

IN THE BOARD OF COMMISSIONERS OF THE STATE OF OREGON

FOR THE COUNTY OF YAMHILL

SITTING FOR THE TRANSACTION OF COUNTY BUSINESS

In the Matter of an Order Allowing Construction )  
and Maintenance of a Gate on a Public Road, ) BOARD ORDER 17-203  
Bald Peak Lane, Under Authority of ORS 368.056 )  
Applicant: John R. Kroo )

THE BOARD OF COMMISSIONERS OF YAMHILL COUNTY, OREGON (“the Board”) sat for the transaction of County business in formal session on June 8, 2017. Commissioners, Stan Primozych, Mary Starrett and Richard L. “Rick” Olson being present.

THE BOARD MAKES THE FOLLOWING FINDINGS:

A. ORS 368.056 states:

**“368.056 Permit for gate construction on public road.** A county governing body may issue a permit to a person to allow construction of a gate or stock guard on a public road under the jurisdiction of the county governing body. The county governing body may impose any conditions or specifications on the permit it determines advisable to preserve the purposes of the public road. Conditions on a permit under this section may include a requirement that the person issued the permit shall bear all costs of construction and maintenance of the gate or stock guard.”

B. John R. Kroo, a resident of Bald Peak Lane, has requested permission to install and to maintain a gate on Bald Peak Lane, at a location approximately 150 feet from the intersection of Bald Peak Lane with Bald Peak Road. All residents of, and owners of property accessed by, Bald Peak Lane have consented to the construction and maintenance of the gate at the proposed location.

C. By e-mail message dated March 13, 2017, Chris Mayfield, Assistant Fire Marshall, Tualatin Valley Fire & Rescue, stated:

“It is acceptable to the fire department to install a gate across the access on Bald Peak Lane. As we discussed, please make sure the opening is a minimum 20’ wide, and use a Knox System for Emergency access for the fire department. You can contact me at a later time for details on ordering the Knox System.”

D. As required by law, a public hearing was held on this matter on June 8, 2017, to accept testimony regarding the proposal, and whether any conditions are necessary to “preserve the purposes of the public road.” There was no testimony in opposition.

E. Based upon the record of the public hearing and the request by the applicant, the Board finds that placement of the gate as proposed by the applicant is appropriate. NOW, THEREFORE,

IT IS HEREBY ORDERED BY THE BOARD AS FOLLOWS:

1. The applicant is hereby granted permission to install a gate on Bald Peak Lane, at a location approximately 150 feet from the intersection of Bald Peak Lane with Bald Peak Road. When open, the gate shall have at least 20 feet of clearance for the passage of vehicles. The gate will utilize Knox System or equivalent technology, acceptable to the fire and rescue provider with jurisdiction over the property, to allow access by emergency vehicles. Access by others shall be managed and controlled by the residents and property owners who use Bald Peak Lane to access their homes or property.
2. Maintenance of the gate installed pursuant to this order shall be solely the responsibility of the applicant and of the residents and owners of property accessed by Bald Peak Lane.
3. The permission granted by this Order may be revoked by the Board at any time, with or without cause, following notice and opportunity for a hearing.

DONE at McMinnville, Oregon on June 8, 2017.

ATTEST:

BRIAN VAN BERGEN  
County Clerk

YAMHILL COUNTY BOARD OF COMMISSIONERS

Chair

STAN PRIMOZICH

By: Crystal Cox  
Deputy Crystal Cox

Vice Chair

MARY STARRETT

FORM APPROVED BY:

Richard L. Olson  
Commissioner

RICHARD L. "RICK" OLSON

T. Sadlo  
Timothy S. Sadlo  
Senior Assistant County Counsel

Accepted by Yamhill County  
Board of Commissioners on  
6-8-17 by Board Order  
# 17-203