

Chapter 710
HISTORIC, CULTURAL, AND NATURAL RESOURCES PROTECTION

- 710.01 Purpose**
- 710.02 Applicability**
- 710.03 Permits Required**

710.01 Purpose. The purpose of this Chapter is to detail the standards and procedures for protecting historic/cultural and natural resources.

710.02 Applicability. This Section shall not apply to sites designated as 3A or 3B sites, pursuant to OAR 660-016-0010(1) and OAR 660-016-0010(2), respectively. Major alteration or destruction of a Natural Area designated as 2A or 3C shall first require an ESEE (economic, social, environmental and energy) analysis, justification, and subsequent Plan Amendment application.

710.03 Permits Required

- A. A permit shall be required to destroy or make major alteration to a historic/cultural/natural site or structure inventoried as significant in the County Comprehensive Plan. Upon receipt of an application for said permit, the Planning Department shall institute a 30-day hold. During that time various actions will be initiated by the County depending upon the nature of the threatened resource. All of the inventoried natural sites, historic sites and the cultural sites identified with one, two or three stars will be subject to a public hearing. Notice of the proposed change and public hearing will be provided to the general public, the State Historic Preservation Office, the State Natural Heritage Advisory Council, the State Department of Fish and Wildlife and/or affected local historical, cultural, or governmental entities. The opportunity to educate, persuade, pay for, and/or require the preservation of a significant resource will be provided by the County. At the hearing before the Planning Commission a review will be conducted to determine:
 - 1. If the change will destroy the integrity of the resource.
 - 2. If the proposal can be modified to eliminate its destructive aspects.
 - 3. If any agency or individual is willing to compensate the resource owner for the protection of the resource.
 - 4. If the resource can be moved to another location.
- B. If, after this review, it is determined by the County that the integrity of a significant historic/cultural structure or townsite or a natural area resource is threatened, the following criteria will be applied to decide whether to allow, allow with conditions, or disallow the proposed change:
 - 1. For significant historic/cultural structures and townsites.
 - a. The historic/cultural structure or townsite constitutes a hazard to the safety of the public occupants and cannot reasonably be repaired; or
 - b. The retention of the historic/cultural structure or townsite would cause financial hardship to the owner which is not offset by public interest in the structure's/townsite's preservation; or

- c. The improvement project is of substantial benefit to the County and cannot be reasonably located elsewhere, and overrides the public's interest in the preservation of the historic/cultural structure or townsite; or
 - d. Major exterior alteration shall, to the extent possible, be consistent with the historic/cultural character of the structure.
2. For significant natural areas.
 - a. The Existence of a Site Report. The site's relative significance is indicated by the existence of a site report indicating a field survey with one or more elements verified.
 - b. Number of Elements. The site is elevated to a higher priority if it contains a diversity of natural elements.
 - c. Past Use of Land. The degree to which human activities have already impacted an area is a significant factor in determining the value of protecting the resource.
 - d. Abundance and Quality of the Same Resource Elsewhere on the County's Inventory. In reviewing such comparative information, the County will be able to make its decision knowing the relative significance of the resource in question.
 - e. Financial Impact. A determination that the retention of the natural area would cause financial hardship to the owner not offset by public interest in the site's preservation would be a determining factor in the County's decision.
 - f. Public Benefit from the Proposed Change. A finding that the change is of substantial benefit to the County and cannot be accommodated feasibly elsewhere on the applicant's property would be a significant factor in the County's decision.
3. For Resources on Federally Managed Lands. The findings and conclusions of Baker County relative to a proposed alteration or demolition of a significant cultural/ historic/natural site/structure shall be forwarded to the appropriate federal agency as a recommendation.
4. For Resources Not Inventoried or Designated as 1B. For resources of unknown significance or resources not on the inventory, a local review will be conducted by BLM and USFS personnel, Oregon Department of Fish and Wildlife, State and/or college historians, and local museum and historical society members to evaluate the resource's comparative worth and make a recommendation as to whether a full public hearing is warranted.