

Board of Commissioners Meeting
May 1, 2013

Present: Commissioner Mark D. Davidson
Commissioner Steve McClure
Commissioner William D. Rosholt

Chairman Davidson opened the meeting with all three Commissioners present.

Public Comments

Planning Commission Bylaws

Resolution 2013-05, In the Matter of Adopting Planning Commission Bylaws, was presented for consideration. Hanley Jenkins II, Planning Director, explained that the Planning Commission has put together a set of Bylaws that reflects the process that they are currently using.

Commissioner Davidson pointed out that there are terms for the committee members in the Bylaws and he feels those would be more appropriate in an Ordinance that establishes the Commission. He asked Hanley if the Commission is established by Statute or Ordinance. Hanley explained that the Planning Commission is in Statute 197. He believes that the County has a provision for Commissions that establishes the four year term for Planning Commission members.

Commissioner Davidson explained that under section " J" it appears that the list of people that can comment to have standing is being limited if they are not adjacent to the parties that are making the application. The description makes it sound like the person commenting would have to prove to the Commission's satisfaction that they are affected by the decision. He is concerned about limiting the citizen's rights to participate in the process. Hanley explained that it has been litigated at length at the State level that anyone can be affected or aggrieved. Commissioner Davidson feels that the statement should be amended to talk about how a standing is established instead of it appearing to be restrictive. Hanley explained that the important part from his perspective is that the party participates in the process at the Planning Commission level in order to have the right to appeal to the Board.

Commissioner McClure stated that his experience has been that the only thing that is required is that the person participates. He feels that they need to continue to use that standard.

Hanley will make sure that the Ordinance and the Bylaws have the same rules for the participants and it will be considered at the next Board of Commissioners meeting.

Commissioner McClure stated that it needs to be clarified that the diversity of the Planning Commission is considered when an appointment of members is made. Hanley explained that when the notices are advertised for a member they are specific on what type of representation is needed on the Commission.

Chip Rock Bid Award

Doug Wright, Public Works Director, brought a Chip Rock Bid award to the Commissioner for consideration. Doug explained that the Public Works Department requested bid quotes for approximately 6,000 ton of ½ to ¼ chip rock for chip sealing. They received three bids with the low bid being R.D. Mac at \$9.00 a ton. Roger's asphalt was \$10.00 a ton and Royal Rock was \$10.50 a ton. He is recommending that R.D. Mac be awarded the bid. **Commissioner McClure moved to award the bid for chip rock to R.D. Mac as recommended. Commissioner Rosholt seconded. Motion carried unanimously.**

Surface Rock Bid Award

Doug Wright brought a Surface Rock Bid award to the Commissioner for consideration. He explained that that rock is for the Pierce Road project. This will finish up the grant for the project. They went out to bid and received three bids. The low bidder was R.D. Mac at \$5.60 a ton. Roger's asphalt was \$9.60 a ton and Royal Rock was at \$5.90 a ton. He is recommending that R.D. Mac be awarded the bid. **Commissioner Rosholt moved to award the bid for surface rock to R.D. Mac as recommended. Commissioner McClure seconded. Motion carried unanimously.**

Consent Agenda

The March 25, 28 and April 4 claims journals; and the March 27 and April 3 Public Works claims journals; and the February 6 and March 5 Board of Commissioners Meeting Minutes were approved as presented on the consent agenda.

Appointment to Ambulance Advisory Committee

Court Order 2013-23, In the Matter of Appointment to the Ambulance District Advisory Committee, was presented for consideration. Shelley Burgess, Administrative Officer, explained that this Court Order would appoint Brent Brotherton, Pam Forrest, Mike Gooderham, Daniel Johnson and George Russell to continue to serve on the Ambulance District Advisory Committee. **Commissioner McClure moved approval of Court Order 2013-23 as presented. Commissioner Rosholt seconded. Motion carried unanimously.**

Airport Lease Agreement

Shelley Burgess brought a farm lease to the Commissioners for consideration. She explained that this lease is for property that the County has acquired through the Airport Safety Improvement Project. The property needed to be obtained in order to complete the project in the safety zone. This lease would allow Stewart and Laura Sholund to farm the property. They would pay the County \$800 per year and they have the right to farm the land. It is a twenty year lease. There is a five year renewal negotiation for the payment. It is eligible for renewal for an additional twenty years.

Commissioner McClure explained that the County is charging a dry land rate for the property.

Commissioner McClure moved approval of the farm lease as presented. Commissioner Rosholt seconded. Motion carried unanimously.

Legalizing a Portion of Pierce Road

Hanley Jenkins II, Planning Director, explained that this is an application that was submitted by the County called a legalization request. It can be made based on whether the right of way description for a County Road is determined to be accurate or not. This is just to deal with the described right of way location for this road and not the road surface. The adjacent land owners were notified of the application. He explained that they have spoken to the adjacent land owners to try and resolve any issues that they may have had with the legalization for the right of way. There have been questions on if there are improvements within the right of way if the adjacent private land owners own those improvements. They have tried to address those issues. He provided the Commissioners with a map that identifies the boundaries based on where fences are on the properties. Some of the properties were surveyed recently and in most cases the survey that Anderson, Perry and Associates did matches the surveys that the land owners had. He explained that what led them to pursuing the legalization rather than accepting the description is the road was created at three different times. It was created as a farm road and there was not a right of way width identified on the North end of the segment. This segment starts on Oregon Highway 203 and goes South to Foothill Road. The interest is trying to have a continuous right of way that any improvements on the road are within the County right of way rather than being on private property and the County is looking at trying to improve the section of road and ultimately paving it. The funding to pave the road is not secured yet but it is a high priority project.

Commissioner McClure explained that when the County received funds from HB2001 Pierce Road and a piece of Airport Lane was identified. When that project was completed there was money left over so rather than give it back to the State the County has decided to make the improvements on this piece of Pierce Road. This process identifies the right of way. The long term plan is to make this a paved road from the freeway exit to Highway 82 which has been in the transportation plan for years.

Hanley explained that this process does not change the status of the road in any way. It will stay a County road and it does not propose to change the surface condition in any way. This action is establishing the right of way boundaries as they meet the private property boundaries.

Commissioner Davidson asked if the width that is being established is 60 feet. Hanley stated that is correct. He explained that is what has been believed the right of way width has been since the road was created.

Commissioner Davidson opened the hearing for public testimony.

Carol Byron, 58660 Pierce Rd, La Grande, stated that she is not in opposition of the road. She is concerned that the right of way is marked into their horse corral. She would

prefer that the road be moved over. It would also go through their well which they are concerned about. The other opposition she has is for speed bumps to be placed on the road because there are a lot of people that speed on the road even with it being a gravel road. There have been some serious car accidents on the road and she would like to see that something be done about the speeding.

Cathy Nowak, Oregon Department of Fish and Wildlife at Ladd Marsh, asked if before the paving improvement project comes along there will be another opportunity to work with the County Planning Department. She explained that they have similar concerns about the speed on the road. They have wildlife viewers, hunters and children using that road regularly and there are some serious safety concerns. As the process continues beyond legalization she hopes they have an opportunity to work with the County on the planning process so they can address the signage and speed limits.

Commissioner Davidson stated that he feels that the advantage of when it is paved is there is then the ability to place a speed limit on the road. At that time they can have a hearing and get testimony to place a speed limit on that road.

Tim Wilson, 59000 Pierce Rd., La Grande, explained that there is a speed issue on Pierce Road. There are several people who exceed the safe speed on the road already. The road is narrow on the useable portion of the road because of the angle of the road. There are open ditches on both sides. A straight road by its nature encourages high speed travel. By paving the road it is just going to encourage the speeding more. During hunting season there can be 20 to 30 cars parked along the road. There are photographers that stop on the road to observe wildlife. They are concerned from a safety standpoint. They approached the County a few months ago about putting speed limits out there and were told it was a State issue and the County could not have any control over it. They would like to encourage the County to look at a significant posting and enforcement of a reasonable speed limit for the road. Unless the ditches are removed and create substantial paved shoulders there will be no decreased risk of safety. They are concerned that this might affect water runoff as well. With the restoration of Ladd Creek a few years ago there was significant money put into developing and rerouting the natural flow that has created significant challenges for the land owners because it redirected a large volume of water down one of the other branches. As a land owner they took it upon themselves to create a diversion ditch and create a dyke on their property. That protected numerous land owners as well as their own property. That diversion goes directly into the road ditch. If this road ditch is removed or the road is paved it will lose its natural drainage ability and he is concerned on how that will further impact water flow in that area.

Commissioner McClure explained that the County is not talking about design or paving at this point. They are only talking about the legalization of the right of way. He explained that the paving could be 15 to 20 years down the road. They are trying to make improvements to the safety with the limited funds that the County has at this time. The issue is a right of way has to be established.

Tim Wilson explained that it is his understanding that there is a possibility that this could turn into a bypass for Wallowa County bound traffic and he asked if that was correct. Commissioner McClure stated that is correct. Tim stated that he feels that it may be better to create an extension to an off ramp of the highway to create the bypass rather than use the road that intersects the wildlife refuge. For long term planning he is asking that the Commissioners consider other options. Commissioner McClure explained that the long term goals of the project is not being approved today. Tim explained that he understands that it is a long term goal and not being talked about today but what is being done today is planting a seed for something in the future. Before too much tax payer money is invested in the project that may not be the best solution he would like the Commissioners to consider the other options.

Sheri Rayburn, 59099 Pierce Rd, La Grande, stated that she has spent \$7200 having her property surveyed and she has put her new fences in according to those surveys. The area has been flagged and it appears that her fence needs to be moved about a foot. She is not happy with the idea. When the bridges were put in there were surveys done. The County replaced her gate at that time and she appreciates that but it was done where the lines are. She doesn't feel that a foot will make a difference.

Delmer Hanson, B and K Auto Salvage, 64190 Oregon Hwy 203, La Grande, explained that he believes that the fence for their property is in the correct spot. The concern that he has is that there is access to the back corner of their property off of Pierce Road. With the added traffic to their business they want to use that access point more frequently than they currently are. They want that access point to be adequate enough to get trucks in and out without any adverse conditions. Commissioner Davidson explained that at this time this is a legalization and the upcoming improvements are all gravel he doesn't feel that it will affect the size of the access into the business. When the project gets to the next step there will be meetings to discuss the access and they wouldn't want to restrict access to the people in that area.

With no other testimony received Commissioner Davidson closed the public hearing.

Commissioner McClure suggested that the Commissioners take some of the concerns from the testimony to go back and see if they can be addressed specifically, the well on Carol Byron's property. Realistically this is a long term project and they are trying to use the funds that were earmarked for Pierce Road and make extra improvements on Pierce Road. They are going to try and widen some of the narrow spots in the Road and put new gravel on it to make it a better road. If there are issues with parking they can take those into consideration and put no parking areas up if needed.

Commissioner McClure moved to take the concerns heard to the surveyor and try to address the concerns and postpone the consideration to July 10th at 10:00 a.m. Commissioner Rosholt seconded. Motion carried unanimously.

Union County Board of Commissioners Meeting

May 1, 2013

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Vacation of a Portion of Airport Lane – Union County

Court Order 2013-25, In the Matter of Vacating a Portion of Airport Lane, was presented for consideration.

Commissioner McClure moved to postpone the Vacation of a Portion of Airport Lane to May 15th at 9:45 a.m. Commissioner Rosholt seconded. Motion carried unanimously.

Adjournment

The meeting was adjourned at 10:02 a.m.

Respectfully Submitted,

Ashley Wilhelm
Sr. Dept. Specialist II