

IN THE BOARD OF COMMISSIONERS OF THE STATE OF OREGON

FOR THE COUNTY OF YAMHILL

SITTING FOR THE TRANSACTION OF COUNTY BUSINESS

In the Matter of an Order Reinstating Limited)
Maintenance Status to High Heaven Road;) BOARD ORDER 19 - 87
Rescinding Board Order 01-809)

THE BOARD OF COMMISSIONERS OF YAMHILL COUNTY, OREGON (the "Board"), sat for the transaction of county business in regular session on March 21, 2019, Commissioners Rick Olson, Mary Starrett and Casey Kulla being present.

WHEREAS, On December 13, 1988 the then board of commissioners for Yamhill County approved the modification of the legend on the Official Road Jurisdiction Map, as it related to High Heaven Road, from "Public Road: Emergency Maintenance by County (Fire Access Only)" to "Public Road: Limited Maintenance by County", which action was memorialized in Board Order 88-773, attached here to as Exhibit A and incorporated herein by this reference.

WHEREAS, On August 23, 2001, the then board of commissioners for Yamhill County approved a request to place two gates across High Heaven Road, which action was memorialized in Board Order 01-670 (the "High Heaven Gate Permit"), and which High Heaven Gate Permit was subsequently transferred to Weyerhaeuser Company and memorialized in Board Order 18-398, both of which are attached hereto as Exhibit B and Exhibit C respectively and are incorporated herein by this reference"); and

WHEREAS, On October 18, 2001, following the granting of the High Heaven Gate Permit, the then board of commissioners for Yamhill County received a report from the county road official which stated, in part, that the applicants for the High Heaven Gate Permit were the adjoining property owners and they had assumed the responsibility to maintain and improve the roadway. The road official's report concluded with a recommendation that the board remove the "limited maintenance by county status" from this road, but that the road should remain a public road to be maintained by the adjoining property owners, which action was memorialized in Board Order 01-809, attached hereto as Exhibit D and incorporated herein by this reference; and

WHEREAS, on January 10, 2019 the Board held a public hearing and heard comments from adjacent property owners, recreational users and public agencies about options for removing or opening the two gates that are the subject of the High Heaven Gate Permit, or modifying the conditions for the continued operation of said gates; and,

WHEREAS on February 21, 2019 the Board restated the conditions applicable to the Permit, effective at midnight on April 1, 2019, which action was memorialized in Board Order 19-54, attached hereto as Exhibit E and incorporated herein by this reference; and

WHEREAS, on February 21, 2019, in light of the modified High Heaven Gate Permit conditions, the Board also discussed whether or not Yamhill County should resume some limited maintenance on High Heaven Road or consider re-designating High Heaven Road to its former "Public Road: Limited Maintenance by County" status; and

WHEREAS, ORS 368.031(2) states that:

"(2) A county governing body shall spend county moneys on the local access road only if it determines that the work is of an emergency or if:

- (a) The county road official recommends the expenditure
- (b) The public use of the road justifies the expenditure proposed; and
- (c) The county governing body enacts an order or resolution authorizing the work to be either a single project or a continuing program"

WHEREAS, on February 26, 2019 the county road official appeared before the board to discuss the potential reinstatement of limited maintenance status along High Heaven Road, and he estimated the costs to perform such limited maintenance every 3 to 5 years would be approximately \$16,000-32,000 for labor and equipment and \$7,000 to \$14,000 in material costs; and

WHEREAS, on March 19, 2019 the county road official recommended the expenditure and confirmed that the public use of the road justifies the expenditure proposed, which recommendation is attached hereto as Exhibit F and incorporated herein by this reference. NOW THEREFORE,

IT IS HEREBY ORDERED BY THE BOARD that the portion of High Heaven Road previously withdrawn from "Public Road: Limited Maintenance by County" status under Board Order 01-809 is reinstated to "Public Road: Limited Maintenance by County" status and the Yamhill County Public Works Department is hereby authorized to expend up to a maximum of \$46,000.00 for maintenance every 3-5 years on a limited or as needed basis on High Heaven Road; and

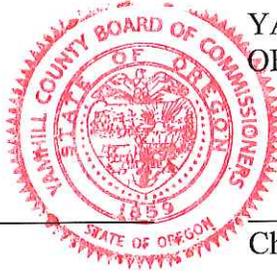
///

///

IT IS HEREBY FURTHER ORDERED BY THE BOARD that Board Order 01-809 is rescinded.

DONE at McMinnville, Oregon on March 21, 2019.

ATTEST



YAMHILL COUNTY BOARD
OF COMMISSIONERS

BRIAN VAN BERGEN
County Clerk

Rick Olson
Chair RICK OLSON

By: *Carolina Rook*
Deputy CAROLINA ROOK

Mary Starrett
Commissioner MARY STARRETT

FORM APPROVED BY
Chris Boenisch
CHRISTIAN F. BOENISCH
Yamhill County Legal Counsel

Casey Kulla
Commissioner CASEY KULLA

INDEXED

11. B. O. 88-769 - Approval of acceptance of the appointments to the Social Service Council of Judy Burrridge, Erma Vasquez, and Homer Smuck, replacing Nancy Jackman, Jim Brown, and Kathleen Horgan, whose terms have expired; and the election of Becky Pearson as Chairman and Steve Simmons as Vice Chairman.

INDEXED

12. B. O. 88-770 - Approval of adoption of the mission statement of the Children's Coordination Council, creation of said Council, and the appointment of the following members to one year terms until terms are established through the bi-laws.

LeRoy Benham, Chairman	Marcella Anderson	Sharon Bell
Susan Boyd	Barbara Breitling	Michael Brott
Mary Bunn	Jerry Callens	Mickey Clay
Dennis Creel	Jan Davidson	Hope Garcia
Kathleen Horgan	Nancy Jackman	Chris Johnson
Robert Johnstone	Kikki Kaufman	Lyle Mann
Chet Markley	Clara McGuffy	Wes Smith
Susan Sokol Blosser	Judy Stoller	Erma Vasquez
Alan Young		

INDEXED

13. B. O. 88-771 - Approval of adoption of a resolution providing for the transfer of \$30,157 from account item 10-92-950:01 - Contingency Fund to account item 10-41-610:01- Professional Services Fund for payment of bills for Jail design and survey services.

INDEXED

14. B. O. 88-772 - Approval of an interfund loan of \$5,000 with interest at prevailing rates from the General Fund to the Dog Fund.

INDEXED

15. B. O. 88-773 - Approval of modification of a legend of the Official Road Jurisdiction Map (B. O. 88-737), modified from "Public Road: Emergency Maintenance by County (Fire Access Only)" to "Public Road: Limited Maintenance by County". John Gray stated that this legend as modified does not effect the responsibility of the county to declare an emergency to exist prior to using county road funds for maintenance on a public road.



B. OTHER ITEMS: (Add-ons):

INDEXED

1. B. O. 88-774 - Approval of an agreement between Yamhill County Mental Health ABACUS program and the First Presbyterian Church of McMinnville to provide janitorial services at a rate of \$400 per month, effective December 16, 1988 until December 31, 1989. Commissioner Bishop moved for approval of the agreement with the statement that although he is a member of the First Presbyterian congregation, neither he nor his family will gain monetarily from this contract. Motion carried with Lopuszynski and Bishop voting aye.

SPECIAL SESSION

L B

Exhibit "A"

Pg 1 of 1

B.O. 19-87
Exhibit "A"

'01 AUG 24 P2:28

IN THE BOARD OF COMMISSIONERS OF THE STATE OF OREGON

FOR THE COUNTY OF YAMHILL

SITTING FOR THE TRANSACTION OF COUNTY BUSINESS

In the Matter of Approving a Request)
to Place Two Gates Along High Heaven) BOARD ORDER 01-670
Road; Applicant Willamette Industries)

THE BOARD OF COMMISSIONERS OF YAMHILL COUNTY, OREGON (the Board) sat for the transaction of county business in formal session on August 23, 2001, Commissioners Thomas E. E. Bunn, Leslie Lewis and Robert Johnstone being present.

THE BOARD MAKES THE FOLLOWING FINDINGS:

A. The applicant, Willamette Industries, requested permission to place two gates along High Heaven Road due to ongoing problems with trash dumping, vehicle abandonment, vandalism, fire danger, and other problems. These claims are well-founded, confirmed by the county surveyor.

B. The county surveyor duly noticed the proposed gates by postings at the site, newspaper publication (the *McMinnville News-Register* on July 5 and August 2, 2001; the *Newberg Graphic* July 11 and August 1, 2001), and contacts with all adjacent property owners, police and fire services, and utilities.

C. The duly noticed public hearing was held August 9, 2001. The applicant and several citizens spoke in favor of the gates, and no-one wrote or spoke in opposition. NOW, THEREFORE:

IT IS HEREBY ORDERED BY THE BOARD that Willamette Industries' request to place two gates on all that portion of High Heaven Road lying between the westerly line of Section 30 and the easterly line of section 32, Township 3 South, Range 5 West, Willamette Meridian in Yamhill County, Oregon, the two gates to be placed: (Gate 1) The intersection of High Heaven Road and the westerly boundary of Section 30, Township 3 South, Range 5 West, Willamette Meridian in Yamhill County, Oregon; (Gate 2.) The intersection of High Heaven Road and the easterly boundary of Section 32 of Township 3 South, Range 5 West, Willamette Meridian in Yamhill County, Oregon, is approved, with the following conditions:

1. Willamette Industries must construct and maintain these two gates.
2. Willamette Industries shall allow businesses or persons with legitimate reasons for access passage through the gates, upon reasonable request.
3. Keys to the gates shall be given to Boise Cascade, McMinnville Water & Light, the Yamhill County Sheriff's Office, Yamhill County Department of Public Works, and any other public entities the latter shall request.

B.O. 01-670

Exhibit "B"
Page 1 of 2

DONE at McMinnville, Oregon this 23rd day of August, 2001.

ATTEST

YAMHILL COUNTY BOARD OF COMMISSIONERS

CHARLES STERN

County Clerk

Thomas E.E. Bunn

Chairman

THOMAS E.E. BUNN

By *Kellye Fetters*
Deputy Kellye Fetters

Robert Johnstone

Commissioner

ROBERT JOHNSTONE

FORM APPROVED BY:

Leslie Lewis

Commissioner

LESLIE LEWIS

Rick Sanai

Rick Sanai

Assistant County Counsel

F:\ADMIN\SANAI\ROAD\HighHeavenRoadgateBO.wpd

Exhibit "B"
Page 2 of 2

L.O. 01-676

BEFORE THE BOARD OF COMMISSIONERS OF THE STATE OF OREGON

FOR THE COUNTY OF YAMHILL

SITTING FOR THE TRANSACTION OF COUNTY BUSINESS

In the Matter of Transferring the Approval)
to Place Two Gates Along High Heaven)
Road from Willamette Industries, Inc. to) BOARD ORDER 18 - 398
Weyerhaeuser Company.)

THE BOARD OF COMMISSIONERS OF YAMHILL COUNTY, OREGON (the "Board"), sat for the transaction of county business in regular session on November 1, 2018, Commissioners Mary Starrett, Rick Olson and Stan Primozych being present.

WHEREAS, On August 23, 2001, the then board of commissioners for Yamhill County approved a request from Willamette Industries, Inc., an Oregon corporation ("Willamette") to place two gates across High Heaven Road, which action was memorialized in Board Order 01-670, attached hereto as Exhibit A and incorporated herein by this reference (the "High Heaven Gate Permit"); and

WHEREAS, in 2002, Willamette was acquired by and merged into Weyerhaeuser Company, a Washington corporation ("Weyerhaeuser"), and Weyerhaeuser acquired all assets, and assumed all obligations, of Willamette, including the High Heaven Gate Permit; and

WHEREAS, the Board now desires to memorialize the transfer of the High Heaven Gate Permit from Willamette to Weyerhaeuser, without making any other changes to the High Heaven Gate Permit conditions; and

NOW THEREFORE,

///

///

Exhibit "C"
Page 1 of 5

IT IS HEREBY ORDERED BY THE BOARD AS FOLLOWS:

The Board hereby transfers the High Heaven Gate Permit from Willamette to Weyerhaeuser, and the terms and conditions of the High Heaven Gate Permit shall be binding on and inure to the benefit of both Yamhill County and Weyerhaeuser and Weyerhaeuser's successors and assigns.

DONE at McMinnville, Oregon on November 1, 2018.

YAMHILL COUNTY BOARD
OF COMMISSIONERS

ATTEST:

BRIAN VAN BERGEN
County Clerk



Mary Starrett
Chair

MARY STARRETT

By: Carolina Rook
Deputy CAROLINA ROOK

Rick Olson
Commissioner RICK OLSON

FORM APPROVED BY

Christian F. Boenisch
CHRISTIAN F. BOENISCH
Yamhill County Legal Counsel

Stan Primozych
Commissioner STAN PRIMOZICH

Exhibit "C"
Page 2 of 5

Exhibit A

(see attached)

Exhibit "C"
Page 3 of 5

'01 AUG 24 P2:28

IN THE BOARD OF COMMISSIONERS OF THE STATE OF OREGON

FOR THE COUNTY OF YAMHILL

SITTING FOR THE TRANSACTION OF COUNTY BUSINESS

In the Matter of Approving a Request)
to Place Two Gates Along High Heaven) BOARD ORDER 01-670
Road; Applicant Willamette Industries)

THE BOARD OF COMMISSIONERS OF YAMHILL COUNTY, OREGON (the Board) sat for the transaction of county business in formal session on August 23, 2001, Commissioners Thomas E. E. Bunn, Leslie Lewis and Robert Johnstone being present.

THE BOARD MAKES THE FOLLOWING FINDINGS:

- A. The applicant, Willamette Industries, requested permission to place two gates along High Heaven Road due to ongoing problems with trash dumping, vehicle abandonment, vandalism, fire danger, and other problems. These claims are well-founded, confirmed by the county surveyor.
- B. The county surveyor duly noticed the proposed gates by postings at the site, newspaper publication (the *McMinnville News-Register* on July 5 and August 2, 2001; the *Newberg Graphic* July 11 and August 1, 2001), and contacts with all adjacent property owners, police and fire services, and utilities.
- C. The duly noticed public hearing was held August 9, 2001. The applicant and several citizens spoke in favor of the gates, and no-one wrote or spoke in opposition. NOW, THEREFORE:

IT IS HEREBY ORDERED BY THE BOARD that Willamette Industries' request to place two gates on all that portion of High Heaven Road lying between the westerly line of Section 30 and the easterly line of section 32, Township 3 South, Range 5 West, Willamette Meridian in Yamhill County, Oregon, the two gates to be placed: (Gate 1) The intersection of High Heaven Road and the westerly boundary of Section 30, Township 3 South, Range 5 West, Willamette Meridian in Yamhill County, Oregon; (Gate 2.) The intersection of High Heaven Road and the easterly boundary of Section 32 of Township 3 South, Range 5 West, Willamette Meridian in Yamhill County, Oregon, is approved, with the following conditions:

- 1. Willamette Industries must construct and maintain these two gates.
- 2. Willamette Industries shall allow businesses or persons with legitimate reasons for access passage through the gates, upon reasonable request.
- 3. Keys to the gates shall be given to Boise Cascade, McMinnville Water & Light, the Yamhill County Sheriff's Office, Yamhill County Department of Public Works, and any other public entities the latter shall request.

P.O. 01-670

Exhibit "C"
Page 4 of 5

DONE at McMinnville, Oregon this 23rd day of August, 2001.

ATTEST

YAMHILL COUNTY BOARD OF COMMISSIONERS

CHARLES STERN

County Clerk

Thomas E.E. Bunn

Chairman

THOMAS E.E. BUNN

By: Kellye Fetters
Deputy

Robert Johnstone

Commissioner

ROBERT JOHNSTONE

FORM APPROVED BY:

Leslie Lewis

Commissioner

LESLIE LEWIS

Rick Sanai

Rick Sanai

Assistant County Counsel

F:\ADMIN\SANAI\ROAD\HighHeavenRoadgateBO.wpd

Exhibit "C"

Page 5 of 5

B.O. 01-670

B.O. 18-398

Exhibit "A"

IN THE BOARD OF COMMISSIONERS OF THE STATE OF OREGON

FOR THE COUNTY OF YAMHILL

SITTING FOR THE TRANSACTION OF COUNTY BUSINESS

In the Matter of an Order Withdrawing)
 Limited Maintenance Status from a) BOARD ORDER 01-809
 Portion of High Heaven Road; Modifying)
 Board Order 88-773.)

THE BOARD OF COMMISSIONERS OF YAMHILL COUNTY, OREGON ("the Board") sat for the transaction of county business in formal session on October 18, 2001, commissioners Robert Johnstone, Thomas E.E. Bunn and Leslie Lewis being present.

THE BOARD MAKES THE FOLLOWING FINDINGS:

A. On December 21, 1988 the Board entered the following order with respect to a certain portion of High Heaven Road identified on the Official Road Jurisdiction Map of Yamhill County as "Public Road: Limited Maintenance by County" (referred to in this Board Order as "the subject road portion"):

"... public works director is authorized to expend county funds on that portion of High Heaven Road identified on the Official Road Jurisdiction Map, by Board Order 88-773, as "Public Road: Limited Maintenance by County" on an on-going, as-needed basis, as determined necessary by the Public Works Director to keep the road open, but not maintained."

B. ORS 368.026 establishes the process for withdrawal of county road status, a status which requires county maintenance of a public road. In order to consider whether to withdraw the limited maintenance responsibility for the subject road portion as established December 21, 1988, the Board elected to follow the procedure set forth in ORS 368.026 rather than simply vacate its December 21, 1988 action. ORS 368.026 provides as follows:

368.026 Withdrawal of county road status; report; notice; hearing. (1) A county governing body shall use the following procedure to withdraw county road status from a portion of a county road that is outside a city:

(a) The county governing body may initiate proceedings by having the county road official prepare a report stating reasons for the proposed withdrawal and the effects the proposed withdrawal may have on land abutting the county road proposed to be withdrawn.

(b) The county governing body shall fix a date for a hearing on the withdrawal.

Exhibit "D"
 Page 1 of 5

(c) The county governing body shall provide for notice of the hearing on the proposed withdrawal to be served on owners of land abutting the portion of county road proposed to be withdrawn. Notice shall be served in the manner provided under ORS 368.401 to 368.426.

(d) Any interested person shall have access to the report prepared by the county road official under this section from a day not less than 20 days prior to the date of hearing.

(e) At the hearing, the county governing body shall accept the report of the county road official prepared under this section and shall accept testimony from persons favoring or objecting to the proposed withdrawal.

(f) After completion of the procedures under this section, the county governing body may retain the portion of county road as a county road or may by order or resolution declare county road status withdrawn from all or part of the portion of the road under consideration.

* * *

(3) If a county governing body withdraws county road status from a portion of a county road, the road shall continue to be a public road.

C. On August 30, 2001 the Board received a report from the county road official which stated reasons for the proposed withdrawal and the effects the proposed withdrawal might have on land abutting the subject road portion. (The road official's report regarding the subject road portion is attached as Exhibit "A.") After receipt of the report, the board set a public hearing date of October 11, 2001 to consider withdrawal of maintenance responsibilities on the subject portion.

D. Notice of the public hearing was sent to owners of land abutting the subject road portion not less than 20 days prior to the date of hearing. (The attached Exhibit "B" is the public hearing notice sent to owners of land abutting the subject road portion in accordance with ORS 368.026(1)(c).)

E. On October 11, 2001 the Board held a public hearing to consider withdrawal of maintenance responsibilities on the subject road portion. The Board accepted the report of the county road official as well as written testimony from Mr. and Mrs. Robert Jackson, persons objecting to the proposed withdrawal.

F. After the hearing was closed, the Board deliberated the issue, and decided to withdraw county maintenance responsibilities on the subject road portion. NOW, THEREFORE;

///

Exhibit "D"
Page 2 of 5

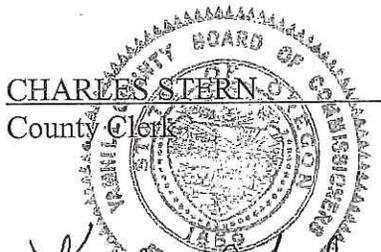
IT IS HEREBY ORDERED BY THE BOARD AS FOLLOWS:

1. Effective immediately, any road maintenance responsibility by the county on High Heaven Road imposed by either the Board's December 21, 1988 action regarding High Heaven Road or Board Order 88-773 is withdrawn.
2. That section of High Heaven Road identified in paragraph 1, above, shall continue to be a public road.

DONE at McMinnville, Oregon on October 18, 2001.

ATTEST

YAMHILL COUNTY BOARD OF COMMISSIONERS



CHARLES STERN
County Clerk

Thomas E. E. Bunn
Chairman THOMAS E. E. BUNN

By: Kellye Fetters
Deputy KELLYE FETTERS

Robert Johnstone
Commissioner ROBERT JOHNSTONE

FORM APPROVED BY:

John M. Gray, Jr.
JOHN M. GRAY, JR.
Yamhill County Counsel

Leslie A. Lewis
Commissioner LESLIE LEWIS

\\whitec\pw\withdraw\cord\highheave\bo.wpd

Exhibit "D"
Page 3 of 5



Yamhill County Public Works Department

2060 Lafayette Avenue, McMinnville, OR 97128
Ph. 503.434.7515 Fax 503.472.4068 E-mail pubwork@co.yamhill.or.us

William A. Gille, P.E.
Director

Susan Mundy
Roadmaster

Morin Juncker
Fleet Manager

MEMORANDUM

August 30, 2001

RECEIVED

AUG 30 2001

YAMHILL CO. BOC

*original
circulate*

To: Board of County Commissioners

From: William A. Gille, P.E., P.L.S., Director of Public Works

William A. Gille

Re: Road Officials Report on the withdrawal of a portion of High Heaven Road from County Road Status

Willamette Industries has requested that the county grant them permission to erect and maintain a gates closing a portion of High Heaven Road. This portion of road has had a limited county road status since December 21, 1988 when the Board ordered that the;

“...public works director is authorized to expend county funds on that portion of High Heaven Road identified on the Official Road Jurisdiction Map, by Board Order 88-773, as “Public Road: Limited Maintenance by County” on an on-going, as-needed basis, as determined necessary by the Public Works Director to keep the road open, but not maintained.”

The applicants for this gate request are adjoining property owners and have assumed the responsibility to maintain and improve this roadway. Given that this road is proposed to be gated and the maintenance is being taken care of by the adjoiners there is no reason for this road to remain in a “Public Road: Limited Maintenance by County” status.

RECOMMENDATION: The Board of Commissioners should remove the limited maintenance by county status from this Public road. This road will remain a public road, however it will be maintained by the adjoining property owners.

*Scheduled for PH on
Oct. 11th, 2001, 10 to
Prepare notice - JB
Exhibit "D"
Page 4 of 5*

EX A - 1/1

NOTICE OF PUBLIC HEARING
Proposed Withdrawal of County Road Status; County Maintenance
(Portion of High Heaven Road)

NOTICE IS HEREBY GIVEN that on Thursday, October 11, 2001 at 10 a.m. the Yamhill County Board of Commissioners will hold a public hearing in Room 32 of the county courthouse, 535 NE 5th Street, McMinnville, OR 97128. The purpose of the hearing is to determine whether limited "county road status" should be withdrawn from that portion of High Heaven Road identified on the Official Road Jurisdiction Map of Yamhill County as "Public Road: Limited Maintenance by County."

The process for the Board of Commissioners to consider withdrawal of county road status is governed by ORS 368.026. The statute requires that the county road official prepare a report "stating reasons for the proposed withdrawal and the effects the proposed withdrawal may have on land abutting the county road proposed to be withdrawn." The road official has prepared a report. The report is available for review during regular business hours at the Department of Public Works, 2060 Lafayette Avenue, McMinnville, Oregon or at the Board of Commissioners' office in the county courthouse at the above address.

At the public hearing on October 11, 2001 the Board of Commissioners will review the report of the road official. At the hearing, the Board will accept oral or written testimony from persons favoring or objecting to the proposed withdrawal. Written testimony may also be sent to the Board of Commissioners prior to the hearing.

After completion of the public hearing, the Board of Commissioners may withdraw limited county road status as to identified portion of High Heaven Road. If the Board of Commissioners withdraws county road status, the road shall continue to be a public road but shall be reclassified to a "local access road". If withdrawal occurs, the county will no longer maintain the affected portion of High Heaven Road.

This notice has been mailed to all persons who are listed in county tax records as owners of land abutting the portion of High Heaven Road affected by this action. Questions should be addressed to Bill Gille, Director of Public Works, telephone 434-7515 or John Gray, County Counsel, telephone 434-7502. Dated September 7, 2001.

William A. Gille, Director
Department of Public Works

Exhibit "D"
Page 5 of 5

Ex B - 1/1

IN THE BOARD OF COMMISSIONERS OF THE STATE OF OREGON
FOR THE COUNTY OF YAMHILL
SITTING FOR THE TRANSACTION OF COUNTY BUSINESS

In the Matter of Restating the)
Approval and Conditions to Place)
Two Gates Along High Heaven) BOARD ORDER 19 - 54
Road)

THE BOARD OF COMMISSIONERS OF YAMHILL COUNTY, OREGON (the "Board"), sat for the transaction of county business in regular session on February 21, 2019, Commissioners Rick Olson, Mary Starrett and Casey Kulla being present.

WHEREAS, On August 23, 2001, the then board of commissioners for Yamhill County approved a request from Willamette Industries, Inc., an Oregon corporation ("Willamette") to place two gates across High Heaven Road, which action was memorialized in Board Order 01-670, attached hereto as Exhibit A and incorporated herein by this reference (the "High Heaven Gate Permit"); and

WHEREAS, in 2002, Willamette was acquired by and merged into Weyerhaeuser Company, a Washington corporation ("Weyerhaeuser"), and Weyerhaeuser acquired all assets, and assumed all obligations, of Willamette, including the High Heaven Gate Permit; and

WHEREAS, on November 1, 2018 the Board memorialized the transfer of the High Heaven Gate Permit to Weyerhaeuser, without making any other changes to the High Heaven Gate Permit conditions; and

WHEREAS, on January 10, 2019 the Board held a public hearing and heard comments from adjacent property owners, recreational users and public agencies about options for removing or opening the two gates or modifying the conditions for the continued operation of the two gates; and, following the hearing, the Board now desires to restate the High Heaven Gate Permit and the conditions applicable to the High Heaven Gate Permit, effective April 1, 2019 as follows; NOW THEREFORE,

IT IS HEREBY ORDERED BY THE BOARD that Weyerhaeuser's permit to place two gates on and across that portion of High Heaven Road lying between the westerly line of Section 30 and the easterly line of Section 32, Township 3 South, Range 5 West, Willamette Meridian in Yamhill County, Oregon, the two gates to be placed: (Gate 1) at the intersection of High Heaven Road and the westerly boundary of Section 30, Township 3 South, Range 5 West, Willamette Meridian in Yamhill County Oregon; (Gate 2) at the intersection of High Heaven Road and the

Exhibit "E"

Page 1 of 5

easterly boundary of Section 32 of Township 3 South, Range 5 West, Willamette Meridian in Yamhill County, Oregon, is restated and approved, with the following conditions:

1. Weyerhaeuser must construct and maintain these two gates.
2. Weyerhaeuser shall lock both gates in the open position, unless instructed in writing by the Board to close and lock the gate.
3. Keys to the gates shall be given to Hancock, McMinnville Water & Light, the Yamhill County Sheriff's Office, McMinnville Rural Fire Protection District, the Yamhill County Department of Public Works, and any other public entities the latter shall request.

The Board hereby restates and approves the High Heaven Gate Permit and the terms and conditions of the High Heaven Gate Permit shall be binding on and inure to the benefit of both Yamhill County and Weyerhaeuser and Weyerhaeuser's successors and assigns.

AYES: 2

NAYS: 1

DONE at McMinnville, Oregon on February 21, 2019.

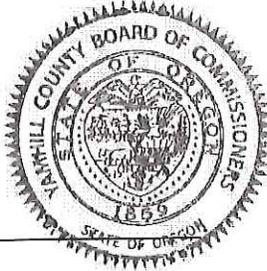
ATTEST

BRIAN VAN BERGEN
County Clerk

By: Carolina Rook
Deputy CAROLINA ROOK

FORM APPROVED BY

Christian F. Boenisch
CHRISTIAN F. BOENISCH
Yamhill County Legal Counsel



YAMHILL COUNTY BOARD
OF COMMISSIONERS

Rick Olson
Chair RICK OLSON

Unavailable for signature

Mary Starrett
Commissioner MARY STARRETT

Casey Kulla
Commissioner CASEY KULLA

Exhibit A

(see attached)

Exhibit "E"
Page 3 of 5

'01 AUG 24 P2:28

IN THE BOARD OF COMMISSIONERS OF THE STATE OF OREGON

FOR THE COUNTY OF YAMHILL

SITTING FOR THE TRANSACTION OF COUNTY BUSINESS

In the Matter of Approving a Request)
to Place Two Gates Along High Heaven) BOARD ORDER 01-670
Road; Applicant Willamette Industries)

THE BOARD OF COMMISSIONERS OF YAMHILL COUNTY, OREGON (the Board) sat for the transaction of county business in formal session on August 23, 2001, Commissioners Thomas E. E. Bunn, Leslie Lewis and Robert Johnstone being present.

THE BOARD MAKES THE FOLLOWING FINDINGS:

A. The applicant, Willamette Industries, requested permission to place two gates along High Heaven Road due to ongoing problems with trash dumping, vehicle abandonment, vandalism, fire danger, and other problems. These claims are well-founded, confirmed by the county surveyor.

B. The county surveyor duly noticed the proposed gates by postings at the site, newspaper publication (the McMinnville News-Register on July 5 and August 2, 2001; the Newberg Graphic July 11 and August 1, 2001), and contacts with all adjacent property owners, police and fire services, and utilities.

C. The duly noticed public hearing was held August 9, 2001. The applicant and several citizens spoke in favor of the gates, and no-one wrote or spoke in opposition. NOW, THEREFORE:

IT IS HEREBY ORDERED BY THE BOARD that Willamette Industries' request to place two gates on all that portion of High Heaven Road lying between the westerly line of Section 30 and the easterly line of section 32, Township 3 South, Range 5 West, Willamette Meridian in Yamhill County, Oregon, the two gates to be placed: (Gate 1) The intersection of High Heaven Road and the westerly boundary of Section 30, Township 3 South, Range 5 West, Willamette Meridian in Yamhill County, Oregon; (Gate 2.) The intersection of High Heaven Road and the easterly boundary of Section 32 of Township 3 South, Range 5 West, Willamette Meridian in Yamhill County, Oregon, is approved, with the following conditions:

1. Willamette Industries must construct and maintain these two gates.
2. Willamette Industries shall allow businesses or persons with legitimate reasons for access passage through the gates, upon reasonable request.
3. Keys to the gates shall be given to Boise Cascade, McMinnville Water & Light, the Yamhill County Sheriff's Office, Yamhill County Department of Public Works, and any other public entities the latter shall request.

B.O. 01-670

Exhibit "E"
Page 4 of 5

DONE at McMinnville, Oregon this 23rd day of August, 2001.

ATTEST

YAMHILL COUNTY BOARD OF COMMISSIONERS

CHARLES STERN

County Clerk

Thomas E.E. Bunn

Chairman

THOMAS E.E. BUNN

By: Kellye Fetters
Deputy

for

Robert Johnstone

Commissioner

ROBERT JOHNSTONE

FORM APPROVED BY:

Leslie Lewis

Commissioner

LESLIE LEWIS

Rick Sanai

Rick Sanai

Assistant County Counsel

F:\ADMIN\SANAI\ROAD\HighHeavenRoadgateBO.wpd

Exhibit "E"
Page 5 of 5

B.O. 01-670



Yamhill County
Public Works Department
2060 Lafayette Avenue, McMinnville, OR 97128
Ph. 503.434.7515 Fax 503.472.4068 E-mail pubwork@co.yamhill.or.us

John Phelan
Director

William A. Gille, P.E.
County Engineer

MEMORANDUM

March 14, 2019

To: Yamhill County Board of Commissioners

From: William A. Gille, County Engineer

Re: "Upper" High Heaven status of "limited maintenance"

The Board of County Commissioners has decided to open the gates, effective April 1, 2019 at midnight, on this road. Due to the Board's decision and the probable public use of this road I recommend that the Board re-designate from its gated public road status, to its former "Public Road: Limited Maintenance by County" status.

I further recommend that "Limited Maintenance" be defined by the Board as the expenditure of no more than \$40,000 every 3 years, beginning this year. The \$40,000 shall include labor, equipment and material charges. Additional expenditures would have to be specifically authorized by the Board of County Commissioners.

Exhibit "F"
Page 1 of 1

B.D. 19-87