

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR COLUMBIA COUNTY, OREGON

In the Matter of Authorizing the Port of St. Helens)
to Construct a Gate in the Right-of-Way of the)
Hermo Road Extension) ORDER NO. 66-2008

WHEREAS, pursuant to ORS 368.056, the Board of County Commissioners may authorize the issuance of a permit to allow construction of a gate on a public road under the jurisdiction of the County; and

WHEREAS, in issuing such permit, the Board of County Commissioners may impose any conditions or specifications on the permit it determines to be advisable to preserve the purposes of the public road, and may include a requirement that the person issued the permit shall bear all costs of construction and maintenance of the gate; and

WHEREAS, the Port of St. Helens (the "Port") is the owner of property adjacent to a local access road (the "Hermo Road Extension") currently under construction that will extend from Hermo Road to the entrance to the Cascade Grain Products, LLC ("Cascade Grain") ethanol production facility; and

WHEREAS, upon completion the Hermo Road Extension will provide access to both the Cascade Grain facility and certain Portland General Electric Company ("PGE") facilities; and

WHEREAS, to ensure the security of the Cascade Grain and PGE facilities and to comply with certain security requirements imposed on each facility, including without limitation the Facility Security Plans developed by Cascade Grain and PGE in order to comply with the Maritime Transportation Security Act of 2002, Cascade Grain and PGE must have the right to restrict access to their respective facilities; and

WHEREAS, pursuant to a separate agreement, the Port has agreed to operate the gate and associated guardhouse in compliance with PGE and Cascade Grain's security requirements; and

WHEREAS, the County Road Official has recommended that the County authorize the Port to construct and maintain a gate and associated guardhouse at the proposed location; and

WHEREAS, the Columbia County Road Standards prohibits the placement of any structure in the right-of-way of any County road or public road under County jurisdiction without first obtaining a Construction Permit from the Columbia County Road Department;


NOW, THEREFORE, IT IS HEREBY ORDERED as follows:

1. The Port is hereby authorized to construct and maintain a gate and associated guardhouse at the location shown on the area map attached hereto as Attachment 1 and incorporated herein by this reference, upon the issuance of a Columbia County Construction Permit by the Columbia County Road Department.
2. The above authorization is subject to the following conditions:
 - a. The County has completed construction of the Hermo Road Extension, and the work has been approved by the funding sources for such construction.
 - b. The Port, its assigns, and successors in interest, shall at all times be solely responsible for the maintenance and repair of such gate and associated guardhouse. The gate and associated guardhouse shall be kept in good repair.
 - c. The Port, its assigns or successors in interest, shall follow all applicable provisions of the Columbia County Road Standards, Ordinance No. 96-6, as they may be amended.
 - d. The Port, its assigns or successors in interest, shall provide insurance in an amount to be reasonably determined by the County Roadmaster, and shall indemnify, defend, and hold harmless the County, its Board of Commissioners, the Roadmaster and all other County officers, agents and employees from any claim which might arise on account of the issuance of the Construction Permit, or this Gate Permit. The County Roadmaster shall require a certificate of insurance to be provided.

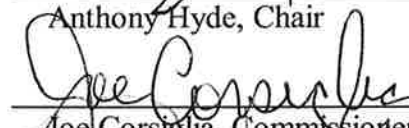
- e. The Columbia County Roadmaster shall issue a Public Road Construction Permit to the Port upon their compliance to the County Roadmaster's satisfaction with all applicable Columbia County Road Standards.

Dated this 13th day of Aug., 2008.

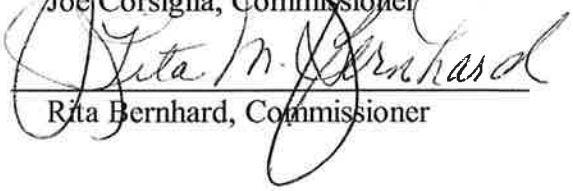
BOARD OF COUNTY COMMISSIONERS
FOR COLUMBIA COUNTY, OREGON

By: 

Anthony Hyde, Chair

By: 

Joe Corsiglia, Commissioner

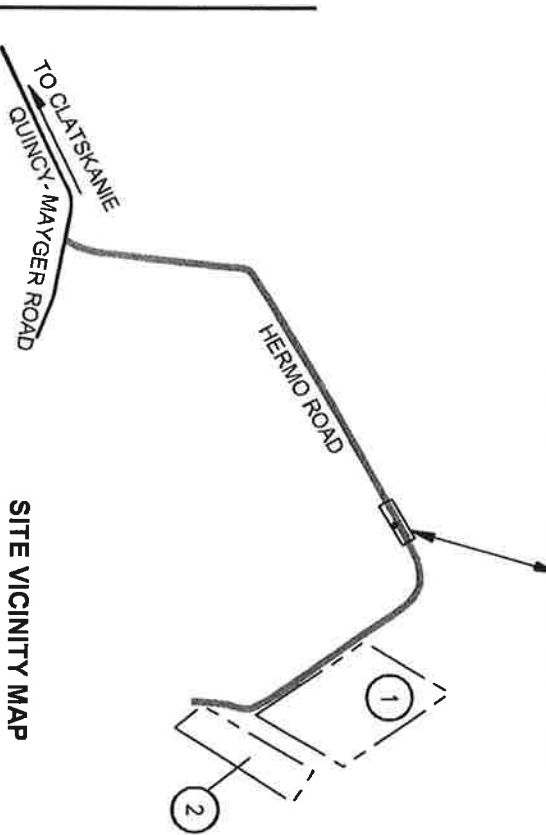
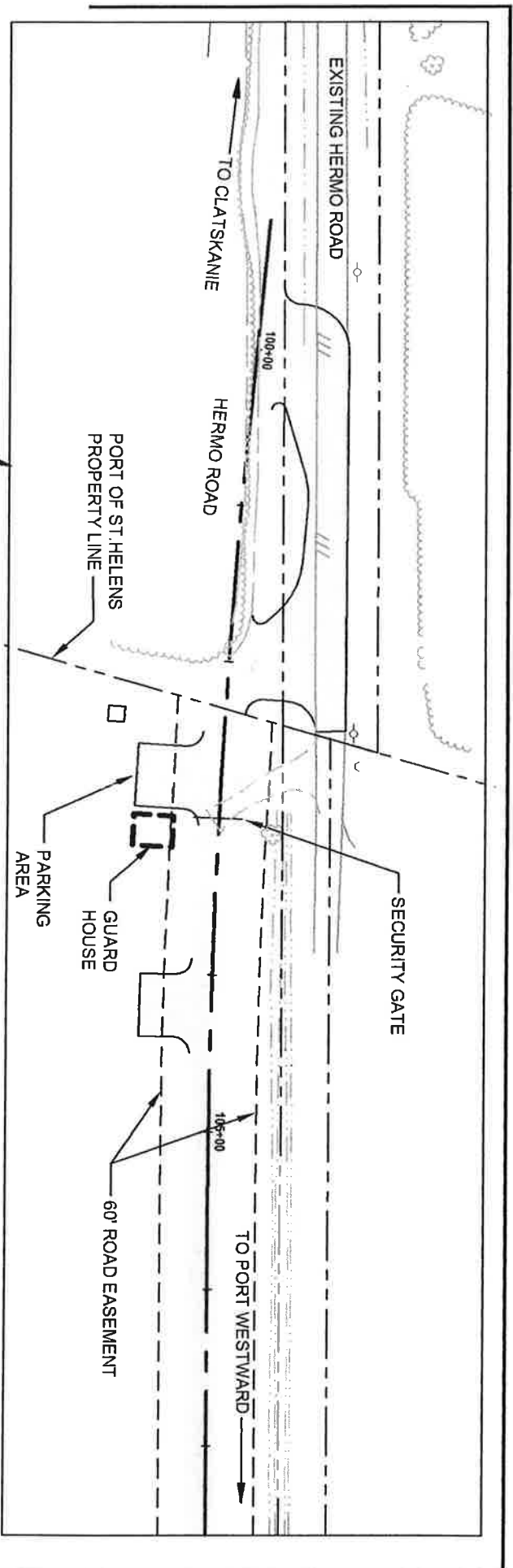
By: 

Rita Bernhard, Commissioner

Approved as to form

By: 

Office of the County Counsel



SITE VICINITY MAP

LEGEND

- ① PGE BEAVER GENERATION SITE
- ② CASCADE GRAIN ETHANOL FACILITY
- PUBLIC RW
- 60' DEDICATED ROAD EASEMENT

Parameterix DATE: Aug 04, 2009 FILE: P03A0401T-04



N

NOT TO SCALE

Port Westward Hermo Road
Security Gate Location