

Local

Planning Commission considers contentious permit remand issue

• NEIGHBOR OF GRAVEL PIT OWNER IN HALFWAY AREA PROTESTS DECISION FOR THIRD TIME

BY TODD ARRIOLA
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On Wednesday, May 28, 2015, the Baker County Planning Commission held a public hearing in the County Commission Chambers at the Courthouse, at 6 p.m., to consider Plan Amendment PA-15-001, and LUBA (Land Use Board of Appeals) Case No. 2014-021, A Remand To An Amendment (CU-13-011) To Conditional Use Permits CU-98-02 and CU-00-05.

Kerry Gulick and Linda McEwen are the owners of a gravel pit in the Halfway area. Previously they were issued conditional use permits, which would allow them to crush gravel and operate a small asphalt plant part of that property for a limited time.

A landowner down the road from the permittees, Barbara Dion, currently lives in Arizona and is renting out her own Halfway-area property that has been in the family for years. Dion has protested the original conditional use permit to the Baker County Board of Commissioners—who upheld the Planning Commission's original decision.

Dion then filed the LUBA complaint, and LUBA remanded the issue back to the Planning Commission.

Among Dion's complaints are noise, dust abatement and the like.

This is the first LUBA remand experienced by Planning Director Holly Kerns as well as the current Planning Commissioners.

Present from the Commission were Chair Alice Trindle, Vice Chair Lauri Hoopes, and Commissioners Suzan Jones, Jim Grove, and Randy Joseph. From the City-County Planning Department were Planning Director Holly Kerns, Planners Eva Ceder and Kelly Howsley-Glover, and Planning Assistant Kevin Berryman.

Attendees included Attorney Dan Van Thiel, Kerry Gulick, Linda McEwan, Leona Jones and Barbara Dion.

Trindle called the meeting to order and read a statement regarding the hearing process, including testimony, evidence, time limits, etc.

She asked if there were any challenges to the jurisdiction of the Planning Commission to hear the matters, and Dion stated yes, she objected to the jurisdiction of the Commission, and that the public notice was improper and insufficient.

According to Planning Commissioner Jones, this is the first time the Commission's jurisdiction has ever been called into question in recent memory.

Dion said the County's notice didn't give the public any indication how the hearing would be conducted, and what, if



Todd Arriola / The Baker County Press

The Baker County Planning Commission is in the middle of handling a tricky remand situation regarding a Halfway-area property.

any, evidence or testimony, would be allowed, and that the hearing should be canceled and rescheduled, with new notice given.

Dion mentioned a petition signed by a little over a dozen individuals in the community who supported her position, and Trindle made a statement about seeking an opinion from Van Thiel. Kerns asked Dion if there were a written statement of her objection, and Dion responded that it was received by the Commission.

Trindle said Van Thiel may wish to have an opportunity provide some opinions, and she asked Dion to step down from providing her testimony for the moment. Trindle asked if there were any conflicts of interests, personal biases, or ex parte communications to be declared by a Commission member, and none were stated.

Joseph made a motion to move the Plan Amendment up in the order on the agenda, in order to address the lengthier LUBA Remand matter later, and Jones seconded. The motion carried.

With a motion from Grove, and a second from Hoopes, the minutes from the February 26, 2015 Commission meeting were approved.

Ceder introduced and explained PA-15-001.

The purpose of the Plan Amendment is to correct a zoning map error for the subject parcel, currently zoned Primary Forest (PF), according to the document. A PF zone is described as applying to lands that are managed by the federal government, and since this designation doesn't apply to private property, it doesn't allow the same land use opportunities that other similarly situated private property owners have.

The application has been filed for re-zoning of the property to Timber Grazing (TG), according to the document.

The property, around 20 acres and owned by Leona Jones, is located off of Highway 7, east-southeast of Sumpter, Oregon. Hoopes asked about a cabin on the property, and Ceder said there was one, which was lost due to a fire this March.

Jones asked the Planning Department about rebuilding the cabin, Ceder said,

but the zoning at the time didn't have standards for siting buildings. Ceder said Leona Jones wishes to rebuild the cabin.

Joseph asked if the property had been privately owned, but then through oversight, if, because of zoning changes, it was designated as publicly owned, and Ceder responded that she wasn't sure what the process had been.

Trindle asked if anyone present wished to testify on the matter, and there was no response that any attendees wished to do so. Joseph moved to close the testimony, and Grove seconded, the motion carrying.

Trindle said she wished to move forward on the matter, with no changes to specific criteria, and

Hoopes said she didn't have time to review the documents, since she received them two days earlier. Jones only received them that same day.

Joseph said that there weren't any other zoning options, and that the amendment should be approved as-is.

Joseph moved to approve PA-15-001, with the findings made by staff, with no conditions, seconded by Grove. The motion carried.

Ceder read a statement regarding the notice and appeals process.

After a break, Trindle asked for staff comments about the objection to jurisdiction voiced by Dion.

Van Thiel said he didn't think there was any merit to the objection, and that the notice was sufficient. Kerns stated that the notice was accurate as provided by the County.

Trindle read the details of the hearing procedure, including a statement that a time limit on testimony may be set. Jones moved to limit testimony to five minutes, with a second from Grove. The motion carried.

Kerns explained the details of the subject matter of the hearing, LUBA Remand No. 2014-021, Remanding in part the Approval of Modification to Conditional Use Permits CU-00-05 and CU-98-02. Gulick and McEwan, applicants and property owners, submitted a request to modify their existing Conditional Use Permit for a 15-acre aggregate rock pit, known as the Gulick

Pit, located northeast of Halfway, near the intersection of Estes Hill Lane and Buchanan Loop.

Hoopes made a motion to address the Fifth Assignment of Error (from LUBA Case No. 2014-021), with a second from Jones. The motion carried. Gulick, co-owner of the property, and co-applicant, entered testimony into record associated with the Fifth Assignment of Error, regarding road use, noise, dust, and property value.

Joseph voiced concerns that the appellant didn't have a chance yet to see a letter Gulick had in his possession from Baker County Road Master Jeff Smith, concerning road traffic and adequacy.

The Commission discussed the issue, and Van Thiel said that transparency is important, and that all parties need to have an opportunity to review any documents, if they choose.

Trindle read a letter from Smith, dated April 13, 2015, regarding road traffic and adequacy, and then called Dion back to testify. Dion said she hadn't had an opportunity to see the letter before, and she noted lack of road enhancements, factual misstatements and inaccuracies from a previous road department letter.

After some discussion, Hoopes moved to continue the hearing on the Fifth Assignment of Error, with a second from Joseph. The motion carried.

Gulick then provided testimony regarding the First and Fourth Assignment of Error, including documents relating to a sound analysis completed, and statements about minimal noise and dust impacts.

Dion also testified, providing surveys concerning impacts on land value and livability.

After a lengthy discussion about the testimony, and the proper time frame in which to conclude the proceedings, Joseph moved to close the record on Thursday, June 4, at 5 p.m., and to continue the hearing on the First, Fourth and Fifth Assignment of Error, to Wednesday, June 10, at 5 p.m., with a second from Grove. The motion carried.

The movement to June 10 is due to nearly four inches of testimony from both sides, which the Planning Commission will now need to study.

Huntington: Steak feed, music for all



Eileen Driver / The Baker County Press

A kitchen full of cooks helped prepare the breakfast that went before the steak feed in Lion's Park the weekend before last in Huntington.

• WEEKEND EVENTS WERE ALL ABOUT THE EATING AND THE LISTENING

BY EILEEN DRIVER
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The Memorial Weekend visitors and locals alike were treated to the good food put out by the Huntington Senior and Youth Organization, headed up by Ron and Sandra Vaughn, in two events this weekend.

Food.

First was breakfast in the park Saturday morning May 23 served from 7 a.m. to 9 a.m. On the menu was your choice of Pancakes, French toast or Biscuits & gravy all served with bacon or sausage, scrambled eggs and hashbrowns or sausage breakfast burrito with onions, peppers and tomato served with bacon and hashbrowns and your choice of Got coffee or cocoa with any meal. The food was delicious and definitely fueled you up for the weekend of activities ahead.

Next on the agenda for these busy people was the Steak Feed, on Sunday May 24 from 2 p.m. to 7 p.m. at the VFW Hall / Community Center, an annual tradition here that previously was put on by the VFW but has been passed on to the capable hands of the Huntington Senior and Youth. This has always been a greatly anticipated event and this year was no different.

On the menu this year was a choice of Tender Boneless Ribeye Steak or Juicy Hamburger Dinner. Both meals came with a baked potato, baked beans, green beans and loaded salad bar complete with green salad, potato salad and macaroni salad. On top of all that, if you still had room in your stomach, was an assortment of pies, cakes, and brownies to round out the meal.

The tables were packed with good food and great people who will be looking forward to enjoying it again Labor Day weekend when Huntington Senior & Youth Organization will be repeating this great meal at the VFW Hall for the Snake River Car Show being held on September 5th in Huntington's Lion's Park.

Music.

In between the breakfast and the steak feed was another time for entertainment.

Highway 30/Washington Street between Lincoln and 1st Street was cut off from car traffic by large orange cones Saturday night May 23 from 8 p.m. to midnight. Instead of cars parked on the sides of the road or driving by to go here and there were more people than seen in years gathered on the street in front of Lion's Park. Young, old and every age in between was on hand and ready to dance to one of Huntington's favorite bands.

Even the weather cooperated to make this a night to remember by calming the winds at just the right time. Yes! Big Blue Johnson was back for a special night of listening, dancing and socializing to classic rock music favorites. There was definitely dancing room only for this event sponsored by the Huntington Chamber of Commerce, Howell's Cafe & Streamliner Lounge and Huntington Bait & Tackle.

Big Blue Johnson consists of Jim Strey, guitar/vocals, Barry Carlman, drummer, Kevin Jensen, bass/vocals and Greg Hill, guitar/vocals. This band has never failed to rock the town and the people with great sounds and this time was no exception. Said Kevin Jensen during one of the bands breaks, "I love coming to Huntington. It reminds me of my childhood. I used to come here all the time with my father when I was a kid."

Those who missed this great concert or just want to hear more of this awesome band they can be reached by emailing Kevin Jensen at Kevin43@gmail.com.

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