

Why Harney County May Want to Update The Goal 5 Inventory

A local program will provide direction to the state and federal agencies to coordinate with local land use management. In Oregon law, state agencies are required to comply with local plans. Federal government has sovereign immunity; however, *a local program could be a platform for negotiating with federal agencies.*

By updating the Goal 5 chapter of the Comprehensive Plan, *Harney County residents will identify resources of value to the local community and adopt local management programs that allows for the future use of the resource.*

The update will be a *local process* whereby the local community decides what resources are significant and what to do with those resources. *Once a resource is determined to be "significant" then the county and a local advisory committee would undertake a process to determine what to do with the resource, if anything.*

A local Goal 5 program, developed and adopted, requires state agency participation. *State agencies must comply/adhere to how the county plan recommends managing the resource.*

State agencies are in an advisory role in developing the program for individual Goal 5 resources in order to incorporate their respective professional expertise, e.g. State Historic Preservation Office (SHPO) are experts on historic structures. *But the county makes the decision on how to manage the resource.*

A Goal 5 program is intended to help the county against conflicts that arise – if the "program" is developed by the local community, then local values are part of the plan.

Local values and priorities are incorporated into the ESEE (Environmental, Social, Energy, Economic) analysis. A citizens committee and Planning Commission would be in charge of the study and would make recommendations to County Court.

A Goal 5 program can be used as defense/protection against burdensome regulations that may not adequately reflect local perspectives, including economic, energy, social and environmental values.

Some Goal 5 resources are de facto considered "significant" in the State Administrative Rules. *If a local plan has a program, with methods and standards to protect the resource, development can be permitted provided it complies with the standards. If there is not a local program, then the development process is more subjective and is likely to be a barrier for new development.*

Oregon's Statewide
Planning Goals &
Guidelines
GOAL 5: NATURAL
RESOURCES, SCENIC
AND
HISTORIC AREAS, AND
OPEN SPACES

OAR 660-015-0000(5)

(Please Note: Amendments
Effective 08/30/96)

**To protect natural resources and
conserve scenic and historic areas
and open spaces.**

Local governments shall adopt
programs that will protect natural
resources and conserve scenic, historic,
and open space resources for present
and future generations. These
resources promote a healthy
environment and natural landscape that
contributes to Oregon's livability.
The following resources shall be
inventoried:

- a. Riparian corridors, including
water and riparian areas and fish
habitat;
- b. Wetlands;
- c. Wildlife Habitat;
- d. Federal Wild and Scenic
Rivers;
- e. State Scenic Waterways;
- f. Groundwater Resources;
- g. Approved Oregon Recreation
Trails;
- h. Natural Areas;
- i. Wilderness Areas;
- j. Mineral and Aggregate
Resources;
- k. Energy sources;
- l. Cultural areas.

Local governments and state

agencies are encouraged to maintain
current inventories of the following
resources:

- a. Historic Resources;
- b. Open Space;
- c. Scenic Views and Sites.

Following procedures, standards,
and definitions contained in commission
rules, local governments shall
determine significant sites for
inventoried resources and develop
programs to achieve the goal.

GUIDELINES FOR GOAL 5

A. PLANNING

1. The need for open space in
the planning area should be
determined, and standards developed
for the amount, distribution, and type of
open space.
2. Criteria should be developed
and utilized to determine what uses are
consistent with open space values and
to evaluate the effect of converting open
space lands to inconsistent uses. The
maintenance and development of open
space in urban areas should be
encouraged.
3. Natural resources and
required sites for the generation of
energy (i.e. natural gas, oil, coal, hydro,
geothermal, uranium, solar and others)
should be conserved and protected;
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reservoir sites should be identified and
protected against irreversible loss.
4. Plans providing for open
space, scenic and historic areas and
natural resources should consider as a
major determinant the carrying capacity
of the air, land and water resources of
the planning area. The land
conservation and development actions
provided for by such plans should not
exceed the carrying capacity of such
resources.
5. The National Register of

Historic Places and the recommendations of the State Advisory Committee on Historic Preservation should be utilized in designating historic sites.

6. In conjunction with the inventory of mineral and aggregate resources, sites for removal and processing of such resources should be identified and protected.

7. As a general rule, plans should prohibit outdoor advertising signs except in commercial or industrial zones. Plans should not provide for the reclassification of land for the purpose of accommodating an outdoor advertising sign. The term "outdoor advertising sign" has the meaning set forth in ORS 377.710(23).

B. IMPLEMENTATION

1. Development should be planned and directed so as to conserve the needed amount of open space.

2. The conservation of both renewable and non-renewable natural resources and physical limitations of the land should be used as the basis for determining the quantity, quality, location, rate and type of growth in the planning area.

3. The efficient consumption of energy should be considered when utilizing natural resources.

4. Fish and wildlife areas and habitats should be protected and managed in accordance with the Oregon Wildlife Commission's fish and wildlife management plans.

5. Stream flow and water levels should be protected and managed at a level adequate for fish, wildlife, pollution abatement, recreation, aesthetics and agriculture.

6. Significant natural areas that are historically, ecologically or scientifically unique, outstanding or

important, including those identified by the State Natural Area Preserves Advisory Committee, should be inventoried and evaluated. Plans should provide for the preservation of natural areas consistent with an inventory of scientific, educational, ecological, and recreational needs for significant natural areas.

7. Local, regional and state governments should be encouraged to investigate and utilize fee acquisition, easements, cluster developments, preferential assessment, development rights acquisition and similar techniques to implement this goal.

8. State and federal agencies should develop statewide natural resource, open space, scenic and historic area plans and provide technical assistance to local and regional agencies. State and federal plans should be reviewed and coordinated with local and regional plans.

9. Areas identified as having non-renewable mineral and aggregate resources should be planned for interim, transitional and "second use" utilization as well as for the primary use.

<http://www.oregon.gov/LCD/Pages/index.aspx>

HARNEY COUNTY GOAL FIVE CITIZEN INVOLVEMENT PROJECT 2016

In 2009, Harney County engaged in a Comprehensive Plan update and some code modification language in the enabling zoning ordinance. Today, we are examining both the current status of the Goal Five Natural Resources section of the County's Comprehensive Plan and how this plan can better address the reality on the ground in Harney County. The following analysis describes briefly the current conditions and focal points of the current goals and policies surrounding the state mandated elements of the Goal Five Planning requirements. Currently Harney County's Comprehensive Plan addresses the following natural resource goals:

- **Aggregate**
- **Water**
- **Wildlife**
- **Scenic**
- **Natural Areas**
- **Historic**
- **Wilderness**

It is critical to understand that other goals within the Comprehensive Plan address other resource issues critical to the well-being of Harney County.

Goal 3- Agricultural Lands

Goal 4- Forest Lands

Goal 5- (See list above for current status)

Goal 6- Air, Water and Land resources

Goal 7- Areas subject to Natural Hazards

Goal 8- Recreation Needs

Goal 13- Energy Conservation

To better understand Harney County's Goal 5 policies and goal statements, we have provided a brief summary of the current status of the Goal Five section of the Harney County's Comprehensive Plan in the following table:

Harney County Acknowledged Goal Five Comprehensive Plan

Goal Five Element	Status of Inventory	Issue(s)	Ref
<p><u>Natural Areas Goal:</u> "Areas identified as "1B" shall be inventoried and further protection designated as required by OAR 660-16-000.</p>	<p>A Natural Resources Overlay zone is applied where appropriate to protect specific rated resources. Current protection is applied to the following resources under the plan.</p> <ul style="list-style-type: none"> -Borax Lake -Malheur Cave -Steens Mt Fir Grove -Little Blitzen Gorge -Three Mile Creek -Iron Mountain -Cottonwood Creek Canyon -McCoy Creek -Wildhorse Lake -Diamond Craters -Steens Mt Summit -Stinking Lake Research Natural -Harney Lake Research Nat Area -Malheur National Wildlife Ref. -Mickey Slope & Hot Springs -Rock Ford -Divine Canyon -Drewsey Canyon -Guano Slough 	<p>* Most areas that have this restrictive designation are on federal lands.</p> <p>Current inventories include the following sites throughout Harney County.</p>	<p>Page 42-43</p>

<p><u>Aggregate goal:</u> To protect aggregate resources from incompatible development and provide for adequate supplies for all needs in Harney County consistent with OAR Chapter 660 Division 23.</p>	<p>Harney County has adopted policies which are designed to protect aggregate and other type of mineral sites in the county. Currently 96 different sites have been designated in inventories of aggregate for protection They are as follows;</p> <ul style="list-style-type: none"> -Ore State Highway Dept – 24 -Coats -2 -Georges Rock Shop – 1 -Harney Co. Road Dept – 8 -Harney County -3 -Harney Co Pits on BLM - 31 -Hotchkiss -2 -Vogler -1 -BLM on County – 1 -Matchett – 1 -Harney Rock -3 -Smith – 1 -Edward Hines Lumber – 3 -Hebbener Rock -1 -Gogenoia – 1 -Heder – 1 -Mitchell – 2 -Pepperling -1 -Compton – 1 -Glerup – 1 -Hammond – 2 -Otley – 1 -Taylor – 1 -Miller – 2 <p><u>Additional Mineral Sites</u></p> <ul style="list-style-type: none"> - Diatomite - Copper, lead , Zinc - Mercury - Pumice/cinders - Feldspar / Potassium - Saline Water - Zeolite - Uranium 	<p>Harney County has an extensive inventory of primarily aggregate sites, but also additional mineral types in Southern Harney County.</p>	<p>Page 45- 48</p>
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<p><u>Water goal:</u> Harney County shall support policies and procedure which utilize air, water and land resources in the most efficient, effective and sustainable manner possible.</p>	<p>Harney County has identified the following water sources as significant resources deserving special consideration under the County's Comprehensive Plan.</p> <ul style="list-style-type: none"> - Stinking Water Spring - Double OO Spring - Malheur Cave Spring - Sod House Spring - Middle Fork Malheur Reservoir - S. Fork Malheur River - N. Fork Malheur River - Streams of Harney Co. - Serano Point Pond - Red Point Pond - Pueblo Slough - Harney Co. Groundwater 	<p>Harney County has adopted 78 policy statements intended to protect local water rights and usage. A significant number of these policies govern construction techniques and development approaches which are the result of a land-use approval, but not overseen by the Planning Department</p>	<p>Page 52-62</p>
<p><u>Wildlife goal</u></p> <ol style="list-style-type: none"> 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. 	<p>The following resources have been identified in the Wildlife inventory as resources deserving special consideration under the Comprehensive Plan.</p> <ul style="list-style-type: none"> -Big Game (deer, antelope, elk, bighorn sheep, black bear, and cougar). -Furbearers (beaver, mink, muskrat, raccoon and bobcat). -Upland Game Birds -Water Fowl and marsh birds -Non-game wildlife 	<p>Recent federal actions regarding Sage Grouse provides for local actions to support sustainable populations and avoid ESA listings</p>	<p>Page 43 - 45</p>

<p>Scenic Goals “To identify and preserve those historical and scenic sites and structures that represents the history and progress of Harney County.”</p>	<p>Harney County has an abundance of scenic vistas, beautiful night skies, and picturesque streams and waterways. A partial inventory of such resources are spread throughout the Comprehensive Plan. Some key resources are identified as;</p> <ul style="list-style-type: none"> *riparian corridors *wetlands *wild and scenic rivers *Oregon scenic waterways *Approved recreational trails *Natural areas listed above could also qualify under this goal. 	<p>Limited inventories exist of the scenic resources. Objective criteria will be necessary to distinguish what constitutes a protected scenic resource.</p>	<p>Page 48-49</p>
<p>Historic Goals “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.”</p>	<p>“Harney County An Historical Inventory by Royal Jackson and Jennifer Lee” County shall protect; Frenchglen Hotel Round Barn Lawen School ?</p> <p>Historic Themes (partial list)</p> <ul style="list-style-type: none"> * Native American History * Cattlemen’s Empire * Education * Agriculture * Transportation * Mining Frontier * Communication * Religion * Native American Cultural Sites *Cultural Immigration * other ? 	<p>History is a living experience, so that significant changes in the county are symbolized by remnant features of key recent history of the county. Historical inventories are based on a single book which primarily focuses on the period from 1800 to 1934.</p>	<p>Page 48-49</p>

Wilderness Designation

Harney County shall support policies and procedure which utilize air, water and land resources in the most efficient, effective and sustainable manner possible. P.51

Roughly 75% of the land mass of Harney County is controlled by federal, state, and local governments.

The following areas are either designated wilderness by an act of Congress or designated as a study area by a federal agencies which essentially restricts use of the study area in consideration of future wilderness designation.

- *Steens Mt. Wilderness
- *Pueblo Mt. Study Area
- *Malheur Lake Study Area
- *Malheur River-Bluebucket Creek WSA
- *Hawk Mt WSA
- *Orejana Canyon WSA
- *Blitzen River WSA
- *Bridge Creek WSA
- *High Steens WSA
- *Stonehouse WSA
- *Sheepshead Mt WSA
- *Heath Lake WSA
- *West Peak WSA
- *Lower Stonehouse WSA
- *Winter Range WSA
- *East Alvord WSA
- *Alvord Desert WSA
- *Willow Creek WSA
- *Disaster Peak WSA
- *Mahogany Ridge WSA
- *Red Ridge WSA
- *Red Mt. WSA
- *Sage Hen Hills WSA
- *Spaulding WSA
- *Basque Hill WSA
- *Home Creek WSA
- *Castle Rock WSA

Wilderness designations are the result of an act of Congress applied to federal lands. Local comments and recommendations are received but the decision rests with the federal government .

Steps in the Goal 5 Process

1. Collect Data with local input on Goal 5 Resources¹
2. Analyze and Refine Data
3. Determine Significance
4. Categorize the data and information about each resource. Three options:
 - a. Not enough information available – no further action or add to Comp Plan Inventory.
 - b. Some information available but not enough to move forward – Identify in Comp Plan Inventory; may adopt policy or statement.
 - c. Sufficient (or reasonable) amount of data available to understand/appreciate importance: proceed to 5 below.
5. If c, then develop report on location, quality and quantity.
 - a. Identify conflicting uses
 - i. If no conflicting uses, then add to comp plan inventory.
 - ii. If conflicting uses identified, then undergo ESEE Analysis
 1. Develop program to resolve conflicts based on presently available information of environmental, social, energy and economic consequences.
 - a. Preserve the resource site(s)
 - b. Allow conflicts
 - c. Limit conflicting uses

¹ Goal 5 Resources are defined in Oregon Administrative Rules Chapter 660 Division 023

Goal 5 Resources listed in OAR Chapter 660 Division 23

Riparian Corridors 660-023-0090

Wetlands 660-023-0100

Wildlife Habitat 660-023-0110

Greater Sage Grouse 660-023-0115

Federal Wild and Scenic Rivers 660-023-0120

Oregon Scenic Waterways 660-023-0130

Groundwater Resources 660-023-0140

Approved Oregon Recreation Trails 660-023-0150

Natural Areas 660-023-0160

Wilderness Areas 660-023-0170

Mineral and Aggregate Resources 660-023-0180

Energy Resources 660-023-0190

Historic Resources 660-023-0200

Open Space 660-023-0220

Scenic Views and Sites 660-023-0230