

Project:

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A law enforcement officer, who declined to identify himself or the agency he works for, agreed.

"I don't know how many times I've been on a crash on that corner. It's one of the busiest highways in the summertime for law enforcement," the lawman said. "It's hard enough to get through Joseph on a regular day, but crashes happen. On a personal level, I moved to Joseph and Wallowa County in general because they have no stop (lights). Small-community living; that's what I wanted. I came from Salem. I think that this type of commercial establishment will make us end up being like Bend. ... As a law-enforcement officer, that's a very dangerous corner there where they're planning to enter and leave right next to the head of the lake where there's already people backed up to the stop some days. So we're just going to have more traffic? More crashes are going to happen."

Robin Pace also had traffic concerns, saying it would be dangerous for the pedestrians and bicyclists that use the pave path along the highway at the site.

"Everyone knows it's really busy in the summertime," she said. "To see more traffic moving across that location that so much work was put into, I don't think this is the place to put that."

Location, location, location

Numerous opponents said it wasn't so much the project itself, but the proposed location they objected to.

One couple, who lives just west of the proposed project and over the ridge, said they were concerned they'd lose a measure of privacy.

"It's a sanctuary; it's our backyard," the husband said, receiving considerable applause. "I just think it's not the right place for it. I think his plan's cool, but to have it there is not what I would agree with."

Michael Straw was another one who lives nearby, saying when he purchased his land he did so with the expectation it would retain the rural, secluded character it now has. He said for such a development to go forward, "would nullify that expectation."

Leon Werdinger, who was the first to suggest to Hennes and Gates that they withdraw their zoning change request, said he appreciated that they had come to his home to explain the project. He took a fairly moderate view, despite his ultimate opposition position.

"The issue is the location, to me, not so much the guts of the project itself," Werdinger said. "I don't appreciate this being couched as a threat that if we go for this, there's going to be this horrendous development. I don't think that's reality, either. I think that there's momentum toward the purchase for the park and that's a great outcome it seems for every-



Bill Bradshaw/Wallowa County Chieftain

Greg Hennes, right, responds to overwhelmingly negative comments by Joseph residents during a public hearing Thursday, March 3, 2022. Hennes' partner, Ben Gates, listens at left. The pair withdrew their request for a zoning change for their development project.

body, including the tribes. So I think the problem with this proposal is the location, first off, it leapfrogs development over a residential area. ... This is a really bad place for a commercial zone and I'd just really appreciate it if you'd withdraw it."

Other agencies

There was some dispute as to whether all appropriate agencies had been properly notified ahead of the hearing.

"I represent the Wallowa Lake Irrigation District, which owns the farmers' ditch that runs alongside the property," said Jay McFetridge, district vice president. "Given the fact that it's part of our system of works and we weren't notified about this going on tonight, our legal counsel

hasn't had time to look at it. Before you approve something, I'd like a continuance so we can consult with our legal team."

J.R. Collier, regional manager for the Oregon Parks and Recreation Department, said his department and the state is also opposed to the zoning change — and the proposed project.

He emphasized that given that the land on which the project is planned is adjacent to the Iwetemlaykin State Heritage Site, that could be disruptive. He said the land was purchased in 2007 and it is managed cooperatively with the Nez Perce Tribe, the Confederated Tribes of the Colville Reservation, the Confederated Tribes of the Umatilla Indian Reservation and the

National Park Service.

"Our collaborative partners oppose the zone change because of the visual impacts and the congestion on the highway and the damage to the resources on the state heritage site that it's meant to protect," Collier said. "For these reasons, we urge you to deny the zone change."

Tribal opposition

Opposition by two of the three tribal groups involved with Iwetemlaykin drew some of the loudest applause by the audience. Although nothing was heard from the Colville Tribes, letters were read from Samuel Penney, chairman of the Nez Perce Tribal Executive Committee, and from a representative of the CTUIR.

"Iwetemlaykin State Heritage Site directly borders the proposed commercial zone," Penney's letter stated. He went on to mention the partnership between tribes and Oregon.

"The partner tribes were not notified of this application," Penney said, adding that he urged the hearing be postponed for a month or to deny the motion since disturbance of the property from development could get in the way of future acquisition of the land.

"Iwetemlaykin lies within the Nez Perce homeland and its extraordinary location, the tribe maintains a deep connection to the biology, the culture and the historic resources of Northeast Oregon and the tribes have a unique interest in the

protection of the aesthetics and natural beauty of the Wallowa Lake Basin and its environment because of the cultural and religious importance to the Nez Perce people," Penney wrote. "It is no understatement to say that Wallowa Lake and its surrounding basin is an integral whole of the sacred place to the Nez Perce people."

The future?

After Hennes and Gates withdrew their request for a zoning change, they declined to give their reaction to the hearing or to state any plans for the future.

But county Commissioner John Hillock had a challenge for the many who were present.

"I've spent the last two years helping to build a management plan for the East Moraine," Hillock said, referring to the East Moraine Forest Management Plan intended to manage the roughly 1,800 acres in which the Wallowa Land Trust was instrumental in acquiring. "What I'm challenging you to do is get with the county government, get with the Land Trust, get with the city of Joseph, get with the State Parks and get with the tribes and buy the land. We need your support to do those things."

Hillock said the public coming together like they did Thursday can bring results.

"All of you guys will have to help with this process to raise the money to do that, so I'm challenging you guys to help," he said.

Overtime:

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Under the bill passed by the Legislature, farmworkers will be owed time-and-a-half overtime wages after 55 weekly hours next year, with the threshold incrementally dropping to 40 weekly hours in 2027.

Most farmers will be eligible for one of three tiers of tax credits depending on whether they employ 25 or fewer workers, 25 to 50 workers, or more than 50 workers.

Between 2023 and 2028, tax credits will incrementally decline from 90% to 60% of overtime costs for the smallest employers, 75% to 50% for those in the middle tier

and from 60% to 15% for the largest employers.

After that, the tax credits will be ended or reevaluated by lawmakers based on economic studies required under HB 4002.

Dairies with fewer than 25 workers will receive a 100% tax credit with no time limit, while those with more workers will fall under the middle tier's rate and timeline.

Proponents of HB 4002 argued that it will mitigate the economic shock to the farm industry from higher overtime wages while giving lawmakers time to adjust the law as it's implemented.

"I commit to joining with others in coming years to make it even better," Sen. Elizabeth Steiner Hayward, D-Portland, said.

However, opponents countered that tax credits amount to a "stay of execution" for farms that will go out of business or find ways to limit employee working hours.

"The very employees we're describing here with such compassion will become the unemployed," Sen. Dennis Linthicum, R-Klamath Falls, said.

Arguments in favor of the bill centered on extending equal protection under the law to farmworkers by ending the overtime exemption, which was described as being steeped in an 80-year history of racism.

"That particular exemption has been unfair for people of color," Sen. Chris Gorsek, D-Troutdale, said.

"We obviously have a problem across our state that we need to take action to fix."

Opponents of HB 4002 focused on the law's practical effects, claiming it will cause family farms to sell out to larger corporate operations that can better withstand increased expenses.

"Why would we add even more cost and pressure for farms to get bigger and bigger?" Sen. Fred Girod, R-Stayton, said.

The changes likely to be wrought by the bill will also hurt farmworkers who won't see their actual incomes increase as a result, opponents said.

"Time-and-a-half for a job you no longer have is not much compensation," said Sen. Lee Beyer, D-Spring-

field, who broke with his party to vote against the bill.

Under the amendment favored by Republican lawmakers, the state government would pay workers extra money to ensure they earn a time-and-a-half wage rate past 40 hours per week.

Throughout most of the year, farmers would pay the higher overtime rate after more than 48 hours worked per week, but the threshold would rise to 55 hours during a peak labor period of 15 weeks per year.

The amendment's supporters argued it would be more effective at preserving the economic stability of farmworkers and their employers.

Critics rejected the idea due to concerns about fair-

ness to other industries and worries that the state government wouldn't contribute to social security insurance, worker's compensation insurance and unemployment insurance.

Sen. Bill Hansell, R-Athens, said he was initially optimistic the Legislature would negotiate a bipartisan agreement on the issue, which failed to happen.

"What agriculture was asking for was uncomplicated and reasonable," he said.

Instead, the Legislature stuck with a "predetermined outcome" while implementing a tax credit system that wouldn't help the farm industry long-term, Hansell said.

"What was offered, ag did not ask for, nor did they want," he said.

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