

COLUMBIA COUNTY BOARD OF COMMISSIONERS
BOARD MEETING

MINUTES

May 29, 2013

The Columbia County Board of Commissioners met in scheduled session with Commissioner Henry Heimuller, Commissioner Anthony Hyde and Commissioner Earl Fisher, together with Robin McIntyre, Assistance County Counsel and Jan Greenhalgh, Board Office Administrator.

Commissioner Heimuller called the meeting to order and led the flag salute.

MINUTES:

Commissioner Fisher moved and Commissioner Hyde seconded to approve the minutes of the May 21, 2013 Budget meeting; May 22, 2013 Board meeting; and May 22, 2013 Staff meeting. The motion carried unanimously.

VISITOR COMMENTS:

None.

AFSCME LOCAL 697 GRIEVANCE HEARING:

This grievance has been pulled by the Union and therefore no need for discussion.

HEARING: PROPOSED ROAD VACATION - CHELDELIN/PARKINEN/ENNEBERG:

This is the time set for the public hearing, "In the Matter of the Proposed Vacation of a Portion of OP Cheldelin County Road No. 39, a Portion of Alfred Parkinen County Road

No. P-240 and All of Thomas Enneberg County Road No. P-215 Near Vernonia, Oregon [ForesTree GM, LLC and Longview Timberlands, Petitioners]”.

Robin McIntyre reminded the Board that, although this is not a land use hearing, she would recommend that the Board follow the same procedure. She has prepared a written list of all items entered into the record to date, marked as **Exhibit “1”**.

Commissioner Hyde received emails from Craig Hedley, Eric Lark and Bill Langmade this morning, in opposition. These 3 emails were entered into the record marked **Exhibit “2”**

Dave Hill, Public Works Director, came before the Board to give the staff report. He reviewed the history and made the recommendation to approve this road vacation.

The hearing was opened for public testimony.

PROPONENTS:

Don Wallace, 17089 Elk Run Place, Vernonia. He is here today representing both petitioners, ForesTree GM, LLC and Longview Timberlands companies. He explained the purpose of this request.

OPPONENTS:

Bob Gregg, 62623 Burn Road, Vernonia: SEE WRITTEN COMMENTS. His north property line where the vacation begins. He assumes they will put a gate there - no place to park or turn around. If people start shooting up there, it will be close to the homeowner. People use this road all the time by the public. Whatever the complaints are about this road, they need to just accept this. These easements are very important and, if lost, won't be able to get them back. Dave Hill has stated that it's no cost to the county by keeping the easement and people can use it for hiking, bike riding etc. We need to hang on to this.

Debbie and Larry Fish, 62901 Burn Road, Vernonia: Debbie believes that if it's not good for their neighbors, then it's not good for them (timber companies). They take care of this road on their own, i.e. picking up garbage, patching holes, etc. not a burden for the timber companies. They have to stay in the house during hunting season because their house is hidden and it's not safe. She would ask about the records....

Dave Hill explained how the roads were creating back in the 1800's and for the past 80-90 years, the roads have changed and records were no very accurate. Road relocated but not documents.

Larry stated that the proposed gate is less than 200 yards from their property and about 100 yards from where their grandkids play. Just the other day he heard shots. He and Bob take care of that road, picking up garbage, refrigerators. The bow hunters cause more problems than anyone as far as leaving garbage around. If we cut this road off, it take..... We have a minimum of 45 min to 1 ½ hours for police service to arrive.

Robin explained that the timber companies own the land on both sides of the road and the easement was granted....the county doesn't own the land under the easement. When the road is vacated, the easement goes away and the land under the easement goes back to the owner.

Lee Enneberg, 3640 5th St., Columbia City: The speakershe lived on that road over 80 years. It was built to be used for access between Mist and Vernonia. He has the survey his granddad had done when this originated. It's a beautiful wilderness area and serves a lot of people. Robin entered a letter from Lee Enneberg, marked **Exhibit "3"**

Larry ...Wallace Road, Vernonia: He is here presenting 62 people that could not be here today but has signed a petition in opposition. This was entered into the record, marked **Exhibit "4"**. He talked about his history and memories of this area as a child. As a safety concern, he noted that there is only one bridge..... as one of the families on the other side of that bridge, they will be cut off. In 1962, a section up by the cemetery.

James Woods, 68760 Burn Road, Vernonia: His property is on the north side of the easement. He walks daily up Burn Road and it would be a disadvantage not to be able to use it.

Frank Huff, 285 Spinnaker Way, Columbia City: President of Oregon Hunters Assn. The majority of hunters he represents are in opposition to this proposed vacation. READ PREPARED statement. Closure of this road would negatively impact hunters, hikers, photografer. Submitted written testimony marked Exhibit "5".

Brad Brooks, Clark Road, Deer Island: He personally uses both ends of this road to take his wife and kids for a Sunday drive. He understands the easement and how that works but Burn Road continued through at one time but doesn't any longer for an unknown reason, so his point is that they have already lost a part of this road. He is opposed to this.

Dale Webb, 806 E. Alabama St., Vernonia: He already submitted written testimony but wanted to public say that he is in opposition to this proposal. Bringing that gate down to the property owners will cause congestion. This is only going to cause conflict for the neighbors and probably law enforcement issues. He did not see in the application the reason for vacating the portion of paved Burn Road. The big picture here is that we are all a community, we help the timber companies and they help us. LISTEN

Casey Mitchell, 623 ?? Drive. He uses Burn Road and had no idea how many others that use it and the people that live on this road. He always drive slowing and picks up garbage he sees. He cannot see why the timber companies want to vacate

Jack Phillips, 13369 Keasy Road, Vernonia: He owns a portion of land close to Burn Road. He is concerned about closing this road. He believes that notice of this vacation was not noticed properly. If this is an easement, where did the original come from - the railroad, the feds, what. What is the chain of title here. He continued with some reading from the state statutes and the legalities of the proposed vacation. The main intent is to determine the best interest of the public. He understands that the timber companies want to make money and that's fine, but this vacation is not in the best interest of the public. Whose interest is this for. The timber company will just put up a gate and take away a historic road. He is opposed to this and, in fact, would like to see it the way it was originally.

Debbie Fish: Asked if the posted sign on Burn Road because it's somewhat misleading. She has been told that it is "C Burn Road", meaning it's a county road. Dave Hill explained that there are two different names for clarification. Both "C" and "E" Burn roads. The c is for county but not sure where the e came from.

Millie O'Connor, 1224 Nichols Lane, Forest Grove: She spent many hours in the county records yesterday and found a lot of records on county roads. She shared the information she obtained. Her great grandfather was A.J. Orwig?? She has 27

grandkids that go up to that cemetery. The cleanup the grounds and if the road keeps getting closed off, who knows

REBUTTAL:

Don Wallace responded. In being here to represent the timber companies, he is a little conflicted. He uses this road but this is private property.

- Who has title to this property? About 90% of the road in this county are easements.....

- The reason the road doesn't go all the way through is just logging practices. After being logged several times, they don't need it anymore and the county doesn't maintain it.

- Bob talked about picking up garbage, refrigs, etc. It turns out that if some drops off a bucket of unknown chemical - these days it's not a matter of just picking it up. It has to go through a legal chain.

- heard a lot about hunting. He hunts there himself, but we need to realize that this is private property and, road or not, it's still private property.

- Larry mentioned the bridge and if washing out. Whether this property is .. There are gates and still couldn't get through. Hyde clarified that the emergency command has keys to all of those gates.

- The county road is for the benefit of those who need to use it. No longer is that the road from Vernonia to Mist. The only land owners are the two timber companies.

- He doesn't believe that hunting will change at all.

- He agrees with Gregg and Fish that as far as the gate, it would not be a the best location and he will work with the timber companies to find the best suitable site for the gate.

Robin clarified the procedure for notice. Dave Hill had a copy of the notice that is not dated, however, the Affidavit of Notice is dated and all sites listed.

With no further testimony coming before the Board, the hearing was closed.

Commissioner Hyde has been through a lot of vacation proceedings and typically what happens there is agreement with all landowners. Clearly that is not the case here and the reason why the Board held this hearing, although not required. He feels strongly agrees that the timber companies in this county are very good stewards of this county. He would hope that the timber county would agree that this is not in the best interest of the public. He would not support this vacation. Commissioner Fisher feels it comes down to property ownership. There is the issue of a property owner being able to use their property but there is also the issue of the public interest and many of those public have expressed their opposition. He would not support this vacation. Commissioner Heimuller noted that the timber companies are also taxpayers in this county and they are also represented here. He heard a comment that was almost threatening and that the Board was elected to serve the taxpayers. He totally agrees. He feels the spirit of cooperation by all neighbors continue. After all discussion, ***Commissioner Hyde moved and Commissioner Fisher seconded to tentatively deny the proposed road vacation as described. The motion carried unanimously.***

CONSENT AGENDA:

Commissioner Heimuller read the consent agenda in full. Items (F) (H) & (I) was pulled and carried over. With no other additions/changes, Commissioner Fisher moved and Commissioner Hyde seconded to approve the consent agenda as follows:

- (A) Ratify the Select to Pay for week of 5/27/13.

- (B) Ratify Partition Replat of Eagle Lake Bluff.
- (C) Resolution No. 19-2013, "In the Matter of a Resolution Appointing Sue Martin as the Zone Manager for the South Columbia County Enterprise Zone".
- (D) Workers Compensation Policy 484671 for the Plan year 7/1/13 - 6/30/14 and authorize Jennifer Cuellar to sign. (*Pulled and carried over to Staff meeting*)
- (E) Nondisabling Claims Reimbursement Program Enrollment Form for Workers Compensation Policy 484671 and authorize Jennifer Cuellar to sign.
- (F) Approve out-of-state travel for Jonathon Ray to attend security systems training in Seattle, WA, June 5-6, 2013.

AGREEMENTS/CONTRACTS/AMENDMENTS:

- (G) Hazard Mitigation Grant Program Contract with the Oregon Office of Emergency Management for Woodson Acquisition Project (FEMA Project No. DR-1733.0024) and authorize the Chair to sign.
- (H) Intergovernmental Agreement with the State of Oregon, Early Learning Division for the 2013-15 County Healthy Families Oregon Medicaid Administrative Activities and authorize the Chair to sign. (*Pulled and carried over to the Staff meeting*)
- (I) Intergovernmental "Mixed Funds" Agreement with the State of Oregon, Early Learning Division for the 2013-15 and authorize the Chair to sign. (*Pulled and carried over to the Staff meeting*)

The motion carried unanimously.

COMMISSIONER HYDE COMMENTS:

Commissioner Hyde was in Arizona last week attending the NACo conference. Tillamook County Commissioner Tim Josi is running for 2nd VP NACo.

COMMISSIONER FISHER COMMENTS:

Commissioner Fisher was in Salem last Thursday testifying in support of PCC in Scappoose.

He continues to work with the schools on implementing Drivers Education classes and it's looking good.

He was in Washington County yesterday to talk about possible shared services.

COMMISSIONER HEIMULLER COMMENTS:

Commissioner Heimuller shared with the Board that MTC is pulling out of the operation here in Columbia County, effective July 31st. This will have its effects because they are the only private job corp service in Oregon. The Oregon Consortium is now working on other options to continue this service.

There was no Executive Session held.

With nothing further coming before the Board, the meeting was adjourned.

Dated at St. Helens, Oregon this 29th day of May, 2013.

NOTE: A tape of this meeting is available for purchase by the public or interested parties.

FOR COLUMBIA COUNTY, OREGON

By: _____

Henry Heimuller, Chair

By: _____

Anthony Hyde, Commissioner

By: _____

Earl Fisher, Commissioner

By: _____

Jan Greenhalgh

Board Office Administrator