

Local

County Planning Commissioner considers Halfway's lagoon project

By Todd Arriola

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The Baker County Planning Commission held its regular meeting on Thursday, February 26, 2015, 6 p.m., in the Commissioners' Chambers of the Baker County Courthouse. The focus of the meeting was a public hearing concerning a request for a Conditional Use Permit, CU-15-001, for the City of Halfway's treated wastewater storage lagoon.

Present from the Commission were Alice Trindle, Chair, Lauri Hoopes, Vice Chair, Jim Grove, Commissioner, and Randy Joseph, Commissioner.

Present from the Baker County Planning Department were Holly Kerns, Planning Director, Kevin Berryman, Planning Assistant, Kelly Howsley-Glover, Planner, and Eva Ceder, newly-hired Planner.

Trindle called the meeting to order, and informed those present of the public hearing guidelines, including those concerning testimony, comments and questions. She asked, with pauses in between each question, if there were any challenges to the jurisdiction of the Commission to hear the matter, whether there were any conflicts of interest or personal biases to be declared by a Commission member, and whether there had been any ex-parte contacts regarding the upcoming matter that a Commission member needed to declare, and the response was negative in all cases.

The first order of business was review of the minutes from the January 22, 2015 meeting. Hoopes pointed out a discrepancy in the order of testimony given concerning an Extension of Time for Plan Amendment, PA-07-005, on page 4 of the minutes, and that a motion to nominate Trindle as Chair and Hoopes as Vice Chair, on page 7 of the minutes, should read that Jones made the motion, with a second from Dunn. Joseph mentioned a letter submitted by Mark and Lisa Butler in opposition to the extension, that was

not summarized in the minutes, and Kerns said there was mention of the testimony entered into the record as Exhibit "G" on page 3 of the minutes. Joseph said written testimony should appear the same as oral testimony in the minutes, and the matter was discussed. The minutes were approved, with the corrections noted, with a motion from Joseph, and a second from Hoopes.

Howsley-Glover introduced the next order of business, the permit request, and gave some details, including the purpose and the locations associated with the request. A 53-page staff report was completed on February 18, 2015, and this document, along with two maps prepared by Anderson Perry & Associates, Inc. in January, 2015, were provided to those present.

The request, made by the City of Halfway, involves a Conditional Use Permit, CU-15-001, for a Major Utility Facility, to add a new treated wastewater storage lagoon facility on two parcels totaling over 515.77 acres, located in Halfway, on Tax Lots 1100 and 3200, in Sections 17 and 20, of Township 8 South, Range 46 East, W.M., Baker County.

Also, the request involves the development of transmission lines from the current location of Halfway's lagoons to the storage facility, starting at the existing City of Halfway Facility, and proposed to cross from Tax Lot 1600 to 1800 to 1100 of Sections 17 of Township 8 South, Range 46 East, W.M., Baker County, and end at Tax Lot 3200 of Section 20, Township 8 South, Range 46 East, W.M., Baker County.

The narrative included with the Conditional Use application stated that the City of Halfway recently completed a Wastewater Facility Plan (WWFP) Update, and there was found a need to improve the existing collection and treatment systems. The Update addressed anticipated regulatory changes impacting Halfway's ability to continue discharg-

ing treated wastewater to Pine Creek, and there was an approach developed to reduce potential flood impacts on the existing wastewater treatment system.

Ed Hibbard, of Anderson Perry & Associates, Inc., representing the applicant, was present to provide more in-depth details about the application to Commission members. "We're fixing some water treatment issues within the City, but the City is going to go to a land application of their wastewater," he said. Currently, discharge during the winter is into Pine Creek, he said, and in the summer, application is into 13 acres the City owns. The land application site has been operated for around 13 years, and the site is too small to handle volume, he said.

Last fall, Hibbard said, studies were performed in the area, and there were four potentially suitable sites, and property owned by George and Marcia Gover was determined to be the best site. The agreement would be that everyone, including the Govers, would benefit from the project, and other property owners were also contacted about the potential routes. Three property owners are involved with the project: the Govers, Mike Becker, and Greg Buchanan. Hibbard said, "It's a 7,000 foot pipeline, going to a storage site that is approximately 16 acres in size."

There are expected to be five man holes along the pipeline, and indicator posts located next to a fence, for identifying the locations of the holes. The Govers have a 120-acre center pivot, which will be replaced, Hibbard said.

Two existing utilities, a fiber optic line, and a copper telephone line, will be relocated, as will an electrical power line, he said.

Hibbard continued describing the project, using maps displayed on the County's Smart Board screen, with details such as dam construction, overflow concerns, etc. He said that currently, an environmental review is underway, and the plan is to have the

project ready for a bid by June, and to get started at some point this year, with a completion around spring or summer next year.

The testimony was closed, as Hibbard was the only one testifying for approval of the project, and no one was present to testify against. Joseph moved to approve CU-15-001, with some changes made previously to reflect corrected criteria, and staff's conditions of approval, with a second from Grove. The motion carried.

Howsley-Glover read a brief statement about the notice and appeals process, and Trindle thanked everyone present for their attendance and for the testimony. The Commission was informed by Page Fredrickson, City of Halfway Public Works Director and Wastewater Manager, who wrote the grants for the project, that the total project funding was \$4.8 million, mostly grants, and was considered to be the largest amount for a funding package received by a city in Oregon.

Kerns gave a Director's Report, and she introduced Ceder, who began work as the new Planner at the beginning of February. Ceder, born and raised in Juneau, Alaska, is a 2011 University of Oregon graduate, and, she said at a later date, she's "excited for the opportunity to work with and serve Baker City/County professionally."

Trindle read a letter written by Linda Wicker, resigning her Commission position, which said, "My family circumstances have changed, and I can no longer devote the necessary time to be an effective member of the Baker County Planning Commission. Effective immediately, I'm resigning from the Planning Commission. I would like to thank my fellow Planning Commissioners for their kind support in making my tenure such a pleasant and worthwhile experience. Yours sincerely, Linda Wicker."

The meeting was adjourned shortly thereafter, with a motion from Grove, and a second from Hoopes.

Langrell case

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The ruling continues, "Plaintiffs will prevail on their partial summary judgement against the Defendant's second, third and fourth affirmative defenses. Parties entered into a written agreement and the Parole [sic] Evidence Rule prevents these defenses."

The Parol Evidence Rule is a common law rule that prevents outside evidence from being presented to a written contract, particularly if it changes or adds to the meaning of that contract.

The ruling means that the City will not be able to include the cover letter that went with the Annexation Consent agreement, which spoke to the double sewer and water fees, nor will it be allowed to include minutes of a City Council meeting during which Langrell also spoke to the issue. Any testimony from past City management and staff, which was mentioned during the February hearing, claiming that Langrell verbally agreed in their presence to the double sewer and water rates would also be prohibited.

The Consent to Annexation agreement, which is silent on the matter of sewer and water rates, will stand on its own.

At present, it is unclear what the City's next move will be—to propose a settlement or to regroup with a revised defense and continue to trial in April.

Though the Langrells seek about \$9,000 in their suit, the total paid \$39,435.89, could mean an outcome of more than the \$9,000.

The issue will be addressed at next week's City Council meeting after the attorney for the Defense has had a chance to read the ruling and advise the client.

MayDay speaks against dating violence

Where does domestic violence come from? How does it start? In many cases the problems can first surface in teen dating relationships. And many of the dating issues are similar to those in adult domestic violence cases.

In order to head off the tragedy of domestic violence, staff members from MayDay, Inc. in Baker City have been visiting high schools throughout the county. They have shared information with students about both healthy and unhealthy relationships and about the cycle of abuse.

During the presentations, students learn about warning signs such as jealousy, mistreatment of others, excessive control, and pressure for sexual behavior. They also hear how texting and other technology are used by abusive partners.

Students are asked to list some of the physical, emotional, and other consequences of teen dating abuse. They also learn about ways to avoid unhealthy relationships and how to help a friend who is in one.

The program is intended to help schools implement Oregon's "Healthy Teen Relationship Act," which was passed in 2013. The state reports that, "Nearly 1.5 million high school students nationwide experience physical abuse from a dating partner in a single year." In addition, "One in ten high school students has been purposefully hit, slapped, or physically hurt by a boyfriend or girlfriend."

Most parents never know of the abuse. MayDay emphasizes talking to a trusted adult in order to counter the broader trend — "Only 33% of teens who were in an abusive relationship ever told anyone about the abuse." To provide support, MayDay offers its 24-hour crisis line number: 541-523-4134 or toll free 1-888-213-4134. By the end of March, the program will be presented to classes in each of Baker County's four public high schools. It is also available to private schools or other groups. The program is funded through a combination of sources including grants and donations to MayDay. For more information or to make a donation, people should contact MayDay at 541-523-9472 or stop by the office at 1834 Main Street in Baker City. Information is also available on the agency's website at www.mayday-inc.net.

MayDay's services are free and confidential for anyone who needs them.

Bentz changes wording in impersonation bill

Rep. Cliff Bentz has announced an amendment to House Bill 3092 regarding online impersonation. The reference to allowing filing of a lawsuit for feeling "humiliated" has been stricken. The rest of the bill remains as it was previously. *The Baker County Press* outlined similar thoughts regarding the humiliation wording in last week's editorial.

Courthouse hours expand

The Baker County Courthouse has expanded its hours and will now remain open during lunch for those who need to conduct their business during that time. The Courthouse hours will be from 8 a.m. to 5 p.m. Monday through Friday.

City of Sumpter earns best surface water of 2015 award

The Oregon Association of Water Utilities' 37th Annual Technical and Management Conference, held each March at the Sunriver Resort, proved to be successful for all attendees. At the annual awards banquet the City of Sumpter was named as the Best Surface Water in Oregon for the 2015 year.

The City of Sumpter has excellent water, which was proven this year by an unbiased panel of four judges who blind taste tested drinking water from around Oregon, judging it on clarity, bouquet, and taste.

The City of Sumpter has been a member of the Oregon Association of Water Utilities (OAWU) since December of 1987.

OAWU is a non-profit organization with over 700 members and serves



Kerry McQuisten / The Baker County Press

When stopping to see Sumpter's attractions, tourists might now want to try a taste of the water.

Oregon's water and wastewater utilities in hands-on training and technical

services. The association serves as a legislative liaison and is active in

supporting legislation that improves the utilities that serve Oregon's residents.