

# Local

## Sumpter mining issue

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Trindle said Martin was just saying that the effect of a patent is that it transfers land into private ownership, which is subject to private ownership laws, and Jones disagreed, saying that the patent also gives the right to mine.

Trindle said, “I think that I would caution the Commission ... What we’re charged to do tonight, is not to review patent law, and that what we’re charged to do is to see how this application meets, or does not meet criteria... set out in the planning process.”

Wright said, “To add to that, we’re not here to play the ‘what if’ game, either... We have to look at just the criteria.”

Jones said, “I think we’re also here to protect private property rights.”

Commissioner Kerns asked about the mining claim, and Alexander explained its history, and said, “... it’s a pretty significant resource in today’s world.”

After a short recess, Alexander’s testimony continued.

Crawford asked, “Is there any doubt whatsoever, that he (Helgesen) purchased it as an RR-5? Did he exercise due diligence?”

Alexander said that Helgesen purchased the property because of its mining history, and because he had planned on that purpose.

Crawford asked why Helgesen didn’t reply to the County’s May 2015 letter, that he wished to rezone the property ME, free of charge, and Alexander said that Helgesen was out of the country, and the time given to reply was limited.

Trindle said that he could have still have elected to go through the zone change process on his own, albeit at his expense. (Alexander said it costs \$1,500).

Holly said the process could have been jointly, with other property owners, and the letter wasn’t meant to imply any circumvention of the process.

Trindle said, however, “Each case is reviewed on its own merits.”

Wright said, “Yes, but, the situation here is the same, with adjoining properties, and I’m pretty sure, that to deny this would open the County up to a lawsuit potentially.”

Alexander continued with her testimony, and then Trindle asked for any further testimony in favor. Baker City-based James Barkley, co-owner of Tax Lots 100, 300, and 400 (listed as Parvaim Mining, LLC), provided testimony in favor, as he explained some details regarding mining, buffers, sound barriers, and other concerns.

He said, “As far as impact...they’re really not going to see anything...As far as economic impact—it

actually helps with reclamation, with Tax Lot 100... If it was left alone, you’re actually looking at property values going down...”

Crawford asked what the amount of the reclamation bond was on an operation such as the Parvaim Mining operation, and Barkley said \$31,000, just on the bond, plus around \$3 million in dealing with the overall picture.

This concluded testimony in favor of the application, and Trindle asked Payette, Idaho-based Don and Lori Sutherland, owners of Tax Lot 1400 (zoned RR-5), who had provided extensive testimony in opposition of the application, to testify at this time.

Lori said, “During the meeting for the rezoning of Lot 100, why we did not attend or protest, was because the damage had been done (as she noted photos of the property)... The reason we’re here, and what I referenced in my letter, this last go-around, was about the impacts...”

After asking about what impacts the Sutherlands could discuss, Trindle explained that criteria needed to be addressed, from energy, environmental, social, and economic points of view, if rezoned, from RR-5 to ME.

Lori said, “Socially... we’re there for recreation, for our families. It was zoned Rural Residential for 30-some years... To rezone right when we’ve invested a significant amount of money, time—50 years on this land—it does have an impact on us... all the letters that we have sent in, I think we have identified those (impacts) in those letters...When we look at this, our fear is for that lot, right next door to us...where is the guarantee—how do you reforest something like that, in our lifetime?”

Don said, “We’re looking ahead, so we plan on being there forever... I’ve never seen a mine reclaimed, that looks good myself...”

Trindle reminded the Sutherlands that the Commission needs to have findings, based on very clear criteria, and she asked some more questions, regarding economic and other impacts. The Sutherlands responded that they had not sought any assessment from realtors, regarding property values, and that testimony was not provided.

Trindle asked, “When you purchased the property, were you aware that there was also a patented mining claim on the property?” Lori said no, and Don said he hadn’t seen it, but he was sure there is one on their property.

Jones said that information should have been in the closing documents, and Lori said, “We purchased it from a family member, so, we did not have a title search.”

Lori spoke about purchasing the property, and what she expected from neighbors in the area with the zoning that was in place, and she said, “...a patented mine is just a transfer, from the federal government to the private, of the mineral rights on the land...” to which Jones disagreed, and Don mentioned the Homestead Act.

Lori continued to explain the restrictions she said are placed on mining, within certain zoning plans.

Trindle reminded the Sutherlands that, “Again, I will just call you back to what we are called to do, is based on the criteria and the policies that are within the Comprehensive Plan, and how they are defined...”

This concluded testimony in opposition of the application, and Alexander briefly provided rebuttal testimony—only the applicant, or agent for the applicant, is allowed to do this.

Trindle asked for further testimony, there was none offered, she closed the hearing to public testimony, and the Commission entered into deliberations.

During deliberations, Trindle went through different sections of the provided information, such as application approval criteria.

This includes part of the submitted information from the applicant, “Goal Five Resource. The adjacent tax lots have been rezoned to Mineral Extraction. Since Tax Lot 1600 is also part of the patented Sumpter Deep Gravel Mine, it too should be rezoned to mineral extraction.”

Trindle said evidence for different impacts would be reviewed, such as hydrologic, geologic, vegetation, air quality, economic, transportation, infrastructure, proximity of other uses and activities, and public need.

She said that the Commission would need to determine whether the applicant presented evidence regarding the various potential impacts.

Wright recommended that the criteria have been met, looking at the evidence provided.

Trindle continued with deliberations regarding the inventory process—to determine whether the site is “significant,” depending on quality, quantity, and the location of the resource.

In reference to quality, Trindle said that there is “...significant ore and gold deposit in the area... There is currently mining activity happening there...” and gold currently has a high value, the main justifications for this being a significant site.

Jones added that the original 1891 patent states there was significant value in the ore deposit also.

Trindle spoke next about

the subject of quantity, and she said, “Again... testimony... and in the application... talked about their being a significant quantity of that resource... history, again... would justify that.”

In reference to location, Trindle said, “I think we’ve already kind of established that, with the quantity, and the quality... in this particular location, not only historically, but currently, that there has been mining activity, that was firmly established in the application...”

Trindle said, “I would suggest that that that criteria have been met, that this is a significant site. Any opposition to that?”

None was noted, and Trindle spoke about Goal V criteria, an analysis based on economic, social, environmental, and energy conflicts, were a zoning change approved.

She suggested that the applicant didn’t present evidence of the ways that RR-5 and timber grazing (TG) would conflict with ME. She said the applicant didn’t give the Commission information to allow the Commission to make relative findings regarding potential conflict.

Crawford, in speaking about conflicts with RR-5 and ME, and about whether the property had been legally removed from ME, said, “I believe that occurred...”

Jones said, “It hasn’t occurred—not legally...”

Wright said, “It’s not legal...”

Crawford said, “That runs counter to the legal advice that we got from our attorney...”

Trindle reminded Crawford that wasn’t what the Commission was being asked to review criteria during these deliberations.

Voicing frustration, Jones asked Holly how the process of reviewing the criteria could be streamlined in order to progress, and Trindle said that the matter could be continued, as this may be a good breaking point.

Jones said she agreed with Trindle, it would be a good breaking point, because she didn’t think that the Commission would be able to complete its task.

At this point, Van Diepen, speaking of the need to study Goal V material more thoroughly, moved for a continuance of the hearing, Jones seconded that motion, and the motion carried.

In discussing possible dates for the continuance, Jones said she was unavailable March 29, 30, and 31.

Trindle then asked the other Commissioners whether Friday, March 31 would work, and the majority said yes.

The matter was continued to Friday, March 31, 2017, 5 p.m., with a motion from Crawford, and a second from Wright.

## Grazing to tourism land change to be discussed

On April 18th, 2017 at 5:00 PM, the Baker County Planning Commission will hold a public hearing to consider a request for a zone change through a Plan Amendment, case PA-16-001. This matter was previously heard by the Planning Commission and the Board of Commissioners. New information was entered during the Board of Commissioner’s hearing and the matter was then remanded back to the Planning Commission.

Richard and Lori Daniels, applicants and property owners, propose to re-zone a ±4.5 acre portion of their property from Timber Grazing (TG) to a Tourist Commercial Limited Use Overlay (LUTCO) Zone. The subject property is identified as Tax Lot 400 of Township 07 South, Range 38, Section 05C, W.M., Baker County, OR (Ref. 10315).

The site address is 51078 Anthony Lakes Highway, North Powder, OR 97867. The request is proposed under the provisions of the Baker County Zoning Ordinance (BCZO) Chapter 670 – Limited Use Overlay Zone (LUOZ), which allows for limiting the list of permitted uses and general activities allowed in an underlying zone when an exception to Statewide Planning Goal 4 is taken. The proposed new zone, an adaptation of BCZO Chapter 520 – Tourist Commercial Zone (TC), is proposed to include the following uses:

- 16 Full-Service RV Sites
- Use of the existing dwelling as a commercial dwelling for business office, caretaker residence, rental, and retail space to accommodate on-site guests

The Zoning Ordinance requires a Plan Amendment to be processed as a Type IV procedure, where the final decision is made by the Baker County Board of Commissioners after public notice, a public hearing and a recommendation from the Planning Commission. The application and other materials are available from the Planning Department and will be evaluated using criteria listed in BCZO Chapter 670, Chapter 260, and Chapter 620; the Baker County Comprehensive Land Use Plan; Oregon Revised Statute 197.732; and Oregon Administrative Rules 660-004-0010 to 660-004-022. Generally, unless otherwise noted, if a request is found to be consistent with the Zoning Ordinance it is considered consistent with the Comprehensive Plan.

All written testimony must be submitted to the Planning Department by no later than 5:00 p.m. on the hearing date or submitted in person during the hearing.

If you have questions regarding PA-16-001, please contact Carson Quam at (541) 523-8219 or at cquam@bakercounty.org. The Planning Department is located in the basement of the Baker County Courthouse, 1995 Third Street, Suite 131, Baker City, Oregon.

## Star party, workshop at local library

OMSI staff is hosting a regional teacher workshop in Baker City on Saturday, April 15, 2017. The free professional development workshop will run from 5 p.m. to 8 p.m. at the Baker County Public Library in Baker City and a complementary public Star Party will run from 8 p.m.-10 p.m. at National Historic Oregon Trail Interpretive Center. Dinner will be provided to workshop participants.

The workshop is designed for late elementary and middle school teachers, after-school club leaders, scout and community group leaders and anyone interested in learning more about the night sky with students. The workshop will cover the following topics:

- How to host a star party for your students and families – logistics, equipment needs, resources, and expectations.
- Hands-on classroom activities related to NASA’s Science Mission Directorate – Earth sciences, planetary sciences, heliophysics, & astrophysics.
- Showcase of Explore Science: Earth & Space 2017 toolkit developed by National Informal STEM Education Network (NISE Net).

Participating teachers will be entered in a drawing for a free OMSI space science-related outreach program for their school or club!

To register, visit <https://omsimuseum.wufoo.com/.../omsiastronomy-teacher-prof.../>

Everyone is invited to join OMSI for star gazing around 8 p.m. at the National Historic Oregon Trail Interpretive Center!

- Telescopes provided.
- NHOTIC gates will open @ 7:30 p.m.
- There will be no entry charge.
- This event is weather dependent and may be canceled if the sky is overcast.

## Additional charges added after last week’s meth arrests

On March 23, 2017 at about 1:44 p.m. Baker City Police Officers served a narcotics related search warrant on a 1995 Honda Accord that had been driven by Laif Edison at the time BCPD Officers

served the search warrant last week at 2175 Clark Street in Baker City.

During the search officers seized: 40 semi-automatic handgun, approximately nine grams methamphetamine, several

cell phones and an iPad.

Additional charges were added to: Laif Edison, Possession of a Controlled Substance (Methamphetamine), Manufacture of a Controlled Substance (Methamphetamine),

Delivery of a Controlled Substance (Methamphetamine), Unlawful Possession of a Firearm

This investigation is ongoing and additional arrests and charges are likely.

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