

BEFORE THE BOARD OF COUNTY COMMISSIONERS  
FOR COLUMBIA COUNTY, OREGON

In the Matter of Authorizing Kathleen McLaughlin     )  
to Construct a Gate in the Right-of-Way of Inglis     )  
Road   )     ORDER NO. 54-2020

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, Kathleen McLaughlin is the owner of property (Map No. 8N4W33-DO-00600) that abuts both sides of Inglis Road, from the Oregon Department of Transportation rail right of way to the Beaver Slough, near Clatskanie, Oregon; and

WHEREAS, the portion of Inglis Road that transects Ms. McLaughlin's property connects directly to a decommissioned bridge structure, and for safety reasons, an earthen berm was constructed at Inglis Road to discourage vehicular access to the decommissioned bridge and consequently, Ms. McLaughlin's property; and

WHEREAS; and seeking better vehicular access to her property, Ms. McLaughlin petitioned the County to vacate the portion of Inglis Road abutting her property, which the Board of Commissioners denied in February 2020 (Order No. 12-2020), finding it was not in the public interest to vacate right of way that is connected to a bridge structure; and

WHEREAS, at the Board's direction, County Public Works staff met with Ms. McLaughlin to seek solutions to the access concerns; and

WHEREAS, Ms. McLaughlin wishes to replace the earthen berm with a gate across Inglis Road to better allow vehicle access to the property; and

WHEREAS, Public Works staff has evaluated the proposal and has determined that a gate instead of the berm would continue to meet the County's desire to restrict access to the dilapidated bridge but allow vehicle access to the single property in question; and

WHEREAS, the County Road Official recommends that the County authorize Ms. McLaughlin to construct and maintain a gate at the proposed location; and

WHEREAS, the Columbia County Road Standards prohibit 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 Public Works Department;

NOW, THEREFORE, THE BOARD OF COUNTY COMMISSIONERS HEREBY ORDERS,  
AS FOLLOWS:

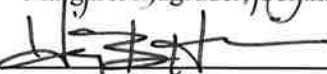
1. Kathleen McLaughlin is hereby authorized to construct and maintain a gate and associated fencing at the location shown on the area map attached hereto as ATTACHMENT 1 and incorporated herein by reference, upon the issuance of a Columbia County Public Works Construction Permit.
2. The above authorization is subject to the following conditions:
  - a. Kathleen McLaughlin, and her assigns, and successors in interest, shall at all times be solely responsible for the maintenance and repair of such gate and associated fencing. The gate and fencing shall be kept in good repair.
  - b. Kathleen McLaughlin, and her 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.
  - c. A key to the gate shall be provided to the County Public Works Department.
  - d. Kathleen McLaughlin, and her assigns or successors in interest, shall remove the gate at their sole expense upon a determination by the Board of County Commissioners that the gate is no longer in the public interest, or immediately upon request of the County Roadmaster if an emergency situation occurs which requires its removal.
  - e. Kathleen McLaughlin, and her assigns or successors in interest, shall provide insurance in an amount to be determined by the County Roadmaster, and shall indemnify, defend, and hold harmless the County, the Board of Commissioners, the Roadmaster, and all other County officers, agents, and employees from any claim which might arise on account of issuance of the Construction Permit, or this Gate Permit. The County Roadmaster shall require a certificate of insurance and additional insured endorsement be provided.
  - f. The Columbia County Roadmaster shall issue a Public Road Construction Permit to Kathleen McLaughlin upon their compliance to the County Roadmaster's satisfaction with all applicable Columbia County Road Standards.

Dated this 17 day of June, 2020

BOARD OF COUNTY COMMISSIONERS FOR  
COLUMBIA COUNTY, OREGON

By:   
Alex Tardif, Chair

By:   
Margaret Magruder, Commissioner

By:   
Henry Heimuller, Commissioner

Approved as to form   
By: \_\_\_\_\_  
Office of County Counsel

# ATTACHMENT 1

## Inglis Road Gate - Approximate Gate location

