

**WALLOWA COUNTY
BOARD of COMMISSIONERS
STATE of OREGON**

541-426-7730
FAX: 541-426-0582
STACEY FREGULIA, E.A.

CHAIR TODD NASH
COMMISSIONER SUSAN ROBERTS
COMMISSIONER PAUL CASTILLEJA

commissioners@co.wallowa.or.us

October 15, 2018

**Wallowa County Board of Commissioners (BOC)
JP Gardner Road Hearing Meeting
10:00 a.m. Thornton Conference Room
Wallowa County Courthouse**

MEMBERS PRESENT: CHAIR NASH
COMMISSIONER SUSAN ROBERTS
COMMISSIONER PAUL CASTILLEJA

STAFF PRESENT: STACEY FREGULIA, EXECUTIVE ASSISTANT

OTHERS PRESENT: CLIFF WALTERS, CHRISTINE WALTERS, DIANE
DAGGETT, CHARLIE PHILLIPS

10:00 a.m. – Chair Nash opened the hearing stating that the Board is here today to take testimony on a petition to legalize a portion of J. P. Gardner Road. The Board will review the testimony and petition, come to a decision regarding the petition, and adopt a proposed order regarding the Board’s decision in this matter.

The Public Hearing is now open for the purpose of entertaining testimony regarding the proposed action to legalize a portion of J. P. Gardner Road, filed by Charlie and Ramona Phillips, Rod and Linda Botts, Don and Sammy Nuxall, and Bruce and Nora Slayden.

The Order of presentation we will follow is:
We will take the Petitioner’s testimony, if any.
Then we will entertain other members of the audience who wish to speak in favor of the petition.
We will then entertain testimony from members of the audience who are opposed to the petition.
Then those audience members who are neutral to the petition but have information that they wish to provide to the Board will have an opportunity to speak.
The Petitioner can present rebuttal argument if they wish to do so.

Chair Nash recused himself at this time due to a personal relationship with one of the petitioners.

Commissioner Roberts moved forward with the hearing stating that she will close the hearing after rebuttal arguments from the petitioner. Commissioner Roberts asked if any commission member wish to disqualify him or herself for any personal or financial interest in this matter, or does any commission member wish to report any

**WALLOWA COUNTY
BOARD of COMMISSIONERS
STATE of OREGON**

significant ex parte or pre-hearing contacts and explain or share what you have heard.

None of the Commissioners had any significant ex parte contact with the petitioners. Commissioner Roberts did note that she had spoken to the only member on the petition who had not signed.

Commissioner Roberts then asked if any member of the audience wish to challenge the right of any commissioner to hear this matter?

None came forth.

Commissioner Roberts then asked if there was any member of the audience who wishes to question the jurisdiction of this body to act on behalf of the County in this matter?

None came forth.

Now is the time for public testimony. Are there any other members of the audience who wish to speak in favor of this petition?

Charlie Phillips came forth and gave a brief history of when he bought the property back in 1989 and how he had used the easement from Idaho Power to access his property up until the day the other property had been sold. At that point he had realized the easement hadn't been written into his deed for access. The property owners around him have all come to a conclusion that there needs to be an established easement or right of way into the properties moving forward, this is the reason they have petitioned for the legalization of the portion of J. P. Gardner Road.

Commissioner Roberts then asked if any audience member who opposes the petition wished to speak.

None came forth.

Commissioner Roberts then asked if any member of the audience were neutral and would like to give testimony.

None came forth.

Commissioner Roberts closed the portion of the public hearing then stated that this is open for the commission to discuss.

Commissioner Castilleja stated that this has been going on for a while and there is a need to rectify it. Commissioner Roberts stated that Mr. Phillips had indeed correctly addressed the problem and stating that it needs corrected. She stated that this petition had been going on for a while but there is a procedure to follow. Once the petition had been accepted there needed to be a survey done, then it would be turned over to the Road Superintendent, a hearing held on the matter, and the need to either accept the petition or deny the petition based on testimony and findings. She believes that they should accept this petition with the provision that it be an unmaintained county road.

**WALLOWA COUNTY
BOARD of COMMISSIONERS
STATE of OREGON**

Commissioner Roberts read Order 2018-036 in the Matter of the Legalization of a Portion of the J. P. Gardner Road in its entirety.

*Commissioner Castilleja moved to approve Order 2018-036
In the Matter of the Legalization of a Portion of the J. P.
Gardner Road.*

Commissioner Roberts seconded the motion.

*The vote on the motion was 2 ayes with 1 abstained; the
motion is approved.*


Public Comment:

No further business was brought before the Board of Commissioners at this time.

Adjournment: The official meeting ended at approximately 10:10 a.m.

Respectfully Submitted by:
Stacey Fregulia, Executive Assistant

WALLOWA COUNTY BOARD OF COMMISSIONERS



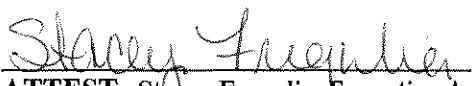
Chair Todd Nash



Commissioner Susan Roberts



Commissioner Paul Castilleja



ATTEST: Stacey Fregulia, Executive Assistant