared in August 1982 by the Oregon Department of Fish and Wildlife local game biologist Dick Humphreys. Said inventory maps are enlarged equivalents of the maps included in the Fish and Wildlife Protection Plan for Baker County, Oregon Department of Fish and Wildlife, 1980. From these enlarged inventory maps and 39 detailed inventory maps of elk winter habitat areas, Habitat Protection Program Maps, hereafter referred to as "program maps," were created by local landowners, Planning Commission, and Oregon Department of Fish and Wildlife staff in May, 1985. The County has adopted the large program map entitled "Antelope Habitat and Deer Winter Habitat Map," which is Exhibit B to Ordinance 85-7; and the set of 39 program maps, indexed on the large program map entitled "Elk Winter Habitat Map," which set of 39 maps and one large map are Exhibit C to Ordinance 85-7 and are collectively known and referred to as the "May, 1985 maps." The County will use these 1985 program maps to identify deer and elk winter habitat and antelope habitat areas in assessing housing density conflicts until refinement of the program mapping is completed.

While the County commits to revising the program maps, the enlarged equivalents of the inventory maps prepared by the ODFW and included in the Fish and Wildlife Protection Plan for Baker County continue to be adopted as inventory maps, consistent with OAR 660, Division 16. (1)

The information within the Fish and Wildlife Protection Plan for Baker County has not been formally adopted by the Oregon Fish and Wildlife Commission and has not been reviewed by the County for accuracy. In fact, some of the information with regard to big game habitat is at odds with expert opinion, therefore creating the need for updating

(1) Fisheries habitat and rookeries, as mapped by ODFW, continue to be adopted as inventory maps.

and improving the program maps. (2)

As referenced above, elk winter habitat is shown on a new set of 39 "Elk Winter Habitat Protection Program Maps" prepared on U.S.G.S. topographic base maps in May 1985 at the direction of the Baker

County Planning Department in consultation with the County's elk consultant, Dr. Larry Hayden-Wing of Hayden-Wing Associates. These tentative program maps were based on 1984 Oregon Department of Fish and Wildlife inventory maps but generally were revised to begin to delete irrigated agricultural lands and land above 5,000 feet in elevation, based on information then available. The 1985 program maps must be further modified in the light of environmental, economic, social and energy consequences to develop a program to meet Goal 5. The 39 "Elk Winter Habitat Protection Program Maps" referenced above shall be effective to a target date of one year after acknowledgment of the County's Comprehensive Plan, at which time they shall be replaced. If the additional program assessment is completed prior to the one-year-post-acknowledgment target date, these maps may be replaced at that time. The replacement program maps shall be effective only upon the completion of a Plan Amendment process.

The original 1982 and 1984 big game habitat inventory maps were held by LCDC to be sufficient to satisfy Goal 5. Since that time, however, the County has discovered that in some respects inadequate information exists to provide an accurate assessment of the inventory area. In 1985, after three public hearings involving landowners, the Oregon Department of Fish and Wildlife, and County planners, protection program maps were created. The County will rely upon these 1985 program maps until updating is completed. New information must be provided with regard to the location of irrigated farmland, the number of acres used by big game, the amount of forage produced and consumed on each acre, and the times of the year during which this takes place, as well as the numbers of big game and where they exist at various times of the year. These are key considerations in determining habitat to be protected.

Considering the vast area of the County and the relatively small population of wildlife, the program mapping currently may be disproportionate. The

(2) Working paper regarding conflicting evidence (Exhibit D, Ordinance 85-7).

County therefore commits itself to further refinement of the protection program maps as better information is received.

To accomplish this refinement of the program maps, The County Court shall:

- a. Form an advisory committee to present to the Baker County Planning Commission recommendations on such refinement.
- b. The advisory committee shall be known as the Wildlife Advisory Committee. Recommendations from said Committee shall be presented to the Baker County Planning Commission in sufficient time to meet the one-year-post-acknowledgment date for completing the Goal 5 process.
- c. The advisory committee shall be composed of:
 1. three members who are either operators or landowners actively engaged in agricultural production.
 2. one member representing big game hunting interests
 3. one member connected with the forest products industry
 4. one representative of the Department of Fish and Wildlife
 5. one person representing general commercial interests not solely related to either the livestock or forest products industries
 6. members chosen to assure representation of all geographic areas of the County.
- d. The advisory committee may use the "Elk Winter Habitat Protection Program Maps" as the beginning point of its recommendations to identify with particularity that quantity, quality and location of elk habitat to be protected.
- e. Study methods for mitigation or compensation to landowners for big game damage. The County will work with the State in developing compensation programs which address the taking of land and crops through wildlife management techniques.

FINDINGS: We find the following to be factually

representative of the wildlife resource in Baker County:

1. Statewide Planning Goal 5 calls for a resolution of conflicts between competing land uses.
2. Wildlife presently competes with domestic users of private lands in Baker County.
3. Hunting and fishing provide an undetermined economic stimulus to the people of Baker County; however, hunting is the greatest single producer of Goal 5 conflicts related to deer, antelope, and elk populations and habitats.
4. Riparian zones along the stream corridors of Baker County are essential to both maintenance of stream quality and protection of aquatic terrestrial wildlife.
 - a. One of the inventoried conflicts in riparian zones, feedlots, is regulated through cooperative agreement by the Oregon Department of Agriculture and the Department of Environmental Quality pursuant to the Animal Waste Control Provisions of the "208" program for Water Quality.
 - b. Another inventoried conflict, stream channelization/bank stabilization, is regulated through the Division of State Lands and the Oregon Department of Fish and Wildlife under fill/removal regulations.
 - c. Road construction associated with forest operations as a conflict in riparian zones is addressed by the Oregon Forest Practices Act. Other types of road construction are regulated in some instances by County setback requirements relative to access for new construction.
 - d. Inventoried conflict between new construction and riparian zones is addressed by set-back requirements in the land development Ordinance.
 - e. For those landowners who choose to participate in the State's Riparian Zone Tax Incentive Program, additional protection will be available to riparian zones once the County's Comprehensive Plan is acknowledged.
 - f. The County's Flood Plain Ordinance, as adopted, will provide additional setbacks

from floodways which are also riparian areas.

5. Wildlife and sportsmen damage crops and fences on some private land in Baker County. Based upon a 1981 survey of 105 farmers and ranchers in Baker County, and analyzed by use of the County's Input-Output Model, that damage was estimated at \$347,490. (Public testimony at numerous hearings and use of Input-Output Model, Oregon State University.) A similar 1985 survey of 36 farmers and ranchers showed an average loss to big game of \$978.45 per family.
6. Agriculture and forestry are the economic backbone of Baker County. (Input-Output Model, Baker County, Oregon State University, 1981.)
7. Residential development may have cumulative impact on an area's big game habitat.
8. Feeding sites are a management tool suitable for use in areas where natural winter habitat is inadequate to maintain existing Oregon Department of Fish and Wildlife big game management objectives without significant levels of damage to private property.
9. The Oregon Department of Fish and Wildlife is mandated "to regulate wildlife populations and the public enjoyment of wildlife in a manner that is compatible with primary uses of the lands and waters of the State and provides optimum public recreational benefits." ORS 496.012(5).
10. The location and numbers of big game animals, and the management objectives adopted by the The Oregon Department of Fish and Wildlife, are of great consequence to the citizens of Baker County. The perceptions of the situation differ among hunters, farmers and ranchers, and non-hunting admirers of wildlife.
11. A Goal 5 analysis of the fish and wildlife areas and habitats of Baker County follows:

FISH AND WILDLIFE INVENTORY

Significant fish and wildlife resources exist in Baker County. The County recognizes the Department of Fish and Wildlife's assertion that "few, if any areas in the County are devoid of fish and wildlife and all areas are subject to land use impacts" (Humphreys and West, 1980, p. 2). The County also recognizes the role of fish and wildlife in satisfying recreational and economic needs in the County.

Verifiable statistics regarding the amount and pattern of expenditures for hunting and fishing are not available (Communication from Fred Obermiller, March 4, 1983). Recreational days and expenditures for non-consumptive uses, such as photography and bird-watching, have not been estimated for Baker County, though The Oregon Department of Fish and Wildlife offers a hypothesis that two-thirds of wildlife use is non-consumptive (Humphreys and West, 1980, p. 15).

The Oregon Department of Fish and Wildlife's Fish and Wildlife Protection Plan for Baker County includes an inventory of 42 different species of game and non-game mammals, 17 species of reptiles and amphibians, 53 species of game and non-game birds, and 18 species of game fish. The Oregon Department of Fish and Wildlife defines the quantity of each species in numbers or relative abundance. Habitat descriptions are generalized and quantified in terms of habitat acres available to each species of significant population size in Baker County (Humphreys and West, 1980, Appendix 1, pp. 17-20). Inventory Maps showing crucial and non-crucial range for elk, deer and antelope have been provided by the Department of Fish and Wildlife to the Planning Commission. However, no satisfactory explanation has been provided for distinguishing the two types of areas. The Department's inventory maps of elk winter habitat have been further revised by the County to begin, as habitat protection program maps, to delete generally irrigated agricultural lands and lands over 5,000 feet in elevation. The program maps will be refined further between now and a target date of one year after acknowledgment of the Comprehensive Plan.

Fish habitat includes 856 miles of stream, 20 natural lakes, and 15 man-made water bodies. These, which include most year-round waterways in the County, are illustrated on inventory maps included in the Fish and Wildlife Protection Plan.

Comments re: inventory: Expert analysis of the inventory materials provided to us by the Oregon Department of Fish and Wildlife makes clear that substantial updating, upgrading and improvement of the basic inventory information is essential in order that decisions can be made based upon the best professionally-accepted information. Current information is inadequate to show such crucial matters as concentrations of elk population in various locations at different time points during the year. Neither does it indicate whether migration routes remain constant or shift over time. The hearing process related to LCDC's enforcement order revealed that the Department of Fish and Wildlife has developed no rules, regulations or criteria for wildlife inventory. They employ no recognized standards for measurement or methodologies for accurate census. There is apparently no professional standard or basis for determining how many residences per unit of land area it takes to produce a given level of impact on elk populations or on usefulness of that land as elk habitat.

In the face of the lack of any empirical basis for determining what levels of housing density will preclude use by elk, the County commits to continued research on this subject. The County's Wildlife Advisory Committee, in consultation with a recognized wildlife professional, shall cooperate with the State to develop professional methodologies so that Goal 2 requirements for factually-based land use planning are satisfied. For example, we have used the 5000 foot elevation contour in the inventory based upon professional opinion. We need actual field study to verify proper contour to be employed in analysis. The necessary research would also include information relevant to inventory, evaluation of conflicts, and design of mitigation measures. The specific focus of research should be on the following matters:

- a. Inventory Information: Information is needed on patterns of movement and whether these patterns are constant. The location of elk, their concentrations, frequency and when they reach certain locations is important but currently missing information.
- b. Census Methodology. A scientifically based and professionally accepted methodology for elk census must be decided upon.
- c. Habitat Standards. A scientifically based

standard must also be found for distinguishing crucial from noncrucial habitat.

- d. Human Interference. There is currently very little information on measurement of the point at which elk reach the limits of their tolerance for human behavior.
- e. Cumulative Impact of Housing on Habitat. There is at present no professionally accepted standard for measurement of the impact of lot size and density upon habitat. There is no clear information on the density that may be permitted in a particular area before habitat is affected.
- f. Mitigation Techniques. More information is needed on mitigation techniques in addition to density control and feeding stations. The objective here is to identify techniques which are the least intrusive on property rights of landowners.
- g. Evaluation of Mitigation Measures. There is a need to develop criteria and standards for evaluating the effectiveness of various mitigation measures.
- h. Management Objectives. There is not yet a clearly defined scientific method for defining management objectives.

Due to the County's limited resources and the vast amount of scientific work that needs to be done, the County's research will of necessity be passive. The County will monitor professional literature and data generated by the State and other entities. The County will also participate in any rule making undertaken by the State in the area of procedures for setting management objectives. It will also participate in the design of any studies that are undertaken to provide the above outlined information.

In evaluating information, the County will apply certain standards. First, any theory employed must be validated by empirical data. Conclusions must be based upon more than guesswork or mere personal opinion. Second, the studies and data collection must be based upon professionally accepted scientific methodology. Third, where conflicts exist in information or conclusions, the County will consider the credibility and credentials of the source.

The County will apply these evaluation criteria in order to assure that it is relying upon the best available information as required by Goal 5.

CONFLICTS

The following discussion identifies in a general way conflicts between wildlife habitat and other uses of land in Baker County, and their economic, environmental, social and energy consequences. However, with regard to elk habitat conflicts, we also adopt as our findings and conclusions the findings, conclusions and recommendations set out in Section III, IV, and V of Exhibit A to this Ordinance, as well as the Working Paper on Conflicting Evidence (Exhibit D, Ordinance 85-7); the Working Paper on Density (Exhibit E, Ordinance 85-7); and the January 20, 1986 letter of review from Dr. L. Hayden-Wing (Exhibit F, Ordinance 85-7).

Historically, resource management practices of both public and private landowners have allowed for the continued presence of significant levels of fish and wildlife in Baker County. Appendix 3, Oregon Department of Fish and Wildlife Wildlife Protection Plan for Baker County, page 23, summarizes Oregon Department of Fish and Wildlife's view of the habitat, sensitive habitat, compatible land uses and conflicting land uses associated with most fish and wildlife found in Baker County. While the County continues to consider the Oregon Department of Fish and Wildlife Plan an adopted reference, this Appendix, with related statements on pages 5, 6, and 7 regarding conflicts and conflict resolution, shall be viewed by the County as recommendatory in some respects. There is no dispute about upland game birds, water fowl, fur bearers or fish and the conflicting uses which have been identified. Because there has been dispute about the elk aspects of the big game category, elk habitat conflicts and implementation measures are discussed separately in other portions of the Plan. The information presented by the Oregon Department of Fish and Wildlife relative to critical levels of residential development has been the subject of controversy and is in many respects contradicted by the expert opinion of Dr. Hayden-Wing and others.(3) The EFU

(3)Working paper regarding conflicting evidence (Exhibit D, Ordinance 85-7)

and Timber/grazing zones are generally compatible with wildlife. Because of Oregon Department of Fish and Wildlife stated concern for potential conflicts in aquatic and riparian areas, the County has adopted a riparian zone set-back for any new road or regulated structure. Moreover, aquatic and riparian wildlife habitat is protected in some cases by state laws. For instance, the Forest Practices Act restricts the removal of streamside vegetation. Fill and removal laws administered by the Division of State Lands regulate the conditions under which those activities may occur in some aquatic and riparian areas. Other state laws regulating the maintenance of stream flow also affect the degree to which riparian and aquatic zones may be altered. Because wildlife is found throughout the County in large numbers, it is not practical to designate "wildlife zones" in which wildlife could be protected by special laws preserving habitat. Zoning regulations which preserve land for agricultural, forest and grazing uses also function to preserve these same areas for wildlife. Conversely, the greatest potential for conflict between wildlife and other land uses exists in non-resource zoned lands. Urban uses compete with wildlife for space and other resources and result in additional harassment from noise and other disturbances. In non-resource zones, i.e., rural residential, industrial and commercial zones, other land uses take precedence over wildlife habitat. Concentrating the intensive land uses in these zones, even to the exclusion of wildlife populations, allows such intensive uses to be excluded from the EFU and TG zones. For example, rural residential development is concentrated in areas which are already built and committed. This preserves resource land which is not built and committed for agricultural, forest and wildlife uses. Zoning of built and committed areas for non-resource uses along already existing corridors reduces the number of roads which might otherwise be built through the EFU and TG zones, thereby improving the quality of those areas for wildlife habitat.

In accordance with uses and zoning listed by the Oregon Department of Fish and Wildlife (Fish and Wildlife Protection Plan for Baker County), the County finds that both the EFU and TG zones are compatible with wildlife. Exceptions are shown for waterfowl habitat areas if development affects aquatic and riparian zones and fisheries habitat,

unless densities of residential development are kept low and appropriately set back from the waterways.

Based upon these Oregon Department of Fish and Wildlife findings, the County concludes that primary uses in our EFU and TG zones are usually compatible with wildlife. If those primary uses, such as farming, grazing, or timber harvest, are being conducted as allowed by statutory or administrative law, they shall not be judged to be in conflict with wildlife. Consequently, the County will regulate wildlife management uses in EFU and TG zones through its Conditional Use process.

Relative to conflict between nonprimary uses or exceptions proposed within an EFU or TG zone and wildlife resources, other than conditionally permitted residences in identified big game habitat areas, the County will follow Policy No. 1 on page V-78 of this Comprehensive Plan.

Comments re: elk related conflicts: Under OAR 660-16-005, the County must identify conflicting uses and consider both the impacts on the resource site and the impacts on the conflicting use in analyzing consequences. The rule requires that identification of conflicts be "done primarily by examining the uses allowed in broad zoning districts established by the jurisdiction." It, therefore, appears that the rule imposes a secondary responsibility to examine conflicting uses which are not specifically identified as allowed uses in the zoning district. In its October 18, 1985 letter, ODFW urges a more narrow interpretation, stating that "the Goal 5 rule defines conflicting uses only as those allowed by zoning." ODFW distinguishes between "conflicts", which are contemplated by the Goal, and "impacts", which are effects beyond analysis under the Goal. The County wishes to avoid lengthy debate on this point. It also wishes to identify the scientifically relevant factors so that the analysis can be meaningful. We have, therefore, attempted to distinguish between "impacts" and "conflicts" although we believe both require identification under the rule.

In summary, we find the existence of conflicts. These include both impacts on elk habitat and on resource uses permitted by the current zoning map. The County has determined that both the resource sites and the conflicting uses are important. In

order to address this situation, Baker County has developed a program designed to balance conflicting uses so as to allow the conflicting use in a way that will provide a significant protection to the resource sites.

Comments re: conflicts: The most significant feature of our analysis is that any conflicts and/or impacts which exist are not extensive and do not have major impact on wildlife habitat. For example, with no protective land use measures in place, elk population has grown since 1931 from a few elk to a major population in need of constant reduction in order to avoid elimination by malnutrition. In recent times, elk populations show no negative impact from current land use restrictions. The tables contained herein demonstrate that. The actual rate of growth of dwellings within the habitat area has been quite slow. The last five years saw only a 4% increase in the number of residences in the particularly sensitive habitat area in the foothills of the Elkhorn Range. This growth amounted to three dwellings.

It appears that other factors contribute to the minimal conflict of residential construction on elk population. The majority of the land classified as winter habitat consists of federal land. Only 45% of the land consists of nonfederal land that can't be considered for the construction of residences. Of this 45%, only a relatively small portion would qualify under existing building permit and zoning standards (e.g., septic tank suitability, unsuitability for farm or forest use, compatibility with farm and forest uses, and preservation of existing development pattern and access). The County staff has projected the total number of potential non-resource developments as 1289. The basis of this projection can be found in Appendix E. Even at full build-out, the average density in the area is projected to be only one house per one-hundred-seventy-two acres.

Contributing to our conclusion that conflicts are present but minimal is the fact that there is no evidence in the literature related to this subject demonstrating a specific lot size impact on elk population. There is no qualified expert opinion evidence that lot sizes of less than 40 acres have any impact. Under the proposed regulations, resource related development must take place on

minimum lot sizes much larger than 40 acres and non-resource residential development must satisfy the 40 acre minimum.

Among the conclusions that are accepted regarding elk is that the repetition and predictability of human activity which does not harm the elk contributes to the conditioning of the elk to accept the activity. In the Baker County situation, it is also important to note that the potential for conflict is low because vacation homes in elk winter habitat areas, due to high elevations and general inaccessibility, have a low occupancy rate during the winter months when the elk are present. These factors, coupled with the very small rate of growth in rural area dwellings in Baker County, probably account for the fact that, to date, development of residences has not impacted elk population in Baker County. We do not conclude, however, that there is no conflict. The evidence appears to establish that conflict is possible, but that it is likely to be minimal in Baker County.

In designing a program to balance conflict, it is important to understand that density control is not the most important factor in balancing conflict. The evidence in the literature is that the greatest impact on elk population and habitat is from hunting. The establishment of herd size and permissible levels of hunting is outside of the control of the County. We conclude based upon the facts that land use actions that may be taken by the County will have relatively minor impact upon elk populations and habitat and that the degree of the conflict issue is minimal. Much more will be accomplished by thoughtful and professional management techniques than by land use regulation. Nevertheless, the County has adopted provisions which address potential conflicts and control them. The major task of resource management, however, must fall upon the Department of Fish and Wildlife.

Unfortunately, the Department has no rules, regulations or professional standards for inventory of elk populations or for establishment of herd size other than an outdated 1957 document. A representative of the Department has admitted under oath that population levels are ultimately based upon "what feels right." Since population level has the greatest impact on the degree of conflict, the County will work together with the State to

encourage an approach to these issues which is more professional and which is based upon recognized principles of administrative agency practice. This would include establishment of rules, procedures and criteria for management of wildlife populations.

The major impact on elk habitat, population and behavior is clearly hunting. Hunting is the only effective means of controlling total numbers of elk and without it the herd would grow until it experienced disease and malnutrition during a severe winter. On the other hand, bringing hunters into the area causes damage to the habitat and to the primary uses of the land. Also hunting affects the general nature of the elk's tolerance for human conflict. Unhunted elk show a greater tolerance for humans on foot. Hunted elk populations therefore have less tolerance for conflicts with human activity. Since hunted elk are more wary of humans, and therefore less likely to approach human habitations than unhunted elk, hunted elk are more likely to lose habitat from the construction of residences. Less hunting would permit more human activity and encourage protection of more habitat because elk would be less nervous about entering inhabited areas. Elk are, however, quite tolerant of human activity. In the opinion of Dr. Jack Ward Thomas the limit of people to tolerate elk will be exceeded before the limit of elk to tolerate people is reached. Dr. L. Hayden-Wing agrees with this conclusion.

While it may be debated whether or not hunting should be identified as a Goal 5 conflict, any land use program that does not recognize the impact of hunting would not be factually based. This discussion also provides a context for the County's land use program. It must be understood that factors over which the County has no control, such as the amount of hunting permitted, have a far greater impact on elk habitat and population than the local zoning code.

Another identified conflict is the impact of elk on nonirrigated pasture. Dr. Obermiller, Professor and Extension Resource Economist at Oregon State University, published findings indicating that during one year the direct financial impact from crop losses, forage losses and fence repair, together with losses of opportunity income, totalled \$347,530 for the 105 survey respondents. He

estimates that for the survey year Baker County Gross Income was reduced by \$2,842,700 and the net household spendable income was reduced by \$490,530. Similar losses are demonstrated by other studies.

The human activities associated with the grazing of livestock on pasture land are usually very limited and impact elk very little, if any. When necessary, elk modify their behavior patterns so as to avoid human contact and will continue using pasture land they find desirable. Elk and livestock do not normally bother each other and will use the same pasture land simultaneously.

Housing development has been identified as a conflicting use within elk winter habitat areas. There is apparently no professional standard or basis for determining how many residences per unit of land area it takes to produce a given level of impact on elk populations or on usefulness of that land as elk habitat. In the face of the lack of any empirical basis for determining what levels of housing density will preclude use by elk, the County commits to continue research on this subject as discussed above.

PROGRAM

The basic element of the County's program to achieve balance and protection of resource is to take advantage of the slow rate of growth in order to monitor cumulative impact to ensure that it is not damaging. During this process, the County will develop more useful information to evaluate conflict and to evaluate the tools of mitigation. Because the major threat would be wholesale subdivision for non-resource dwellings, this activity is severely constrained by regulation. The County will also rely upon existing code limitations which limit non-resource dwellings. Finally, feeding stations will be relied upon as a specific tool to mitigate conflict.

Comments re: program: The County's land use regulations are designed to insure that the cumulative impact of development does not impact elk habitat or population. The County will conduct an ongoing study and update of its program to insure that cumulative impact does not damage habitat. Non-resource dwellings have been severely restricted in habitat areas. Subdivision is severely

restricted in elk habitat areas, being permitted only upon demonstration that the parcel sizes proposed meet or exceed the parcel sizes allowed outright in the zone. The minimum lot size for non-resource dwellings has been increased from 2 acres to 40 acres. In addition, the aspects of current regulation in the primary zones severely restrict residential development (e.g., septic suitability, compatibility with resource use, soil class limitations, preservation of the existing pattern of development, and access).

In the County's review of its program to limit housing density, topographic constraints on residential development, slow rate of residential growth and our commitment to monitoring the cumulative impacts of growth, we conclude that compliance with Goal 5 has been achieved relative to protecting wildlife habitat from excessive residential conflict.

One area (Area A) within the Rock Creek Quadrangle, does not follow the general pattern apparent in other areas of habitat reviewed. Area A consists generally of small parcels (i.e., 40-120 acre parcels) and contains several dwellings. The County's conclusion is that deletion of this area poses no threat to the overall ability to protect the resource, i.e., elk habitat, required for Goal 5 compliance. We therefore designate Area A, identified on the 1986 Rock Creek Quadrangle Elk Winter Habitat Protection Program Map (map Attachment A), as a 3B area pursuant to Goal 5 and OAR 660-16-010.

Another area (Area B), shown on the 1986 Rock Creek Quadrangle Elk Winter Habitat Protection Program Map (map Attachment A), is also designated as a 3B area, based on Goal 5 Policy 17A of this Ordinance, which provides for the exclusion of irrigated agricultural land from elk habitat protection.

Probably the major tool for reducing potential conflict and damage to private land is the use of winter feeding stations for elk in Baker County. In some areas of the County wildlife numbers are in excess of the natural balance with the environment. Malnutrition and starvation have caused uncontrolled grazing and damage to private lands. Feeding stations are anticipated to mitigate both death and damage, but their use must be carefully controlled

because they may tend to domesticate the natural wildlife resource.

LCDC has determined that local regulation of ODFW activities can be appropriate where the potential exists for a wildlife management activity to cause impacts to adjacent agricultural uses. One example cited by LCDC is the siting of elk or deer feeding stations. Due to the direct impact that these uses can have on adjacent agricultural uses, the County is obliged to regulate feeding stations in order to ensure that they perform their mitigation function rather than creating direct conflicts with agricultural uses; e.g., damage to fencing and crops. This will be accomplished through the County's conditional use process and the identification of clear and objective criteria for evaluating applications. The County will also work with ODFW in order to distinguish those areas which are suitable for feeding stations from those which are not.

Although feeding stations should alleviate damage to crops over most of the area they will not totally solve the problem and may increase the potential for damage in the vicinity of the stations. In order for the winter feeding program to effectively reduce elk damage to crops, range land, and timber, and to minimize the potential for elk damage to feeding sites and the land near feeding sites, it is necessary to employ a number of supplemental techniques. Wherever feasible, permanent feeding stations will be located next to federally-owned land in order to minimize impact on privately-held land being used for primary permitted uses in the zoning district. Buying or leasing a large enough buffer of land around each feeding site to absorb most of the "feed lot" effect will be required. Alternatives to reliance on ownership size alone, such as strategically placed diversion and control fences to help guide elk and discourage use of adjacent agricultural and timber management areas will be given high priority. The County will also work with the State in developing a specific State program for fairly evaluating and compensating operators and landowners for the amount of all forage they contribute to the support of the elk herd and any physical damage caused by elk.

The Oregon Department of Fish and Wildlife currently owns two properties where elk feeding has occurred.

The Department has indicated the desire to operate several more in the Elkhorn foothill area. These will be permitted where the criteria are met and where new feeding stations are not being used for the purpose of exceeding ODFW's adopted management objectives. When the purpose of feeding stations is to mitigate damage until alternative management tools may be found, feeding stations will be permitted upon a demonstration that other means and management tools are not available or will not be effective.

The County will also work with Oregon Department of Fish and Wildlife to develop a procedure for establishing management objectives for elk population which complies with the requirements of administrative agency practice and the Statewide Planning Goals. To date, the establishment of management objectives has not been treated as an action affecting land use, and neither the Goals nor local comprehensive plans have been considered. State agencies are required by law to carry out their planning programs affecting land use in compliance with the goals. ORS 197.180. Goal 2 specifically requires state agency plans and actions related to land use to be consistent with comprehensive plans. Oregon Department of Fish and Wildlife therefore cannot change its big game management objectives for Baker County unless the action is consistent with the Goals and is coordinated with and consistent with affected, acknowledged comprehensive plans. This process will further insure an adequate program for protection of elk habitat and balancing of conflicting uses with Baker County.

CONCLUSION

Baker County recognizes that important wildlife habitat co-exists with primary outright uses in the two resource zones. Where wildlife uses are in conflict with nonresidential farm or forest uses in these zones, such wildlife management uses when they result in feeding stations will be regulated through the Conditional Use process. Residences allowed as permitted uses in the resource zones shall be regulated by the existing Ordinance provisions for said zones. Residences allowable as conditional uses in the resources zones in areas identified as significant wildlife habitat on the County's Goal 5 program protection maps shall be limited by

standards designed to reduce conflicts and ensure the protection of significant big game habitat based on the requirements of Goal 5 and OAR 660, Division 16.

9. NATURAL AREAS are defined by the Oregon Legislature as areas which have:

"substantially retained their natural character, or, if altered in character, shall in addition to their natural heritage resource values be valuable as habitat for plant and animal species or for the study and appreciation of the natural features (ORS 273.566(1))."

Much of Baker County could be considered a natural area by such a definition. Publicly owned land, land which is used for commercial grazing and timber production, and other land which is neither urbanized nor cultivated makes up 69% of the County. Much of that land represents important habitat for some form of plant, animal or aquatic life. Diverse geography provides for a variety of ecosystems within the County, each supporting a distinct type of natural community.

Land use patterns have altered the natural character and plant and animal communities of land in the County to varying degrees. Grazing and forestry practices, as well as urbanization, recreation and the expansion of lands under cultivation often result in ecosystem simplification. Decreases in species diversity accompany most increases in the intensity of land use. As trends toward more intensive land use continue, it is important to identify those areas in which human activity has had minimal impact or in which the perpetuation of a natural area resource is a primary management objective.

The Natural Area Preserves Advisory Committee defines three essential elements of a Natural Areas Program. The first element is the inventory process, in which sites are identified, classified and recorded. Next, some sites are selected for protection based on their relative quality and "protectability." Finally, policies and protective mechanisms are designed to preserve the natural area resources at designated sites (Natural Area Preserves Advisory Committee, Oregon's National Area Preserves Program, Salem, 1979, p.3). These three

steps are recognized by Baker County as an integral part of the comprehensive planning process.

THE INVENTORY

The Oregon Natural Areas Data Summary

(The Oregon Natural Heritage Program of the Nature Conservancy, 1978) was used as the basis for the Inventory of Natural Areas in Baker County. Research was conducted on each of the 27 sites identified by the Oregon Natural Heritage Program (ONHP). Landowners, local experts, and staff from the Bureau of Land Management, the Forest Service, the Oregon Department of Fish and Wildlife and the Oregon Natural Heritage Program were contacted in order to verify the presence and condition of the elements identified at each site. The inventory may be found in Chapter 14 of the Technical Information and Inventory Data for Land Use Planning in Baker County. Sites are located on a U.S.F.S. map available in the Planning Office and hereby adopted by reference. Color photographs of natural sites are also available for viewing in the Planning Office.

The Inventory describes the location and characteristics of each site. This includes the existence of the natural area elements identified by ONHP, ownership, and other information gathered from the above-named sources and site visits. Real and potential conflicts between the perpetuation of the natural area resource and competing land uses are also discussed

The precise locations of natural area sites on public land are not refined beyond those boundaries defined by ONHP. Sites on private land are refined down to the affected land parcels. This information is on file in the Baker County Planning Office. To protect both the natural area resources and the privacy of landowners, however, the location of each site is described only generally in the Plan.

SELECTION

Sites on the inventory do not necessarily contain significant natural area resources. Stratification of inventoried sites must take additional criteria into account. Before particular sites can be selected for protective status, the consequences of such action must be examined.

Natural area resources provide benefits which are enjoyed by many sectors of the public. Recreational and educational opportunities for hunters, professional and amateur naturalists, photographers and students are created in natural areas. Riparian zones which are left as natural areas reduce flood risk and provide habitat for natural predators of farm pests. Perhaps the most valuable benefits are the applications in medicine, agriculture and industry of scientific research made possible by the existence of natural areas as storehouses of new species and information.

Natural areas provide countless benefits, the majority of which are public benefits. Public benefits, such as the value of a natural area as a gene pool, are difficult to quantify. Neither the "cost" of protecting such resources, nor the "costs" of losing them (which are much greater, as reproducing a natural area is much more difficult than keeping one) can be assessed to those who receive the benefits. Were such costs calculable, they would not be collectible. No one can be excluded from enjoying many of the benefits of natural areas; therefore, there is little incentive to pay for their protection. For instance, natural areas support wild varieties of plants which are food crops, such as wheat. The wild varieties are essential to the development of disease resistant varieties for agriculture. No one is excluded from the enjoyment of the continued availability of wheat, which is a public benefit. Nor is the cost of preserving natural areas figured into the price of a loaf of bread.

Many public benefits provided by natural areas are dispersed and enjoyed from points physically removed from the land itself. When such lands are privately owned, the costs of preserving them are borne by private landowners, who receive no compensation from the benefitting public. All but one of the sites in Baker County are in resource zones--either the EFU or the Timber Grazing Zone-- in which permitted land uses and subdivisions are already limited. Riparian zone setbacks adopted by Baker County concurrently give protection to wetlands identified as natural areas. Further restrictions on management practices which impose substantial and uncompensated hardships on individual landowners should be avoided. Unfortunately, there is little incentive for private

landowners to preserve natural areas, and the costs to the individual often exceed the benefits enjoyed by that individual. Therefore, the natural areas which are most feasibly protected by government regulation and policy are those on publicly owned land.

On the other hand, natural areas on public land are not necessarily the most successfully protected. Multiple use policies which govern the distribution of land uses on most public land often subject those lands to more intensive use than comparable private land. In Baker County, many individuals voluntarily protect excellent natural area resources on private land. Such protection plus a framework of County control has, perhaps, the best chance of being successful.

The Inventory of Natural Areas includes sites which are on public and private lands in Baker County. All of the sites identified by ONHP are included: some have been limited in size. These changes reflect refinement of information about each site and changes which have affected some sites since the ONHP survey.

Following is a description of the sites listed on Baker County's Inventory of Natural Areas. The sites are divided into four categories labeled 1A, 2A, 3B, and 3C to correspond to the Goal 5 Administrative Rule (OAR 660-16-000). Each category indicates the degree of importance and protection judged by the County to be appropriate for the sites listed:

a. 1A Sites: The following sites have been either withdrawn by The Oregon Natural Heritage Program (ONHP) as candidate Natural Areas or found unsuitable after review and consideration by Baker County:

- (1) Bowen Valley (#BA-10). This area was found by ONHP to be so impacted by past activities of man and domestic animals as to be no longer suitable as a candidate natural area. For this reason it will be excluded from further consideration on the County's Inventory of Natural Areas.
- (2) Hunt Mountain (#BA-24). This area is being deleted from the Natural Area Inventory after County findings that:

- (a) there is no evidence of unique characteristics to qualify as a natural area;
 - (b) the area has already been impacted by logging and farming activity;
 - (c) the area is protected by the big game habitat density restrictions; and
 - (d) the site is primarily on public land.
- (3) Unnamed (Site #BA-2).

Location: Southwest quarter of Section 6 in Township 9 South, Range 41 E.W.M.

Findings:

- (a) The site was not considered important enough by the Nature Conservancy to warrant a site report.
- (b) The resource (Idaho fescue-bluebunch wheatgrass and Bluebunch wheatgrass-Sandberg's bluegrass) is found in better quality elsewhere in the County, as indicated by the Nature Conservancy in a letter dated January 24, 1985.
- (c) The site is near an urban center and thereby subject to considerable conflict. It abuts Highway 86 which is a major State highway within 3 miles of Baker.
- (d) The site is also near white top growth and the entire area will probably be sprayed for weed control.
- (e) The site is already intensively grazed.

Conclusion: Do not include on Natural Areas Inventory (1A).

- (4) Unnamed (Site #BA-31).

Location: North half of Township 10 South, Range 42 and 43 E.W.M.

Findings:

- (a) This site was not considered important enough by the Nature Conservancy to warrant a site report.
- (b) The Nature Conservancy has stated that this resource (sage grouse strutting grounds) is not currently considered by the Heritage Program to be a significant factor in identifying sites for natural area status (letter from Nature Conservancy to Baker County, January 24, 1985).
- (c) The County is currently considering ways to inventory and protect the habitat of these birds and other wildlife.
- (d) There are other areas of the County where sage grouse are more plentiful (at Virtue Flat, Site BA-12, for example). as suggested in a letter from the BLM, which owns a portion of the site, dated April 8, 1985.
- (e) The site is in an area protected by EFU-160 zoning.

Conclusion: Do not include on the Natural Areas Inventory (1A).

(5) Baldock Slough: Recommended Findings and Conclusions.

The Baker County Planning Commission, in a public hearing held April 2, 1985 and advertised pursuant to law, took verbal and written testimony from 20 landowners and interested citizens relative to the location, history, characteristics and future plans for the Baldock Slough. Photographs, taken both from the air and the ground, were also introduced into the record as evidence. Letters from a major landowner along the Slough and from a Grange Organization interested in the Slough, were read into the record by the Planning Director. A map defining the Baldock Slough, pumping ponds, excavation areas, drain ditches,

dams and canals, was also entered into the record. There was no testimony or evidence submitted in support of preserving Site BA-5 (Baldock Slough) as a Natural Site.

From the evidence and the testimony entered into the record, the Baker County Planning Commission finds that:

- (a) The location of the Baldock Slough is in Township 8 South, Range 39 East Willamette Meridian, Sections 1, 11 and 12; and Township 8 South, Range 40 East Willamette Meridian, Sections 4,5,6,9,10,14 and 23.
- (b) Approximate length of the Slough is 11 miles. Approximately two miles of the Slough near the Baker Municipal Airport have been straightened and are not considered part of the Slough any longer.
- (c) The elevation of the Slough drops from 3,357 feet at the north edge of the City airport to an elevation at the Lily pumps of 3,328 feet. This 29-foot drop over the total distance (approximately 2.5 feet drop per mile distance) indicates the flatness of the grade. Some parts of the Slough are even flatter. Testimony indicated that Bates drain has a drop of only 1.5 feet per 4 miles.
- (d) On the map, at approximately the center lines of the boundary common to Sections 4 and 9 of Township 8 South, Range 40 East, the Baldock Slough passes underneath the Interstate 84 Freeway.
- (e) Testimony from the engineer with Oregon Department of Transportation who built the I-84 Bridge in 1967 indicated the design was changed from the planned culvert to driven pilings to allow the channel to be deepened up to four feet by excavation to facilitate the needed drainage. Said change was a result of the local input as to the critical need

for Baldock Slough to function as a drain for the entire eastern side of Baker Valley. As a result of that change in design, the Baldock Slough became the only outlet through the Freeway "dike".

- (f) Testimony indicated County roads and State Highways are affected by excessive surface water and would be undermined by any limitation on the drainage program in Baker Valley which relies upon the Baldock Slough as the drainage channel.
- (g) The red lines on the exhibit map indicate the drainage projects already constructed that depend upon the Baldock Slough as their outlet from Baker Valley. Without exception, in every section through which the Baldock Slough is identified, there is a drainage ditch either constructed or proposed that empties into the Baldock Slough.
- (h) Counting only the existing drains and discounting the proposed drains, it is only from the center of Section 14 to the center of Section 10 (approximately 1.75 miles) that the Slough does not receive drainage from a drain already constructed.
- (i) Within the above-mentioned 1.75 mile portion of the Baldock Slough, a proposed drain will enter the Slough in Section 10.
- (j) There is no Site Report available in the Oregon Natural Areas Inventory for Baker County produced by the Oregon Natural Heritage Program in 1978. A communication from the Nature Conservancy dated January 4, 1985 states "there is no site report available for the Baldock Slough."
- (k) According to the guidelines set forth by Nature Conservancy in their Data Summary, page 4, under "Notebook Use", "Planners may assume that, generally, highest priority may be given to those

sites for which site reports are included in the Notebook." Accordingly, the Baker County Planning Commission finds that this site, because of the absence of a site report, is not a high priority area.

Furthermore, in deciding which Natural Areas to protect, the guidelines of the Data Summary set forth the following criteria for local use:

- (a) Diversity at site
- (b) Naturalness
- (c) Uniqueness
- (d) Viability

Diversity

The Baker County Planning Commission finds that:

- (a) The elements identified by Nature Conservancy at and along the Baldock Slough include wetland shrubland, marshland, long-billed curlew, and waterfowl wetland.
- (b) Wetlands are identified in 6 of the other sites of the Nature Conservancy Summary (BA-7, BA-8, BA-10, BA-22, BA-23 and BA-41).
- (c) The 8"x8" aerial photographs introduced into the record, particularly Nos. 4, 6 and 12, indicate the abundance of wetlands on Baker Valley's floor.
- (d) According to page 13-6 of Baker County's Overall Economic Development Program, June, 1979, with annual updates, the Soil Conservation Service indicates approximately 30,000 acres of Baker Valley are wetlands in need of drainage.
- (e) The Baldock Slough is just one of the meandering water bodies present in Baker Valley. Multiple channels of the Powder River, Settlers' Slough, and Salmon Creek create excessive surface water

during later winter and Spring of each year.

- (f) Testimony indicates that land needing drainage could be as high as 44,000 acres in Baker Valley.
- (g) Testimony indicates curlews are not water birds but are found in pastures and meadows in Baker County. There is no testimony indicating that the curlew is exclusive to the Baldock Slough area. To the contrary, curlews are identified in the Nature Conservancy Summary in other areas of Baker County.
- (h) The curlew is listed as a shorebird in Appendix I of the Fish and Wildlife Habitat Protection Plan for Baker County under a heading entitled "A Partial Checklist of Wildlife Species commonly found in Baker County." (emphasis added.)

Naturalness

The Baker County Planning Commission, from testimony, finds:

- (a) The Baldock Slough was originally a channel of the Powder River.
- (b) The channel was diverted by farmers to its present route to serve primarily as an irrigation canal. Earliest settlers and migrants were able to cross the Valley floor with wagon trains because Baldock Slough was then a river channel. The present Powder River channel cannot serve to drain Baker Valley as a river normally does because the river channel is elevated higher than adjacent lands needing drainage. This elevation is the result of decades of dredging to remove siltation from the channel.
- (c) Recent enhancement of flood irrigation systems and availability of irrigation water through an upstream impoundment known as Mason Dam/Phillips Reservoir,

has produced a year-round high water table in Baker Valley.

- (d) The water table in Baker Valley has risen approximately 2-3 feet since the construction of Mason Dam in the early 1960s.
- (e) The high water table and leaching action associated with it make it impossible to grow deep-rooted forage crops on thousands of acres of Baker Valley crops.
- (f) An inferior forage species known as saltgrass predominates on the acres that need drainage.
- (g) The alkaline condition of the acres needing drainage is evidenced by the white appearance of the ground surface.
- (h) The conversion of the old Powder River channel to a slough commenced September 26, 1918 when the first dam was issued a permit for the creation of stored water.
- (i) From 1918 to the 1950s approximately 25 dams were constructed to artificially store flood waters in the Slough, thereby holding the water table high to allow subirrigation of agricultural land for the purpose of producing grain.
- (j) The use of the Baldock channel for storage increased siltation, thereby raising the floor of the channel.
- (k) In 1950, the Slough north of the Baker City Airport to Lee Lane and beyond was filled.
- (l) In the 1950s, 2 miles of channel of the old Slough near the Airport was straightened and deepened.
- (m) In the 1950s, 10 check dams were removed.
- (n) In 1966, 300 yards of buried irrigation

mainline across and through the Slough was constructed on dry Slough bed.

- (o) In 1967, 20 acres of Glen True's land affected by the Slough were levelled at a cost of \$915; cost shared by the Agricultural Stabilization and Conservation Commission (ASC): \$543.
- (p) In 1971, additional land levellings on Glen True's land were sloped toward the Slough for the necessary drainage. Private cost: \$1,102; ASC cost: \$672.
- (q) In 1973 Baker Valley Irrigation District expended \$156 to dig irrigation pond in the bend of the Slough near the main line on Glen True's property.
- (r) In 1976 a drain ditch was constructed running east and west for additional drainage on Glen True's property. The drain ditch emptied into the Slough. Cost: \$405.
- (s) In 1976, additional drainage canals on the Glen True property, using Baldock Slough as the outlet channel, were built. Private cost: \$2,555; ASC cost-sharing: \$1,480.
- (t) In 1976 soil removal and distribution occurred related to drainage construction; additional cost \$1,320 to Glen True.
- (u) In 1976, Glen True paid \$915; ASC share \$868 to the Baldock Improvement Company for construction of a new ditch to carry irrigation water to the Baldock Slough for drainage.
- (v) In 1983, lateral drain constructed by Ed Trindle to tie into Glen True's drain, ultimately dumping into the Baldock Slough by way of a culvert; cost to Glen True: \$500 to remove and scatter the spoil from that ditch that was on his land.

- (w) In August, 1965, Sackos Excavating Company dug two stock water ponds in the bottom of the Baldock Slough channel for Bill Leigh, one north and one south of the Medical Springs Highway. The Slough at that time was dry; the water table several feet below the bottom of the Slough, thus necessitating the ponds to be dug.
- (x) Jim Rea, owner, Lazy J Ranch, has spent over \$100,000 since 1979 to straighten the channel of the Baldock Slough to create drainage ditches to improve draining.
- (y) In the late 1970s Fred Warner cooperated with the Jeppson Ranch to dig a drain from Highway 203 to the Baldock Slough. The cost exceeded \$10,000.
- (z) In 1983 Warners constructed a drain along the east side of the freeway two miles long that emptied into the Slough. The cost was over \$5,000.
- (aa) In 1983, Warners removed a man-made dam from the Slough and installed a 5-foot wide culvert at a cost of \$2500.
- (bb) In 1983, Warners cooperated with the Lazy J Ranch and Charles Colton and Sons to install drain culverts at the lower end of Baker Valley. Warners share was \$4,343.
- (cc) Of the 25 or 26 dams constructed on the Slough, today, even though several dams still exist, not one of them holds back water.
- (dd) The Baldock Slough is the only waterway on the east side of the Powder River in Baker Valley which can and does drain into the Powder River.

Uniqueness

The Baker County Planning Commission finds that:

- (a) The Baldock Slough is just one of many channels providing wetlands in Baker Valley. (See aerial photographs Nos. 1-12.)
- (b) Waterfowl habitat dependent upon wetlands has increased since 1945 by the construction of ponds and drains in Baker Valley estimated in excess of 200 acres of water surface area.
- (c) Since the construction of Mason Dam in the 1960s, more acres are irrigated and irrigated for a longer season, thereby increasing wetland habitat in Baker Valley.
- (d) Free-flowing ditches are less alkaline and therefore provide better habitat for wildlife than "dead" water.
- (e) Deeper water avoids wintertime freeze-up, thereby providing free water for waterfowl habitat.
- (f) The Slough is unique in that it was identified as a necessary drain and anticipated as such during the construction of Mason Dam in 1964.
- (g) Continuing to improve the Baldock Slough as a drain will still provide pockets and areas where it is not cost-effective to drain, thereby providing wetland habitat of two different sorts: along the drain and undrained portions of the Baldock Slough watercourse.
- (h) With the advent of fresh water moving through the Baldock Slough, fisheries habitat is improving and fish populations in the watercourse are increasing. Fish are now moving from Thief Valley Reservoir upstream into the drain and into the ponds on Bates' land.
- (i) The United States Bureau of Reclamation notes the repayment obligation of the farmers for the cost of constructing Mason Dam and notes that restricting drainage at this point impedes their

ability to produce and therefore to repay that obligation.

- (j) In 1983, 2.5 miles of Scott Bates' land was deeded to the County as a portion of the four-mile long drain ditch dug at a total cost of some \$119,000. This drain ditch will not function if the Baldock Slough is prohibited from acting as a drain.
- (k) In 1983, the Soil Conservation Service monitored the pH of the water flowing through the Bates drain ditch. The water that was then inky (stagnant, highly alkaline water) is now pH-neutral. Said water supports fish not previously possible.
- (l) Ducks and geese are present in and along the Bates drain.
- (m) There may be public liability if the County now imposes restrictions on drainage after so many years and so much money has been invested in the drainage project.

Viability

The Baker County Planning Commission finds:

- (a) The Baldock Slough, as presently characterized with running, fresh water, is not a slough.
- (b) Agricultural lands along the Baldock Slough were some of the most productive in Baker Valley in the 1800s and early 1900s.
- (c) Lands that were only capable of growing saltgrass before drainage are now once again, after drainage, producing 2 tons of grain per acre.
- (d) One-hundred acres of land drained by Orville Rohner produced more ducks and geese habitat/hunting than before drainage when the area was one of tules and swamp.

- (e) Waterfowl populations at the upper end of the Slough south of the airport are 3 times what they were prior to drainage.
- (f) Many drains were created for which no financial records have been kept. Therefore, the investment of the community in the drainage project is actually greater than that reflected by the testimony.
- (g) Besides the constructed drains, all County roads are accompanied by barrow pits which function as drains, and on the eastern side of the Powder River, drain into the Baldock Slough, thence into the river.
- (h) Baker Valley Irrigation District, at a cost of more than \$30,000, have routed the Baldock Slough underneath the Powder River near the Lily Pond, and then dump the Slough water into the River, thereby eliminating the bottleneck to drainage that was present before said construction.
- (i) Additional drainage is planned for the Spring and Summer of 1985 by Sackos, Errend, and True.
- (j) The Bureau of Reclamation has not formally identified wetlands in Baker Valley.
- (k) Property referred to during testimony as Glen True's had a value of \$36,000 (its 1939 sales price). After the water table was elevated by changes to the Baldock Slough, the lands became alkaline and unproductive; the value of that same land was decreased to its 1946 purchase price of \$6,000. With the drainage that has now occurred and is planned, the market value of the land, were it sold, would be at or above the \$36,000 original value. The improvement now from the drainage program can be expressed in the 5-6 ton per acre of alfalfa presently grown.

- (l) The storm sewers of the City of Baker drain into the Baldock Slough. Its free flow is essential to the city.
- (m) Adequate drainage of Baker Valley is an important factor in the cost-efficient operation of the County's Vector Control Program.
- (n) The point of diversion and the alignment of the Baldock Slough have been manipulated since 1936 many times to accommodate urban growth and development.
- (o) The Economic element of Baker County's Comprehensive Plan identifies the industrial land base in Baker Valley as an important contributor to the economic well-being of Baker County. Three-hundred-five acres of that industrial land base are in an area where high water and the need for drainage have been identified. The Baldock Slough serves as the drain for these and other non-industrial lands.
- (p) Baker County's Overall Economic Development Program of 1979 created an action Plan for implementation of the drainage requirements of Baker Valley. The 1985 OEDP continues to recognize drainage as a vital factor in achieving economic development for the agricultural community of Baker Valley, particularly the eastern side of the Powder River.
- (q) Landowners whose land lies at lower elevations from lands already drained will suffer economic hardship if surface water brought to their elevation is not allowed to be passed on to lower elevations through a viable drainage channel, which is the Baldock Slough.
- (r) Waterfowl avoid shallow oxbows of river and channels in winter and gravitate toward deep drains where the moving water does not freeze.

- (s) The area near the Slough, particularly along Sunnyslope Road, has frequently been difficult for the Department of Environmental Quality to approve for standard subsurface septic tank disposal systems. Adequate drainage by means of the Baldock Slough would continue to improve that situation.
- (t) Stagnant water in the Baldock Slough has actually killed willows lining the channel.
- (u) Geese along the Baldock Slough now stay all summer raising their young; unlike in past years when the Slough was not running fresh water. Fishing for recreation has improved in the Baldock Slough; bass and even trout are being caught.
- (v) Higher-than-average precipitation in the Powder River watershed during the past four years has increased the water table even more than before making it imperative to drain.
- (w) Case law, identified as a Baker County case "Wellman vs. Harris and Kelly" favors drainage.
- (x) Goal 3 and Goal 9 both call for a promotion of agricultural values and preservation of agricultural lands.
- (y) Thirteen to seventeen geese nests were counted last year after the drainage program was initiated.
- (z) Fish found in waters above the Bates' pond are migrating from the river through the Baldock Slough drainage system.

Conclusion

Based on all of the above, the Baker County Planning Commission makes ultimate findings of fact that:

- (a) Through deliberate actions of local farmers a natural free-flowing stream was dammed many times, creating a Slough, which is not a natural area, and which, over the years, created the excess water and alkalinity problems finally recognized in the 1950s.
- (b) The drainage projects initiated in the 1950s and continuing through the present time were made more imperative by the prolonged water season and the cumulative changes in the Baldock Slough.
- (c) We find no evidence that curlews are unique to the Baldock Slough.
- (d) Additional wetland areas have been created through the creation of ponds and drains and ditches so as to provide reasonable alternative areas for the waterfowl habitat. There is relative abundance of wetland in Baker County, including waterfowl habitat, curlew habitat and vegetation associated with wetlands. To preserve the Slough as stagnant water would actually hurt wildlife.
- (e) This is the only available drain east of the Powder River. Nature Conservancy has little information, even now, regarding the quality and quantity of the resource site. We have identified the precise location of the Slough; we know that the meanders and oxbows in many instances have been filled and drained.
- (f) Irrigation practices have altered the original channel so it is no longer in its original location.
- (g) All but about 2.5 miles of the center section of the Slough have been permanently altered. The design of the I-84 Bridge was changed to accommodate the needs of drainage via the Baldock Slough. There has been a 75% increase in availability of water as a result of

the construction of Mason Dam. Private and public dollars have already been expended in significant amounts to drain Baker Valley by way of Baldock Slough. Drainage was a recognized need at the time of planning the Mason Dam project. Productivity of land is directly related to adequacy of drainage. The Baldock Slough was not native to or a natural part of Baker Valley until 1918. Even as late as 1950, the Baldock Slough dried up in the middle of the summer. Baldock Slough now runs fresh water year 'round.

Based upon the findings of fact, the ultimate findings of fact, and all of the record, the Baker County Planning Commission concludes that the Baldock Slough does not qualify as a natural area because it is not ecologically or scientifically significant. The Slough is not found to be a significant resource warranting inclusion on the Baker County Inventory of Natural Areas.

(6) Medical Springs Cemetery (Site #BA-15).

Location: Southwest quarter of the southeast quarter of Section 2 in Township 7 South, Range 41 E.W.M.

Findings:

- (a) This site was not considered important enough by the Nature Conservancy to warrant a site report.
- (b) The resource (sagebrush communities) is found elsewhere in the County.
- (c) The cemetery is inventoried by the County as an historic site, and as such will receive protective consideration.
- (d) The cemetery has been voluntarily maintained by the neighboring ranchers; those with family buried there expressed concern for its preservation in the future and agreed that historic preservation is important.

- (e) There is little burial activity since the topsoil is only 2" thick over solid rock.
- (f) Lack of any cemetery organization to maintain the site indicates less intensive burial activity than in other cemeteries; the ownership has been unknown for 27 years; the likelihood of increased burial activity is, therefore, slight.
- (g) This site is 5.5 acres.

Conclusion: Do not include on Natural Areas Inventory (1A).

(7) Phillips Lake Rookery (Site #BA-42).

Location: Southeast quarter of Section 24 in Township 10 South, Range 37 E.W.M.

Findings:

- (a) This site was not considered important enough by the Nature Conservancy to warrant a site report.
- (b) Testimony from surrounding landowners indicates that the cited resource (a Great Blue Heron rookery) existed at the site from 1974 through 1981 but has been abandoned since 1981.
- (c) The Nature Conservancy has stated that this resource (Great Blue Heron rookery) is not currently considered by the Heritage Program to be a significant factor in identifying sites for natural area status (letter from Nature Conservancy to Baker County, January 24, 1985).

Conclusion: Do not include on Natural Areas Inventory (1A).

(8) Clover Creek Rookery (Site #BA-43).

Location: Northeast quarter of Section 23 in Township 8 South, Range 42 E.W.M.

Findings:

- (a) This site was not considered important enough by the Nature Conservancy to warrant a site report. Testimony presented as being from past and present landowners indicated that the cited resource (a Great Blue Heron rookery) existed at the site until the mid 1970s; there is no evidence of a rookery at this time; there are nests elsewhere in the County.
- (b) The Nature Conservancy has stated that this resource (Great Blue Heron rookery) is not currently considered by the Heritage Program to be a significant factor in identifying sites for natural area status (letter from Nature Conservancy to Baker County, January 24, 1985).

Conclusion: Do not include on Natural Areas Inventory (1A).

(9) Salt Creek Grasslands (Site #BA-3)

Location: Sections 5 and 8 in Township 8 South, Range 41 E.W.M.

Findings:

- (a) The site was not considered important enough by the Nature Conservancy to warrant a site report.
- (b) The resource (Big sage/bluebunch wheatgrass and Big sage/Idaho fescue) is found in better quality elsewhere in the County, as indicated by the Nature Conservancy in a letter dated January 24, 1985.
- (c) ASCS funding has supported spraying to eliminate sagebrush on the site, the economic benefits to agriculture from the eradication of the resource having been judged worthy of federal financial assistance.

(d) The resource (Big sage/bluebunch wheatgrass and Big sage/Idaho fescue) is found in better quality elsewhere in the County, as indicated by the BLM in a letter dated April 4, 1985.

Conclusion: Do not include on Natural Areas Inventory (1A).

(10) Thief Valley Reservoir (Site #BA-19). At the extreme northern edge of Baker County, this reservoir forms part of the County boundary. The area is predominantly one private ownership of over 2500 acres devoted to grazing. It is zoned for Exclusive Farm Use. The County adopts as its findings the factual information contained in its March 20, 1986 letter to DLCD regarding BA-19. In so doing, we conclude that the original ONHP designation was incorrect. The bald eagle's nest identified lies in Union County, not in Baker County as stated. Furthermore, the pygmy rabbit is not found in this area. We therefore are deleting BA-19 from our Goal 5 Natural Areas Inventory for Protection.

b. 2A Sites: The following natural areas are found to be 2A sites according to the Goal 5 Administrative Rule process. A 2A designation calls for the preservation of the resource site, given no conflicting uses:

(1) City of Baker Watershed (#BA-6). The elements noted by the Oregon Natural Heritage Program are subalpine fir forest, engelmann spruce-subalpine fir, douglas fir, grand fir, montane variety big sage, subalpine grassland. The zoning and land use include not legal grazing. The primary use of the land is limited logging and watershed protection. Such protection is maintained by Forest Service Management Policies. This site is the only good example of a subalpine plant community in Baker County. The area's protection as a watershed for City of Baker increases the likelihood that this site will continue to be a viable natural area resource.

**A fenced portion of the watershed is grazed by the USFS permittee, but upon land that has not intake to the water system.

- (2) Table Rock and Monument Peak (#BA-37). Elements noted by ONHP and confirmed are montane variety sagebrush. The zoning and land use in the area is limited logging. Protection is through watershed management policy of the U.S. Forest Service. Steep terrain has precluded much logging in the remarkably undisturbed old growth forest included in this area. Douglas fir, white fir, pine and engelmann spruce are the dominant plant species in the area, though sagebrush is not uncommon.
- (3) Stink Creek Proposed Research Natural Area (#BA-40). Elements noted by the ONHP and confirmed are mixed conifer/pinegrass, Ponderosa pine-douglas fir/elksedge and juniper forest plant communities. Zoning and land use protection as a natural areas would afford protection through Forest Service Management policy. This area includes good examples of the elements mentioned by ONHP. The status of the area as a natural area remains "proposed" pending final selection of these areas by Forest Service planners. The 2A designation is one of no known conflicts with preservation of the resource intended.
- (4) Love Reservoir (Site #BA-8). Part of this site is BLM and part is privately owned. The whole area is grazed by domestic livestock. The riparian habitat area is well within the 50 foot riparian setback requirements for development. The two golden eagle nest sites are on BLM land. The information available from the Nature Conservancy on hawk nests was not location-specific enough to assess. In addition, no hawks or hawk nests were observed in the area. The County adopts by reference the factual information contained in text and photographs submitted in a letter to DLCD March 20, 1986 regarding BA-8. Therefore, the County finds that:
 - (1) the riparian habitat is identified as a

3C resource; (2) the two golden eagle nest sites are outside the jurisdiction of Baker County; and (3) that inadequate information exists on hawks and hawk nests (1B) site.

- (5) Unnamed (#BA-13). This site is within an 1100-acre private ranch zoned for Exclusive Farm Use. The resource shown by ONHP is a golden eagle nest. The County adopts by reference the factual information contained in text and photographs submitted to DLCDC, March 20, 1986 regarding BA-13. It is the decision of local government that safeguards already adopted for this site in the form of EFU zoning eliminate any otherwise potential conflict. The County's riparian zone, road setbacks and DEQ setback regulations for septic drainfields will prevent the golden eagle nest from being converted to a homesite.
- (7) Unnamed (Site #BA-32). This site is in an area owned mostly by BLM and Idaho Power. The site is at the extreme northeastern edge of Baker County where Hunsaker Creek flows into the Snake River. In addition to resource zoning, the bald eagles identified by ONHP are protected from development by wildlife protection policy #9. The terrain is very rugged and threat of conflict is so remote that the local government's decision is to designate this site 2A on our Natural Area Inventory.
- (8) Little Lookout (Site #BA-16). Elements noted by ONHP and confirmed are douglas fir forest, quaking aspen, big sage/bunchgrass in forest zone, stiff sage scabland, Idaho fescue-bluebunch wheatgrass, bluebunch wheatgrass-sandberg's bluegrass, Columbian sharptailed grouse (last Oregon siting 1973), and hairy balsamroot. Zoning and land use are Exclusive Farm Use. Protection is through private ownership and BLM policy. This site covers an area of about six square miles north of Little Lookout Mountain. The bunchgrass range and sagebrush Plant communities existing here are, in the Nature Conservancy's estimation, "The best....in

Baker County, if not the State." (Letter for Curt Soper, August 12, 1982). The site also provides excellent habitat for raptors and other birds. This is a possible site for the reintroduction of the Columbian sharp-tailed grouse, now under consideration by the Oregon Department of Fish and Wildlife. Geological features, springs and streams add to the value of this site as a natural area. No known conflicts exist at this writing. While land use change is considered unlikely, its advent would require a public hearing to carefully review the impact of the proposed change against Ordinance criteria established for the purpose of preserving significant natural areas.

- (9) Burnt River Canyon (Site #BA-30). Elements noted ONHP and confirmed are douglas fir forest, big sage, bunchgrass in the forest zone, green rabbit brush/bluebunch wheatgrass, mountain mahogany, bluebunch wheatgrass--sandberg's bluegrass. The zoning and land use are EFU with grazing and wildlife. Protection is through BLM management policy. Most of the Burnt River Canyon is included in this area. Intensive land uses, such a crop production, residential and mining uses are concentrated along the valley floor. The riparian zone, especially in the western end of the canyon, has been adversely impacted by these activities. Plants noted by the ONHP thrive, however, on the valley slopes, the steepness of which limit the extent to which grazing or more intensive land uses may occur. Mountain mahogany and similar brushy vegetation is more prevalent on those slopes with a southern aspect, and douglas fir on those with a northern aspect. Upland game birds are abundant, and the Oregon Department of Fish and Wildlife, in conjunction with the BLM, is considering this area for the re-introduction of bighorn sheep.

Findings:

- (1) The County has determined that

potential conflicts do not exist in the Burnt River Canyon.

- (2) The County adopts by reference the factual information contained in text and photographs submitted to DLCD, March 20, 1986 identifying BA-30 as having only one potential conflict: state highway realignment.
- (3) In telephone communication with Roger Lang, Oregon State Highway Department, La Grande office, April 17, 1986, the Highway Department has no realignment project underway or identified in the State Highway Six-Year Improvement Plan that would impact the geological formation identified in Site BA-30.

Conclusion: Based upon these findings, the County Planning Commission recommends that Burnt River Canyon be designated as a 2A Natural Area resource site.

- c. 3B Sites: The following natural areas are found to be 3B sites wherein conflicting uses shall be allowed fully:

- (1) Portion of Salisbury Marsh (Site #BA-7, see also below under "3C" sites).

This site straddles a busy state highway. The primary candidate for protection is the willow veery, which needs a wetlands habitat.

Location: Sections 35 and 36 in Township 10 South, Range 39 E.W.M.

Findings:

- (a) The entire area is very wet (the water table is at about 1'), which inhibits most conflicting uses.
- (b) Some grazing may occur on the site, but customary agricultural practices, even if in conflict with a natural resource, are not regulated by the County (see revised Policy 15, page 3, Ordinance 85-3).

- (c) The one-half acre said by Nature Conservancy to be the most "important and unique" portion of the site is so wet it is doubtful that it could qualify for DEQ approval.
- (d) The underlying zoning for the area (40 and 160 acres) will discourage development which might conflict with the resource.
- (e) The current owner of the most important 1/2 acre piece has testified he keeps his horses from grazing there during the nesting season.
- (f) The resource identified for protection is riparian habitat containing willow, black cottonwood, and birch.

Conclusion: Include on Inventory; allow conflicting uses fully (3B) for all except the most critical 1/2 acre portion of the site. The 1/2 acre portion of the site identified on the attached map is hereby designated as a 3C resource subject to the limitations set forth in Article III, Section 301.D, 1-10 of the Zoning Ordinance. The County will encourage the Nature Conservancy to buy that 1/2 acre.

(2) Wingville Cemetery (Site #BA-14):

Location: Southwest quarter of Section 29, Township 8 South, Range 39 E.W.M.

Findings:

- (a) There is a history of compatibility between use of the cemetery and the resource (steppe grassland and giant wild rye): the resource has survived despite nearly a century of burials and grave maintenance.
- (b) The Planning Commission is sensitive to human interests and wishes to allow burials and present maintenance practices for graves.

- (c) Burial activity in the cemetery is slight; only one burial is believed to have occurred during the past 10 years. There is little reason to believe interments will increase in the future.
- (d) Testimony indicated those with relatives buried there felt strongly about maintaining the graves and keeping the cemetery clean.
- (e) This site, as is, is a good place to preserve native grasses with a minimum of conflict, since it will not be grazed or tilled for crops. The grasses remain largely undisturbed.
- (f) Giant wild rye is found elsewhere in the County.
- (g) The cemetery is listed on the County's inventory of Historic Places and, as such, is given protection from destruction or alteration of its original nature. It is, in fact, one of the sites eligible for National Register status.
- (h) The Nature Conservancy's site report indicates that this site "is not of great significance statewide, because similar undisturbed sage communities do exist elsewhere." The site report indicates the size of the site to be 6 acres.
- (i) Under Grange revocation procedures, the State Grange became the owner/manager of the Wingville Cemetery when the original Grange disbanded. At the time, the IOOF ownership had been transferred to Grange ownership.

Conclusion: Because the occasional burial and continued maintenance within the cemetery are judged to be of equal value as the preservation of the natural vegetation found at the cemetery, the Planning Commission concludes that the site shall be designated as a 3B resource wherein conflicting uses shall be allowed fully.

The site shall also be continued as an inventoried his- toric site in the County's Goal 5 element and subject to the protective measures thereof.

- d. 3C Sites: The following inventory is of natural areas designated 3C according to the Goal 5 Administrative Rule, wherein conflicting uses will be limited:
- (1) Elkhorn Wildlife Management Area (Site #BA-33). Elements noted by ONHP and confirmed are deer critical winter range and elk critical winter range. Zoning and land use are EFU and Timber Grazing. Protection is through Oregon Department of Fish and Wildlife management policy. The Oregon Department of Fish and Wildlife manages this 3,206-acre site, of which 1,656 acres are state-owned land, 1,430 under BLM ownership, and 120 under Forest Service ownership. The primary management objective is to provide winter range and a feeding site for big game. Two-hundred fifty elk and 210 deer were fed at this site between December 1981 and April 1982. Lesser priorities are habitat for other wildlife, recreation, and cattle grazing. An adjacent residential zone and the potential encroachment of non-resource dwellings may eventually adversely impact the quality of this site.
 - (2) Elkhorn Wildlife Management Area (Site #BA-38). Elements noted by ONHP and confirmed are elk critical winter range. Zoning and land use are EFU and Timber Grazing. Protection is through Oregon Department of Fish and Wildlife Management Policy. The Oregon Department of Fish and Wildlife manages this 4,643-acre site, 3,292 acres of which are in Baker County. One-hundred-fifty-eight acres are under the Forest Service and the rest is state-owned. Primary objective of management is to provide winter range and a feeding site for big game. Three-hundred-fifty elk and 15 deer were fed at this site between December of 1981 and April, 1982. The area also provides important habitat for owls and many smaller birds.

- (3) Sumpter Valley Wildlife Management Area (Site #BA-23). Elements noted by ONHP and confirmed are American osprey, golden eagle, waterfowl wetland, shorebird-marshbird habitat, and great blue heron rookery. Zoning and land use are prescribed by the Sumpter Valley Management Plan and Implementing Ordinance. Protection is through the Oregon Department of Fish and Wildlife management policy and County policy. The dredge tailings are an example of an area which was severely altered in character by which, through time, has become an important natural area. The ponds and vegetation now covering the old dredge tailings provide habitat for a variety of birds and furbearers. In addition to those species noted by ONHP, Canada geese, at least 20 pair of ringnecked ducks, bobolinks, sandhill cranes, bitterns and numerous smaller birds are found here. Mink, beaver, and other furbearers also thrive at this 1600 acre site which is managed by ODFW through a lease agreement with the County. Any future mining activity in this area will be subject to OAR 660-16-000. The 3C designation permits the County to limit potential conflicts, i.e., mining, residential development and recreational activities, by means of existing criteria in the Sumpter Valley Management Plan and Ordinance.
- (4) Pine Creek (Site #BA-41). Elements noted by ONHP and confirmed are marshland and great blue heron rookery. Zoning and land use are EFU. Protection is through management as a wildlife sanctuary by the landowner. The area is fenced on all sides and includes a portion of Pine Creek. The heron rookery has been existent since 1975 and is stable. The riparian zone, which includes many tall trees as well as shrubs and other lower vegetation, provides excellent habitat for many birds, deer and fur bearers. A change of use by the landowner to a non-resource related use would require careful consideration of the potential impact to the rookery.
- (5) Mouth of Eagle Creek (Site #BA-22). Elements

noted by ONHP and confirmed are wetlands forest, northern bald eagle, waterfowl wetland, shorebird marshland habitat, and great blue heron rookery. The zoning and land use are Exclusive Farm Use. with some grazing. Protection is through private ownership. The site lies in the north bank of the confluence of the Eagle and Powder Rivers and is managed for wildlife by the owner. This preserve provides excellent habitat for deer and many birds, including great horned owls and western blue birds. In addition to species which are year round residents, a number of shore birds summer here, and as many as 40 bald eagles winter here. A change from current resource use of the land would require careful review of the potential impact to the identified resources.

- (6) North Powder River Area (Site #BA-35). Elements noted by ONHP and confirmed are wetlands forest and great blue heron rookery. Zoning and land use are EFU. Protection is through private ownership. This riparian zone includes trees of varying heights which provide habitat for a variety of birds. The heron rookery has been established since about 1977 and is stable. Any proposed change of use would require consideration of the potential impact on the identified resource.
- (7) Virtue Flat (Site #BA-12). Elements noted by ONHP and confirmed are sage grouse strutting grounds. Zoning and land use are Exclusive Farm Use. Protection is through private ownership. Through a number of such sites exist in Baker County, this is perhaps the one of greatest importance. Sixty-eight birds use this site, the highest concentration in the County. The terrain and surrounding vegetation make this an ideal sage grouse habitat and it is important during both strutting and brooding season. Curlews, short-eared owls, and burrowing owls also frequent the area. A herd of 142 antelope winter here. Early grazing and the use of herbicides to control brush are a threat to the perpetuation of this natural area resource. The area known

to be strutting and nesting grounds will be protected but not the entire area as defined by ONHP. Baker County had relied upon testimony of ODFW personnel in making that assessment. Any change of use for this area would require careful consideration to determine the impact of change upon the resource.

- (8) Salisbury Marsh (Site #BA-7). See 3B sites above for full description. This site straddles a busy state highway. The primary candidate for protection is the willow veery, which needs a wetlands habitat.

Location: Sections 35 and 36 in Township 10 South, Range 39 E.W.M.

Findings:

- (a) The one-half acre said by Nature Conservancy to be the most "important and unique" portion of the site is so wet it is doubtful that it could qualify for DEQ approval.
- (b) The current owner of the most important 1/2 acre piece has testified he keeps his horses from grazing there during the nesting season.

Conclusion: Include on Inventory; allow conflicting uses fully (3B) for all except the most critical 1/2 acre portion of the site. The 1/2 acre portion of the site identified on the attached map is hereby designated as a 3C resource subject to the limitations set forth in Article III, Section 301.D, 1-10 of the Zoning Ordinance. The County will encourage the Nature Conservancy to buy that 1/2 acre.

PROTECTION

Natural areas in Baker County include resources of national, statewide and local significance. Protection of these resources involves two federal agencies, the Oregon Department of Fish and Wildlife, the State's Natural Heritage Advisory Council, County government, local landowners, and

participants in the local political process. State and federal agencies include natural area resources in management plans for lands under their respective jurisdictions. Protection of natural area resources is a management priority for some of the public land sites included on the Baker County Inventory. Natural area resources are not protected on some other sites where the agency has given priority to competing land uses.

Baker County recognizes the efforts of state and federal agencies to protect natural area resources on public land. Protection of natural areas in the rest of the County is most feasible when it is a priority among the management objectives of individual landowners. The objective of the County's Natural Areas policy is to augment the volunteer protection for these resources by private landowners. This will be achieved by requiring landowners whose land includes an inventoried significant natural area to notify the County 30 days in advance of a change in land use which may negatively affect the quality of the resource. Examples of commonly recognized conflicts include, but are not limited to :

- a. filling of wetlands.
- b. aggregate removal near rookeries.
- c. structural development on or near resource sites.

For those sites categorized as 2A or 3C, County government will schedule and hold a public hearing for the proposal as well as notify the appropriate state agencies.

The economic hardship placed on a landowner by slowing the speed with which land use can be changed is offset by the opportunity for continued protection provided by the notification procedure and public hearing. Questions relative to economic gain or loss are incorporated into the review criteria for changes proposed for natural areas. The long-term environmental consequences of this protective measure should be a decrease in the rate at which natural areas are lost through intensification of conflicting land uses.

PROPOSED NATURAL AREA PROTECTIVE MEASURE

The definition of a natural area, according to Goal V:

"Natural area--includes land and water that has substantially retained its natural character and land and water that, although altered in in character, is important as habitats for plant, animal or marine life, for the study of its natural historical, scientific or paleontological features, or for the appreciation of its natural features." (Goal 5, LCDC Statewide Goals and Guidelines)

Sites which are designated as natural areas in Baker County require special attention especially if they are not duplicated by sites on federal land which include similar natural area resources. Natural area preservation depends on the voluntary cooperation of landowners, but also involves the efforts of conservation interests and the control of County government. Opportunities for outright purchase, conservation easements, purchase of development rights and other agreements between landowners and conservation groups are frequently lost. The County's role in protecting natural area resources is to ensure that such opportunities are not lost through a lack of communication. A landowner whose land includes a significant natural area will be required to notify the County 30 days in advance of a change in land use which may affect the quality of the resource. A state agency, either the Oregon Department of Fish and Wildlife and/or the State Natural Heritage Advisory Council, along with the general public, will then be notified by the County of a hearing to be held regarding the proposed change. If, during the hearing, it is determined by the County that the integrity of the significant resource is indeed threatened, the County must reach a decision whether to allow, allow with conditions, or disallow the proposed change based on clear and objective criteria to be found in the Zoning Ordinance.

10. "Scenic Views and Sites" are a resource indigenous to Baker County. Of particular significance are those scenic areas identified by the Oregon Department of Transportation and mapped on Plate 10 in the The Technical Information and Inventory Data for Land Use Planning in Baker County. The County in its application of the Goal 5 Administrative Rule identifies these as 2A resources pursuant to OAR 660-10-000.

11. "Water areas, wetlands, watersheds and groundwater resources" includes all surface and subsurface waters under the control of the state.

A more detailed and conclusive inventory of such resources will require the coordinated efforts of private interests, the County, State and federal agencies.

In particular, the Powder River Basin Water Resources Report, 1967, should be updated. Until such an update, however, the County recognizes this document and adopts it by reference. Resources inventoried therein are recognized as 2A resources pursuant to OAR-16-000 and will be protected accordingly by County policies.

12. "Wilderness areas" include those land areas in the County designated as such pursuant to applicable federal law. Such land areas are inventoried on page 37 of The Technical Information and Inventory Data for Land Use Planning in Baker County. All such sites are given protection as 2A resources in Baker County (OAR 660-16-000).

13. "Historic areas, sites, structures and objects" include resources listed in the National Register of Historic Places, the Statewide Inventory of Historic Buildings and Sites, and other resources as identified or verified by the local Historical Society.

Because of the overlapping nature of historic resources and cultural resources, the two have been combined into one analysis, inventory and map. See pages 32-44 and Plate 18 of the Technical Information and Inventory Data for Land Use Planning in Baker County.

It should be noted that this material reflects the review and comments of the Baker County Historical Society.

14. CULTURAL AREAS refer to those characterized by evidence of an ethnic, religious or social group with distinctive traits, beliefs and forms.

Although such resources are not present in the County today, cultural resources from the past are recognized to be of significance.

The cultural resources of Baker County include areas, sites, structures, objects and other evidence of importance to cultures or communities which have been present in Baker County. They include resources of scientific, traditional religious and other import, and contribute to further understanding of the history and prehistory of human activity in the area.

Information about cultural resources must be drawn from a variety of sources. Inventories done by the BLM, United States Forest Service, and Oregon Department of Transportation document some historic and archeological resources. Local experts and amateur historians have also contributed much to the literature. Unfortunately, much information is known only to landowners owning such resources, or remains unutilized in primary source documents such as homestead entries and mining patents, or is buried underground.

Systematic inventories of cultural resources are in progress on USFS lands and efforts to gather information concerning resources on BLM land are also ongoing. It is unlikely that a similar commitment of the resources needed to thoroughly inventory cultural resources on private lands within the County will occur. A consolidated inventory of sites which are documented may increase local awareness of the quantity and diversity of the County's cultural resources. The Baker County inventory includes resources on public and private land in order to provide more comprehensive view. However, those cultural resources existing on federal property are exempt from the Freedom of Information Act. Their specific location is not divulged in this document, therefore, because of its public nature. As in other areas, Baker County does not assume planning or zoning jurisdiction on federal lands.

Cultural resources provide clues to events of the past. An inventory is most useful if it can be related in a coherent manner to current knowledge of the area's historical trends. Hudson et al. (1978) identify fifteen major prehistoric and historic themes which are appropriate for northeastern Oregon and southeastern Washington. These themes represent cultural trends and their selection was based on historical narrative rather than specific sites. Particular sites in Baker County may not be representative of the sites in the larger region, but cultural trends can be generalized. Baker

County's inventory is organized according to 12 of these themes. It is interesting to note that the County has not significant resource in either the military theme or the early trapper and missionary themes.

In the inventory, each theme and the historic and archeological phenomena expected to relate to it are discussed. Known cultural resources relevant to each theme are listed, including locational and documentary references. In some cases, an evaluation of the significance of a site is indicated in the inventory. Where inadequate information is available to evaluate the significance of a resource, it is identified as a 1B component of the inventory. The inventory includes 12 themes adapted from Hudson et al., some of which are represented by many sites, others by only a few.

The significance of a particular site as a cultural resource depends on a number of criteria. Foremost is its ability to answer research questions about an area. Significance is therefore a measure of how critical the information provided by a site is to the understanding of past events and cultures. Another criterion is the scope of significance--is the site of purely local import, or is it related to regional, state, or national history? The state of preservation must also be considered and this must be judged in relation to similar sites representing the same theme. The significance of a site is also a function of its complexity. That is, a site which provides a bundle of interwoven clues to an entire period or series of events is more valuable than one supplying more limited information about a single person or event.

In addition to a site's ability to answer research questions, fill gaps in knowledge of history at a local or wider level, and its complexity, several other criteria must be addressed. A site's association with a person, place or event of recognized importance adds to its significance. Its relevance to a particular ethnic group, especially if little is known about that group, is also important. Likewise, the value of a site which is related to themes which are poorly represented by known cultural resources may be great despite poor conditions or lack of complexity.

Finally, site significance must be evaluated in terms of recreational value. Cultural resources which are accessible to the public are important for

several reasons. Interest in local history and the role of the local area in the history of the larger area is enhanced by the existence of resources which may be appreciated first hand. Resources which are accessible and interpretable to the public are of a great educational value to local people and visitors. Some such sites may also be of value to the economy by attracting tourists and other visitors to the County. A few resources, such as the Sumpter Valley Railroad and the dredge, are of commercial value and further contribute to the County's economy.

A determination of the significance of a site is a process of professional evaluation undertaken by an historian, anthropologist or archeologist. Before such a determination can be made, considerable information is required about the resource site and its relevance to local and regional history. The significance of some sites in Baker County has been determined by qualified professionals. Such sites, and the appropriate references are so noted in the inventory. Inadequate information and lack of professional evaluations preclude determinations of the significance of many other sites, however. Considerable research and professional evaluation is still needed before the significance of these sites can be determined.

The efforts of archeologists employed by the BLM and the USFS, local experts and amateur historians continue to increase what is known about cultural resource in the County. The Baker County Historical Society and the Oregon Trail Regional Museum and Eastern Oregon Museum Society are also active in gathering, assembling and interpreting local cultural resources. These groups and individuals are responsible for most of the research which has occurred in the County. They will also be involved in the development and implementation of policies concerning cultural resources which are determined to be of significance.

CULTURAL RESOURCES

The inventory of cultural resources includes historic, prehistoric and paleontological resources. They include site specific resources, such as structures and landmarks, as well as non-site-specific resources, such as mining areas and irrigation ditches. They are organized according to major historic and prehistoric themes, each of which is discussed.

The inventory includes locational information and references other inventories which contain more descriptive information concerning the condition and significance of each site. In some cases, sites have not been sufficiently documented, and additional information is still needed.

The archeological and paleontological districts are defined in very general terms. To prevent inappropriate disclosure of the exact locations of particular sites, more detailed information is not included in the Plan.

Sources of information are referred to by numbers, according to the following key:

- a. Oregon Department of Transportation Statewide Inventory of Historic Sites and Buildings: Baker County, 1876. Descriptions of inventoried sites by Stephen Dow Beckham.
 - b. Aubrey L. Haines Historic Sites Along the Oregon Trail. Gerald, MO.: Patrice Press, 1981.
 - c. BLM Historic and Cultural site files. Contact person: Mary Oman.
 - d. Department of Interior, National Park Service: Oregon Trail: Comprehensive Management and Use Plan. GPO: August, 1981.
 - e. Oregon Department of Transportation Cemetery Survey, 1978.
 - f. Lorela Hudson, Gary C. Ayers, George F. Gauzza and Joseph Rudolph, Cultural Resources Overview of the Malheur, Umatilla and Wallowa Whitman National Forests; Northeast Oregon/Southwest Washington, Sandpoint, Idaho, 1978.
 - g. The Eldorado Ditch: An Example of a Threatened Historic Resource. John P. Preston, ODOT, 1982.
 - h. Eldorado Ditch History. Woodrow Wheeler, USFS, Unity R.D., 1980.
- * On the National Register of Historic Places.

- ** Of probable National Register eligibility or local significance, according to #4 or #7 above.
- *** Additional sites visited by the State Historic Preservation Office (SHPO) and judged to have historic significance.

CULTURAL RESOURCES AND LAND USE

Baker County's inventory includes 201 resource sites. Two of these, the Sumpter Valley Gold Dredge and the Sumpter Valley Railroad, are on the National Register of Historic Places, and protected by federal law. Twenty-five more have been judged by professionals to be of "National Register Quality." An additional ten are not of National Register quality but have been inventoried and visited by staff for the State Office of Historic Preservation (SHPO) and are judged to be of significance. For most sites, however, significance has yet to be evaluated by a professional. These sites will remain on the County's inventory until enough information has been acquired and sufficient expertise is available to determine their significance. They are designated as "1B" resources.

Sixteen sites judged to be of National Register quality exist all or partially on non-federal land. Many of these--four mining areas and three ditches--are non-site-specific or linear resources. In determining potential land use conflicts between the cultural resource's continued presence and other land uses on a given site, it is necessary to look at the resource and other land uses in their entirety. With the exception of Wingville (Pine Creek) Cemetery and the townsites of Greenhorn and Bourne, all National Register quality sites are located in zones where timber production and grazing are the primary land uses. Of the ten additional sites judged by the state to have historical significance, only two (Farewell Bend State Park and the Sacred Heart Catholic Church in Durkee) are in non-resource zones. Timber or grazing practices may have locally adverse effects on a particular cultural resource, but over all, forest range and uses are compatible with site preservation. Localized damage to a resource site is unavoidable when resources areas extensive as the Oregon Trail or ditches such as the Eldorado, which covers more than 110 miles. Indeed, localized disturbances may have less impact on the resources as a whole than

the ongoing impacts of weather and erosion. Conflicts do not exist between non-site-specific cultural resources in the Timber/Grazing or EFU zones; the County will treat them as compatible uses. The National Park Service agrees that grazing does not constitute a conflict with historic segments of the Oregon Trail. When linear or district resources cross jurisdictional lines, the U.S.F.S. and B.L.M. staff archeologists have volunteered to provide assistance in the evaluation of impact of a potentially conflicting proposal on a cultural resource.

The Sumpter Gold Dredge is within the jurisdiction of the City of Sumpter; the Sumpter Valley Railroad is in the County's Sumpter Valley Management Area. A portion of the railroad is being restored by the Sumpter Valley Railroad Restoration Inc., a nonprofit corporation. According to the Sumpter Valley Tailing Management Plan, currently in use, "The County will cooperate in the effort to establish and operate a recreational railroad involving land in the geographic area.....The overall Plan of the Corporation includes a museum of logging and mining as such activities were related to the original railroad" (Sumpter Valley Dredge Tailing Management Plan and Implementing Ordinance, p.3). Potential conflict between the railroad and other land uses in the management area are dealt with in the management Plan.

Wingville (Pine Creek) Cemetery is within an acknowledged Rural-Residential (RR-1) Zone. Its use as a cemetery continues. The County is reviewing the cemetery as a 1B Natural Area.

The remaining two sites of National Register quality which are all or partially on private land are townsites. One of these, Greenhorn, has been designated by the 1983 Legislature as an historic ghost town. Both Greenhorn and the other townsite, Bourne, are designated for Recreation Residential (RR-2) zoning. Six buildings, two landmarks, and a state park which are all or partially on non-federal land are on the Statewide Inventory. Of all significant historic/cultural resources, the structural resources are more likely to be subject to conflict in the form of demolition or major exterior alteration. Therefore, demolition and major alterations to any inventoried historic structures of known significance shall be subject to County permit procedures contained within Section 412 of the County Zoning Ordinance.

PROTECTION OF VULNERABLE CULTURAL RESOURCE SITES

Several state and federal laws promote the protection of cultural resources on privately owned land. Federal laws include the Natural Historic Preservation Act (1966), the Federal Aid Highway Act of 1968, the Archeological and Historic Preservation Act (1974) and the Tax Reform Act (1976). For the most part, these laws involve financial incentives to states and individuals, to protect or preserve cultural resources. State laws include ORS 97.745-760, ORS 358.110-770, ORS 271.710-750, ORS 226.010-590, and ORS 311.150-370. These also involve tax incentives, as well as laws regulating the disruption of Native American cultural sites and historical sites.

The County also has a role in the protection of cultural resources. Eventually, conflicts may occur between resource preservation and forestry or agricultural practices. Ultimately, the decision of whether or not to preserve a significant site rests with the County. The County's role is to promote and support the education of people as to the value of preserving a rich, diverse cultural heritage; to point out the economic correlation between the preservation of these resources and our ability to share that heritage with tourists; to be aware of such conflicts as they arise and to require the preservation of these resources when to do so is in the public interest.

Private landowners who voluntarily protect cultural resources on their own land, and private interest groups such as the museum and historical societies of the County, are the most crucial components of any attempts to preserve cultural resources. Legislation provides incentives and bans the destruction of special resources. Awareness of sites, interest in preserving them, and the wherewithal to accomplish preservation or restoration of cultural resources cannot simply be legislated. The County can, however, promote the development of these interests by maintaining the inventory of cultural resources and by working with private interest groups such as the historical societies, museums and museum commissions, Chambers of Commerce, the Library, Historic Baker City, Inc., Sumpter Valley Railroad Restoration, and/or affected local government. The intent of the County's cultural resources policy is to insure that resources are not lost simply because of a lack of

communication between interested parties. Private owners of site-specific cultural/historic resources of known significance will be required to notify the County at least 30 days in advance before embarking on actions that will significantly and adversely affect the resource site. The County will then provide notice to the general public and contact the Baker County Historical Society, the State Historic Preservation Office, or other local groups with similar interests.

The County recognizes that these resources exist today because landowners have cared about them and chosen to preserve them. County landowners have recognized the increased marketability of resources which are preserved in their historic character. Nonetheless, as ownerships and land use patterns change, individual resources can be lost in the shuffle. The County's notification and public hearing policy is intended to alert others of a threat to an inventoried historical or cultural resource and provide an opportunity to save the resource from degradation or destruction. The County recognized the creativity of advocacy groups in the preservation, renovation and interpretation of cultural resources in Baker County. Their activities provide ample evidence that the County can best preserve valuable cultural resources by promoting interaction between these groups and property owners.

A hierarchy of actions is proposed according to the known significance of the resource. For those resources on the inventory that have one star (National Register), all implementing measures, educational and persuasive efforts will be invoked to save the resource. For all starred resources the County will provide full notice to the public, to the State Historic Preservation Office, and to local special interest groups as well as delay the requested action for 30 days during which time a public hearing would be held. Modifications to the proposal would be discussed to diminish or eliminate the conflict (i.e., leave the exterior of a historic structure unchanged or choose a color for metal roofing compatible with the historic structure). The adopted review criteria for protection of significant resources (Section 410 of the Zoning Ordinance) would be utilized. In the event of resources not starred, i.e., the 1B component of the inventory, or those items not presently inventoried, the County will enlist the aid of local experts who may find the resource relatively insignificant but

who can photograph or in other ways record the resource before its destruction or modification, thereby maintaining a more complete record of the County's historical and cultural diversity. The local review board may find the resource of enough significance to warrant a public hearing.

15. "Potential and approved Oregon recreation trails" have not been inventoried in Baker County other than the TransAmerica Bikeway as mapped on Plate 3 in the Technical Information and Inventory Data for Land Use Planning in Baker County. It is a 2A resource (OAR 660-16-000).
16. "Potential and approved federal wild and scenic waterways and state scenic waterways" have not been identified or inventoried in Baker County.

B. Conclusions and Policies: Open Space, Scenic and Historic Areas, and Natural Resources: The County Governing body declares that a program for conserving and protecting the resources of this land use goal shall include:

1. The appropriate planning and regulation of land for compatible primary uses. For purposes of ORS 496.012, "primary uses" are those uses permitted outright under the local Zoning Ordinance.
2. The use of land exchanges, fee acquisition of land, conservation easements or tax incentives where appropriate and necessary to conserve and protect a natural resource.
3. The support of air, land and water quality laws where appropriate and necessary to protect a natural resource.
4. The protection of potential sites for energy production, reservoirs, mineral resources and other particular resource sites against irreversible loss.
5. The implementation of policy to expand existing commercial gravel pits in preference to creating new gravel pits.
6. Mining upon patented mining claims within the Mineral Extraction Zone shall be an outright use.
7. Mining of previously mined land within the Sumpter Valley Overlay Zone shall be an outright use.

8. Gravel pits inventoried as valuable resources within a residential zone shall be protected by the application of a Surface Mining Zone (SMZ).
9. The County continues to commend the voluntary spirit of resource conservation and protection practiced by County landowners. The notification policy and public hearing process are intended to provide notice to the public sector of a pending action affecting a cultural, historic or natural resource. The County shall require the preservation of a resource when it is found to be in the public's best interest to do so.
10. The County will encourage training for its Planning Commission and staff in historic and cultural preservation.
11. The County shall encourage and support the coordination of Museum Commissions, Boards, Chambers of Commerce, Historical Societies, Libraries, Sumpter Valley Railroad Restoration, Historic Baker City, Inc., local governments and the media regarding the preservation of our community's natural heritage.
12. Natural Areas designated as 2A sites are to be protected to ensure the preservation of the resource site.
13. Natural Areas identified as 3C sites shall be reviewed against criteria found in the Zoning Ordinance to allow conflicting uses but in a limited way so as to protect the resource site to some desired extent.
14. Customary resource uses (i.e., grazing and tillage practices) are not considered to be conflicts requiring regulation in Baker County's program to achieve Natural Area protection.
15. The County shall encourage, as appropriate, the signing of properties to recognize Natural Areas that are significant and for which protection is either totally or partially required.
16. The County shall develop programs appropriate to protect identified significant wildlife habitat, after considering the economic, social, environmental and energy consequences of conflicts between wildlife habitat and other uses of these areas.

- 17a. Irrigated agricultural land shall not be identified on "Elk Winter Habitat Protection" program maps.
- 17b. The County believes that wildlife management activities for existing elk herds should be planned for higher elevation, nonirrigated pastureland and timber grazing lands.
18. The County, in coordination with ODFW shall, based on the best information presently available from agencies, landowners and concerned citizens, identify areas suitable for elk winter habitat, consistently with Policy 17A, on its Elk Winter Habitat Goal 5 Protection Program Maps. The County hereby commits itself to conducting such a review for each area of elk winter habitat in the County, with such review and revision process to include public hearings and work sessions before the Planning Commission and County Court, involving affected landowners, citizens and agencies. Said initial review shall be completed within one year of acknowledgment of the County's Comprehensive Plan, and shall result in a complete and accurate set of program maps for elk habitat protection for the County Plan which shall be the basis of further program decisions.
19. The County believes that where, due to unique topography and existing development of irrigated agriculture, there is not enough dry pastureland and timbered grazing land at suitable elevations to provide adequate winter habitat for existing elk herds (e.g., at the base of the Elkhorn Mountains in Baker Valley), the Oregon Department of Fish and Wildlife either should institute a program of winter feeding stations for elk, located in the dry pastureland or timbered grazing areas, so as to prevent elk from descending onto and causing damage to the irrigated agricultural lands, or should use less intrusive management techniques, or should reduce its elk management objectives for those areas. The management technique chosen should be the least intrusive technique on uses allowed by the primary zone.
20. Where a program of feeding stations for elk and other big game animals is adopted by the Oregon Department of Fish and Wildlife, the County will cooperate with the Oregon Department of Fish and Wildlife by allowing public and private feeding station use as conditional uses subject to approval criteria in its zoning and Subdivision Ordinance, which include imposing such conditions that

neighboring property will be adequately protected from big game damage through purchase, easement, diversionary fencing, or other suitable means. However, the County will resist ODFW's use of the successful operation of such feeding stations as a basis for increasing its big game management objectives for the area.

21. The County believes that the Oregon Department of Fish and Wildlife should do its utmost to mitigate and to compensate landowners and operators for big game damage to private property in Baker County, with highest priority given to those properties adjacent to, or in the migratory pathway of, big game moving to and from winter feeding stations. Owners and operators of private land suffering big game damage are identified as beneficiaries of the Oregon Department of Fish and Wildlife's statutory obligation under ORS 496.012 to be responsive to primary uses of the land.
22. Residential density shall be limited in identified antelope habitat and deer and elk winter habitat to levels which do not conflict with continued use of these areas as antelope habitat or deer or elk winter habitat, through the use of minimum lot sizes and conditional use standards for residences in the resource zoning districts of the Zoning Ordinance.
23. At least every five years the County will conduct a thorough evaluation of the effectiveness of these implementation measures in preventing conflicts between big game habitat and other uses of identified significant big game habitat, and will adopt, based upon recommendations of the Wildlife Advisory Committee and findings and conclusions of the County Planning Commission and County Court, any adjustments necessary to ensure the protection of significant big game habitat based on the requirements of Goal 5 and OAR 660, Division 16.
- 23a. Any repeal of the adopted 1985 Elk Winter Habitat Protection Program Maps or inventory maps of Elk Winter Habitat will become effective only upon the adoption of new maps consistent with the post acknowledgment Plan Amendment procedures of ORS 197.610 and OAR 660, Division 18.
24. Baker County encourages the future participation of landowners in both the Riparian Land Tax Incentive Program and the Fish Enhancement Property Tax Rebate Program, which offer tax advantages as well as protection for natural resources.

25. Baker County's adoption and implementation of a Flood Plain Ordinance will provide further protection to riparian areas since construction in flood prone areas will be regulated.
26. For new construction of dwellings, agricultural buildings, commercial structures and new roads accessory to such development, the County will impose setbacks adequate to protect and preserve riparian values.
27. Baker County recognizes the roles played by various state and federal agencies in the protection of our natural resources, including riparian areas, including but not limited to the Division of State Lands, the Department of Environmental Quality, the Oregon Department of Fish and Wildlife, the Oregon Forest Protection Act, and the Oregon Department of Agriculture.
28. Those resources collectively known as scenic views and sights are identified, after review, as not in known conflict with other land uses and as having no impact areas. The County will promote land uses designed to conserve the natural splendor of the region.
29. Water areas, wetlands, watershed and groundwater resources are often described as the limiting factor in the development of productivity in our region. For this reason, water resources shall receive protection from competing uses through the Goal 5 process.
30. Conversion of industrially-zoned aggregate and mineral sites to new industrial uses shall only be allowed if the aggregate and mineral resource is not jeopardized.
31. When DLCD has returned the Elk Winter Habitat Protection Program Maps to the County, as part of the acknowledgment agreement the County will delete the designation of potential big game wildlife management areas/feeding sites from those maps.

VI. AIR, WATER AND LAND RESOURCES QUALITY GOAL: To maintain and improve the quality of the air, water and land resources of the County.

A. The County governing body finds that:

1. Based upon Oregon Air Quality Report, 1980, DEQ, page 1-5, which reports no "health standard" violations in the past 4 years and just one lesser "welfare standard" violation during the same period, air quality is generally good in the County. Direct sources of air contaminant discharges are monitored and controlled by DEQ. Indirect sources of air contaminants, such as airports and parking lots, would seem not to pose a problem or issue in the foreseeable future. Neither open field burning or motor vehicle pollution is identified as a problem or issue.
2. Atmospheric noise pollution, except as it involves the adjacent location of incompatible uses, is not a serious issue or problem in the County. Those sites inventoried as sources of noise pollution are inventoried on page 72 of the Technical Information and Inventory Data for Land Use Planning in Baker County.
3. Thermal air pollution is not identified as an issue or a problem in the County.
4. Water pollution, in its several forms, is identified as a potentially increasing problem or issue.

Based upon inventory information on pages 78-88 of the Technical Information and Inventory Data for Land Use Planning in Baker County, we find of particular concern:

- a. Nonpoint discharges into streams caused by forest and agricultural practices and stream bank erosion;
- b. Uncontrolled discharges into streams as a result of mining operations;
- c. Loss of dilution rations as a result of diminished stream flows following spring and early summer runoff; and
- d. Loss of thermal protection for forest lands streams.

B. Land Use Policies: The County governing body declares

that: Air, water, and resources quality shall be maintained and improved, among other things by:

1. Reasonable and effective administration of applicable state and federal laws and standards;
2. Encouraging the formulation and dissemination of best management practices for agricultural operations designed to maintain soil stability and protect air and water quality.
3. Encouraging the development and use of watersheds and of watershed reservoirs to reduce springtime flooding and erosion and to maintain stream flows in the low runoff periods.
4. Adopting zoning restrictions for noise polluting sites to reduce incompatible uses in the area and consideration during conditional use process of such techniques as buffering and restricted hours of operation to minimize noise incompatibility.
5. Conditioning all Conditional Use Permits involving air, water, or land quality regulations so they are subject to DEQ permits, particularly in mining proposals.
6. Where DEQ approval is essential to a Conditional Use proposal copying DEQ Pendleton Staff with the application in advance of the public hearing to allow for their recommendations.
7. Cooperating with SWCD, Baker Valley Irrigation District, ODFW, SCS, and private landowners in reducing high water problems by opening up existing drainways and constructing new drains.
8. Seeking assistance and information from the State Water Resources Department or the local Watermaster's office when specific and current information relative to water rights for surface and ground water or stream flow is pertinent to a land use decision. Maintained in the local Watermaster's office is a map showing river mile designations that correspond to references in the documents cited in Chapter 21 of the Technical Information and Inventory Data for Land Use Planning in Baker County.
9. Fully cooperating with DEQ staff in providing them office space, telephone service, dispensing of applications and certain types of information and receiving complaints from County residents.

VII. NATURAL DISASTERS AND HAZARDS GOAL: To protect life and property from natural disasters and hazards.

A. Findings: Based upon the cited authorities, the County governing body finds that:

1. "Areas of natural disasters and hazards" are areas that are subject to natural events that are known to result in death or endanger the works of man, such as stream flooding, groundwater, erosion and deposition, landslides, earthquakes, weak foundations soils and other hazards unique to local or regional areas.
2. Stream flooding occurs periodically when heavy mountainous snow packs are combined with rapid and prolonged increases in temperature. Such flooding is potentially more hazardous when associated with spring rains and ice jamming or other debris jamming of stream channels.

The Federal Insurance Administration, pursuant to the National Flood Insurance Act, has primary responsibility to provide the County with maps and other data to support local level flood plain management regulations. Such maps and data include a Flood Insurance Rate Map and potential flood elevation data.

An adopted Flood Plain Ordinance exists in Baker County. Its implementation will not await receipt of flood elevation data from F.I.A. Flood prone areas, as identified on the F.I.A. preliminary maps, are so noted on septic tank and building permit requests, on requests for administrative action, and in staff reports for Planning Commission land use decision. Judgments of flood hazard are based upon staff and Commissioners' knowledge of local flooding patterns and frequency, newspaper accounts of past flooding, information available from Baker Valley Irrigation District, and, when and where available, flood elevation from F.I.M.A.

The Department of Environmental Quality administers regulations for construction of subsurface septic systems in known areas of high groundwater and in areas known to be subject to surface flooding. Identification of these conditions is noted on D.E.Q. applications by the Planning Director in accordance with the Federal Insurance Maps.

The State Uniform Building Code, as administered by the Department of Commerce, provides for minimum

standards of construction in earthquake Zone II, which is throughout Oregon; for flood-proofing in flood prone areas (Chapter 56); for foundation construction in various soils. Flood plain designations are a function of zoning sign-offs in Baker County for D.O.C. applications.

3. Erosion and deposition, as occur naturally, are associated with high stream levels during spring runoff and summer freshets. The flood control function of multiple use reservoirs contributes to the control of erosion and deposition of stream channels.
4. Land areas along the slack waters of the Powder River and along the west shore of the Snake River that are particularly vulnerable to landslides and/or flash floods have been inventoried by Baker County and have been removed from the residential recreational (RR-2) zone.
5. Forest and range fires, whether initiated by a natural event or by man are potentially a threat to man and his works. The magnitude of any loss of life or works would be more dependent upon the location and density of dwelling and other works than upon other factors. In any event proposed dwelling unit densities of more than one dwelling per acre of rural land should be evaluated as to the availability of fire suppression facilities and access ways for ingress and egress.

The State Department of Forestry has authority and levies assessments for fire suppression on private range and forest lands, excluding buildings and other structures. Such department has authority to establish and maintain cooperative agreements, for fire suppression on forest and range lands, with other districts and agencies.

To supplement the above, Baker County finds that tree farming to reduce natural fuels in forested areas and the construction of forest buildings with fire-retardant materials will reduce the threat of wildfire to structures, reduce the spread of structural fires to forest and range lands, and generally aid in the suppression of wildfire.

6. Hazardous soils and soil conditions have been inventoried for all Exceptions areas of the County. A program to restrict the building of structures on the inventoried hazardous soils shall be implemented.

- B. Conclusions: Such areas involved in this land use goal have been inventoried. However, it is recognized that in some instances a more detailed and conclusive inventory should be done. In particular, regulations currently adopted and implemented will be enhanced at periodic updates of this Plan as further information becomes available.
- C. Natural Hazards Policy: The County governing body declares that developments subject to damage or that could result in loss of life shall not be planned or located in known areas of natural disasters and hazards without appropriate safeguards.

VIII. RECREATION GOAL: To satisfy the recreational needs of the residents of the County and visitors.

A. Findings: The County governing body finds that:

1. "Recreation areas, facilities and opportunities" provide for human development and enrichment, and include but are not limited to: open space and scenic landscapes; recreational lands; historic, archaeological and natural science resources; scenic roads and travel ways; sports and cultural events camping, picnicking and recreational 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 following specified facilities that need to be considered:

TABLE I

FACILITY	UNIT	SUPPLY	GROSS NEED	NET NEED		
				1975	1980	1990
Campsite	Site	488	485	(3)	57	180
Picnic Tables	Table	490	110	(380)	(370)	(348)
Swimming Pools	Pool	2	1	(1)	(1)	(1)
Boat Launch Lanes	Lane	14	7	(7)	(5)	(3)
Swim Beach	Feet	8,300	251	(8,049)	(8,038)	(8,003)
Walking & Hiking Trails	Mile	51	30	(21)	(17)	(10)
Biking Trails	Mile	141	7	(134)	(133)	(132)
Bridle Trails	Mile	41	7	(34)	(33)	(32)
Ball Fields	Field	9	6	(3)	(3)	(2)
Tennis Courts	Court	3	6	3	3	4
All Purpose Courts	Court	2	6	4	4	5
ORV Trails	Mile	0	16	16	16	13
Golf	Holes	9	9	0	0	0
Neighborhood Parks	Acres	7.0	78.5	71.5	72.5	80.5
Community Parks	Acres	0.0	157.0	157.0	160.0	175.0
District Parks	Acres	73.0	235.5	162.5	167.0	189.5
Regional Parks	Acres	72.0	393.0	321.0	328.0	366.0

Of the facilities listed in Table I, some are not included in this analysis of County needs. Those would include ball fields, tennis courts, all purpose courts, golf courses and neighborhood and community parks. While in some cases, these

facilities do serve regional needs, their planning and administration are under municipal jurisdiction. The presence and numbers of municipal facilities are inventoried within the comprehensive plans of the cities of Baker County.

Of the non-municipal facilities, a statistically derived unmet need is inventoried for campsites, off-road vehicle trails, district and regional parks. An assessment of need derived from public hearings inventories all those plus a specific reference to water-oriented activities including a swimming pool.

It should be noted that in addition to a private, commercial geothermally heated swimming pool operating in the County, that the City of Baker has constructed a geothermally augmented public pool.

2. The United States Forest Service, (USFS) through its recreational facilities, answers a large part of the recreational demand in Baker County.

Union Creek Campground at Phillips Lake has the greatest capacity for campers and picnickers on the Wallowa Whitman National Forest and has the highest level of development of any USFS Campground in Oregon or Washington. It is designed to be expanded as demand and funding warrant. An overflow camping area of lesser development exists at the southwest corner of Phillips Lake and a limited number of campsites are being developed along the south edge of the lake accessible only by foot or boat.

Another USFS Campground at Anthony Lake on the Baker County/Union County boundary is being upgraded and relocated to the east end of the lake. The change is not an expansion of facilities but rather is for the purpose of making the lake more accessible to non-campers.

Awaiting construction funding is a new visitor's center, boat ramp, commercial power boat dock and picnic sites at the Hells Canyon launch site below Oxbow on the Snake River.

3. Anthony Lakes Ski Area -- a significant recreational and economic resource, this facility is partly within Baker County and is wholly on land leased from the United States Forest Service. The Anthony Lakes Corporation has conducted a market study to assess demand and is underway with a long range

expansion program to meet the local, regional and out-of-region recreational demand for its services.

4. The Bureau of Land Management (BLM) also has plans to upgrade both their Spring Recreation Site on the Snake River and the Bassard Digging Site on Lookout Mountain. Recreation trail construction and expansion is scheduled for the Fox Creek area on the breaks of the Snake River and at Sheep Mountain near Oxbow. Two Wilderness Study Areas are proposed by BLM in Baker County: one at Sheep Mountain and one at Homestead. ORV facilities are located on BLM land east of Baker Valley in an area known as Virtue Flat.
5. "Recreation needs" refers to existing and future demand by residents and visitors for recreation areas, facilities and opportunities.
6. The existing demand, and future demand, for recreation facilities and opportunities is making, and will make, a major contribution both to the social well-being and the economic well-being of the residents of the County. Oregon Department of Fish and Wildlife estimates that 178,962 recreational days are spent annually in the County hunting and/or fishing. Verifiable statistics are not available to define the economic significance of these recreational activities.
7. The existing facilities and services at Hewitt Park (County Park) have been improved and regulated to more adequately meet the demand for use.
8. Improved and expanded facilities for overnight parking, camping, picnicking, boat launching/docking, and sewage disposal on the Snake River and other waterfront areas are needed to accommodate the existing use and future demand.
9. Appropriate zoning and justification for recreational 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.
10. Increased interest in RV parks has been noted in Baker County. Accommodating these requests is conditionally allowed by statute in the Farm zone. RV parks in the Timber/grazing zone can be accommodated either of two ways: through a showing

that other forest uses would not be jeopardized or by taking an exception to Goal 4.

11. The County Park in Sumpter Valley near the Sumpter Valley Railroad Restoration project had been developed and is being maintained to serve a part of the recreational demand of our people and our visitors.
12. It should be noted that minor betterment projects to maintain state parks are not considered as being under Baker County's jurisdiction.

B. Policies. The County governing body declares that:

1. It shall continue to assess the recreational needs of the County, including those inventoried by the State Comprehensive Outdoor Recreation Program, and to serve those needs that befit the public interest.
2. It shall serve the public interest for the County to work cooperatively with Idaho Power Company, the BLM, and volunteer citizen advocates of, at least, minimal sanitation facilities along the Snake River Road.
3. Continued support for the Sumpter Valley Recreational Railroad shall be encouraged.
4. Whenever the promotion of a recreational facility is not allowed by a resource goal, Baker County will require an exception from the applicable goal.
5. Uses of private lands within the boundaries of the Hells Canyon National Recreation Area and within interim or designated Wilderness Areas shall be regulated by the applicable resource goal, either Goal 3 or 4, depending on vegetative cover, and through the federal regulations that pertain.
6. Based on findings regarding the need for planned recreational areas along the Snake River, slack waters of the Powder River, and Unity Lake, the County supports the development of water-based recreational opportunities.
7. Baker County, at such time as state law and procedures become clear, intends to establish in accordance with said law a destination resort zone, to be made a part of and an amendment to this Comprehensive Plan and its implementing ordinance. It is the express desire that Baker County establish said zone to enhance our economic and recreational

diversification in a manner that is consistent with the environmental attributes of our area. Ultimately, the County will be able to apply the zone to specific areas; but in this policy statement the County would like to recognize the potential for development at, but not limited to, the following areas: Sumpter Valley, Anthony Lakes area, and Hells Canyon area.

IX. THE ECONOMIC GOAL: To diversify and improve the economy of the County.

A. The County governing body finds that:

1. The County is an area of the state that has underutilized human and natural resources capabilities and should have increased economic growth and activity.
2. Potential for diversification and improvement of the economy exists primarily in diversification and improvement of: Agricultural land production, forest land production, mining and processing of mineral and aggregate resources, and tourist and recreation facilities and services.
3. There are several public and quasi-public groups at work in the County promoting urban and rural economic development. Among them are the Baker County Chamber of Commerce, the Hells Canyon Chamber of Commerce, the Huntington Chamber of Commerce, the Baker City Industrial Development Commission, and the Baker County Economic Development Commission. The guiding document for the work of the BCEDA, the Overall Economic Development Program (OEDP) will be implemented as much as possible by the County staff and policy. The use of the OEDP as the principal document in the Goal 9 portion of the Comprehensive Plan commits Baker County to its intent. As previously noted under Goal 2, in the event of a conflict, however, the specific policies of the OEDP are subordinate to the general policies of the County Comprehensive Plan.
4. Segments of areas zoned for industrial or commercial development have been analyzed and are described in a Baker County Industrial and Recreational Fact Book which has been adopted by the County Court.
5. These specific development sites as well as the larger, more comprehensive industrial and commercial zones are described and justified in the Exceptions portion of this Plan.
6. Those industries dependent upon developed public facilities and services have 400 acres of appropriately zoned land within the City of Baker or its Urban Growth Boundary. Each of the other smaller incorporated cities of the County has land zoned for commercial development whose needs can be satisfied by low levels of public facilities and service can be accommodated by 1136 acres of zoned

lands that are either on the Interstate Freeway, the mainline of the Union Pacific Railroad, or adjacent to the municipal airport. Appropriate zoning and policies encourage development at an abandoned sawmill site near Halfway and four unincorporated communities that support limited commercial activities. All of these development zones are fully described in the Exception portion of the document.

7. Economic activities in the farm zone are regulated by state law (ORS 215.283). In the timber zone, economic development is encouraged to the degree of its compatibility with forest uses. In agriculture and timbered areas certain other economic activities would be encouraged to the degree they satisfy justification for a Goal 3 or 4 exception. Home occupations, which are limited commercial ventures, are an allowed conditional use in both the farm and timber zones.
8. Residential construction, in rural areas which admittedly generates short-term economic activity, cannot substitute for the local economic base of agriculture, timber, tourism, and mining. Residential construction in areas not designated for resource management still offers positive economic impact if the necessary public facilities and services are already in place.
9. As described in the Goal 5 portion of this document, mining holds continued promise for the economic future of Baker County. Mining in an appropriate zone (Mineral Extraction Zone, Sumpter Valley Overlay Zone) shall be permitted as an outright use. Other mining of private land shall; be considered as a conditional use. In either event, the extraction of our mineral wealth is encouraged as is the proper reclamation of mined lands.
10. As described in the Goal 8 portion of this document, recreational use of our land and water is an increasingly important component of the County's economic base. The County's beauty and natural resources are attractive to visitors. Properly managed, the pursuit of the latter need not be to the detriment of the former.

B. Land use policies: The County governing body declares that:

1. The overall economic policy of the County shall be as provided by law in ORS Chapter 184, and as guided

by local studies such as the existing Overall Economic Development Program and the Baker County Economic Input-Output Model from Oregon State University.

2. The agricultural land use economy shall be improved and diversified by, among other things:
 - a. Small watershed development to increase irrigation water availability;
 - b. Improvement in the primary distribution of water to include potentially productive unirrigated lands;
 - c. Improving the primary distribution facilities for irrigation water, including but not limited to pumps, pipelines, and canals;
 - d. Establishing drainage areas or districts to improve or reclaim agricultural wetlands and areas of high alkalinity or salinity;
 - e. Improving irrigation practices to reduce water waste and soil erosion;
 - f. Improving and expanding noxious weed eradication and control;
 - g. Improving crop diversification within the constraints imposed by soil and climate conditions;
 - h. Expanding and improving the facilities for processing and marketing of locally grown agricultural products;
 - i. Utilization and reclamation of allowable commercial mineral and aggregate sites;
 - j. Utilization of allowable commercial processing activities and recreational activities in conjunction with farm use.
 - k. Encourage the state to use tax incentives to encourage the keeping of farm land in farm use and tax disincentives to discourage change from farm use.
 - l. Improving range management practices to increase forage production.

- m. Discouraging encroachments of conflicting land uses into farmlands.
3. The forest land use economy shall be improved and diversified by, among other things:
- a. Managing and harvesting forest tree species on a sustained yield basis, including periodic reforestation of the most productive forest lands with improved species;
 - b. Increased utilization of commercial wood fiber, including logging and mill wastes;
 - c. Increased harvest and utilization of diseased and fire killed trees;
 - d. Utilization and reclamation of allowable commercial mineral and aggregate sites;
 - e. Utilization of allowable commercial processing activities and recreational activities in conjunction with forest use;
 - f. Encourage the state to use tax incentives to encourage the keeping of land in forest use and tax disincentives to discourage the change from forest land.
4. Other land use in the County, other than farm or forest lands, shall be diversified and improved by, but not limited to:
- a. Expansion of tourist and recreational facilities particularly in support of but not limited to the Hells Canyon National Recreational Area, Anthony Lakes Ski Area, and the Sumpter Valley Recreational Railroad (see related policies 6 and 7 on page 8-4 of this Plan).
 - b. Expansion of secondary processing facilities for commercial wood fiber and agricultural products.
 - c. Utilization and reclamation of commercial mineral and aggregate sites.
 - d. Expansion of secondary processing facilities for mineral and aggregate resources.
 - e. Expansion of facilities for industrial fabrication or assembly.

- X. THE HOUSING GOAL: To provide for the housing needs of the citizens of the County.
- A. The County governing body finds that: In order to provide for the housing needs of the residents of the County in a manner commensurate with the financial capabilities of the County households and allow for flexibility of housing location, type and density, lands suitable for dwellings in the County shall include:
1. Dwellings used in conjunction with farm use as provided by law.
 2. Dwellings not in conjunction with farm use as provided by law.
 3. Dwellings used to support the production and harvesting of timber on inventoried forest lands.
 4. Dwellings not in conjunction with forest use as provided by law.
 5. Dwellings that are necessary to support and maintain industrial and commercial operations, including mining and processing of minerals and aggregates, and tourist and recreation developments.
 6. Dwellings on lands partitioned and built upon to such extent that, for practical purposes, the statutory agricultural land use policy cannot be applied.
- B. Land use policies: The County governing body declares that: Lands shall be made available for a variety of housing needs in the County, which variety shall include:
1. The need to accommodate the several income levels of the citizens.
 2. The need to reduce transportation costs to and from places of employment.
 3. The need to support and maintain agricultural, industrial, commercial, mining and processing, and tourist and recreational use of land.

XI. PUBLIC FACILITIES AND SERVICES GOAL: To Plan and develop a timely, orderly and efficient arrangement of public facilities and services to serve as a framework for rural development.

A. Findings: The County governing body finds that:

1. "Rural facilities and services" refers to facilities and services which the governing body determines to be suitable and appropriate for the needs of rural users. The level of these services is determined by demand and by affordability. Prioritization of demands for and level of services is a function of the public and quasi-public bodies involved.
2. Rural facilities and services shall include, among other things:
 - a. Police protection according to the cooperative efforts of the County Sheriff and Oregon State Police. Those communities with a resident deputy sheriff are listed in the Technical Information and Inventory Data for Land Use Planning in Baker County. This service fluctuates with the financial health of County government.
 - b. Fire protection according to the timely establishment of Rural Fire Protection Districts or Associations and their cooperative efforts with the several cities as appropriate and the state and federal standards. Those communities presently served by a rural fire protection district are inventoried and mapped in the Technical Information and Inventory Data for Land Use Planning in Baker County. A recent effort has been organized to form a rural fire district in Baker Valley. Information on the result of the effort will be available at future Plan updates.
 - c. Sanitary facilities according to the carrying capacity of the air, land and water resources as determined by applicable state and federal standards. Landfills with their capacities, especially the remaining useful life of each facility, are inventoried in the Technical Information and Inventory Data for Land Use Planning in Baker County, and mapped on Plate 13 of same. The known problems relating to solid waste disposal have largely been resolved through the cooperation of the public and private sectors. The BLM has allowed long term leases for siting landfills, the County has built access roads to and fences around the

landfills and the private franchised operators manage and maintain the facilities for public use in compliance with DEQ regulations. There are no significant problems with landfills in Baker County other than the knowledge that the Halfway area landfill is estimated to be within 10 years of capacity.

- d. Land use regulations as provided by law and this Plan create a prevailing density for residential use of land outside of Urban Growth Boundaries of one dwelling per five acres. In a limited number of cases and under special circumstances two dwellings may occupy a five acre parcel with a shared well or shared sewage disposal system. Sharing those facilities for three or more dwelling becomes a function of the public utility regulations and has been used only once in Baker County according to County records. It has been held by County government since 1974 that compatible interface areas of residential development and resource management are achieved by holding to a five-acre development standard.

New direction under specific circumstances is being proposed and to which the five-acre minimum would not apply:

- (1) Where an unused set of buildings, house and accessory buildings, is not needed by the owner of a consolidation of farms or ranches, those buildings may be partitioned from the resource land keeping as much land as possible in production; or
- (2) Where long-term occupants of a farm/ranch wish to retire and sell their resource land, they would be allowed to do so, keeping only their home and customary accessory buildings. Please note the pre-existence of the structures and attendant restrictions in both of these deviations from the five-acres norm.
- (3) Dwellings otherwise authorized under ORS 215.283 (3).

Inside of Urban Growth Boundaries where residential development is allowed, the consistent standard in Baker County is a 5,000 square foot minimum.

Because of the above, Baker County believes that rural development densities will not create urban densities outside of Urban Growth

Boundaries. Furthermore, when the density is increased as in those limited situations described above, the request is accompanied by pre-existing situations.

- e. Recreational facilities and services consistent with this Plan.
- f. Public health services consistent with the authority and responsibility of the County Health Department and the State Department of Human Resources, and private health services consistent with the authority and responsibility of the various practitioners and institutions devoted to the healing arts.
- g. Electrical energy distribution and telecommunications services consistent with the applicable public utility laws and other applicable laws of the state and United States.
- h. Other government facilities and services that may include the various special districts such as weed control, vector control, water control, irrigation, drainage, schools, sewers, cemeteries and ports and by the development and maintenance of a road system.

B. Land Use Policies. The County governing body declares that:

- 1. The County shall cooperate with the several cities, as to their solid waste disposal programs, by zoning land for disposal sites, and as it concerns the smaller cities, by contributing to the construction of such sites.
- 2. The County shall provide for the regulation of solid waste disposal on lands in the County as required by law.
- 3. Standards and criteria for regulating the various densities of land use and development shall be provided in appropriate zoning and land partitioning regulations.
- 4. The County shall provide for rural services appropriate to the type and level of rural development described in the Comprehensive Plan and to the degree desired by the area residents and fundable by County government.

XII. TRANSPORTATION GOAL: To provide and encourage a safe, convenient and economic transportation system.

A. The County governing body finds that:

1. Roads and Highways: The principal, primary and secondary roads and highways are indicated on the "Road Index Map, Baker County Oregon, 1979" as prepared by the Oregon State Highway Division in cooperation with the U.S. Department of Transportation, Federal Highway Administration.
2. The Oregon Department of Transportation has prepared and published a "County Road Inventory Description Record For Baker County, 6/05/80". Such inventory is used in conjunction with Road Index Map.
3. The City and County of Baker have adopted and "Airport Master Plan, Baker Municipal Airport, December 1978". Such airport is considered to be an economic alternative mode of transportation in the County. Improvements and expansion of the airport are underway as a cooperative function of local, state and federal government.

The County had adopted an Airport Development Zone that limits construction and uses within the area. Furthermore an Airport Overlay Zone had been adopted to limit uses in approach areas of the airport. Height limitations and restrictions on uses producing interference to aircraft were included in the original Airport Zoning Ordinance of 1975 and whose restrictions are still in effect. These planning documents for the Baker Airport have been reviewed and approved by the Aeronautics Division of the State Department of Transportation.

4. Mass transit, interstate rail, and bus passenger and freight services in and through the County are considered to be economic alternative modes of transportation.
5. Transportation pipelines existing in the County (natural gas and petroleum distillates) are considered to be economic alternative modes of transportation.
6. The private automobile will continue to be the most practical mode of intracounty transportation, in the foreseeable future.
7. Bicycle and pedestrian modes are not practical year

around methods of transportation, outside the boundaries of the cities.

B. Land Use Policies. The County Governing body declares that:

1. Seldom are transportation improvements under the exclusive direction of County government. Therefore, some of the following policies are adopted by the County as recommendations to other public agencies.
 - a. The Secretary of Agriculture, pursuant to Section 8(c) of Public Law 94-199, December 31, 1975, should provide improved roads from Baker County to scenic views of and from the Western rim of Hells Canyon. It should be noted that the Hells Canyon National Recreation Area Comprehensive Management Plan is under appeal to the Secretary of Agriculture. The USFS preferred alternative to "C" includes access to P.O. Saddle and beyond to Lookout Mountain. Beyond that to Saddle Creek is non-vehicular access until access begins at Sour Apple Flat and on to Lord Flat. In short, the rim of the canyon does have improved access to and along part of the rim but not its entire length.
 - b. Burnt River Canyon Road should be included in the Oregon State Highway System. Such road should provide improved access from Highway 245 on the southern slope of Dooley Mountain to the Interstate Highway at Durkee. It is noted that no plans exist within the State Department of Transportation to include this road in the state system as it does not meet their standards.
 - c. Lands surrounding the airport shall be protected from development that is incompatible with the airport.
 - d. Serious consideration shall be given to the formation of a broad based Airport Authority or Port District to own and operate the Baker Municipal Airport.
 - e. U.S. Forest Service should be encouraged to complete the North Pine Road to an improvement standard similar to the connecting forest service road in Wallowa County.
 - f. Local terminals for industrial and commercial consumption of pipeline products should be made

available when needed to support economic development of the County.

- g. Interstate rail and bus passenger and freight service should continue to be available in the County.
 - h. Local mass transit (private) passenger services shall be expanded as the need and economic practicality becomes apparent.
 - i. Public subsidized bus transportation shall be continued for the transportation disadvantaged as the need is demonstrated and budgetary priorities will allow.
 - j. The rural nature of Baker County exerts very limited demand for either foot or bicycle paths. To the degree that such demand exists, Baker County will cooperate with the State Department of Transportation in supporting these features.
 - k. Baker County supports the attempt to reinstate a regularly scheduled commuter airline serving Baker County residents and businesses.
2. It shall be County policy to Plan, construct and maintain County roads to acceptable standards having first considered safety, use, and economics.

XIII. ENERGY CONSERVATION GOAL: To conserve energy.

- A. The County governing body finds that: energy conservation refers to the management of energy resources in a manner to avoid wasteful or destructive uses and provide for future availability.
- B. Land use policies. The County governing body declares that:
1. Potential energy producing sites shall be protected from irreversible loss and encouraged to be developed.
 2. The exploration for, and development of, geothermal heat sources shall be encouraged.
 3. The conversion of wood wastes (logging and milling residue) to usable heat energy shall be encouraged.
 4. The use of available heat energy from natural warm water springs shall be encouraged.
 5. The development of high density land uses along high capacity transportation corridors shall be encouraged.
 6. The location of residences proximal to places of employment shall be encouraged.
 7. The siting and design of buildings to utilize incident solar radiation for supplemental heat energy shall be encouraged.
 8. The use of construction materials and methods designed to reduce energy requirements for heating and cooling of buildings shall be encouraged.
 9. Recycling of usable metallic and nonmetallic waste and scrap shall be encouraged where, or when, such recycling is economically practical.

XIV. URBANIZATION GOAL: To provide for an orderly and efficient transition form rural to urban land use.

A. The County governing body finds that:

1. Urban growth boundaries for the following cities have been established through a cooperative process between the cities and the County: Baker, Halfway, Huntington, Richland and Unity.
2. Haines and Sumpter have established their City limits as their Urban Growth Boundaries.
3. The platted townsites of Cornucopia and Greenhorn are construed to be the Urban Growth Boundaries.

B. Land use policies. The governing body declares that:

1. County ordinances adopting the various urban growth boundaries of the several cities shall rule in the case of conflicts as to the location of such boundaries.
2. Subject to any agreements between the County and any city in the County, the County, shall administer the land use regulations applicable to urbanizable lands in the County. For the purpose of such administration the County shall use the substantive standards and requirements of the land use regulations of the e appropriate city.
3. Any change in any of the urban growth boundaries as established by this Plan shall be a cooperative process between the County and the city involved.

PART 3

PLAN MAP DESIGNATIONS

- I. Exclusive Farm Use - Includes all agricultural lands inventoried as soil capability classes I-VI and other lands that are suitable for farm/grazing use, except those lands designated as forested lands or lands for which an exception is proposed.
- II. Timber/grazing - Refers to private commercial forest lands; other forested lands needed for their watershed or wildlife and fisheries habitat value and recreation; lands whose sensitive nature requires the maintenance of vegetative cover; and other forested lands which provide visual and wind breaks, wildlife and fisheries habitat, livestock habitat, scenic corridors and recreational use.
- III. Rural Residential Areas - Refers to those areas already built and committed to non-resource use and for which an exception is taken.
- IV. Recreation Residential Areas - Refers to those areas already built and committed to non-resource use or needed to meet recreational opportunity in the County and for which an exception is taken.
- V. Rural Service Areas - Refers to those well defined centers of small-scale commerce in the outlying areas of the County and for which an exception is taken.
- VI. Primary Forest - Refers to publicly owned lands meeting the description in Timber/grazing (No. 2) above.
- VII. Mineral Extraction Areas - Refers to patented mining claims which are too numerous to add to the Plan Map but which are inventoried and mapped separately.
- VIII. Surface Mining - Refers to specific aggregate resource recovery areas which are to be protected from encroachment from development of adjacent lands.
- IX. Tourist Commercial Area - Refers to land adjacent to a freeway interchange which would be rezoned at some future point when need could be demonstrated.
- X. General Commercial - Refers to an area recognized as having potential for commercial development for which an exception is taken.
- XI. Commercial Industrial - Refers to a mixed zone that accommodates the blending of uses already existent and for which an exception is taken.

- XII. Airport Development - Refers to the publicly and privately owned land at the County's only municipal airport that is designated for airport related land use activities.
- XIII. Airport Overlay - Refers to clear zones adjacent to the airport which restrict uses that are in conflict with safe and harmonious use of the airport.
- XIV. Industrial Areas - Refers to those areas either built and committed or needed to foster economic development in the County and for which an exception is taken.
- XV. Sumpter Valley Management Area - Refers to publicly and privately owned lands previously dredged which have wildlife habitat value and aggregate value.
- XVI. Future Development Area - Refers to those areas identified by shading on the Plan and Zone Map that have been zoned for residential development since 1974 but upon review, do not currently meet the standards for a Goal 2 Exception from Goal 3. These are areas the County will reexamine in the future for removal from the E.F.U. Zone if and when an exception and Plan amendment can be justified.
- XVII. Sumpter Valley Overlay Zone - Refers to that land between the Whitney-Tipton Highway, the Sumpter Highway and the McEwen Valley Irrigation Ditch that has been justified as an exception area and zoned for residential use. Because of the history of dredging and other mining in the past, these lands are unique in Baker County for the mine tailings that are covering the surface and for the interest that property owners have in continued recreational and commercial mining. Within this overlay zone, mining is to be allowed as an outright use in addition to the other outright uses allowed by the underlying zone (RR-1).
- XVIII. Limited Use Combining Zone - Refers to land areas where it is necessary to reduce the list of permitted uses in a zone that are suitable for a particular location. The zone is intended to implement the requirement set forth in OAR 660-04-018 (3) (a) that where a goal exception is taken, permitted uses shall be limited to those uses justified by the exceptions statement. Where appropriate the LU zone may be applied to 'physically developed' and 'irrevocably committed' exceptions approved under ORS 197.732 (1) (a) and (b) but it is especially applicable to a 'reasons' exception approved pursuant to ORS 197.732 (1) (c).

PART 4
EXCEPTIONS AREAS

The following land use designations are based on the County's Technical Information and Inventory Data for Land Use Planning, Industrial Site Analysis for Baker County, and upon considerations found in Goal II, part 2. Some 7% of the land in Baker County (approximately 14,036 acres) is proposed for Exceptions Areas.

I. Industrial (I): approximately 2,784 acres.

A. Sutton Creek Site:

A portion of the NE1/4 of Section 12 lying north of Old Highway # 30 and south of the interstate highway, in Township 10 South, Range 40 East W.M. This area consists of approximately 50 acres of Class IV-VII Soils.

This area is needed for the expansion of the County's economic base and is ideally suited for heavy industrial uses due to the proximity of two sidings of the Union Pacific Railroad mainline, the proximity to Interstate 84, with two interchanges nearby, a paved local road, power, natural gasline, sanitary landfill, and its proximity to the urban center of Baker.

The topography of Baker County lands near its urban center, Baker, served by both railroad and freeway, are of two distinctly different types.

To the north of Baker are flat, fertile, irrigated, tillable fields. To the south are narrow valleys with dry, rolling and steep hills. It is the latter that describes the Sutton Creek Industrial Site, approximately seven miles south of Baker. For industries in need of the railroad and/or freeway but unsuitable for urban sites, this area offers an attractive option at minimal loss of productive agricultural lands.

The land involved is idle sagebrush-covered heavy-clay soils. The trade off of this land for industrial use is seen locally as a favorable one, particularly when the industry, if realized, would otherwise end up on more productive land, on a more populated part of the transportation corridors, and with increased levels of incompatibility as to noise, industrial traffic, and appearance.

As described elsewhere, Baker County's economic dependence is upon forest and agricultural industries.

Our hope of economic diversification and expansion includes increased local processing of those basic resources and that of mineral resources as well. The Sutton Creek Site offers to those resource-related industries what is needed, leaves urban sites available for industries needing higher levels of public facilities and services, and leaves the fertile fields for farming.

B. Durkee Oregon Portland Cement Site:

Sections 10,14,15,16 and that portion of Section 11 lying west of Interstate 84 in Township 12 South, Range 43 East W.M. This area consists of approximately 848 acres which is predominantly Class VI and VIII lands. It is the present site of a limestone quarrying and processing operation. The site is served by both Interstate 84 and the Union Pacific Railroad mainline. This area has been designated as industrial since 1974.

C. Lime Oregon Portland Cement Site:

Sections 25,26,34,35 and the E1/2 of Section 27, Township 13 South, Range 44 East W.M. This area consists of approximately 1,066 acres of predominantly Class VI and VIII soils. It is the present site of a limestone sacking and distribution operation and reserve. The area is served by Interstate 84 and the Union Pacific Railroad. The area has been designated as industrial since 1974. Both sites B and C are resource specific as they are dependent upon deposits of limestone. The Oregon Portland Cement operations contribute substantially to the local economy and are discussed in detail under Goal V.

D. Chemical Lime Site - (Blue Mountain Lime):

That portion of Section 25 lying west of the Union Pacific Railroad and south of the Wingville Road in Township 8 South, Range 39 East W.M. This area consists of approximately 66 acres of Class II - IV soils. This area is presently being used as an ** industrial site. The site is served by the Union Pacific Railroad mainline, power, natural gas and paved state and County roads. Access to Interstate 84 is within 5 1/2 miles. Since 1974, this area has been zoned as A-2, which allowed agricultural and non-agricultural uses. The justification for rezoning the area to outright industrial use is that it is already physically developed for such use and irrevocably committed to non-resource uses. It is the processing site of nearby quarries for limestone of agricultural and chemical

quality. The high water table present near the site inhibits industrial expansion.

E. Airport Site:

Portions of the NW 1/4 of Section 34, the E 1/2 of Section 28, and W 1/2 of Section 27 lying west of Baker County Road No. 740 in Township 8 South, Range 40 East W.M. This area consists of approximately 398 acres of Class II - IV soils. Committed to the Baker Municipal Airport, the area is needed for the expansion of the County's economic base and is so situated as to be attractive to industries needing easy access to air transportation. The site is within one mile of Interstate 84 interchange and is located three miles from the urban center of Baker. The site has been discussed in some detail in the Industrial Site Analysis and has been the subject of an engineering analysis in 1981 by Anderson-Perry Engineering Associates. The safety considerations are addressed by the Airport Development Zone and Airport Overlay Zone, included elsewhere in this Plan. The justification for this exception is based upon the prior development at the site.

F. West Pine:

Portions of the SE1/4 of Section 16 and the NE1/4 of Section 21, Township 8 South, Range 46 East W.M. This area consists of approximately 50 acres of Class II - VI soils. It consists of an abandoned sawmill with a related dwelling and buildings, an airstrip and other industrial properties. The site has power available and transportation is provided by Highway 86. The City of Halfway is within one mile. Since 1974 the referenced land has been zoned A-2 which allowed agricultural and non-agricultural uses.

G. Northeast Baker - Frontage Road Industrial Site:

This site includes 306 acres of Class II, III and IV soils in the west half of Section 10, Township 9 South, Range 44 East W.M. It is presently used for industrial sand and gravel operations, farming, an Oregon Department of Fish and Wildlife non-game species wildlife sanctuary, a State of Oregon highway sand storage shed and three residences. The area is bounded on all sides by paved County and state highways, one of which is an industrial frontage road built in 1978 to serve this site as well as the adjacent land to the west that is zoned for industrial development within the City of Baker's Urban Growth Boundary.

Additional information on this site is found in the Goal V analysis of mining in industrial zones.

H. Medical Springs Highway Industrial (LU) Zone:

This site includes approximately 20 acres of Class IV and VI soils in the east half of the southwest quarter of Section 13, Township 8 South, Range 40 East W.M. It is used for a Proctor Home for six male residents besides the family, with the owners/occupants of the home to be employed/trained in conjunction with the wrecking yard and salvage/recycling yard plus a watchman's quarters, all of which exist on site.

The justification for removing this land from the farm zone lies with its current industrial uses and the public and private investment already made in serving the area with an industrial access road from the interstate freeway.

Additional information on this site is found in the Goal V analysis of mining in industrial zones.

II. Commercial Industrial (CI): approximately 456 acres

Durkee:

Portions of Sections 20, 21, 28 and 29 of Township 11 South, Range 43 East W.M. This area consists of approximately 456 acres of II - VI soils. Dispersed throughout this area are two transportation terminals, a spur of the railroad mainline, a service station, a mobile home park, restaurants, school facilities, a church and numerous single family dwelling. The area provides support facilities to both the motoring public using Interstate 84 and the cement industrial facility located 1 1/2 miles to the south. Since 1974 this area has been zoned as A-2 which allowed agricultural and non-agricultural uses. The justification for this exception is based upon the nature of development already existing in the area. The mapping of the exception area is in two parts due to the location of the freeway. The newest development along Vandecar Road lies north of the freeway. In part this has resulted from a shifting emphasis from rail transport to freeway transport; in part, from past economic development for non-farm uses onto far less productive soils to the north than the irrigated valley bottom surrounding the platted townsite of Durkee in the other directions.

III. General Commercial (GC): 12.98 acres

A. Richland Interchange:

This site is located within the NW1/4, NW1/4, NE1/4 of Section 9, Township 9 South, Range 40 East W.M. The site consists of approximately 6.1 acres of Class II-IV soils that lie adjacent to the frontage road paralleling Interstate 84. The site adjoins the Richland Interchange and provides support services to the motoring public using the Freeway and Highway 86 serving the communities of Richland and Halfway to the east. The justification for the removal of this land from resource zoning lies primarily with its strategic location on the Freeway at a juncture with a major market road. Rezoning also recognizes the existing commercial development on site. Other lands in the

immediate vicinity have also been zoned for development since 1974. Upon repeated review, these lands have been found unqualified for rezoning. Until such time as rezoning can be justified, said lands will be held in a Future Development designation with EFU zoning applied until an exception and Plan amendment can be justified.

B. Northwest Baker Commercial:

Lands lying within the NW1/4 of Section 8, Township 9 South, Range 40 East. W.M. This 6.88 acre parcel has been occupied for the past 25 years by a drive-in theatre. For the past decade, that use has been abandoned; that use cannot be reactivated because of an insoluble DEQ problem; the site was covered with 18" or more of gravel for its former use rendering it unsuitable for farm use; the site is adjacent to a general commercial zone within the City of Baker's Urban Growth Boundary to the west; the zone change would allow for a commercial use and employment opportunities; the commercial use proposed is possible under DEQ regulations. Based upon these findings the County approved the Zone Change from Exclusive Farm Use to General Commercial and concurrently approved a commercial firewood lot for the parcel.

IV. Rural Service Area (RSA): approximately 220 acres

A. Oxbow:

Portions of Section 4 and 5 of Township 7 South, Range 48 East W.M. This area consisting of approximately 53 acres of predominantly Class VI and VIII soils lies along the Snake River. Originally the Townsite of Copperfield, now known as Oxbow, the area contains a recreation trailer park, school, post office, power transmission facilities and a residential area. Oxbow provides support services to the nearby power generating facility, local mining activity, and recreation activities provided by Snake River.

B. Hells Canyon Commercial Area:

Lands located in Sections 17,19,and 20 of Township 7 South, Range 48 East W.M., includes approximately 63 acres of predominantly Class VI and VII soils. This area contains a restaurant, a mobile home park, grocery store, service station and several residential dwelling. The community of Oxbow, located 2 miles north via Highway 86, receives services from the Hells Canyon Commercial Area which are not available at Oxbow.

C. Keating:

Located in the N1/2 NE 1/4 of Section 17, Township 8 South, Range 42 East W.M. This area consists of approximately 7 acres of Class III and IV soils. The land contains a school, grocery store, cafe and one dwelling. The area provides limited support services to the local ranchers and recreationists.

D. Hereford:

Lands located in N1/2 NE1/4 of Section 27 and S 1/2 SE1/4 of Section 22, Township 12 South, Range 38 East W.M. This area consists of approximately 38 acres of Class IV - VII soils. Existing facilities include a service station, restaurant, grocery store, post office, a community center and several dwellings. Hereford provides support services to the local agricultural community and to the motoring public.

E. Langrell:

Lands in the SW 1/4 SW 1/4 of Section 31, Township 7 South, Range 46 East W.M. This area consists of approximately 4 acres within the platted townsite and one adjacent parcel on its east boundary. Soils in this area are Class II, III and IV. Existing facilities include a store, a garage and several residences. Langrell, called Jimtown locally, is considered to have a service value to residents and workers in the north end of Pine Valley who petitioned to have this site removed from resource zoning and designated as a rural service area.

F. Pleasant Valley/South Pleasant Valley:

Lands located in Sections 23 and 24 of Township 10 South, Range 41 East W.M., totalling approximately 50 acres of Class II - IV soils. These sites are in small tracts, they are used commercially and residentially and the sites are not in use as resource land. Even though they are not being fully used for dwelling sites, there continues to be interest in converting the motel to use for miners in the area. Therefore leaving the area in farm zoning complicates potential development of an area whose adjacency to the freeway and the railroad better suits other uses.

G. McEwen:

Lands located in Section 18B of Township 10 South, Range 38 E., W.M., totalling approximately 5 acres of Class III soil. The parcel is the site of the old McEwen School and was originally part of the old townsite of McEwen; several structures from that historic period still stand on adjacent properties. The parcel, which is zoned for limit commercial uses, is located along the Baker-Sumpter Highway and serves both an adjacent Rural

Residential area and the tourist traffic from Phillips Lake and Sumpter Valley. It is isolated from resource uses by existing development and roads. Furthermore, the parcel is not in resource use and is surrounded by lands so developed for non-resource as to prohibit resource use.

V. Residential Areas (RR-5): approximately 7,710 acres

A. Rock Creek:

Land located in Sections 32, 33, 34, 34AD and 35 of Township 7 South, Range 38 East W.M. This area consists of approximately 220 acres of Class II - IV soils. The original townsite of Rock Creek was established here to serve the local agricultural community. Today the area consists of homesites and small tract farms. Four County roads intersect the area. In 1974, 1,798 acres were designated as rural residential. Upon examination, 1600 acres do not meet the Goal II, Part 2 exceptions test and are thus rezoned as E.F.U.

B. Orr Subdivision:

Lands located primarily in Section 2 of Township 8 South, Range 38 East W.M. totalling approximately 93 acres of Class II - VI soils. This area is an occupied, platted residential subdivision of dry land close to the freeway in the extreme northern end of Baker County.

C. Pine Creek Vicinity:

Lands located in Section 25, 26 and 36 of Township 8 South, Range 38 East W.M. and Section 18, 19, 20, 29, 30, 31 and 32 of Township 9 South, Range 39 East W.M. This area consists of 2922 acres, designated as Class II - VIII soils. This area sits on an alluvial fan at the base of the Elkhorn Mountains. The soils are very rocky with numerous gravel pits in the area. Farming has been inhibited due to the lack of irrigation water and the porous nature of the soil. The acres consists mostly of many homesites, recreation cabins and small tract farms. The area started rapidly developing into a rural residential area in the early 1960's and was designated as such in 1974. Its rapid development continues. In 1974, 9,114 acres were designated as rural residential. Upon review, 6,101 acres have been removed from that designation because they cannot meet the Goal II, Part 2 exceptions test. Those lands have been designated as E.F.U. until such time as re-zoning can be justified. Some 167 acres previously included in the Pine Creek Rural Residential Zone have been re-named and are described later as Mill Creek.

In reaching its conclusion that the Pine Creek-Pocahontas Area is generally unsuitable for commercial agriculture as well as physically and

irrevocably committed to residential use, the County relied upon three basic sources of information besides assessor's maps and records.

1. The Soil Conservation Service detailed three soil scientists to the areas for the purpose of providing the County with soils mapping in the area. That project documented the existence of rocky soil complexes and associations within the study area. Their written and mapped results are hereby adopted by the County, have been made available to staff of the Land Conservation and Development Commission, and are available for local review at the Planning and the Soil Conservation Service offices. The protrusions of rock into the area are interspersed with relatively small pockets of better but very porous soils.
2. The Watermaster has provided written and mapped water rights information that typifies the best right in the area as poor. The water is shared in most of the defined area under a formalized rotation agreement. Basically the soil is so porous that inordinate and impossible amounts of water would be needed to render the land commercially productive. This information also is adopted by reference by the County and has been provided to Land Conservation and Development Commission staff.
3. The County solicited and received letters of testimony and photographs from landowners of the subject area. They were asked to describe their land in terms of any value it has for commercial agriculture. Of all those responding, only one verbal response was optimistic about the productivity of his land. All others, in both their written and verbal communications, provided facts, figures and photographic evidence that only on some pockets of better soil could hay and pasture be produced and that was dependent upon good early moisture; that no commercially feasible cultivation and cropping occurs in any of the area; and that rocks are a constant problem. All of these letter have been forwarded to LCDC staff.

D. Sunnyslope:

Lands located in Sections 23 and 25 of Township 8 South, Range 40 East W.M. totalling 102 acres of Class III and IV soils. As can be seen on the appropriate map, these sites are ten acre tracts in an area of large ownerships. The general characteristics of this part of Baker Valley are its high ground water and resulting alkalinity. Recognizing these sites as residential is not judged to be precedent setting for the area because of septic tank limitations that exist.

E. West/Northwest/East Sumpter; Bear Gulch/Golden Chariot Subdivision:

Lands located in Sections 19, 20, 29, 30, 33, 34 of Township 9 South, Range 37 East W.M. totalling approximately 655 acres of Class VI and VII soils. These lands are all adjacent to the City of Sumpter or lie within an occupied, platted, residential subdivision, or both. They are physically developed and committed to non-resource use.

F. Mill Creek:

Lands located in Section 1 of Township 9 South, Range 38 East W.M. and Section 6 of Township 9 South, Range 39 East W.M. The area consists of approximately 167 acres of Class II, III and IV soils primarily developed for homesites. The area has been zoned for rural residential development since 1974 and until now has been included in a residential designation to the north known as Pine Creek Vicinity.

G. Pocahontas Estates:

Lands located in Section 5 of Township 9 South, Range 39 East W.M. and a small parcel in Section 32 of Township 8 South, Range 39 East W.M. This area consists of approximately 40 acres of Class II, III and IV soils. This site is of historic interest to Baker County because of the early settlement and school site that were here. In more recent times a small subdivision was platted and as evidenced by the map and summary sheet, this area is now physically developed for residential use.

H. Salmon Creek:

Lands located in Section 4 of Township 9 South, Range 39 East W.M. This area consists of 111 acres of Class II, III and IV soils. In the past a subdivision was platted in the northern part of this area but is not currently occupied as such. Even so the area is a collection of relatively small parcels in residential use and is judged by the County to meet the built and committed test of Goal II, Part 2. The land owned by the City of Baker has had additional soils testing conducted by S.C.S. and has been found to be predominantly Class VIII.

I. Southwest Baker/Western Heights I and II.

Lands located in Section 19 of Township 9 South, Range 40 East W.M. and Section 13 of Township 9 South, Range 39 East W.M. totalling approximately 307.44 acres of Class II - VII soils. In addition to being dry, these

sites are predominantly barren hills more suited for residential use for the City of Baker, nearby, than any other use. Much of this area has developed into homesites with a few large parcels interspersed. Much of this area has been designated rural residential since 1974.

J. Griffin Gulch:

Lands located in Sections 30 and 31 of Township 9 South, Range 40 East W.M. of approximately 75 acres of Class VI and VII soils. The area is dry and relatively steep ground along a small creek and an unpaved County road. Only that part of the narrow valley that is already in residential use on small parcel ownerships is being zoned for non-resource use.

K. Richland Interchange Residential:

Lands located in Sections 3 of Township 9 South, Range 40 East W.M. totalling 116 acres of Class II - IV soils. The entire area has developed as small acreage homesites since its designation in 1974 as rural residential.

L. Carson/Carson Vicinity:

Lands located in Sections 23 and 26 of Township 7 South, Range 45 East W.M. totalling approximately 85 acres of Class II - IV soils. This residential area has a long history in Baker County, stemming from the early development of the Town of Carson. It is fully developed for non-resource use.

M. West Langrell/Langrell Vicinity:

Lands located primarily in Sections 35 and 36 of Township 7 South, Range 45 East W.M. with some land within Sections 1 and 2 of Township 8 South, Range 45 East W.M. totalling approximately 262 acres of Class II-IV soils. This area is devoted to tract farms and rural residences and has been a rural community since the early history of Baker County. The area is almost entirely occupied and is no longer available for large tract commercial agriculture.

N. North/Southwest/East Halfway:

Lands located in Sections 8, 9, 16 and 17 of Township 8 South, Range 46 East W.M. totalling approximately 439 acres of Class II - IV soils. These sites are all adjacent to the City of Halfway and, in fact, include a portion of the Urban Growth Boundary of the city. The sites are all being used for or are committed to residential use.

O. Pine:

Lands located in Sections 21 and 22 of Township 8 South, Range 46 East W.M. totalling approximately 38 acres of Class II - IV soils. This area has been and continues to be a rural community. It is the site for the residential compound of the United States Forest Service and eight other private dwellings. It is no longer available for resource use.

P. Newbridge/North New Bridge/Townsite:

Lands located in Sections 3, 10, and 11 of Township 9 South, Range 45 East W.M. totalling approximately 250 acres of Class III and IV soils. This area developed around a town established long ago. Its density of development is relatively crowded. Locally the area is known for a mild climate and its fruit production. Today, the orchards are largely non-commercial for economic reasons.

Q. Foothill Road:

Lands located within Sections 15 and 22 of Township 9 South, Range 45 East W.M. totalling approximately 200 acres of Class III, IV and VI soils. Small tracts have developed primarily along a narrow shelf of flat land between a bluff and a County road which borders a fertile valley. The area is highly attractive for climatic reasons. A greater degree of development and smaller parcels distinguish the northern site from southern but both are residential in nature.

R. West/East Richland:

Lands located within Sections 23 and 24 of Township 9 South, Range 45 East W.M. totalling approximately 66 acres of Class II - IV soils. These are sites that lie in or adjacent to the Richland Urban Growth Boundary. All but one parcel are very small and are almost totally developed for residential use.

S. Haven of Rest/Three Bar Ranchlands/Deerview Park/Elkhorn Estates/Kirby Powder River Tracts:

Located in Section 4 of Township 10 South, Range 37 East W.M., Sections 7 and 16 of Township 10 South, Range 38 East W.M., Section 33 of Township 9 South, Range 37 East W.M. and Section 34 of Township 10 South, Range 39 East W.M., these sites total approximately 916 acres of Class II, IV, VI and VII soils. Without exception, they are platted, occupied residential subdivisions.

T. SVMA - Residential Zone:

Lands within Sections 3, 4 and 10 of Township 10 South, Range 37 East W.M. This area has enough soil to allow drainfields and dwellings to a density standard of one house per 5 acres. The narrowness of the two benches of soil and their location within a triangle formed by three roads, the center portion being dredged lands, render this land unsuitable for commercial farm or forest use even though there are some Ponderosa Pine present. The 152 acre area is already built and committed with the westerly portion (approximately 20 acres) partly included within the mapping for Three Bar Ranchlands Subdivision.

U. Auburn Vicinity:

Located in Sections 14 and 15 of Township 10 South, Range 39 East W.M. totalling approximately 156 acres of Class VI and VII soils. This area is a combination of small tract farms and rural residences.

V. Stices Gulch:

Lands located in Sections 18, 19 and 30 of Township 11 South, Range 40 East W.M. totalling approximately 360 acres of Class VI and VII soils. This area is used for both seasonal and permanent, year-round dwellings. Generally, its high elevation and difficult winter access make it more attractive to those who do not commute 15 miles to Baker for employment. The degree of development and parcelization justifies removing the site from exclusive resource management zoning.

W. Brownlee Court Village:

Lands located in Section 17 of Township 8 South, Range 48 East W.M. totalling approximately 85 acres of SCS Class VI and VIII soils. This area has been used for a mobile home court (75 spaces) for construction and maintenance of Idaho Power generating facilities. The current use is four mobile homes and one permanent home. The historic use and degree of existing use on this bench carved from the side slope render it committed to non-resource use.

VI. Recreation Residential (RR-1): Approximately 2,302 acres

A. Main Eagle:

Lands located in Sections 27, 28, 34 and 35 of Township 6 South, Range 43 East W.M. totalling 320 acres of Class VI and VII soils. This area is devoted to seasonal recreational use, primarily summer homes. Historically, the ownerships were mining claims. The site is deep within the National Forest along a mountain

stream. Better than three-fourths of the ownerships contain dwellings. The area is judged to be not longer available for resource management.

B. East Eagle:

Lands located in Sections 32 of Township 6 South, Range 44 East W.M. totalling approximately 130 acres of Class VI and VII soils. As in the preceding description, this area is a block of private land surrounded by National Forest. It is less densely built upon than the Main Eagle site but still approaches the 50% level of ownerships containing a summer home or cabin. The prevailing use of the area is for recreation.

C. Cornucopia:

Lands located in Sections 27 and 34 of Township 6 South, Range 45 East W.M. totalling approximately 75 acres of Class VI and VIII soils. This area was, until World War II, an active mining community. It is used now for summer homes and has potential for reactivated residential use depending upon the results of mining exploration and development occurring on adjacent lands. The difficulty anticipated in locating drainfields in the area has influenced the County in designating the area for recreational residential as compared to a standard residential use. If the need to change the zoning were justified, a Plan amendment would be submitted.

D. Hideaway Hills:

Lands located within Sections 27, 28, 33 and 34 of Township 7 South, Range 44 East W.M. totalling 50 acres of Class VI and VIII soils. This area is surrounded by National Forest and has been at its present state of recreational development for many years. It is totally built and committed to non-resource use.

E. Bourne:

Lands located within Sections 32 and 33 of Township 8 South, Range 37 East W.M., totalling approximately 4 acres, totally inside the old platted townsite. Once a site of mining activity, the area now serves a seasonal population of vacationers. Recently the recreational activities of snowmobiling and cross country skiing have extended the uses of the area into the winter season.

F. Greenhorn:

Lands located within Sections 9 of Township 10 South, Range 35 East W.M. primarily within the old platted townsite and totalling approximately 54 acres. The area is on the Baker County side of the boundary between

Baker and Grant Counties. Although Greenhorn is an incorporated city, it is being treated by the Comprehensive Plan as a recreation-residential (RR-2) area until the City approves its own Comprehensive Plan and implementing ordinances. The area has numerous cabins, used both during summer and winter for vacationers, hunters, skiers, snowmobilers and other recreational uses. It, like the previous two areas, has been a mining town but is now an area devoted to recreation.

G. Phillips Lake Area:

Lands located in Section 19 of Township 10 South, Range 38 East, W.M., totalling 21 acres of Class II, IV, VI, and VIII soils. This site is at the extreme southeast end of the Sumpter Valley Management Area described and mapped under residential exception areas. The land is fully occupied by dwellings, half of which are seasonal and half of which are permanent. Because of the sites' proximity to the recreation center at Phillips Lake, it is listed here rather than under the standard residential zone.

H. Black Mountain and Skyline Acres Subdivisions:

Lands located within Sections 17 and 18 of Township 11 South, Range 39 East W.M. totalling approximately 690 acres of Class VI and VIII soils and with a forest productivity site class of 6 on a scale of 1 to 7, with one being the best. The area is inaccessible except by snowmobile in the winter so its use is primarily for summer homes.

I. Beaver Creek:

Lands located in Section 15 of Township 11 South, Range 40 East W.M. totalling 70 acres of Class VI and VII soils and with a forest productivity site class of 6 on a scale of 1 to 7, with one being the best. This is an area accessible only during good weather except by snowmobiles and the cabins here are used primarily for summer use and during the hunting season.

J. Upper and Lower Unity Lake:

Lands located in portions of Sections 17, 18, 19 and 20 of Township 12 South, Range 37 East 37 East W.M. totalling approximately 411 acres of Class VI and VII soils. The area has been subdivided into five acre recreational parcels in conjunction with the recreational opportunities provided by the adjacent reservoir. There are twenty-seven cabins constructed but another use, not shown on the summary sheet, is that of providing space for RV's and campers for summer

vacationers who want a guaranteed parking place. The area is one of low amenity development.

K. Unity Lake State Park:

Lands located in Section 28 of Township 12 South, Range 37 East W.M. totalling 55 acres of Class VI and VII soils. The area is developed as an Oregon State Park and offers improved camping, picnicking and boating facilities in conjunction with the adjacent Unity Lake.

L. Sparta Recreation Lands Subdivision:

Lands located within Section 24 of Township 7 South, Range 43 East W.M. and Section 30 of Township 7 South, Range 44 East W.M., totalling approximately 162 acres of Class VI and VII soils. This subdivision meets the committed test by virtue of the development already existing. The County intends to designate all subdivisions that have been approved and have had monies expended on engineering, road construction and marketing as committed lands. This particular area meets primarily recreational residential needs but has some potential for year-round homesites for those seeking remote locations that are not accessible all year long.

M. Hewitt Park Marina:

Lands located in Sections 29 and 30 of Township 9 South, Range 46 East W.M., totalling approximately 88 acres of Class II - VI soils. This area was developed to enjoy water-based recreational opportunities on the slack waters of the Powder River. The north shore is almost fully occupied by cabins, docks, and a County Park. Because of needed expansion for the County Park, additional land is being designated for recreational expansion. It is in an area already devoted to water-based recreational activities and is found to be compatible with adjacent farming activities.

N. South Brownlee Reservoir Recreation Sites:

South Brownlee: Lands located in Section 12 of Township 12 South, Range 45 East W.M. These parcels are adjacent to the west shore of the Snake River. They total approximately 8 acres. The criteria for inclusion were as follows:

1. The lands must be less than 30% slopes;
2. The lands must lie within 1500 feet slope distance from the 2,080 foot contour level which is the spillway elevation of the river, or at or below the 2,400 foot contour line, whichever is greater;
3. The lands must be privately owned; and

4. The lands must not be inventoried within a natural hazard zone as portions of the river shore are subject to slides.

Primarily these sites are already committed to water-based recreational use either by virtue of existing cabins and docks or by investments made toward land acquisition and development costs toward that objective. The popularity of recreation on the river has increased since the construction of the Brownlee Dam. Responding to that recreational demand by providing appropriate zoning in an area selected for safety and attractiveness addresses both the recreational and economic goals. At the same time, the lands being removed from the farm zone are of marginal productive potential (Soil Classes VI and VII) and are remnants of the private holdings which were acquired for the construction of the reservoir. The use of rangeland lying at higher elevations is not threatened by lower level recreational developments because of terrain, low-density grazing, and applicable range laws. This is remote country served only by the Snake River Road or by private road or by boat. It should be noted that construction of cabins and/or docks at certain elevations is subject to permits from the Army Corps of Engineers and the Idaho Power Company as well as State Agencies.

O. Farewell Bend Recreation Residential:

Lands located in Sections 32 and 33 of Township 14 South, Range 45 East W.M. totalling 77.3 acres of Class IV, VI, and VII soils. This area is adjacent to the Snake River and includes lands owned and operated as a State Park, known as Farewell Bend State Park.

VII. Sumpter Valley Management Area

Lands in the Sumpter Valley were inventoried and evaluated in 1978. As a result, the Sumpter Valley Dredge Tailing Management Plan and Implementing Ordinance were developed and adopted on April 4, 1979. Those documents, as revised, are hereby made a part of the Baker County Comprehensive Plan. The portion of the Sumpter Valley that was removed from EFU zoning has been described and justified under the residential category of Exceptions Areas.

VIII. Other Lands:

- A. Remaining private lands in Baker County will be treated as agricultural lands (EFU), timber grazing lands (TG), or patented mining claims in the mineral extraction (ME) zone, except lands which have been found to be

non-resource lands. The following lands are so designated:

Lands located in Township 9 South, Range 44 E.W.M., Sections 3, 4, and 10 totalling approximately 55 acres as identified by the alignment maps submitted by the Oregon Department of Transportation for Highway 86 construction and lands described as Section 18, Township 10 S., Range 38 E., W.M.; 5.2 acres rezoned to Timber Grazing from Rural Service Area.

- B. Lands within the urban growth boundaries of the various cities in the County are addressed in the plans of those cities.
- C. Lands managed by the United States Forest Service and the Bureau of Land Management are beyond the scope of the County's planning jurisdiction.

PART 5

LAND USE ZONES

For Land Use Zones and uses therein, see Baker County Zoning and Subdivision Ordinance No. 83-3.

NORTHWEST QUAD

AREA	NAME	ZONE	TWP.	RGE.	SECTION(S)
1.	Rock Creek/ Rock Creek Vicinity	RR-5	7	38	33,3 35
2.	Orr Subdivision	RR-5	7	39	2
3.	Bourne	RR-1	8	37	33D
4.	Goodrich Creek	RR-5	8	38	25
5.	Upper Pine Creek Road	RR-5	8	38	26
6.	Canyon Park Subdivision	RR-5	8	38	26B
7.	N. Pocahontas Rd.	RR-5	8	39	18D
8.	Hunt Mountain Rd./ Ben Dier Road	RR-5	8	39	19
9.	Pocahontas Rd./ Kerns Subdivision	RR-5	8	39	19A
10.	West Hunt Mt. Rd. Poco	RR-5	8	39	19D
11.	East Hunt Mt. Rd. Brown Lane	RR-5	8	39	20
12.	Poco - Wing	RR-5	8	39	29
13.	Ben Dier-Pine Ck. Road/Pocahontas Rd./ Bennetts Bend	RR-5	8	39	30
14.	Chemical Lime (Blue Mt. Lime)	I	8	39	25
15.	Airport Development Zone	I	8	40	27
16.	Sunnyslope	RR-5	8	40	
17.	Medical Springs Ind. Site	I (LU)	8	40	13
18.	Sumpter	RR-5	9	37	
19.	West & Northwest Sumpter	RR-5	9	37	29
20.	East Sumpter	RR-5	9	37	33D

20.	Bear Gulch & Golden Chariot Subdivisions	RR-5	9	37	34
21.	Mill Creek	RR-5	9	38,39	
22.	Pocahontas Estates	RR-5	9	39	5
23.	Salmon Creek	RR-5	9	39	5
24.	Deleted				
25.	Western Heights # 1	RR-5	9	39	13A
26.	Western Heights # 2	RR-5	9	39	13B
26A.	Deleted (W. Heights #3)				
27.	Southwest Baker/ Griffin Gulch	RR-5	9	40	
28.	Deleted (W. Baker)				
29.	North Baker General Commercial	GC	9	40	8
29A.	Richland Interchange Commercial	GC	9	40	4,9
30.	Richland Interchange	RR-5	9	40	3
31.	Northeast Baker/ Frontage Road	I	9	40	10

NORTHEAST QUAD

AREA	NAME	ZONE	TWP.	RGE.	SECTION(S)
32.	Main Eagle	RR-1	6	43	27,28,34, 35
33.	East Eagle	RR-1	6	44	32A
34.	Cornucopia	RR-1	6	45	34AB,27DC
35.	Deleted				
36.	Sparta Rec. Lands	***RR-1	7	43	24D
37.	Hideaway Hills	RR-1	7	44	27,28,33 34
38.	Carson/Carson Vicinity	RR-1	7	45	23
39.	West Langrell Area	RR-5	7	45	26
40.	Townsite of Langrell/Langrell Vicinity	RR-5	7 7	45 46	26 31CC
41.	Hells Canyon Commercial/Owbow Village, Oxbow Park	RSA	7	48	
42.	Keating Service Area	RSA	8	42	17
43.	N. Halfway Vicinity	RR-5	8	46	8
44.	E. Halfway Vicinity	RR-5	8	46	16
45.	S.W. Halfway Vicinity	RR-5	8	46	17
46.	West Pine	I	8	46	21
47.	Pine	RR-5	8	46	21AA,22BB
47A	Brownlee Court Village	RR-5	8	48	

48.	New Bridge/New Bridge Townsite	RR-5	9	45 45	10AC
49.	North New Bridge	RR-5	9	45	10AB
50.	North Foothill Rd. New Bridge	RR-5	9	45	15
51.	Middle Foothill Road/Eagle Valley	RR-5	9	45	22
52.	West Richland	RR-5	9	45	23
53.	East Richland	RR-5	9	45	23,24
54.	Deleted				
55.	Hewitt Park Marina Recreation Site	RR-1	9	46	29,30,30AC

SOUTHWEST QUAD

AREA	NAME	ZONE	TWP.	RGE.	SECTION(S)
56.	Greenhorn		10	35	9D
57.	Haven of Rest/ Three Bar Ranchlands/SVMA Residential/SVMA Overlay	RR-5	9 10	37 37	33 3,4,9,10
58.	Phillips Lake Area	RR-1	10	38	19
59.	Deer View Park Subdivision	RR-5	10	38	7
60.	Elkhorn Estates	RR-5	10	38	16BC, BD
60a.	McEwen	RSA	10	38	18
61.	Auburn	RR-5	10	39	14,15
62.	Kirby Powder River Tracts	RR-5	10	39	34
63.	Sutton Creek	I	10	40	12
64.	Pleasant Valley	RSA	10	41	23AC
65.	South Pleasant Valley	RSA	10	41	24
66.	Black Mt./Skyline Acres Subdivision	***RR-1	11	39	17,18
67.	Beaver Creek	RR-1	11	40	15
68.	North Stices Gulch	RR-5	11	40	18
69.	Middle Stices Gulch	RR-5	11	40	19
70.	South Stices Gulch	RR-5	11	40	30
71.	Upper Unity Lake	RR-1	12	37	17
72.	Lower Unity Lake	***RR-1	12	37	20
73.	Unity Lake State Park	RR-1	12	37	28
74.	Hereford	RSA	12	38	27AB

SOUTHWEST QUAD

AREA	NAME	ZONE	TWP.	RGE.	SECTION(S)
75.	Deleted				
76.	Durkee	CI	11	43	28B,29A
77.	Durkee Vicinity	CI	11	43	20,21,28 , &29
78.	South Brownlee Reservoir Site	RR-1	12	45	12
79.	Durkee Oregon Portland Cement	I	12	43	10.11.16
80.	Lime Oregon, Portland Cement	I	13	44	25,26,27, 34,35
81.	Deleted				
82.	Farewell Bend Rec Resident.	RR-1	14	45	32,33

BAKER COUNTY
COMPREHENSIVE LAND USE PLAN
1993