

Dispute over right-of-way prompts standoff

Umatilla County pushes on with Airport Road project despite protests

By ALEX CASTLE
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In the midst of a global pandemic and pending litigation from property owners disputing its claim to a right-of-way, Umatilla County charged ahead with construction of its project on Airport and Ott roads in Hermiston last week, prompting a standoff of sorts with aggrieved property owners in the process.

"You can't come out here and damage someone's property on a hunch," said Chris Waine, who lives on the southwest corner of Airport and Ott roads and filed a lawsuit in the county circuit court with his wife, Monique, against the county and city of Hermiston in hopes of halting the project.

The \$1.2 million project's goal is to expand the roads that connect Highway 395 to the Eastern Oregon Trade and Event Center into two lanes, plus a center turn lane. The county has billed the project as a needed road improvement for increased traffic and dust in the area during the Umatilla County Fair and other events.

"All someone would have to do is stand out there during the fair and it becomes awfully apparent how needed the project is," said Umatilla County Commissioner Bill Elfering.

According to a 2017 agreement between Hermiston and Umatilla County, the road project is also an obligation of the county to complete in order to officially dissolve the intergovernmental agreement between the two entities and transfer ownership of EOTEC to the city.

Hermiston City Manager Byron Smith said Fri-



Staff photo by Ben Lonergan
HollyJo Beers, left, Duane Ehmer and Chris Waine discuss what Waine believes is the true boundary of his property at the corner of South Ott Road and East Airport Road near Hermiston on April 23.

ONLINE

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day that the city won't be commenting on pending litigation.

Waine, who is also president of the Hermiston Airport Road Neighborhood Association, doesn't oppose the project's concept for improvement, but merely its design and execution.

Under its current plan, Waine says he'll lose 11 feet on the north end of his property and 5 feet on the east end, which will cost him upward of \$10,000 by requiring him to permanently move his septic system and impact trees, fences and other assets of at least four other properties in the neighborhood.

While Umatilla County claims its surveying and engineering indicates the land is rightfully its right-of-way to use for road improve-



Staff photo by Ben Lonergan
Chris Waine holds a metal tag that he found near what he believes is a charred post, a historical property marker, after construction crews began grading the road surface along his contested property line on April 22.

ments, Waine claims the county is relying on mistakenly erroneous surveys and other survey records of his property going back to 1907 and historical markers dispute this claim.

Waine's lawsuit, which was filed in the Umatilla County Circuit Court on March 16 and served to the county and city on April 6, seeks the property title to be cleared of the alleged erroneous survey records

and a permanent injunction enacted to prevent that stretch of land of being used or trespassed on by the county.

But until a ruling is made, the county will move ahead with construction under its initial plans despite the disputed boundary.

"I have not heard any discussions about pausing it," Elfering said, while noting the county stands by its survey records and expects

the alleged conflict to be resolved soon.

Waine said he's filed an emergency injunction to halt the project before the full case can be considered but its status remains unclear.

Umatilla County Trial Court Administrator Roy Blaine said Friday that paperwork was coming in for the lawsuit and a judge may begin to look over the facts of the case this week. However, Blaine wasn't sure how soon a ruling could come or if one could be made without an official hearing, which likely wouldn't happen until June.

Standoff starts as project breaks

Waine and other property owners in the neighborhood said they received no prior notice or a timeline for the project before crews began tearing up Airport Road the evening of April 20.

Waine was greeted by another surprising sight the morning of April 21, when employees with Anderson Perry, the La Grande-based firm hired to engineer the project, began congregating outside his house alongside Matt Kenney from the county's surveying department and two deputies from the Umatilla County Sheriff's Office.

The meeting, which Waine filmed and posted to his Facebook page, was called by project manager Mike Lees of Anderson Perry without Waine's knowledge, he said, though the group was waiting to speak with him about the impending removal of his fence that rested in the disputed right-of-way easement.

From Waine's perspective, the meeting was an attempt to intimidate him into complying with the county's wishes.

"What this looks like to me is a bully," Waine can be heard saying to Lees in the video of the meeting.

In an attempt to block the county, Waine gathered all the vehicles and farm equipment he and his neighbors could find and began to line the fence with them later that day. But in what Waine calls another attempt to bully them into submission, Larry Rowan, a code enforcement officer with the county, was sent to tag each vehicle and have it towed.

Excavation began a few feet into the disputed easement April 21, but stopped there for the week. But Waine remains concerned about historical markers that have been exposed, and the possibility of evidence he needs for his court case being tampered with as a result.

So, Waine kept the vehicles parked along the disputed boundary and called for his neighbors and friends in the community to come and help him hold the line against the project.

HollyJo Beers, lead of the Umatilla County Three Percenters and a candidate in the May 19 primary for Umatilla County Commissioner, spent time the afternoon of April 23 at the Waine's property, pledging her and her group's support for their cause and felt the county's actions have been premature.

"I just feel like the county should at least wait for adjudication before tearing up his property," she said.

As the conflict evolved last week, Waine couldn't help but wonder what would have happened if Umatilla County granted his request earlier this year to have a public hearing on vacating the right-of-way.

Instead, the Umatilla County Board of Commissioners ruled unanimously on Feb. 5 against a public hearing, stating they felt concerns over the project had been mitigated and the aggrieved parties had their opportunity to be heard.

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