

Local & State

Invasive weed of the week

By Jeffrey Pettingill

The Enemy

Chicory (*Cichorium intybus* L.)

The Strategy

This plant is a perennial, with milky juice, produced from a single taproot. The plant has numerous branches that start at the base and produce many blue flowers at the axils of the branch. The fruits are ribbed and tipped by a crown of small scales.

This plant of the aster family will not grow in very dense patches but will colonize and take up over half of a pasture. The plant is undesirable for livestock, but was originally brought into the country from the Mediterranean area as a salad add-on and a replacement for coffee. One of just a few plants that have a blue flower and milky juice in the stem.

Attack

Chicory is generally found along roadsides, ditch banks and in fields that are flooded for irrigation. Once it dies, it leaves behind a dry woody plant stalk that is difficult to pull and generally will not burn during spring ditch cleanup. As this plant is unpalatable for livestock, it will continue to colonize until it becomes a great nuisance. The plant will produce hundreds of seeds and the seeds can last for years in the soil.

Defense

This plant will establish in disturbed sites and once it becomes established it is difficult to remove. Mechanical control by digging is effective as long as the top three inches of the root is removed. Hand pulling is difficult as



Rich Old/Contributed Photo

Chicory is one of the few plants with blue flowers and milky juice in the stem.



Rich Old/Contributed Photo

Chicory is not palatable to livestock and it can rapidly take over significant acreage in pastures.

Hand pulling is difficult as

the roots will extend down a few feet (depending upon the age of the weed). Herbicides of choice are 1.0 ounce per acre of Escort XP, Telar XP or

(depending upon other weeds in the field) Milestone at 7.0 ounces per acre or Opensight, at the rate of 3.3 ounces per acre. Other products do not work on this plant, and may cause more harm than good if desirable plants are removed during control methods. This is a unique-looking plant so consult with your local County Weed Supervisor for proper identification. Check us out on Facebook at Baker Noxious Weed District.

Jeffrey Pettingill is the weed control supervisor for Baker County. He encourages people with noxious weed questions to call him at 541-523-0618 or 541-519-0204. He also encourages people to like the Baker County Weed District's Facebook page.

SENIORS

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Hayes said the Community Connection board of directors will discuss the situation when it meets June 22.

"I think that our board has the opportunity to say we're open for activities, just like the YMCA. And we already have a new policy that says if you demonstrate that you've got your vaccine, you don't have to wear a face shield or mask in the building for staff and volunteers," Hayes said.

In the meantime, as has been the case throughout the pandemic, Community Connection continues to offer carry out meals and Meals on Wheels.

Other popular activities at the Senior Center, such as bingo and card games, are still not allowed, however.

"I don't understand why they don't let us reopen for cards and bingo and things like that," Hayes said. "It's not going to be 60, 80, 100 people like there is at lunch. There's going to be 10, 12, 16 in the entire building that can spread out and it's for all the activities the seniors usually do here."

When the Senior Center, at 2810 Cedar St., does reopen, Hayes said the staff is planning a celebration with balloons, door prizes, decorations and cake.

"I know my executive director wants to make a very big splash about it to welcome everybody back," Hayes said. "I

know that our entire organization and all of our senior centers want to try to make a splash on the reopening and say welcome back."

His excitement is tempered by anxiety, though.

"I'm really nervous about whether I'm going to get all of my volunteers back," Hayes said.

Volunteers are key to many activities at the Senior Center, he said.

"We want and need them back and even if they come back slowly, that would be fine," Hayes said.

Updates and other information are available on the Community Connection of Baker County Facebook page.

Legislature approves bill protecting homeless campers in public spaces

By Andrew Selsky

Associated Press

SALEM — The Oregon Legislature gave final passage Wednesday, June 9 to a bill to protect homeless campers in public spaces.

The measure, which goes to Democratic Gov. Kate Brown, mandates that any city or county law must be reasonable if it regulates "sitting, lying, sleeping or keeping warm and dry outdoors on public property."

Among those championing the bill was Jimmy Jones, executive director of the Mid-Willamette Valley Community Action Agency, which

assists those experiencing homelessness.

"The bill before you will regulate the time, place, and manner that public camping can be policed. It will give us a chance to give the people living in these conditions a little dignity, a few more services, and it will give us a chance to show that we believe that the Constitution applies to all of us," Jones testified to a House committee in March.

The bill passed the House on April 15 and the Senate on Wednesday.

Under the measure, a homeless person charged with violating a ban on camping or

loitering would have an affirmative defense against a law that is not objectively reasonable. A person experiencing homelessness may also sue to challenge the objective reasonableness of a city or county law, and be awarded attorney fees if the plaintiff prevails.

Eric Mitton, deputy city attorney for Medford, testified that the city supported the measure because it recognizes the rights of people experi-

encing homelessness while also recognizing the rights of municipalities to reasonably regulate their public property so it "remains available to all for its intended uses."

The Marion County Board of Commissioners opposed it, however, saying the measure "would limit local control of the homeless crisis facing Oregon."

See *Homeless*/Page 5A

SURVEY

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With that information, commissioners would seek to establish Pine Creek Lane as a county road under state law.

Commissioner Bruce Nichols said on Monday morning, June 14, that he supports the county's efforts to designate Pine Creek Lane as a county road over which the public has a right to travel.

"We definitely need that road open to the public," Nichols said.

Chapter 368 of Oregon Revised Statutes states that county commissioners can legalize a county road "if any of the following conditions exist:

"1. If, through omission or defect, doubt exists as to the legal establishment or evidence of establishment of a public road.

"2. If the location of the road cannot be accurately determined due to:

(a) Numerous alterations of the road;

(b) A defective survey of the road or adjacent property; or

(c) Loss or destruction of the original survey of the road.

"3. If the road as traveled and used for 10 years or more does not conform to the location of a road described in the county records."

McCarty, who is represented by Janet K. Larsen of the Lane Powell law firm in Portland, contends that the county has failed to produce documentation showing that the road through his property has a public right-of-way.

According to the lawsuit, before he bought the property in September 2020, McCarty reviewed the title report and other documents, none of which showed a public road through the land.

Soon after buying the property, McCarty installed a metal gate, with a lock, at his eastern property boundary, near the edge of Baker Valley.

Joelleen Linstrom, who lives with McCarty, said last fall that McCarty didn't oppose people hiking on the road if they asked for permission, but that he was concerned because people had trespassed on his property and started campfires despite high fire danger.

On Sept. 30, 2020, the Baker County Commissioners voted 3-0 to order workers from the county road department to remove the lock. That happened on Oct. 1.

The one document the county has supplied is from 1891 and describes the surveying of a road along Pine Creek. The document includes a map of the route that, based on the township, range and sections shown on the map, appears to follow the route of the existing road through the eastern portion of McCarty's property, although it doesn't show a route through the western

part of the property.

In the lawsuit, McCarty contends that the 1891 document does not prove a legal public right-of-way across his property.

In an answer to McCarty's lawsuit, filed June 7, the county's attorney, Robert E. Franz Jr. of Springfield, contends that the road is a county road that has "been used by Defendant and members of the public since July 10, 1891 ..."

Franz also contends that McCarty himself, by using the road before he bought the property, in effect acknowledged that the road is public, and that he can't now argue in a lawsuit that there is no public right-of-way.

Franz also argues that because the public has used the road for decades, the county has "obtained title over the lands at issue where the roads are located by adverse possession ..."

Franz wrote in the response to McCarty's lawsuit that McCarty, before he bought the property, "was advised by Baker County that the roads were public roads ..."

But McCarty, in his lawsuit, contends that the county has not provided him documentation that proves that the Pine Creek Road is a public route.

In his lawsuit, McCarty cites two other records regarding his property, neither of which mentions the existence of a public road across the land.

One is a 1966 transfer of the property, which has "no reference to a public road," according to the lawsuit.

McCarty also notes that when the county approved a subdivision near the Pine Creek Road in the early 1970s, county officials did not require that any public road be vacated in the area.

In his lawsuit, McCarty, who requests a jury trial, is seeking either a declaration that the disputed section of the Pine Creek Road is not a public right-of-way, or, if a jury concludes there is legal public access, that the limits of that access be defined and that the county pay him \$480,000 to compensate for the lost value of the land based on the legal public access.

McCarty is also seeking a judgment requiring the county to pay him at least \$250,000 for "damages McCarty has incurred to investigate and respond to this dispute and to protect his property rights," according to the lawsuit.

Franz, in his response, argues that the county is entitled to have the lawsuit dismissed because the suit is not a "plain and concise statement of the ultimate facts," as required by law, but is "rambling and redundant improper pleading of evidence, maps, opinions, legal conclusions of law, hearsay, false facts" and "immaterial and irrelevant facts and conclusions."

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2021 EASTERN OREGON PHOTO CONTEST

Official Rules:
 Photo Contest open now and closes at 11:59 pm Sunday, June 20, 2021.
 Staff will choose the top 10. The public can vote online for People's Choice from 12:01 am Monday, June 21 through 11:59 pm Thursday, June 30.
 Digital or scanned photos only, uploaded to the online platform. No physical copies.
 Only photographers from Oregon may participate.
 The contest subject matter is wide open but we're looking for images that capture life in Eastern Oregon.

Entrants may crop, tone, adjust saturation and make minor enhancements, but may not add or remove objects within the frame, or doctor images such that the final product doesn't represent what's actually before the camera.

The winners will appear in the July 8th edition of Go Magazine; the top 25 will appear online.

Gift cards to a restaurant of your choice will be awarded for first, second and third place.

Submit all photos online at: bakercityherald.com/photocontest