

City and Developer Deadlocked on Nickerson Ridge

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was a professional firefighter with Columbia River Fire and Rescue.

"We made a decision to scale down and get something smaller, but one of my stipulations was that I was able to have a shop," explained Terry Lindauer in a recent interview. "We probably looked for about three years before we found this place. The lot adjacent to us was open and both the City of Vernonia and Columbia County assured us there would be no problem with us putting up a shop. Based on that, with the local jurisdictions telling me we were OK, I didn't think I needed to dig any further for any additional information."

Lindauer says theirs was the eighth and final house to be constructed in the development of 18 total lots.

In trying to begin the process to construct his shop on the adjacent lot they own, Lindauer says it was discovered that he would be required to obtain a variance and a deed restriction because there is a 50 foot setback from the riparian zone that buffers Knickerson Creek bordering the development. During that process it was discovered that three of the homes adjacent to Knickerson Creek had actually been

built within that 50 foot setback zone.

The Lindauers received that variance, but in December 2015 the region had a flood event which caused Knickerson Creek to overflow and several yards in the neighborhood were flooded, including the Lindauers, along with the lot where they planned to build their shop. "That prompted the further investigation that determined there were drainage problems and inadequate storm water drainage from the streets, along with the culvert being too small" said Lindauer.

In April of 2016 Lindauer was told by the City that they were in contact with the developer and had provided a list of items that needed to be addressed in the development before any new building permits could be issued. Lindauer says he has now been waiting since August of 2016 for something to get done.

"Starting in January of 2017 it looks like there were some letters between lawyers that went back and forth, but no action," says Lindauer. "Then in August I was told there was a court date scheduled in September."

Heading to Court

The Lindauers have regularly been in attendance at City Council meetings throughout this process. Both Gretchen and Terry have addressed the Council on several occasions during August and September of 2017, asking the Council to find some type of resolution to the stalemate, to fix the drainage issues, and allow them to build their shop.

The Vernonia City Council met in Executive Sessions, which are not open to the public, at both their September 5 and September 19 meetings, to consult with their attorney. A Writ of Mandamus was made public following that first Executive Session, which notified the City of Vernonia that Robert Smejkal had filed a complaint with the Circuit Court of Oregon in Columbia County, and that the City would be required to issue building permits, or show cause of why they refused to issue any permits. Following the September 5 Executive Session the Counsel directed their legal counsel to issue the building permits, but under protest.

Following the Executive Session on September 19 the City Council indicated that they had changed their mind and would fight the court's directive to issue any permits.

Sharon Bernal is a local real estate agent and is also the niece of James Smejkal. Bernal has listed and sold several of the lots and homes built in the development. She attended the Vernonia City Council meeting on October 2, 2017 and addressed the Council on behalf of the current residents in Nickerson Ridge Estates.

"Your City Administrator has spent the last two and a half years trying to completely recreate from the beginning of the subdivision and its final plat sign-off in June of 2000 and to prove that 17 years ago items were done incorrectly by the developer," said Bernal.

Bernal noted that Terry Goodrich was the builder on the houses and had nothing to do with the original development. She also noted that the planner for the City of Vernonia signed off and allowed the construction to take place. Bernal said that broken sidewalks have been replaced as new homes were built, although the replacement remains at street level instead of being raised and do not assist in holding or directing storm water run-off. Bernal said that any new homes built would contain fire suppression sprinkler systems and said the three property owners whose homes are built

within the stream setback have obtained deed restrictions on their property.

"When you try to recreate a subdivision that was plated and recorded for public record with the City, with Public Works, at your planning department, and with the County back in 2000, you're always going to find something that was done wrong or has changed in the last 17 years," said Bernal.

Bernal asked the Council why and how they changed their mind between Executive Sessions in regards to how they are handling the legal complaint filed against the City by Robert Smejkal.

The City is currently taking the position it usually takes when involved in a legal dispute and is declining to comment publicly on the situation.

"I'm no closer to getting my shop built now than I was the day I moved in," says Lindauer. "What needs to happen is some kind of compromise. Meet somewhere in the middle and get it done. The current members of the City Council weren't in there when this started, but they are there now, and this problem is out in the open. So let's get it fixed."

My Top 10 Reasons for Driving Electrically

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EVs have one tenth the moving parts of a car with an internal combustion engine (ICE). There's no engine, transmission, spark plugs, valves, fuel tank, tailpipe, distributor, starter, clutch, radiator, fan or timing belts, muffler, filters or catalytic converter. No more tune-ups or oil changes either. And because they have regenerative brakes, brake pads and rotors last much longer. Less maintenance also means more reliable as there is less that can break down.

7. Charging Infrastructure is in Place Now

EVs run on electricity and America is fully wired to handle them. In fact, most charging will be done at home and at night when the grid is otherwise underutilized.

As for our public charging infrastructure, the Pacific Northwest is well ahead of the rest of the nation in the availability of public charging stations, and is growing daily. Some are still free such as the ones at my doctor's office! For public charging stations along your route: <https://www.plugshare.com/>

8. EVs Reduce Greenhouse Gas Emissions

EVs have no tailpipe emissions such as carbon dioxide (CO₂), carbon monoxide, (CO), oxides of nitrogen (NO_x), particulate matter (PM), formaldehyde (HCHO), non-methane organic gases (NMOG), or non-methane hydrocarbons (NMHC). True, the electricity must come from somewhere, but even if it's from a coal-fired power plant, it is still cleaner to run an electric car or plug-in hybrid. And as our grid energy progressively gets cleaner and cleaner, so does the operation of your EV.

9. EVs Mean Cleaner Air in General

Besides the environmental concerns associated with global warming, this is about all the other public health issues and associated costs of burning a fossil fuel. Economists call the consequential health and social costs of smog, haze, toxins, particulates, and all the other emissions of fossil fuel burning, "externalities;" a sterile-sounding word for a nasty and costly reality.

Quantifying the cost of these externalities, such as increased lung or

allergy health issues, including lost time on the job, has been elusive. And, it's likely more than anyone really wants to pay. One investigation in June 2011 did attempt to nail the price of gas that would include all externalities, at \$15 per gallon.

10. EVs Promise for National Energy Security and Balance of Trade

Even if your EV is assembled overseas, though most are made in the U.S., its fuel is 100-percent made in the U.S. You will never see a massive tanker pulling into port with a load of electricity. In the U.S. the transportation sector accounts for 70 percent of petroleum usage. What a difference we can make!

It's time to consider driving electrically. To join the roughly 11,000 other Oregon drivers who have already plugged in, you can view and schedule a

test drive in a Chevy Bolt, Ford C-Max Energi (Plug-in hybrid), or Nissan Leaf at the "Go Forth Electric Showcase," located in the World Trade Center (PGE hdq.) at 901 SW 1st Ave., Portland, OR 97204. Call ahead for an appointment: (503) 724-8670 or stop in at select local dealers for information about their plug-in lineup: Audi, Cadillac, Chevrolet, Chrysler, Fiat, Ford, BMW, Honda, Kia, Hyundai, Mercedes, Mitsubishi, Nissan, Porsche, Tesla, Toyota, Volkswagen, Volvo and many others market plug-in models through select local dealers.

For further information about driving electrically contact: <https://pluginamerica.org/>, or this author through West Oregon Electric Cooperative <https://www.westoregon.org/> or its Facebook page.

Cougar Management Plan

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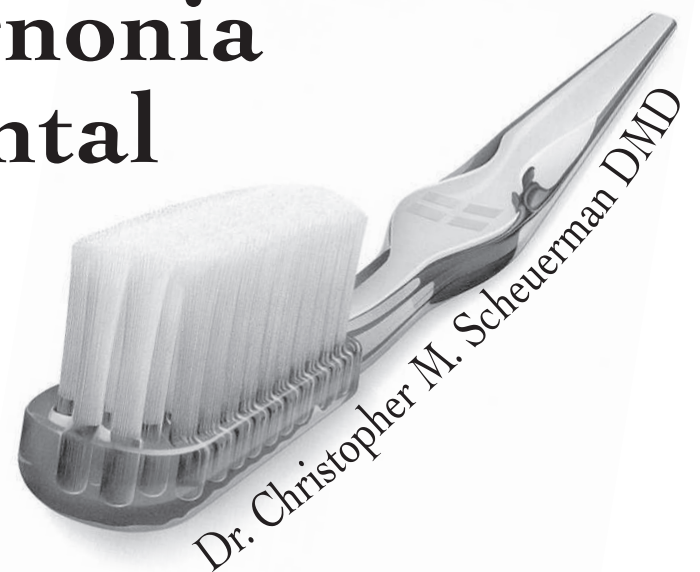
some against the Plan, and one commissioner (Gregory Wolley, Portland) voted against adoption.

The Commission also adopted new fees for recreational and other licenses that will take effect Jan. 1, 2018. These fees were already approved by the Oregon State Legislature when it passed ODFW's 2015-17 budget. Typically, ODFW raises fees once every six years but during this six-year cycle, fee increases are staggered with a more modest fee increase every two years. The first

stage occurred for 2016 licenses. Beginning with 2018 licenses, the cost of an annual hunting license will increase by \$1.50 to \$33.50, an annual fishing license will increase by \$3 to \$41 and a Combination License will increase by \$4 to \$69. The cost of juvenile licenses will stay the same as part of efforts to make hunting and fishing affordable for young people and their families.

The next Fish and Wildlife Commission meeting is December 8 in Salem.

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