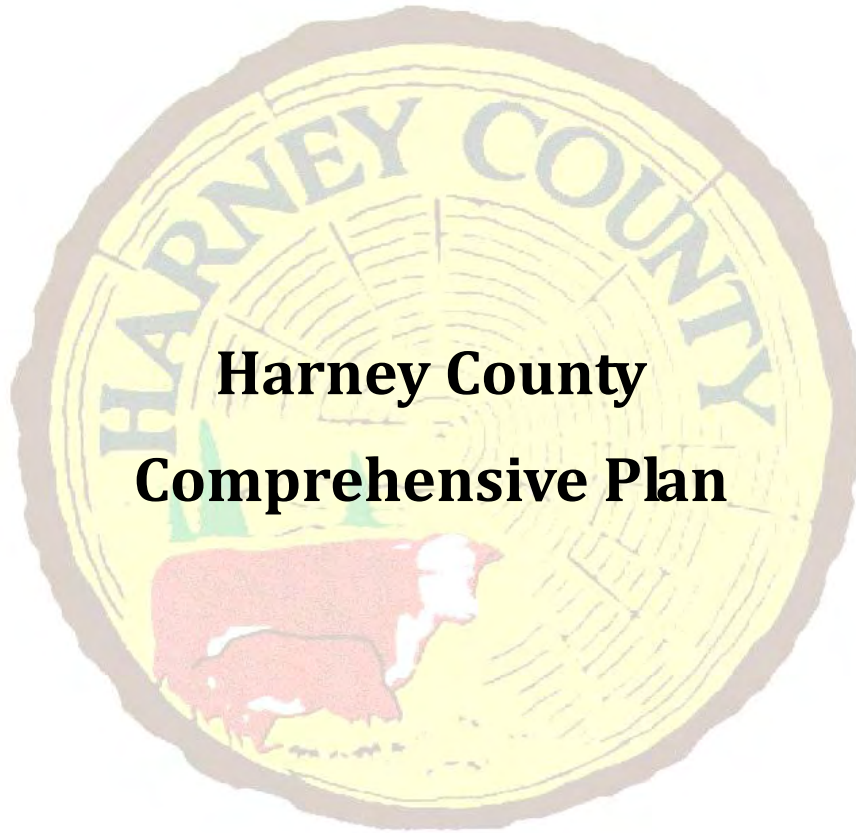


Harney County Planning Department



**Harney County
Comprehensive Plan**

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Introduction

A comprehensive plan contains the general, long range goals and policies that provide the framework for more specific County land use regulations and decisions. Harney County's first comprehensive plan was adopted in 1980. In 1984 this plan was acknowledged by the Oregon Land Conservation and Development Commission as being in compliance with Statewide Planning Goals.

Over time the plan has been amended, with changes initiated by the State, local policy makers and property owners. Periodic Review, a state initiated update process, was completed on May 10, 2002. Periodic Review included major additions and amendments to the plan that were intended to keep the plan current with evolving State planning regulations

As of 2009, the plan has been modified to be more cohesive and user friendly. The goals and policies represent the community's vision for development and conservation in the county. While goals and policies are legally binding, the implementation strategies contained within this document provide non-binding recommendations and avenues for accomplishing the policies herein.

Note: The maps referenced within this document are retained as a part of the Harney County Comprehensive Plan and appear as an appendix at the end of the document.

Purpose

The purpose of the Harney County Comprehensive Plan is to provide general guidance on land use decisions in order to promote the greatest land use efficiency and equity. The preparation of this plan responded to a statewide comprehensive planning initiative that was developed to provide an open and objective land use decision making process. The plan is intended to respond to growth and change in the county.

Process

Many State requirements for comprehensive planning originated in Oregon land use laws passed in the early 1970s. Those laws created the Land Conservation and Development Commission (LCDC), which was given the responsibility for regulating Oregon's statewide land use program. That agency developed a set of Statewide Planning Goals and required all local jurisdictions to prepare and maintain comprehensive plans and implementing regulations that were in compliance with those goals.

The comprehensive planning process developed by LCDC provided for the gathering of information, the prudent review of alternatives and the development of reasonable policies based on background information and public input. Consideration of the sociological, economic and environmental consequences of alternative actions was required.

The Harney County Comprehensive Plan serves to meet these requirements.

Community Involvement

In Harney County, as well as throughout the State of Oregon, there is a strong commitment to citizen participation in the planning process. This is consistent with state regulations, and standard planning practice. Citizen involvement improves the quality of the plan and ensures greater acceptance of the final document since it is the direct product of the people's involvement.

Harney County has had an extensive system and program for Citizen Involvement in this Planning Process. The County Planning Commission was approved by LCDC to serve as the Committee for Citizen Involvement on June 27, 1975. A Citizen Involvement Program was adopted in December 1975, and approved by LCDC on January 23, 1976, with suggestions for expanding the program.

The county has developed and used an extensive agency involvement program. Representatives of numerous agencies have been active members of the various advisory bodies to the Planning Commission.

The Citizen Involvement Program as formulated in the original Comprehensive Plan involved the creation of four advisory committees to the Planning Commission. These committees included: The Agricultural Advisory Committee, dealing with Goal 3; the Forestry Advisory Committee, dealing with Goal 4; the Goals 5 & 8 Committee; and the Hodgepodge Committee, dealing with all of the remaining LCDC Goals. These committees are not currently active, however they may be reactivated based on the needs of Harney County.

The Citizens of Harney County have had an extensive role in developing this Comprehensive Plan, and it is the county's policy to continue the opportunity for this involvement into the future.

Plan Objective

The Harney County Comprehensive Plan reflects the needs and desires of the people at the time it was written. Amendments have been made to ensure the plan continues to reflect community interests. Yet, the basic intent of the plan has not changed significantly. From the beginning the plan acted to protect the county's important resources identified by the community, such as agriculture, wildlife and forest lands.

A comprehensive plan must be a compromise between the need for protecting existing resources and the demand to accommodate a growing population. Intermixed in this process is the complexity of individual rights and public welfare. This plan attempts to reflect the interests of the community, to guide growth in the most equitable and efficient manner and to be flexible enough to accommodate changing circumstances.

Background Data

Before a plan can be prepared for a community, background data must be collected and analyzed. This includes information on the natural and man-made environments and the trends that are shaping change. Further, it is important to gain an understanding of the problems and issues facing the area.

Population Growth and Projections:

The major causes for growth in Harney County have been developments in the cattle and lumber industry. Support services necessary to maintain these industries

have, for the most part, been located within the cities of Burns and Hines. Because these basic economic resources employ people, the urban areas have grown to meet the demands in housing, consumer goods, and services. Due to public agency policies that are designed to maintain a sustained yield of timber, grasslands and wildlife from public land, the county's dependence upon the harvest of natural resources from these public lands stabilizes the county's growth. Unless there is a drastic change in public policy, existing industries dependent upon natural resources will continue to have a base from which to operate and will increase their production at a limited rate. It can be assumed therefore, that population growth within the cities of Burns and Hines will continue at a relatively steady pace following historical trends.

Harney County has had a steadily decreasing growth rate over the thirty years between 1940 and 1970, averaging approximately one percent growth per year, but reducing at approximately 50 percent per decade.

The county is supplying various areas of land to be zoned Rural Residential, as is discussed in the Housing and Agriculture Elements of this Plan. It is assumed that this amount of land will be adequate to meet the need for this type of housing pattern. This will be discussed later in this section. However, the primary, focus of much of this document is the protection of the county's agricultural lands. Therefore, the county policy is to remove such lands from development potential and to provide alternative areas where the soil types, topography, and proximity to urban areas is more appropriate for housing the rural population.

This Harney County Comprehensive Plan element deals with population projections and housing projections for the rural areas of the county. The overall projections must include the Burns and Hines Urban Areas; however, the projections for these areas will not be discussed in this element. The reader is directed to the Plans for each Community for detailed discussion of their projections.

In 2008 Harney County utilized population forecast projections calculated by the Oregon Office of Economic Analysis (OEA) and developed an updated coordinated population forecast for its community. It was estimated using the difference between OEA's forecast range from 2025-2030 (population adjusted to 2028).

Based on 2007 population estimates provided by Portland State University, roughly 63% of the population located in the urban areas of Harney County is located within the incorporated cities (Burns and Hines). Burns accounts for 39.3% of the population, while Hines accounts for 23.8%, totaling 5437 people. Additionally, it is estimated that roughly 100 people reside in the Burns and Hines unincorporated UGB areas (approximately 66 people in Burns and 34 in Hines based on a 3 to 2 ratio (Burns to Hines)). Of the total population forecast of 8,616 in 2028, the urban

areas of Harney County would account for a sum of 5537 people. This methodology calls for a projected population of 3,452 in Burns and 2,085 in Hines in 2028.

Table 1

Harney County - Population Projections Provided by the Oregon Office of Economic Analysis							
Year	2003	2005	2010	2015	2020	2025	2030
Population	7,300	7,203	7,454	7,779	8,098	8,415	8,745

Harney County agrees with the Oregon Office of Economic Analysis forecast and has projected a County population of 8,616 for the year 2028.

Overview of Citizen Involvement in the Local Planning Process

To prepare a comprehensive plan, it is necessary to have an organizational structure which outlines tasks and assigns responsibilities within the bounds set by the available resources and the applicable State laws. Citizen participation in land use planning in Harney County was reinforced by the passage of Senate Bill 100 in 1973, which made citizen involvement in planning mandatory throughout Oregon. Under that bill, local governments were required to develop, publicize and adopt a citizen involvement program containing the following:

- Provision for widespread citizen involvement;
- Assurance of effective two-way communication with citizens;
- Provision of opportunities for citizens to be involved in all phases of the planning process;
- Assurance that technical information is available in an understandable form;
- Assurance that citizens will receive a response from policy makers;
- Assurance that there will be funding for the citizen involvement process.

The program must provide for a citizen advisory committee broadly representative of geographic areas and interests relating to land use. Further, the law requires that federal, state and local agencies, as well as special districts, coordinate their planning efforts and make use of existing citizen involvement programs.

The extensive participation ensured consistency with the State Planning Goals.

Implementation

A comprehensive plan provides general guidelines that are implemented through more specific regulations and other related mechanisms. Zoning and subdivision ordinances are the most widely recognized tools, but not the only ones as can be seen from the list below. The following provides non-binding examples:

Comprehensive Plan Maps: Comprehensive plan maps show generally how various uses will be allocated throughout the jurisdiction and serve to implement the goals and policies of the comprehensive plan.

Zoning Ordinances: Zoning Ordinances contain a series of categories (land use zones) which specify what uses are allowed within those categories. The uses listed are those felt to be compatible with each other. In addition, a number of conditional uses are usually also included. These activities are allowed only by special permit after conditions have been attached which mitigate the probable impacts associated with the proposed use.

Subdivision Ordinances: In Oregon the process of dividing the land into smaller parcels is done within three categories. Minor partitions are the creation of two or three lots, where formerly only one existed, without the establishment of a street or right-of-way. Major partitions create two or three lots with a street or right-of-way. Subdivisions create four or more lots with or without a street or right-of-way. Predictably the requirements become increasingly stringent, from minor partitions to subdivisions. Subdivision regulations establish requirements for public facilities to be provided, allow review of the design to assure the safety and general welfare of the future residents, and permit the requirement of deed restrictions (protective covenants) to enable neighborhoods once established to retain their character. The subdivision ordinance very often will do more to determine the long term character of an area than will the zoning ordinance.

Planned Developments: Many jurisdictions offer an opportunity for planned developments (PDs), which allow a less than strict adherence to both zoning and subdivision regulations. These developments are intended to create better overall designs which still meet established policies. They most often occur in places where unusual conditions exist such that a conventional development would not be able to efficiently utilize the site. This may be true because of characteristics such as rock outcrops or because the area contains significant wildlife habitat, agricultural land, unique historical remains, or other resources that must be protected from development.

Other Ordinances: In some areas local governments do not establish all their land use restrictions within the zoning ordinance. For example; floodplain, weed control, mobile home design review and airport ordinances are often created separately and administered in addition to the requirements of the zoning ordinances.

Capital Improvements Plans: Capital improvement plans are another method used to implement a comprehensive plan. Capital improvement plans lay out for a defined period how and where streets, sewers, and other public facilities will be constructed. The provision of these services often determines the feasibility of numerous types of community growth patterns.

Easements: Conservation easements, or other types of land acquisition less than fee acquisition, are becoming increasingly popular. An easement, lease, or purchase of a certain right can often be obtained from a property owner and thereby a specific use may be prohibited or some special resource protected. The purchase of this easement is less expensive than the purchase of the property, and for certain uses may even be granted without cost to the public.

Coordination Agreements: Coordination agreements are another common tool for implementing a plan. Often local governments (cities and counties) have overlapping interests within certain areas, such as urban growth areas, as well as overlaps with other public bodies, such as special districts (i.e., school and irrigation districts) and federal agencies. Establishment of cooperative arrangements reduces the probability of conflicts and assures that all these public agencies are working toward common goals, thereby increasing efficiency and the likelihood of achieving mutual goals.

Tax Incentives: Use of tax incentives to promote appropriate use of land is also receiving increased attention. Exclusive Farm Use zoning is an example of this. Land set aside and used for farm use may only be taxed for that farm value, rather than any potential development value. This enables the farmer to better afford remaining on the farm.

Implementation Plan for Harney County

Harney County's implementation program, as specified in this plan, will include at minimum, a combination of zoning, subdivision and other necessary ordinances. Other implementation tools will be used as needed.

Chapter 1 Citizen Involvement

Introduction

Citizen Involvement Goals

Citizen Involvement Policies

Introduction

The following chapter outlines the Citizen Involvement goals and polices of Harney County, meeting Statewide Planning Goals 1. Harney County has designated the County Planning Commission to operate as the Citizen Involvement Committee. Harney County is dedicated to a process that assures citizen involvement and meets the needs of the County of Harney.

Goals

1. To promote and maintain better communication between the community's various segments (i.e., governmental agencies, business groups, special districts and the general public).
2. To provide the opportunity for the public to identify issues of concern and encourage their involvement in planning to address those issues.
3. To serve as a liaison between elected and appointed bodies and citizens of the county.
4. To provide educational opportunities for the people to learn about planning and how it may be used to assist their community and themselves.
5. To promote effective communication between the public and the county to mitigate potential conflicts in all land use matters

Policies

1. To assure that county and appointed officials are aware of citizen needs and attitudes and to permit effective two-way communication, the county shall perform the following as necessary :
 - a. Conduct surveys as needed regarding citizen needs, attitudes and characteristics;
 - b. Sponsor workshops and presentations by known specialists and experts;

- c. Prepare pamphlets explaining routine planning procedures;
 - d. Write and distribute information newsletters;
 - e. Prepare and present slide shows and/or films on such topics as growth versus conservation, the subdivision process, and the usefulness of planning; and
 - f. Make presentations to special groups and school children.
2. The County Planning Commission will be the Citizen Involvement Committee to review and change the County's Citizen Involvement Program so as to ensure its continued efficiency and usefulness.
3. Between updates, special committees representative of geographic areas or possessing special knowledge of a specific topic may be formed to assist with planning studies.
4. The County Planning Commission shall be kept aware of the activities and results of special committees, assisting them in their role as advisors. Furthermore, Harney County shall make every effort to ensure that open communication is maintained between the public and the Commission.
5. Coordination between the county, public, and other agencies shall be the primary responsibility of the Planning Director. It shall also be the Planning Director's responsibility to assure that Planning Department studies are provided to members of the County Planning Commission.
6. During each plan update process, a committee broadly representative of the county's areas and interests may be formed. The actual make-up of the committee will be determined by the Board of County Commissioners based upon a report by the County Planning Director regarding the issues and concerns needing addressing during the update process. If during the update process, additional issues are raised, the Board of County Commissioners may change the composition of the update committee to assure those new concerns are adequately addressed.
7. Plan update processes should occur at least every five years and be open to public view and involvement. Public hearings to ascertain citizen views shall be held at the beginning and end of the process.
8. The county may, as required, change its Citizen Involvement Program to assure public involvement and access to information at all stages of the planning process and provide for an efficient and effective planning program.

Chapter 2 Land Use Planning

PART I -- PLANNING

Land Use Planning Goal Implementation Revision Process

PART II -- INDIAN LANDS

Part III--PUBLICLY OWNED LANDS

This section meets Goal 2 “Land Use Planning” of the Oregon Statewide Planning Goals.

PART I -- PLANNING

Land Use Planning Goal

This plan is a foundation for Harney County to make the county a better place in which to reside and work. The active use of this Plan as a guideline for county activity and projects will be Harney County's goal.

This section of the Plan deals with the ways it is to be used. There are three separate areas: implementation, revision, and process. Implementation involves specific policies or recommendations, which are intended to see that Statewide Goals and Guidelines are followed. There are two separate parts to this. The first is an active effort on Harney County's part to undertake or support policies and recommendations that will help the county to reach the goals. These policies and recommendations must conform to the appropriate guidelines. The various recommendations within this Plan reflect this method of implementation.

The second part of implementation is to react to or participate in the actions or projects of others, using the goals and policies as the basis of evaluation and action. This will commonly involve commenting on various land use decisions before the county Planning Commission

During the implementation, conflicts possibly would arise between various goals, policies, and recommendations. Also, there may be a need for interpretation or for evaluation of compliance with various criteria. The responsibility for these three functions would be shared between a Citizen Involvement Program and the decision-making bodies.

Implementation

Implementation Policies

1. Harney County, working under the Citizen Involvement Program, shall adhere to this plan and its policies.
2. The goals and policies of this Plan shall be the foundation for reacting to and commenting on the actions and proposals of others.
3. Conflict resolution, interpretation, and criteria evaluation shall be a responsibility shared by all segments of the community with opportunities for citizen involvement at all levels.
4. This County will not be liable for any loss in property values resulting from the implementation of state-adopted goals through the County Comprehensive Plan and related ordinances. The Joint Legislative Committee on Land Use (ORS 197.134[4]) is specifically charged to study and make recommendations to the Legislative Assembly for a compensation program for the reduction of land values resulting from the implementation of state-adopted goals in the County Plan and ordinances. Liability for such losses resulting from implementing state policy (goals) therefore is the responsibility of the State.

Revision

This Plan should be a dynamic document. It is based on existing conditions and future projections. In the event that existing conditions change or that predicted courses are not fully followed, the assumptions and conclusions found in this Plan may become inaccurate. In this event, they must be reevaluated and modified as necessary. Correspondingly, the policies and recommendations may need adjustment. These types of revisions may occur at any time; however, they should be approached cautiously. If this Plan is to be a stable foundation for decision-making, it must be changed only when it is determined that the broad community interest will be better served by the revision. The Plan should not be changed solely for individual gain.

Revisions of the Harney County Comprehensive Plan are just as critical and important as the original development and adoption process.

The time span for this Plan is not set; however, it should be assumed to have an approximate **five (5)-year life span**. At the end of that time, it should be reviewed. This major revision process should include a complete reevaluation of the existing conditions and trends with a resetting of goals and policies. An evaluation of the effectiveness of the Harney County Plan would be valuable in the process.

Plan Map changes such as agricultural to residential, proposed changes of the Burns/Hines Urban Growth Boundary, or any similar change is considered to have significant impact. Therefore, the Plan and implementing measures are to be reviewed as needed by the Harney County Planning Commission. The review should begin with an examination of data on development trends, population growth and effectiveness of policy statements to guide daily and long-term decision-making. The process must also include an evaluation of the social, economic, environmental and energy implications of alternative solutions and strategies for development. Above all, this process should involve a broad cross-section of the county in a program of continuing citizen involvement. If done with a narrow focus, the Harney County Comprehensive Plan would no longer be a statement of the county's desires and concerns for future development and preservation.

Minor changes to the Harney County Comprehensive Plan that do not have a significant effect beyond the immediate area are not to be made more frequently than once a year. Proposals for minor changes to the Plan are to be reviewed sparingly during the year. This cautious process is important for maintaining the public's long-term confidence in the Plan and credibility of daily decision-making. Changes to the Plan are to be based on special studies or other updated resource data and used as a factual basis to support the change. The public need and justification for a change must be addressed and documented.

Revision Policies

1. This Plan may be revised when conditions change from what they were at its adoption to the extent that the assumptions and conclusions become inaccurate. The broad county interest must be served by the change and not for just any private interest. Major Plan revisions to the Harney County Comprehensive Plan that would result in a widespread and significant impact beyond the immediate area are not to be made more frequently than every two years.
2. No more than five years after the adoption of this Plan, the plan shall be evaluated and revised as necessary.
3. Any major revision should be based on examination of development trends, population growth and effectiveness of policy statements since the previous adoption or revision date.

4. Any revisions of the Urban Growth Boundary shall be coordinated with the Cities of Burns and Hines in accordance with the procedures set forth in "II. (K)" of the Urban Growth Area Joint Management Agreement.

Process

Citizens are often called upon to participate in government decision-making processes. This may involve such things as a minor variance request, or a countywide social service program. A county response is intended to be a comprehensive overview of county concerns and ideas. It should reflect what is determined to be best for the City as a whole.

In order to assure the most fair and equitable processes for considering land use requests, it is important that the county have a procedure for its hearings and criteria to judge the requests. The procedures outlined in the policies below were developed as a means whereby the best possible process could be maintained, respecting the county's citizen involvement program, Oregon case Law, and this Comprehensive Plan.

Procedural Policies

1. Major revisions and minor changes to the Harney County Comprehensive Plan and implementing ordinances must be adopted by the County Court following the forwarding of a recommendation by the Planning Commission based upon citizen involvement and coordination with other governmental units and agencies.
2. Property owners within 250 feet of an area subject to change are to be notified by first class mail of proposed changes as is specified by the zoning ordinance under the notification procedures.
3. The conduct of the public hearings shall be in accordance with those procedures outlined in the Harney County Zoning Ordinance for Zoning Procedures.
4. Procedure for Conducting Public Hearings on land use matters.

A Public Hearing on land use matters held by either the Planning Commission or County Court shall be held in accordance with the following procedure:

- A. Opening of the hearing with a Statement of Its Purpose by the Chairman or County Judge.
- B. Presentation of information and recommendations, if any on the matter at hand by staff members involved.
- C. For Subdivisions, presentation to the Planning Commission of findings and recommendations by the Subdivision Review Committee.
- D. For all matters before the County Court, presentation by a representative of the Planning Commission of the Commission's findings, actions, and any recommendations.
- E. Presentation of testimony by the applicant and/or his representatives.
- F. Questions of the applicant and/or his representative by the Commission.
- G. Appearance of any proponents of the matter at hand.
- H. Questions of the proponents by the Commission.
- I. Appearance of any opponents of the matter at hand.
- J. Questions of the opponents by the Commission.
- K. Rebuttal of the opponents testimony by the applicant and/or his representative.
- L. Final questions by the Commission.
- M. Chairman or County Judge closes the hearing.

Harney County Decision-Making Processes:

DECISION TYPES

The Planning Director and his/her designee may elect to refer Type 1 and Type 2 land use action to the next decision level to better serve the interest of Harney County.

1. TYPE I DECISIONS do not require interpretation or exercise of policy or legal judgment in evaluating approval criteria in conformance with approved plans. The County Planning Director issues Type 1 decisions.
2. TYPE II DECISIONS involves the exercise of limited interpretation and discretion in evaluating approval criteria. Applications evaluated through this process are assumed to be allowed in the underlying zones or districts. The review focuses on what form the use will take or how it will look. Notice of application and invitation to comment is mailed to the applicant and property owners per the statutory requirements. The Planning Director or their designee accepts comments for twenty-one (21) days and renders a decision. The County Planning Director's decision may be appealed to the Planning Commission by any party with standing to the proceedings. The Planning Commission decision may be appealed to the Harney County Court, which shall be the final decision from the county. This decision may be appealed provided that a timely appeal is filed within fifteen (15) days of the notice of decision. The County Planning Director or his/her designee issues a Type II decision.
3. TYPE III DECISIONS involves the greatest amount of discretion and evaluation of subjective approval standards. Applications evaluated through this process include conditional use permits, preliminary planned unit development plans, variances, code interpretations, and similar determinations. Notice is provided per state statute and public notice is required at least ten (10) days in advance of the hearing and the staff report shall be available seven days prior to the scheduled hearing. At the hearing held before the Planning Commission, all issues must be raised at the hearing and/or in writing to be considered in the decision process. The Planning Commission's decision is subject to appeal to the County Court, whose decision is final. This decision may be appealed provided that a timely appeal is filed within fifteen (15) days of the notice of decision. The county's final decision may be appealed to the Land Use Board of Appeals.
4. TYPE IV DECISIONS include proposals that require a final decision by the Harney County Court after receiving a recommendation by the County Planning Commission. The types of proposals subject to the Type IV decision making process include plan amendments, zone

changes, subdivisions, appeals of planning commission decisions and annexations.

Table 2.0

PERMIT TYPE	I	II	III	IV
1. Site Plan Review	X			
2. Review of a single-family residence for zoning compliance	X			
3. Partitions which comply with zoning minimum criteria		x		
4. Partitions which require modifications and/or adjustments to the minimum zoning criteria			x	
5. Conditional Use permit			X	
6. Planned Unit Development (PUD)			X	
7. Property Line Adjustment		X		
8. Variance			X	
9. Subdivision				X
10. Final Plat for subdivisions and /or PUD's	X			
11. Code interpretation or use determination			X	
12. Comprehensive Plan amendment or zone change				X
13. Annexation				X
14. Verification of nonconforming use		X		
15. Revocation of Permit		X		
16. Appeal of a Type II decision			X	
17. Appeal of a Type III decision				X

PRE-APPLICATION CONFERENCE

- A. The county recommends that prior to submitting an application for a permit, an applicant schedule and attend a pre-application conference with staff to discuss the proposed land use action. There is no charge for this conference, but no application shall be processed until such time as the applicant has filed the formal application with sufficient information in terms of narrative, maps and design information necessary for the planning department to fully consider the application. An application will not be processed until the application is duly signed and submitted by the applicant with the required fees. A final land use permit will not be issued until all fees have been paid.

- B. The County is not authorized to waive any requirement of this comprehensive plan or of the related subdivision and zoning ordinances. Failure of the staff to raise issues of the ordinances at the pre-application conference shall not constitute a waiver of any or all parts of the applicable land-use requirements.

Part II- Indian Lands

Introduction

A significant amount of land within Harney County and the City of Burns is owned by Native Americans. There are two basic classifications of land; the Burns Paiute Indian Reservation (Indian Trust Lands exempt from property tax), and corporately owned lands. These lands form a significant portion of Harney County and should be included in its Plan effort.

The Burns Paiute Indian Reservation is located at the northern portion of the City of Burns. Part of the reservation is within the city limits and part without. The portion within the city limits is almost totally dedicated to cultivation and rangeland. The county portion also includes cultivation and range, but also includes the reservation community center. The tribe has prepared a Comprehensive Master Development Plan. There is an extensive area of single-family development on top of the ridge. By moving the entire developed portion of the reservation to the marginal agricultural lands, the lower areas can be retained for productive agricultural use.

The overall Land Use Plan includes the development of small industrial, commercial, and residential use in a planned unit development fashion. Adequate housing is being proposed to meet the needs of the tribe members rather than having many of the tribe members living within Burns.

The reservation currently has sewer service from the City of Burns, which will probably continue in the future. Police services are provided internally, however, there is an arrangement where the Burns police can provide backup service.

The second kind of Indian land is the corporate owned parcels that are jointly owned by many Indian families and administered by the Bureau of Indian Affairs. There are over 11,000 acres of corporate owned lands spread throughout the county, but with the highest density in the cultivation areas east of Burns and Hines (See Map 10). These lands fall under the jurisdiction of the Bureau of Indian Affairs. Virtually all the lands are put to some type of agricultural use at this time and are designated for agricultural use in this Comprehensive Plan.

Indian lands are not subject to local jurisdiction zoning regulations. Therefore, the Paiute tribe and the Bureau of Indian Affairs can determine the land use future for either the reservation land or the privately owned lands. This may conflict directly with the county's and city's Comprehensive Plan efforts and designation for these lands. However, the BIA and the tribe have indicated a willingness to work with the county and city in a spirit of mutual cooperation and communication to try to assist each other in meeting needs and in minimizing conflicts.

Indian Lands Policies

1. Harney County will keep an open line of communication with the Paiute Indian Tribe and the Bureau of Indian Affairs to exchange ideas, views, and plans of Indian owned lands.

Map 1 – Burns Paiute Indian Lands

2. Fee land shall be subject to County Zoning requirements according to Federal Statute

Part III- Publicly Owned Lands

Publicly Owned Lands Policies

1. Harney County will keep an open line of communication with all government entities and NGO's to exchange ideas, views and plans with the intent that these bodies will attempt to abide by the Harney County Comprehensive Plan.

Chapter 3 Agricultural Lands

Agricultural Designation

Agricultural Lands Goals

Agricultural Lands Polices and Implementation Strategies

Agriculture Designation

Agriculture means the current use or potential use of land for accepted farming practices for the purpose of obtaining a profit in money by:

- A. Raising, harvesting and selling crops;
- B. Feeding, breeding, management and sale of livestock, poultry, fur bearing animals, or honey bees, or the produce thereof;
- C. Dairying or the sale of dairy products;
- D. Aquaculture; or,
- E. Any other agricultural or horticultural use of animal husbandry or any combination thereof.

Agriculture also includes the preparation and storage of agricultural products, the propagation or harvesting of a forest product, and the exploration for and extraction of mineral resources. Agriculture does not include refuge or wilderness areas as described below. Agriculture includes two sub basic types in Harney County:

Private Agriculture

- Private agriculture areas are lands that conform to the above definition and that are privately owned and managed.

Multiple Uses

- Multiple use areas are primarily under government ownership to be used for a multitude of activities including, but not limited to: agricultural activities including range management and agricultural research; wildlife habitation; recreation; and mineral resource extraction.
- A multiple use area cannot be limited to only one of these uses. Public access shall be maintained through motorized and non-motorized means.

Agricultural Lands Goals

1. To preserve and maintain agricultural lands.
2. To conserve and improve the existing commercial agricultural enterprise within the county, and encourage future agricultural enterprise.

Agricultural Lands Polices and Implementation Strategies

Policy 1. Harney County recognizes that livestock grazing is a valuable management tool in land use planning and in achieving the land use goals.

Policy 2. It is the policy of Harney County that grazing management systems be tailored to meet site conditions, site potential, and be cost effective.

Policy 3. Land shall be designated Exclusive Farm Use based on the following criteria:

A) Agricultural land does not include land within acknowledged urban growth boundaries or land within areas acknowledged as exceptions to statewide goals 3 or 4.

B) Agricultural land comprises:

i) Land classified by the U.S. Soil Conservation Service (SCS) as predominantly class I-VI soils.

ii) Land in other soil classes that is suitable for farm use as defined in ORS 215.203(2) (a), taking into consideration soil fertility; suitability for grazing; climatic conditions; existing and future availability of water for farm irrigation purposes; existing land use patterns; technological and energy inputs required; and accepted farm practices

iii) Soil types that are adjacent to or intermingled with soils in capability classes I-VI within a farm unit shall be inventoried as agricultural lands even though this land may not be cropped or grazed.

iv) Land that is necessary to permit farm practices to be undertaken on adjacent or nearby lands; but which would not otherwise qualify for the exclusive farm use district, shall be zoned exclusive farm use.

Policy 3: Implementation Strategies:

This policy has been implemented through the creation of the Exclusive Farm Use zoning districts and map designation which set forth standards for development and division of agricultural land consistent with Oregon Revised Statutes 215, and Statewide Planning Goal 3. Land that is not zoned Exclusive Farm Use may qualify for farm assessment on the basis of use and income. Unzoned farmland must conform with applicable sections of ORS 308.370 to 308.406.

FINDING:

Some agricultural land has special characteristics that make it especially important for the continuation of the existing agricultural economy. Oregon Administrative Rules Chapter 660, Division 33 defines High Value Farm Land and specifies stricter standards for some types of development on land that qualifies as High Value Farm Land.

Policy 4. Land shall be designated high value farm land when a tract is composed predominantly of soils that are:

- A) Classified prime, unique, class i or class ii; or
- B) Not irrigated and classified prime, unique, class i or class ii; or
- C) Used for growing specified perennials grown for marketing or research purposes, but not including seed crops, hay, pasture, or alfalfa. A finding that a tract is growing specified perennials shall be based upon the most recent aerial photograph taken by the National Resources Conservation Service (NRCS), or a physical inspection by Harney County planning staff.

Policy 4: Implementation Strategies:

A) This policy has been implemented in the Harney County Zoning Ordinance, Exclusive Farm Use District, those uses that are subject to special standards when they are proposed to be located on High Value Farm Land, and requiring a determination whether a tract qualifies as High Value Farm Land when reviewing a proposal for any such use.

B) At the time that High Value Farm Land is mapped, soils that are specially suited to specialty crop development shall be considered for inclusion in the High Value map designation, even if they would not otherwise qualify as High Value Farm Land.

FINDING:

Incompatible land uses, such as residential developments, may create problems for the agriculturalist. Proper zoning assists in preventing incompatible land uses from locating adjacent to farmland. Zoning alone does not solve the problems caused by existing urban and suburban development adjacent to agricultural land. In many of these conflicting situations there is not enough land area to create sufficient buffering to protect the farmer.

Policy 5. Conflicts between agricultural and nonagricultural land uses shall be minimized by the following: a) the county, in cooperation with the cities, shall develop and implement minimum setbacks to buffer farm uses from Non-agricultural land uses on the periphery of urban growth boundaries abutting agricultural land. Additional buffering techniques such as fencing and landscaping shall be encouraged on the nonfarm land.

A) The county shall zone residential lands that are developed after June 30, 2009 within agricultural areas to allow minimum parcel sizes no smaller than 10 acres in size. A 10 acre minimum may be established only where the existing average lot or parcel size is less than or equal to 5 acres and it can be clearly established that requirements for buffering residential uses from farm lands can be met on the residential property.

B) Lands that are developed as residential uses within agricultural areas shall not be allowed to increase in area, and “fill-in” development of such lands shall be set back a minimum of 200 feet from land zoned exclusive farm use, except as provided in the Harney County Development Ordinance.

Policy 5: Implementation strategies:

A) The Harney County Zoning Ordinance and other applicable ordinances shall conform to the above policy. These ordinances should prevent the expansion of pockets of rural and suburban development that lie within agricultural uses.

B) Amendments to the location of city urban growth boundaries shall either follow roads, streams, or other natural or significant man-made boundaries which create a physical separation between agricultural and nonagricultural lands or shall include buffering requirements to protect farm operations from conflicts with urban uses.

C) When Urban Growth Boundaries or Growth Management Agreements are expanded or otherwise revised, growth into agricultural areas shall be avoided. If expansion into an agricultural area becomes unavoidable, it shall be directed to that available land which is the least productive in terms of existing farm uses or agricultural capability. Requirements for minimum setbacks and buffering by urban land users shall be included in any such agreement.

FINDING:

Harney County recognizes that nonfarm uses may be permitted in Exclusive Farm Use zoning districts. It is also understood that those nonagricultural uses can cause serious agricultural impacts.

Policy 6. The priority use of farm land shall be farm uses.

Policy 6: Implementation strategy:

Land use actions subject to review as conditional uses under the Harney County Zoning Ordinance shall comply with this policy.

Chapter 4 Forest Lands

Introduction
Designation
Goals and Policies
Minimum Lot Size

Introduction

Forest lands, and the products and influences of those lands, play a major role in the economy, and society of Harney County, and have historically been an environmental characteristic of the area. Processing forest products is the largest single consistent employer within the county. Sale of timber, wages, and proceeds from National Forest Receipts made significant contributions to the Harney County economy in the past, and this resource should be managed to support sustained forestry in the future.

Designation: Forest Lands

Forest lands include lands that are composed of:

- A. Existing, and potential forest areas which are suitable for commercial forest uses;
- B. Other forested lands needed for watershed protection, wildlife and fisheries habitat and recreation;
- C. Lands where extreme conditions of climate, soil and topography require the maintenance of vegetative cover irrespective of use; and
- D. Other forested lands in urban and agricultural areas, which provide urban buffers, wind breaks, wildlife and fisheries habitat, livestock grazing, scenic corridors and recreational use.

Commercial forest land is defined as land capable of producing crops of industrial wood, generally in excess of 20 cubic feet per acre of annual growth. Forest lands include two basic types defined as follows:

Non-National Forest Lands

- Non-National forest lands include areas that are privately owned, state owned, or owned by the Bureau of Land Management, and that have stands of Class II and III timber.

National Forest Lands

- National forest lands include the portions of the Malheur and Ochoco National Forests that fall within Harney County. These are multiple use areas primarily under government ownership to be used for a multitude of activities including, but not limited to: timber management, agricultural activities including range management and agricultural research; wildlife habitation; recreation; and mineral resource extraction.

A multiple use cannot be limited to only one of these uses. Public access shall be maintained through motorized and non-motorized means.

Forest Land Goals and Policies

Forest land Goal

2. To provide areas suitable for commercial timber production, grazing, watershed protection, wildlife habitat, and fisheries, and to discourage uses incompatible with forest management.
2. To conserve and improve the existing commercial forestry enterprise within the county, and encourage future forestry enterprise.

Forest land Policies

1. It is the policy of Harney County that all operations on forest lands shall be consistent with the State Forest Practices Act.
2. Forest cubic foot site classes 1 - 6 forest lands as well as non-commercial forest lands shall be protected from incompatible encroachments of non-forest uses by the adoption of the 80 acre forestry zone.
3. Road standards should be limited to the minimum width necessary for management and safety. Highways through forest lands should be designed to minimize impacts on such lands. Rights-of-way should be designed so as not to preclude forest growth whenever possible. Maximum utilization of utility rights-of-way should be required before permitting new ones.
4. The Forestry zone shall be utilized in all forest areas as a means to protect forest lands.

5. Before any forest land is converted to non-forest uses, the applicant shall meet the criteria set forth in the Harney County Zoning Ordinance, concerning uses permitted conditionally in the FU Zone.
6. Before any forest land is converted to non-forest uses through rezoning, the county will adopt a plan amendment and exception to LCDC Goal 4 using the exceptions criteria of Land Conservation and Development Commission (LCDC) Goal 2.

Minimum Lot Size of Forest Lands

The major tools for protecting the forest area are through the Zoning and Subdivision Ordinances. As with the agricultural areas of the county, it is important to designate a minimum lot size that will assure the optimum opportunity for a high level of productivity from these lands. The proposed Forest Use (FU) zone is designed to offer the optimum protection to the forest lands within the forest area of Harney County. It utilizes a minimum lot size of 80 acres. It also prescribes the various uses and conditional uses that can be allowed in this zone. In addition, a procedure is provided to allow single-family structures to be located within this zone, on a lot of 40 acres or more that were legally created prior to the adoption of the comprehensive plan if certain stringent requirements are met, or on qualified lots of record. The forest land in Harney County, which is zoned FU-80, is in the northern part of the county. Of the total 409,290 acres (or 93%), 382,770 acres of land is in federal ownership. The remaining seven (7) percent is scattered throughout the forest zone. The 80-acre minimum lot size will restrict development except where the development is forest related. In the past, the county has had a 40-acre forest zone and, due to the small amount of private ownership, there has been little non-forest related development. The county shall require that all new dwellings in conjunction with a farm or forestry use be necessary and accessory to the farm or forest uses, and that no new divisions less than 80 acres be allowed in the FU Zone. Utilization of this zoning designation and the Subdivision Ordinance which helps to implement it, for the entire forest area of northern Harney County, will serve to help protect this area for forest uses and to assure that, through careful management, it will contribute strongly to the Harney County economy and character in the future.

Note:

Additional Information regarding forestry may be found in the “Harney County, Oregon: resource atlas: natural, human, economic, public” as well as the Oregon State Department of Forestry document entitled “Harney County Timber Class and Productivity Levels.”

Chapter 5 Natural Resources, Scenic and Historic Areas, and Open Spaces

Introduction

Natural Resources

1. Natural Areas
2. Wildlife Resources
3. Mineral and Aggregate

Scenic and Historic Areas

Introduction

This element is based on Statewide Planning Goal 5, Open Spaces, Scenic and Historic Areas, and Natural Areas. It is closely related to the Environmental Quality, Energy Conservation, Recreation, Natural Hazards, Agriculture, and Forest Lands elements. These elements are integrally related, demanding a close evaluation during the plan preparation process to ensure the integration and complimentary functioning of each. Adequate environmental quality is not guaranteed, nor can it be expected to occur, without the careful management of all the county's resources.

This element, correlated with the goals and policies of the other Comprehensive Plan sections, is directed specifically at the preservation and wise utilization of all open space resources within the planning area.

Natural Resources

1. Natural Areas

Natural Areas Goal

To identify and preserve those natural areas that represents the natural heritage of Harney County.

Natural Areas Policies

Policy 1

Natural areas designated 1B shall be inventoried and further protection designated as necessary when the Oregon Natural Heritage Program (ONHP) or the county has funds to do site reports in accordance with OAR 660-16-000.

Policy 2

Any natural area in addition to those now designated 1B shall be granted protection at the first update, if information is developed.

Policy 3

The county shall work with the property owner, public and private on sites designated 3C to ensure the resource is protected.

Policy 4

Borax Lake, the site of the endangered Borax Chub, shall be preserved and protected from all conflicting uses in accordance with its 3A designation.

Policy 5

The county shall work with the community partners to ensure that natural areas are appropriately identified and preserved. These resources will be inventoried to satisfy OAR 660-023-0000 and the requirements of Goal 5.

Policy 5 Implementation strategies

A) In the area-wide plan process, select sites for protection based upon the following:

- i) The rarity or endangerment of the elements, determined by the number of known occurrences of the elements;
- ii) The relative quality of the natural area (refer to Oregon Natural Areas);
- iii) The relative feasibility of protecting the area, in terms of adjacent land uses, need for open space, and so on; and,

- iv) Analysis of current data on the inventoried site as contained within Natural Heritage Data Bank.
- B) Limit access to, and use of, natural areas as necessary to preserve valued character.
- C) Utilize zoning or other methods of providing adequate buffer areas as needed around natural areas.
- D) Harney County shall maintain and consult adopted inventories of natural resources in the county.

Policy 6

Through proper management, the county shall maintain or enhance the aesthetic qualities and values of the significant natural scenic landscape resources of the county.

Policy 6 Implementation strategies

- A) The overall integrity of the landscape character in Harney County shall be maintained through zoning natural resource lands for resource related uses.
- B) A Natural Resource Overlay shall be maintained setting forth guidelines, performance standards, and site plan review procedures for discretionary land use actions proposed within the boundaries of the district.
- C) Guidelines and an interagency response process and form shall be developed for Harney County's review and comment on permits filed with state and federal agencies for lands within the Natural Resource Overlay.
- D) Besides the outstanding natural resources inventory of the scenic element of Goal 5, other significant natural resources shall be designated for inclusion in the scenic resource overlay, as appropriate.

Policy 7

The county shall adopt an outdoor lighting policy governing all new development, to preserve and protect the night skies of Harney County.

Wildlife Resources

Wildlife Preservation Goals:

When reasonable and appropriate:

1. To conserve and protect existing fish and wildlife areas.
2. To develop and manage the lands and waters of this County in a manner that will enhance, where possible, the production and public enjoyment of wildlife.
3. To develop and maintain public access to lands and waters and the wildlife resources thereon.

Wildlife Preservation Policies

1. No lot size or dwellings on lots smaller than 80 acres shall be allowed in any big game winter range or sensitive wildlife habitat.
2. Structural setbacks and vegetative buffer provisions shall protect riparian habitats.
3. Harney County encourages public and private landowners to use land resource management techniques which help to preserve wildlife resources. Techniques should include buffers around sensitive wildlife habitats and individual residential sites, preservation of diverse habitat types, and minimal road construction in sensitive or critical areas. Land managers and owners are urged to consult the Oregon Department of Fish and Wildlife when developing management plans. The county will offer any assistance possible to benefit wildlife management and enhancement.
4. Habitation and breeding sites of species listed by the U.S. Fish and Wildlife Service as endangered or important raptor areas shall be protected from conflicting uses by buffer areas and other measures appropriate to reasonably insure continued use of the site by the species.
5. Rural Residential/Recreational development shall be avoided on winter ranges, fawning areas and species concentration areas.
6. All new roads shall be located to avoid watershed damage and sensitive wildlife use areas where possible.

- A. Seasonal roads shall be managed to reduce harassment of animals during winter months and spring stress periods (i.e., Steens Loop Road).
 - B. Off-road vehicle use shall be controlled to avoid excessive erosion in areas of fragile soils and harassment in wintering and fawning areas.
7. Domestic animals (i.e., dogs and cats) in Rural Residential/Recreational developments shall be discouraged from running loose in sensitive big game areas, as designated by the Oregon State Department of Fish and Wildlife.
8. At the time of the first update of this Comprehensive Plan, Harney County will include newly developed inventory data and will adopt policies concerning this inventory as appropriate.

Wildlife Preservation Implementation Strategy

Harney County will provide notice and an opportunity to comment to DFW on proposed land divisions and dwellings between 80 and 160 acres in big game winter range in the EFRU Zone. The county will further notify DFW of all approvals of such applications. If the DFW determine that an unacceptable build up is occurring, particularly in migration routes, the county will coordinate with DFW to resolve the conflict in a manner consistent with the Goal 5 Rule.

Mineral and Aggregate Resources

Introduction:

The production of minerals is an important part of the local economy. Mineral resources may be rendered non-recoverable if incompatible development, such as residential development, locates on or adjacent to these resources. Planning and zoning action can ensure that mineral resources are protected from incompatible development and they can help prevent unnecessary regulations from impeding or stopping the mining of these resources.

An inventory of lands that are part of the Mineral and Aggregate Resource Overlay Zone (MARO) will be used for planning purposes. In addition, the county will coordinate with Oregon Department of Geology and Mineral Industries (DOGAMI) to keep a list of all active aggregate permits in the county.

Mineral and Aggregate Resources Goal

1. To protect aggregate resources from incompatible development and provide for adequate supplies for all needs in Harney County.

Mineral and Aggregate Resources Policies

Policy 1.

The county shall protect significant mineral and aggregate resources consistent with Statewide planning Goal 5 and the process for complying with the Goal specified in Oregon Administrative Rules Chapter 660 Division 23.

Policy 1 Implementation Strategy

The Map Designations Element of this Plan establishes the procedure for protecting aggregate resources. In addition, the county shall maintain an inventory of significant mineral and aggregate resource sites.

A) The county's significant sites inventory will include those sites zoned MARO. It will also include those sites designated by the County Court as significant aggregate sites, but which have not been zoned Aggregate Removal.

B) The combination of MARO zoning, and County Court orders, will be considered the county's Goal 5 aggregate inventory.

C) The significance of non-aggregate mineral resources shall be judged on the basis of the State's Goal 5 criteria (OAR 660-023-0030). Mineral sites, zoned MARO, will be considered significant sites along with aggregate sites.

Policy 2.

The county shall protect and conserve aggregate resources, reduce conflicts between aggregate operations and adjacent land uses, and ensure that aggregate resources are available for current and future use.

Policy 2 Implementation Strategies

- A) Include within the county zoning ordinance, site-specific criteria and performance standards for aggregate removal which will provide for proper maintenance of air, water, and land quality.
- B) Allow for aggregate mining and processing in Exclusive Farm Use, Forest Resource, Woodland Resource, Open Space Reserve, Rural Use, and General Industrial zoning districts as a conditional use.
- C) Zone for long-term aggregate use appropriate county, state highway, and forest agency stockpile sites and maintenance yards in the outlying areas of the county.
- D) The zoning of lands for aggregate resources in proximity to urban and rural centers is important for energy conservation and economic development.
- E) Include agriculture and forest uses as a permitted use in the MARO zoning district.
- F) The county shall not independently apply the MARO zone to land within another county, or within a city or its urban growth boundary. The county shall seek to ensure protection of significant sites where the impact area surrounding the resource extends across jurisdictional boundaries through cooperative agreements with another county or a city.
- G) The Posta Acknowledgement Plan Amendment (PAPA) process to identify a significant aggregate and mineral resource site, and to file requisite documentation regarding all pertinent uses, will include a demonstrated effort to consult with adjacent property owners. This includes residents, businesses or other resource owners within the proposed impact area. The intent of the consultation is to consider the operational plan for a new aggregate mining site. PAPA applications will document the consultation effort and outcome, even if there is no agreement among the parties on a site plan, operational characteristics, or a reclamation plan.
- H) Unless specifically determined on a case by case basis, it shall be the policy of the county, pursuant to ORS 517.830(3), that DOGAMI delay its final decision on approval of a reclamation plan and issuance of an operating permit until the county decides all comprehensive plan amendments or site plan approvals.

I) The county recognizes the jurisdiction of the Department of Geology and Mineral Industries over mined land reclamation pursuant to ORS 517.750 to 517.900 and the rules adopted there under.

J) No surface mining or processing activity, as defined by the zoning ordinance, shall commence without land use approval from the county, and approval of a reclamation plan and issuance of an operating permit by DOGAMI.

K) Land shall not be rezoned from the MARO until the mineral or aggregate resource is depleted or determined to be uneconomical, and the site has been reclaimed.

Policy 3.

Minerals are recognized as a nonrenewable and necessary resource that must be protected from incompatible development and be available for mining consistent with the Goal 5 procedures of OAR 660-023-000.

Policy 3 Implementation Strategies

A) A Post-Acknowledgment Plan Amendment (PAPA) provided for in the State rule for mineral and aggregate resources, allows significant mineral sites to be recognized and permitted in accordance with the Goal 5 process.

B) Allow the excavation and processing of non-aggregate mineral resources through a conditional use permit process in appropriate rural zoning districts.

C) Coordinate with the Oregon Department of Geology and Mineral Industries, Department of Environmental Quality, Division of State Lands, and other affected agencies, to ensure that the mining of mineral resources occurs in conformance with appropriate standards pertaining to fish and wildlife habitat, erosion control, air and water quality, visual quality, noise standards, and access requirements.

Scenic and Historic Areas

Historic and Scenic Resources Goal

To identify and preserve, as much as reasonable and appropriate, those historical and scenic sites and structures that represents the history and progress of Harney County. (Please see the Comprehensive Plan Appendix Entitled “Background and Planning Process History of Harney County” for more information).

Historic and Scenic Resources Policies

Policy 1. A comprehensive approach to the protection of the county's historic, archaeological and scenic resources coordinating efforts on the federal, state, county and local level shall be applied.

Policy 2. The Harney County Historical Society and the document entitled "*Harney County, An Historical Inventory*," shall serve as the database from which further inventories and recommendations shall occur.

Policy 3. Completion of the Historic Sites inventory, based upon information gathered in "*Harney County, An Historical Inventory*", (Appendix A) and evaluated by the Harney County Historical Society is encouraged.

Policy 4. Efforts should be made to identify sites for nomination to the "National Register of Historic Places".

Policy 5. Identify sites that relate to the various "themes" in Harney County history, including but not limited to:

- A. Cattlemen's Empire
- B. Agriculture
- C. Mining Frontier
- D. Religion
- E. Cultural Immigration
- F. Education
- G. Transportation
- H. Communication
- I. Native American Cultural Sites

Policy 6. The county encourages identification of historic and scenic sites within lands administered by public agencies, i.e., the National Forest lands in the northern part of the county.

Policy 7. Public education concerning the scenic and historic sites within Harney County is desirable and is encouraged.

Policy 8. Financial and technical support should be pursued in order to establish a program for preservation of Harney County cultural and historic resources.

Policy 9. Facilities within a state park or roadside rest area may receive rehabilitation, minor replacement, minor or betterment repair, and improvement.

Policy 10. The county will preserve the Frenchglen Hotel, Round Barn, and the Lawen School. Historic sites designated 1-A and 1-B shall be inventoried and further protection designation as necessary when the Harney County Historic Society or the county has funds to do site reports in accordance with OAR 660-16-000.

Chapter 6 Air, Water and Land Resources

Goals

General Air, Water and Land Resource Policies

Water Resources

1. Summary
2. Water Resource Policy Overview
3. Water Resource Policies

Goals

1. Harney County shall support policies and procedure which utilize air water and land resources in the most efficient, effective and sustainable manner possible.

General Air, Water and Land Resource Policies

1. The county shall recognize the development limitations imposed by the carrying capacities of natural resources; i.e. surface and ground water capabilities, soils geology, etc.
2. Natural resource physical limitations shall be one of the primary evaluation factors for development approval. The carrying capacity thereof shall not be exceeded.
3. In all land use actions, Harney County shall recognize and strive to protect private property rights.
4. It is the policy of Harney County that private property rights, including existing water rights, shall not be taken for a government purpose without compensation
5. It is the policy of Harney County to coordinate decisions concerning economic base resources in the county and to maintain an economic-environmental balance in all resource management and allocation decisions.
6. It is the policy of Harney County that wherever threatened and endangered species are present, the effects of the proposed development upon the habitat of the threatened or endangered species shall be considered.

7. It is the policy of Harney County to encourage efforts that strive to prevent the listing of sensitive and candidate species under the Oregon and Federal endangered species programs.
8. It is the policy of Harney County to discourage the concentration of wildlife, wild horses, stock, and recreational activities in areas that are sensitive to concentrated use.
9. 9. It is the policy of Harney County to encourage agricultural or forest practices, which by their nature encourage good vegetative cover on the land. Those practices that leave the soil exposed for potential erosion shall be discouraged.

Water Resources

Summary

As part of its obligations to address the Statewide Planning Goals, the county has reviewed the existing water supply situation and assessed the future needs.

The water resources of Harney County are a vital part of its economy and lifestyle. Today the demands on these water resources are increasing and management practices are changing with these demands.

While the economic structure of Harney County is in a state of uncertainty, water will continue to be a primary driving force in the economy. Water is available for municipal and industrial growth; however without the development of new sources or conservation, the opportunities for increased agricultural production are limited.

Water Resources Policy Overview

Under ORS 197.010, the comprehensive plans for counties are expressions of public policy in the form of policy statements, generalized maps, and standards and guidelines. The comprehensive plans serve as the basis for more specific rules and land use regulations, which implement the policies. It is intended however that all public actions are to be consistent with the policies as expressed therein (ORS 197.010).

The State of Oregon has adopted goals and guidelines for use by the local governments in preparing; adopting, amending and implementing comprehensive plans (ORS 197.225). All local plans are to comply with the goals (ORS 197.250).

The goals, while wide-ranging, are to be given equal weight in the planning process (ORS 197.340(1)).

The local comprehensive plans are the mechanism for addressing public policy issues on a local level. However, the goals and rules established in the comprehensive plans do not apply to programs, rules, procedures, decisions, determinations, or activities carried out under the Oregon Forest Practices Act. Under the provisions of ORS 527.722(1), no goal or rule shall be adopted, construed or administered in a manner to require or allow local governments to take any action that prohibits, limits, regulates, subjects to approval, or in any other way affect forest practices on forest lands located outside an acknowledged urban growth boundary.

The local government does however retain the ability to adopt, and apply a comprehensive plan or land use regulation to forest land when the regulations allow, prohibit or regulate:

1. The establishment or alternation of structures which are auxiliary to and used during the term of a particular forest operation; and,
2. Physical alternations of the land, including but not limited to those made for purposes of exploration, mining, commercial gravel extraction and processing, landfills, dams, reservoirs, road construction or recreational facilities, when such uses are not auxiliary to forest practices (ORS 527.722(2)).

One of the objectives of the Harney County periodic review process was to develop policy statements that reflected the local issues and concerns. Among these were to maintain the economic base of the county, recognition of private property rights, and establish a mechanism that would provide nonpoint pollution control measures.

To meet these objectives, the Water Committee met several times to familiarize itself with and to develop an overview of the water resources and regulatory framework relative to water issues within the county. Upon completion of this "overview", the Water Committee formulated a list of policy statements.¹

¹. The Committee reviewed the existing policies as set forth in Harney County Comprehensive Plan, and developed additional policies based upon the local conditions and through reference to the documents referred to in the water report and additional sources including:

- "Nonpoint Source Pollution Control Guidebook for Local Government" DEQ 1994
- "Department of Forestry Forest Practice Rules"
- "General Water Quality Best Management Practices"
- "Memorandum of Agreement between U.S. Forest Service and Oregon DEQ" Forest Service Manual 15671.5"
- "Best Management Practices for Range and Grazing Activities on Federal Lands"
- "Protecting the Riparian Area, a Handbook for Planners, ODF&W"

These policy statements are designed to be applied to all parties who seek land use approval for projects, as well as to all state and federal agencies to the extent that they are required to be consistent with the local plans and policies.

All of the policies are statements of policy that must be incorporated into the planning process at the appropriate stage. Discretion as to how they are to be applied is left to the planning commission. In addition, some of the policy statements are mandatory requirements.²

Water Resource Policies

1. It is the policy of Harney County to consider all of the land use goals in any land use decision affecting water rights.
2. It is the policy of Harney County to encourage public participation in the planning for land use activities that involve water.
3. It is the policy of Harney County to seek ways to increase and promote efficient water utilization and conservation.
4. Water allocation and transfer are land use decisions subject to review by Harney County.
5. It is the policy of Harney County that the State of Oregon as an element of its sovereignty has control over the waters of the state and that Federal and state agencies shall comply with all State of Oregon law or adjudication relative to permits, certificates, or licenses.
6. It is the policy of Harney County that all federal, state and local governments inventory their developed water sources and acquire permits from the Oregon Water resources Department (OWRD) unless otherwise exempt from the permit requirements by the laws of the State of Oregon.³

². The policy statements that are of a regulatory nature contain wording that includes the term "shall".

³. The Committee notes that the BLM has submitted a complete listing of its ponds and reservoirs to the county.

7. It is the policy of Harney County to encourage cost effective metering and measurement of water.
8. It is the policy of Harney County to encourage multiple use land management that incorporates all aspects of the hydrologic cycle.
9. It is the policy of Harney County to protect water quality by limiting the potential discharge and disposal of pollutants in all land use decisions.
10. It is the policy of Harney County that any transfer of water be consistent with the land use goals.
11. It is the policy of Harney County that prior to any water right transfer out of the basin of origin in excess of 0.5 cfs, that the following findings be made:
 - A. The amount of water in the basin of origin available for future appropriation exceeds the projected future needs;
 - B. The benefits presently and prospectively derived from the return flow of water used within the basin of origin will not be eliminated;
 - C. The water to be transferred is not connected to surface water or ground water to such a degree that the transfer will be harmful to the supply of the other;
 - D. There is no injury to existing water rights of other appropriators or interference with planned uses or developments within the basin of origin for which a permit has been issued or for which an application is pending;
 - E. The proposed transfer will not adversely affect the quantity or quality of water available within the basin of origin.
 - F. The proposed use will not adversely affect in-stream uses for which a permit has been issued or an application is pending;
 - G. There are no alternative sources of water for the proposed use that would not rely on transfer of water out of the basin of origin.
12. Secondary impacts associated with water usage, such as but not limited to return flows, wetlands, and fish and wildlife, are public interest considerations that must be considered in the transfer of water rights.
13. It is the policy of Harney County to promote the study and development of current and potential water sources.
14. It is the policy of Harney County to support multi-purpose water storage projects.

15. It is the policy of Harney County to consider the development potential of the following reservoir sites (Table 3 – Harney County Reservoir Sites) in all land use activities that may affect these sites.

Table 3

Harney County Reservoir Sites		
Name	Watercourse	Location
Emigrant Creek	Silvies River	T21S,R29E, S2
Poison Creek	Silvies Valley	T21S,R31E,S29 & 18
Jack Creek	Upper Silvies Valley	T16S,R30E, S14
Bear Canyon Creek	Upper Silvies	T19S,R31E, S14
Silvies River	Upper Silvies	T20S,R27E, S3 & 10
Dry Creek	Lower Silvies	T20S,R30E, S35
Poison Creek	Lower Silvies	T21S,R31E,S18 & 29
Prater Creek	Lower Silvies	T22S,R31E,S24
Coffeepot Creek	Lower Silvies	T22S,R32E,S14
Rattlesnake Creek	Lower Silvies	T22S,R32.5E,S8 & 18
Silver Creek	Silver Creek	T20S,R26E, S31
	Silver Creek	T22S,R26E, S6
Claw Creek	Silver Creek	T21S,R26E, S22
Trout Creek	Alvord	T39S,R36E S24/25
	Stinkingwater	T22S,R35E, S32
	Stinkingwater	T20S,R35E, S32
	Calamity Creek	T18S,R33E, S27
	W. of Pine Ck	T20S,R33.5,S5 & 8
	e Ck	T19S,R33.5, S25

Table 3 – Harney County Reservoir Sites

16. It is the policy of Harney County to protect and preserve the sites identified in the "Burns & Hines Flood Plain Study (State Water Resources Board, 1968) for future flood control structures.
17. It is the policy of Harney County that all federal, state and local governments as part of their land use planning programs shall identify potential water resource sites that have high potential for development and consider whether these sites should be protected from conflicting uses.
18. It is the policy of Harney County that riparian areas should be managed to prevent undue degradation and that in all actions affecting land use the county shall seek to preserve and protect riparian functions in a reasonable and cost-effective manner.
19. It is the policy of Harney County to encourage development of alternative stock watering facilities and ponds outside the riparian areas.

20. It is the policy of Harney County to recognize the benefits that flood irrigation provides for water quality, wetland, fisheries, and wildlife benefits in all land use activities.
21. It is the policy of Harney County to recognize the impacts of irrigation return flows on fish and wildlife, stream temperature, and groundwater recharge.
22. Harney County recognizes that Juniper and sagebrush have had a significant impact upon the water resources within the county. Therefore, it is the policy of Harney County to encourage all landowners to control Juniper and sagebrush.
23. It is the policy of Harney County to encourage natural impoundment of water and the restoration of large woody debris & stream structure.
24. It is the policy of Harney County to limit development in flood prone areas.
25. It is the policy of Harney County to encourage public and private landowners to use land resource management techniques, which help to preserve fish and wildlife resources. Techniques should include buffers around sensitive fish and wildlife habitat areas and individual residential sites, preservation of diverse habitat types, and minimal road construction in sensitive critical areas. Land managers and owners are urged to consult the Oregon Department of Fish and Wildlife when developing management plans. It is the policy of Harney County to assist private landowners in fish and wildlife management and enhancement to the extent reasonable and cost effective.
26. It is the policy of Harney County to encourage the study and development of water supplies for fish habitat.
27. It is the policy of Harney County to encourage the management and recovery of endangered and threatened species in a manner that is based upon scientifically established standards and is cost effective. Any recovery plan must incorporate a monitoring program and establish clear and scientifically verifiable goals.
28. Borax Lake, the site of the endangered Borax Chub, shall be preserved and protected from all conflicting uses in accordance with its 3A designation.
29. Attempts shall be made to require a minimum pool for game fish survival as a condition for construction of any new reservoir, where applicable.
30. Road building in riparian areas shall be discouraged in areas with threatened or endangered species. All new roads shall be located to avoid watershed damage and sensitive wildlife uses areas where possible.

31. Lakes, streams, ponds and rivers shall be protected by structural setbacks and by restoring natural vegetative cover.
32. It is the policy of Harney County to maintain large woody debris in all first and second-order Class 1 and 2 streams to facilitate the trapping of suspended sediments and to reduce the rate of downstream transport to critical fish habitats. The artificial placement of woody debris should be preceded by habitat analysis and any additions secured in place to insure proper function and reduce erosion affects.
33. It is the policy of Harney County that all land use activities meet water quality standards as established by the Oregon Department of Environmental Quality.
34. It is the policy of Harney County to cooperate with the Environmental Quality Commission on the establishment and implementation of BMP's and other rules to address nonpoint source pollution.
35. It is the policy of Harney County to cooperate with the Soil and Water Conservation Districts on the establishment and implementation of Best Management Practices (BMP's) and other actions to address nonpoint source pollution.
36. It is the policy of Harney County to maintain riparian zone vegetation along streams to reduce sediment input from streamside erosion, and to filter and trap sediments from upland and suspended sources.
37. It is the policy of Harney County to maintain and protect soil and water resources through management of livestock and wildlife stocking rates, distribution, and season of use. Field checks are recommended to identify needed adjustments in season and numbers based upon range readiness, forage utilization and periodic assessment of rangeland to verify soil and vegetative condition and trend.
38. It is the policy of Harney County to maintain and improve water quality through structural and non-structural range improvements.
39. Developments that incorporate impervious parking surfaces shall be discouraged in groundwater recharge areas.
40. The land use zone classification most compatible with lake and reservoir fish production is Exclusive Farm and Range Use (EFRU).

41. Residential, commercial, or industrial development on lakes and reservoirs shall be identified as Conditional Uses.
42. Residential or recreational developments that incorporate construction of an artificial lake as a major attraction shall be identified as a conditional use only if an exception can be justified for such use.
43. Encroachment on or destruction of shoreline fringe vegetation, particularly terrestrial or semi aquatic shall be discouraged.
44. Where development is appropriate, regulations should provide for cluster-type units rather than continuous water-abutting perimeter development.
45. Docks and other surface water developments, which preclude permanent use of public water, should be minimal. Cluster-type docks rather than individual docks are preferred.
46. Access should be maintained or secured on public lakes and reservoirs where applicable.
47. It is the policy of Harney County to encourage compatible recreational uses within the flood plain.
48. Development of access (roads or trails) should be discouraged in these specific watershed areas (along the streams):

Kiger Creek	McCoy Creek	Willow Creek
Little Fish Creek	Ankle Creek	Trout Creek
Big Indian Creek	Blitzen River (above	Fish Creek
Little Blitzen River	Page Springs)	

49. It is the policy of Harney County to protect the quality of groundwater.
50. It is the policy of Harney County to encourage groundwater recharge.
51. When additional information becomes available on the county's groundwater resources, the county shall proceed through the steps of the Goal 5 rule.
52. The land use zone classification most compatible with river and creek resources is Exclusive Farm and Range Use (EFRU) and Forestry Use (FU).
53. It is the policy of Harney County that the designation and management of wild and scenic rivers and state scenic rivers are land use decisions.

54. It is the policy of Harney County to protect the outstandingly remarkable values of the Donner Und Blitzen River Wild and Scenic River by prohibiting new commercial or industrial uses that are inconsistent with the Wild and Scenic Rivers Act.
55. It is the policy of Harney County to ensure that development or land alteration does not create downstream sedimentation, water quality, flooding, or drainage problems; and provides adequate drainage systems and soil protection for the site being developed.
56. It is the policy of Harney County that all paving and storm water management systems are installed at the earliest possible and most effective time, before, during and after grading.
57. It is the policy of Harney County that natural streams, lakes, and drainage ways shall be bioengineered, ripraped or otherwise stabilized below drainage and culvert discharge points for a distance sufficient to convey the discharge without channel erosion.
58. Runoff from areas of concentrated impervious cover (e.g. roofs, driveways, roads) shall be collected and transported to an acceptable discharge point in a conveyance system that has sufficient capacity to accept the discharge without accelerated erosion.
59. It is the policy of Harney County to require temporary and permanent erosion control measures for all construction projects to lessen the adverse effects of construction on the environment.
60. It is the policy of Harney County that land use actions that change natural fish bearing stream courses by filling, removal, or by relocation of the channel, shall not be made except upon approval of the appropriate state agencies and after obtaining appropriate land use approvals.
61. It is the policy of Harney County that all land use activities take adequate precautions to prevent leakage or accidental spillage of any petroleum products in any area that will allow entry into waters of the State.
62. The development and use of surface mining operations and the utilization of mined materials for roads or other supporting activities such as ripraping, bridge wing wall diversions, culvert bedding and other activities, shall be done in such a manner as to protect water quality, and to retain soil stability, both during the operation and after operations have ceased.
63. It is the policy of Harney County to limit development of roads in riparian area.

64. It is the policy of Harney County that roads should be cost effectively located to minimize the risk of material entering the waters of the state. Roads should be situated to avoid steep, narrow canyons, slide areas, steep headwalls, slumps, marshes, meadows, riparian areas, existing drainage channels, or high-risk sites. Wherever possible, the number of stream crossings should be minimized.
65. It is the policy of Harney County that stream crossing structures be designed to:
- A. Allow migration of adult and juvenile fish during conditions when fish movement in that stream normally occurs,
 - B. Have a minimum impact on water quality; and
 - C. Be able to meet the 50 year frequency storm event except in those situations were:
 - a. The stream crossing includes a wide flood plain (greater than 100 feet);
 - b. The crossing structure passes a peak flow of not less than the 110 year return interval storm event;
 - c. An overflow depression is constructed in the road fill at a location away from the culvert and at an elevation lower than the top of the culvert; and,
 - d. The road surface and downstream edge of the overflow depression is armored with rock of sufficient size and depth to protect the fill from eroding when a flood flow occurs.
66. It is the policy of Harney County that stream crossings are at right angles to the main channel when practical.
67. It is the policy of Harney County to avoid excessive side-hill cuts and fills near stream channels.
68. It is the policy of Harney County not to allow the location of roads parallel to any waters in areas where such roads are under the high water level of the waters, or in riparian areas unless no other reasonable alternative is available.
69. It is the policy of Harney County that all temporary roads provide dips, water bars, and cross drainage.
70. It is the policy of Harney County that culvert inlets, outlets, and ditches be cleaned before runoff periods to diminish danger of clogging and the possibility of washout or the impairment of fish passage.
71. It is the policy of Harney County to assure that geothermal, oil & gas and mineral prospecting, exploration, removal and processing activities are conducted in a manner to minimize erosion and the discharge of pollutants.

72. It is the policy of Harney County that soil and water quality is protected as part of any prescribed fire program.
73. It is the policy of Harney County to minimize sedimentation and turbidity resulting from excavation or fill related to in-channel activities.
74. It is the policy of Harney County to minimize sediment production and erosion originating from side-cast material during road construction or maintenance.
75. It is the policy of Harney County to construct embankments and dams with materials and methods, which minimize the possibility of failure and subsequent water quality degradation.
76. It is the policy of Harney County to minimize the erosive effect of water concentrated by road drainage features, to disperse runoff from or through the road, and to minimize the sediment generated from the road.
77. It is the policy of Harney County to minimize the possibilities of roadbed and cut or fill sloop failure and the subsequent production of sediment.
78. It is the policy of Harney County to minimize soil erosion from cut slopes, fill slopes, and waste site areas.

Chapter 7 Areas Subject to Natural Hazards

Introduction

Natural Hazards and Limitations Goals

Natural Hazards and Limitations Policies

Introduction

The Natural Hazards chapter seeks to guide development away from identified hazards, while allowing limited use of areas that need to be protected from development.

Natural Hazards and Limitations Goals

1. Harney County shall minimize development in areas subject to natural hazards.

Natural Hazards and Limitations Policies

1. The county shall recognize the development limitations imposed by the carrying capacities of natural resources; i.e. surface and ground water capabilities, soils geology, etc.
2. Natural resource physical limitations shall be one of the primary evaluation factors for development approval. The carrying capacity thereof shall not be exceeded.
3. It shall be recognized that problem areas or hazards do not necessitate disapproval of development, but that higher development standards can be expected in order to minimize problems or hazards.
4. To maintain development costs at a minimum and to encourage the most efficient use of resources by guiding development to low hazard or low physical-limitation areas.
5. High density development, when allowed, shall be encouraged to locate in areas having high carrying capacities and low physical limitations, and discouraged in areas having low carrying capacities and high or severe physical limitations. Therefore, the following criteria shall be considered:

- A. Development should be discouraged in areas of natural hazards and on slopes of greater than 30%
 - B. Safe distance from rim rock scraps, talus debris and fractures.
 - C. Sufficient quality and quantity of potable water.
 - D. Locations relative to floodplain channels, high ground water, unstable soils or geology, etc shall be discouraged for development.
6. It shall be the applicant/developer/builder's burden of proof for determining the degree of hazard or physical resource carrying capacity.
 7. Development within the identified floodway shall be discouraged. Development in the floodway fringe shall be permitted to the extent the hazard is correctable without adversely affecting other properties.
 8. Where base floodplain elevation data has not been provided, Harney County shall obtain, review, and reasonably utilize any base flood elevation data available from a federal, state or other source.
 - a. It is the policy of Harney County to recognize that problem areas or hazards do not necessitate disapproval of development, but that higher development standards can be expected in order to minimize problems or hazards.
 - b. Harney County shall develop a final floodplain map and regulating ordinances when final floodplain information is available from FEMA.
 - c. It is the policy of Harney County to revise the inventory and identification of the flood plain hazard areas within Harney County when the final flood plain mapping is received from FEMA.

Chapter 8 Recreational Needs

Introduction
Recreation Goals
Recreation Policies

Introduction

Harney County differs from many other Counties in Oregon in that it does not have a large urban population concentration and hence, an extensive urban park system does not exist at this time. Harney County has other recreational opportunities through the vast open spaces that characterize much of eastern Oregon.

Recreation Goals

1. It shall be the goal of Harney County to satisfy the recreational needs of the citizens of Harney County, the citizens of the State of Oregon and other visitors as much as financial, physical and human resources will allow
2. To recognize the needs and desires of the county's residents for park and recreational facilities and programs.
3. To identify, preserve and protect areas of natural scenic importance for their contributions that are unique to Harney County, by applying the applicable steps in OAR 660-16-000.
4. To encourage those recreational activities that are of economic value to the county while maintaining a balance between public and private interests.
5. To maximize existing publicly owned land (Federal, State, County, and City) in recreational development.
6. To provide for the unique recreational needs of the young, elderly and the handicapped.

7. To recognize and provide for special use areas and facilities not normally found in urban parks.
8. To optimize use of available public funds.

Recreation Policies

1. The county strongly discourages land transferred from private to public ownership.
2. Recreational site development shall take into account access, topographic and physical features, water areas, wooded areas, etc.
3. Whenever possible, public agencies should consider leasing land to private enterprise for public uses, which are compatible with the area and open for the benefit of the public.
4. Recreational sites should be developed only after consultation with appropriate public agencies to avoid conflicts with existing natural resources.
5. Where appropriate, drinking water, restrooms, sanitation facilities, and trash disposal/collection should be provided. Oregon State Health Department sanitation requirements shall be met.
6. Facilities within a recreational development site may be adjusted to meet the needs of an area respective of the character of the site and other natural resources.
7. A variety of camping experiences should be provided, from the primitive campground to improved facilities.
8. The Desert Trail (proposed route), and the Pacific Crest to Desert Trail (proposed southern route), shall be reviewed by the planning commission at a later date for compatibility and desirability of concept and design working with the Oregon Department of Transportation. The applicable steps in OAR 660-16-000 shall be applied as necessary.
9. Harney County, in cooperation with other jurisdictions should designate specific sites and/or areas for Off-Road Vehicles. Such areas should be designated only after review under the Conditional Use procedure.

Chapter 9 Economic Development

Economic Goal Economic Policies and Implementation Strategies

Economic Goal

To maintain, stabilize, and strengthen important existing sectors of the overall economy; including, but not limited to, forestry, agriculture, renewable energy, government, and recreation.

Economic Policies and Implementation Strategies

Policy 1.

Harney County shall create and maintain a program to oversee and participate in economic development activities which increase and diversify employment opportunities for residents.

Policy 2.

Coordinate decisions concerning economic base resources in the county and to maintain an economic-environmental balance in all resource management and allocation decisions.

Policy 3.

Major economic development plans should be based on the best information available and to take into account areas suitable for economic development, effects on existing economy, available resources, labor market factors, transportation, energy availability, and community livability.

Policy 4.

Encourage a diversity of labor and capital intensive economic development.

Policy 5.

Encourage location of major economic developments where public facilities and urban services can be readily provided.

Policy 6.

Provide adequate protection for all existing and potential economic development areas, including areas for expansion.

Policy 7.

Develop a cultural and financial climate that will encourage diversified residential, commercial, and industrial growth and development.

Policy 8.

Harney County will work closely with the Economic Development Committee, assisting in providing a reasonable plan and program for the economic growth of the county.

Policy 8 Implementation strategies

A) The county shall maintain an Economic Development Committee to develop and oversee the economic development program.

B) The program should include projects to increase and diversify employment opportunities for local residents within the private sector, and other projects consistent within the policies of this element.

Chapter 10 Housing

Housing Goals
Housing Policies and Implementation Strategies

Housing Goal

To provide for the housing needs for all citizens of the county, balancing need against impacts on the county's land resource base and public facilities and services.

Housing Policies and Implementation Strategies

Policy 1.

Opportunities for non-farm housing must be balanced against the county goal of preservation and protection of agricultural and forestry land.

Policy 2.

Rural residential housing on lots smaller than the minimum lot size shall be reviewed by the county through the Conditional Use procedure and approved only if the proposal conforms to the Agricultural Criteria on agricultural land or the Forestry Criteria on forestry land or both.

Policy 3.

The county shall assist and provide opportunities for the conservation and rehabilitation of the existing housing stock.

Policy 3 Implementation Strategies

A) Inventory the condition of the county's existing housing stock by location and type, and supplement this information with applicable data pertaining to condition, socio-economic indicators and other relevant data; and delineate those areas most in need.

B) In conjunction with affected agencies and citizens, develop and implement through any and all appropriate federal, state, regional, or local housing programs, a comprehensive housing maintenance and conservation program which will address and implement the above policy.

C) Establish an efficient and uniform, yet reasonable, code and on-going enforcement program for the inspection and repair or removal of deteriorating or

dilapidated housing or unsafe or unsanitary conditions, including mobile homes and multi-family apartments. More specifically this would involve:

- i) In conjunction and cooperation with the county health and building departments, affected agencies, local builders' groups, realtors, citizens, and other interested or appropriate organizations, develop a County Housing Code with appropriate standards to maintain and rehabilitate existing housing units and related properties to a safe, sanitary, and decent condition;
- ii) Adopt an ordinance setting forth the procedures and criteria for such code inspections, and authorizing the county building official(s) to make inspections, require corrections, and enforce the provisions of the proposed Housing Code, and requiring code compliance inspections at the time of sale or exchange of all residential structures;
- iii) Support the establishment of a revolving (and leveragable loan fund) to guarantee very-low and low interest loans for low and modest income households, respectively, based on their ability to pay, and to provide grants for elderly or poverty-level households for the repair and/or rehabilitation of residential units they occupy.
- iv) The revolving loan fund would be established to guarantee loans only. Harney County would not be the direct lender in any circumstances. This process can be financed through local financial institutions.

Such programs are eligible for funding under the federal government's Housing and Community Development Block Grant Program, and usually pays for the necessary planning to establish a local comprehensive and community development program within the parameters outlined above, as well as for its administration.

D) Provide necessary public facility improvements, where practical, to eliminate adverse influences which discourage private reinvestment efforts in targeted areas.

E) Develop and implement energy-efficient standards for rehabilitated housing structures regarding weatherization, insulation, and reconstruction.

Policy 4.

The county shall provide for equal opportunities for all citizens to obtain housing without discrimination and with fair and equitable treatment.

Policy 4 Implementation Strategies

- A) Support citizen participation and community involvement in the development and implementation of housing assistance and community development programs.
- B) Encourage housing availability counseling for low and moderate income households.
- C) Provide and analyze data relating to housing needs, mortgage lending, and trends in housing costs and residential property values for the use of local government, housing developers, and consumers.
- D) Review Harney County's Comprehensive Plan to ensure compliance with federal laws concerning discrimination.

Policy 5

The county shall promote and provide opportunities to encourage residential conservation and maintenance measures and construction methods, which create environmentally sound and safe settings for residents, consistent with the environmental and energy policies of the state and county.

Policy 5 Implementation Strategies

- A) Recognize long-term as well as initial housing costs to consumers and encourage revision, amendment, adoption, and enforcement of housing and building codes to minimize unnecessary energy consumption by the imposition of heat-loss standards for the construction of all types of new housing, and the renovation of existing residential dwellings.
- B) Encourage land use decisions and development action, including siting of houses, which affirmatively cause healthful living environments including: air and water of high quality, convenient transportation resources, maximum usable public open space, and minimum energy consumption and exposure to noise and excess night lighting.
- C) Encourage private lending institutions to provide incentives for energy efficiency .
- D) Encourage the entity that operates as the Harney County Housing Authority, or a like agency to give priority consideration in future housing programs to developments that are designed and sited to conserve natural resources and maximize energy efficiency.
- E) Investigate the feasibility of obtaining seed monies from grants, contributions,

economic development projects, and so on, to promote private lending institution participation.

F) Adopt and implement appropriate (HUD) standards concerning interior air quality and noise exposure for sensitive receptors; sensitive receptors include nursing, convalescent and retirement homes, senior citizens' housing, hospitals, schools, churches, meeting halls, and other high-occupancy structures of a similar nature.

Chapter 11 Public Facilities and Services

Public Facilities and Services Goal Public Facilities and Services Policies

Public Facilities and Services Goal

To provide public facilities and services in the types and amounts adequate to meet the needs of the citizens of Harney County at the level of service that does not place an undue tax burden on these citizens.

Public Facilities and Services Policies

Policy 1.

Solid waste disposal is a responsibility of the county. The county shall plan for new disposal sites well in advance of their need. The county shall also recognize the demand that development will place on disposal sites and shall consider this in taking action on a development proposal.

Policy 2.

The Solid Waste Disposal Site west of Burns and in the Rural Residential area shall be protected from the encroachment of residential use by delaying residential development of the immediately adjacent areas until the site is closed. The county shall work with the owner to develop reuse plans for the property when the operation ceases.

Policy 3.

The county shall carefully weigh the cost and benefits of development on public facilities and services, including sheriff, transportation, and schools, as it considers development proposals.

Policy 4.

The county shall strive to provide public facilities and services at levels adequate to meet the needs of existing county citizens, and the needs of the future citizens in areas appropriate for growth.

Chapter 12 Transportation

Transportation Goal
Transportation Policies

Transportation Goal

To encourage a safe, convenient and economic transportation system to serve the needs of Harney County.

Transportation Policies

Develop and upgrade highway facilities in such a manner that valuable soil, timber, water, scenic, historic or cultural resources are not damaged or impaired.

Provide adequate signage along major and minor county roads for the purpose of easy identification.

Design of new roads and highways should preserve and enhance natural and scenic resources, i.e., new roads should not be constructed in areas identified as sensitive wildlife areas.

Commercial bus service to areas outside of Harney County should be retained.

Harney County shall encourage the re-establishment of rail freight service within the county.

An "Airport Master Plan" has been developed to assure the Burns/Hines area of adequate air service in the future.

The county will actively encourage private freight companies and the public utility commissioner to provide freight service to all portions of the county.

The county shall maintain an airport overlay zone in accordance with state and federal standards.

The Burns Municipal Airport shall be protected from the encroachment of incompatible land uses to ensure efficient aviation operations and to minimize the noise and safety problems for the general public.

The county shall comply with all applicable state and federal noise, air, water and land quality regulations.

The general policy of the Planning Commission will be not to create a traffic hazard in the granting of variances; conditional use permits, and zone amendments.

Chapter 13 Energy Conservation

Energy Goal Energy Policies

Energy Goal

To promote the conservation and development of alternative, renewable sources, and the efficient use of energy.

Energy Policies

The county recognizes the potential economic development value or renewable energy resources, and shall support the protection and conservation of resource sites, so as to insure their continued availability and productivity.

The county shall support the development of resource sites, for purposes of power generation and/or direct application, in a timely, orderly and environmentally sound manner.

The county shall encourage state and federal land and resource management policies consistent with county energy policies.

Energy Resource Site Protection

In order to identify and protect the undefined energy and economic value of renewable and nonrenewable energy resources ("1B" sites), the county shall support continued resource assessment and exploration activities. In this regard, the county shall seek additional resource inventory data from appropriate public and private organizations as part of its 5-year major revision procedure. Additional inventory data, when available, will also be incorporated during annual minor revisions. When such additional data is added to the inventory, the county shall proceed to complete the Goal 5 Rule process with respect to any "1C" site determinations.

The county's inventory of resources and site evaluations shall be maintained as a reference to be consulted during land use plan amendments, zone changes, and subdividing (referred to hereinafter as major decisions).

Where the inventory identifies no conflicting uses at a resource site, the county shall preserve the continued availability and productivity of the site through appropriate

zoning and land development regulations. These actions shall be documented in the inventory for each site so classified.

Where the inventory identifies conflicting uses at a resource site, the county shall determine the economic, social, environmental, and energy consequences through a documented analysis of impacts to both the resource and the conflicting use. The county shall also determine consequences through consideration of other applicable goals; and conflicts will be resolved by either: protecting the resource site, allowing the conflicting use fully, or limiting the conflicting use through appropriate policies and implementation measures. The county shall consider other applicable Statewide Planning Goals when limiting a conflicting use, which is otherwise permitted by such Goals. Their actions shall be documented in the inventory for each site so classified.

Energy Facility Siting

The county shall consider energy facilities requiring siting review, to be only those proposing to generate electricity for public use by sale.

The county shall avoid, as much as is practical, duplicating the siting work of other governmental agencies. In this regard, the county may, adopt by reference the siting reports and findings of other government agencies during its siting deliberations.

In cases where the U. S. Government or the Oregon Energy Facility Siting Council does not exercise jurisdiction, the county shall assume the role of lead local agency in siting the facility according to all applicable laws, ordinances, and regulations.

In applying siting standards through its zoning and land development ordinances, the county shall endeavor to be as consistent with the standards of government agencies as is practical. Such agencies shall be afforded full opportunity for review of, and comment on the county's plan, ordinances, and pending actions.

Chapter 14: Urbanization

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PART I. URBANIZABLE LAND

Burns and Hines Urban Growth Boundaries

Harney County has actively participated in the urban growth planning efforts of the Cities of Burns and Hines. Members of the Planning Commission worked with City Planning Commission members on the Burns/Hines/Harney Urbanization Committee. The results of the Committee's work were a document carefully analyzing the growth demands and opportunities for the county's major urban area. It set goals, policies, and specific recommendations for managing this area.

The primary result of the Committee's work was the setting of Urban Growth Boundaries around the cities. These boundaries will serve as the projected future limit to urban growth and will be the line beyond which the cities will not annex or approve services.

The area between the Urban Growth Boundary and the City limits is of particular importance to the county, as this area will stay in County jurisdiction until annexation occurs. The Urban Growth Program sets out specific policies for management of this area while still under County jurisdiction.

Harney County has adopted "Urban Growth Joint Management Agreements" with Burns and Hines, setting out officially the roles each jurisdiction will play in growth management. Those agreements and the supporting document, "Urban Growth Boundary and Program", are hereby incorporated as part of this Plan. Copies are on file at the Courthouse or either City Hall (See Map 11 showing the Burns UGB and the Hines UGB).

Severability

The provisions of the Agreement are severable. If a paragraph, sentence, clause, or phrase shall be adjudged by a court of competent jurisdiction to be invalid, the decision shall not affect the validity of the remaining portions of this Agreement.

PART II – EXCEPTIONS

Introduction

This section of the Comprehensive Plan identifies lands where Harney County has requested that the Oregon Land Conservation and Development Commission grant an 'exception' to meeting the requirements of the statewide planning goals. The Oregon land use system contains protections for farm and forest resource lands. The exception process is intended to address situations where the protection of those resource lands through the application of the Statewide Planning Goals would

not be practical. There are three reasons a local government can use to take an exception: if the land is physically developed, if the land is irrevocably committed to other uses or if the land fits a defined set of 'reasons' criteria.

Exception to Goal 4 - Forestry

The housing element of this Plan describes Rural Recreational housing. There is only one existing area of this type of housing, called the Turner Cabin Development, in the county. This is at Yellowjacket Lake, an area within the Forestry area as inventoried in this element. Therefore, an exception to LCDC Goal 4 is necessary to justify the county acknowledging this area through zoning. An analysis of the development in light of the criteria is given below:

1. Why these other uses should be provided for:

The Housing element indicates that there is a need for this type of housing. In order to meet this need, adequate land must be set aside. The Turner Cabin area is an existing development at a relatively appropriate location. The area is characterized by heavy forests and is set on the shores of Yellowjacket Lake. With the protective clauses built into the R-2 (Rural Recreational) zone, the use is appropriate.

2. What alternative locations within the area could be used for the purposed uses:

There are several other areas in the county that would provide the same basic amenities as the Yellowjacket Lake area. However, this project is already platted and partially developed. Therefore, it is appropriate to utilize the existing area to meet the need rather than start new areas.

3. What are the long term environmental, economic, social, and energy consequences to the locality, the region or the state from not applying the goal or permitting the alternative use:

There would be a great deal of pressure to meet the public need for this type of housing in other locations if this area was not utilized. This would probably have greater impacts on environmental, economic, social, and energy factors of the county than utilizing the existing area available.

4. A finding that the proposed uses will be compatible with other adjacent uses.

The provisions of the R-2 zone are strict in their dealing with compatibility standards. The ordinance should be strong enough to protect the surrounding forest resource.

Rural Residential Exceptions to Goal 3 - Agriculture

There are areas of Rural Residential zoning located around and west of Burns and Hines. The majority of this zoned area encompasses large areas of Class IV -VI composition soils.

The Harney County Court, based on the study and recommendations of the Harney County Planning Commission and the Board of the Soil and Water Conservation District, has determined that it is in the public and county's best interest to designate most of the areas east of Burns and Hines as EFRU. The existing and proposed zoning is shown on maps and this will not cause any impact on what rural residential uses there are in this area, other than prohibiting the future creation of lots less than the minimum lot size of the EFRU zones limiting uses to those allowed in the zones. All existing lots will be legally nonconforming, or "grandfathered" and will not be restricted in their utilization other than conforming to the use provisions of the zones.

The Court has also determined that there is a need for Rural Residential Housing, as was shown earlier in this Plan element. It has been determined that the only appropriate place for this type of housing is adjacent to urban areas and especially adjacent to Burns and Hines. Therefore, the proper location is to the west of the Cities where the vast majority of the land is rolling and of poorer soils with Class IV and higher designations. There is some grazing in this area; however, there are no intense operations. Much of this land has been zoned R-1 in the past, however, the Court has determined that the area should be made larger to "make up" for the loss of extensive R-1 zoning east of the Cities, and to assure adequate land to meet the need given that any development will have to be at very low densities to meet septic requirements.

As this area is made up of Class VI soils, an Exception must be taken to LCDC Goal 3 - Agriculture that requires the preservation of all Class I through VI soils in Eastern Oregon.

The following Rural Residential Zone describes land that is physically developed to the extent that it is no longer available for uses allowed by the applicable goal and therefore qualifies for an exception under state land use laws.

Section 1

Highland Ranch Estates

The Highland Ranch Estates subdivision and the three parcels south of the subdivision located just south of Hines on the west side of US Highway 20/395 will be considered as one area. The Highland Ranch Estates subdivision was established in 1964 prior to Land Use regulations. The subdivision is approximately 55 acres in size and contains 31 lots. There are 21 ownerships with 16 developed sites. Several ownerships contain more than one lot.

Water services are supplied through a community well. Septic systems are the responsibility of the individual property owners. Other public utilities (telephone and electricity) are onsite or nearby. The road, a dedicated public road, is paved and maintained by the county in the winter months.

The four parcels south of the Highland Ranch Estates are also zoned Rural Residential. The lots on the west side of the Highway contain residential dwellings and a commercial shop (See Map 14).

Map 2 – Highland Ranch Estates, Rural Residential (R-1) Zone

Garland Acres

Garland Acres subdivision was established in 1978. It is located west of the Cities of Burns and Hines city limits. Soils are predominately Class VI.

There are approximately 100.0 acres outside the Burns and Hines Urban Growth Boundaries. Approximately 26.57 acres are not within the platted subdivision and are located between the east subdivision boundary and the west boundary of the Burns City Limits. There are 73.44 acres remaining inside the subdivision with physical development on approximately 25.83 acres.

Water mains have been constructed to all lots and a community well supplies water. The water system is a phased system that will be upgraded as lots are developed. Septic systems are the responsibility of the property owner. There are easements for above ground public utilities on each lot.

The roads inside the subdivision are built to county specifications and are dedicated public roads. The roads are gravel, all weather roads and are maintained by the county (See Map 15)

Map 3 – Garland Acres, Rural Residential (R-1) Zone

Section 2

The area north of Burns, to which the county is taking an exception to the agricultural goal, contains 671 acres. There are four distinct areas that must be treated separately for the purpose of taking an exception (See Map 10a, 10b, 16, 17 and 17a).

A. Hebener Tracts

The first area is the Hebener Tracts, which contains 266 acres with 16 different owners and 23 lots. The ownership varies from 4.98 acres to 63 acres. The 63 acres is owned by the original developer and is subdivided into five (5) lots.

Fourteen of the 23 lots have existing development in terms of housing structures. Twelve of the 16 ownerships could be partitioned to allow additional five-acre lots. However, most of the owners have not expressed any desire to reduce the size of their existing lots.

The original Hebener Tracts were developed in 1975. The construction of 16 residences has resulted in making the Hebener Area no longer available for agricultural use. However, because most of the residents of the area do some type of farming, the area will not have a negative impact on the surrounding agricultural area. A five (5) acre zoning would maintain the level of development that has been occurring in the area since 1975.

Map 4 – Hebener Tracts, Rural Residential (R-1) Zone

B. North Burns Rural Area

The second area is the remainder of the exception area north of Burns excluding the Hebener Tracts. For discussion purposes the area will be referred to as the North Burns Rural Area. The North Burns Rural Area contains 103 acres with 19 different lots and only one (1) lot is in contiguous ownership of two (2) lots for one

(1) owner. The remaining lots are in separate ownership. This area has developed to allow some small farming for people who work in the Burns/Hines area

The area, due to the small parcel size is committed to small lot development that does not lend itself to the commercial agricultural practices that exist in the surrounding area.

While much of the land is within the 100-year floodplain, development may occur as long as it conforms to the restrictive floodplain ordinance that the county has in place. The land surrounding the Hebener Tracts and the North Burns Rural Area is primarily grazing with some meadow hay production to the east and south of Burns. There is little likelihood that there will be any undue impacts on the agricultural activity in the surrounding areas. The proximity to the county's major urban areas allows a minimization of impacts, as compared to many other areas that have been, or could be considered for housing.

C. Radar Lane Rural Area Addition

The third area is south of Radar Lane, north of Burns and west of the Burns Paiute Indian Reservation. The area will be termed the Radar Lane Rural Area. The Radar Lane Rural Area contains approximately 75 acres with 6 different parcels in various sizes. The area has developed into an area that allows housing for persons who work in the Burns/Hines area on land that is difficult to farm and ranch. Each parcel is independent from the others with individual water and septic systems. Access is provided off of Radar Lane, a County maintained roadway. The geology, soils and habitat is what is commonly found near volcanic deposits with rocky and shallow soils and sagebrush-oriented habitats.

The first three parcels closest to the Paiute Indian Reservation were rezoned in 1996 with the parcels being some 12 acres each. All three of these parcels are developed with home sites. The other three parcels were rezoned in 2006 with two of the parcels being 5 acres and the other parcel being 28.5 acres. Along with the criteria used for an exception to Statewide Planning Goal 3, the criterion for cluster development was applied with voluntary restrictions related to future development on the parcels.

The reasons that this area should be rezoned to be Rural Residential (R-1) as the county currently has outlined in the Harney County Zoning Ordinance, Section 3.090 is as follows:

1. The area is inherently non-resource land. The area in question is found to be for all intents and purposes "non-resource" land. The soil survey

defines the soil in the general area as Class Vie “Tablelands”. The property is very difficult to farm with the rocky, volcanic rock deposits. The native vegetation is sagebrush with shallow soils. The land has not and never will be converted to irrigated crop land and the conversion of this land from resource to non-resource land will be a benefit rather than a detriment to the overall land use pattern of the area.

2. The overall land use pattern will be consistent. There are six homes that are adjacent to Radar Lane and the addition of this rural residential zone with an additional 2 home sites will fit well within the current land use pattern of the area. There is another R-1 zone that is about ¼ mile to the east of this parcel with very similar soils and uses. Additionally, the Burns Paiute Indian Reservation is adjacent to the existing “Radar Lane Rural Area” where development is on very small parcels (see Map 6a & 6b, “Radar Lane Rural Area”).

Map 17a – Radar Lane Rural Area, Rural Residential (R-1) Zone

D. Winn Addition

The fourth area is known as the Winn Addition. The property consists of 237 acres and is on the west boundary of the City of Hines in the Urban Growth Boundary. The hilly nature of the parcel along with the rocky conditions has made this parcel difficult to farm over the years. Thus, removing this property from the resource base of the county will not create adverse impacts.

The reasons that this area should be rezoned to be Rural Residential (R-1) as the county currently has outlined in the Harney County Zoning Ordinance, Section 3-090 is as follows:

1. **The area is inherently non-resource land.** The area in question is found to be for all intents and purposes “non-resource” land. The soil survey defines the soil in the general area as Class Vie “Tablelands”. The property is very difficult to farm with the rocky, volcanic rock deposits. The native vegetation is sagebrush with shallow soils. The land has not and never will be converted to irrigated crop land and the conversion of this land from resource to non-resource land will be a benefit rather than a detriment to the overall land use pattern of the area.

Also, the parcel in question has a variety of landscapes – rolling hills, steep slopes, etc. The development would be required to conform to building sites that meet applicable provisions for building on this type of terrain. Thus, there may not be exactly 40-46 parcels where some parcels might need to be larger to incorporate the unbuildable landscape.

2. **The overall land use pattern will be consistent with the surrounding area.** The parcel in question is immediately adjacent to the City of Hines with residential development and commercial uses nearby. There are other Rural Residential (R-1) Zones adjacent to this parcel as well. The creation of additional 40 - 46 parcels will fit well within the current land use pattern of the area.
Map 10a & 10b, “Winn Addition”

Section 3

A number of small subdivisions occurred during the 1970s and early 1980s, which provide small acreages near the Burns/Hines area. These subdivisions are Revak Tract, Choate Addition and Skelton Addition.

Map 5 – Choate & Revak Tracts, Rural Residential (R-1) Zone

Map 6 – Skelton Addition, Rural Residential (R-1) Zone

Map 7 – Norris Addition, Rural Residential (R-1) Zone

Commercial/Industrial Zoned Lands Exception to Goal. 3 – Agriculture

The land subject to the exception is physically developed to the extent that it is no longer available for uses allowed by the applicable zone.

The Commercial/Industrial zone is located south and southeast of the Cities of Burns and Hines and contains approximately 226 acres. These properties are developed to the extent that commercial agriculture cannot occur, i.e., the KZZR Radio Station, Harney County Fairgrounds, the Silvies River Lumber Company and the City of Burns Sewage Disposal Plant.

The area is impacted by the county road that runs through the area and separates the existing commercial/industrial lands on the west side of the road from the residential and agricultural lands to the east and south. The area may also be impacted by the noise, smoke and dust that could result from the existing adjoining areas.

In order to serve these areas with sewer and water, the Cities and the county must revise the UGB. Except for the Harney County Fairgrounds, which is presently connected to the City of Burns sewer system, the existing uses in the exception area do not need or rely on the sewer system at this time.

The county has designated a 45-acre site south of Hines as an exception area zoned as commercial. The area is presently the location of the only wrecking yard in the Burns-Hines area. The location of this wrecking yard is in the best interest of the county and its operator since it does not cause conflicts that could arise if it were located near a residential development. The operator also has plans for a truck stop on this same site. A truck stop would be compatible with the present uses on the site (See Map 21).

Map 8 – The Wrecking Yard, Commercial (C-1) Zone

Map 9 – South Egan Road Area, Commercial (C-1) Zone

PART III. UNINCORPORATED COMMUNITIES

Unincorporated Community

Unincorporated Communities are unincorporated areas near urban density residential development with or without commercial areas. These areas should have lot sizes not less than those acceptable for septic approval

A reflection on the success or failure of homesteaders in the establishment of unincorporated communities in Harney County is beneficial. A town site with a post office and merchandise store, sometimes a saloon and livery stable sprang up around pockets of population. Many like the Narrows, Berduge, Albritton, Harriman, Evergreen, Harney City and Wellington are only names on a map today, but, during their heyday were bustling towns that supported the surrounding area with services and entertainment. Others like Andrews, Buchanan, Crane, Diamond, Drewsey, Lawen, Fields, Frenchglen, Princeton, Riley, and Wagontire continue to support the surrounding population with limited services.

Abandoned Unincorporated Communities and Historical Background of Settlements in Harney County

1. The Narrows

In 1889, Albert Hembree settled at a location where a narrow channel connected Malheur and Harney Lakes, giving the area its name, The Narrows. Hembree started a business that included both a hotel and a general store. The area's post office was transferred from Springer, on Sod House Lane, to The Narrows in 1892. That same year Charles Haines started his general store and rapidly built a clientele from the community of ranchers, farmers, and travelers. In 1896, Haines took over the post office from Mr. Hembree, who continued to operate the hotel.

2. Sod House Community

The Sod House community derived its name from a sod shanty built by trappers in the late 1860's or early 1870's. Those trappers, seeking beaver, muskrat and other fur-bearing animals on the south shore of Malheur Lake, constructed their sod dwelling near a spring close to where the Blitzen River flows into the lake. The spring came to be called Sod House Spring. Likewise, the road running across the northern end of Blitzen Valley became known as Sod House Lane.

In the late 1880's, cattle baron Peter French built headquarters at the northern end of his Blitzen Valley Empire and named it the Sod House Ranch.

The first post office in the community was located in the Alva Springer home near Sod House Spring. It was established in 1889 and called "Springer". In 1892, the post office was moved to The Narrows and renamed Narrows, Oregon.

In 1908, a post office and store were started at Voltage, a village just east of the Sod House area and the site of the present headquarters of Malheur National Wildlife Refuge.

In 1935, the Eastern Oregon Livestock Company sold its holdings in Blitzen Valley to the federal government to be added to the Malheur National Wildlife Refuge for migratory birds.

Functioning Unincorporated Communities

1. General Provisions

There are various unincorporated communities and rural commercial areas throughout the county that serve a significant and important role as part of the county's social and economic fabric. These areas provide goods and services in a centralized location to the farmers and ranchers of the rural part of the county and also provide needed goods and services to the many travelers passing through the county or visiting the county itself. Also, many elementary schools are within these communities. These areas are designated specifically on the Comprehensive Plan Land Use Map and have zoning designations that allow the development of residential, commercial, public, and light industrial activity. None of these areas have any public facilities including sewer and water. In addition, they are very often surrounded by prime agricultural soils. Therefore, their expansion and density must be controlled if health problems and compatibility problems are to be avoided.

When rural residential housing, especially rural residential subdivisions, are allowed in the county, it is appropriate to encourage their location within unincorporated communities so that there is a minimum amount of travel required by residents of these rural subdivisions for goods and services, as well as for education for their children. The identified unincorporated communities and rural commercial areas are listed below:

Andrews	Rural Service Center
Buchanan	Rural Commercial Area
Crane	Rural Community
Diamond	Rural Service Center
Drewsey	Rural Community
Fields	Rural Service Center
Frenchglen	Rural Service Center
Lawen	Rural Commercial Area
Princeton	Rural Commercial Area
Riley	Rural Commercial Area
Wagontire	Rural Commercial Area

Map 10 –Harney County, Unincorporated Communities

A countywide Residential Lands Study examining all buildable lands planned and zoned for residential use was completed in 1997.

Residential Land Study

The inventory identifies, in map form and text, all existing buildable, vacant lots within incorporated cities, unincorporated communities and acknowledged exception areas zoned for residential use.

1. Each unincorporated community, rural residential exception and rural commercial exception area are identified on maps and text including the following:
 - A. Existing plan and zone designation(s).
 - B. Number, size and total area of all vacant and developed (built) lots.
 - C. Type and number of structures.
 - D. Known natural hazard (flood plain, steep slopes, for example).
 - E. Ownership of lands.
 - F. Existing public facilities and services, including availability of roads and water.

2. Within the Urban Growth Boundaries (UGB) of Burns and Hines, the study identifies on map and text, the following:
 - A. Existing plan and zone designations.
 - B. Number and size of all vacant and developed (built) lots.
 - C. Type and number of structures.
 - D. Existing public facilities and services, including water and sewer.

Maps have been prepared for all unincorporated communities and rural exception areas (residential and commercial), and for all urban and urbanizable areas within the Urban Growth Boundaries of Burns and Hines. Maps show the location of each; single-family residence, multi-family residence, manufactured home, adult foster home, other residential facilities, commercial enterprise, industrial facility and public facilities. In addition, unincorporated community boundaries and urban growth boundaries are designated on the comprehensive plan map. Flood zones and floodways, where such exist, are delineated on the zoning map overlays. Other hazards to building, such as steep slopes, have also been identified. Copies of all maps are available in the Planning Department of Harney County.

A database has been built which reflects required information including the map reference, tax lot, location and zone, acreage, acreage being used in conformance with zoning, acreage being used in non-conforming ways, acreage not available for building due to wetlands, flood ways, other prohibitive factors, public usage, and net buildable land.

All of items listed above have been designated in the Comprehensive Plan as either "rural communities," "rural service centers," or "rural commercial". Drewsey and Crane were, at one time, incorporated towns, but are no longer. Crane and Drewsey are platted with streets, and some service easements, which are not vacated. No unincorporated communities have water or sewer services. Wells and septic systems individually constructed and maintained are required.

"Exception areas" are those lands located outside the Urban Growth Boundaries of Burns and Hines that are designated unincorporated community, rural service center, rural commercial, and rural residential.

Except for lands held in trust by the Burns Paiute Tribe and land owned by Federal agencies, the County Planning Department, Planning Commission, and County Court are responsible for the planning and zoning of all unincorporated areas (outside city limits of Burns and Hines).

Table 4

UNINCORPORATED COMMUNITIES' STATISTICS						
Unincorporated Community	Total Area	R-3 Residential Area Built	Public Area, Facilities	Commercial And other Area	Non-Buildable Area	*Net Buildable Space
Andrews	52.0	1.7	32.8	0	0	16.9
Buchanan	1.8	1.8	0	Shares bldg	0	0
Crane	124	39.4	35.4	0	0	49.2
Diamond	1.8	1.8	0	Same	0	0
Drewsey	22.4	18.4	11.6	Same	0.1	4.0
Fields	153.7	5.1	2.4	Same	0	148.6
Frenchglen	15.1	7.1	1.5	Same	6.7	2
Lawen	0.5	0.5	share bldg	Same	0	0
Princeton	8.5	0.5	0	0	0	8.0
Riley	34.0	0	0.05	4.4	0	29.5
Wagontire	10.5	2.6	0	0	0	8.0
Totals	424.3	78.9	83.75	4.4	6.8	266.2*

Table 4– Unincorporated Communities’ Statistics

*Buildable land does not equal total acreage less built spaces because of overlapping usage.

Public area and facilities includes Federal land, Post Offices, Schools and Churches. With the exception of Riley, which has 4.5 acres designated Commercial, all Unincorporated Communities are designated residential, R-3.

It should be noted that in the unincorporated communities where residents supply their own water and septic systems, the separation of the two require considerable amount of space (how much depends, in part, dependent on soil conditions).

Paved roads serve unincorporated communities however streets are not generally paved. Maintenance of streets, where they exist, is a county responsibility. Most are graded gravel, though a few "streets" have been worn across open land by vehicles without benefit of grading.

Table 5

BURNS AND ITS URBAN GROWTH BOUNDARY				
City of Burns	Total Acres	Area Built	Area Not Buildable	Area Net Buildable
Commercial	146.4	82.4	0	59.0
Heavy Industry	94.5	69.7	0	23.7
Light Industry	52.9	16.9	7.5	28.5
Open Space	*680.7	0	0.2	680.5
Public Space	147.1	142.4	0.4	0
Residential/ Multi-Family	102.6	30.0	0	72.6
Residential/ Single Family	650.9	248.9	8.5	393.5
Residential/ Manufactured Home	11.4	9.4	0	2.0
Subtotal	1886.5	599.7	16.6	1259.8
Burns UGB				
Commercial (C-1)	51	1.5	0	49.5
Exclusive Farm Use (EFRU-1)				
Residential (R-1)	23.1	11.9	0	11.1
Subtotal	74.1	13.4	0	60.6
Totals	1960.6	613.1	16.6	1320.4

Table 5 – Burns and its Urban Growth Boundary

*Of the 680.7 acres of land under Open Space, half or 330 acres is held by the Burns Paiute Tribe and is therefore, outside the jurisdiction of the City of Burns. Open Space zoning will need to be changed for development to occur; such a zone change is not considered an impediment to development

Table 6

HINES AND ITS URBAN GROWTH BOUNDARY				
City of Hines	Total Acres	Area Built	Area Not Buildable	Area Net Buildable
Commercial	109.7	42.1	3.8	63.8
Industrial	19.8	5.0	0	14.8
Public Space	108.9	102.9	3.2	0
Residential	252.9	154.7	9.9	88.3
Subtotal	491.3	304.7	16.9	166.9
Hines UGB				
Commercial (C-1)	649.5	134.7	15.8	498.9
Exclusive Farm Use (EFRU-1)	298.5	19.2	0	279.3*
Residential (R-1)	153.9	40.0	1.8	112.1
Subtotal	1101.9	193.9	17.6	890.3
Totals	1593.2	498.6	34.5	1057.2

Table 6 – Hines and its Urban Growth Boundary

Hines has one area (EFRU-1 zone), which is listed as “buildable”, but is not currently zoned to be used for any other uses. Zone change is needed but is not considered an impediment to being buildable. It should also be noted that the C-1 zone in the UGB of Hines permits industrial uses.

Table 7

EXCEPTION ZONES IN THE HARNEY BASIN				
Zone	Total Acres	Area Built	Area Not Buildable	Area Net Buildable
Commercial (C-1)	142.7	43.0	0	99.6
Residential (R-1)	575.9	191.9	8.0	375.9
Totals	718.6	234.9	8	475.5

Table 7 – Exception Zones in the Harney Basin

Some of the buildable lands (206.6 acres) in the Exception Area in R-1 and R-3 zones are set aside under Exclusive Farm and Range Use. In order to develop, such lands would need to be taken out of Farm Deferral in order to be used for non-farm residences.

There are subdivisions within the R-1 zone, which have established large lot sizes. Those are properly zoned for houses but would need to be partitioned before any more lots could be created; therefore, they are considered fully occupied at this time. In addition, some areas are zoned for 5-acre minimums. Those, which exceed 10 acres, could also be partitioned and built on. Such acreage is considered buildable in this inventory only if it exceeds 10 acres.

Table 8

INVENTORY OF RESIDENTIAL UNITS IN HARNEY COUNTY 2000					
Location	Single-Family Residences	Manufactured Homes	Multi-family Residences*	Adult Care Facilities	Total
Burns & UGB	894	207	28	7	1136
Hines & UGB	571	62	8	3	644
Andrews	0	2	0	0	2
Buchanan	1	1	0	0	2
Crane	18	7	1**	0	26
Diamond	2	1	0	0	3
Drewsey	10	3	0	0	13
Fields	1	3	0	0	4
Frenchglen	4	2	0	0	6
Lawen	1	0	0	0	1
Riley	1	0	0	0	1
Wagontire	0	1	0	0	1
Totals	1503	289	37	10	1839

Table 8 – Inventory of Residential Units in Harney County 2000

*This figure does not count the number of living units; it denotes the number of multi-family properties on the basis of tax lots, including duplexes, multiple units and mobile home parks.

**Multi-family residence in Crane is temporary residence for students at Crane High School.

PART IV. RURAL SERVICE CENTER

General Provisions

Under the Administrative Rule for Unincorporated Communities, OAR 660, Division 22, Andrews meets the definition for a “Rural Service Center”. According to the Rule, a “Rural Service Center” is an unincorporated community which consists primarily of commercial or industrial uses providing goods and services to the surrounding rural area, or to persons traveling through the area, but which also includes some permanent residential dwellings

Rural Service Center General Policies:

1. It shall be the policy of Harney County to evaluate all proposals in the Rural Service Center Areas in light of historic and community use.
2. It shall be the policy of Harney County to preserve the rural nature of the RSC areas and to evaluate all applications on a case by case basis.

Rural Service Centers

1. Andrews Rural Service Center

Discussion

The existing development in Andrews consists of a single elementary school, which has been temporarily closed due to lack of enrollment. However, the Harney County Education Services District maintains the option of reopening the school. Some residential development also exists. A store and tavern formerly operated here, but no longer exist.

Andrews is built on the eastern edge of the Steens Mountain foothills, with the area to the north, south, and west generally flat. Historically, the native vegetation in the area consisted primarily of juniper trees with an under story of grasses and sagebrush. Much of the native vegetation in the surrounding area remains.

Land surrounding Andrews is zoned EFRU (Exclusive Farm and Range Use), and is a mixture of private land and Bureau of Land Management rangeland. The development pattern of Andrews consists of single-family residences.

The Fields-Denio Road runs through Andrews, and is a graveled, two-lane road maintained by the county. There are no local streets or alleys. There is no fire protection district.

Andrews is designated in the comprehensive plan as a Rural Service Center (See Map 25).

Andrews Rural Service Center Policies

1. Andrews shall be designated a rural service center, in recognition of its function of providing primarily goods and services to the surrounding rural areas, and to travelers passing through on the Fields-Denio Road.
2. One zoning district limited to residential and small-scale commercial uses shall be established.
3. The county shall encourage mixed residential and commercial uses.
4. The county shall support traffic safety improvement to the Fields-Denio Road.
5. An applicant for a use other than a use that is permitted outright must demonstrate that the affected transportation facilities are adequate to serve the proposed use, considering the functional classifications, capacity and the level of service of such facility.
6. If Harney County determines that they must expand the boundary of Andrews Rural Service Center, it shall follow the criteria listed in OAR 660, Division 4 for exception to Goal 3.

Map 11 – Andrews, Rural Service Center Zone

2. Buchanan Rural Commercial Area

A. Discussion

The existing development in Buchanan consists of a single business providing automotive services, farm implement sales and repair, jewelry/art store, and a gas station/convenience market. Some residential development also exists.

Buchanan is built on the edge of the foothills, with the area to the south and west generally flat. Historically, the native vegetation in the area consisted primarily of juniper trees with an under-story of grasses and sagebrush. Much of the native vegetation in the surrounding area remains.

Land surrounding Buchanan is zoned EFRU (Exclusive Farm and Range Use) and is a mixture of private land and Bureau of Land Management rangeland. The development pattern of the Rural Commercial Area consists of single-family residences.

U.S. Highway 20 runs through Buchanan. The Crane-Buchanan Road intersects Highway 20, along the southern boundary of the rural commercial area. Both of these are paved two-lane roads. There are no local streets or alleys. There is no fire protection district.

Buchanan is designated in the comprehensive plan as a Rural Commercial Area (See Map 26).

B. Buchanan Rural Commercial Area Policies

1. Buchanan shall be designated as a rural commercial area, in recognition of its function of providing some limited amounts of goods and services to the surrounding rural residential areas, and to travelers passing through on U.S. Highway 20 and the Crane-Buchanan Road. As part of its rural commercial activities some housing opportunities are provided for residents within the boundaries of the rural area and are considered necessary.
2. A new zoning district limited to residential and rural commercial uses (2,500 square foot buildings) shall be established.

3. The county shall encourage mixed residential and rural commercial uses.
4. The county shall support traffic safety improvements to the Crane-Buchanan Road, where it connects to U.S. Highway 20.
5. An applicant for a new use other than a use that is permitted outright must demonstrate that the affected transportation facilities are adequate to serve the proposed use, considering the functional classifications, capacity and the level of service of such facilities.
6. If Harney County determines that it must expand the boundary of Buchanan, it shall follow the criteria for an exception to Goal 3 (OAR 660, Division 4)

Map 12 – Buchanan, Rural Commercial Area Zone

3. Crane Rural Community

A. Discussion

The existing development in Crane consists of several commercial establishments, a public boarding school and three churches. Residential development also exists.

Land surrounding Crane is zoned EFRU (Exclusive Farm and Range Use) and is a mixture of private land and Bureau of Land Management rangeland. The development pattern of Crane consists of single-family residences.

Crane-Venator County Road runs through the Rural Community. This road is a paved two-lane road within the Crane Rural Community. There are several local streets and no alleys. There is no fire protection district.

The Crane Rural Community is designated in the comprehensive plan as a Rural Community (See Map 27).

B. Crane Rural Community Policies

1. Crane shall be designated as a rural community, in recognition of its function of providing permanent residential dwellings and goods and services to the surrounding rural residential areas, and to travelers passing through on the Crane-Buchanan Road, and because of its function of providing housing for residents within the boundaries of the area identified herein as Crane.
2. A Crane Community Residential plan designation and zoning district shall be applied to the residential areas within Crane. A Crane Community Commercial plan designation and zoning district, providing for small-scale low impact commercial uses, shall be applied to existing commercial uses and to areas set aside for future community commercial uses within Crane.
3. The county shall support traffic safety improvements to the Crane-Buchanan Road.
4. An applicant for a new use other than a use that is permitted outright must demonstrate that the affected transportation facilities are adequate to serve the proposed use, considering the functional classifications, capacity and the level of service of such facilities.
5. If Harney County determines that it must expand the boundary of the Crane Rural Community, it shall follow the criteria listed in OAR 660, Division 4 for exceptions to Goal 3.

Map 13 – Crane, Rural Community Zone

4. Diamond Rural Service Center

A. Discussion

The existing development in Diamond consists of a small hotel and restaurant, and a grocery store. The post office was previously operated in the store, but all mail service was transferred to the Princeton Postal Contract Station in December 1997. Limited residential development also exists.

Diamond is built in a wide valley, with a hill directly to the east (on the edge of the store/hotel parking lot). Historically, the native vegetation in the area consisted

primarily of juniper trees with an under story of grasses and sagebrush. Much of the native vegetation in the surrounding area remains.

Land surrounding Diamond is zoned EFRU (Exclusive Farm and Range Use), and is a mixture of private land and Bureau of Land Management rangeland. The development pattern of the Rural Service Center consists of single-family residences, although there are two bed-and-breakfast businesses in the valley, outside the service center.

The Diamond Valley Road runs through the Rural Service Center, and is a paved two-lane road. There are no local streets or alleys. There is no fire protection district.

Diamond is designated in the comprehensive plan as a Rural Service Center (See Map 28).

B. Diamond Rural Service Center Policies

1. Diamond shall be designated as a rural service center, in recognition of its function of providing goods and services to the surrounding rural residential areas, and to travelers passing through on the Diamond Valley Road, and because of its function of providing housing for residents within the boundaries of the area identified herein as Diamond.
2. One zoning district limited to residential and small-scale commercial uses shall be established.
3. The county shall encourage mixed residential and commercial uses.
4. The county shall support traffic safety improvements to the Diamond Valley Road.
5. An applicant for a new use other than a use that is permitted outright must demonstrate that the affected transportation facilities are adequate to serve the proposed use, considering the functional classifications, capacity and the level of service of such facilities.
6. If Harney County determines that it must expand the boundary of the Diamond Rural Service Center, it shall follow the criteria listed in OAR 660, Division 4 regarding an exception to Goal 3.

Map 14 – Diamond, Rural Service Center Zone